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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, March 22, 2012 at 7:00 PM
City Hall Council Chamber, 1101 Texas Avenue
College Station, Texas

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

Presentation:

Presentation and recognition of the Public Works and Water Services Departments receiving accreditation from the American Public Works Association.

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:

- March 7, 2012 Joint Meeting with CSISD
- March 8, 2012 Workshop and Regular Council Meeting

- b. Presentation, possible action, and discussion regarding approval of a Resolution that will authorize City staff to negotiate for the purchase of easements needed for the Royder/Live Oak Sewer Extension Project.
- c. Presentation, possible action, and discussion on a Professional Services Contract with Jones and Carter, Inc., in the amount of \$316,000, for the design, bidding, and construction phase services associated with the Royder/Live Oak Sewer Extension Project.
- d. Presentation, possible action and discussion to approve a resolution by the City Council of the City of College Station, Texas, directing publication of notice of intention to issue certificates of obligation, series 2012; and providing an effective date. *(This item is also on workshop agenda item 2)*
- e. Presentation, possible action, and discussion regarding a resolution awarding the professional services contract (Contract No. 12-149) with Kimley-Horn & Associates, Inc. in the amount not to exceed \$114,500 for the engineering design services for the HSC Pkwy Waterline Project (WF1440674), and approval of a resolution declaring intention to reimburse certain expenditures with proceeds from debt.
- f. Presentation, possible action, and discussion regarding approval of a "Resolution Declaring Intention to Reimburse Certain Expenditures with Proceeds from Debt" for expenditures related to the East Side Sewer Service project and the City of College Station's portion of the cost for the design and construction of the West Side Sewer project.
- g. Presentation, possible action, and discussion on the application and acceptance of a U.S. Department of Justice, 2012 COPS Hiring Recovery Program (CHRP) Grant.
- h. Presentation, possible action, and discussion regarding the second renewal of Bid 10-44 with Brazos Site Works for crushed stone in an amount not to exceed \$162,919. No increase from the current year will be applied to this renewal.
- i. Presentation, possible action and discussion on the first of three readings of a non-exclusive franchise agreement with Waste Management Health Care Solutions, Inc. for the purpose of collecting and disposing treated and untreated medical waste from various health care related facilities.
- j. Presentation, possible action, and discussion regarding an Inter-Local Agreement between the City of College Station and the College Station Independent School District for the placement of radio antennas on each other's facilities.
- k. Presentation, possible action, and discussion regarding credit Change Order 2 to Contract 10-099 with Alsay Incorporated, reducing the contract for Water Well Rehabilitation by \$65,403 and enabling contract close out.

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. Presentation, possible action, and discussion on a substantial amendment to the City's 2008 Annual Action Plan to include a revised use of Community Development Block Grant Program (CDBG-R) funds under the American Recovery and Reinvestment Act of 2009.
2. Presentation, possible action, and discussion regarding approval of a resolution awarding Bid No. 12-024 to Pike Electric Corporation for the construction of Switch Station Substation Distribution improvements and a Entergy Texas, Inc. Transmission line Tie in the amount of \$1,500,232.90 plus owner furnished material of \$1,161,196.00 for a total bonded project requirement of \$2,661,428.90.
3. Adjourn.

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

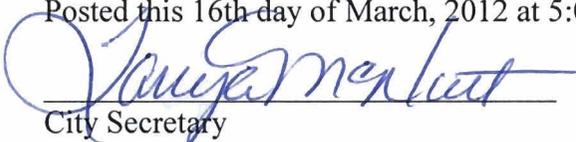
APPROVED:



City Manager

Notice is hereby given that a Regular Meeting of the City Council of the City of College Station, Texas will be held on the Thursday, March 22, 2012 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 March, 2012 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 March 16, 2012 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 _____, 2012 By _____

Subscribed and sworn to before me on this the _____ day of _____, 2012.

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.

March 22, 2012
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:

- March 7, 2012 Joint Meeting with CSISD
- March 8, 2012 Workshop and Regular Council Meeting

Attachments:

- March 7, 2012 Joint Meeting with CSISD
- March 8, 2012 Workshop and Regular Council Meeting

MINUTES OF THE JOINT MEETING WITH
THE BOARD OF TRUSTEES, COLLEGE STATION INDEPENDENT SCHOOL DISTRICT
AND CITY OF COLLEGE STATION CITY COUNCIL
MARCH 7, 2012

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry

Council:

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

City Staff:

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

1. Call to Order and Announce a Quorum is Present

With a quorum present, the Joint Meeting with the Board of Trustees of the College Station Independent School District and the College Station City Council was called to order by Mayor Nancy Berry at 6:25 p.m. on Wednesday, March 7, 2012 in the CSISD Transportation Services Center, 9304 Rock Prairie Road, College Station, Texas 77840.

2. Presentation, discussion and possible action regarding school financing and College Station budget.

Dr. Eddie Coulson, Superintendent, reported on school finance. He stated that new buildings, renovations, additions, buses and capital projects are funded through the Interest & Sinking fund. Maintenance & Operations funds payroll, supplies, travel, fees, dues, and building operational costs. The 2011-12 budget has a deficit of \$2.5 million, and they are projecting a \$4.6 deficit for the 2012-13 budget. CSISD will have a 9% reduction in per pupil funding, removing valuable instructional support. They are drawing from the \$36 million fund balance. CSISD has joined

the school finance lawsuit. Funding is not adequate for the expectations the state and local communities have for school districts. The current system has allowed a de facto state-wide property tax where local school districts have no meaningful discretion. Also, the current system is arbitrary; thus, by its very nature, cannot be an efficient system of funding. He would love for the system to move to a funding formula. The way forward will require community involvement, legislators that will support public education (regardless of party affiliation), and a sustainable system that provides funding to prepare all students for post-secondary education, the work force and meet community expectations. He announced there will be a Community Forum on March 29 at 6:30.

Jeff Kersten, Executive Director of Fiscal Service, reported the City had \$1.5 million in budget reductions in 2012. He has seen a slowdown in revenue streams. \$1.8 million was budgeted for the O&M for Fire Station #6. We will possibly be looking at additional budget reductions for 2013, 2014, and 2015. He is encouraged by the new development that is happening, but it will also create additional service demands.

3. Presentation, discussion and possible action regarding an update on the construction of College Station High School as well as current and/or future capital projects.

Dr. Clark Ealy, Deputy Superintendent, provided a 2009 bond update that included the Transportation Center, Greens Prairie Elementary, and College Station High School. Coming up will be renovations to the A&M Consolidated High School. The budget was allocated by the voters in the 2009 bond issue, and they have recouped savings from Greens Prairie GMP, Oakwood/AMCMS renovation GMP, and the Greens Prairie soft costs. The scope includes STEM and computer maintenance; three art studios, special education life skills/CASI independent living suite, library exterior - seating, other - testing office and storage, book room, custodial office, electrical/HVAC, and the front entrance facade. In 2013 the budget will be unexpended funds from Phase 1 (monies not allocated and project savings), and savings from CSHS. This scope will include a student commons area and library. The CSHS project is on budget and on schedule for completion for June 2012. The work is 86% completed. He asked what does the future hold, and when do we project needing additional campuses based on our current growth trend. The area has grown 3.5% per year. We may possibly need elementary school #9 in 2015; #10 three years later, and #11 three years after that. Phase 2 of the new high school is not expected for a long time. There may be a need for a third intermediate school in 2018, and a third middle school in 2019-2020. We could have three schools coming due at same time. The district currently owns three pieces of unimproved land.

Chuck Gilman, Director of Capital Projects, provided an update on capital projects. Barron Road is nearing completion and will be done before the high school is completed; Victoria Avenue will also be completed before the school is completed. Both will have a ribbon cutting on March 19. He presented a rendering of the South Knoll Utility Rehabilitation projects, showing the residences within the zone will be receiving new sewer and water. A rendering of Creek View Park was presented, and it was noted the neighborhood park construction will begin in 2013. As for the hike and bike extension, a savings in bid enables the City to do Phase 2 to promote multi-modal transportation.

4. Presentation, discussion and possible action regarding the disbursement of Wolf Pen Creek Tax Increment Financing funds.

Dr. Glynn Walker, Deputy Superintendent, reported the total refund due the district is \$1.2 million. This is tax revenue that was collected. Alternate avenues have been explored such as utility credits to CSISD, in kind refund of product or services, or apply the refund to a city/school joint project. Everyone he has contacted did not know what to do; this is unprecedented. The TIF was collected as local tax revenue and cannot be used for any purpose other than the state funding formula for the years it was collected. He just learned that by accepting the money, it will have no impact on CSISD finances, per Dr. Leo Lopez, TEA. The bottom line is that the money will have to go back to the state.

5. Presentation, discussion and possible action regarding an update of the State Assessment Program (STAAR) and end of course exams.

Dr. Eddie Coulson, Superintendent, reported on assessment/accountability, and provided a brief history of the evolution of the assessment process. TABS was in 1980, TEAMS in 1986, TAAS in 1999, TAKS in 2003, and now in 2012 we have STAAR. He provided some examples of how the tests have evolved. The assessment process includes twelve end-of-course exams, beginning the freshmen year, and culminating in the junior year. Standards in public schools in Texas have changed dramatically. Standards and expectations are as high as they have ever been. The charge from the state is to prepare *all* students for college and work force. Only 2% will be able to take a modified exam. It is rigorous and over a period of time. Students must pass eleven tests to graduate from high school. Also, the state relies heavily on the students test performance to determine a district's success. STARR is a perfect example of high-stakes testing for students, teachers, schools, and districts. Because the tests are high-stakes, they drive the instruction. Commissioner of Education Robert Scott has recently said that state testing has become a perversion of its original intent.

6. Consideration, discussion and possible action CSISD demographics and programming.

Dr. Clark Ealy, Deputy Superintendent, provided enrollment history by percentage from 2001-2011. He stated the definition for ethnicity and race changed in 2009-2010. Instead of mutually exclusive groups, we now go with the federal model, and a person can be more than one. 2%-3% identify themselves as two or more races. Asian and African American percentages are remaining flat. The Hispanic group is the fastest growing and rising, while the percentage of White is falling. The Economically Disadvantaged percentage is about 35% of students. In six or so years, we will be about 27% Hispanic, under 50% White and about 40% Economically Disadvantaged. He pointed out that our percentage of Economically Disadvantaged is below the state average. There are more Hispanic school children in Texas than there are White school children. Our longitudinal dropout rate is 4%; we are very successful in graduating our kids.

7. Adjournment

MOTION: There being no further business, Mayor Berry adjourned the Joint Meeting with the Board of Trustees of the College Station Independent School District and the College Station City Council at 8:26 p.m. on Tuesday, March 7, 2012.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

DRAFT

MINUTES OF THE CITY COUNCIL WORKSHOP
CITY OF COLLEGE STATION
MARCH 8, 2012

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry, Mayor

Council:

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

City Staff:

David Neeley, City Manager
Kathy Merrill, Deputy City Manager
Frank Simpson, Deputy 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 4:06 p.m. on Thursday, March 8, 2012 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77842.

1. Presentation of a Centennial Proclamation for the Girl Scouts, declaring 2012 as the "Year of the Girl".

Mayor Berry presented the proclamation celebrating 100 years of Girl Scouts to Brownie, Sarah Williams.

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

Items 2f and 2i were pulled for additional clarification.

2f: Chuck Gilman, Director of Capital Projects, said about 80% of the poles have been powder coated and is primarily aesthetic.

2i: Randall Heye, Economic Development Analyst, stated we may not see the full impact until the Bio-corridor is fully completed.

3. Presentation, possible action and discussion regarding the presentation and information on the Revenue Rescue cost recovery program. The purpose of this program is to recover some of the costs associated with the emergency response of the fire department to vehicle accidents, vehicle fires and response to hazardous material spills or leaks.

R.B. Alley, Fire Chief, reported that Intermedix is the nation's leading emergency response billing company. They bill for hundreds of clients in 19 states. The Bryan Fire Department and Brazos County Volunteer Departments currently participate. The staff is dedicated to fire billing and ONLY fire billing; they assist each city in the implementation in its own custom billing policy. The program is for the recovery of expenses for response to incidents caused through negligence or other risky behavior; it is not necessarily limited just to collisions, but the scope is determined by the client. This is a way of shifting existing funding from tactical response to strategic investments, such as training, public education, and fire prevention. For 2009, Revenue Rescue received 316 submissions from Bryan Fire Department and collected \$82,373 for an average of \$260.67 per submission. The average payment takes 65 days to collect, and the time frame increases with the size of the invoice. Keys to maximizing our recovery include a City policy and wording of an ordinance for a dramatic impact on collections, timeliness of submissions, and documentation. The process would begin with the at-fault person's insurance would be contacted by Intermedix for collection. 20% of whatever is collected is paid to the contractor monthly. If the recipient of services intentionally caused an illegal act or was involved in risky behavior, the individual could receive a bill for services; e.g. arson, meth lab, driving intoxicated, and driving without a license or required insurance coverage. The individual billing cases would result after consultation with Legal and the City Manager's Office. Every accident will not be a billable accident, but a typical billing scenario would involve \$500 for the fire engine, \$250 for clean up materials for fluids from the accident, and \$750 for the use of extraction tools, for a total of \$1,550. The item is on the Consent Agenda, and staff recommends approval.

4. Presentation, possible action and discussion on the public engagement process for transportation capital improvement projects.

Chuck Gilman, Director of Capital Projects, reported that in 2007 they established a public engagement process for transportation projects. Public Hearings have been increased to allow Council consideration of the design contract, resolutions for land acquisition, and prior to advertising for construction bids. Staff recommends that the City continue to provide the Council updates on important projects during Council meetings and retreats, continue the current level of public engagement, and conduct a public hearing prior to advertising for construction bids.

5. Council Calendar

- March 14 Brazos Valley Veteran's Memorial Committee at Veteran's Park, 11:30 a.m.
- March 15 P&Z Workshop/Meeting in Council Chambers at 6:00 p.m. (Karl Mooney, Liaison)
- March 19 Ribbon Cutting - Completion of Barron Road Phase II and Victoria Avenue Extension at Victoria Avenue, 9:00 a.m.
- March 19 Intergovernmental Committee Meetings at BVCOG, 12:00 p.m.
- March 20 Arts Council Ad Hoc Committee Meeting at Arts Council - 2275 Dartmouth, 4:30 p.m.
- March 22 City Council Workshop/Regular Meeting at 3:00 p.m. and 7:00 p.m.

Council reviewed the Council calendar. The ad hoc Parking Committee will be meeting on March 21 at 5:30 p.m. at City Hall.

6. 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 Brick asked to see an update on our major transportation plan, including developed areas and new roads. City Manager Neeley said he will visit with Bob Cowell to see how this can be presented at a future workshop.

Councilmember Ruesink said he still has difficulty finding addresses while driving. He would like to see more uniformity related to placement. Bob Cowell stated there are some standards, but they may not be adequate.

7. Discussion, review and possible action regarding the following meetings: Animal Shelter Board, Arts Council of the Brazos Valley, Arts Council Sub-committee, Audit Committee, Bicycle, Pedestrian, and Greenways Advisory Board, Brazos County Health Dept., Brazos Valley Council of Governments, Brazos Valley Wide Area Communications Task Force, BSWMA, BVWACS, Cemetery Committee, Code Review Committee, Convention & Visitors Bureau, Design Review Board, Historic Preservation Committee, Interfaith Dialogue Association, Intergovernmental Committee, Joint Neighborhood Parking Taskforce, Joint Relief Funding Review Committee, Landmark Commission, Library Board, 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 Fields reported that Savor the Arts will be at the Bush Rotunda on March 24 from 7:00 – 9:00 p.m.

Councilmember Brick reported the Bike Pedestrian Greenways Committee is organizing a cleanup day.

Councilmember Schultz reported on the Historic Preservation Committee and the 75th Anniversary Committee. They will be coming before the Council to report on their planned events.

Councilmember Lyles reported on the Board of Health meetings. A major policy change has been instituted related to immunizations.

Councilmember Mooney reported on BVSWMA and stated they are drawing to a close the Borrowed Employee Agreement. They are also looking at collecting solid waste from the surrounding areas.

Councilmember Ruesink reported on Sister Cities. They will not be having a Youth Exchange with Greifswald, Germany. They are considering an adult exchange instead.

8. Executive Session

In accordance with the Texas Government Code §551.071-Consultation with Attorney and §551.072-Real Estate, the College Station City Council convened into Executive Session at 5:29 p.m. on Thursday, March 8, 2012 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
- 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
- Shirley Maguire and Holly Maguire vs. City of College Station, Cause No. 11-0025 16-CV-272, in the 272nd District Court of Brazos County, Texas
- Texas RE Compliance Issue

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

- Legal advice concerning termination of the Borrowed Employees Agreement Between BVSWMA, Inc. and the City of College Station.

C. Deliberation on the purchase, exchange, lease or value of real property; to wit:

- Property located generally northwest of the intersection of First Street and Church Avenue in College Station
- Property located generally southwest of the intersection of Dartmouth Street and Holleman Drive in College Station

The Executive Session adjourned at 7:04 p.m. on Thursday, March 8, 2012.

No action was required from Executive Session.

9. Adjournment

MOTION: There being no further business, Mayor Berry adjourned the workshop of the College Station City Council at 7:04 p.m. on Thursday, March 8, 2012.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

DRAFT

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF COLLEGE STATION
MARCH 8, 2012

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry

Council:

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

City Staff:

David Neeley, City Manager
Kathy Merrill, Deputy City Manager
Frank Simpson, Deputy 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 7:18 p.m. on Thursday, March 8, 2012 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.

Citizen Comments

There were no citizen comments.

CONSENT AGENDA

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

- **February 23,20 12 Workshop and Regular Council Meeting**

2b. Presentation, possible action, and discussion regarding Resolution 03-08-12-2b, approving the professional services contract (Design Contract 12-034) with Blevl & Associates, Inc. in the amount of \$297,239.00, for the planning, design, and construction phases services of the Cooner Street Reconstruction Project (ST1201).

2c. Presentation, possible action and discussion regarding the approval of a fire rescue services recovery program requiring adoption of the following:

- **A service contract with Advanced Data Processing Inc. for revenue recovery for fire emergency and rescue services;**
- **Ordinance 2012-3398, amending Chapter 6 (Fire Protection), Section 4 of the Code of Ordinances establishing a charge for certain emergency and fire rescue services;**
- **Ordinance 2012-3399, amending Chapter 14 (Service Fees), Section 3 of the Code of Ordinances adding emergency and rescue fees to the list of authorized fees; and**
- **Resolution 03-0812-2c, adding emergency and rescue service fees to the Fire Department Fees charged as set forth in Chapters 6 and 14 of the "Code of Ordinances."**

2d. Presentation, possible action, and discussion regarding a purchase agreement for dewatering chemical (polymer) with BASF Corporation not to exceed \$158,400.00, and a purchase agreement for dewatering chemical (polymer) with Atlantic Coast Polymer, Inc. not to exceed \$69,720.00.

2e. Presentation, possible action, and discussion on a bid #12-036 award for the annual agreement for wire and cable to be stored in inventory as follows: Techline \$809,550.00.

2f. Presentation, possible action, and discussion on an Advanced Funding Agreement (AFA) with the Texas Department of Transportation (TxDOT) to powdercoat the signal poles as part of their project to improve the SH 6 and Southwest Parkway interchange. The estimated cost of the City's participation is not to exceed \$8,000.

2g. Presentation, possible action, and discussion recommending approval for the water meter purchase contract with Aqua-Metric Sales Co. for the amount of \$149,432.70.

2h. Presentation, possible action, and discussion on a Termination Agreement terminating the Borrowed Employees Agreement between BVSWMA, Inc and the City of College Station.

2i. Presentation, possible action, and discussion authorizing the payment of an economic development incentive in the total amount of \$250,000 to Texas A&M University's Texas Institute for Preclinical Studies (TIPS).

Items 2c, 2f and 2i were pulled for a separate vote.

MOTION: Upon a motion made by Councilmember Mooney and a second by Councilmember Schultz, the City Council voted seven (7) for and none (0) opposed, to approve the Consent Agenda, less items 2c, 2f, and 2i. The motion carried unanimously.

(2c)MOTION: Upon a motion made by Mayor Berry and a second by Councilmember Mooney, the City Council voted six (6) for and one (1) opposed, with Councilmember Fields voting against, to approve:

- A service contract with Advanced Data Processing Inc. for revenue recovery for fire emergency and rescue services;
- Ordinance 2012-3398, amending Chapter 6 (Fire Protection), Section 4 of the Code of Ordinances establishing a charge for certain emergency and fire rescue services;
- Ordinance 2012-3399, amending Chapter 14 (Service Fees), Section 3 of the Code of Ordinances adding emergency and rescue fees to the list of authorized fees; and
- Resolution 03-0812-2c, adding emergency and rescue service fees to the Fire Department Fees charged as set forth in Chapters 6 and 14 of the "Code of Ordinances."

The motion carried.

(2f)MOTION: Upon a motion made by Councilmember Lyles and a second by Councilmember Schultz, the City Council voted six (6) for and one (1) opposed, with Councilmember Fields voting against, to approve an Advanced Funding Agreement (AFA) with the Texas Department of Transportation (TxDOT) to powdercoat the signal poles as part of their project to improve the SH 6 and Southwest Parkway interchange. The estimated cost of the City's participation is not to exceed \$8,000. The motion carried.

(2i)MOTION: Upon a motion made by Mayor Berry and a second by Councilmember Ruesink, the City Council voted five (5) for and two (2) opposed, with Councilmembers Fields and Lyles voting against, to approve an economic development incentive in the total amount of \$250,000 to Texas A&M University's Texas Institute for Preclinical Studies (TIPS). The motion carried.

REGULAR AGENDA

1. Public Hearing, presentation, possible action, and discussion regarding Ordinance 2012-3400, amending Chapter 12, "Unified Development Ordinance", Section 4.2, "Official Zoning Map" of the Code of Ordinances of the City of College Station, Texas by rezoning approximately 11 acres located at 410 Texas Avenue, generally located at the northwest corner of the intersection with University Drive, from R-2 Duplex Residential, R-4 Multi-Family, C-1 General Commercial, and C-2 Commercial-Industrial to PDD Planned Development District.

At approximately 7:32 p.m., Mayor Berry opened the Public Hearing.

Sherry Ellison, 2705 Brookway, Vice Chair of the Bicycle, Pedestrian, and Greenways Advisory Board, stated the Board supports the redevelopment of this important site. They do have some safety concerns for the 1,900 residents that will be walking and biking to school and work. Further discussion needs to occur between the City, the Brazos Transit District, and A&M transportation in order to proactively develop the site so that citizens can safely enter/exit buses

along University. The safety of cyclists and pedestrians could be increased with wider sidewalks along the north side of University with a crossing at Polo Road.

There being no further comments, the Public Hearing was closed at 7:35 p.m.

MOTION: Upon a motion made by Councilmember Lyles and a second by Councilmember Fields, the City Council voted seven (7) for and none (0) opposed, to adopt Ordinance 2012-3400, amending Chapter 12, "Unified Development Ordinance", Section 4.2, "Official Zoning Map" of the Code of Ordinances of the City of College Station, Texas by rezoning approximately 11 acres located at 410 Texas Avenue, generally located at the northwest corner of the intersection with University Drive, from R-2 Duplex Residential, R-4 Multi-Family, C-1 General Commercial, and C-2 Commercial-Industrial to PDD Planned Development District. The motion carried unanimously.

2. Presentation, possible action, and discussion regarding an appointment to the Keep Brazos Beautiful Board of Directors. Directors are appointed to the Board for a three (3) year term.

MOTION: Upon a motion made by Councilmember Ruesink and a second by Councilmember Fields, the City Council voted seven (7) for and none (0) opposed, to appoint Venessa Garza, Greenways Program Manager, to the Keep Brazos Beautiful Board of Directors. The motion carried unanimously.

3. Adjournment.

MOTION: There being no further business, Mayor Berry adjourned the Regular Meeting of the City Council at 8:25 p.m. on Thursday, March 8, 2012.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

March 22, 2012
Consent Agenda Item No. 2b
Royder/Live Oak Sewer Extension Project (WF1369908)
Resolution Determining Need for Easement Acquisition

To: David Neeley, City Manager

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

Agenda Caption: Presentation, possible action, and discussion regarding approval of a Resolution that will authorize City staff to negotiate for the purchase of easements needed for the Royder/Live Oak Sewer Extension Project.

Relationship to Strategic Goals: Core Services and Infrastructure - Plan for and invest in infrastructure, facilities, services, personnel and equipment necessary to meet projected needs and opportunities.

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

Summary: The 2011 annexation plan includes a project to provide sanitary sewer service to the recently annexed community of Wellborn. A gravity sewer line will convey wastewater collected in this area to the Creek Meadow Lift Station, located near the intersection of Royder Road and Greens Prairie Trail. The majority of the trunk sewer will be constructed inside existing right-of-way (Royder Road, Live Oak Street, and McCullough Road). However, public utility easements will also need to be obtained along the alignment where public right-of-way does not exist. The pipeline alignment is shown on the attached map. The location of the proposed easements is shown with crosshatching. Approval of the Resolution Determining Need will authorize staff to negotiate for the purchase of easements necessary to complete the project.

The gravity sewer line along McCullough Road shown as a dashed line on the attached exhibit will be designed as part of this project. However, the feasibility of construction will be evaluated at a later date.

Budget & Financial Summary: The budget for this project is \$3,332,836. Funds in the amount of \$29,768.45 have been expended or committed to date, leaving a balance of \$3,303,067.55. A separate consent agenda item in the amount of \$316,000 for design of the project has been brought forth for consideration. It is anticipated that this project will come in significantly under budget.

Attachments:

1. Project Map
2. Resolution Determining Need with Exhibit "A"

RESOLUTION DETERMINING PUBLIC NEED AND NECESSITY

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, DETERMINING PUBLIC NEED AND NECESSITY FOR THE CITY TO INITIATE, COMPLETE, AND ACQUIRE CERTAIN PROPERTY LOCATED INT THE SOUTHERN PART OF COLLEGE STATION, BRAZOS COUNTY, TEXAS FOR THE PURPOSE OF A SANITARY SEWER SERVICE PROJECT; AUTHORIZING THE CITY AND ITS REPRESENTATIVES AND EMPLOYEES TO TAKE ANY AND ALL REASONABLE ACTIONS TO ACHIEVE SAME; AND CONTAINING OTHER PROVISIONS RELATED TO THE SUBJECT MATTER.

WHEREAS, the City of College Station, Texas (“City”) is a home rule municipality duly incorporated and chartered under the constitution and laws of the state of Texas; and

WHEREAS, the City is engaged in the Royder / Live Oak Sewer Extension Project (“Project”); and

WHEREAS, such Project is for the public purpose of wastewater service and other public utilities; and

WHEREAS, such Project is located at or about the following physical location: A route that will extend southward from a point southeast of the FM 2154 / Barron Cut-off Road intersection, across the Wellborn Baptist Church property, continuing along McCullough Road, Live Oak Street and Royder Road, and terminating at the Creek Meadows Lift Station located near the intersection of Royder Road and Greens Prairie Trail in College Station, Brazos County, Texas; and

WHEREAS, such Project will necessitate the acquisition of land as set forth in this Resolution; and

WHEREAS, the City Council of the City desires to acquire land for the Project to achieve the aforesaid public purpose, and herein determines it to be in the best interest of its citizens and the general public to designate its lawful agents and representatives, including City staff, to achieve same, now therefore,

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

PART 1: That the facts and recitations set forth in the preamble of this Resolution are hereby declared true and correct.

PART 2: That the City Council of the City of College Station, Texas, herein determines it to be in the best interest of its citizens and the general public to commence the Royder / Live Oak Sewer Extension Project in southern College Station for the public purpose of sanitary sewer, wastewater and other public utilities, and to take any and all reasonable action to achieve completion of the Project, including the acquisition of property.

PART 3: That the Project will require the acquisition of an easement interest in the property as described in Exhibit "A" attached hereto and made a part of this Resolution ("Property").

PART 4: That the City's representatives, agents, and staff are hereby authorized to acquire the Property pursuant to applicable law, including Chapter 2206 Texas Government Code and Chapter 21 Texas Property Code as same may, from time to time, be amended; and to specifically provide the Landowner's Bill of Rights to landowners, and to conduct such land appraisals as may be desired and as may be required by law.

PART 5: That the City Manager is hereby authorized to direct and designate City staff and to contract with one or more agents or representatives as deemed appropriate to act on behalf of the City to acquire the Property, including contracting with professional appraisers for appraisal services, and contracting with professional real estate agents to act as a land agent for the City relating to acquisition of the Property.

PART 6: That the City Manager and his authorized designee be authorized to sell any surplus improvements and to order the removal or the demolition of any improvements that are located on the Property that in their determination hinder or are unnecessary to completion of the Project.

PART 7: That this Resolution shall take effect immediately from and after its passage.

ADOPTED this _____ day of _____, A.D. 20__.

ATTEST:

APPROVED:

City Secretary

MAYOR

APPROVED:

Carla A Robinson

City Attorney

EXHIBIT "A"

Being all those parcels or tracts of land necessary to install a wastewater system and other public utilities located along a route that will extend southward from a point southeast of the FM 2154 / Barron Cut-off Road intersection, across the Wellborn Baptist Church property, continuing along McCullough Road, Live Oak Street and Royder Road, and terminating at the Creek Meadows Lift Station located near the intersection of Royder Road and Greens Prairie Trail in southern College Station, Brazos County, Texas. Said route is depicted on the map attached hereto and made part hereof.

The easement tracts or parcels needed for the project may be acquired from the following lands:

Landowner (Now or Formerly): WELLBORN BAPTIST CHURCH, INC.

Brazos County Appraisal District Property ID: 15653

Street Address: 3768 McCullough Road, College Station, Texas

Legal Description: Being all that certain lot, tract or parcel of land being situated in the Andrew McMahon Survey, Abstract No. 167, College Station, Brazos County, Texas; and being the 8.43 acre Tract One and 1.11 acre Tract Two described in the Warranty Deed from Wellborn Baptist Church to Wellborn Baptist Church, Inc. recorded in Volume 6271, Page 20, Official Records of Brazos County, Texas.

Landowner (Now or Formerly): DONALD R. ROYDER and MARTHA ROYDER

Brazos County Appraisal District Property ID: 15694

Street Address: 3875 McCullough Road, College Station, Texas

Legal Description: Being all that certain lot, tract or parcel of land being situated in the Andrew McMahon Survey, Abstract No. 167, College Station, Brazos County, Texas; and being the 4.33 acre tract or parcel described in the Contract for Deed from Milford E. Royder to Donald Ray Royder, Sr. and wife, Martha Jakubiak Royder recorded in Volume 1480, Page 289, Official Records of Brazos County, Texas.

Landowner (Now or Formerly): JAMES ED ELLIS and GENEVIEVE ELLIS

Brazos County Appraisal District Property ID: 15638

Street Address: 3970 Church Street, College Station, Texas

Legal Description: Being all that certain lot, tract or parcel of land being situated in the Andrew McMahon Survey, Abstract No. 167, College Station, Brazos County, Texas; and being the 1.718 acre Tract One and 1.716 acre Tract Two described in the Warranty Deed with Vendor's Lien from Jean Royder Shaw and Hazel E. Royder Von Roeder to James Ed Ellis and Genevieve Ellis recorded in Volume 2837, Page 26, Official Records of Brazos County, Texas.

Landowner (Now or Formerly): DONALD R. ROYDER and MARTHA ROYDER

Brazos County Appraisal District Property ID: 15637

Street Address: 3953 Church Street, College Station, Texas

Legal Description: Being all that certain lot, tract or parcel of land being situated in the Andrew McMahon Survey, Abstract No. 167, College Station, Brazos County, Texas;

and being the 3.42 acre lot, tract or parcel, known as 3953 Church Street, College Station, Texas, according to the Brazos County Appraisal District.

Landowner (Now or Formerly): FSI RENTALS, LLC

Brazos County Appraisal District Property ID: 47082

Street Address: 14761 FM 2154, College Station, Texas

Legal Description: Being all that certain lot, tract or parcel of land being situated in the Andrew McMahon Survey, Abstract No. 167, College Station, Brazos County, Texas; and being Parts of Lots 4 and 5, Benjamin Graham Subdivision, according to the plat recorded in Volume 12, Page 394, Deed Records of Brazos County, Texas; being the same lot, tract or parcel described in the Assumption Warranty Deed from Trey Baumgarner and wife, Melissa Baumgarner to FSI Rentals, LLC recorded in Volume 7881, Page 273, Official Records of Brazos County, Texas.

and

Being all the certain lot, tract or parcel of land situated in the Andrew McMahon Survey, Abstract No. 167, College Station, Brazos County, Texas; and being Lot 6, Baptist Church 1.0 acre tract, and part of Lot 5, Benjamin Graham Subdivision, according to the plat recorded in Volume 12, Page 394, Deed Official Records of Brazos County, Texas; being the same lot, tract or parcel described in the Assumption Warranty Deed from Trey Baumgarner and wife, Melissa Baumgarner to FSI Rentals, LLC recorded in Volume 7881, Page 280, Official Records of Brazos County, Texas.

Landowner (Now or Formerly): ADAM ROYDER LODGE No. 778, A.F. & A. M. of TEXAS

Brazos County Appraisal District Property ID: 89963

Street Address: 4028 Church Street, College Station, Texas

Legal Description: Being all that certain lot, tract or parcel of land situated in the Andrew McMahon Survey, Abstract No. 167, College Station, Brazos County, Texas; and being Lot 3, Block G, Benjamin Graham Subdivision, according to the plat recorded in Volume 12, Page 394, Deed Records of Brazos County, Texas; being the same lot, tract or parcel described in the Agreement to Amend Conditions of Deed by and between Methodist Church and Adam Royder Lodge No. 778, A.F. & A.M. of Texas recorded in Volume 1894, Page 313, Official Records of Brazos County, Texas.

Landowner (Now or Formerly): EDWARD W. VALENTA and SUE ANN VALENTA

Brazos County Appraisal District Property ID: 47063

Street Address: 14777 FM 2154, College Station, Texas

Legal Description: Being all that certain lot, tract or parcel of land situated in the Andrew McMahon Survey, Abstract No. 167, College Station, Brazos County, Texas; and being Part of Lot 4, Block G, Benjamin Graham Subdivision, according to the plat recorded in Volume 12, Page 394, Deed Records of Brazos County, Texas; being the same 0.2255 acre lot, tract or parcel described in the Warranty Deed from Lynn W. Day

to Edward W. Valenta and Sue Ann Valenta recorded in Volume 2658, Page 82, Official Records of Brazos County, Texas.

Landowner (Now or Formerly): SOUTH WELLBORN, LTD

Brazos County Appraisal District Property ID: 347394

Street Address: Greens Prairie Road W., College Station, Texas

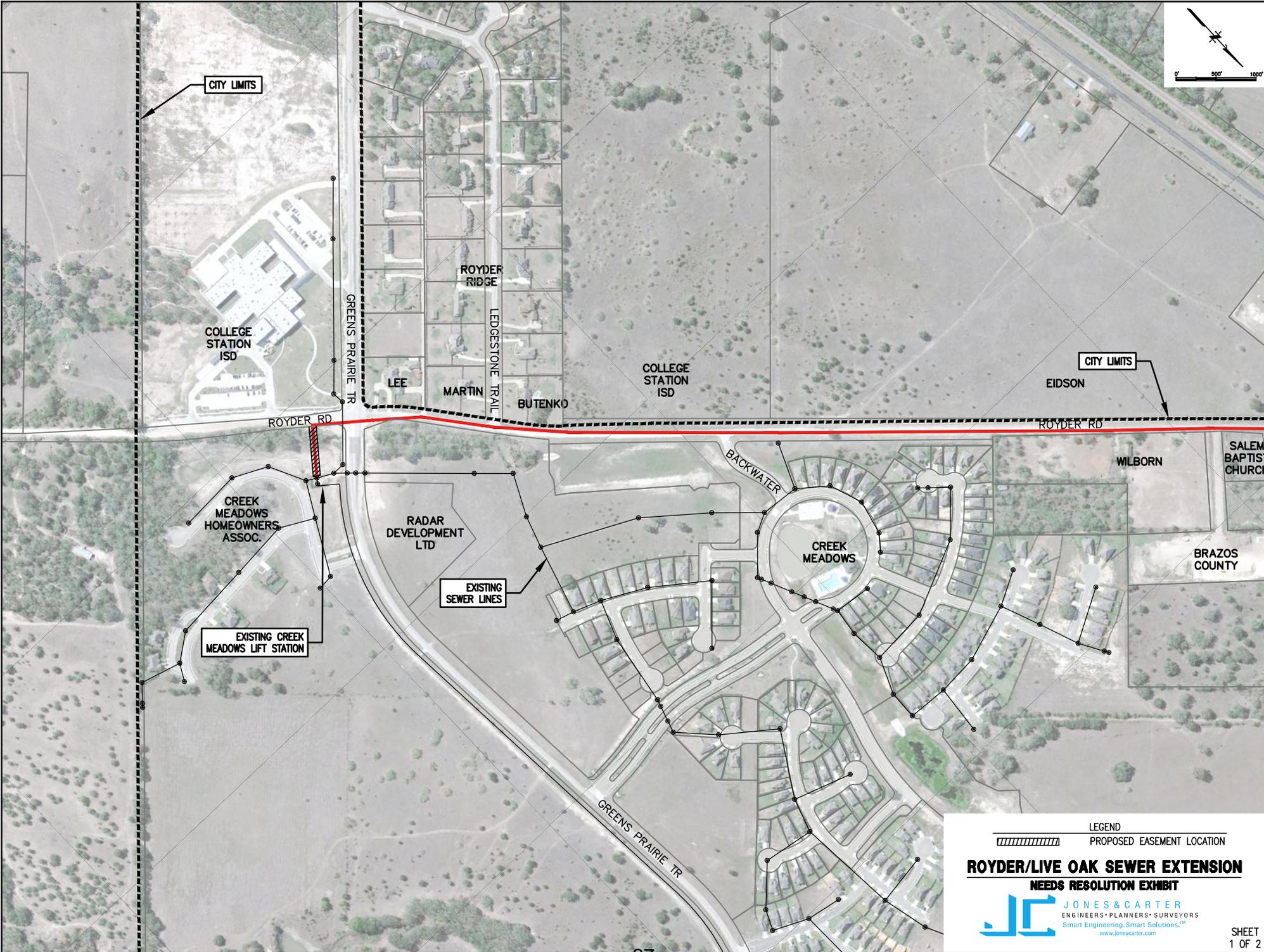
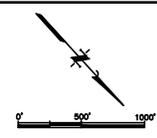
Legal Description: Being all that certain lot, tract or parcel of land situated in the Andrew McMahon Survey, Abstract No. 167, College Station, Brazos County, Texas; and being Part of Lots 7 and 12, Block A, Benjamin Graham Subdivision, according to the plat recorded in Volume 12, Page 394, Deed Records of Brazos County, Texas; being the same Tract Two and Tract Four described in the Warranty Deed with Vendor's Lien from Lillian Ruth Brown and Glenda Mae Brown Goodman to South Wellborn, Ltd. recorded in Volume 8819, Page 82, Official Records of Brazos County, Texas.

Landowner (Now or Formerly): CREEK MEADOWS HOMEOWNERS ASSOCIATION

Brazos County Appraisal District Property ID: 347836

Street Address: 15711 Timber Creek Lane, College Station, Texas

Legal Description: Being all that certain lot, tract or parcel of land situated in the Andrew McMahon Survey, Abstract No. 167, College Station, Brazos County, Texas; and being the Private Park and Drainage Area "IP", Creek Meadows, Section 5, Phase 1, an addition to the City of College Station, according to the plat recorded in Volume 8989, Page 39, Official Records of Brazos County, Texas.



CITY LIMITS

COLLEGE STATION ISD

ROYDER RIDGE

LEE

MARTIN

BUTENKO

COLLEGE STATION ISD

CITY LIMITS

EIDSON

ROYDER RD

GREENS PRAIRIE TR

LEDGESTONE TRAIL

ROYDER RD

CREEK MEADOWS HOMEOWNERS ASSOC.

RADAR DEVELOPMENT LTD

EXISTING SEWER LINES

BACKWATER

CREEK MEADOWS

WILBORN

SALEM BAPTIST CHURCH

BRAZOS COUNTY

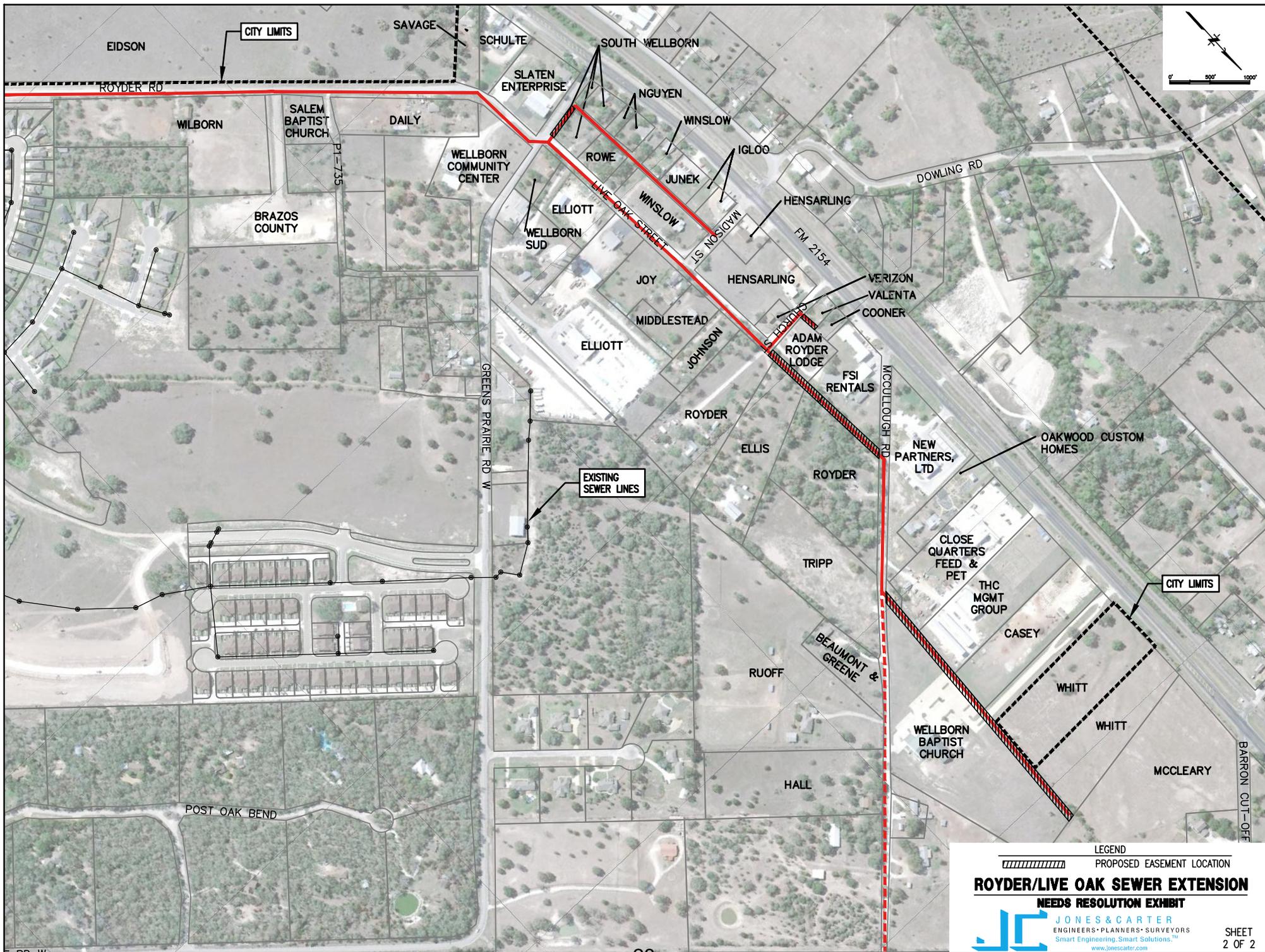
EXISTING CREEK MEADOWS LIFT STATION

GREENS PRAIRIE TR

LEGEND
PROPOSED EASEMENT LOCATION

ROYDER/LIVE OAK SEWER EXTENSION
NEEDS RESOLUTION EXHIBIT

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LEGEND

 PROPOSED EASEMENT LOCATION

ROYDER/LIVE OAK SEWER EXTENSION

NEEDS RESOLUTION EXHIBIT

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SHEET
2 OF 2

March 22, 2012
Consent Agenda Item No. 2c
Project Number WF1369908
Royder/Live Oak Sewer Extension

To: David Neeley, City Manager

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

Agenda Caption: Presentation, possible action, and discussion on a Professional Services Contract with Jones and Carter, Inc., in the amount of \$316,000, for the design, bidding, and construction phase services associated with the Royder/Live Oak Sewer Extension Project.

Relationship to Strategic Goals: Core Services and Infrastructure - Plan for and invest in infrastructure, facilities, services, personnel, and equipment necessary to meet projected needs and opportunities.

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

Summary: Jones and Carter, Inc., was contacted to submit a proposal for the final design of the Royder/Live Oak Sewer Extension project based upon their selection as being the most highly qualified firm in RFQ #11-77. Jones and Carter, Inc. completed a preliminary engineering report that included a recommended route for the gravity system in a previous phase of the project.

The scope of this contract is for final design, bidding, and construction administration services for a gravity sewer system to provide service to the recently annexed community of Wellborn. This project will provide sewer service to the citizens and businesses as prescribed in the City of College Station Service Plan for the Area to be Annexed Effective 14 April 2011. The proposed alignment was presented to the citizens at the first Wellborn Neighborhood planning meeting held on February 6, 2012.

The gravity sewer line along McCullough Road shown as a dashed line on the attached exhibit will be designed as part of this project. However, the feasibility of construction will be evaluated at a later date.

Budget & Financial Summary: The budget for this project is \$3,332,836. Funds in the amount of \$29,768.45 have been expended or committed to date, leaving a balance of \$3,303,067.55 for this contract and construction. It is anticipated that this project will come in significantly under budget.

Attachments:

- 1.) Resolution
- 2.) Project Location Map
- 3.)

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 ROYDER/LIVE OAK SEWER EXTENSION PROJECT.

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

WHEREAS, the selection of Jones and Carter, 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 Jones and Carter, Inc. is the most highly qualified provider of the services for the Royder/Live Oak Sewer Extension Project on the basis of demonstrated competence and qualifications.

PART 2: That the City Council hereby approves the contract with Jones and Carter, Inc. for an amount not to exceed \$316,000.00 for the design and construction phase services related to the Royder/Live Oak Sewer Extension Project.

PART 3: That the funding for this Contract shall be as budgeted from the Wastewater Services Fund in the amount of \$ 316,000.00.

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

ADOPTED this _____ day of _____, 2012.

ATTEST:

APPROVED:

City Secretary

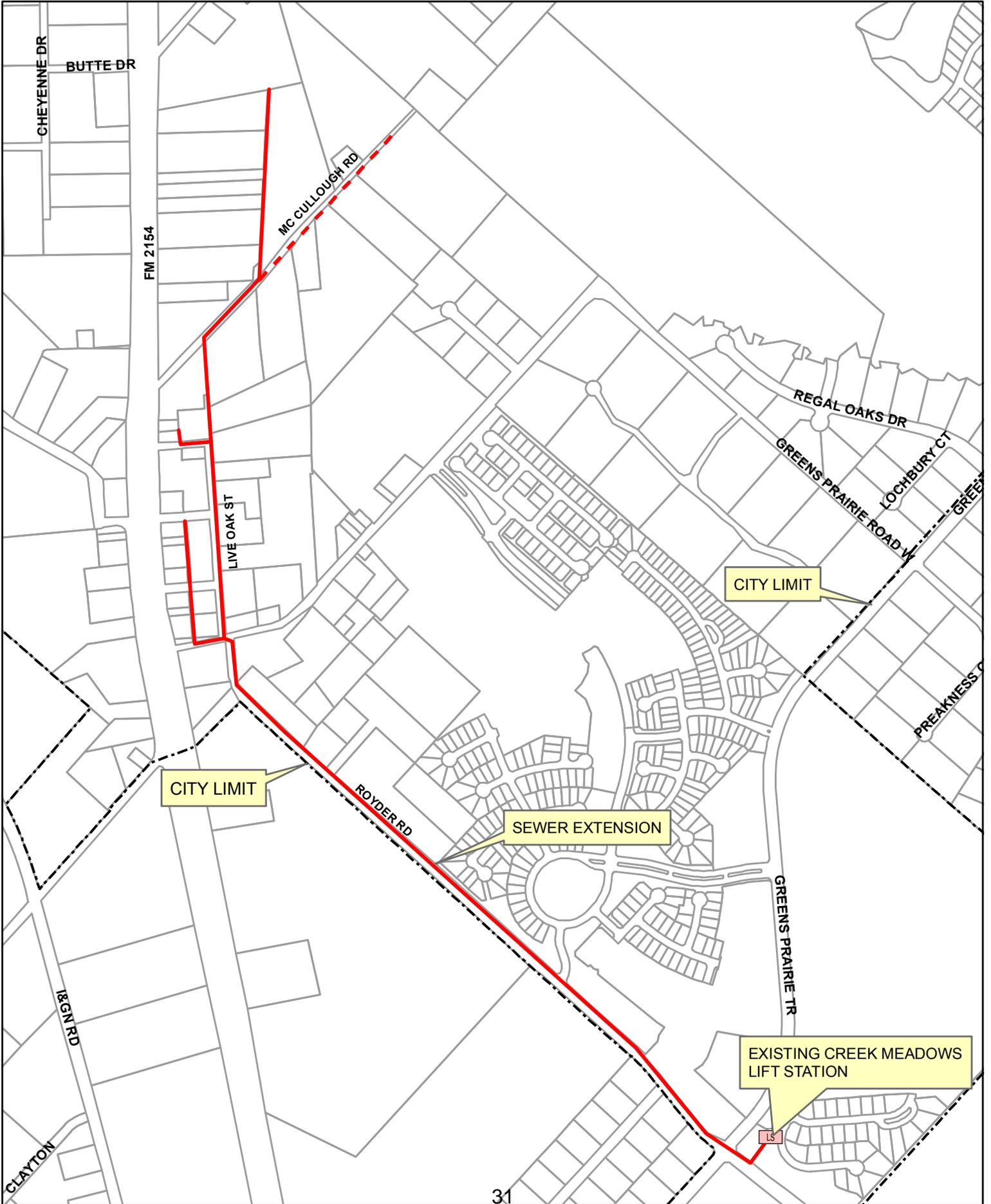
Mayor

APPROVED:



City Attorney

ROYDER / LIVE OAK SEWER EXTENSION



March 22, 2012
Consent Agenda Item No. 2d
Resolution Authorizing Publication of Notice for Certificates of Obligation

To: David Neeley, City Manager

From: Jeff Kersten, Executive Director of Business Services

Agenda Caption: Presentation, possible action and discussion to approve a resolution by the City Council of the City of College Station, Texas, directing publication of notice of intention to issue certificates of obligation, series 2012; and providing an effective date. *(This item is also on workshop agenda item 2)*

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

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

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

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

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

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

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

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

The Certificates issued will be used to fund information technology and utility projects, and pay debt issuance costs. The maximum amount of Certificates of Obligation indebtedness that may be authorized to be sold is \$17,400,000.

At the April 26th meeting, the City Council will consider approval of the sale parameters for the General Obligation and Refunding Bonds, appoint a Paying Agent/Registrar, appoint Underwriters, adopt Bond Ordinances and authorized the preparation of the Official Statements for the General Obligation and Refunding Bonds and the Certificates of Obligations. If the ordinances are approved, the City Council will be delegating to the City Manager the authority to execute the bond sale and refunding.

Budget & Financial Summary: Staff reviewed the impact of the Certificates on the City's ability to meet debt service requirements and the effect they may have on the ad valorem tax rate. The recommendation to move forward with this issue will not impact the ad valorem tax rate. The impact on the utility rates will be reviewed as part of the financial forecast and FY13 budget.

Attachments:

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

CERTIFICATE FOR RESOLUTION

THE STATE OF TEXAS :
COUNTY OF BRAZOS :
CITY OF COLLEGE STATION :

We, the undersigned officers of said City, hereby certify as follows:

1. The City Council of said City convened in **REGULAR MEETING ON MARCH 22, 2012**, at the designated meeting place, and the roll was called of the duly constituted officers and members of said City Council, to wit:

Nancy Berry,	:	Mayor
Dave Ruesink,	:	Mayor Pro Tem
Blanche Brick,	:	Councilmember
Jess Fields,	:	Councilmember
Karl Mooney,	:	Councilmember
Katy-Marie Lyles,	:	Councilmember
Julie M. Schultz,	:	Councilmember

Sherry Mashburn, : City Secretary

and all of said persons were present, except the following absentees: _____, thus constituting a quorum. Whereupon, among other business, the following was transacted at said Meeting: a written

A RESOLUTION DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION, SERIES 2012; AND PROVIDING AN EFFECTIVE DATE.

was duly introduced for the consideration of said City Council and read in full. It was then duly moved and seconded that said Resolution; and, after due discussion, said motion prevailed and carried by the following vote:

AYES : _____ NOES : _____

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

SIGNED AND SEALED THE 22ND DAY OF MARCH, 2012.

City Secretary

Mayor

(SEAL)

RESOLUTION NO. _____

A RESOLUTION DIRECTING PUBLICATION OF NOTICE OF INTENTION TO ISSUE CERTIFICATES OF OBLIGATION, SERIES 2012; AND PROVIDING AN EFFECTIVE DATE.

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

WHEREAS, the City Council hereby finds, considers and declares that the reimbursement of the payment by the City of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the U.S. Treasury Regulations, to reimburse itself for such payments at such time as it issues the hereinafter described Certificates of Obligation; and

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

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

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

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

Section 3. That the facilities and improvements to be financed with proceeds from the proposed Certificates of Obligation are to be used for the purposes described in "Exhibit A" hereto.

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

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

Resolution No. _____

PASSED AND APPROVED this 22nd day of March, 2012.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

(Seal)

APPROVED:



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

EXHIBIT A

NOTICE OF INTENTION TO ISSUE
CERTIFICATES OF OBLIGATION

NOTICE IS HEREBY GIVEN that it is the intention of the City Council of the City of College Station, Texas, to issue one or more series of the interest bearing certificates of obligation of the City to be entitled "City of College Station, Texas Certificates of Obligation", for the purpose of paying contractual obligations to be incurred by the City, to-wit: the construction of improvements and extensions to the City's combined waterworks, sewer and electric systems; acquisition and installation of information technology consisting of fiber optic infrastructure for use by City departments; and the payment of fiscal, engineering and legal fees incurred in connection therewith.

The City Council tentatively proposes to authorize the issuance of one or more series of Certificates of Obligation at its regular meeting place in the City Hall at a meeting to commence at 7 o'clock, p.m., on April 26, 2012. The ordinances may authorize an authorized officer of the City to effect the sale and delivery of the Certificates of Obligation on a date or dates subsequent to the adoption of the ordinance. The maximum amount of Certificates of Obligation indebtedness that may be authorized to be sold on said date for such purposes described above is \$17,400,000. The City Council presently proposes to provide for payment of said series (one or more) of Certificates of Obligation from the levy of ad valorem taxes and from a limited surplus revenue pledge (not to exceed \$1,000) derived from the operation of the City's waterworks, sewer and electric systems.

CITY OF COLLEGE STATION, TEXAS

Certificates of Obligation

General Government Certificates of Obligation	<u>Amount</u>
General Government	
Fiber Optic Infrastructure	\$ 100,000
General Government Projects Total	<u>\$ 100,000</u>
<hr/>	
Utility Certificates of Obligation	
Electric	
General Plant	\$ 980,000
Overhead System Improvements	1,050,000
Underground System Improvements	750,000
New Services and System Extensions	1,475,000
Residential Street Lighting	60,000
Thoroughfare Street Lighting	132,000
Distribution System Improvements	1,853,000
Transmission System Improvements	1,700,000
Electric Projects Total	<u>\$ 8,000,000</u>
Water Projects	
Dowling Road High Service Water Pump Improvements	\$ 3,000,000
Water Projects Total	<u>\$ 3,000,000</u>
Wastewater	
Bee Creek Parallel Trunk Line	\$ 550,000
Royder/Live Oak Sewer Ext (FM 2154)	500,000
South Knoll/The Glade Rehabilitation	1,600,000
Carter Creek Headworks Improvements	1,500,000
Lick Creek Centrifuge Replacement	1,100,000
Carter Creek Lab and SCADA Building	750,000
Wastewater Projects Total	<u>\$ 6,000,000</u>
<hr/>	
Utility Certificates of Obligation Subtotal	\$ 17,000,000
Estimated Debt Issuance Costs *	<u>\$ 300,000</u>
<hr/>	
Certificates of Obligation Total	<u>\$ 17,400,000</u>

* This is 0.59% of the total bond issue and refunding

March 22, 2012
Consent Agenda Item No. 2e
Health Science Center Parkway Waterline Extension
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., PMP, Public Works Director

Agenda Caption: Presentation, possible action, and discussion regarding a resolution awarding the professional services contract (Contract No. 12-149) with Kimley-Horn & Associates, Inc. in the amount not to exceed \$114,500 for the engineering design services for the HSC Pkwy Waterline Project (WF1440674), and approval of a resolution declaring intention to reimburse certain expenditures with proceeds from debt.

Relationship to Strategic Goals: Financially Sustainable City Providing Response to Core Services and Infrastructure – The infrastructure is necessary to support growth and development in the BioCorridor area that will encourage a diverse growing economy.

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

Summary: This project will extend approximately 6,800 linear feet of 12-inch and 16-inch waterline along the existing and future sections of HSC Pkwy. The waterline will serve the development in the BioCorridor area that is within the City of College Station corporate limits. The HSC Pkwy Waterline Project will be designed and constructed in conjunction with HSC Pkwy. HSC Pkwy is under design contract with Kimley-Horn and the City of Bryan and will be managed by the City of Bryan. The City of College Station will share in the costs for design and construction of the roadway project. The waterline will be wholly paid for and managed by the City of College Station. The waterline project will also include design of an Interconnect with the City of Bryan water system to provide water to either City during high demand or emergency situations. The cost of the Interconnect will be split between the two cities.

Budget & Financial Summary: Funds in the amount of \$1,125,200 are currently budgeted for this project in the Water Capital Improvement Projects Fund. The "Resolution Declaring Intention to Reimburse Certain Expenditures with Proceeds from Debt" is necessary for this item because the long term debt has not been issued for the project. The debt for the project is scheduled to be issued in the future.

Attachments:

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

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, SELECTING A PROFESSIONAL CONTRACTOR, APPROVING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE HEALTH SCIENCE CENTER PARKWAY WATERLINE EXTENSION PROJECT.

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

WHEREAS, the selection of Kimley-Horn and Associates, Inc. is being recommended as the most highly qualified provider of the engineering 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 the Health Science Center Parkway Waterline Extension 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 \$114,500.00 for the engineering services related to the Health Science Center Parkway Waterline Extension Project.

PART 3: That the funding for this Contract shall be as budgeted from the Water Capital Improvement Project Fund in the amount of \$114,500.00.

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

ADOPTED this _____ day of _____, 2012.

ATTEST:

APPROVED:

City Secretary

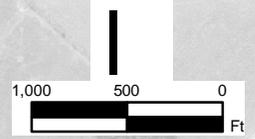
Mayor

APPROVED:



City Attorney

HSC Parkway Waterline



Legend

- PROP COCS WATERLINE
- PROP COB WATERLINE

RESOLUTION NO. _____

RESOLUTION DECLARING INTENTION TO REIMBURSE CERTAIN EXPENDITURES WITH
PROCEEDS FROM DEBT

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

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

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

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

Section 1. The City reasonably expects it will incur debt, as one or more series of obligations, with an aggregate maximum principal amount not to exceed \$1,200,000, 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 MARCH, 2012.

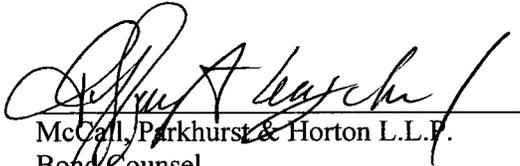
Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

(Seal)

APPROVED:



Jeffrey A. Kasch
McCall, Parkhurst & Horton L.L.P.
Bond Counsel

Exhibit "A"

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

Health Science Center Parkway Waterline Extension - This project will extend a waterline along the existing and future sections of HSC Parkway. The waterline will serve the development in the BioCorridor area that is within the City of College Station corporate limits. The project will also include the design of an Interconnect with the City of Bryan water system to provide water to either City during high demand or emergency situations.

March 22, 2012
Consent Agenda Item No. 2f
Debt Reimbursement Resolution for
the West Side Sewer project and the East Side Sewer Service project

To: David Neeley, City Manager

From: Jeff Kersten, Executive Director, Business Services

Agenda Caption: Presentation, possible action, and discussion regarding approval of a "Resolution Declaring Intention to Reimburse Certain Expenditures with Proceeds from Debt" for expenditures related to the East Side Sewer Service project and the City of College Station's portion of the cost for the design and construction of the West Side Sewer project.

Recommendation(s): Staff recommends approval of the "Resolution Declaring Intention to Reimburse Certain Expenditures with Proceeds from Debt."

Summary: On projects for which spending will occur in advance of the debt issue, a "Resolution Declaring Intention to Reimburse Certain Expenditures with Proceeds from Debt" must be approved by Council. This "Resolution Declaring Intention to Reimburse Certain Expenditures with Proceeds from Debt" is being brought to Council to cover expenditures for projects on which spending is estimated to occur in advance of the debt issue scheduled to be issued in the future. The projects to be covered by this resolution include:

West Side Sewer: Per the Interlocal Agreement (ILA) approved on December 15, 2011, the City of Bryan will manage the design and construction of the West Side Sewer project. The design of the project has begun. The construction will commence thereafter in accordance with the requirements outlined in the ILA. The City of College Station will reimburse the City of Bryan for half of the project cost. It is anticipated that design and construction will occur in the timeframe covered by this resolution.

East Side Sewer Service: Per the Interlocal Agreement (ILA) approved on December 15, 2011, the City of College Station will manage the design and construction of the East Side Sewer Service project. The design is anticipated to begin later this spring following Council approval. The construction will commence thereafter in accordance with the requirements outlined in the ILA. The City of Bryan will reimburse the City of College Station for half of the project cost. It is anticipated that design and construction will occur in the timeframe covered by this resolution.

Budget & Financial Summary: The "Resolution Declaring Intention to Reimburse Certain Expenditures with Proceeds from Debt" is necessary for this item because the long term debt has not been issued for these projects. The debt that this resolution is intended to cover is estimated to be issued in the future.

Attachments:

1. Resolution Declaring Intention to Reimburse Certain Expenditures with Proceeds from Debt
2. West Side Sewer Project Location Map
3. East Side Sewer Service Project Location Map

RESOLUTION NO. _____

RESOLUTION DECLARING INTENTION TO REIMBURSE CERTAIN EXPENDITURES WITH
PROCEEDS FROM DEBT

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

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

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

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

Section 1. The City reasonably expects it will incur debt, as one or more series of obligations, with an aggregate maximum principal amount not to exceed \$2,500,000, 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 MARCH, 2012.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

(Seal)

APPROVED:

A handwritten signature in black ink, appearing to read "Jeffrey A. Leach". The signature is written in a cursive style with a large initial "J" and "A".

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

Exhibit "A"

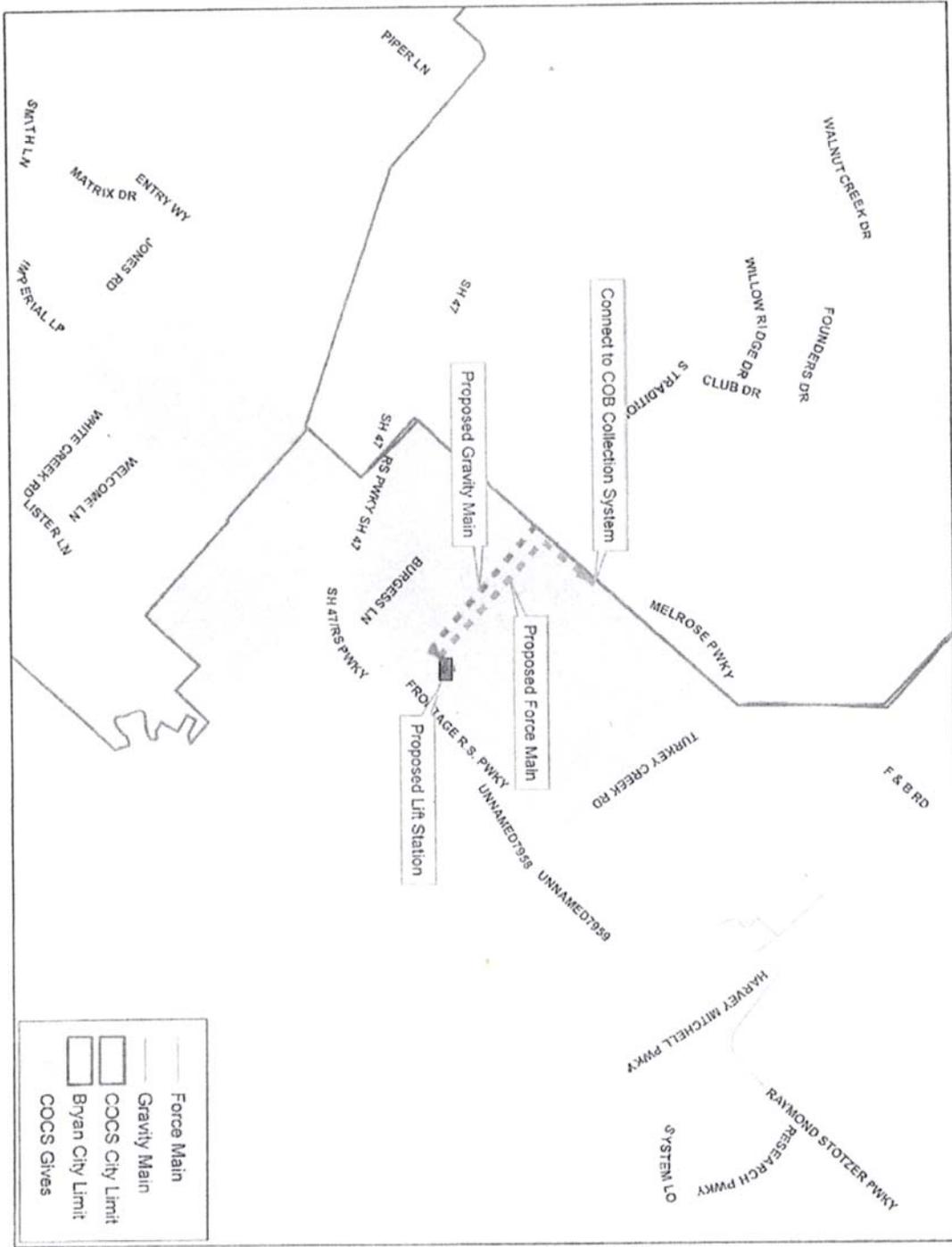
The projects to be financed that are the subject of this Statement are:

West Side Sewer - This project consists of a temporary Lift Station, 6" Force Main, and 12" Gravity Sewer Lines to serve the initial development of bio-corridor area to convey flows to the Bryan Municipal Sanitary Sewer System. The City of College Station will reimburse the City of Bryan for half of the cost of design and construction.

East Side Sewer Service - This project will construct gravity sewer, lift station and force main to serve properties along SH 30 southeast of the intersection with FM 158 within the City of Bryan's corporate limits and upgrade gravity sewer that currently services property along SH 30 within the City of College Station in order to convey flows from the COB to the CCWWTP. The City of College Station will be reimbursed by the City of Bryan for half of the cost of design and construction.

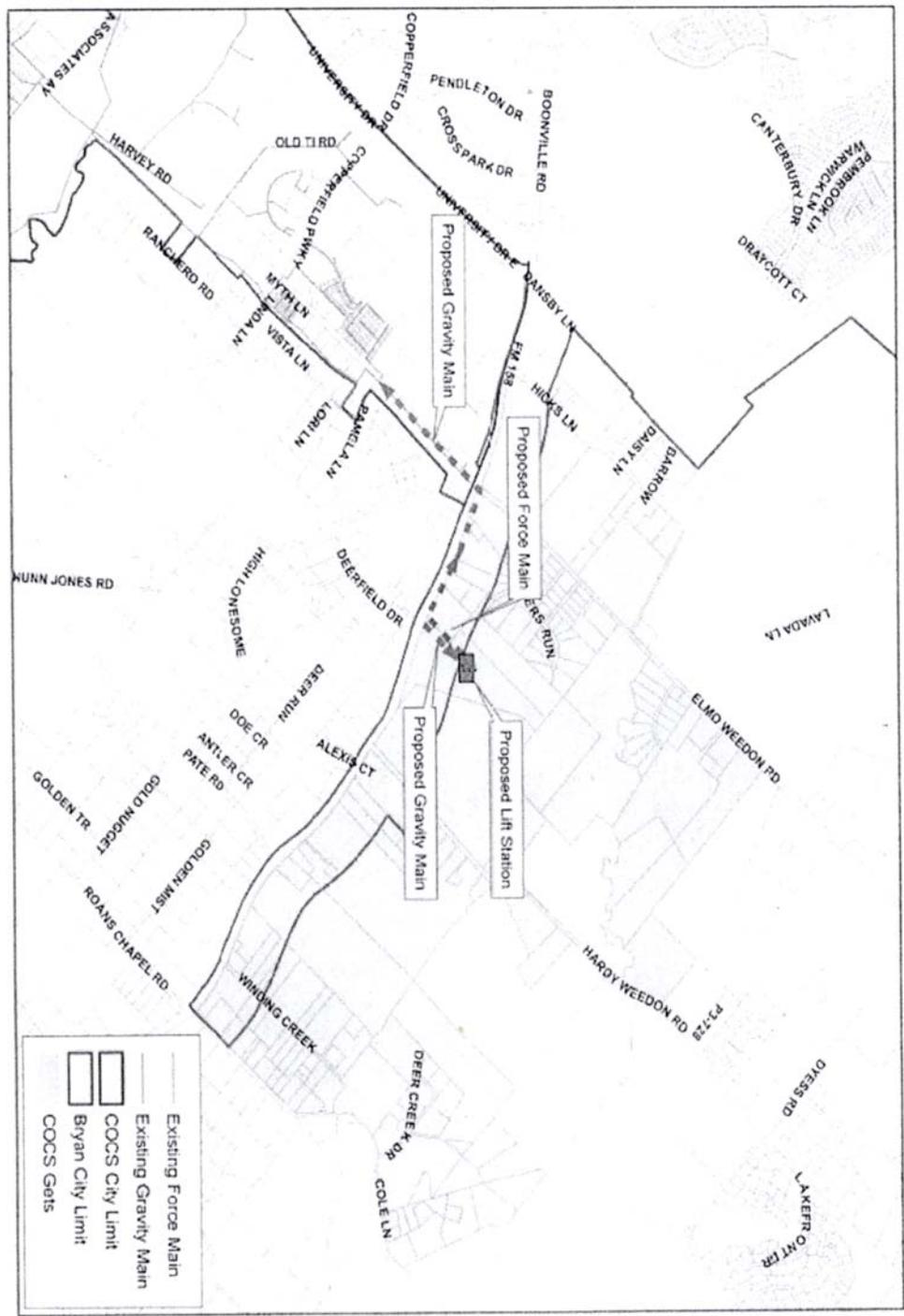
West Side Sewer Project Location Map

Facilities for West Sewer Service Area



East Side Sewer Service Project Location Map

Facilities for East Sewer Service Area



March 22, 2012
Consent Agenda Item No. 2g
COPS Hiring Recovery Program (CHRP) Grant

To: David Neeley, City Manager

From: Jeff Capps, Chief of Police

Agenda Caption: Presentation, possible action, and discussion on the application and acceptance of a U.S. Department of Justice, 2012 COPS Hiring Recovery Program (CHRP) Grant.

Relationship to Strategic Goals: Financially Sustainable City

Recommendation(s): Staff recommends Council approval.

Summary:

In 2009, the Office of Community Oriented Policing Services (COPS Office) announced the availability of funding under the COPS Hiring Recovery Program (CHRP). At that time, the COPS Office received funds from the American Recovery and Reinvestment Act of 2009 to address the personnel needs of state, local, and tribal law enforcement.

There is a 25% local match requirement for CHRP, but grant funding will only be provided for current entry-level salary and benefits. Therefore, any other associated costs will be the responsibility of the grantee agency.

CHRP grants will provide 75 percent funding up to \$125,000 per officer for approved entry-level salaries and benefits for 3 years (36 months) for newly-hired, full-time sworn officer positions (including filling existing unfunded vacancies) or for rehired officers who have been laid off, or are scheduled to be laid off on a future date, as a result of local budget cuts.

At the conclusion of federal funding, grantees must retain all sworn officer positions awarded under the CHRP grant for a period of at least 12 months beyond the time the funding expires for a given position. The retained CHRP-funded position(s) should be added to the grantees law enforcement budget with local funds, over and above the number of locally-funded positions that would have existed in the absence of the grant.

The College Station Police Department will be applying to fund 6 full time entry level police officers.

Budget & Financial Summary:

Anticipated fiscal impacts for these positions are as follows:

FY13 - \$247,316; FY14- \$100,914; FY15- \$259,350; after grant expiration FY16 - \$403,554. These costs are required costs for proposed positions above and beyond those costs approved by the grant. These costs include the city's match plus such items as: equipment, uniforms, and training.

Attachments:

- 1.) Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION TO AUTHORIZE THE CITY MANAGER OR HIS DESIGNEES TO EXECUTE DOCUMENTS NECESSARY FOR THE SUBMISSION OF A GRANT APPLICATION FOR COMMUNITY ORIENTED POLICING SERVICES HIRING RECOVERY PROGRAM (CHRP) FUNDS ON BEHALF OF THE CITY AND TO ACT ON ITS BEHALF WITH RESPECT TO ANY ISSUES THAT MAY ARISE DURING PROCESSING OF SAID APPLICATION.

WHEREAS, the City Council of College Station has expressed commitment to providing for the health and safety of its citizens; and

WHEREAS, the City of College Station Police Department's current Community Oriented Policing Program has successfully demonstrated that the problem-solving approach to policing is effective in building positive relationships with citizens and neighborhoods; and

WHEREAS, the Department of Justice has issued a Notice of Funding Availability for CHRP funding to assist law enforcement agencies to create and preserve sworn officer jobs and increase their community policing capacity and crime prevention efforts; and

WHEREAS, the eligible activities under CHRP are consistent with the strategies identified in the Police Department's Operational Plan; and

WHEREAS, eligible activities under CHRP can be expected to enhance the City's existing Community Policing services, and alleviate health and safety concerns.

WHEREAS, the City Council acknowledges that the grant requires the City to pay any associated costs above entry level sworn officer salary and benefits.

WHEREAS, the City Council acknowledges that the grant requires a 25% match of each officer's annual salary and benefits for each year.

WHEREAS, the City Council acknowledges that there is a \$125,000 Federal fund cap per officer over the three year grant period.

WHEREAS, the City Council acknowledges that the grant requires the City to retain said positions for at least 12 months after the 36 months of federal funding has expired for each position; now, therefore,

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

PART 1: That the City Council hereby authorizes the City Manager or his designees to execute documents necessary for the submission of a grant application for Community Oriented Policing Services Hiring Recovery Program funds to the U.S. Department of Justice on behalf of the City of College Station and to act on

its behalf with respect to any issues that may arise during processing of said application.

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

ADOPTED this _____ day of March, 2012.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:



City Attorney

March 22, 2012
Consent Agenda Item No. 2h
Contract Renewal for Crushed Stone

To: David Neeley, City Manager

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

Agenda Caption: Presentation, possible action, and discussion regarding the second renewal of Bid 10-44 with Brazos Site Works for crushed stone in an amount not to exceed \$162,919. No increase from the current year will be applied to this renewal.

Relationship to Strategic Goals: Improving Mobility – Plan for infrastructure necessary to meet projected growth and physical development. Provide complete streets that accommodate vehicles, bicyclists, and pedestrians.

Recommendation(s): Approval of the renewal agreement.

Summary: The original one year agreement for 2010 was to not exceed \$150,850. The contract and City Purchasing procedures allow for up to an 8% increase in the amount of the original contract amount which was applied in the first renewal, 2011, to bring the annual amount to not exceed \$162,919. Brazos Site Works agrees to a second renewal of the purchase agreement for \$162,919. Based on our review of industry prices, staff concludes that it is reasonable to maintain pricing at the current level.

Crushed stone products are used by several City Departments. The Street and Drainage Divisions use crushed stone to repair roadway base failures, for street reconstruction and for stabilization of drainage infrastructure. College Station Utilities relies on this material to maintain the gravel roads leading to sites such as substations and water wells, which are required to be accessible in all weather conditions. Also, rock is used to backfill the excavations created when making point repairs to utilities beneath sidewalks and roadway pavement. Crushed stone is an essential material for several critical City operations, and since Brazos Site Works' performance has been good, and their price is reasonable, staff recommends renewal of the contract.

This second renewal is the last allowable renewal and an annual purchasing agreement will be re-bid next year.

Budget & Financial Summary: Funds to purchase crushed stone are budgeted and available in the General and Utilities Funds with the Operations Budgets.

Attachments:

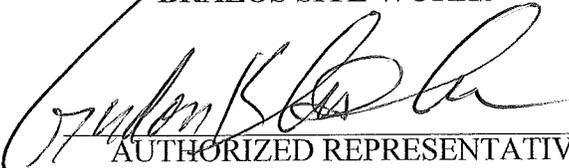
1. Renewal Letter

RENEWAL ACCEPTANCE

By signing herewith, I acknowledge and agree to renew bid No. 10-44 crushed stone in accordance with all terms and conditions previously agreed to.

I understand this renewal term will be for a one year period beginning April 12, 2012 through April 11, 2013, total amount of the contract is \$162,919.00 (One hundred sixty two thousand nine hundred nineteen and no/100). This is the second renewal

BRAZOS SITE WORKS



AUTHORIZED REPRESENTATIVE

3/7/12

DATE

APPROVED:

City Manager

DATE



City Attorney

DATE

Chief Financial Officer

DATE

STATE OF TEXAS

CORPORATE ACKNOWLEDGMENT

COUNTY OF BRAZOS

This instrument was acknowledged on the 7th day March, 2012,
by Gordon Klintworth in his/her capacity as manager of
Brazos Site Works, on behalf of said corporation.



Brandi Whittenton
Notary Public in and for the
State of Texas

STATE OF TEXAS

ACKNOWLEDGMENT

COUNTY OF BRAZOS

This instrument was acknowledged on the _____ day of _____, 2012,
by _____, in his/her capacity as City Manager of the City of College
Station, a Texas home-rule municipality, on behalf of said municipality.

Notary Public in and for the
State of Texas

March 22, 2012
Consent Agenda Item No. 2i
Medical Waste Hauling Franchise
with Waste Management Health Care Solutions, Inc.

To: David Neeley, City Manager

From: Jason Stuebe, Assistant to the City Manager

Agenda Caption: Presentation, possible action and discussion on the first of three readings of a non-exclusive franchise agreement with Waste Management Health Care Solutions, Inc. for the purpose of collecting and disposing treated and untreated medical waste from various health care related facilities.

Recommendation(s): Staff recommends approval.

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

This proposed non-exclusive five (5) year franchise agreement allows for the collection, hauling, and disposal of treated and untreated medical waste from various health care facilities within the city limits. The disposal of medical waste, a State mandated service, was privatized in 2005 because untreated medical waste cannot be depositing in any BVSWMA landfill. Staff maintains that continuing this practice is the most cost-effective way to offer this service to our community.

This is the first Franchise sought by Waste Management, Inc. for this service. Once approved, it will be the second active non-exclusive franchise granted to provide Medical Waste disposal services.

Budget & Financial Summary: The franchisee agrees and shall pay to the City five percent (5%) of the franchisee's monthly gross delivery and hauling revenues generated from the collection services provided for in the Franchise Agreement.

Attachments:

1. Franchise Ordinance is on file with the City Secretary

March 22, 2012
Consent Agenda Item No. 2j
ILA with CSISD for Radio Antenna Installations

To: David Neeley, City Manager

From: David Coleman, Director of Water Services

Agenda Caption: Presentation, possible action, and discussion regarding an Inter-Local Agreement between the City of College Station and the College Station Independent School District for the placement of radio antennas on each other's facilities.

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

Recommendation: Staff recommends approval of the Inter-Local Agreement

Summary: The City of College Station and College Station Independent School District enjoy mutual benefit by sharing communication infrastructure. For example, we share the use of fiber optic cable in many locations, which has enabled both entities to provide fiber connectivity much more efficiently than either entity could have provided by itself. An Inter-Local Agreement for sharing fiber optic cable is already in place and functioning well.

Regarding radio communication antennas, the City formerly had an antenna placed on Cypress Grove Elementary School, and the ISD currently has an antenna on the Greens Prairie water tower (which enables them to communicate with school busses in the southern and eastern areas of the district). These antennae were installed with the understanding that the fiber-optic ILA provided an appropriate framework and authorization. However, as the need for wireless connectivity continues to grow and both entities will likely have need to locate more antennae on each other's facilities, it became clear that a separate ILA, specifically for radio antennae would be prudent.

CSISD has already signed the attached Inter-Local Agreement, and since it represents a mutual benefit for a critical communications function, City staff recommends Council approval.

Budget & Financial Summary: There is no transfer of funds associated with the enactment of this Inter-Local Agreement. Each entity will continue to fund specific projects subject to the approvals from their respective governing bodies.

Attachment:
Inter-Local Agreement

Interlocal Agreement – Radio Antenna

Agenda Item:

Consider approval of an Interlocal Agreement between the City of College Station (“**City**”) and College Station Independent School District (“**CSISD**”) for the purpose of cooperating in the installation of a radio antenna.

Motion and Resolution

On motion made and seconded, it is hereby resolved that:

- A. **WHEREAS**, Chapter 791 of the TEXAS GOVERNMENT CODE, also known as the INTERLOCAL COOPERATION ACT, authorizes all local government entities to contract with each other to provide a governmental function or service that each party to the contract is authorized to perform individually and in which the contracting parties are mutually interested; and
- B. **WHEREAS**, College Station Independent School District (“**CSISD**”), and the City of College Station (“**City**”) are local government entities, each acting by and through their duly authorized agents (collectively, the “**Parties**”); and
- C. **WHEREAS**, the City and CSISD, have independent needs and requirements for the location of radio transmission antennas, communication devices, conduit and related equipment (“**Equipment**”) at various locations within the City and the boundaries of the CSISD school zones; and
- D. **WHEREAS**, the City has an existing radio antenna installed on Cypress Grove Elementary School; and
- E. **WHEREAS**, CSISD has a specific need to locate a radio antenna on the City water tower located at State Highway 6 South and William D. Fitch Parkway (“**Water Tower**”); and
- F. **WHEREAS**, the City has presented the Board of Trustees of CSISD (“**Board**”) with a proposed Interlocal Agreement (the “**ILA**”), attached hereto as **Exhibit “1,”** by and between the City and CSISD, under which the parties will agree to cooperate for the purposes of locating Equipment on their respective facilities and sharing of public infrastructure resulting in cost reductions to City and CSISD tax payers; and
- G. **WHEREAS**, the City and CSISD agree this ILA would mutually benefit each Party and would further their governmental purpose; and
- H. **WHEREAS**, CSISD, pursuant to the authority granted under Chapter 791 of the Texas Government Code desires to participate in the described agreement offered by the City, and is of the opinion that participation will benefit the school district, and the community.

ON MOTION, DULY MADE AND SECONDED IT IS HEREBY RESOLVED THAT:

1. The terms and conditions of the ILA, and any other documents necessary to effectuate the ILA, have been received by the Board of Trustees of CSISD and found to be acceptable and in the best interest of CSISD and its citizens, and are hereby in all things approved.
2. The Board further resolves that the ILA as approved by this resolution is in conformity with the Texas Government Code, including provisions of Chapter 771 et. seq., and Chapter 791, et. seq.
3. The Board further authorizes the Board President and her agents and assigns to execute this ILA and any other documents necessary to effectuate the ILA.

Name: Valerie Cooper
Title: BOARD PRES.
Date: 2-21-12

Exhibit 1
Interlocal Agreement

**AGREEMENT
BETWEEN THE CITY OF COLLEGE STATION AND
COLLEGE STATION INDEPENDENT SCHOOL DISTRICT
TO INSTALL EQUIPMENT**

This agreement is entered into by and between College Station Independent School District ("CSISD") and the City of College Station, a Texas Home-Rule Municipal Corporation (the "City") (hereinafter jointly referred to as "the Parties"), for the purpose of cooperating in the installation of Equipment .

- A. Whereas, Chapter 791 of the *Texas Government Code*, also known as the **INTERLOCAL COOPERATION ACT**, authorizes all local governments to contract with each other to provide a governmental function or service that each party to the contract is authorized to perform individually and in which the contracting parties are mutually interested; and
- B. Whereas, the Parties each have independent needs and requirements for the location of radio transmission antennas, communication devices, conduit and related equipment ("**Equipment**") at various locations within the City of College Station and the boundaries of the CSISD school zones; and
- C. Whereas, CSISD has a specific need to locate a radio antenna on the City water tower located at State Highway 6 South and William D. Fitch Parkway, College Station, TX ("**Water Tower**"); and
- D. Whereas, the intent of this Agreement is to allow the City and CSISD to continue cooperating in the future for the purpose of locating Equipment on their respective facilities; and
- E. Whereas, this cooperative agreement mutually benefits both governmental entities by enabling:
 - i. CSISD to locate Equipment to enable uninterrupted radio contact with bus drivers in remote areas of the CSISD school zones.
 - ii. City to locate Equipment to enable uninterrupted radio contact between fire, police, other emergency response and public service personnel or to provide enhanced services to citizens; and
 - iii. The sharing of public infrastructure resulting in cost reductions to City and CSISD taxpayers.

Now, therefore, in consideration of the mutual covenants herein expressed, the receipt of and sufficiency of which are acknowledged, the Parties agree as follows:

- 1. **Cooperation.** This agreement allows for placement of Equipment in or on each Party's respective facilities upon mutual agreement by both Parties. The Parties will each cooperate with one another to permit the location of Equipment on their respective facilities. The Parties will honor each other's security requirements at the various physical sites and will follow relevant security procedures.
- 2. **Procedures.** When a Party desires to locate Equipment on the facilities of the other Party, such Party shall give sixty (60) days advance written notice to the other Party, and such notice shall include the following information:
 - a. The type of Equipment to be installed;
 - b. The purpose of the Equipment to be installed;
 - c. The location of the desired installation;
 - d. The name, address and other contact information of the Party's employee who is handling the installation;
 - e. The name, address and other contact information of any third party contractor;
 - f. A copy of the plans and specifications for the installation of the Equipment; and
 - g. The date by which the installing Party needs to have the Equipment operational.

The Party on whose facility the Equipment will be installed shall have forty five (45) days to review the request, and to provide any objections or comments to the proposed installation. In all circumstances, the Party on whose facility the Equipment will be installed may prohibit the use of any particular facility or location, but such Party will make a reasonable effort to cooperate with the requesting Party to find another facility or location that would be acceptable.

3. **Memorandum on Future Equipment Installations.** When the Parties have reached a final agreement with respect to the location and installation of specific Equipment, the Parties will execute a memorandum evidencing that agreement, and such memorandum will be attached to this Agreement to evidence the agreement of the Parties with respect to the particular Equipment.
4. **Installation Costs.** The Party requesting the installation of Equipment will pay for all costs associated with such installation, including, without limitation, any wiring, conduit or other support equipment necessary for the installation of the Equipment.
5. **Maintenance.** Each Party will be responsible for the maintenance of their respective Equipment at their sole expense.
6. **Water Tower Antenna.** As of the effective date of this Agreement, CSISD has a specific need to locate a radio antenna on top of the Water Tower. CSISD has previously provided all background information per **Paragraph 2** above to the City and installed the antenna on top of the Water Tower. This Agreement serves as a memorandum of the agreement of the City and CSISD to allow CSISD to locate an antenna for its radio communications on top of the Water Tower. CSISD agrees to limit access to the Water Tower to designated personnel only, so as to minimize and avoid risks to City's water supply.
7. **Term of Agreement and Automatic Renewal.** This Agreement may be terminated at any time following three (3) years after execution of the Agreement by providing three hundred and sixty-five (365) days advance written notice to the other non-terminating party. In the case of such termination, the Equipment will be disconnected by the Party owning the Equipment. The party requesting the disconnection or termination shall pay for the cost of the disconnection of the Equipment. This agreement will be effective upon approval of this Agreement by each Party and, and following the initial three (3) year term, will renew annually until terminated by either Party as provided herein.
8. **Indemnity. Subject to the limitations as to liability and damages in the Texas Tort Claims Act and without waiving its governmental immunity, each Party agrees to hold harmless each other, its governing board, officers, agents and employees for any liability, loss, damages, claims or causes of action caused or asserted to have been caused directly or indirectly by any other party to this Agreement, or any of its officers, agents or employees, or as the result of its performance, or any of its officers, agents or employees, under this Agreement.**
9. **Assignment.** This Agreement may not be assigned by either Party without the advance written consent of the other Party.
10. **Enforceability.** If any provision of this Agreement shall be held to be invalid, illegal or unenforceable by a court or other tribunal of competent jurisdiction, the validity, legality, and enforceability of the remaining provisions shall not in any way be affected or impaired thereby. The parties shall use their best efforts to replace the respective provision or provisions of this Agreement with legal terms and conditions approximating the original intent of the parties.
11. **Notice.** Unless otherwise specified, written notice shall be deemed to have been duly served if delivered in person to the individual or to a member of the firm or to any officer of the corporation for whom it is intended or if it is delivered or sent certified mail to the last business address as

listed herein. Each party will have the right to change its business address by at least thirty (30) calendar days written notice to the other parties in writing of such change.

The City of College Station:

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

The College Station Independent School District:

The Superintendent
College Station Independent School District
1812 Welsh
College Station, Texas 77840

12. **Entire Agreement.** This Agreement constitutes the entire agreement between the Parties and will not be explained, modified, or contradicted by any prior or contemporaneous negotiations, representations, or agreements, either written or oral. Only a subsequent, written agreement can modify this Agreement.
13. **Amendment.** No amendment to this Agreement shall be effective and binding unless and until it is reduced to writing and signed by duly authorized representatives of both parties.
14. **Alternate Dispute Resolution.** The dispute resolution process provided for in Chapter 2260 of the Texas Government Code must be used by CSISD and the City to attempt to resolve all disputes arising under this contract.
15. **Governing Law.** This Agreement has been made under and shall be governed by the laws of the State of Texas. Performance and all matters related thereto shall be in Brazos County, Texas, United States of America.
16. **Consent to Suit.** Nothing in this Agreement shall be construed as a waiver or relinquishment by CSISD or the City of its right to claim such exemptions, privileges and immunities as may be provided by law. By entering into this Agreement the Parties do not give their consent to suit.
17. **Power and Authority.** Each party has the full power and authority to enter into and perform this Agreement, and the person signing this Agreement on behalf of each party has been properly authorized and empowered to enter into this Agreement. The persons executing this Agreement hereby represent that they have authorization to sign on behalf of their respective corporations.
18. **Waiver.** Failure of any party, at any time, to enforce a provision of this Agreement shall in no way constitute a waiver of that provision nor in any way affect the validity of this Agreement, any part hereof, or the right of the City thereafter to enforce each and every provision hereof. No term of this Agreement shall be deemed waived or breach excused unless the waiver shall be in writing and signed by the party claimed to have waived. Furthermore, any consent to or waiver of a breach will not constitute consent to or waiver of or excuse of any other different or subsequent breach.
19. **Articles and Headings.** The article headings are used in this Agreement for convenience and reference purposes only and are not intended to define, limit, or describe the scope or intent of any provision of this Agreement and shall have no meaning or effect upon its interpretation. Words of any gender used in this Agreement shall be held and construed to include any other gender, and words in the singular number shall be held to include the plural, and vice versa, unless the context requires otherwise.

- 20. **Understanding.** The parties acknowledge that they have read, understand and intend to be bound by the terms and conditions of this Agreement.
- 21. **Counterparts.** It is understood and agreed that this Agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.
- 22. **Freedom of Information.** Public disclosure of information related to, and activities conducted under, this Agreement will be subject to the Freedom of Information Act (5 U.S.C. § 552) and the Texas Public Information Act (TEX. GOV'T CODE § 552.001 et. seq.). Prior to disclosure of any requested information, the Parties shall consult with each other regarding any such proposed disclosure.

The Effective Date of this Agreement shall be _____.

COLLEGE STATION INDEPENDENT
SCHOOL DISTRICT

CITY OF COLLEGE STATION

By: Valerie Cohen
Name: VALERIE COHEN
Title: _____

By: _____
Name: _____
Title: _____

Attest:

By: _____
Name: _____
Title: _____

Approved:

By: Karyna Soldatova
Name: KARYNA SOLDATOVA
Title: Asst. City Attorney

By: _____
Name: _____
Title: _____

By: _____
Name: _____
Title: _____

March 22, 2012
Consent Agenda Item No. 2k
Credit Change Order for Water Well Rehabilitation Contract

To: David Neeley, City Manager

From: David Coleman, Director of Water Services

Agenda Caption: Presentation, possible action, and discussion regarding credit Change Order 2 to Contract 10-099 with Alsay Incorporated, reducing the contract for Water Well Rehabilitation by \$65,403 and enabling contract close out.

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

Recommendation: Staff recommends approval of the change order.

Summary: On February 25, 2010, City Council approved awarding contract 10-099 to Alsay Incorporated, the low bidder on bid 10-032, in the amount of \$268,849 for reworking the pumps on Water Wells, 1, 3, and 5. These pumps had reached their expected service life and overhaul or replacement was needed to maintain efficiency and ensure their availability during peak demands. The pump in Well 6 was added to the contract under Change Order 1 for \$21,973.50, issued under the City Manager's approval.

The well rehabilitation work had to be scheduled around high water demand periods, and Alsay coordinated very well with the City staff. The scope of work included removal of the well pumps from the well shaft, and complete inspection and evaluation of all parts. Fortunately, a substantial portion of the pump components had very little wear, and could be re-used, resulting in a significant cost savings. Change Order 2 is proposed to reduce the contract cost by \$65,403.00, resulting in a final contract cost of \$225,419.50. This is an excellent value for the City, will enable contract close-out, and staff recommends approval.

Budget & Financial Summary: Funds are budgeted in the Water Capital Improvement Projects Fund. Change Order 2 is a net reduction in the planned expenditures.

Attachment:
Change Order 2

CHANGE ORDER NO. 2 DATE: 6-6-11 Contract No. 10-099
P.O.# 100566 PROJECT: 2010 Water Well Rehabilitation Funded in Whole/Part w CO's N

OWNER: City of College Station
P.O. Box 9960
College Station, Texas 77842
CONTRACTOR: Alsay Inc.
6615 Gant Road
Houston, TX. 77066
Ph: (281) 444-6960
Fax: (281) 444-7081

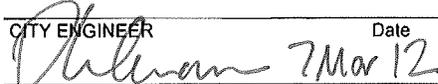
PURPOSE OF THIS CHANGE ORDER:
1. Adjust the quantities of replacement parts used to rehabilitate water Well #1 pump to match field conditions.
2. Additional cost of lowering the pump setting in water Well #3.
3. Additional cost of lowering the pump setting and replacing the cone strainer in water Well #5.
4. Adjust the quantities of replacement parts used to rehabilitate water Well #6 pump to match field conditions.

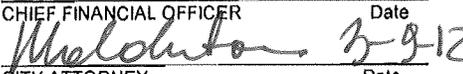
ITEM NO	UNIT	DESCRIPTION	UNIT PRICE	ORIGINAL QUANTITY	REVISED QUANTITY	ADDED COST
1.1	Each	12" X 20' Column pipe	\$980.00	25	11	(\$13,720.00)
1.2	Each	Pump line shaft	\$395.00	25	3	(\$8,690.00)
1.3	Each	Pump shaft centralizers	\$25.00	25	23	(\$50.00)
1.4	Each	Pump shaft oil tube	\$83.00	100	56	(\$3,652.00)
1.5	Each	Pump shaft bearings	\$120.00	100	32	(\$8,160.00)
1.6	Each	Pump shaft couplings	\$66.00	25	24	(\$66.00)
1.7	Each	Tension bearing & stuffing box	\$1,250.00	1	0	(\$1,250.00)
1.8	Each	Top special column pipe	\$700.00	1	0	(\$700.00)
1.9	Each	Special line shaft	\$435.00	1	0	(\$435.00)
1.1	Each	Motor drive shaft w/ head shaft	\$275.00	1	0	(\$275.00)
1.11	LF	1" HDPE Pipe	\$3.00	500	0	(\$1,500.00)
1.12	LS	Sandblast and paint pump head	\$250.00	1	0	(\$250.00)
1.13	LS	Fabricate head for 1" piping	\$300.00	1	0	(\$300.00)
1.14	LS	Lower pump assembly 40'	\$2,258.00	0	1	\$2,258.00
1.15	Each	Pump cone strainer	\$438.75	0	1	\$438.75
2.1	LS	Lower pump assembly 40'	\$2,258.00	0	1	\$2,258.00
3.1	LS	Lower pump assembly 40'	\$2,258.00	0	1	\$2,258.00
3.2	Each	Pump cone strainer	\$438.75	0	1	\$438.75
4.1	Each	12" X 20' Column pipe	\$980.00	23	10	(\$12,740.00)
4.2	Each	Pump line shaft	\$395.00	23	10	(\$5,135.00)
4.3	Each	Pump shaft oil tube	\$83.00	94	21	(\$6,059.00)
4.4	Each	Pump shaft bearings	\$120.00	94	15	(\$9,480.00)
4.5	Each	Pump shaft couplings	\$66.00	23	24	\$66.00
4.6	Each	Tension bearing & stuffing box	\$1,250.00	1	0	(\$1,250.00)
4.7	Each	Motor drive shaft w/head shaft	\$275.00	1	0	(\$275.00)
4.8	LF	1" HDPE Pipe	\$3.00	470	490	\$60.00
4.9	LS	Fabricate head for 1" piping	\$300.00	1	0	(\$300.00)
4.1	LF	1/4" stainless steel air line	\$2.45	460	0	(\$1,151.50)
4.11	LS	Lower pump assembly 40'	\$2,258.00	0	1	\$2,258.00

THE NET AFFECT OF THIS CHANGE ORDER IS 24 % DECREASE.

LINE 1 WF1241047/001	(36,351.25)	
LINE 2 WF1241047/002	2,258.00	
LINE 3 WF1241047/003	2,698.75	
LINE 4 WF1241047/004	(34,008.50)	
TOTAL CHANGE ORDER	(65,403.00)	
ORIGINAL CONTRACT AMOUNT	\$268,849.00	
CHANGE ORDER NO. 1	\$21,973.50	0.081731753 % CHANGE
CHANGE ORDER NO. 2	(\$65,403.00)	-0.24327039 % CHANGE
REVISED CONTRACT AMOUNT	\$225,419.50	-0.16153863 % TOTAL CHANGE
ORIGINAL CONTRACT TIME	100	Days
Time Extension No. 1	184	Days
Revised Contract Time	284	Days
SUBSTANTIAL COMPLETION DATE	30-Jun-10	
REVISED SUBSTANTIAL COMPLETION DATE	31-Dec-10	

APPROVED

A/E CONTRACTOR  Date 2/27/12
CONSTRUCTION CONTRACTOR  Date 2/27/12
PROJECT MANAGER _____ Date _____
CITY ENGINEER  Date 7 Mar 12
DEPARTMENT DIRECTOR _____ Date _____

CHIEF FINANCIAL OFFICER  Date 3-9-12
CITY ATTORNEY _____ Date _____
CITY MANAGER _____ Date _____
MAYOR _____ Date _____
CITY SECRETARY _____ Date _____

March 22, 2012
Regular Agenda Item No. 1
Substantial Amendment to PY 2008 Annual Community Development Action Plan

To: David Neeley, City Manager

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

Agenda Caption: Presentation, possible action, and discussion on a substantial amendment to the City's 2008 Annual Action Plan to include a revised use of Community Development Block Grant Program (CDBG-R) funds under the American Recovery and Reinvestment Act of 2009.

Relationship to Strategic Goals: Funding Core Services and Infrastructure

Recommendation(s): Staff recommends approval of the Resolution and Substantial Amendment to the 2008 Annual Action Plan that revises the use of CDBG-R funds from acquisition of 204 Holleman to neighborhood sidewalk construction.

Summary: This proposed substantial amendment will revise the use of CDBG-R funds from acquisition to public facility with the intent of constructing neighborhood sidewalks on Holleman, Lassie, Manuel, and Pedernales, within eligible low-to-moderate income neighborhoods. Additionally, funds will be used for administrative expenses related to the planning and reporting required for the completion of this project.

CDBG-R funds were previously utilized in combination with CDBG funds for the acquisition of 204 – 220 Holleman. The intent of the acquisition was to solicit proposals from private developers for the construction of a mixed-use development that would provide affordable housing opportunities, job creation, and open recreational space to low-income residents in College Station. It has been determined that the City will not meet those specifications in the time period allowed.

This revised use of funds provides an alternative to the requirement for the City to repay HUD \$299,821, the original CDBG-R amount utilized for acquisition of 204 Holleman. General Funds will be used to reimburse the amount paid for the land and release the CDBG-R funds to be used for the sidewalk construction and administrative expenses. This will allow the City to keep the land until such a time that it can be sold at an advantageous price or used in the manner as originally intended. When the land is sold, the General Fund will be reimbursed for the costs incurred for the land purchase.

A revised use of funds is allowed by HUD following the Citizen Participation process identified in the Annual Action Plan and the CDBG-R Program Requirements (Docket No FR-5309-N-01). As required by Federal regulation, staff publicly posted this amendment on March 6, 2012 for public comment thru March 12, 2012. Comments made by the public will be provided to the Council members prior to the meeting.

Budget & Financial Summary: \$299,821 in General Funds will be utilized to reimburse the amount expended for the acquisition of 204 Holleman. CDBG-R funds in the amount \$299,821 will be used for this public facility project.

A budget amendment item will be brought forth later in FY12 for the General Fund expenditure related to the revised use of CDBG-R funds.

Attachments:

Attachment 1: Resolution

Attachment 2: 2008 Annual Action Plan Substantial Amendment

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING A SUBSTANTIAL AMENDMENT TO THE CITY'S 2008 ACTION PLAN TO REVISE THE USE OF COMMUNITY DEVELOPMENT BLOCK GRANT FUNDS PROGRAM UNDER THE AMERICAN RECOVERY AND REINVESTMENT ACT OF 2009.

WHEREAS, the City of College Station is entitled to receive \$299,821.00 in additional Community Development Block Grant (CDBG-R) funds from the United States Department of Housing and Urban Development (HUD) in Fiscal Year 2009 and has prepared a substantial amendment to the 2008 Action Plan as required to revise the use of these funds; and

WHEREAS, the City of College Station, Texas, has a Five-Year Consolidated Plan that has been approved by both City and HUD that guides the development of the annual Action Plan and Budget; and

WHEREAS, the City of College Station, Texas, has an established Community Development Program under Chapter 373 of the Texas Local Government Code that (1) identifies areas of the City with concentrations of low and moderate income persons; (2) establishes areas in which program activities are proposed; (3) provides a plan under which citizens may publicly comment on activities; and (4) requires public hearings on program activities; and

WHEREAS, the City of College Station has provided adequate information to the citizens and an opportunity to participate in the development of the City's Substantial Amendment to the 2008 Action Plan; and

WHEREAS, the City Council acknowledges that the adoption of the Substantial Amendment to the 2008 Action Plan is in the best interest of the City and is for the purpose of revising the use of additional community development resources for the primary benefit of low and moderate income citizens; 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 Substantial Amendment to the 2008 Action Plan which revises the City's use of CDBG-R funds.

PART 2: That the City Council hereby designates and authorizes and the City Manager to sign all required applications, certifications, evaluations and other forms required by HUD for the Substantial Amendment to the 2008 Action Plan on behalf of the City of College Station.

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

RESOLUTION NO. _____

Page 2

ADOPTED this _____ day of _____, 2012

APPROVED

ATTEST:

Mayor

City Secretary

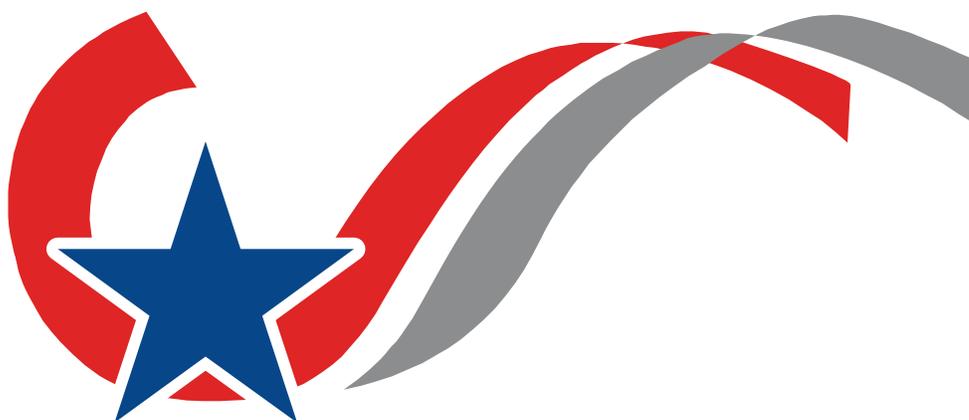
APPROVED:



City Attorney

**2005 - 2009
Consolidated Plan**

**Substantial Amendment to the
2008 Annual Action Plan to Revise the Use of the
Community Development Block Grant Program
Under the American Recovery and Reinvestment Act
of 2009**



CITY OF COLLEGE STATION

**Bob Cowell, Executive Director
Planning & Development Services
P. O. Box 9960
1207 Texas Avenue
College Station, Texas 77842
(979) 764-3778
bcowell@cstx.gov**

**Approved by the
City of College Station
City Council
March 22, 2012**

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**Consolidated Plan
2005 - 2009
Draft Substantial Amendment to the
2008 Annual Action Plan to Revise the Use of the
Community Development Block Grant Program (CDBG-R)
Under the American Recovery and Reinvestment Act of 2009**

THE CDBG-R SUBSTANTIAL AMENDMENT

Jurisdiction(s): City of College Station, Texas	CDBG-R Contact Person: Bob Cowell Address: P. O. Box 9960 1207 Texas Avenue College Station, Texas 77842 Telephone: (979) 764-3778 Fax: 979-764-3785 Email: bcowell@cstx.gov
Jurisdiction Web Address: http://www.cstx.gov/Index.aspx?page=259	

ENSURING RESPONSIBLE SPENDING OF RECOVERY ACT FUNDS

Funding available under the Recovery Act has clear purposes – to stimulate the economy through measures that modernize the Nation’s infrastructure, improve energy efficiency, and expand educational opportunities and access to health care. HUD strongly urges grantees to use CDBG-R funds for hard development costs associated with infrastructure activities that provide basic services to residents or activities that promote energy efficiency and conservation through rehabilitation or retrofitting of existing buildings. While the full range of CDBG activities is available to grantees, the Department strongly suggests that grantees incorporate consideration of the public perception of the intent of the Recovery Act in identifying and selecting projects for CDBG-R funding.

A. SPREADSHEET FOR REPORTING PROPOSED CDBG-R ACTIVITIES

CDBG-R
Activity Data Spreadsheet

Applicant/Grantee Name: City of College Station		CDBG-R Project Grant Amount: \$295,821				Date: 3/5/2012	
Activity Name	Activity Description	Eligibility (Regulatory or HCDA Citation)	National Objective Citation	CDBG-R Project Budget (\$)	Additional Recovery Funds (\$)	Other Leveraged Funding (\$)	Total Activity Budget
Public Facility	St. Cecilia Amendment: The project will provide an economic benefit through the design and construction of sidewalks in two eligible neighborhood. The project will include the construction of approximately 4,815 line of sidewalk. These sidewalks will provide residents easier access to parks, schools, and retail centers.	24 CFR 570.201 (C)	NA	\$288,821			\$288,821
Planning and Administration	This activity includes the preparation of the revision to the access to public participation, community development, and monitoring of project regulatory compliance.	21 CFR 570.205		\$15,000			\$15,000
							-

B. CDBG-R INFORMATION BY ACTIVITY (COMPLETE FOR EACH ACTIVITY)

ACTIVITY 1:

- (1) Activity 1 Name: Neighborhood Sidewalk Construction
- (2) Activity 1 Narrative: This Public Facility activity is eligible under 24 CFR 570.201© and meeting the CDBG National Objective of Low-Moderate Income Area Benefit (LMA) under 24 CFR 570.208(a)(1). The Objective Category is Suitable Living Environment and the Outcome Category is Availability/Accessibility. This activity addresses Objective 20 of the Non-Housing Community Development Plan of the City of College Station’s 2005 – 2009 Consolidated Plan

This activity will provide an area benefit through infrastructure improves to include the design and construction of sidewalks within existing right-of way in two eligible neighborhoods. The project will include the design and construction of approximately 4,610 feet of sidewalk. These sidewalks will provide residents easier access to parks, schools and retail centers.

Sidewalk locations include:

Location	Approximate Length of Sidewalk	Census Tract/Block Group	% Low/Moderate Income Residents
Pedernales Street from Val Verde to Balcones	1,460 ft.	CT 001802 BG 2	51.9%
Holleman – 204 – 220 Holleman Drive	1,100 ft.	CT 001700 BG 1	80.3%
Lassie Drive from Holleman to Sterling	650 ft.	CT 001700 BG 1	80.3%
Manuel Drive from Texas Avenue to Cornell	1,400 ft.	CT 001700 BG 1	80.3%

The use of the CDBG-R funds will meet the requirements of Title XII of Division A and Section 1602 of ARRA, which states that in selecting CDBG-R project to be funds, “recipients shall give priority to projects that can award contracts based on bids within 120 calendar days from the date the funds are made available...” Section 1602 of ARRA requires that grantees shall use grant funds in a manner that maximizes job creation and economic benefit. Section 1602 also states that, the CDBG-R funds are being used for infrastructure investments, “grantees must give preference to activities that can be started and completed expeditiously, including a goal to obligate at least 50 percent of the funds for activities that can be initiated within 120 days...”

While the City of College Station originally allocated CDBG-R funds within the require time frame, the project did not proceed as anticipated. These funds were previously allocated for the acquisition of 204 Holleman, a lot that was to be included with 206 – 220 Holleman for the development of a mixed-use project. Following the release of two separate Request for Proposals with no substantive

responses, the decision was made to transfer these funds to an activity that can be completed prior to the end of the grant period and provide an area benefit along with the creation of construction jobs.

The Neighborhood Sidewalk Construction activity is expected to be completed prior to the end of August, 2012 to allow for grant close-out to occur before the deadline of September 30, 2012.

The grantee will utilize existing policies, procedures, and experience staff to implement this infrastructure improvement project. Sidewalk installation is proposed to be within existing Rights of Way which will allow the project to proceed expeditiously. The grantee will ensure that necessary environmental clearance is completed prior to commitment of funds and that the bid and contract documents contain all necessary provision for federal, state, local, and CDBG-R requirements.

- (3) Jobs Created: The Neighborhood Sidewalk Construction project is estimated to retain or generate approximately 9 direct and indirect full-time equivalent jobs. This estimate is preliminary. Job creation and retention data will be required of contractors responding to the bid request.
- (4) Additional Activity Information: This activity will facilitate more efficient and safer pedestrian access to homes, business, parks and schools, which will decrease the need for vehicular travel. thereby somewhat decreasing the reliance upon imported oil and pollution emissions.
- (5) Responsible Organization:
City of College Station
Planning & Development Services Department
Community Development Unit
Bob Cowell, Executive Director
P. O. Box 9960
1207 Texas Avenue
College Station, Texas 77842
(979) 764-3778
(979) 764-3785 fax
bcowell@cstx.gov

Activity 2:

- (6) **Activity 2 Name:** Planning and Administration
- (7) **Activity 2 Narrative:** Planning and Administration (21A) (\$15,000) – This activity is eligible under 24 CFR 570.206 and is less than the maximum 10% of the total CDBG-R planning and administrative costs maximum allowed for this activity under Section 5E of the Notice of Program Requirements (pg 30). This activity provides staff and related costs to carry out the CDBG program activities. This activity includes the preparation of the environmental assessment, planning, administration, fiscal management, and monitoring of project regulatory compliance.
- (8) **Jobs Created:** Administration of the Neighborhood Sidewalk Construction project is estimated to retain approximately one-half of a full-time-equivalent job within the City of College Station Community Development Unit. This estimate is based upon the amount of planning and administration funding available, which will allow retention of one staff member.
- (9) **Additional Activity Information:** This activity will facilitate more efficient and safer pedestrian access to homes, business, parks and schools., which will decrease the need for vehicular travel. thereby somewhat decreasing the reliance upon imported oil and pollution emissions.
- (10) **Responsible Organization:**
City of College Station
Planning & Development Services Department
Community Development Unit
Bob Cowell, Executive Director
P. O. Box 9960
1207 Texas Avenue
College Station, Texas 77842
(979) 764-3778
(979) 764-3785 fax
bcowell@cstx.gov

C. PUBLIC COMMENT

The substantial amendment was posted to the City of College Station's website under the Community Development section on March 6, 2012. Copies of the amendment were also placed at the Lincoln Center (1101 Eleanor), the Larry Ringer Library, City Secretary's office, the Planning & Development Services Department, and Community Development office. Additionally, a press release including the announcement of the substantial amendment was sent to all media contact on Tuesday, March 6, 2012.

Further, information regarding the amendment was included during regular programming on the City's public television channel 19. The public comment period required of this particular process ran from March 6 - 12. The substantial amendment was approved by the College Station City Council on March 22, 2012.

The following is a summary public comment received during the process:

Comment:

Response:

D.-TABLE 3C: CONSOLIDATED PLAN LISTING OF PROJECTS – AMENDED

Jurisdiction’s Name: City of College Station

Priority Need: Public Facility

Project Title: Neighborhood Sidewalk Construction

Description: This activity will provide an area benefit through infrastructure improves to include the design and construction of sidewalks within existing right-of way in two eligible neighborhoods. The project will include the design and construction of approximately 4,610 feet of sidewalk. These sidewalks will provide residents easier access to parks, schools and retail centers.

Sidewalk locations include:

Location	Approximate Length of Sidewalk	Census Tract/Block Group	% Low/Moderate Income Residents
Pedernales Street from Val Verde to Balcones	1,460 ft.	CT 001802 BG 2	51.9%
Holleman – 204 – 220 Holleman Drive	1,100 ft.	CT 001700 BG 1	80.3%
Lassie Drive from Holleman to Sterling	650 ft.	CT 001700 BG 1	80.3%
Manuel Drive from Texas Avenue to Cornell	1,400 ft.	CT 001700 BG 1	80.3%

Objective category:

X Suitable Living Environment Decent Housing Economic Opportunity

Outcome category:

X Availability/Accessibility Affordability Sustainability

Location/Target Area: Community wide

Objective Number: 20	Project ID: 8010
HUD Matrix Code: 03L	CDBG Citation: 24 CFR 570.201(c)
Type of Recipient Local Government	CDBG National Objective LMA
Start Date: 10-01-2007	Completion Date: 9-30-2012
Performance Indicator People	Annual Units 7,992
Local ID:	Units Upon Completion:

Funding Sources:	
CDBG	\$0
CDBG-Recovery	\$284,821
HOME	
HOPWA	
Total Formula:	\$284,821
Prior Year Funds	\$0
Other Funding**	\$0
Total	\$284,821

The primary purpose of the project is to help: the Homeless Persons with HIV/AIDS Persons with Disabilities Public Housing Needs

Jurisdiction's Name: City of College Station

Priority Need: Planning and Administration

Project Title: CDBG-R Program Administration

Description: This activity provides staff and related costs to carry out CDBG-R program activities. These activities include project planning, monitoring on project progress, labor standards, compliance activities, fiscal management, preparation of environmental assessments, and any other program administration necessary to achieve the successful completion of the Neighborhood Sidewalk project.

Objective category:

Suitable Living Environment Decent Housing Economic Opportunity

Outcome category:

Availability/Accessibility Affordability Sustainability

Location/Target Area: Community wide

Objective Number:	Project ID: 8003
HUD Matrix Code: 14A	CDBG Citation: 24 CFR 570.206)
Type of Recipient Local Government	CDBG National Objective LMA
Start Date: 10-01-2007	Completion Date: 9-30-2012
Performance Indicator	Annual Units
Local ID:	Units Upon Completion:

Funding Sources:	
CDBG	\$0
CDBG-Recovery	\$15,000
HOME	
HOPWA	
Total Formula:	\$15,000
Prior Year Funds	\$0
Other Funding**	\$0
Total	\$15,000

The primary purpose of the project is to help: the Homeless Persons with HIV/AIDS Persons with Disabilities Public Housing Needs

E. CERTIFICATIONS –

(1) **Affirmatively furthering fair housing.** The jurisdiction will affirmatively further fair housing, which means that it will conduct an analysis to identify impediments to fair housing choice within the jurisdiction, take appropriate actions to overcome the effects of any impediments identified through that analysis, and maintain records reflecting the analysis and actions in this regard.

(2) **Anti-displacement and relocation plan.** The jurisdiction will comply with the acquisition and relocation requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended (42 U.S.C. 4601), and implementing regulations at 49 CFR part 24; and it has in effect and is following a residential anti-displacement and relocation assistance plan required under section 104(d) of the housing and Community Development Act of 1974, as amended, in connection with any activity assisted with funding under CDBG-R.

(3) **Drug Free Workplace.** The jurisdiction will or will continue to provide a drug-free workplace by:

1. Publishing a statement notifying employees that the unlawful manufacture, distribution, dispensing, possession, or use of a controlled substance is prohibited in the grantee's workplace and specifying the actions that will be taken against employees for violation of such prohibition;
2. Establishing an ongoing drug-free awareness program to inform employees about –
 - (a) The dangers of drug abuse in the workplace;
 - (b) The grantee's policy of maintaining a drug-free workplace;
 - (c) Any available drug counseling, rehabilitation, and employee assistance programs; and
 - (d) The penalties that may be imposed upon employees for drug abuse violations occurring in the workplace;
3. Making it a requirement that each employee to be engaged in the performance of the grant be given a copy of the statement required by paragraph 1;
4. Notifying the employee in the statement required by paragraph 1 that, as a condition of employment under the grant, the employee will -
 - (a) Abide by the terms of the statement; and
 - (b) Notify the employer in writing of his or her conviction for a violation of a criminal drug statute occurring in the workplace no later than five calendar days after such conviction;
5. Notifying the agency in writing, within ten calendar days after receiving notice under subparagraph 4(b) from an employee or otherwise receiving actual notice of such conviction. Employers of convicted employees must provide notice, including position title, to every grant officer or other designee on whose grant activity the convicted employee was working, unless the Federal agency has

designated a central point for the receipt of such notices. Notice shall include the identification number(s) of each affected grant;

6. Taking one of the following actions, within 30 calendar days of receiving notice under subparagraph 4(b), with respect to any employee who is so convicted:

(a) Taking appropriate personnel action against such an employee, up to and including termination, consistent with the requirements of the Rehabilitation Act of 1973, as amended; or

(b) Requiring such employee to participate satisfactorily in a drug abuse assistance or rehabilitation program approved for such purposes by a Federal, State, or local health, law enforcement, or other appropriate agency;

7. Making a good faith effort to continue to maintain a drug-free workplace through implementation of paragraphs 1, 2, 3, 4, 5 and 6.

(4) **Anti-lobbying.** To the best of the jurisdiction's knowledge and belief:

1. No Federal appropriated funds have been paid or will be paid, by or on behalf of it, to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any Federal contract, the making of any Federal grant, the making of any Federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any Federal contract, grant, loan, or cooperative agreement;

2. If any funds other than Federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with this Federal contract, grant, loan, or cooperative agreement, it will complete and submit Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions; and

3. It will require that the language of paragraph 1 and 2 of this anti-lobbying certification be included in the award documents for all subawards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and that all subrecipients shall certify and disclose accordingly.

(5) **Authority of Jurisdiction.** The jurisdiction possesses the legal authority to carry out the programs for which it is seeking funding, in accordance with applicable HUD regulations and other program requirements.

(6) **Consistency with Plan.** The housing activities to be undertaken with CDBG-R funds are consistent with its Consolidated Plan.

(7) **Section 3.** The jurisdiction will comply with section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u), and implementing regulations at 24 CFR part 135.

(8) **Community development plan.** The jurisdiction certifies that the consolidated housing and community development plan identifies housing and community development needs and specifies both short-term and long-term community development objectives that have been developed in accordance with the primary objective of the statute authorizing the CDBG program.

(9) **Following a plan.** The jurisdiction is following a current Consolidated Plan that has been approved by HUD.

(10) **Use of funds.** The jurisdiction has developed activities so as to give the maximum feasible priority to activities that will benefit low- and moderate-income families or aid in the prevention of slums or blight. Additional activities may be included that are designed to meet other community development needs having particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community where other financial resources are not available to meet such needs

It has complied with the following criteria:

1. **Maximum Feasible Priority.** With respect to activities expected to be assisted with CDBG-R funds, it certifies that it has developed its Action Plan so as to give maximum feasible priority to activities which benefit low and moderate income families or aid in the prevention or elimination of slums or blight. The Action Plan may also include activities which the grantee certifies are designed to meet other community development needs having a particular urgency because existing conditions pose a serious and immediate threat to the health or welfare of the community, and other financial resources are not available);

2. **Special Assessments.** The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG-R funds by assessing any amount against properties owned and occupied by persons of low- and moderate-income, including any fee charged or assessment made as a condition of obtaining access to such public improvements. However, if CDBG-R funds are used to pay the proportion of a fee or assessment attributable to the capital costs of public improvements (assisted in part with CDBG-R funds) financed from other revenue sources, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds. The jurisdiction will not attempt to recover any capital costs of public improvements assisted with CDBG-R funds, unless CDBG-R funds are used to pay the proportion of fee or assessment attributable to the capital costs of public improvements financed from other revenue sources. In this case, an assessment or charge may be made against the property with respect to the public improvements financed by a source other than CDBG-R funds. In addition, with respect to properties owned and occupied by moderate-income (but not low-income) families, an assessment or charge may be made against the property

with respect to the public improvements financed by a source other than CDBG-R funds if the jurisdiction certifies that it lacks CDBG-R or CDBG funds to cover the assessment.

(11) **Excessive Force.** The jurisdiction certifies that it has adopted and is enforcing: (1) a policy prohibiting the use of excessive force by law enforcement agencies within its jurisdiction against any individuals engaged in non-violent civil rights demonstrations; and (2) a policy of enforcing applicable State and local laws against physically barring entrance to or exit from a facility or location that is the subject of such non-violent civil rights demonstrations within its jurisdiction.

(12) **Compliance with anti-discrimination laws.** The CDBG-R grant will be conducted and administered in conformity with title VI of the Civil Rights Act of 1964 (42 U.S.C. 2000d), the Fair Housing Act (42 U.S.C. 3601-3619), and implementing regulations.

(13) **Compliance with lead-based paint procedures.** The activities concerning lead-based paint will comply with the requirements of part 35, subparts A, B, J, K, and R of this title.

(14) **Compliance with laws.** The jurisdiction will comply with applicable laws.

(15) **Compliance with ARRA.** The jurisdiction will comply with Title XII of Division A of the American Recovery and Reinvestment Act of 2009.

(16) **Project selection.** The jurisdiction will select projects to be funded, by giving priority to projects that can award contracts based on bids within 120 days from the date the funds are made available to the recipient, and that will ensure maximum job creation and economic benefit.

(17) **Timeliness of infrastructure investments.** When the jurisdiction uses CDBG-R funds for infrastructure investments, the grantee will give preference to quick-start and finish activities, including a goal to use at least 50 percent of the funds for activities within 120 days of enactment of the Recovery Act.

(18) **Buy American provision.** The jurisdiction will ensure that all iron, steel and manufactured goods used in construction, alteration, repair, or maintenance of a public building or public work project assisted with CDBG-R funds under the Recovery Act must be produced in the United States unless the Secretary finds that: (1) the requirement is inconsistent with public interest; (2) those goods are not reasonably available or produced in sufficient quantity in the U.S.; (3) or the use of the goods will increase the project cost by more than 25 percent.

(19) **Appropriate use of funds for infrastructure investments.** The Governor, mayor, or other chief executive, as appropriate certifies, that any infrastructure investments have received the full review and vetting required by law and that the chief

executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars. Alternatively, a grantee's chief elected official certifies that infrastructure investments will receive the full review and vetting required by law and that the chief executive accepts responsibility that the infrastructure investment is an appropriate use of taxpayer dollars.

(20) **70% of CDBG-R for LMI.** The aggregate use of CDBG-R funds shall principally benefit persons of low and moderate income in a manner that ensures that at least 70 percent of the grant is expended for activities that benefit such persons over the life of the CDBG-R grant.

Signature

Date

David Neeley
City Manager

F. APPLICATION FOR FEDERAL ASSISTANCE – SF-424

OMB Number: 4945-0044
 Expiration Date: 01/31/2009

Application for Federal Assistance SF-424		Version 02
*1. Type of Submission:		
<input type="checkbox"/> Preapplication	*2. Type of Application - If Revisor, select appropriate letter(s)	
<input checked="" type="checkbox"/> Application	<input type="checkbox"/> New	<input type="checkbox"/> Continuation
<input type="checkbox"/> Changed/Corrected Application	<input checked="" type="checkbox"/> Revision	*Other (Specify) _____
3. Date Received:		4. Applicant Identifier:
5a. Federal Entity Identifier:		*5b. Federal Award Identifier:
State Use Only:		
6. Date Received by State:		7. State Application Identifier:
B. APPLICANT INFORMATION:		
*a. Legal Name: <u>City of College Station</u>		
*b. Employer/Taxpayer Identification Number (EIN/TIN): <u>74-800006534</u>		*c. Organizational DUNS: <u>107961987</u>
d. Address:		
*Street 1:	<u>P.O. Box 9931</u>	
*Street 2:	<u>1237 Texas Avenue S</u>	
*City:	<u>College Station</u>	
*County:	<u>Erazos</u>	
*State:	<u>Texas</u>	
*Province:	_____	
*Country:	<u>United States</u>	
*Zip / Postal Code:	<u>77842</u>	
e. Organizational Unit:		
Department Name: <u>Planning & Development Services</u>		Division Name: <u>Community Development</u>
f. Name and contact information of person to be contacted on matters involving this application:		
Prefix:	<u>M.</u>	*First Name: <u>Bruce</u>
Middle Name:	_____	
*Last Name:	<u>Cowell</u>	
Suffix:	_____	
Title:	<u>Executive Director of Planning & Development Services</u>	
Organizational Affiliation: <u>City of College Station</u>		
*Telephone Number: <u>979-764-3778</u>	Fax Number: <u>979-764-3787</u>	
*E-mail: <u>bcowell@csbx.gov</u>		

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FORM Number: 4040-004
Expiration Date: 6/30/2009

Application for Federal Assistance SF-424		Version: 1.0
16. Congressional Districts Of:		
*a. Applicant: 17 th Congressional District District	*b. Program/Project: 17 th Congressional	
17. Proposed Project		
*a. Start Date: 09/22/2012	*b. End Date: 09/30/2012	
18. Estimated Funding (\$):		
*a. Federal	\$200,827	
*b. Applicant		
*c. State		
*d. Local		
*e. Other		
*f. Program Income		
*g. TOTAL	\$299,827	
*18. Is Application Subject to Review By State Under Executive Order 12372 Process?		
<input type="checkbox"/> a. This application was made available to the State under the Executive Order 12372 Process for review on _____ <input type="checkbox"/> b. Program is subject to E.O. 12372 but has not been selected by the State for review. <input checked="" type="checkbox"/> c. Program is not covered by E.O. 12372		
*20. Is the Applicant Delinquent On Any Federal Debt? (If "Yes", provide explanation.)		
<input type="checkbox"/> Yes <input checked="" type="checkbox"/> No		
21. *By signing this application, I certify: (1) to the statements contained in the list of certifications** and (2) that the statements herein are true, complete and accurate to the best of my knowledge. I also provide the required assurances** and agree to comply with any resulting terms thereof except an award. I am aware that any false, fictitious, or fraudulent statements or claims may subject me to criminal, civil, or administrative penalties. (U.S. Code, Title 28, Section 1001)		
<input checked="" type="checkbox"/> I AGREE		
** The list of certifications and assurances, or an internet site where you may obtain this list, is contained in the announcement or agency specific instructions		
Authorized Representative:		
Prefix: <u>Mr.</u>	*First Name: <u>Dave</u>	
Middle Name: _____		
*Last Name: <u>Neasey</u>		
Suffix: _____		
Title: <u>City Manager</u>		
*Telephone Number: <u>979-784-3511</u>	*Fax Number: <u>979-784-3765</u>	
*Email: <u>dneasey@csbk.gov</u>		
*Signature of Authorized Representative:	*Date Signed:	

Authorized for Local Reproduction

Standard Form 424 (Revised 10/2005)
Prescribed by OMB Circular A-105

Application for Federal Assistance SF-424	Version 02
<p>*Applicant Federal Debt Delinquency Explanation The following should contain an explanation if the Applicant organization is delinquent of any Federal Debt.</p>	

CDBG-R Substantial Amendment Grantee Checklist

For the purposes of expediting review, HUD asks that applicants submit the following checklist along with the CDBG-R Substantial Amendment, Spreadsheet for Reporting Proposed CDBG-R Activities, and SF-424.

Contents of a CDBG-R Action Plan Substantial Amendment

Jurisdiction(s): City of College Station Lead Agency Jurisdiction Web Address: <i>(URL where CDBG-R Substantial Amendment materials are posted)</i> http://www.cstx.gov/Index.aspx?page=259	CDBG-R Contact Person: Bob Cowell Address: P. O. Box 9960 1207 Texas Avenue College Station, Texas 77842 Telephone: (979) 764-3778 Fax: (979) 764-3785 Email: bcowell@cstx.gov
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The elements in the substantial amendment required for the CDBG recovery funds are:

A. SPREADSHEET FOR REPORTING PROPOSED CDBG-R ACTIVITIES

Does the submission contain a paper copy of the Spreadsheet for Reporting Proposed CDBG-R Activities?

Yes No Verification found on page 2

Does the submission include an electronic version of the Spreadsheet for Reporting Proposed CDBG-R Activities sent to the email box CDBG-R@hud.gov?

Yes No Date Spreadsheet was emailed: 3/6/2012 - Revised

Does the Spreadsheet for Reporting Proposed CDBG-R Activities include, for each activity:

- amount of funds budgeted for each activity, including CDBG-R funds, any additional Recovery Funds used and total activity budget,
 Yes No Verification found on page(s) 2, 7, 8
- the Eligibility citation (eligibility regulatory cite or HCDA cite),
 Yes No Verification found on page(s) 2, 7, 8
- the CDBG national objective citation,
 Yes No Verification found on page(s) 2, 7, 8

B. CDBG-R INFORMATION BY ACTIVITY

Does the submission contain information by activity describing how the grantee will use the funds, including:

- a narrative for each activity describing how CDBG-R funds will be used in a manner that maximizes job creation and economic benefit,
 Yes No Verification found on page(s) 4, 5
- projected number of jobs created for each activity,
 Yes No Verification found on page(s) 4, 5

- whether an activity will promote energy efficiency and conservation,
Yes X No Verification found on page(s) **4**
- the name, location, and contact information for the entity that will carry out the activity,
Yes X No Verification found on page(s) **1, 7, 8**
- evidence that no more than 10% of the grant amount will be spent on administration and planning,
Yes X No Verification found on page (s) **4, 8**
- evidence that no more than 15% of the grant amount will be spent on public services,
Yes X No Verification found on page (s) **2, 3, 4, 7, 8**
- evidence that at least 70% of the grant amount will benefit persons of low and moderate income,
Yes X No Verification found on page (s) **3, 7**

C. PUBLIC COMMENT PERIOD

Was the proposed action plan amendment published via the jurisdiction’s usual methods and on the Internet for no less than 7 calendar days of public comment?

Yes X No Verification found on page(s) **6**

Is there a summary of citizen comments included in the final amendment?

Yes X No Verification found on page(s) **6**

D. CERTIFICATIONS

The following certifications are complete and accurate:

- | | | |
|--|-------|-----------------------------|
| (1) Affirmatively furthering fair housing | Yes X | No <input type="checkbox"/> |
| (2) Anti-displacement and relocation plan | Yes X | No <input type="checkbox"/> |
| (3) Drug-free Workplace | Yes X | No <input type="checkbox"/> |
| (4) Anti-lobbying | Yes X | No <input type="checkbox"/> |
| (5) Authority of jurisdiction | Yes X | No <input type="checkbox"/> |
| (6) Consistency with plan | Yes X | No <input type="checkbox"/> |
| (7) Section 3 | Yes X | No <input type="checkbox"/> |
| (8) Community development plan | Yes X | No <input type="checkbox"/> |
| (9) Following a plan | Yes X | No <input type="checkbox"/> |
| (10) Use of Funds | Yes X | No <input type="checkbox"/> |
| (11) Excessive Force | Yes X | No <input type="checkbox"/> |
| (12) Compliance with anti-discrimination laws | Yes X | No <input type="checkbox"/> |
| (13) Lead-based paint procedures | Yes X | No <input type="checkbox"/> |
| (14) Compliance with laws | Yes X | No <input type="checkbox"/> |
| (15) Compliance with ARRA | Yes X | No <input type="checkbox"/> |
| (16) Project selection | Yes X | No <input type="checkbox"/> |
| (17) Timeliness of infrastructure investments | Yes X | No <input type="checkbox"/> |
| (18) Buy American provision | Yes X | No <input type="checkbox"/> |
| (19) Appropriate use of funds for infrastructure investments | Yes X | No <input type="checkbox"/> |
| (20) 70% of CDBG-R for LMI | Yes X | No <input type="checkbox"/> |

Optional Certification

(21) Urgent Need Yes No X

D. STATE CERTIFICATIONS

The following certifications are complete and accurate:

- | | | |
|--|------------------------------|-----------------------------|
| (1) Affirmatively furthering fair housing | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (2) Anti-displacement and relocation plan | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (3) Drug-free Workplace | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (4) Anti-lobbying | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (5) Authority of State | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (6) Consistency with plan | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (7) Section 3 | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (8) Community development plan | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (9) Consultation with Local Governments | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (10) Use of Funds | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (11) Excessive Force | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (12) Compliance with anti-discrimination laws | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (13) Compliance with laws | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (14) Compliance with ARRA | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (15) Project selection | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (16) Timeliness of infrastructure investments | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (17) Buy American provision | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (18) Appropriate use of funds for infrastructure investments | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| (19) 70% of CDBG-R for LMI | Yes <input type="checkbox"/> | No <input type="checkbox"/> |
| Optional Certification | | |
| (20) Urgent Need | Yes <input type="checkbox"/> | No <input type="checkbox"/> |

March 22, 2012
Regular Agenda Item No. 2
CSU Electric Switch Station Distribution Upgrade and Entergy Transmission
Interconnection Bid;
Resolution Approving Pike Electric Corporation as Low Bidder for Construction
Bid No. 12-024

To: David Neeley, City Manager

From: David Massey, Director of Electric Utilities

Agenda Caption: Presentation, possible action, and discussion regarding approval of a resolution awarding Bid No. 12-024 to Pike Electric Corporation for the construction of Switch Station Substation Distribution improvements and a Entergy Texas, Inc. Transmission line Tie in the amount of \$1,500,232.90 plus owner furnished material of \$1,161,196.00 for a total bonded project requirement of \$2,661,428.90.

Recommendation(s): Staff recommends the award of Bid No. 12-024 to the lowest responsible bidder, Pike Electric Corporation, and recommends approval of the resolution awarding Pike Electric Corporation the contract for construction of this project.

Summary: On February 13, 2012, 4 bids were received in response to Bid No. 12-024 for the construction of Switch Station substation distribution improvements and a Entergy Texas, Inc. transmission line tie located 2700 Switch Station Road. The lowest responsible bid was submitted by Pike Electric Corporation at \$1,500,232.90. Inclusive of City provided material, the anticipated total cost of this project is \$2,661,428.90.

Budget & Financial Summary: This project is budgeted as part of the FY12 Electric Capital Improvements Budget. Funding for the project is budgeted in the Electric Utility Capital Improvement Projects Fund. The debt for the project is scheduled to be issued later this fiscal year and next fiscal year.

Attachments:

1. Resolution
2. Bid Tabulation

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING A CONSTRUCTION CONTRACT FOR A TRANSMISSION LINE TIE AND DISTRIBUTION IMPROVEMENTS AT THE CSU SWITCH STATION SUBSTATION AND AUTHORIZING THE EXPENDITURE OF FUNDS.

WHEREAS, the City of College Station, Texas, solicited bids for the construction of a transmission line tie with Entergy Texas, Inc. and additional Distribution improvements at the CSU Switch Station substation; and

WHEREAS, the selection of Pike Electric, LLC is being recommended as the lowest responsible bidder for the construction of a transmission line tie with Entergy Texas, Inc. and additional Distribution improvements at the CSU Switch Station substation; 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 Pike Electric, LLC is the lowest responsible bidder.

PART 2: That the City Council hereby approves a total bonded contract with Pike Electric, LLC for \$2,661,428.90 which includes City furnished material in the amount of \$1,161,196.00 and Contractor furnished material, equipment and labor in the amount of \$1,500,232.90 required for the construction of a transmission line tie with Entergy Texas, Inc. and additional Distribution improvements at the CSU Switch Station substation.

PART 3: That the funding for this Contract plus owner furnished materials shall be as budgeted from the College Station Utilities Capital Improvement Fund, Electric Department, in the amount of \$2,661,428.90.

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

ADOPTED this _____ day of _____, A.D. 20__.

ATTEST:

APPROVED:

City Secretary

MAYOR

APPROVED:

Carla A. Robinson

City Attorney

**SWITCH STATION 2ND TRANSFORMER ADDITION
 BID NO. 12-024**

	MASTEC			PIKE ELECTRIC		
	Total Extended Contractor Furnished Labor (\$)	Total Extended Contractor Furnished Materials (\$)	Total Extended Owner Furnished Materials (\$)	Total Extended Contractor Furnished Labor (\$)	Total Extended Contractor Furnished Materials (\$)	Total Extended Owner Furnished Materials (\$)
Distribution	\$ 626,138.18	\$ 666,689.64	\$ 711,414.00	\$ 482,000.34	\$ 188,560.56	\$ 711,414.00
Transmission	\$ 117,261.23	\$ 326,037.59	\$ 191,208.00	\$ 312,144.39	\$ 107,169.40	\$ 191,208.00
ETI	\$ 137,475.80	\$ 321,534.56	\$ 258,574.00	\$ 338,029.41	\$ 72,328.80	\$ 258,574.00
Contractor Subtotal	\$2,195,137.00			\$1,500,232.90		
Owner Furnished			\$ 1,161,196.00			\$ 1,161,196.00
Grand Total	\$3,356,333.00			\$2,661,428.90		

	POWERLINE UTILITY SERVICES			POWERSECURE		
	Total Extended Contractor Furnished Labor (\$)	Total Extended Contractor Furnished Materials (\$)	Total Extended Owner Furnished Materials (\$)	Total Extended Contractor Furnished Labor (\$)	Total Extended Contractor Furnished Materials (\$)	Total Extended Owner Furnished Materials (\$)
Distribution	\$ 304,327.62	\$ 487,807.02	\$ 711,414.00	\$ 448,636.46	\$ 490,914.15	\$ 711,414.00
Transmission	\$ 376,523.65	\$ 267,483.98	\$ 191,208.00	\$ 317,636.88	\$ 288,135.91	\$ 191,208.00
ETI	\$ 196,147.51	\$ 283,073.68	\$ 258,574.00	\$ 311,815.22	\$ 281,705.50	\$ 258,574.00
Contractor Subtotal	\$1,915,363.46			\$2,138,844.12		
Owner Furnished			\$ 1,161,196.00			\$ 1,161,196.00
Grand Total	\$3,076,559.46			\$3,300,040.12		

