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Mayor
Nancy Berry
Mayor Pro Tem
Dave Ruesink
City Manager
David Neeley

Council members
Blanche Brick
Jess Fields
Karl Mooney
Katy-Marie Lyles
Julie M. Schultz

Agenda
College Station City Council
Regular Meeting
Thursday, September 13, 2012 at 7:00 PM
City Hall Council Chamber, 1101 Texas Avenue
College Station, Texas

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

Hear Visitors: A citizen may address the City Council on any item which does not appear on the posted Agenda. Registration forms are available in the lobby and at the desk of the City Secretary. This form should be completed and delivered to the City Secretary by 5:30 pm. Please limit remarks to three minutes. A timer alarm will sound after 2 1/2 minutes to signal thirty seconds remaining to conclude your remarks. The City Council will receive the information, ask staff to look into the matter, or place the issue on a future agenda. Topics of operational concerns shall be directed to the City Manager. Comments should not personally attack other speakers, Council or staff.

Consent Agenda

At the discretion of the Mayor, individuals may be allowed to speak on a Consent Agenda Item. Individuals who wish to address the City Council on a consent 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.

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:

- August 20, 2012 Budget Workshop
- August 21, 2012 Budget Workshop
- August 22, 2012 Budget Workshop
- August 23, 2012 Workshop
- August 23, 2012 Regular Council Meeting

b. Presentation, possible action and discussion on an ordinance amending Section 4 of Ordinance No. 2012-3433 ordering a Special Election to be held on November 6, 2012 for the purpose of submitting proposed amendments to the City Charter to the voters by correcting the polling location for Precincts 24, 53 and 58. (Presentación, posible acción y discusión de una ordenanza que enmienda la Sección 4 de la Ordenanza No.

2012-3433 para ordenar Elecciones Especiales a celebrarse el 6 de noviembre de 2012 con el propósito de presentarle a los votantes las enmiendas propuestas a los Estatutos de la Ciudad, al corregir el sitio de votaciones para los Departamentos números 24, 53 y 58.)

- c. Presentation, possible action and discussion on a resolution amending the Notice of Special Election that will be held November 6, 2012. (Presentación, posible acción y discusión de una resolución para enmendar la Notificación de Elecciones Especiales que se realizarán el 6 de noviembre de 2012.)
- d. Presentation, possible action and discussion on the Certification of Unopposed Candidates and an ordinance ordering the cancellation of the General Election on November 6, 2012. (Presentación, posible acción y discusión acerca de la Certificación de Candidatos Sin Oposición y una ordenanza que ordene la cancelación de las Elecciones Generales del 6 de noviembre de 2012.)
- e. Presentation, possible action and discussion on a letter agreement for year 4 of the Professional Auditing Services engagement with Ingram, Wallis & Co., P.C. for the fiscal year ending September 30, 2012 with expenditures totaling \$91,000 from the City of College Station.
- f. Presentation, possible action, and discussion regarding the approval of contract No. 12-280 in the amount of \$87,329.67 between the City of College Station and Siemens Industry, Inc. for the installation of security cameras in the Northgate Parking Garage and authorizing the City Manager to execute the contract on behalf of the City Council.
- g. Presentation, possible action, and discussion regarding the approval of contract No. 12-302 in the amount of \$59,627.00 between the City of College Station and Shelby Building Maintenance & Janitorial, Inc. for cleaning services in Northgate and the Chimney Hill Shopping Center and authorizing the City Manager to execute the contract on behalf of the City Council.
- h. Presentation, possible action, and discussion regarding approval of a service contract between the City of College Station and Shelby Building Maintenance & Janitorial Services in the amount of \$141,334.00 for Annual Janitorial Maintenance Services in city buildings and authorizing the City Manager to execute the contract on behalf of the City Council.
- i. Presentation, possible action, and discussion authorizing the City Manager to sign professional services contract 12-334 with Interra Hydro Incorporated in the amount of \$47,870 for a Bee Creek sewer trunk line study.
- j. Presentation, possible action, and discussion on a Memorandum of Understanding (MOU) with the TAMU Department of Psychology to provide psychological evaluations on potential employees of the Police Department in accordance with the requirements set for by the Texas Commission on Law Enforcement Standards and Education.
- k. Presentation, possible action, and discussion on the FY 2012-2013 BVSWMA, Inc Proposed Budget.
- l. Presentation, possible action, and discussion regarding approval of a contract between the City of College Station and JNA Painting & Contracting Company Inc. in the amount of \$57,931.00 for the purpose of Various Interior/Exterior Painting of City Buildings under ITB (Invitation To Bid) #12-084, the rejection of bids received for ITB (Invitation To Bid) #12-057, and authorizing the City Manager to execute the contract on behalf of the City Council.

- m. Presentation, possible action, and discussion regarding a construction contract 12-299 with Palomares Construction Company, in the amount of \$152,361.00 for the Lincoln Avenue Sidewalk Project, and authorizing the City Manager to execute the contract on behalf of the City Council.
- n. Presentation, possible action, and discussion of an ordinance amending Chapter 10 "Traffic Code", to create a loading zone on University Drive east of College Main in accordance with the desires of the area merchants and as identified in the Memorandum of Understanding between the City of College Station and the Northgate District Association.
- o. Presentation, possible action, and discussion regarding the renewal of an annual price agreement with Ergon Asphalt & Emulsions to provide emulsified asphalt products for the maintenance of streets in an amount not to exceed \$428,697.14.
- p. Presentation, possible action, and discussion on an ordinance amending the College Station Comprehensive Plan by adopting the Southside Area Neighborhood Plan for the area generally bounded by George Bush Drive, Texas Avenue South, Holleman Drive, Welsh Avenue, Southwest Parkway, and Wellborn Road.
- q. Presentation, possible action, and discussion regarding approval of a resolution creating a Hotel Occupancy Tax Fund Event Grant Application Policy.

Regular Agenda

At the discretion of the Mayor, individuals may be allowed to speak on a Regular Agenda Item. 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. Registration forms are available in the lobby and at the desk of the City Secretary.

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.

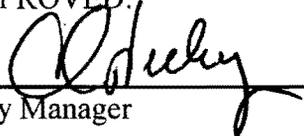
If an individual does not wish to address the City Council, but still wishes to be recorded in the official minutes as being in support or opposition to an agenda item, the individual may complete the registration form provided in the lobby by providing the name, address, and comments about a city related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

1. Presentation, possible action, and discussion on an ordinance adopting the City of College Station 2012-2013 Budget; and presentation, possible action and discussion ratifying the property tax revenue increase reflected in the budget.
2. Presentation, possible action, and discussion on approval of an ordinance adopting the City of College Station 2012-2013 ad valorem tax rate of \$0.430687 per \$100 assessed valuation, the debt service portion being \$0.195635 per \$100 assessed valuation and the operations and maintenance portion being \$0.235052 per \$100 assessed valuation.

3. Presentation, possible action, and discussion regarding an ordinance amending Chapter 11, "Utilities" Section 2, "Water and Sewer Services," of the Code of Ordinances of the City of College Station, Texas having the effect of raising rates for wastewater service.
4. Presentation, possible action, and discussion on the Texas Municipal Retirement System Ordinance to reduce the Updated Service Credit for current employees calculation from 100% to 75%; and reduce the Cost of Living Adjustment, or annuity increase, calculation for retirees from 70% to 50% of the Consumer Price Index.
5. Presentation, possible action and discussion regarding the appointment to the Executive Committee of the Board of Directors for the Bryan-College Station Convention and Visitors Bureau.
6. Adjourn.

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

APPROVED:




 City Manager

Notice is hereby given that a Regular Meeting of the City Council of the City of College Station, Texas will be held on the Thursday, September 13, 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 7th day of September, 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 September 7, 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: _____

City Council Regular Meeting
Thursday, September 13, 2012

The building is wheelchair accessible. Handicap parking spaces are available. Any request for sign interpretive service must be made 48 hours before the meeting. To make arrangements call (979) 764-3517 or (TDD) 1-800-735-2989. Agendas may be viewed on www.cstx.gov. Council meetings are broadcast live on Cable Access Channel 19.

September 13, 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:

- August 20, 2012 Budget Workshop
- August 21, 2012 Budget Workshop
- August 22, 2012 Budget Workshop
- August 23, 2012 Workshop
- August 23, 2012 Regular Council Meeting

Attachments:

- August 20, 2012 Budget Workshop
- August 21, 2012 Budget Workshop
- August 22, 2012 Budget Workshop
- August 23, 2012 Workshop
- August 23, 2012 Regular Council Meeting

MINUTES OF THE CITY COUNCIL BUDGET WORKSHOP
CITY OF COLLEGE STATION
AUGUST 20, 2012

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry, Mayor

Council:

Blanche Brick
Jess Fields
Karl Mooney
Katy-Marie Lyles, arrived after roll call
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 Budget Workshop of the College Station City Council was called to order by Mayor Nancy Berry at 4:16 p.m. on Monday, August 20, 2012 in the Carter Creek Wastewater Training Facility 2200 North Forest Parkway, College Station, Texas 77842.

2. Presentation, possible action, and discussion on the FY 2012-2013 Proposed Budget.

Jeff Kersten, Executive Director of Fiscal Services, provided a review of the proposed FY12-13 budget.

City Wide Budget Issues

- Organization Restructuring and Streamlining: There have been \$7.6 million in budget reductions over the last four years. \$500,000 was reflected in the FY13 budget. 53.75 positions have been eliminated, and ten of these were removed in the FY13 proposed budget. Public Safety has been increased by 43 positions since FY09, including eight additional Police positions in FY 13.

- **Competitive and Sustainable Pay and Benefits:** The purpose is to attract and retain a well-qualified workforce. The Pay Plan has a 2.5% performance pay included. The Pay Structure is also adjusted by 3%. The Police Step Plan will be continued. The proposed budget also includes a proposal related to TMRS. The ad hoc committee has provided initial recommendations to maintain the core components of the plan. Two provisions are proposed for change: Updated Service Credits and the Cost of Living Adjustment. The USC will change for current employees from 100% to 75%. Also, the provision for Transfer USC will be turned off. The COLA for Retirees will be changed from the current 70% of the CPI to 50%. The cost savings is \$1.1 million. These are modest reductions and still provide a good retirement. We can move funds from retirement to pay.

General Fund Revenues

- **Sales Tax:** Sales tax makes up 39% of the General Fund revenues. The FY12 sales tax forecast is 5% higher than FY11 in the amount of \$21.3 million and is indicative of a modest economic recovery. The FY13 estimate is \$21.7 million for a 2% increase over the FY12 year-end estimate.
- **Property Tax Revenues:** The Appraisal District has certified property values in the amount of \$5.94 billion. This is an overall 3.6% increase over last year. There is \$120 million in new value, and existing values increased by 1.5%. Again, this is indicative of a modest economic recovery. The current tax rate is 43.7995 cents, and the effective tax rate is 43.9757 cents. The roll back tax rate is 45.9757 cents. Staff is proposing a tax rate of 43.0687 cents – the effective tax rate. This is the rate that would generate approximately the same revenue on the same properties this year as last year. Proposing the effective tax rate does not require additional public hearings and publications. This is broken down by debt service (19.5635 cents) and maintenance and operations (23.5052 cents). Each one cent increase will generate \$554,000 in revenue. The property tax revenues make up 25% of the proposed General Fund revenue stream in the amount of \$13.9 million. The debt service fund portion is \$11.6 million. He reiterated that proposing the effective tax rate does not require additional public hearings and publications. If a rate higher than the effective tax rate is considered, the Council must discuss the tax rate, vote to increase the tax rate, call and hold two public hearings, and adhere to public notice requirements.
- **Transfer from Utilities:** This budget continues with the reduction in the electric transfer. It would be reduced to 6% franchise level. \$2 million was reduced in FY11 and FY12, and another \$1 million reduction is proposed in FY13. The FY13 electric transfer is \$5,809,891. Future increases are based on electric kilowatt sales. Water, wastewater and sanitation transfers are capped at 10% of the revenue, for a total transfer if \$9,148,925. Utility transfers are 16.5% of General Fund revenues.
- **Other General Fund Revenues:** There have been some minimal changes in other revenue categories, such as franchise fees, licenses and permits, etc. These amount to a total of \$10,507,957 for 19% of the General Fund revenues.

General Fund Expenditures

- **Salaries and Benefits:** The Pay Plan proposal included \$947,149. There is a reduction in TMRS costs in the amount of \$1,018,623 and an increase in health insurance costs in the

amount of \$452,326. Nine positions have been eliminated in the General Fund and Recreation Fund for an estimated savings of \$500,000.

- Key Public Safety Additions: Additional officers and vehicles and associated equipment has been budgeted in the amount of \$895,681. Also a Police Assistant to free up sworn officers in the Criminal Investigation Division has also been added for \$62,423.
- Key Street and Transportation Additions: Street rehabilitation funding is included in the budget. \$150,000 has been budgeted for traffic and transportation: traffic signal synch and timing; traffic system fiber; traffic operations master plan; and intersection improvement analysis.
- General Fund Department Budget Information: Mr. Kersten noted that department summaries are available in the budget document, as well as a comprehensive list of service level adjustments.
- Non-Departmental expenditures: These expenditures include general and administrative transfers, public agency funding, Recreation Fund subsidy, other/transfers out, and contingency. The Other/Transfers Out (in the amount of \$1.9 million) include the Appraisal District, TX21, High Speed Rail, Gulf Coast Strategic Highway Coalition, state legislative consulting, the BVCOG, transfers from the General Fund to other funds (Economic Development, Interfund Load-First Street property, and Northgate Parking), and transfers from the General Fund to Capital Funds (timekeeping system, Health Science Center Parkway, and Streets—Royder/Live Oak).

General Fund Financial Forecast

- Revenues: Mr. Kersten noted that economic conditions result in conservative revenue estimates. Slight increases have been projected in sales tax revenue and minimal increases projected in property values.
- Expenditures: New expenditures have been limited. The pay plan is budgeted as proposed. Retirement costs have been reduced, but health care costs have increased. The forecast includes the continuation of the Police Strategic Plan. It includes maintenance and operations for capital improvement projects.
- Conclusions: Due to the economic conditions, and the slight increase in property values, the effective tax rate is being proposed. A modest growth in sales tax revenue is anticipated. The electric transfer policy change will be completed this year. Organizational restructuring and streamlining have allowed funds to be shifted to higher priority area. The proposed budget is balances and addresses many priorities.

Recreation Fund

Mr. Kersten noted there are public benefits to providing recreation programs, including health, public safety, and quality of life. These programs were intended to be paid for with user fees and other General Fund revenues. The fund was designed to identify revenues and total costs associated with recreation programs and facilities. Subsidy levels were identified, and decisions were allowed to be made on subsidy levels and funding priorities. The proposed Parks Fee Policy provides full fee support for programs such as the cemetery,. A Partial Fee Support I (50%-80%) addresses adult sport programs. The Partial Fee Support II (20%-50%) helps with youth programs and activities. Minimum Fee Support (0%-20%) aids with other parks, recreational and cultural programs. Anticipated revenue is \$1,029,100 and expenditures are \$3,970,841. The proposed FY13 subsidy is \$2,826,741 plus a one-time SLA for \$115,000 for a

total subsidy of \$2,941,741. He briefly touched on the cost recovery for various programs. The youth sports programs and aquatics programs are generally meeting the cost recovery policies. Those not meeting cost recovery policies are adult sport programs, instruction programs and center programs. Policy decisions include: 1) consider increases in fees/participation; 2) consider reductions to program costs; 3) consider viability of continuing programs; and 4) consider moving programs to a different cost recovery level. Staff recommends reviewing those programs not meeting cost recovery policies and returning with recommendations this fall.

3. Presentation, possible action and discussion on the 2012-2013 ad valorem tax rate; and, if necessary on calling two public hearings on a proposed ad valorem tax rate for 2012-2013

This item was not discussed.

4. Adjournment

MOTION: There being no further business, Mayor Berry adjourned the budget workshop of the College Station City Council at 7:02 p.m. on Monday, August 20, 2012.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

MINUTES OF THE CITY COUNCIL BUDGET WORKSHOP
CITY OF COLLEGE STATION
AUGUST 21, 2012

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry, Mayor, arrived after roll call

Council:

Blanche Brick
Jess Fields
Karl Mooney
Katy-Marie Lyles, arrived after roll call
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 Budget Workshop of the College Station City Council was called to order by Mayor Pro Tem Dave Ruesink at 4:17 p.m. on Tuesday, August 21, 2012 in the Carter Creek Wastewater Training Facility 2200 North Forest Parkway, College Station, Texas 77842.

2. Presentation, possible action, and discussion on the FY 2012-2013 Proposed Budget.

Jeff Kersten, Executive Director of Fiscal Services, provided a review of the proposed FY12-13 budget. Mayor/Council budget was briefly discussed. Last year, some items were removed in FY12 and are being considered to be brought back in FY13. Council consensus was to keep out \$7,500 for retreat facilitators, and to remove the NLC membership and annual conference.

Debt Service Fund

The City must address the aging infrastructure and future infrastructure needs due to growth. The rate for FY12 was 20.1536 cents, and the proposed rate for FY13 is 19.5635 cents. Property tax revenue of \$11,691,371 will satisfy the FY13 debt service requirement.

General Government Capital Projects

The policy issue related to Capital Infrastructure is to address the aging infrastructure and future infrastructure needs due to growth. In 2008, we had a Bond Authorization in the amount of \$76,950,000 for streets and transportation, parks, library, and fire station. This was seven-year plan to implement everything.

- Streets and Transportation CIP: These projects include the Bird Pond Rehabilitation Project, the Cooner Street Rehabilitation Projects, various Rock Prairie Road Projects, the Jones Butler Extension, The HSC Parkway Phase 1B, Barron Road/Lakeway Extension, Street TXDOT Projects, Traffic Signal Projects, Sidewalks, Hike and Bike Trails, and the University Drive Pedestrian Improvements Phase 2.
- Parks and Recreation/Parkland Dedication CIP: Parks Capital Projects include the Creek View Park development, Lick Creek Park Trails, Lick Creek Park Nature Center, Park Maintenance Shop Expansion, Lincoln Center Additions, Wolf Pen Creek Festival Site, and the Veteran's Park Synthetic Fields (currently funded in HOT tax fund). Parkland dedication fund projects include the Wolf Pen Creek electrical improvements, Southwest Park improvements, Arboretum Bridge replacement, Carter Crossing improvements, and replacement of the pier at Cy Miller Park.
- IT/Facilities CIP: Facility projects include an expansion of the Library. Key technology projects include wireless infrastructure and fiber optic upgrade, network and data security upgrade, CAD/RMS (Public Safety) system replacement, a timekeeping system, etc.

Enterprise Funds

- Electric Operations and CIP: The Electric Fund is our largest utility. The policy issue is to provide quality utility services at a reasonable cost. Revenues are at \$99,069,410. Residential and commercial growth is assumed at 2%, and no rate increase is included in the FY13 proposed budget. Forecasts indicate a future rate increase in FY14. Expenditures are \$98,766,486. This includes operations and maintenance, purchased power and wheeling costs, and Net Gen/Administrative transfers. \$230,000 was added for pay adjustments under review. Two new positions have been added for a Compliance Officer and a SCADA IT Analyst. The proposed Electric Fund CIP budget has estimated expenditures in the amount of \$12,297,914. Key Capital Projects include production projects, general plant, overhead system improvements, underground system improvements, new services and system extension, residential street lighting, and thoroughfare street lighting. Also included are distribution and transmission, which included the construction of the Northgate Substation.

Water Fund

- Water operations and CIP: The policy issue is to provide quality utility services at a reasonable cost. Revenues are estimated at \$14,170,230. These are derived from user fees from water customers, and there is no rate increase proposed for FY13. The forecast does indicate future rate increases. Expenditures are estimated at \$16,686,502. These include operating expenditures and transfers, service level adjustments, pay and benefit proposals, debt service, transfer to Capital Projects, contingency, and transfer to the General Fund. Estimated FY13 Water Capital expenditures are \$8,267,430. Key Water System Production Projects include land acquisition (wells), Sandy Point Chemical System replacements, cooling tower expansion, three million gallon ground storage

reservoir rehabilitation, and water redundant communications. Key Water System Distribution Projects include the Health Science Center Parkway line extension, SH 40 water line from Graham to Barron and Sonoma to Victoria (land acquisition), and the reinstallation of a 30-inch water transmission line at Villa Maria and FM 2818. Key Water System Rehabilitation Projects include the South Knoll/The Glade rehabilitation, the Cooner Utility rehabilitation, and the Plantation Oaks water line. They plan on issuing \$3.9 million in debt next year.

Wastewater Fund

- Wastewater Operations and CIP: The policy issue is to provide quality utility services at a reasonable cost. Revenues are projected at \$13,614,316. These are derived from user fees from water customers, and FY13 includes a proposed 5% rate increase. The forecast also indicates future rate increases. Expenditures are estimated at \$16,063,462 for operating expenditures and transfers, service level adjustments, pay and benefit proposals, debt service, transfer to Capital Projects, contingency, and a transfer to General Fund. Estimated FY13 Wastewater Capital expenditures are \$12,957,464. Key Wastewater System Collection projects include the East Side FM 158 sewer line, the West Side sewer project, the Bee Creek parallel trunkline, and the Royder/Live Oak sewer line. Key Wastewater System Rehabilitation projects include the South Knoll/The Glade rehabilitation, the Cooner Utility rehabilitation, and the Northeast trunkline rehabilitation. Key Wastewater System Treatment projects include sludge treatment and disposal/pumping plant projects, and the Carter Creek headworks improvements. Key Wastewater System Plant projects include the Lick Creek Process Control improvements, the installation of SCADA at lift stations, and various fiber projects. To meet capital needs, a debt issuance of \$8.2 million is planned.

Sanitation Fund

Revenues are projected at \$7,716,293. There is no rate increase in the proposed budget. These revenues include \$397,710 from BSWMA to offset debt service payments. The forecast does show a future rate increase in FY14. Expenditures are estimated at \$8,141,664. The forecast needs to be revised and brought back at a later date.

Drainage Utility Fund

- Drainage Operations and CIP: Revenues are projected at \$2,019,400 and expenditures at \$2,114,969 (includes a new Drainage Foreman position). Capital Project Expenditure Projects include greenways and acquisition projects, minor drainage improvements, Wolf Pen Creek erosion control, storm water mapping (GIS services), and the Drainage Master Plan.

Northgate Parking Enterprise Fund

Revenues are estimated at \$1,203,591 derived from parking fees (1% growth assumption), parking fines (assumed to remain flat), and a one-time transfer of \$60,000 from the General Fund. Expenditures are projected at \$1,215,453.

Council directed staff to bring back information related to a Facilities Plan that could be included in the FY12-FY13 budget.

3. Presentation, possible action and discussion on the 2012-2013 ad valorem tax rate; and, if necessary on calling two public hearings on a proposed ad valorem tax rate for 2012-2013

This item was not discussed.

4. Adjournment

MOTION: There being no further business, Mayor Berry adjourned the budget workshop of the College Station City Council at 6:44 p.m. on Tuesday, August 21, 2012.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

DRAFT

MINUTES OF THE CITY COUNCIL BUDGET WORKSHOP
CITY OF COLLEGE STATION
AUGUST 22, 2012

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry, Mayor

Council:

Blanche Brick
Jess Fields
Karl Mooney
Katy-Marie Lyles, arrived after roll call
Julie Schultz
Dave Ruesink

City Staff:

David Neeley, City Manager
Kathy Merrill, Deputy City Manager
Frank Simpson, Deputy City Manager
Mary Ann Powell, Deputy City Attorney
Sherry Mashburn, City Secretary

1. Call to Order and Announce a Quorum is Present

With a quorum present, the Budget Workshop of the College Station City Council was called to order by Mayor Nancy Berry at 4:13 p.m. on Wednesday, August 22, 2012 in the Carter Creek Wastewater Training Facility 2200 North Forest Parkway, College Station, Texas 77842.

2. Presentation, possible action, and discussion on the FY 2012-2013 Proposed Budget.

Jeff Kersten, Executive Director of Fiscal Services, provided a review of the proposed FY12-13 budget. General Fund Outside Agency funding is proposed at \$956,013. This funds RVP, Arts Council O&M, July 4th fireworks, Brazos Animal Shelter, and Health Department. Other governmental funds include Economic Development and Chimney Hill. For the Economic Development Fund, the budget proposes a \$300,000 General Fund transfer, an increase to meet future commitments. FY13 expenditures are budgeted for Texas Institute for Preclinical Studies and Reynolds and Reynolds. The Chimney Hill Fund revenues are proposed at \$430,825 from rents and royalties from the tenants. FY13 expenditures are budgeted for facilities maintenance, property taxes, and a transfer out to the Electric CIP.

Special Revenue Funds

- Hotel Tax Fund: The policy issue for this fund is to utilize Hotel Tax funds to encourage tourism and visitors into College Station, thereby improving the economy within the uses allowed by state law. Revenues are projected at \$3,834,000. Expenditures are projected at \$5,939,926.
- Court Funds and Police Seizure Fund: There are several different funds that are used to offset costs to the General Fund in the Municipal Court and Police Department within the uses allowed by state law. These include the Court Technology Fee Fund, the Court Security Fee Fund, the Juvenile Case Manager Fee Fund, and the Police Seizure Fund.
- Cemetery Funds: There are three funds. The Memorial Cemetery Fund expects \$268,680 in revenues from plot sales and investment income. There is a proposed 10% increase in the cemetery spaces for the Memorial Cemetery Fund. There are no expenditures budgeted; operations and maintenance is funded out of the General Fund. The Memorial Cemetery Perpetual Care Fund has projected \$131,641 in revenues from plot sales and investment income. Advertising expenditures are budgeted at \$10,000. The operations and maintenance is funded out of the General Fund. The Cemetery Perpetual Fund for the Texas Avenue Cemetery projects revenue at \$13,000 from plot sales and investment income. There are no expenditures budgeted; operations and maintenance is funded out of the General Fund.

Internal Service Funds

- Self-Insurance Funds: This provides the insurance needs for the City. The components of this fund include Property Casualty, Employee Benefits, Workers Compensation, and Unemployment. Employee Benefits is budgeted for \$9,656,053 and includes increased City/Employee contributions. Staff is reviewing plan designs and looking at wellness.
- Equipment Replacement Fund: The Equipment Replacement Policy allows equipment to be replaced on a scheduled basis. Funds are set aside on an annual basis for future replacements. Revenue is projected at \$3,350,388. Expenditures are estimated at \$2,773,813 for fleet purchases and replacement and other equipment purchases.
- Utility Customer Service: This provides utility metering, billing and collection customer services. Revenues are projected at \$2,275,776. These are charges to the Electric, Water, Wastewater, sanitation and Drainage Utilities. Expenditures for operations and maintenance, and for pay and benefit proposals are budgeted at \$2,273,444.
- Fleet Maintenance Fund: this provides fleet support services to City operations. Revenues in the amount of \$1,672,140 are charges for service received from other City departments. Expenditures in the amount of \$1,681,490 are for operations and maintenance, an Alternative Fuel Study, and for pay and benefit proposals.

3. Presentation, possible action and discussion on the 2012-2013 ad valorem tax rate; and, if necessary on calling two public hearings on a proposed ad valorem tax rate for 2012-2013

Council consensus was to stay with the Effective Tax Rate.

4. Adjournment

MOTION: There being no further business, Mayor Berry adjourned the budget workshop of the College Station City Council at 5:40 p.m. on Wednesday, August 22, 2012.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

DRAFT

MINUTES OF THE CITY COUNCIL WORKSHOP
CITY OF COLLEGE STATION
AUGUST 23, 2012

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry, Mayor

Council:

Blanche Brick
Jess Fields, arrived after roll call
Karl Mooney
Katy-Marie Lyles
Julie Schultz, arrived after roll call
Dave Ruesink

City Staff:

David Neeley, City Manager
Kathy Merrill, Deputy City Manager
Frank Simpson, Deputy City Manager
Mary Ann Powell, Deputy City Attorney
Sherry Mashburn, City Secretary
Shelley Major, Records Management Coordinator

1. 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 5:02 p.m. on Thursday, August 23, 2012 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77842.

2. Executive Session

In accordance with the Texas Government Code §551.071-Consultation with Attorney and §551.087-Economic Incentive Negotiations, the College Station City Council convened into Executive Session at 5:02 p.m. on Thursday, August 23, 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.
- Patricia Kahlden, individ. and as rep. of the Estate of Lillie May Williams Bayless v. Laura Sue Streigler, City of College Station and James Steven Elkins, No. 11-003172-CV-272, in the 272nd District Court of Brazos County, Tx.
- Claim and potential litigation related to a June 24, 2011 collision with a city vehicle.

B. Deliberation on economic development negotiations regarding an offer of financial or other incentives for a business prospect; to wit:

- Senior Housing Project

The Executive Session adjourned at 5:43 p.m. on Thursday, August 23, 2012.

3. Take action, if any, on Executive Session.

No action was required from Executive Session.

Presentation and proclamation proclaiming September 2012 as Library Card Sign-Up Month.

Mayor Berry presented a proclamation to Kathy Nixie, Librarian, and members of the Library committee, naming September 2012 as Library Card Sign-Up Month.

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

Items 2e, 2l, and 2n were pulled for clarification.

2e: Bob Cowell, Executive Director of Development Services, provided a brief explanation on the construction of two bus shelters along the bus routes. He also clarified the 20% match to the grant funds.

2l: Jeff Kersten, Executive Director of Fiscal Services, briefly explained the budget allocation of \$25,000 for the Chamber of Commerce and the use of HOT tax funds. Royce Hickman, with the Chamber of Commerce, provided additional information.

2n: Jeff Kersten, Executive Director of Fiscal Services, clarified the renewal of a contract for financial advisory services, specifically bond counsel. Council directed staff to go out for RFP in FY13 for FY14 services.

5. Presentation, possible action, and discussion regarding capacity and planning for upcoming major wastewater collection construction projects.

Dave Coleman, Director of Water Services, provided an update on major sanitary sewer collection system projects. These projects include:

- Bee Creek sewer trunk line (portions built in 1973) (Replace existing line with 42” line in four phases to stretch the expense out over four years. The existing line will stay in place until Phase 3 is done.)
- Wellborn gravity sewer line (New construction is required due to annexation.)
- East Side Sewer – Lift Station, Force Main, and Gravity Line (New construction as part of the Bio-Corridor agreement with City of Bryan. Project design is well under way, and the lift station location may change.)
- Northeast Trunk Line and Hensel Park Lift Station (Replace existing line, since the Northgate area development may require upgrades. Densities have been revised to reflect recent development patterns. Master Plan updates are underway, but we must coordinate Campus Point plans with TAMU.)
- Spring Creek Corporate Campus and Lick Creek Trunk Line (Implications for the development of the Medical Corridor; Spring Creek line is new construction; Lick Creek line would be upsized.).

Staff recommends the City proceed with the sewer CIP Projects. All future re-Zonings and development projects should continue to consider effects on the wastewater collection system.

6. Presentation, possible action, and discussion regarding the South Knoll-The Glade Utility Rehabilitation Project. (This item is also on the Consent Agenda, Item #2d).

Chuck Gilman, Director of Capital Projects, reported on the South Knoll/The Glade Utility Rehabilitation Project. Staff recommends the City should continue with the City’s initiative to invest in infrastructure rehabilitation to provide excellent customer service. These projects include: sewer lines (relocating service connections); water lines (relocating service connections); street overlay; sidewalk replacement; and tree preservation. We have maintained continuous coordination with CSISD.

The total Project Budget is \$5.2 million, and the Construction Budget is \$4.7 million. The lowest responsive bidder for the Construction Contract was \$3.7 million.

Construction is expected to begin October 2012, with anticipated completion in October 2013. Construction adjacent to South Knoll Elementary is scheduled to occur during the summer months. The contractor may be allowed to install the sewer line along Boswell during the Winter Break

7. Council Calendar

- **Sept. 3 City Offices Closed - HOLIDAY**
- **Sept. 6 P&Z Workshop/Meeting in Council Chambers at 6:00 p.m. (Karl Mooney, Liaison)**

- **Sept. 13 City Council Executive/Workshop/Regular Meeting at 5:00, 6:00 and 7:00 p.m.**

Council reviewed the Council calendar.

Mayor Berry recessed the Workshop at 6:55 p.m. to allow the Regular Meeting to begin on time.

At 9:47 Mayor re-convened the Workshop.

8. Presentation, possible action, and discussion on future agenda items: a Council Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.

Councilmember Ruesink requested an item to look at working with TAMU regarding transportation issues.

Councilmember Fields requested items on West Nile Virus and public health options, update on Chimney Hill.

9. 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, Blinn College Brazos Valley Advisory Committee, Brazos County Health Dept., Brazos Valley Council of Governments, Bryan/College Station Chamber of Commerce, BSWMA, BVWACS, 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, Parks and Recreation Board, Planning and Zoning Commission, Research Valley Partnership, Regional Transportation Committee for Council of Governments, Sister City Association, TAMU Student Senate, Texas Municipal League, Youth Advisory Council, Zoning Board of Adjustments.

Councilmember Schultz reported on the RVP.

Mayor Berry also reported on the RVP.

Councilmember Ruesink reported on the Sister City delegation to Greiswald, Germany.

10. Adjournment

MOTION: There being no further business, Mayor Berry adjourned the workshop of the College Station City Council at 10:04 p.m. on Thursday, August 23, 2012.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

DRAFT

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF COLLEGE STATION
AUGUST 23, 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
Mary Ann Powell, Deputy 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 7:09 p.m. on Thursday, August 23, 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.

- **Moment of silence in remembrance of the victims of August 13, 2012 tragedy.**
Mayor Berry led the Council and audience in a moment of silence in remembrance of the victims of the August 13, 2012 tragedy.

Councilmember Mooney requested personal privilege, and expressed his appreciation to all first responders and City staff during last week's tragedy.

- **Presentation and proclamation recognizing Joanna Yeager for her service on the Senior Advisory Committee.**

Mayor Berry presented Joanna Yeager a proclamation recognizing her for her service on the Senior Advisory Committee.

Citizen Comments

Carrol Claycamp, 300 Lee Avenue, addressed the Council on the closing of the conference center. He thought if he could talk to the City Manager or staff they could help him understand why a 63 year old building suddenly became unsafe. Staff either had no time or no knowledge to share. In his 53 years he has yet to come upon a building that couldn't be kept open for a period of time. If the building was really ready to fall, then he would expect to see an army of workmen stabilizing that structure. The only way he could get through was to apply for the open records. After that, he was able to get quite a bit of information from staff. He could not go in the building because of the insurance. It appears a taxpayer does not have the right to find out those things first hand. He received the engineer's report on August 8, but there was nothing to tell him why the building was failing. He asked Council to take Paul Harvey's advice and make the rest of the story available to the taxpayers before taking action to sell the site, raze the building, or abandon the building.

CONSENT AGENDA

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

- **August 9, 2012 Workshop**
- **August 9, 2012 Regular Council Meeting**

2b. Presentation, possible action, and discussion of an ordinance amending Chapter 10 "Traffic Code", to create a loading zone on University Drive east of College Main in accordance with the desires of the area merchants and as identified in the Memorandum of Understanding.

2c. Presentation, possible action and discussion on Resolution 08-23-12-2c, approving an interlocal government agreement with Brazos County for the conduct and management of the City of College Station General and Special Election and the approval of the Notice of General and Special Election that will be held on Tuesday, November 6, 2012. (Presentación, posible acción y discusión acerca de una resolución que apruebe un acuerdo interlocal de gobierno con el Condado de Brazos para llevar a cabo y administrar las Elecciones Generales y Especiales de la Ciudad de College Station y para aprobar la Notificación de Elecciones Generales y Especiales que se celebran el martes 6 de noviembre de 2012.

2d. Presentation, possible action, and discussion regarding Resolution 08-23-12-2d to approve the construction contract (Contract 12-287) with Elliott Construction in the amount of \$3,704,090.60, for the construction of the South Knoll-The Glade Utility Rehabilitation Project (WF1044480, WF1044485), and approval of Resolution 08-23-12-2d-

a. declaring intention to reimburse certain expenditures with proceeds from debt. (This item is also on the Workshop Agenda, Item #6)

2e. Presentation, possible action, and discussion regarding an inter-local agreement between the City of College Station and Brazos Valley Transit District for the construction of two bus shelters to include a 25 % match by the City of College Station not to exceed \$12,500, which will come from the City's Strong & Sustainable Neighborhood Grant program.

2f. Presentation, possible action and discussion regarding the approval of Resolution 08-23-12-2f for the Annual Reconfirmation and use of Service and Equipment to be provided by the City of College Station in the Event of a Radiological Incident at the Texas A&M University Nuclear Science Center.

2g. Presentation, possible action, and discussion regarding the approval of amendments to contracts 12-044, 08-292, 06-313, 05-003, and 02-199 with Brazos Valley Community Action Agency (BVCAA) to revise the use of Community Housing Development Organization (CHDO) proceeds generated from activities completed with HOME Investment Partnership Program (HOME) grant CHDO funds and delete the requirement for the return of 25% of the proceeds generated from funds allocated with contract 08-292.

2h. Presentation, possible action, and discussion regarding the approval of a professional services contract (Contract 12-273) with Hawkins Architecture in the amount of \$100,850.00, for the design of an expansion to the existing maintenance facility at Veterans Park.

2i. Presentation, possible action, and discussion regarding a deductive change order to the construction contract (Contract 12-031) with Follis-Cole Construction in the amount of \$160,192.37, for the construction of the Emerald forest Drainage Improvements Project (SD-1 006).

2j. Presentation, possible action, and discussion on an easement agreement renewal with the Texas A&M University System for the purpose of operating and maintaining a traffic signal at Bizzell Drive and George Bush Drive.

2k. Presentation, possible action, and discussion on a construction contract with Dailey Electric in the amount of \$61,406.31, for electrical additions/upgrades to add electrical power at various locations throughout Wolf Pen Creek Park, Project Number PK-1217.

2l. Presentation, possible action and discussion on approving the Hotel Tax Fund funding agreement between the City of College Station and the Bryan/College Station Chamber of Commerce for FY12 totaling \$25,000, and approving the budget for the Bryan/College Station Chamber of Commerce related to the Hotel Tax funding.

2m. Presentation, possible action, and discussion regarding approval of estimated annual expenditures related to copying and printing services as follows: Tops Printing \$40,000; Copy Corner \$40,000; Office Depot \$20,000; Cerga \$20,000.

2n. Presentation, possible action and discussion to approve the renewal of a consulting contract with First Southwest Company in an amount not to exceed \$175,000 for financial advisory services.

2o. Presentation, possible action and discussion on a bid award for the purchase of various pad-mounted distribution transformers maintained in inventory to HD Supply Utilities \$53,150; Techline \$21,416; and KBS \$14,844 for a total of \$89,410.00.

Items 2e, 2l, and 2n were pulled for a separate vote.

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

(2e)MOTION: Upon a motion made by Councilmember Schultz and a second by Councilmember Mooney, the City Council voted six (6) for and one (1) opposed, with Councilmember Fields voting against, to approve an inter-local agreement between the City of College Station and Brazos Valley Transit District for the construction of two bus shelters to include a 25 % match by the City of College Station not to exceed \$12,500, which will come from the City's Strong & Sustainable Neighborhood Grant program. The motion carried.

(2l)MOTION: Upon a motion made by Councilmember Lyles and a second by Councilmember Mooney, the City Council voted six (6) for and one (1) opposed, with Councilmember Fields voting against, to approve the Hotel Tax Fund funding agreement between the City of College Station and the Bryan/College Station Chamber of Commerce for FY12 totaling \$25,000, and approving the budget for the Bryan/College Station Chamber of Commerce related to the Hotel Tax funding. The motion carried.

(2n)MOTION: Upon a motion made by Councilmember Ruesink and a second by Councilmember Schultz, the City Council voted (5) for and two (2) opposed, with Councilmembers Fields and Mooney voting against, to approve the renewal of a consulting contract with First Southwest Company in an amount not to exceed \$175,000 for financial advisory services. The motion carried.

MOTION: Upon a motion made by Councilmember Mooney and a second by Councilmember Fields, the City Council voted seven (7) for and none (0) opposed, to direct staff to go out for an RFP in FY13 for FY14 services. The motion carried unanimously.

MOTION: Upon a motion made by Mayor Berry and a second by Councilmember Schultz, the City Council voted seven (7) for and none (0) opposed, to reconsider adoption of the Consent Agenda. The motion carried unanimously.

MOTION: Upon a motion made by Mayor Berry and a second by Councilmember Schultz, the City Council voted seven (7) for and none (0) opposed, adopt the Consent Agenda less items 2b, 2e, 2l, and 2n. The motion carried unanimously.

REGULAR AGENDA

1. Public Hearing, presentation, possible action, and discussion on the City of College Station 2012-2013 Proposed Budget.

At approximately 7:33 p.m., Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 7:33 p.m.

A motion by Councilmember Fields to de-fund Keep Brazos Beautiful died for lack of a second.

A motion by Councilmember Fields to de-fund the water fitness programs died for lack of a second.

2. Public Hearing, presentation, possible action, and discussion on Ordinance 2012-3437, amending the College Station Comprehensive Plan by adopting the Southside Area Neighborhood Plan for the area generally bounded by George Bush Drive, Texas Avenue South, Holleman Drive, Welsh Avenue, Southwest Parkway, and Wellborn Road.

At approximately 9:03 p.m., Mayor Berry opened the Public Hearing.

C.O. Patterson, 715 Park Place, thanked City staff for their efforts in this process. They produced a plan in conjunction with neighborhood input. He asked Council to check out Map EC1, following Appendix A. The pink area referred to is an area platted in 1940, but the history of the area dates back before that. The area was developed in 1920, and the first houses were constructed in 1922. Public planning meetings were held in the living room at 602 Dexter to discuss the incorporation of College Station. It is the oldest neighborhood in College Station. This is a dynamic neighborhood. They want to preserve this dynamic, forward moving neighborhood. The plan involved lot of compromise. No one person got everything they wanted, but they were able to come to a compromise on a lot of issues. This is a carefully thought out plan and lays the groundwork for the next several years. This area will see dramatic changes with the grade separation at Wellborn/George Bush and housing. It is difficult to predict the impact on rental property values. This is a plan that the neighborhood supports in general. He urged the Council to adopt as presented.

George B. Dresser, 501 Fairview, echoed Mr. Patterson comments and urged the Council to approve the plan. The approval to change lot sizes is very important. He noted that Area 5 is extremely dynamic, and it is important that we recognize the area will change very dramatically. The plan has two parts. One addresses that reasonable things will happen, and the implementation will take a lot of work on behalf of staff. The City Engineer will have to be actively involved. He does have a concern that we have not thought through the traffic impacts.

This is a very good effort, and he is happy with the work staff has done. The fact there aren't several hundred people here tonight shows good work.

Commissioner Warner, Planning and Zoning, stated the plan comes forward with a lot of compromise and is a solid plan. P&Z voted six (6) to zero (0) to adopt.

Fred Dupriest, 400 Fairview, stated he does not support all the plan. There are some issues that are very concerning, especially Area 5. There are currently no three or five story buildings. This will fundamentally change the character of the neighborhood. A change to apartments and high-rises doesn't just change the look, it changes the character of the neighborhood. There is only one section with contiguous owners to place an apartment building. Only the top two blocks are owned by two interests that have the room to build a reasonably sized apartment. The plan encourages placing three stories on two lots. These will tower over adjoining residential property. The renovation craze is moving though like crazy, but it stops at Area 5 because most of the property has been purchased by investors. It did not quit developing, it quit because investors only sell to each other. They want to stack people three stories high. Is that what the City wants to see happen in that area? Tough work is still ahead, but who will retain the integrity of the neighborhood? Will we push the development next to the road where it is reasonable?

Keith Sewell, 1113 Langford, reiterated that the task force came to an agreement. Both sides compromised.

There being no further comments, the Public Hearing was closed at 9:20 p.m.

MOTION: Upon a motion made by Councilmember Fields and a second by Councilmember Ruesink, the City Council voted seven (7) for and none (0) opposed, to adopt Ordinance 2012-3437, amending the College Station Comprehensive Plan by adopting the Southside Area Neighborhood Plan for the area generally bounded by George Bush Drive, Texas Avenue South, Holleman Drive, Welsh Avenue, Southwest Parkway, and Wellborn Road. The motion carried unanimously.

3. Public Hearing, presentation, possible action, and discussion on Ordinance 2012-3438, amending Chapter 3, "Building Regulations" of the Code of Ordinances of the City of College Station, Texas, amending the 2012 International Building Code by adopting Appendix D, establishing a Fire District.

At approximately 9:43 p.m., Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 9:43 p.m.

MOTION: Upon a motion made by Councilmember Schultz and a second by Councilmember Mooney, the City Council voted six (6) for and one (1) opposed, with Councilmember Fields voting against, to adopt Ordinance 2012-3438, amending Chapter 3, "Building Regulations" of the Code of Ordinances of the City of College Station, Texas, amending the 2012 International Building Code by adopting Appendix D, establishing a Fire District. The motion carried unanimously.

4. Public Hearing, presentation, possible action, and discussion approving Ordinance 2012-3439, vacating and abandoning a 0.09 acre, 20-foot wide sanitary sewer easement, which is located on Lots 9 and 10 of Block 2 of the North Forest Estates Subdivision according to the plat recorded in Volume 8640, Page 82 of the Deed Records of Brazos County, Texas.

At approximately 9:45 p.m., Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 9:45 p.m.

MOTION: Upon a motion made by Councilmember Fields and a second by Councilmember Schultz, the City Council voted seven (7) for and none (0) opposed, to adopt Ordinance 2012-3439, vacating and abandoning a 0.09 acre, 20-foot wide sanitary sewer easement, which is located on Lots 9 and 10 of Block 2 of the North Forest Estates Subdivision according to the plat recorded in Volume 8640, Page 82 of the Deed Records of Brazos County, Texas. The motion carried unanimously.

5. Presentation, possible action and discussion regarding the appointment to the Brazos Valley Council of Governments.

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 Mayor Berry to the Brazos Valley Council of Governments. The motion carried unanimously.

6. Presentation, possible action, and discussion on consideration affiliation agreement with the College Station Medical Center to open discussions on the option under the 1115 Transformation Waiver of the Social Security Act on a partnership for an employee clinic.

This item was not discussed.

7. Adjournment.

MOTION: There being no further business, Mayor Berry adjourned the Regular Meeting of the City Council at 9:47 p.m. on Thursday, August 23, 2012.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

September 13, 2012 (13 de septiembre de 2012)
City Council Consent Agenda Item No. 2b (Agenda de Acuerdo del Consejo de la Ciudad
Punto No.2b)

Amended Order of Election (Enmienda a la Orden de Elecciones)

To (Para): David Neeley, City Manager (*Administrador de la Ciudad*)

From (De): Sherry Mashburn, City Secretary (*Secretaria de la Ciudad*)

Agenda Caption (Encabezado de la Agenda): Presentation, possible action and discussion on an ordinance amending Section 4 of Ordinance No. 2012-3433 ordering a Special Election to be held on November 6, 2012 for the purpose of submitting proposed amendments to the City Charter to the voters by correcting the polling location for Precincts 24, 53 and 58. (*Presentación, posible acción y discusión de una ordenanza que enmienda la Sección 4 de la Ordenanza No. 2012-3433 para ordenar Elecciones Especiales a celebrarse el 6 de noviembre de 2012 con el propósito de presentarle a los votantes las enmiendas propuestas a los Estatutos de la Ciudad, al corregir el sitio de votaciones para los Departamentos números 24, 53 y 58.*)

Summary (Resumen): On Friday, August 24, the CSO was notified by the Brazos County Clerk that the polling location for Precincts 24, 53 and 58 was moved from the College Hills Elementary School back to the Hawthorn Suites. Hawthorn Suites has been the county's polling location for awhile, but there was a communication error early in the process, and the County Clerk was informed by management that the meeting room had been booked by someone else. Because of this, a new location was selected – College Hills Elementary. However, Commissioner Catalena didn't want to use the school because of the volume of voters expected, and he was able to convince Hawthorn to let us be there one more time. (*El viernes 24 de agosto, el CSO fue notificado por el Oficial del condado de Brazos que el centro de votaciones para los Distritos números 24, 53 y 58 se cambió de la Escuela Primaria College Hills de vuelta al hotel Hawthorn Suites. El hotel Hawthorn Suites ha sido el centro de votaciones por mucho tiempo, pero hubo un error en comunicación al principio del proceso, y el Oficial del Condado fue informado por la administración que el salón de reuniones ya se encontraba reservado para alguien más. Por causa de este asunto, se seleccionó otro sitio – Escuela Primaria College Hills. A pesar de ello, el Comisionado Catalena no quería utilizar la escuela por el volumen de votantes esperados, y pudo convencer al hotel Hawthorn que sirviera una vez más como centro de votaciones.*)

Attachments (Adjuntos):

- Draft Ordinance amending the Order of Election (*Borrador de la Ordenanza de enmienda de la Orden de Elecciones*)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, AMENDING SECTION 4 OF ORDINANCE NO. 2012-3433 ORDERING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 6, 2012 FOR THE PURPOSE OF SUBMITTING PROPOSED AMENDMENTS TO THE CITY CHARTER TO THE VOTERS BY CORRECTING THE POLLING LOCATION FOR PRECINCTS 24, 53 AND 58.

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

SECTION 1. That Section 4 of Ordinance No. 2012-3433 is hereby amended to read as follows (corrected text is underlined):

“SECTION 4. The polling places for each precinct for this election shall be as follows:

PRECINCT NO.	POLLING PLACE LOCATION
8	Parkway Baptist Church 1501 Southwest Parkway College Station, Texas
9	Justice of the Peace, Pct. 3 Office 1500 George Bush Drive College Station, Texas
10, 80	Living Hope Baptist Church 4170 State Highway 6, South College Station, Texas
20	Memorial Student Center (MSC), Room 526 Texas A&M Campus, Joe Routt Blvd. College Station, Texas
21	Cavitt Church of Christ 3200 Cavitt Avenue Bryan, Texas
24, 53, 58	<u>Hawthorn Suites</u> <u>1010 University Drive East</u> <u>College Station, Texas</u>
31	Larry J. Ringer Library 1818 Harvey Mitchell Parkway College Station, Texas
33, 49, 72, 74,	Lincoln Center 1000 Eleanor College Station, Texas

34	College Station City Hall 1101 Texas Avenue College Station, Texas
35	College Station ISD Administration Building 1812 Welsh College Station, Texas
39	St. Francis Episcopal Church 1101 Rock Prairie Road College Station, Texas
40	Aldersgate Methodist Church 2201 Earl Rudder Freeway College Station, Texas
41	Christ United Methodist Church 4201 State Highway 6, South College Station, Texas
65, 69, 71	Wellborn Community Center 4119 W. Greens Prairie Road College Station, Texas
68	Peach Creek Community Center 2216 Peach Creek Road College Station, Texas

SECTION 2. If any portion of this Ordinance is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect.

SECTION 3. That this ordinance shall be effective immediately upon adoption.

APPROVED AND ADOPTED by the City Council of the City of College Station this ____ day of _____, 2012.

CITY OF COLLEGE STATION:

Nancy Berry, Mayor

ATTEST:

APPROVED AS TO FORM:

Sherry Mashburn, City Secretary

Carla A. Robinson

Carla Robinson, City Attorney

ORDENANZA NO. _____

UNA ORDENANZA DEL CONSEJO DE LA CIUDAD, DE LA CIUDAD DE COLLEGE STATION, TEXAS, QUE ENMIENDA LA SECCIÓN 4 DE LA ORDENANZA NO. 2012-3433 LA CUAL ORDENA ELECCIONES ESPECIALES A CELEBRARSE EL 6 DE NOVIEMBRE DE 2012 CON EL PROPÓSITO DE PRESENTARLE A LOS VOTANTES LAS ENMIENDAS PROPUESTAS A LOS ESTATUTOS DE LA CIUDAD AL CORREGIR EL SITIO DE ELECCIONES PARA LOS DISTRITOS 24, 53 Y 58.

QUE SE ORDENE POR EL CONSEJO DE LA CIUDAD, DE LA CIUDAD DE COLLEGE STATION, TEXAS:

SECCIÓN 1. Que la Sección 4 de la Ordenanza No. 2012-3433 por este medio se enmienda para leerse de la siguiente manera (el texto corregido se encuentra subrayado):

“SECCIÓN 4. Los centros de votaciones para cada distrito para estas elecciones serán las siguientes:

DISTRITO NO.	UBICACIÓN DE LOS CENTROS DE VOTACIONES
8	Parkway Baptist Church [Iglesia Bautista Parkway] 1501 Southwest Parkway College Station, Texas
9	Justice of the Peace, Pct. 3 Office [Oficina del Juez de Paz, 3 ^{er} Distrito] 1500 George Bush Drive College Station, Texas
10, 80	Living Hope Baptist Church [Iglesia Bautista Living Hope] 4170 State Highway 6, South College Station, Texas
20	Memorial Student Center (MSC), Room 526 [Centro de Estudiantes Memorial (MSC), Salón 526] Texas A&M Campus, Joe Routt Blvd. College Station, Texas
21	Cavitt Church of Christ [Iglesia de Cristo de Cavitt] 3200 Cavitt Avenue Bryan, Texas
24, 53, 58	<u>Hawthorn Suites [Hotel Hawthorn Suites]</u> <u>1010 University Drive East</u> <u>College Station, Texas</u>
31	Larry J. Ringer Library [Biblioteca Larry J. Ringer] 1818 Harvey Mitchell Parkway College Station, Texas
33, 49, 72, 74,	Lincoln Center [Centro Lincoln] 1000 Eleanor College Station, Texas

34	College Station City Hall [Municipalidad de la Ciudad de College Station] 1101 Texas Avenue College Station, Texas
35	College Station ISD Administration Building [Edificio Administrativo del Distrito Escolar Independiente de College Station] 1812 Welsh College Station, Texas
39	St. Francis Episcopal Church [Iglesia Episcopal St. Francis] 1101 Rock Prairie Road College Station, Texas
40	Aldersgate Methodist Church [Iglesia Metodista Aldersgate] 2201 Earl Rudder Freeway College Station, Texas
41	Christ United Methodist Church [Iglesia Metodista Christ United] 4201 State Highway 6, South College Station, Texas
65, 69, 71	Wellborn Community Center [Centro Comunitario de Wellborn] 4119 W. Greens Prairie Road College Station, Texas
68	Peach Creek Community Center [Centro Comunitario de Peach Creek] 2216 Peach Creek Road College Station, Texas

SECCIÓN 2. Si alguna parte de esta Ordenanza se encuentra inválida por una corte competente dentro de la jurisdicción, entonces las provisiones restantes de esta Ordenanza permanecerán en completa vigencia.

SECCIÓN 3. Que esta ordenanza entrará en vigencia inmediatamente después de ser adoptada.

APROBADA Y ADOPTADA por el Consejo de la Ciudad de la Ciudad de College Station este ____ día del mes de _____ de 2012.

CIUDAD DE COLLEGE STATION:

Nancy Berry, Alcalde

DOY FE:

APROBADA EN CUANTO A FORMA:

Sherry Mashburn, Secretaria de la Ciudad

Carla Robinson, Abogada de la Ciudad

September 13, 2012 (13 de septiembre de 2012)
City Council Consent Agenda Item No. 2c (Agenda de Acuerdo del Consejo de la Ciudad
Punto No.2c)

Amended Notice of Election (Enmienda a la Notificación de Elecciones)

To (Para): David Neeley, City Manager (*Administrador de la Ciudad*)

From (De): Sherry Mashburn, City Secretary (*Secretaria de la Ciudad*)

Agenda Caption (Encabezado de la Agenda): Presentation, possible action and discussion on a resolution amending the Notice of Special Election that will be held November 6, 2012. (*Presentación, posible acción y discusión de una resolución para enmendar la Notificación de Elecciones Especiales que se realizarán el 6 de noviembre de 2012.*)

Summary (Resumen): On Friday, August 24, the CSO was notified by the Brazos County Clerk that the polling location for Precincts 24, 53 and 58 was moved from the College Hills Elementary School back to the Hawthorn Suites. Hawthorn Suites has been the county's polling location for awhile, but there was a communication error early in the process, and the County Clerk was informed by management that the meeting room had been booked by someone else. Because of this, a new location was selected – College Hills Elementary. However, Commissioner Catalena didn't want to use the school because of the volume of voters expected, and he was able to convince Hawthorn to let us be there one more time. (*El viernes 24 de agosto, el CSO fue notificado por el Oficial del condado de Brazos que el centro de votaciones para los Distritos números 24, 53 y 58 se cambió de la Escuela Primaria College Hills de vuelta al hotel Hawthorn Suites. El hotel Hawthorn Suites ha sido el centro de votaciones por mucho tiempo, pero hubo un error en comunicación al principio del proceso, y el Oficial del Condado fue informado por la administración que el salón de reuniones ya se encontraba reservado para alguien más. Por causa de este asunto, se seleccionó otro sitio – Escuela Primaria College Hills. A pesar de ello, el Comisionado Catalena no quería utilizar la escuela por el volumen de votantes esperados, y pudo convencer al hotel Hawthorn que sirviera una vez más como centro de votaciones.*)

Attachments (Adjuntos):

- Draft Resolution amending the Notice of Election (*Borrador de la Resolución de enmienda de la Notificación de Elecciones*)
- Amended Notice of Election (*Enmienda a la Notificación de Elecciones*)

RESOLUTION NO.

A RESOLUTION OF THE CITY OF COLLEGE STATION, TEXAS AMENDING THE NOTICE OF SPECIAL ELECTION THAT WILL BE HELD ON TUESDAY, NOVEMBER 6, 2012.

WHEREAS, Brazos County will conduct a General Election on Tuesday, November 6, 2012; and

WHEREAS, the City of College Station City Council will be conducting a Special Election to be held the same day; and

WHEREAS, the parties to this agreement desire that a joint election be held that is cost effective and convenient for the voters of both entities; and

WHEREAS, a polling location has been changed from College Hills Elementary School to Hawthorn Suites.

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

PART 1: That the amended Notice of Election and Early and Regular Polling Places are hereby approved.

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

ADOPTED this _____ day of _____, 2012.

CITY OF COLLEGE STATION:

Nancy Berry, Mayor

ATTEST:

APPROVED AS TO FORM:

Sherry Mashburn, City Secretary

Carla A. Robinson

Carla Robinson, City Attorney

RESOLUCIÓN NO.

UNA RESOLUCIÓN DE LA CIUDAD DE COLLEGE STATION, TEXAS QUE ENMIENDA LA NOTIFICACIÓN DE LAS ELECCIONES ESPECIALES QUE SE CELEBRARÁN EL 6 DE NOVIEMBRE DE 2012.

EN TANTO QUE el Condado de Brazos llevará a cabo unas Elecciones Generales el martes 6 de Noviembre de 2012; y

EN TANTO QUE el Consejo de la Ciudad, de la Ciudad de College Station llevará a cabo Elecciones Especiales para celebrarse el mismo día; y

EN TANTO QUE las partes a este acuerdo desean realizar elecciones conjuntas que sean rentables y convenientes para los votantes de ambas entidades; y

EN TANTO QUE un sitio de votaciones ha sido cambiado de la Escuela Primaria College Hills al hotel Hawthorn suites.

AHORA, POR TANTO, QUE SE RESUELVA POR EL CONSEJO DE LA CIUDAD, DE LA CIUDAD DE COLLEGE STATION, TEXAS:

PARTE 1: Que por este medio la Notificación enmendada de las Elecciones y los Sitios de Votaciones para las Votaciones Anticipadas y Regulares han sido aprobados.

PARTE 2: Que esta resolución entrará en vigencia inmediatamente al momento de y después de ser aprobada.

ADOPTADA este _____ día del mes de _____ de 2012.

CIUDAD DE COLLEGE STATION:

Nancy Berry, Alcalde

DOY FE:

APROBADA EN CUANTO A FORMA:

Sherry Mashburn, Secretaria de la Ciudad

Carla Robinson, Abogada de la Ciudad

NOTICE OF SPECIAL ELECTION TO
ALL QUALIFIED VOTERS WITHIN THE CITY OF COLLEGE STATION, TEXAS

1. A special election will be held on November 6, 2012 for the purpose of submitting nine (9) propositions to the voters for the following amendments to the City Charter:

AMENDMENT NO. 1

Shall Article X (Initiative, Referendum, Recall), Sections 94 (Recall; General), 95 (Recall Procedure), 96 (Recall Petitions), and 97 (Recall Election) of the College Station City Charter be amended to require grounds for removal of Council Members by recall; provide that such grounds be included in the recall affidavit and in the recall petitions; allow the City Secretary a reasonable time to deliver the recall petition blanks; clarify the City Secretary's role in examining the recall petitions; and amend the number of days allowed for an officer whose removal is sought to resign?

Section 94 Recall; General – Amended to read as follows:

Recall; General

Section 94. Any member of the City Council may be removed from office by recall on grounds of incompetency, official misconduct or malfeasance in office.

A portion of Section 95 Recall Procedure – Amended to read as follows with the remainder of Section 95 to remain unchanged:

Recall Procedure

Section 95. Any elector of the City of College Station may make and file with the City Secretary an affidavit containing the name or names of the officer or officers whose removal is sought and setting out distinctly and specifically the ground or grounds upon which such removal is sought with such certainty as to give each officer sought to be removed notice of the matters and things with which the officer is charged. The City Secretary shall as soon as reasonable deliver to the elector making such affidavit copies of petition blanks demanding such removal. . . .

A portion of Section 96 Recall Petitions – Amended to read as follows with the remainder of Section 96 to remain unchanged:

Recall Petitions

Section 96. The recall petition to be effective must be returned and filed with the City Secretary within thirty (30) days after the filing of the affidavit required in Section 95 of this Article. Each separate petition paper must set out distinctly and specifically the ground or grounds upon which removal is sought and the matters and things with which the officer is charged. . . .

A portion of Section 97 Recall Election – Amended to read as follows with the remainder of Section 97 to remain unchanged:

Recall Election

Section 97. The City Secretary shall within fifteen (15) business days from the date of its filing, examine the recall petition to determine that the petition; sets out distinctly and specifically the ground or grounds upon which removal is sought and the matters and things with which the

officer is charged, is signed by a sufficient number of electors, and is in compliance with the procedural requirements of this article of the charter, and if finding the petition sufficient he shall submit it to the city council at the next regularly scheduled meeting with his certificate to that effect and notify the officer sought to be recalled of such action. If the officer whose removal is sought does not resign within seven (7) calendar days after such notice the city council shall thereupon order and fix a date for holding a recall election. . . .

AMENDMENT NO. 2

Shall Article III (The City Council), Section 21 (Vacancies) of the College Station City Charter be amended to authorize a process to be followed to call an election in the event of a vacancy in the office of Mayor and in the event of a vacancy in the office of Mayor and all Council Members?

Section 21 Vacancies – Amended to read as follows:

Vacancies

Section 21. A vacancy in the City Council shall be filled by a special election which shall be called within thirty (30) days of the occurrence of such vacancy. If any such vacancy shall occur within ninety (90) days preceding a general election, then no special election shall be called; provided, however, that the unexpired term shall be filled at the next general election. In the event the Mayor is unable to order the election for any reason, the remaining members of the City Council are authorized and directed to order the election and perform all other required actions incident to the election. In the event of vacancies in the offices of Mayor and all members of the City Council for any reason, the following persons, in the order prescribed, are authorized and directed to order the election and perform all other required actions incident to the election:

1. City Manager
2. City Secretary
3. City Attorney
4. Presiding Judge of the Municipal Court

AMENDMENT NO. 3

Shall Article X (Initiative, Referendum, Recall), Section 83 (Power of Initiative) and Section 84 (Power of Referendum) be amended to clarify exceptions to the power of initiative and exceptions to the power of referendum, to extend the number of days in which an ordinance is subject to referendum from twenty (20) days to thirty (30) days, to extend the number of days allowed the City Secretary to examine the petitions from ten (10) days to fifteen (15) days, and to provide that the number of days specified to examine the petitions are business days?

Section 83 Power of Initiative – Amended to read as follows:

Power of Initiative

Section 83. The electors shall have power to propose any ordinance, except land use ordinances including but not limited to zoning or rezoning property; or ordinances appropriating money, authorizing the issuance of bonds, or authorizing the levy of taxes, and to adopt or reject the same at the polls, such power being known as the initiative. Any initiative ordinance may be

submitted to the City Council by a petition signed by qualified electors of the City equal in number to at least twenty-five (25) percent of the number of votes cast at the last regular municipal election.

Section 84 Power of Referendum – Amended to read as follows:

Power of Referendum

Section 84. The electors shall have power to approve or reject at the polls any ordinance passed by the City Council, or submitted by the City Council to a vote of the electors, such power being known as the referendum, except in the case of land use ordinances including but not limited to zoning or rezoning property; or ordinances appropriating money, authorizing the issuance of bonds, or making the annual tax levy. Ordinances submitted to the City Council by initiative petition and passed by the City Council without charge shall be subject to the referendum in the same manner as other ordinances. Within thirty (30) days after the enactment by the City Council of any ordinance which is subject to a referendum, a petition signed by qualified electors of the city equal in number to at least twenty-five (25) percent of the number of votes cast at the last preceding regular municipal election may be filed with the City Secretary requesting that any such ordinance be either repealed or submitted to a vote of the electors.

A portion of Section 87 Amendment of Petitions – Amended to read as follows with the remainder of Section 87 to remain unchanged:

Amendment of Petitions

Section 87. An initiative or referendum petition may be amended at any time within fifteen (15) business days after the notification of insufficiency has been sent by the City Secretary, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. . . .

AMENDMENT NO. 4

Shall Article XII (General Provisions), Section 118 (Oath of Office) of the College Station City Charter be repealed and a new section added to Article IX (Nominations & Elections), providing for an oath of office?

Section 118 Oath of Office – Repealed and replaced as follows:

Oath of Office

Oath of Office

Every officer of the City shall, before entering upon the duties of their office, take and subscribe to an oath or affirmation, similar to that required by the Texas Constitution for state officers, before entering upon the duties of the office.

The oath or affirmation shall be in a form provided by the City Secretary, shall be given before a person authorized to administer oaths, and shall be filed and kept in the office of the City Secretary.

AMENDMENT NO. 5

Shall a provision be added to Article XII (General Provisions) of the College Station City Charter to define business day and calendar day and the charter amended throughout to specify when business day applies and when calendar day applies?

A new provision added to Article XII General Provisions – To read as follows:

Calendar Day and Business Day

“Business day” as used in this Charter means Monday through Friday, except for federal or State of Texas holidays. “Calendar day” as used in this Charter means a 24-hour period (midnight to midnight) as denoted on the calendar. Any reference in the Charter to “day” without specifying calendar day or business day shall mean calendar day unless otherwise expressly provided in this charter.

A portion of Section 59 Estimated Expenditures Shall Not Exceed Estimated Resources – Amended to read as follows with the remainder of Section 59 to remain unchanged:

Estimated Expenditures Shall Not Exceed Estimated Resources

Section 59. The total estimated expenditures of the general fund and debt fund shall not exceed the total estimated resources of each fund.

The City Council may by ordinance amend the budget during a fiscal year if one of the following conditions exists:

1. If during the fiscal year the City Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the City Council, by ordinance, may make supplemental appropriations for the year up to the amount of such excess. Before approval, the Council shall hold a public hearing on the proposed budget amendment. A notice of the time and place of a public hearing on the supplemental appropriation shall be published in the official newspaper of the City of College Station. The notice shall be placed in the newspaper at least five (5) business days before the date of the hearing.

A portion of Section 84 Power of Referendum – Amended to read as follows with the remainder of Section 84 to remain unchanged:

Power of Referendum

Section 84. . . Within twenty (20) calendar days after the enactment by the City Council of any ordinance which is subject to a referendum, a petition signed by qualified electors of the city equal in number to at least twenty-five (25) percent of the number of votes cast at the last preceding regular municipal election may be filed with the City Secretary requesting that any such ordinance be either repealed or submitted to a vote of the electors.

A portion of Section 86 Filing; Examination and Certification of Petitions – Amended to read as follows with the remainder of Section 86 to remain unchanged:

Filing; Examination and Certification of Petitions

Section 86. All petition papers comprising an initiative or referendum petition shall be assembled and filed with the City Secretary as one instrument. Within ten (10) business days after the petition is filed, the City Secretary shall determine whether each paper of the petition

has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified electors. . . .

A portion of Section 87 Amendment of Petitions – Amended to read as follows with the remainder of Section 87 to remain unchanged:

Amendment of Petitions

Section 87. . . .The City Secretary shall, within five (5) business days after such an amendment is filed, make examination of the amended petition and, if the petition be still insufficient, he shall file his certificate to that effect in his office and notify the committee of petitioners of his findings, and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

A portion of Section 89 Consideration by City Council – Amended to read as follows with the remainder of Section 89 to remain unchanged:

Consideration by City Council

Section 89. . . .The City Council shall take final action on the ordinance not later than sixty (60) calendar days after the date on which such ordinance was submitted by the City Secretary. A referred ordinance shall be reconsidered by the City Council and its final vote upon such reconsideration shall be upon the question. “Shall the ordinance specified in the referendum petition be repealed?”

A portion of Section 96 Recall Petitions – Amended to read as follows with the remainder of Section 96 to remain unchanged:

Recall Petitions

Section 96. The recall petition to be effective must be returned and filed with the City Secretary within thirty (30) calendar days after the filing of the affidavit required in Section 95 of this Article. . . .

AMENDMENT NO. 6

Shall Article X (Franchises & Public Utilities), Section 104 (Procedure) of the College Station City Charter be amended to require two (2) readings of the franchise ordinance to be read for passage?

A portion of Section 104 Procedure – Amended to read as follows with the remainder of Section 104 to remain unchanged:

Procedure

Section 104. 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 two (2) separate regular meetings of the City Council. No ordinance granting a franchise shall pass any reading except by a vote of the majority of the City Council, and such ordinance shall not take effect until sixty (60) days after its adoption on its second and final reading; provided, however, that if at any time before such ordinance shall finally take effect a petition shall be presented to the City Council signed by not less than forty (40) percent of the bona fide qualified voters of the City, then the City Council shall submit the question of the granting of such franchise to a vote of the qualified voters of the

City at the next succeeding general election to be held in the City, provided that notice thereof shall be published in at least ten (10) successive issues of the official newspaper of the City of College Station prior to the holding of such election. . . .

AMENDMENT NO. 7

Shall the College Station City Charter be amended to provide for the update and modernization of Article XI (Franchises & Public Utilities)?

A portion of Section 102 Control Over and Powers With Reference to City Property – Amended to read as follows with the remainder of Section 102 to remain unchanged:

Control Over and Powers With Reference to City Property

Section 102. . . .The City of College Station shall have the power, subject to the terms and provisions hereof, by ordinance to confer upon any person or corporation, the franchise or right to use the property of the city, as defined in the preceding paragraph, for the purpose of furnishing to the public any general public service whereby a general service is to be furnished to the public for compensation or hire, to be paid to the franchise holder, whereby a right to use the streets, highways or other property of the City is necessary or proper; and generally to fix and regulate the rates, tolls and charges of all public utilities of every kind operating within the corporate limits of the City of College Station consistent with state law.

Section 103 Limitations – Amended to read as follows:

Limitations

Section 103. No exclusive franchise or privilege shall ever be granted; nor a franchise, nor a privilege to commence at any time after six (6) months subsequent to the taking effect of the ordinance granting the same; and no franchise shall be directly or indirectly extended beyond the term originally fixed by the ordinance granting the same, except as provided by the terms of this charter.

A portion of Section 105 Terms and Conditions - Amended to read as follows with the remainder of Section 105 to remain unchanged:

Term and Conditions

Section 105. No determinate or fixed-term franchise shall ever be granted for a longer term than twenty-five (25) years; nor shall any right, privilege or franchise now in existence be extended beyond the period now fixed for its termination, directly or indirectly, or through any means whatsoever, and any ordinance in violation or evasion of this prohibition shall be absolutely void; provided, however, that any corporation, person or association of persons now holding any franchise under any charter, charters or ordinances of the City of College Station may, with the consent of the city council surrender such franchise or franchises, subject to the provisions of the City Charter then in force. No holder of a franchise heretofore or hereafter granted shall have a right (unless such right is granted in the franchise) to transfer or assign its properties and franchise to any other person, firm or corporation without the consent of the city council by ordinance, and such consent when given shall not operate as the granting of a franchise or as a new franchise. . . .

All public utility franchises in the City of College Station shall be held whether expressed in the ordinance or not, subject to the right of the city, each of the following being a condition

- (7) To fix and regulate the price and rates for the service to be performed under the franchise as may be permitted by state law. . . .

Section 106 Utility Rates and Charges – Amended to read as follows:

Utility Rates and Charges

Section 106. Consistent with state law, the City Council shall have the power by ordinance to fix and regulate the price, rates, tolls and charges of all public utilities of every kind operating within the corporate limits of the City of College Station that are subject to this Article.

Section 113 Franchise Records – Amended to read as follows:

Franchise Records

Section 113. The City shall maintain a public record of public utility franchises.

AMENDMENT NO. 8

Shall the language in Article XII (General Provisions), Section 115 (Personal Interest) of the College Station City Charter be replaced with language providing that members of City Council and any officer or employee of the City shall comply with state law pertaining to conflicts of interest of local government officials, including TEXAS LOCAL GOVERNMENT CODE, Chapter 171?

Section 115 Personal Interest – Amended to read as follows:

Personal Interest

Section 115. Members of the City Council and officers and employees of the City shall comply with state law pertaining to conflicts of interest of local government officials, including TEXAS LOCAL GOVERNMENT CODE, Chapter 171.

AMENDMENT NO. 9

Shall the College Station City Charter be amended to add a provision to Article XII (General Provisions) of the charter providing that the charter is to be gender neutral and amended throughout to make the charter language gender neutral; to correct non-substantive errors such as misspellings, punctuation, grammar and sentence structure; to make non-substantive changes to clarify the meaning of various charter provisions; to conform to requirements and/or provisions of current state law and/or federal law; and to remove charter language that is obsolete?

A new provision added to Article XII General Provisions - To read as follows:

Gender Neutrality

The wording of this Charter should be regarded as and is intended to be gender neutral.

A portion of Section 7 Extension of City Limits by the City Council – Amended to read as follows with the remainder of Section 7 to remain unchanged:

Extension of City Limits by the City Council

Section 7. The City Council shall have the power to fix, by ordinance, the boundary limits of the City of College Station, and to provide for the extension of such boundary limits and the annexation of additional territory lying adjacent to the City, with or without the consent of the inhabitants of such area to be annexed, in accordance with applicable state annexation laws. The City Council shall have the power to detach, by ordinance, any territory, with or without the consent of the inhabitants of such area to be detached, in accordance with applicable state annexation laws. . . .

Section 8 Eminent Domain – Amended to read as follows:

Eminent Domain

Section 8. The City shall have the full right, power and authority to exercise the power of eminent domain when necessary or desirable to carry out any of the power conferred upon it by this charter or by the constitution or laws of the State of Texas. The City may also exercise the power of eminent domain in any other manner now or hereafter authorized or permitted by the constitution and laws of this state, or in the manner and form that may be provided by ordinance of the governing body of the City. The power of eminent domain hereby conferred shall include the right of the City to take the fee in the lands so condemned and such power and authority shall include the right to condemn public property for such purposes. The City shall have and possess this power of condemnation of property within or without the corporate limits for any municipal or public purpose, even though not specifically enumerated herein or in this charter.

Section 17 Number, Selection, Term – Amended to read as follows:

Number, Selection, Term

Section 17. The City Council shall be composed of the Mayor and six (6) Councilmembers and be known as the “City Council of the City of College Station.”

- (a) The Mayor and other members of the City Council shall be elected from the City at large.
- (b) The Mayor shall be the presiding officer of the City Council and shall be recognized as the head of the City government for all ceremonial purposes and by the Governor for purposes of military law, but shall have no regular administrative duties. The Mayor shall be entitled to vote on all matters under consideration by the City Council.
- (c) Each Councilmember, unless sooner removed under the provisions of this Charter, shall serve for a term of three (3) years, beginning with the first meeting of the Council following the Councilmember’s election, and ending with the first meeting of the Council three (3) years later, or until the Councilmember’s successor has been elected and duly qualified. The Mayor, unless sooner removed under the provisions of this Charter, shall serve for a term of three (3) years, beginning with the first meeting of the Council following the Mayor’s election and ending with the first meeting of the Council three (3) years later, or until the Mayor’s successor has been elected and duly qualified.
- (d) No person shall be deemed elected to an office unless that person receives a majority of all the votes cast for such office. The Council shall, upon declaring the official results of the election, order a run-off election for each office to which no one was elected. In the run-off election, the two candidates who received, in the preceding election, the highest number

of votes for each office to which no one was elected, shall be voted on again by the qualified voters, and the candidate who receives the majority of the votes cast for such office in the run-off election shall be elected to such office.

- (e) Beginning in 1999, there shall be no limit to the total number of terms served by the Mayor or Councilmembers. However, no person shall be eligible to be elected to serve in the capacity of the Councilmembers for consecutive regular terms totaling more than six (6) years; nor shall any person be eligible to be elected to serve in the capacity of Mayor for consecutive regular terms totaling more than six (6) years.

Section 18 Qualifications – Amended to read as follows:

Qualifications

Section 18. The Mayor and Councilmembers shall be citizens of the United States and qualified voters of the State of Texas; shall have resided for at least one (1) year next preceding the election, at which they are candidates, within the corporate limits of the City of College Station; and shall not be disqualified by reason of any provision of any other section of this Charter. A member of the City Council ceasing to possess any of the qualifications specified in this section, or any other section of this Charter, or convicted of a felony while in office, or who is absent from three (3) consecutive regular Council meetings without consent of the Council, shall immediately forfeit the office of Mayor or Councilmember.

A portion of Section 20 Presiding Officer; Mayor – Amended to read as follows with the remainder of Section 20 to remain unchanged:

Presiding Officer; Mayor

Section 20. . . .The Mayor shall be entitled to vote upon all matters considered by the City Council, but shall have no veto power. The City Council shall elect a Mayor Pro Tem from its membership who shall act as Mayor during the absence or disability of the Mayor.

Section 21 Vacancies – Amended to read as follows:

Vacancies

Section 21. A vacancy in the City Council shall be filled by a special election which shall be called in accordance with state law. If any such vacancy shall occur within ninety (90) days preceding a general election, then no special election shall be called; provided, however, that the unexpired term shall be filled at the next general election. No such election shall be held sooner than thirty (30) days from the date it is called.

Section 23 Appointment and Removal of City Manager – Amended to read as follows:

Appointment and Removal of City Manager

Section 23. The City Council shall appoint an officer of the City who shall have the title of City Manager and serve at the pleasure of the Council. The City Manager shall have the powers and perform the duties set forth in this charter. No Councilmember shall be appointed to serve as City Manager during the term for which the Councilmember shall have been elected, nor within one year after the expiration of the Councilmember's term.

The salary of the City Manager shall be fixed by the City Council. If the City Manager is removed at any time after six (6) months following appointment, the City Manager may demand

written charges and a public hearing thereon before the City Council prior to the date on which final removal from office shall take effect, but pending such hearing the City Council may suspend the City Manager from office. The action of the City Council in suspending or removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the City Council.

Section 24 Council Not to Interfere In Appointments or Removals – Amended to read as follows:

Council Not to Interfere In Appointments or Removals

Section 24. Neither the City Council nor any of its members shall direct the appointment or removal of any person from office by the City Manager or by any of the City Manager's subordinates; provided, however, that the appointment or dismissal of department heads shall be subject to the approval of the City Council. Except for the purpose of inquiry in accordance with Section 36 of this charter, the City Council and its members shall deal with the administrative service solely through the City Manager, and neither the City Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately.

Section 26 Administrative Departments – Amended to read as follows:

Administrative Departments

Section 26. There are hereby created the following administrative departments: Finance, Police, Fire and Public Works. The City Council may, upon the advice of the City Manager, consolidate into one department not more than two of the departments hereby established; and by ordinance may create, change and abolish offices, departments or agencies other than the offices, departments and agencies established by this Charter.

A portion of Section 27 City Secretary – Amended to read as follows with the remainder of Section 27 to remain unchanged:

City Secretary

Section 27. . . . The City Secretary or Assistant City Secretary shall give notice of Council meetings, shall keep a journal of its proceedings, shall record in full in a book or books kept and indexed for that purpose all ordinances and resolutions which are then authenticated by the signature of either the City Secretary or the Assistant City Secretary. The City Secretary shall also perform such other duties provided in the Charter and assigned by the City Council.

The City Secretary shall have the power to appoint an assistant or assistants, if deemed necessary by the City Secretary, subject to the approval of and at such compensation as may be fixed by the City Council. Such assistant or assistants may be removed from office by the City Secretary.

A portion of Section 29 City Attorney – Amended to read as follows with the remainder of Section 29 to remain unchanged:

City Attorney

Section 29. . . . The City Attorney shall represent the City in all litigation. The City Attorney shall be the legal advisor of and attorney and counsel for the City and all officers and departments thereof.

The City Attorney shall have power to appoint an assistant or assistants, if the City Attorney deems necessary, subject to the approval of and at such compensation as may be fixed by the City Council; and such assistant or assistants may be removed from office by the City Attorney.

A portion of Section 30 City Internal Auditor – Amended to read as follows with the remainder of Section 30 to remain unchanged:

City Internal Auditor

Section 30. . . . The City Internal Auditor shall carry out the audit functions and shall perform such other duties assigned by the City Council. The City Council may also enter into a contract for the duties of City Internal Auditor, to be carried out by an outside firm, if it so chooses.

The City Internal Auditor shall have the power to appoint an assistant or assistants, if they deem necessary, subject to the approval of and at such compensation as may be fixed by the City Council; and such assistant or assistants may be removed from office by the City Internal Auditor.

A portion of Section 35 Procedure for Passage of Ordinances – Amended to read as follows with the remainder of Section 35 to remain unchanged:

Procedure for Passage of Ordinances

Section 35. . . . The City Secretary shall note on every ordinance, the caption of which is hereby required to be published, and on the record thereof, the fact that same has been published as required by the Charter, and the date of such publication, which shall be prima facie evidence of the legal publication and promulgation of such ordinance; provided, however, that the provisions of this section shall not apply to the correction, amendment, revision and codification of the ordinances of the City for publication in book or pamphlet form. . . .

Section 38 Housing Authority – Amended to read as follows:

Housing Authority

Section 38. The City Council may create a housing authority of such number and terms of members and may delegate to that authority such powers relating to the planning, construction, reconstruction, alteration, repair, maintenance or operation of housing projects and housing accommodations consistent with state law.

Section 40 Qualifications – Amended to read as follows:

Qualifications

Section 40. The City Manager shall be chosen by the City Council solely on the basis of the prospective City Manager’s executive and administrative qualifications with special reference to the applicant’s actual experience, knowledge, and accepted practice in respect to the duties of the City Manager’s office as hereinafter set forth. At the time of appointment the City Manager need not be a resident of the City or State, but during tenure as the City Manager, the new City Manager must establish residence within the City.

A portion of Section 41 Powers and Duties – Amended to read as follows with the remainder of Section 41 to remain unchanged::

Powers and Duties

Section 41. The City Manager shall be the chief executive officer and the head of the administrative branch of the city government and shall be responsible to the City Council for the proper administration of all affairs of the City. To that end the City Manager shall have power and shall be required to:

- (1) Appoint and, when necessary for the good of the service, remove all officers and employees of the City except as otherwise provided by this Charter and except as the City Manager may authorize the head of a department to appoint and remove subordinates in such department. . . .
- (5) Perform such other duties as may be prescribed by this Charter or required by the City Council.

A portion of Section 42 Absence if City Manager – Amended to read as follows with the remainder of Section 42 to remain unchanged:

Absence of City Manager

Section 42. To perform the City Manager’s duties during the City Manager’s temporary leave of absence or disability, the Mayor may designate by letter filed with the City Secretary a qualified administrative officer of the City to serve for the City Manager. . . .

A portion of Section 43 Director of Departments – Amended to read as follows with the remainder of Section 43 to remain unchanged:

Director of Departments

Section 43. At the head of each administrative department there shall be a director who shall be an officer of the City and shall have supervision and control of the department subject to the City Manager. . . .

Section 55 Effective Date of Budget; Certification; Copies Made Available – Amended to read as follows:

Effective Date of Budget; Certification; Copies Made Available

Section 55. Upon final adoption, the budget shall be filed with the City Secretary and such other officials as may be designated by state law. The final budget shall be printed, or otherwise reproduced, and a reasonable number of copies shall be made available for the use of all offices, departments and agencies, and for the use of interested persons and civic organizations.

A portion of Section 58 Contingent Appropriation – Amended to read as follows with the remainder of Section 58 to remain unchanged:

Contingent Appropriation

Section 58. Provision shall be made in the annual budget and in the appropriation ordinance for a contingent appropriation in an amount not more than three (3) percent of the total budget expenditure, to be used in case of unforeseen items of expenditures. Such contingent appropriation shall be under the control of, and distributed by, the City Manager, after approval by the City Council. . . .

A portion of Section 59 Estimated Expenditures Shall Not Exceed Estimated Resources – Amended to read as follows with the remainder of Section 59 to remain unchanged:

Estimated Expenditures Shall Not Exceed Estimated Resources

Section 59. The total estimated expenditures of the general fund and debt fund shall not exceed the total estimated resources of each fund.

The City Council may by ordinance amend the budget during a fiscal year if one of the following conditions exists

3. If at any time during the fiscal year it appears probable to the City Manager that the revenues or fund balances available will be insufficient to meet the amounts appropriated, the City Manager shall report to the City Council without delay, indicating the estimated amount of the deficit, any remedial action taken and recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or reduce any deficit and for that purpose it may by ordinance reduce one or more appropriations.

Section 77 Municipal Elections – Amended to read as follows:

Municipal Elections

Section 77. Regular municipal elections shall be held on a uniform election date set out in state law. Special elections shall be ordered in compliance with applicable state law.

Section 79 How to Get Name on Ballot – Amended to read as follows:

How to Get Name on Ballot

Section 79. Any qualified person who desires to become a candidate in a general election to a place on the City Council, shall file with the City Secretary an application for that person’s name to appear on the ballot in accordance with the Texas Election Code. Such application shall clearly designate the place on the Council to which the candidate seeks election. The application must also contain the candidate’s sworn statement of compliance with the qualifications for holding the office sought under the laws of Texas and the provisions of the Charter.

Section 80 Official Ballots – Amended to read as follows:

Official Ballots

Section 80. The full names of all candidates for the city council as hereinbefore provided, except such as may have withdrawn, died or become ineligible, shall be printed on the official ballot without party designation. If two candidates with the same surnames, or with names so similar as to be likely to cause confusion, are nominated, the addresses of their places of residence shall be placed with their names on the ballot. The order of the names on the ballot shall be determined by lot.

Section 81 Laws Governing City Elections – Amended to read as follows:

Laws Governing City Elections

Section 81. All City elections shall be governed by the constitution of the State of Texas, general laws of the state, this charter, and ordinances of the City, in the order named

Section 82 Canvassing Election – Amended to read as follows:

Canvassing Election

Section 82. Returns of elections, general and special, shall be made by the election officers to the City Council on any date permitted by the Texas Election Code, at which time the City Council shall canvass the returns and declare the results of the election.

A portion of Section 83 Power of Initiative – Amended to read as follows with the remainder of Section 83 to remain unchanged:

Power of Initiative

Section 83. . . . Any initiative ordinance may be submitted to the City Council by a petition signed by qualified electors of the City equal in number to at least twenty-five (25) percent of the number of voters voting at the last regular municipal election.

A portion of Section 84 Power of Referendum – Amended to read as follows with the remainder of Section 84 to remain unchanged:

Power of Referendum

Section 84. . . . Within twenty (20) days after the enactment by the City Council of any ordinance which is subject to a referendum, a petition signed by qualified electors of the city equal in number to at least twenty-five (25) percent of the number of voters voting at the last preceding regular municipal election may be filed with the City Secretary requesting that any such ordinance be either repealed or submitted to a vote of the electors.

Section 85 Form of Petitions; Committee of Petitioners – Amended to read as follows:

Form of Petitions; Committee of Petitioners

Section 85. Initiative petition papers shall contain the full text of the proposed ordinance. The signatures to initiative or referendum petitions need not all be appended to one paper, but to each separate petition there shall be attached a statement of the circulator thereof as provided by this section. Any initiative petition paper shall include each petitioner's signature in ink or indelible pencil and shall indicate after each petitioner's signature the petitioner's place of residence by street and number, or other description sufficient to identify the place. There shall appear on each petition the names and addresses of five electors, who, as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition. Attached to each separate petition paper there shall be an affidavit of the circulator thereof that the circulator, and only the circulator, personally circulated the foregoing paper, that it bears a stated number of signatures, that all signatures appended thereto were made in the circulator's presence, and that the circulator believes them to be the genuine signatures of the persons whose names they purport to be.

A portion of Section 86 Filing; Examination and Certification of Petitions – Amended to read as follows with the remainder of Section 86 to remain unchanged:

Filing; Examination and Certification of Petitions

Section 86. . . . If a petition paper is found to be signed by more persons than the number of signatures certified by the circulator, the last signatures in excess of the number certified shall be disregarded. If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted unless void on other grounds. After the City Secretary has completed the examination of the petition, the City Secretary shall certify the result thereof to the city council at its next regular meeting. If the City Secretary certifies that the petition is insufficient, the City Secretary shall set forth in the certificate of insufficiency the particulars in

which the petition is defective and shall at once notify the committee of the petitioners of the findings.

A portion of Section 87 Amendment of Petitions – Amended to read as follows with the remainder of Section 87 to remain unchanged:

Amendment of Petitions

Section 87. . . . The City Secretary shall, within five (5) days after such an amendment is filed, make examination of the amended petition and, if the petition be still insufficient, the City Secretary shall file a certificate to that effect in the City Secretary’s office and notify the committee of petitioners of the findings. No further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

Section 90 Submission to Electors – Amended to read as follows:

Submission to Electors

Section 90. If the City Council shall fail to pass an ordinance proposed by the initiative petition, or shall pass it in a form different from that set forth in the petition therefor; or if the City Council fails to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the electors at an election to be held on the next uniform election date authorized by state law for municipal elections.

A portion of Section 91 Form of Ballot for Initiated and referred Ordinances – Amended to read as follows with the remainder of Section 91 to remain unchanged:

Form of Ballot for Initiated and Referred Ordinances

Section 91. . . . The ballot title may be different from the legal title of any such initiated or referred ordinance and shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance; and if a paper ballot, shall have to the left of the ballot title the following propositions, one above the other in the order indicated: “FOR” and “AGAINST” and shall otherwise comply with state law. Any number of ordinances may be voted on at the same election and may be submitted on the same ballot, but any paper ballot used for voting thereon shall be for that purpose only. If voting machines are used, the ballot title of any ordinance shall have to the left of the same two propositions, one above the other or one preceding the other in the order indicated, and the elector shall be given an opportunity to vote for either of the two propositions and thereby to vote for or against the ordinance.

A portion of Section 95 Recall Procedures – Amended to read as follows with the remainder of Section 95 to remain unchanged:

Recall Procedure

Section 95. . . . The City Secretary shall keep a sufficient number of such printed petition blanks on hand for distribution. Such blanks when issued by the City Secretary shall bear the signature of that officer and be addressed to the City Council, and shall be numbered, dated and indicate the name of the person to whom issued. The petition blanks when issued shall also indicate the number of such blanks issued and the name of the officer whose removal is sought. The City Secretary shall enter in a record to be kept in the City Secretary’s office the name of the elector to whom the petition blanks were issued and the number issued to said person.

Section 97 Recall Election – Amended to read as follows:

Recall Election

Section 97. The City Secretary shall at once examine the recall petition and if the City Secretary finds it sufficient and in compliance with the provisions of this article of the charter, the City Secretary shall within five (5) days submit it to the city council with the City Secretary’s certificate to that effect and notify the officer sought to be recalled of such action. If the officer whose removal is sought does not resign within five (5) days after such notice the city council shall thereupon order and fix a date for holding a recall election to be held on the next uniform election date authorized by state law for municipal elections.

A portion of Section 98 Ballots in Recall Election – Amended to read as follows with the remainder of Section 98 to remain unchanged:

Ballots in Recall Election

Section 98. Ballots used at recall elections shall conform to the following requirements. . . .

- (2) Immediately to the left of such question there shall be printed the two following responses, one above the other, in the order indicated:

“FOR”

“AGAINST”

Section 99 Results of Recall Election – Amended to read as follows:

Results of Recall Election

Section 99. If a majority of the votes cast at a recall election shall be against the recall of the officer named on the ballot, that officer shall continue in office for the remainder of that officer’s unexpired term, subject to recall as before. If a majority of the votes cast at such an election be for the recall of the officer named on the ballot, that officer shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy shall be filled as in other vacancies.

Section 100 Limitations on Recall – Amended to read as follows:

Limitations on Recalls

Section 100. No recall petition shall be filed against a Councilmember within six (6) months after the Councilmember takes office, nor in respect to an officer subjected to a recall election and not removed thereby, until at least six (6) months after such election.

A portion of Section 104 Procedure – Amended to read as follows with the remainder of Section 104 to remain unchanged:

Procedure

Section 104. . . . No ordinance granting a franchise shall pass any reading except by a vote of the majority of the City Council, and such ordinance shall not take effect until sixty (60) days after its adoption on its third and final reading; provided, however, that if at any time before such ordinance shall finally take effect a petition shall be presented to the City Council signed by not less than ten (10) percent of the registered voters of the City, then the City Council shall submit the question of the granting of such franchise to a vote of the qualified voters of the City at the next uniform election date prescribed by state law that allows sufficient time to comply with

other requirements of law, provided that notice thereof shall be published in at least twenty (20) successive issues of the official newspaper of the City of College Station prior to the holding of such election. The ballot shall briefly describe the franchise to be voted on and the terms thereof and contain the words, "For", and "Against" to the left of the language and shall otherwise comply with state law. The vote shall be canvassed by the City Council, and should it result that a majority of those voting thereon cast their votes "For" the granting of a franchise, then by order entered in its minutes, the City Council shall so declare and such franchise shall at once take effect. But should a majority of the votes be cast "Against" granting a franchise, then the City Council by order entered in its minutes shall so declare and such franchise shall not take effect. In case a franchise is refused by the City Council, then the matter may be submitted to the qualified voters on petition and an election held under the procedures, as hereinbefore provided. A failure of the City Council to finally pass on an application within six (6) months after the filing of such application shall be construed as a refusal. The City Council in passing an ordinance granting a franchise may provide therein that it shall not take effect until the same shall have been submitted to and approved by a majority of the qualified voters voting therein at a general election. All expenses of publication as it relates to this section be borne by the petitioner, who shall make a deposit in advance to cover the estimated cost of publication, the amount of the deposit to be determined by the City Manager.

Section 117 Relatives of Officers Shall Not be Appointed or Employed – Amended to read as follows:

Relatives of Officers Shall Not be Appointed or Employed

Section 117. No person related within the second degree of affinity, or within the third degree of consanguinity, to members of the City Council or the City Manager shall be appointed or employed to any office, position or service in the City.

Section 119 Notice of Injury or Damage – Amended to read as follows:

Notice of Injury or Damage

Section 119. The City shall never be liable for any personal injury, whether resulting in death or not, unless the person(s) injured, or someone in behalf of the injured or deceased person(s), or in the event the injury results in death, the person or persons who may have a cause of action under the law by reason of such death or injury, shall file a notice in writing with the City Secretary within ninety (90) days after the same has occurred, stating specifically in such notice when, where and how the exact injury occurred, the full extent of the injury, the amount of damages claimed or asserted, and a list of persons, if known, who witnessed the injury. The City shall never be liable for any claim for damage or injury to personal property unless the person whose personal property has been injured or damaged, or someone in behalf of the person whose personal property has been injured or damaged, shall file a claim in writing with the City Secretary within ninety (90) days after said damage or injury occurred, stating specifically when, where and how the damage or injury was sustained. The person giving notice under this Section shall subscribe that person's name to the notice under oath that the statements and facts contained in said notice are true and correct.

2. The ballots will include the following propositions:

PROPOSITION NO. 1

FOR/AGAINST Shall Article X (Initiative, Referendum, Recall), Sections 94 (Recall; General), 95 (Recall Procedure), 96 (Recall Petitions), and 97 (Recall Election) of the College Station City Charter be amended to require grounds for removal of Council Members by recall; provide that such grounds be included in the recall affidavit and in the recall petitions; allow the City Secretary a reasonable time to deliver the recall petition blanks; require that recall petitions be signed by qualified electors who actually voted in the election in which the person being proposed for recall was elected; clarify the City Secretary's role in examining the recall petitions; and amend the number of days allowed for an officer whose removal is sought to resign?
FISCAL IMPACT: NONE

PROPOSITION NO. 2

FOR/AGAINST Shall Article III (The City Council), Section 21 (Vacancies) of the College Station City Charter be amended to authorize a process to be followed to call an election in the event of a vacancy in the office of Mayor and in the event of a vacancy in the office of Mayor and all Council Members?
FISCAL IMPACT: NONE

PROPOSITION NO. 3

FOR/AGAINST Shall Article X (Initiative, Referendum, Recall), Section 83 (Power of Initiative) and Section 84 (Power of Referendum) be amended to clarify exceptions to the power of initiative and exceptions to the power of referendum, to extend the number of days in which an ordinance is subject to referendum from twenty (20) days to thirty (30) days, to extend the number of days allowed the City Secretary to examine the petitions from ten (10) days to fifteen (15) days, and to provide that the number of days specified to examine the petitions are business days?
FISCAL IMPACT: NONE

PROPOSITION NO. 4

FOR/AGAINST Shall Article XII (General Provisions), Section 118 (Oath of Office) of the College Station City Charter be repealed and a new section added to Article IX (Nominations & Elections), providing for an oath of office?
FISCAL IMPACT: NONE

PROPOSITION NO. 5

FOR/AGAINST Shall a provision be added to Article XII (General Provisions) of the College Station City Charter to define business day and calendar day and the charter amended throughout to specify when business day applies and when calendar day applies?
FISCAL IMPACT: NONE

PROPOSITION NO. 6

FOR/AGAINST Shall Article X (Franchises & Public Utilities), Section 104 (Procedure) of the College Station City Charter be amended to require two (2) readings of the franchise ordinance to be read for passage?
FISCAL IMPACT: NONE

PROPOSITION NO. 7

FOR/AGAINST Shall the College Station City Charter be amended to provide for the update and modernization of Article XI (Franchises & Public Utilities)?
FISCAL IMPACT: NONE

PROPOSITION NO. 8

FOR/AGAINST Shall the language in Article XII (General Provisions), Section 115 (Personal Interest) of the College Station City Charter be replaced with language providing that members of City Council and any officer or employee of the City shall comply with state law pertaining to conflicts of interest of local government officials, including TEXAS LOCAL GOVERNMENT CODE, Chapter 171?
FISCAL IMPACT: NONE

PROPOSITION NO. 9

FOR/AGAINST Shall the College Station City Charter be amended to add a provision to Article XII (General Provisions) of the charter providing that the charter is to be gender neutral and amended throughout to make the charter language gender neutral; to correct non-substantive errors such as misspellings, punctuation, grammar and sentence structure; to make non-substantive changes to clarify the meaning of various charter provisions; to conform to requirements and/or provisions of current state law and/or federal law; and to remove charter language that is obsolete?
FISCAL IMPACT: NONE

3. The polling locations for each precinct are as follows:

PRECINCT NO.	POLLING PLACE LOCATION
8	Parkway Baptist Church 1501 Southwest Parkway College Station, Texas
9	Justice of the Peace, Pct. 3 Office 1500 George Bush Drive College Station, Texas
10, 80	Living Hope Baptist Church 4170 State Highway 6, South College Station, Texas
20	Memorial Student Center (MSC), Room 526 Texas A&M Campus, Joe Routh Blvd. College Station, Texas
21	Cavitt Church of Christ 3200 Cavitt Avenue Bryan, Texas
24, 53, 58	Hawthorn Suites 1010 University Drive, East College Station, Texas
31	Larry J. Ringer Library 1818 Harvey Mitchell Parkway College Station, Texas
33, 49, 72, 74,	Lincoln Center 1000 Eleanor College Station, Texas
34	College Station City Hall 1101 Texas Avenue College Station, Texas
35	College Station ISD Administration Building 1812 Welsh College Station, Texas
39	St. Francis Episcopal Church 1101 Rock Prairie Road College Station, Texas
40	Aldersgate Methodist Church 2201 Earl Rudder Freeway College Station, Texas
41	Christ United Methodist Church 4201 State Highway 6, South College Station, Texas

65, 69, 71	Wellborn Community Center 4119 W. Greens Prairie Road College Station, Texas
68	Peach Creek Community Center 2216 Peach Creek Road College Station, Texas

5. The polls will be open from 7:00 a.m. to 7:00 p.m. on election day.

6. Joint early voting shall be conducted by personal appearance and by mail. The period for early voting by personal appearance for the special election shall be October 22 through November 2, 2012. Optical scan ballots shall be used for early voting by mail and direct recording electronic voting machines shall be used for early voting by personal appearance. The Early Voting Clerk for said election shall be the County Clerk. She shall determine the number of election workers to be hired and arrange for training of all election workers. Early voting by personal appearance for the special election shall be conducted jointly at the locations and on the following dates and times specified by the Brazos County Clerk:

Brazos County Administration Building – 200 S. Texas Ave., Bryan, Texas

Arena Hall – 2906 Tabor Road, Bryan, Texas

Galilee Baptist Church – 804 N. Logan, Bryan, Texas

College Station Utilities Meeting & Training Facility – 1603 Graham Rod, College Station, Texas

Memorial Student Center – Room 526, A&M Campus, Joe Routt Blvd., College Station, Texas

October 22 – October 26 8:00 am – 5:00 pm
Monday – Friday

October 27 8:00 am – 8:00 pm
Saturday

October 28 10:00 am – 3:00 pm
Sunday

October 29 – November 2 8:00 am – 8:00 pm
Monday – Friday

Requests for application to vote by mail can be made by contacting the Early Voting Clerk at the following address: Karen McQueen, Brazos County Clerk’s office, 300 E. 26th Street Suite 120, Bryan, Texas 77803

/s/ Sherry Mashburn
City Secretary

NOTIFICACIÓN DE ELECCION ESPECIAL A TODOS LOS VOTANTES CALIFICADOS
DENTRO DE LA CIUDAD DE
COLLEGE STATION, TEXAS

1. Se celebrarán elección especial el 6 de noviembre de 2012 con el propósito para presentarles a los votantes nueve (9) propuestas de las siguientes enmiendas a los Estatutos de la Ciudad:

ENMIENDA NO. 1

¿Se deberá enmendar el Artículo X (Iniciativa, Referéndum, Revocación), Secciones 94 (Revocación; General), 95 (Procedimiento Revocatorio), 96 (Petición Revocatorias), y 97 (Elecciones Revocatorias) de los Estatutos de la Ciudad de College Station para exigir que se presenten bases para destituir a Miembros del Consejo por revocación; estipular que dichas bases sean incluidas en la declaración jurada revocatoria y en las peticiones revocatorias; darle un tiempo razonable al Secretario de la Ciudad para que presente el formulario de petición revocatoria en blanco; aclarar el papel que desempeña el Secretario de la Ciudad en estudiar las peticiones revocatorias; y enmendar el número de días permitidos para que el oficial, a quien se le pide la destitución, resigne?

Sección 94 Revocación; General – Al ser enmendada se leerá de la siguiente manera:

Revocación; General

Sección 94. Cualquier miembro del Consejo de la Ciudad podrá ser destituido de su cargo por revocación por razones de incompetencia, falta de ética profesional o por actos ilícitos.

Una parte de la Sección 95 Procedimiento Revocatorio– Al ser enmendada se leerá de la siguiente manera y el resto de la Sección 95 permanecerá sin cambios:

Procedimiento Revocatorio

Sección 95. Cualquier elector de la Ciudad de College Station podrá realizar y presentarle al Secretario de la Ciudad una declaración que incluya el nombre o los nombres de los oficiales a quienes se les pide la destitución y estipular específicamente la razón o las razones por las cuales se pide dicha destitución con tal certeza como para notificarle del asunto al oficial que se pide la destitución y mencionarle los asuntos por los cuales es acusado. El Secretario de la Ciudad en un tiempo razonable le presentará al elector que realice dicha declaración jurada, copias de peticiones en blanco demandando dicha destitución. . . .

Una parte de la Sección 96 Petición Revocatorias– Al ser enmendada se leerá de la siguiente manera y el resto de la Sección 96 permanecerá sin cambios:

Petición Revocatorias

Sección 96. Para que la petición revocatoria entre en vigencia, deberá ser devuelta y registrada con el Secretario de la Ciudad dentro de treinta (30) días después de presentar la declaración jurada requerida en la Sección 95 de este Artículo. Cada hoja separada de la petición deberá estipular específicamente la razón o las razones por las cuales se pide la destitución y los asuntos y argumentos con los cuales es acusado el oficial. . . .

Una parte de la Sección 97 Elecciones Revocatorias– Al ser enmendada se leerá de la siguiente manera y el resto de la Sección 97 permanecerá sin cambios:

Elecciones Revocatorias

Sección 97. El Secretario de la Ciudad revisará la petición revocatoria dentro de quince (15) días hábiles, a partir de la fecha de su presentación, para determinar si la petición; estipula específicamente la razón o las razones por las cuales se pide la destitución y los asuntos y argumentos con los cuales es acusado el oficial, y si está firmada por el número suficiente de electores, y si cumple con los requisitos de procedimiento de este artículo de los estatutos, y si se concluye que la petición está completa, lo presentará ante el consejo de la ciudad en la siguiente sesión regular programada con el certificado a tal efecto y le notificará de dicha acción al oficial al cual se pide la destitución. Si el oficial al que se le pide la destitución no renuncia dentro de siete (7) días calendario después de dicha notificación, el consejo de la ciudad, por lo tanto, ordenará y pondrá una fecha para celebrar elecciones revocatorias. . . .

ENMIENDA NO. 2

¿Se deberá enmendar el Artículo III (del Consejo de la Ciudad), Sección 21 (Vacantes) de los Estatutos de la Ciudad de College Station para autorizar un proceso a seguir para convocar a elecciones cuando haya una vacante en la oficina del Alcalde y cuando hayan vacantes en la oficina del Alcalde y de todos los Miembros del Consejo?

Sección 21 Vacantes – Al ser enmendada se leerá de la siguiente manera:

Vacantes

Sección 21. Se ocupará una vacante en el Consejo de la Ciudad por elecciones especiales, las cuales se convocarán en un plazo de treinta (30) días de que ocurra dicha vacante. Si resulta alguna vacante dentro de un plazo de noventa (90) días antes de las elecciones generales, entonces no se convocarán elecciones especiales; siempre y cuando el puesto, cuyo término no ha vencido, sea ocupado en las siguientes elecciones. En caso que el Alcalde no pueda ordenar elecciones por alguna razón, los miembros restantes del Consejo de la Ciudad están autorizados y dirigidos a ordenar elecciones y a realizar todas las demás acciones requeridas para dichas elecciones. Si resultaran puestos vacantes en las oficinas del Alcalde y de todos los miembros del Consejo de la Ciudad por cualquiera que sea la razón, los siguientes individuos, en el orden mencionado, estarán autorizados y dirigidos a ordenar elecciones y realizar todas las acciones requeridas para dichas elecciones:

1. Administrador de la Ciudad
2. Secretario de la Ciudad
3. Abogado de la Ciudad
4. Juez que Preside la Corte Municipal

ENMIENDA NO. 3

¿Se deberá enmendar el Artículo X (Iniciativa, Referéndum, Revocación), Sección 83 (Derecho de Iniciativa) y Sección 84 (Derecho de Referéndum) para aclarar las excepciones al derecho de iniciativa y las excepciones al derecho a referéndum, para extender el número de días en los cuales una ordenanza está sujeta a referéndum de veinte (20) días a treinta (30) días, para extender el número de días permitidos para que el Secretario de la Ciudad pueda revisar las peticiones de diez (10) días a quince (15) días, y para indicar que el número de días estipulado para revisar las peticiones sean días hábiles?

Sección 83 Derecho de Iniciativa – Al ser enmendada se leerá de la siguiente manera:

Derecho de Iniciativa

Sección 83. Los electores tendrán el derecho de proponer cualquier ordenanza, excepto las ordenanzas de uso de tierras incluyendo, pero no limitado a, la clasificación o reclasificación de propiedad; o a ordenanzas de asignar fondos, de autorizar la emisión de bonos o de autorizar el gravamen de impuestos, y para adoptar o rechazar los mismos en las urnas, dicho derecho será conocido como la iniciativa. Cualquier ordenanza de iniciativa se podrá presentar al Consejo de la Ciudad por medio de una petición firmada por un número de electores calificados de la Ciudad igual a por lo menos el veinticinco (25) por ciento del número de votos emitidos en las elecciones regulares municipales anteriores.

Sección 84 Derecho de Referéndum – Al ser enmendada se leerá de la siguiente manera:

Derecho de Referéndum

Sección 84. Los electores tendrán el derecho de aprobar o rechazar en las urnas cualquier ordenanza aprobada por el Consejo de la Ciudad o presentada en las urnas a los electores por el Consejo de la Ciudad. Dicho derecho será conocido como el referéndum, excepto en el caso de las ordenanzas de uso de tierras, incluyendo pero no limitado a, la clasificación o reclasificación de propiedad; o a ordenanzas de asignación de fondos, de autorización de la emisión de bonos, o de la elaboración del gravamen anual de impuestos. Las ordenanzas presentadas al Consejo de la Ciudad por petición de iniciativa y aprobadas por el Consejo de la Ciudad, sin cargo, serán sujetas al referéndum de igual manera que las otras ordenanzas. En un período de treinta (30) días después de la promulgación de cualquier ordenanza por el Consejo de la Ciudad que sea sujeta a un referéndum, se necesitará una petición firmada por un número de electores calificados de la Ciudad igual a por lo menos el veinticinco (25) por ciento del número de votos emitidos en las elecciones regulares municipales anteriores. Esta petición se deberá registrar con el Secretario de la Ciudad pidiendo que dicha ordenanza sea revocada o presentada ante los electores para votación.

Una parte de la Sección 87 Enmienda a las Peticiones – Al ser enmendada se leerá de la siguiente manera y el resto de la Sección 87 permanecerá sin cambios:

Enmienda a las Peticiones

Sección 87. Una petición de iniciativa o de referéndum se podrá enmendar en cualquier momento dentro de los quince (15) días hábiles después de que la notificación de insuficiencia haya sido enviada por el Secretario de la Ciudad, al presentar una petición suplementaria que contenga hojas adicionales firmadas y presentadas como se estipula en el caso de una petición original. . . .

ENMIENDA NO. 4

¿Se revocará el Artículo XII (Reglamentos Generales), Sección 118 (Juramento al Cargo) de los Estatutos de la Ciudad de College Station y se le agregará una nueva sección al Artículo IX (Nominaciones y Elecciones), estipulando un juramento al cargo?

Sección 118 Juramento al Cargo – Revocado y reemplazado como sigue:

Juramento al Cargo

Juramento al Cargo

Todos los oficiales de la Ciudad, antes de tomar cargo de sus responsabilidades, tendrán que juramentarse y firmar un juramento o afirmación similar al requerido por la Constitución de Texas para oficiales del estado, antes de tomar cargo de las responsabilidades propias del puesto.

El juramento o afirmación será parte de un formulario dado por el Secretario de la Ciudad y será entregado ante una persona autorizada para administrar juramentos y se registrará y se mantendrá en la oficina del Secretario de la Ciudad.

ENMIENDA NO. 5

¿Se agregará un reglamento al Artículo XII (Reglamentos Generales) de los Estatutos de la Ciudad de College Station para definir día hábil y día calendario y enmendar los estatutos para especificar cuándo aplican días hábiles y cuándo aplican días calendario?

Un nuevo reglamento se agregó al Artículo XII Reglamentos Generales – el cual se leerá como sigue:

Días Calendario y Días Hábiles

“Día hábil” como se indica en estos Estatutos significa de lunes a viernes, excepto días de feriado nacional o del Estado de Texas. “Día Calendario” como se indica en estos Estatutos se refiere a un período de 24 horas (de media noche de un día a media noche del siguiente) como indica el calendario regular. Cualquier referencia en estos Estatutos a “día” sin especificar día calendario o día hábil significará día calendario a menos que sea indicado expresamente en estos estatutos.

Una parte de la Sección 59 Los Gastos Estimados No Excederán los Recursos Estimados – Al ser enmendada se leerá de la siguiente manera y el resto de la Sección 59 permanecerá sin cambios:

Los Gastos Estimados No Excederán los Recursos Estimados

Sección 59. El total de los gastos estimados del fondo general y del fondo de recolección de deudas no excederá el total de los recursos estimados de cada fondo.

El Consejo de la Ciudad podrá, por ordenanza, enmendar el presupuesto durante el año fiscal si una de las siguientes condiciones existe:

1. Si durante el año fiscal el Administrador de la Ciudad certifica que existe un excedente de ingresos mayor al estimado en el presupuesto y disponible para ser asignado, entonces el Consejo de la Ciudad, por ordenanza, podrá destinar fondos suplementarios para el año fiscal hasta la cantidad de dicho excedente. Antes de ser aprobado, el Consejo realizará una audiencia pública con respecto a la enmienda propuesta al presupuesto. Se publicará en el diario oficial de la Ciudad de College Station un aviso indicando el lugar y la hora de dicha audiencia pública para tratarse de la asignación de fondos suplementarios. El aviso se publicará en el periódico por lo menos cinco (5) días hábiles antes de la fecha indicada de la audiencia.

Una parte de la Sección 84 Derecho de Referéndum – Al ser enmendada se leerá de la siguiente manera y el resto de la Sección 84 permanecerá sin cambios:

Derecho de Referéndum

Sección 84. . . . En un período de veinte (20) días calendario después de la promulgación de cualquier ordenanza realizada por el Consejo de la Ciudad que sea sujeta a referéndum, se podrá presentar al Secretario de la Ciudad una petición firmada por un número de electores calificados de la ciudad de por lo menos el veinticinco (25) por ciento del número de votos emitidos en las elecciones municipales regulares anteriores, pidiendo que dicha ordenanza sea revocada o presentada ante los electores para votación.

Una parte de la Sección 86 Presentación; Revisión y Certificación de Peticiones- Al ser enmendada se leerá de la siguiente manera y el resto de la Sección 86 permanecerá sin cambios:

Presentación; Revisión y Certificación de Peticiones

Sección 86. Todas las hojas de peticiones incluidas en una petición de iniciativa o de referéndum serán reunidas y entregadas al Secretario de la Ciudad como un solo documento. En un período de diez (10) días hábiles después de ser entregada la petición, el Secretario de la Ciudad determinará si cada hoja de la petición tiene la declaración apropiada del circulador y si la petición está firmada por el número suficiente de electores calificados. . . .

Una parte de la Sección 87 Enmienda a las Peticiones – Al ser enmendada se leerá de la siguiente manera y el resto de la Sección 87 permanecerá sin cambios:

Enmienda a las Peticiones

Sección 87. . . . El Secretario de la Ciudad revisará la enmienda a la petición dentro de un plazo de cinco (5) días hábiles después de que dicha enmienda fuese entregada, y si la petición aun se encuentra incompleta, presentará el certificado como tal en su oficina y le notificará al comité solicitante de sus conclusiones y no se hará nada más con respecto a dicha petición incompleta. Las conclusiones de insuficiencia de una petición no perjudicarán la oportunidad de presentar una nueva petición con el mismo propósito.

Una parte de la Sección 89 Consideración por el Consejo de la Ciudad – Al ser enmendada se leerá de la siguiente manera y el resto de la Sección 89 permanecerá sin cambios:

Consideración por el Consejo de la Ciudad

Sección 89. . . . El Consejo de la Ciudad tomará su decisión final acerca de la ordenanza a más tardar sesenta (60) días calendario después de la fecha en que dicha ordenanza fuese entregada por el Secretario de la Ciudad. Una ordenanza referida será reconsiderada por el Consejo de la Ciudad y la votación final de dicha reconsideración tendrá que contestar la pregunta: “¿Se deberá revocar la ordenanza especificada en la petición de referéndum?”

Una parte de la Sección 96 Peticiones Revocatorias– Al ser enmendada se leerá de la siguiente manera y el resto de la Sección 96 permanecerá sin cambios:

Peticiones Revocatorias

Sección 96. Para que la petición revocatoria entre en vigencia, deberá ser entregada y presentada al Secretario de la Ciudad dentro de un plazo de treinta (30) días calendario después de presentar la declaración jurada requerida en la Sección 95 de este Artículo. . . .

ENMIENDA NO. 6

¿Se deberá enmendar el Artículo X (Franquicias y Servicios Públicos Esenciales), Sección 104 (Procedimiento) de los Estatutos de la Ciudad de College Station a requerir dos (2) lecturas de la ordenanza de franquicia a ser leídas para ser aprobada?

Una parte de la Sección 104 Procedimiento – Al ser enmendada se leerá de la siguiente manera y el resto de la Sección 104 permanecerá sin cambios:

Procedimiento

Sección 104. La Ciudad de College Station tendrá la autoridad, por ordenanza, a otorgar cualquier franquicia o derecho mencionado en las secciones anteriores del presente documento, sin embargo, la ordenanza no se aprobará finalmente hasta haber sido leída en dos (2) sesiones

regulares separadas del Consejo de la Ciudad. Ninguna ordenanza que otorgue una franquicia se aprobará por lectura excepto por voto de la mayoría de miembros del Consejo de la Ciudad, y dicha ordenanza no tomará vigencia hasta sesenta (60) días después de ser adoptada en la segunda y última lectura; siempre y cuando si en cualquier momento antes de que dicha ordenanza finalmente entre en vigencia, se presente una petición al Consejo de la Ciudad firmada por no menos del cuarenta (40) por ciento de los votantes calificados auténticos de la Ciudad; entonces el Consejo de la Ciudad presentará a votación y cuestionará la otorgación de dicha franquicia a los votantes calificados de la Ciudad en las siguientes elecciones generales a celebrarse en la Ciudad, siempre que se publique el aviso del mismo en por lo menos diez (10) números sucesivos del periódico oficial de la Ciudad de College Station antes de celebrar dichas elecciones. . . .

ENMIENDA NO. 7

¿Se enmendarán los Estatutos de la Ciudad de College Station para proporcionar la actualización y modernización del Artículo XI (Franquicias y Servicios Públicos Esenciales)?

Una parte de la Sección 102 Control Sobre y Poder Con Respecto a la Propiedad de la Ciudad – Al ser enmendada se leerá de la siguiente manera y el resto de la Sección 102 permanecerá sin cambios:

Control Sobre y Poder Con Respecto a la Propiedad de la Ciudad

Sección 102. . . . La Ciudad de College Station tendrá el poder, por ordenanza, y sujeta a los términos y reglamentos del presente documento, de otorgarle a cualquier persona o corporación, la franquicia o derecho a usar propiedad de la ciudad, como se define en el párrafo anterior, con el propósito de suministrarle al público cualquier servicio público general a través del cual un servicio público general se le debe suministrar al público con la compensación o empleo debido, a ser pagado al titular de la franquicia, a través del cual es necesario o apropiado adquirir el derecho de uso de las calles, carreteras u otras propiedades de la Ciudad; y generalmente para fijar y regular las tarifas, peajes y cargos de todos los servicios públicos esenciales de todo tipo operando dentro de los límites corporativos de la Ciudad de College Station consistentes con la ley estatal.

Sección 103 Limitaciones – Al ser enmendada se leerá de la siguiente manera:

Limitaciones

Sección 103. No se le otorgará a ninguna franquicia exclusividad ni privilegios; ni una franquicia, ni un privilegio a darse en cualquier momento después de los seis (6) meses posteriores a que la ordenanza otorgando el mismo haya entrado en vigencia; y ninguna franquicia será extendida directa o indirectamente a más del término original fijado por la ordenanza que otorgue la misma, excepto lo estipulado por los términos de estos estatutos.

Una parte de la Sección 105 Términos y Condiciones- Al ser enmendada se leerá de la siguiente manera y el resto de la Sección 105 permanecerá sin cambios:

Términos y Condiciones

Sección 105. Ninguna franquicias de tiempo determinado o fijo será otorgado un término mayor a veinticinco (25) años; tampoco se extenderá el período de ningún derecho, privilegio o franquicia que se encuentre actualmente en existencia más allá del período ya fijado para su terminación, directa o indirectamente, o a través de cualquier medio, y cualquier ordenanza que no cumpla o evada esta prohibición será absolutamente nula; a pesar de ello, cualquier corporación, individuo o asociación de individuos que actualmente posean alguna franquicia bajo alguno de los estatutos u ordenanzas de la Ciudad de College Station podrán, con la autorización

del consejo de la ciudad, renunciar a dicha franquicia o franquicias, siempre sujeto a los reglamentos de los Estatutos de la Ciudad en vigencia en ese momento. Ningún titular de una franquicia otorgada hasta este momento o de aquí en adelante tendrá el derecho (a menos que dicho derecho se otorgue en la franquicia) a transferir o asignar sus propiedades y franquicia a otro individuo, empresa o corporación sin la autorización del consejo de la ciudad por ordenanza, y dicha autorización, Al ser dada, no operará como la otorgación de una franquicia o como una nueva franquicia. . . .

Todas las franquicias de servicios públicos esenciales operando en la Ciudad de College Station estarán sujetos al derecho de la ciudad, ya sea expresamente indicado en la ordenanza o no y cada una de las siguientes será una condición. . . .

(7) Fijar y regular el precio y las tarifas por el servicio a realizarse bajo la franquicia y permitido por la ley estatal. . . .

Sección 106 Tarifas y Cargos de Servicios Públicos Esenciales– Al ser enmendada se leerá de la siguiente manera:

Tarifas y Cargos de Servicios Públicos Esenciales

Sección 106. Consistente con la ley estatal, el Consejo de la Ciudad tendrá la autoridad, por ordenanza, a fijar y regular el precio, las tarifa, el peaje, y los cargos de todos los servicios públicos esenciales de cualquier tipo que operen dentro de los límites corporativos de la Ciudad de College Station que estén sujetos a este Artículo.

Sección 113 Registros de Franquicias – Al ser enmendada se leerá de la siguiente manera:

Registros de Franquicias

Sección 113. La Ciudad mantendrá un registro público de las franquicias de servicios públicos esenciales.

ENMIENDA NO. 8

¿Se reemplazarán los términos contenidos en el Artículo XII (Reglamentos Generales), Sección 115 (Interés Personal) de los Estatutos de la Ciudad de College Station con términos que estipulen que los miembros del Consejo de la Ciudad y cualquier otro oficial o empleado de la Ciudad cumplirá con las leyes estatales relacionadas con los conflictos de interés de los oficiales del gobierno local, incluyendo el CÓDIGO DE GOBIERNO LOCAL DE TEXAS, Capítulo 171?

Sección 115 Interés Personal – Al ser enmendada se leerá de la siguiente manera:

Interés Personal

Sección 115. Los Miembros del Consejo de la Ciudad y los oficiales y empleados de la Ciudad cumplirán con las leyes estatales relacionadas con los conflictos de interés de oficiales de gobierno local, incluyendo el CÓDIGO DE GOBIERNO LOCAL DE TEXAS, Capítulo 171.

ENMIENDA NO. 9

¿Se deberán enmendar los Estatutos de la Ciudad de College Station para agregar un reglamento al Artículo XII (Reglamentos Generales) de los estatutos, estipulando que los estatutos deberán ser de tipo género neutro y enmendar todo el documento para que el lenguaje de los estatutos sea de tipo género neutro; para corregir los errores no fundamentales tales como errores de

ortografía, puntuación, gramática, y estructura de las oraciones; para realizar los cambios no fundamentales, los cuales aclararán el significado de varios reglamentos de los estatutos; para cumplir con los requisitos y/o reglamentos de la ley actual del estado y/o las leyes federales; y para remover términos obsoletos de los estatutos?

***Un nuevo reglamento se agregó al Artículo XII Reglamentos Generales - se leerá como sigue:
Género Neutro***

El lenguaje de los Estatutos deberá considerarse y será deliberadamente de tipo género neutro.

Una parte de la Sección 7 Extensión de los Límites de la Ciudad por el Consejo de la Ciudad – Al ser enmendada se leerá de la siguiente manera y el resto de la Sección 7 permanecerá sin cambios:

Extensión de los Límites de la Ciudad por el Consejo de la Ciudad

Sección 7. El Consejo de la Ciudad tendrá el poder de fijar, por ordenanza, los límites divisorios de la Ciudad de College Station, y a proveer por la extensión de dichos límites divisorios y por la anexión de territorios adicionales que se encuentren adyacentes a la Ciudad, con o sin el consentimiento de los habitantes de dicha área a ser anexada, de acuerdo con las leyes aplicables de anexión del estado. El Consejo de la Ciudad tendrá el poder de separar, por ordenanza, cualquier territorio, con o sin el consentimiento de los habitantes de dicha área a ser separada, de acuerdo con las leyes aplicables de anexión del estado. . . .

Sección 8 Dominio Eminente – Al ser enmendada se leerá de la siguiente manera:

Dominio Eminente

Sección 8. La Ciudad tendrá el pleno derecho, poder y autoridad para ejecutar el poder de dominio eminente cuando fuera necesario o deseable ejecutar el poder conferido por estos estatutos o por la constitución o las leyes del Estado de Texas. La Ciudad también podrá ejecutar el poder de dominio eminente de cualquier otra manera actualmente o de aquí en adelante, autorizado o permitido por la constitución y las leyes de este estado, o de manera o forma estipulada por ordenanza de la administración de la Ciudad. El poder de dominio eminente conferido en este documento incluirá el derecho que tiene la Ciudad de tomar la servidumbre de las tierras conferidas y dicho poder y autoridad incluirá el derecho de confiscar la propiedad privada para dichos propósitos. La Ciudad tendrá y poseerá este poder de confiscar la propiedad dentro o fuera de los límites corporativos para fines municipales o públicos, aunque no se especifique de forma numerada en el presente documento o en estos estatutos.

Sección 17 Número, Selección y Término– Al ser enmendada se leerá de la siguiente manera:

Número, Selección y Término

Sección 17. El Consejo de la Ciudad estará compuesto del Alcalde y de seis (6) Miembros del Consejo que conjuntamente se denominará el “Consejo de la Ciudad de la Ciudad de College Station.”

- (a) El Alcalde y otros miembros del Consejo de la Ciudad serán electos dentro de la extensión de todo el territorio que abarca la Ciudad.
- (b) El Alcalde dirigirá los asuntos del Consejo de la Ciudad y será reconocido como el jefe del gobierno de la Ciudad para todos los propósitos ceremoniales y por el Gobernador en cuanto a las leyes militares, pero no tendrá responsabilidades administrativas regulares. El Alcalde podrá votar sobre todos los aspectos considerados por el Consejo de la Ciudad.

- (c) Cada Miembro del Consejo, a menos que sea destituido anticipadamente bajo los reglamentos de estos Estatutos, servirá por un término de tres (3) años, comenzando con la primera sesión del Consejo después de ser electo para ser Miembro del Consejo, y terminando con la primera sesión del Consejo tres (3) años más tarde, o hasta que el sucesor del Miembro del Consejo haya sido electo y se encuentre debidamente calificado para ejercer el cargo. El Alcalde, a menos que sea destituido anticipadamente bajo los reglamentos de estos Estatutos, servirá por un término de tres (3) años, comenzando con la primera sesión del Consejo después de ser electo Alcalde, y terminando con la primera sesión del Consejo tres (3) años más tarde, o hasta que el sucesor del Alcalde haya sido electo y se encuentre debidamente calificado para ejercer el cargo.
- (d) No se considerará electo a ejercer el cargo hasta no recibir una mayoría de todos los votos emitidos para dicho cargo. Una vez declarados los resultados oficiales de las elecciones, el Consejo deberá ordenar elecciones de segunda vuelta para cada cargo en el cual nadie fue electo. Los votantes calificados votarán nuevamente en las elecciones de segunda vuelta por alguno de los dos candidatos que recibieron el mayor número de votos para cada cargo que no hubo un electo en las elecciones anteriores, y el candidato que reciba la mayoría de votos emitidos para dicho cargo en las elecciones de segunda vuelta, será electo a dicho cargo.
- (e) Comenzando en el año 1999, no habrá límite en el número total de términos a servir para Alcalde ni para Miembros del Consejo. Sin embargo, ningún individuo será elegible a ser electo para servir en la capacidad de Miembro del Consejo por términos consecutivos regulares que sumen un total de seis (6) años; ni tampoco será elegible a ser electo para servir en la capacidad de Alcalde por términos consecutivos regulares que sumen un total de seis (6) años.

Sección 18 Requisitos – Al ser enmendada se leerá de la siguiente manera:

Requisitos

Sección 18. El Alcalde y los Miembros del Consejo serán ciudadanos de Los Estados Unidos y votantes calificados del Estado de Texas; tendrán que haber vivido por lo menos un (1) año antes de las elecciones en las cuales participan como candidatos, dentro de los límites corporativos de la Ciudad de College Station; y no podrán ser descalificados por ninguna razón debido a algún reglamento o alguna otra sección de estos Estatutos. Un Miembro del Consejo de la Ciudad que no tenga alguno de los requisitos especificados en esta sección, o en cualquier otra sección de estos Estatutos, o que haya sido declarado culpable de un delito grave mientras se encuentre bajo el cargo oficial, o que se ausente en tres (3) sesiones regulares consecutivas del Consejo sin el consentimiento del Consejo, perderá el derecho de ejercer el cargo de Alcalde o de Miembro del Consejo.

Una parte de la Sección 20 Oficial que Preside; El Alcalde – Al ser enmendada se leerá de la siguiente manera y el resto de la Sección 20 permanecerá sin cambios:

Oficial que Preside; el Alcalde

Sección 20. . . . El Alcalde podrá votar por todos los aspectos considerados por el Consejo de la Ciudad, pero no tendrá autoridad de vetar. El Consejo de la Ciudad elegirá a un Alcalde a cargo, entre los miembros, el cual desempeñará el cargo de Alcalde en ausencia o por incapacidad del Alcalde.

Sección 21 Vacantes – Al ser enmendada se leerá de la siguiente manera:

Vacantes

Sección 21. Será ocupada una vacante en el Consejo de la Ciudad por elecciones especiales que se convocarán de acuerdo con la ley del estado. Si resulta un puesto vacante dentro del período de noventa (90) días antes de las elecciones generales, entonces no se convocarán elecciones especiales; siempre y cuando el cargo cuyo término no haya concluido, sea ocupado en las siguientes elecciones generales. No se celebrarán dichas elecciones en menos de treinta (30) días a partir de la fecha de convocación.

Sección 23 Nombramiento y Destitución de un Alcalde de la Ciudad – Al ser enmendada se leerá de la siguiente manera:

Nombramiento y Destitución de un Alcalde de la Ciudad

Sección 23. El Consejo de la Ciudad nombrará a un oficial de la Ciudad quien tendrá el título de Administrador de la Ciudad y realizará las tareas encomendadas por el Consejo. El Administrador de la Ciudad tendrá la autoridad y desempeñará las funciones estipuladas en estos estatutos. Ningún Miembro del Consejo será nombrado para servir como Administrador de la Ciudad durante el término para el cual fue electo, ni en el período de un año después de vencido el término de Miembro del Consejo.

El salario del Administrador de la Ciudad será fijado por el Consejo de la Ciudad; si el Administrador de la Ciudad fuese destituido en cualquier momento después de seis (6) meses después de ser nombrado, entonces el Administrador de la Ciudad podrá exigir que los cargos se especifiquen en forma escrita y podrá exigir una audiencia pública con respecto al asunto ante el Consejo de la Ciudad antes de la fecha en que entre en vigencia la destitución final del cargo; pero antes de dicha audiencia, el Consejo de la Ciudad podrá suspender al Administrador de la Ciudad de su cargo. La decisión de suspender o destituir al Administrador de la Ciudad por parte del Consejo de la Ciudad será definitiva, ya que la intención de estos Estatutos es conferir toda autoridad y fijar toda responsabilidad para dicha suspensión o destitución en el Consejo de la Ciudad.

Sección 24 El Consejo no Interferirá en Nombramientos ni Destituciones – Al ser enmendada se leerá de la siguiente manera:

El Consejo no Interferirá en Nombramientos ni Destituciones

Sección 24. Ni el Consejo de la Ciudad ni cualquiera de sus miembros podrá dirigir el nombramiento o destitución de cualquier individuo del cargo por el Administrador de la Ciudad o por cualquiera de sus subalternos; a pesar de ello, el nombramiento o destitución de jefes de departamento estará sujeta a la aprobación del Consejo de la Ciudad. Excepto para los propósitos de investigación de acuerdo con la Sección 36 de estos estatutos, el Consejo de la Ciudad y sus miembros tratarán los servicios administrativos solamente a través del Administrador de la Ciudad, y ni el Consejo de la Ciudad ni cualquiera de sus miembros podrá darle órdenes a los subalternos del Administrador de la Ciudad, ya sea pública ni privadamente.

Sección 26 Departamentos Administrativos – Al ser enmendada se leerá de la siguiente manera:

Departamentos Administrativos

Sección 26. Por este medio se han creado los siguientes departamentos administrativos: el Departamento Financiero, la Policía, los Bomberos y Obras Públicas. El Consejo de la Ciudad podrá consolidar en un solo departamento, con la asesoría del Administrador de la Ciudad, no más de dos de los departamentos establecidos y mencionados anteriormente; y por ordenanza podrá crear, cambiar, y eliminar oficinas, departamentos o agencias que no sean las oficinas, departamentos y agencias establecidas por estos Estatutos.

Una parte de la Sección 27 El Secretario de la Ciudad – Al ser enmendada se leerá de la siguiente manera y el resto de la Sección 27 permanecerá sin cambios:

Secretario de la Ciudad

Sección 27. . . . El Secretario de la Ciudad o el Asistente del Secretario de la Ciudad realizará la notificación de las sesiones del Consejo, mantendrá un diario con las actas de las sesiones, registrará en un libro o libros todas las ordenanzas y reglamentos, ordenados con índice, los cuales deberán estar luego autenticados con la firma, ya sea del Secretario de la Ciudad o del Asistente del Secretario de la Ciudad. El Secretario de la Ciudad, además, realizará otras funciones estipuladas en los Estatutos y aquellas funciones asignadas por el Consejo de la Ciudad.

El Secretario de la Ciudad tendrá el poder de nombrar a un asistente o asistentes, si así lo considera necesario el Secretario de la Ciudad, y estará sujeto a la aprobación y a la compensación que podrá estar fijada por Consejo. Dicho asistente o asistentes podrán ser destituidos de su cargo por el Secretario de la Ciudad.

Una parte de la Sección 29 Abogado de la Ciudad – Al ser enmendada se leerá de la siguiente manera y el resto de la Sección 29 permanecerá sin cambios:

Abogado de la Ciudad

Sección 29. . . . El Abogado de la Ciudad representará a la Ciudad en todos los litigios. El Abogado de la Ciudad será el asesor legal de la Ciudad y también actuará como el abogado y defensor de la Ciudad y de todos los oficiales y departamentos del mismo.

El Abogado de la Ciudad tendrá la autoridad de nombrar a un asistente o asistentes, si así lo considera necesario el Abogado de la Ciudad, y estará sujeto a la aprobación y a la compensación que podrá estar fijada por el Consejo. Dicho asistente o asistentes podrán ser destituidos de su cargo por el Abogado de la Ciudad.

Una parte de la Sección 30 Auditor Interno de la Ciudad – Al ser enmendada se leerá de la siguiente manera y el resto de la Sección 30 permanecerá sin cambios:

El Auditor Interno de la Ciudad

Sección 30. . . . El Auditor Interno de la Ciudad llevará a cabo las funciones de auditoría y realizará otras tareas asignadas por el Consejo de la Ciudad. El Consejo de la Ciudad, además, podrá celebrar un contrato con respecto a las responsabilidades de Auditor Interno de la Ciudad, para ser llevadas a cabo por otra empresa, si así lo desea.

El Auditor Interno de la Ciudad tendrá el poder de nombrar a un asistente o asistentes, si lo considera necesario, y estará sujeto a la aprobación y a la compensación que podrá estar fijada por el Consejo de la Ciudad. Dicho asistente o asistentes podrán ser destituidos de su cargo por el Auditor Interno de la Ciudad.

Una parte de la Sección 35 Procedimiento para la Aprobación de Ordenanzas– Al ser enmendada se leerá de la siguiente manera y el resto de la Sección 35 permanecerá sin cambios:

Procedimiento para la Aprobación de Ordenanzas

Sección 35. . . . El Secretario de la Ciudad anotará sobre cada ordenanza, el encabezado requerido a publicarse, y en el registro del mismo, el hecho de publicar el mismo encabezado como lo estipulan los Estatutos, y la fecha de dicha publicación, servirá como presunción de hecho de la publicación y promulgación legal de dicha ordenanza; siempre y cuando los

reglamentos de esta sección no apliquen a la corrección, enmienda, revisión ni codificación de las ordenanzas de la Ciudad para publicarse en libros o en forma de panfleto. . . .

Sección 38 Autoridad de Vivienda – Al ser enmendada se leerá de la siguiente manera:

Autoridad de Vivienda

Sección 38. El Consejo de la Ciudad podrá crear una autoridad de la vivienda con el número de miembros y términos de los miembros y podrá delegar a esta autoridad tales poderes relacionados con la planificación, construcción, reconstrucción, modificación, reparación, mantenimiento u operación de proyectos de vivienda y alojamiento consistentes con la ley del estado.

Sección 40 Requisitos – Al ser enmendada se leerá de la siguiente manera:

Requisitos

Sección 40. El Administrador de la Ciudad será elegido por el Consejo de la Ciudad únicamente en base a los requisitos y capacidades ejecutivas y administrativas del candidato a Administrador de la Ciudad con referencia especial a la actual experiencia, conocimientos, y prácticas aceptadas del candidato con respecto a las responsabilidades del cargo de Administrador de la Ciudad como se estipula de aquí en adelante. El candidato al puesto no tiene que ser ni residente de la Ciudad ni del estado al momento de ser nombrado Administrador de la Ciudad, pero al ocupar el puesto del nuevo Administrador de la Ciudad de forma permanente, éste deberá establecer su residencia dentro de la Ciudad.

Una parte de la Sección 41 Poderes y Responsabilidades – Al ser enmendada se leerá de la siguiente manera y el resto de la Sección 41 permanecerá sin cambios:

Poderes y Responsabilidades

Sección 41. El Administrador de la Ciudad será el director ejecutivo y el director de la rama administrativa del gobierno de la ciudad y ante el Consejo de la Ciudad será responsable de la administración apropiada de todos los asuntos de la Ciudad. Para ello, el Administrador de la Ciudad tendrá el poder y la responsabilidad de:

- (1) Nombrar y, cuando fuera necesario por el bien del servicio, despedir a todos los oficiales y empleados de la Ciudad excepto estipulado de otra manera en estos Estatutos y excepto si como Administrador de la Ciudad, éste autoriza al jefe de un departamento a nombrar y despedir a subalternos en dicho departamento. . . .
- (5) Realizar otras tareas indicadas por estos Estatutos o requeridas por el Consejo de la Ciudad.

Una parte de la Sección 42 En ausencia del Administrador de la Ciudad – Al ser enmendada se leerá de la siguiente manera y el resto de la Sección 42 permanecerá sin cambios:

En Ausencia del Administrador de la Ciudad

Sección 42. Para realizar las responsabilidades del Administrador de la Ciudad en la ausencia temporal o por incapacidad del mismo, el Alcalde podrá designar a un oficial administrativo calificado de la Ciudad, por medio de una carta registrada con el Secretario de la Ciudad, para servir como Administrador de la Ciudad. . . .

Una parte de la Sección 43 Directores de Departamentos – Al ser enmendada se leerá de la siguiente manera y el resto de la Sección 43 permanecerá sin cambios:

Directores de Departamentos

Sección 43. En cada departamento administrativo habrá un oficial de la Ciudad que tomará el cargo de director, el cual supervisará y controlará el departamento y estará sujeto a las disposiciones del Administrador de la Ciudad. . . .

Sección 55 Fecha efectiva del Presupuesto; Certificación; Copias Disponibles– Al ser enmendada se leerá de la siguiente manera:

Fecha efectiva del Presupuesto; Certificación; Copias Disponibles

Sección 55. Una vez adoptado el presupuesto final, se archivará en la oficina del Secretario y en la oficina de cualquier otro oficial que podrá ser designado por la ley estatal. El presupuesto final podrá imprimirse o de otra manera ser reproducida, y mantener una cantidad razonable de copias disponibles para el uso de todas las oficinas, departamentos y agencias, y para el uso de las personas y entidades cívicas interesadas.

Una parte de la Sección 58 Asignación Contingente– Al ser enmendada se leerá de la siguiente manera y el resto de la Sección 58 permanecerá sin cambios:

Asignación Contingente

Sección 58. Se hará la disposición de asignación contingente en el presupuesto anual y en la ordenanza de asignación, por una cantidad que no exceda el tres (3) por ciento de los gastos totales del presupuesto, a ser utilizado en caso de gastos imprevistos. Tal asignación contingente estará bajo el control de y será distribuido por el Administrador de la Ciudad, después de ser aprobada por el Consejo de la Ciudad. . . .

Una parte de la Sección 59 Los Gastos Estimados No excederán Los Recursos Estimados – Al ser enmendada se leerá de la siguiente manera y el resto de la Sección 59 permanecerá sin cambios:

Los Gastos Estimados No excederán Los Recursos Estimados

Sección 59. Los gastos estimados del fondo general y del fondo de recolección de deudas no excederán el total estimado de recursos para cada fondo.

El Consejo de la Ciudad podrá, por ordenanza, enmendar el presupuesto durante el año fiscal si una de las condiciones siguientes existe. . . .

3. Si en cualquier momento durante el año fiscal le parece probable al Administrador de la Ciudad que los ingresos o el saldo de los fondos disponibles será insuficiente para alcanzar la cantidad asignada, entonces el Administrador de la Ciudad se lo reportará de inmediato al Consejo de la Ciudad, indicando la cantidad estimada de déficit, cualquier medida correctiva tomada y las recomendaciones relacionadas con otros pasos a seguir. Luego, el Consejo tomará las medidas subsiguientes que considere necesarias para prevenir o reducir cualquier déficit; y para tal efecto podrá, por ordenanza, reducir una o más asignaciones de fondos.

Sección 77 Elecciones Municipales – Al ser enmendada se leerá de la siguiente manera:

Elecciones Municipales

Sección 77. Las elecciones regulares se convocarán en una fecha de elecciones uniforme fijada en la ley estatal. Se ordenarán elecciones especiales de acuerdo con las leyes aplicables del estado.

Sección 79 Procedimiento para Inscribirse como Candidato – Al ser enmendada se leerá de la siguiente manera:

Procedimiento para Inscribirse como Candidato

Sección 79. Cualquier persona calificada que desea ser candidato en las elecciones generales para ocupar un puesto en el Consejo de la Ciudad, deberá llenar una solicitud y entregársela al Secretario de la Ciudad para que aparezca su nombre en la boleta de votaciones, de acuerdo con el Código de Elecciones de Texas. Dicha solicitud deberá designar claramente el puesto en el Consejo al cual desea ser electo. La solicitud también deberá contener la declaración jurada del candidato relacionada con los requisitos de ocupar el cargo que se busca bajo las leyes de Texas y de los reglamentos de estos Estatutos.

Sección 80 Boletas Oficiales – Al ser enmendada se leerá de la siguiente manera:

Boletas Oficiales

Sección 80. Los nombres completos de todos los candidatos para el consejo de la ciudad, estipulado anteriormente en este documento, excepto los que se han retirado, se han muerto, o que hayan perdido la elegibilidad, se imprimirán en las boletas oficiales sin estar afiliados a ningún partido político. Si hubiera dos candidatos con los mismos apellidos o con nombres tan similares que pudieran crear confusión, se pondrán las direcciones de residencia a la par del nombre sobre la boleta. El orden de los nombres en las boletas será determinada por sorteo.

Sección 81 Leyes que Rigen las Elecciones de la Ciudad– Al ser enmendada se leerá de la siguiente manera:

Leyes que Rigen las Elecciones de la Ciudad

Sección 81. Todas las elecciones de la Ciudad serán regidas por la constitución del Estado de Texas, las leyes generales del estado, estos estatutos y ordenanzas de la Ciudad, y en el orden mencionado.

Sección 82 Escrutinio de las Boletas en las Elecciones – Al ser enmendada se leerá de la siguiente manera:

Escrutinio de las Boletas en las Elecciones

Sección 82. Los resultados de las elecciones, ya sean generales o especiales, se harán llegar al Consejo de la Ciudad por los oficiales de las elecciones, en cualquier fecha permitida por el Código de Elecciones de Texas; y en dicha fecha, el Consejo de la Ciudad hará el escrutinio de las boletas y declarará los resultados finales de las elecciones.

Una parte de la Sección 83 Derecho de Iniciativa– Al ser enmendada se leerá de la siguiente manera y el resto de la Sección 83 permanecerá sin cambios:

Derecho de Iniciativa

Sección 83. . . . Cualquier ordenanza de iniciativa se podrá presentar ante el Consejo de la Ciudad por medio de una petición firmada por un número de electores calificados de la Ciudad igual a por lo menos el veinticinco (25) por ciento del número de votantes que votaron en las elecciones regulares municipales anteriores.

Una parte de la Sección 84 Derecho de Referéndum– Al ser enmendada se leerá de la siguiente manera y el resto de la Sección 84 permanecerá sin cambios:

Derecho de Referéndum

Sección 84. . . . En un período de veinte (20) días después de la promulgación de cualquier ordenanza por el Consejo de la Ciudad que sea sujeta a un referéndum, se necesitará una petición firmada por un número de electores calificados de la Ciudad igual a por lo menos el veinticinco (25) por ciento del número de votantes que votaron en las elecciones regulares municipales anteriores. Esta petición se podrá registrar con el Secretario de la Ciudad pidiendo que dicha ordenanza sea revocada o presentada ante los electores para votación.

Sección 85 Formulario de Peticiones; Comité de Solicitantes– Al ser enmendada se leerá de la siguiente manera:

Formulario de Peticiones; Comité de Solicitantes

Sección 85. Las hojas de peticiones de iniciativa deberán contener el texto completo de la ordenanza propuesta. Las firmas necesarias para la peticiones de iniciativa o de referéndum no necesitan estar todas adjuntas a una sola hoja, pero a cada petición separada se adjuntará una declaración del circular del mismo como se estipula en esta sección. Cualquier hoja de petición de iniciativa incluirá la firma de cada solicitante en tinta o lápiz indeleble e indicará el lugar de residencia de cada solicitante después de su firma, anotando la calle y el número de casa o apartamento, u otra descripción suficiente para identificar el lugar. Deberá aparecer en cada petición los nombres y direcciones de cinco electores que, como comité de solicitantes, serán responsables de la circulación y registro de la petición. A cada hoja de petición separada se deberá adjuntar una declaración jurada del circulador del mismo para que el circulador y solamente el circulador personalmente haya distribuido la hoja anteriormente mencionada, que lleva el número de firmas declaradas, que todas las firmas adjuntas al mismo fueron realizadas en la presencia del circulador, y que el circulador confía con firmeza que las firmas son auténticas de las personas cuyos nombres declaran ser.

Una parte de la Sección 86 Registro; Revisión y Certificación de Peticiones– Al ser enmendada se leerá de la siguiente manera y el resto de la Sección 86 permanecerá sin cambios:

Registro; Revisión y Certificación de Peticiones

Sección 86. . . . Si una hoja de petición está firmada por más personas que el número de firmas certificada por el circulador, entonces las últimas firmas en exceso del número certificado serán ignoradas. Si una hoja de petición está firmada por un número menor de personas que el número certificado, entonces las firmas se aceptarán a menos que sea anulada por otros motivos. Después de que el Secretario de la Ciudad haya completado la revisión de la petición, entonces el Secretario de la Ciudad certificará los resultados del mismo y los presentará ante al Consejo de la Ciudad en la siguiente sesión regular. Si el Secretario de la Ciudad certifica que la petición se encuentra incompleta, entonces el Secretario de la Ciudad lo indicará en el certificado de insuficiencia los detalles por los cuales se encontraba defectuosa la petición y de inmediato les notificará los resultados al comité de los solicitantes.

Una parte de la Sección 87 Enmienda de Peticiones– Al ser enmendada se leerá de la siguiente manera y el resto de la Sección 87 permanecerá sin cambios:

Enmienda de Peticiones

Sección 87. . . . El Secretario de la Ciudad revisará dentro de cinco (5) días después de haber sido registrada dicha enmienda, y si la petición aún está incompleta, el Secretario de la Ciudad presentará un certificado a tal efecto en la oficina del Secretario de la Ciudad y le notificará los resultados al comité de solicitantes. No se tomará ninguna otra acción con respecto a dicha petición incompleta. Las conclusiones de insuficiencia de una petición no perjudicarán la oportunidad de presentar una nueva petición con el mismo propósito.

Sección 90 Presentación ante los Electores– Al ser enmendada se leerá de la siguiente manera:

Presentación ante los Electores

Sección 90. Si el Consejo de la Ciudad no aprueba una ordenanza propuesta por la petición de iniciativa, o la aprobará de forma diferente del descrito para ello en la petición; o si el Consejo de la Ciudad no revoca una ordenanza referida, entonces la ordenanza referida o propuesta se les

presentará a los electores en las elecciones a convocarse en la siguiente fecha uniforme de elecciones autorizada por la ley del estado para elecciones municipales.

Una parte de la Sección 91 Forma de la Boleta para Ordenanzas Iniciadas o Referidas– Al ser enmendada se leerá de la siguiente manera y el resto de la Sección 91 permanecerá sin cambios:

Forma de la Boleta para Ordenanzas Iniciadas o Referidas

Sección 91. . . . El título de la boleta podrá ser diferente del título legal de dicha ordenanza iniciada o referida y se presentará con una declaración clara y concisa, sin argumento ni prejuicio, describirá el punto fundamental de dicha ordenanza; y si es una boleta de papel, tendrá a la izquierda del título de la boleta las siguientes propuestas, una arriba de la otra en el orden indicado: “A FAVOR” y “EN CONTRA” y cumplirá por lo demás con la ley del estado. Se podrá votar por cualquier número de ordenanzas en las mismas elecciones y se podrán presentarse sobre la misma boleta, pero cualquier boleta de papel utilizada para votar al respecto será para ese propósito únicamente. Si se utilizan máquinas para votar, el título de la boleta de cualquier ordenanza tendrá a la izquierda del mismo dos propuestas, una arriba de la otra o una antes que la otra en el orden indicado, y el elector tendrá la oportunidad de votar por una de las dos propuestas y de ese modo votar a favor de o en contra de la ordenanza.

Una parte de la Sección 95 Procedimiento Revocatorio – Al ser enmendada se leerá de la siguiente manera y el resto de la Sección 95 permanecerá sin cambios:

Procedimiento Revocatorio

Sección 95. . . . El Secretario de la Ciudad mantendrá a mano un número suficiente de peticiones en blanco impresas para su distribución. Dichas peticiones en blanco, cuando sean emitidas por el Secretario de la Ciudad, llevarán la firma de dicho oficial y serán dirigidas al Consejo de la Ciudad, y estarán numeradas, tendrán la fecha e indicarán el nombre de la persona a quien se le emitió. La petición en blanco, cuando sea emitida, también indicará el número de dichas peticiones en blanco emitidas y el nombre del oficial a quien se le pide la destitución. El Secretario de la Ciudad ingresará en un registro el nombre del elector a quien se le emitió la petición en blanco y el número emitido a dicha persona y será archivado en la oficina del Secretario de la Ciudad.

Sección 97 Elecciones Revocatorias– Al ser enmendada se leerá de la siguiente manera:

Elecciones Revocatorias

Sección 97. El Secretario de la Ciudad inmediatamente revisará la petición revocatoria y si el Secretario de la Ciudad lo encuentra completa y de acuerdo con los reglamentos de este artículo de los estatutos, entonces el Secretario de la Ciudad le entregará al Consejo de la Ciudad dentro de un período de cinco (5) días el certificado del Secretario de la Ciudad a tal efecto y le notificará al oficial al cual se le pide la destitución por dicha acción. Si el oficial a quien se pide la destitución no renuncia dentro de un período de cinco (5) días después de dicha notificación, entonces el Consejo de la Ciudad en seguida ordenará y fijará una fecha para celebrar elecciones revocatorias para celebrarse en la siguiente fecha de elecciones uniformes autorizadas por la ley estatal para elecciones municipales.

Una parte de la Sección 98 Boletas de Elecciones Revocatorias– Al ser enmendada se leerá de la siguiente manera y el resto de la Sección 98 permanecerá sin cambios:

Boletas de Elecciones Revocatorias

Sección 98. Las boletas utilizadas en las elecciones revocatorias cumplirán con los siguientes requisitos. . . .

(2) Inmediatamente a la izquierda de dicha pregunta se encontrarán dos respuestas siguientes, una arriba de la otra, en el orden indicado:

“A FAVOR”

“EN CONTRA”

Sección 99 Resultados de las Elecciones Revocatorias – Al ser enmendada se leerá de la siguiente manera:

Resultados de las Elecciones Revocatorias

Sección 99. Si la mayoría de los votos emitidos en las elecciones revocatorias están en contra de la destitución del oficial cuyo nombre se encuentra en la boleta, entonces dicho oficial continuará desempeñando el cargo del oficial cuyo término queda sin caducar, siempre sujeto a revocatorias como anteriormente. Si la mayoría de los votos emitidos en dichas elecciones revocatorias están a favor de la destitución del oficial cuyo nombre se encuentra en la boleta, entonces el oficial, sin importar cualquier defecto técnico en la petición revocatoria, se considerará destituido del cargo y la vacante será ocupada al igual que otras vacantes.

Sección 100 Limitaciones en las Revocatorias– Al ser enmendada se leerá de la siguiente manera:

Limitaciones en las Revocatorias

Sección 100. Ninguna petición revocatoria se registrará contra un Miembro del Consejo dentro de un período de seis (6) meses después de que el Miembro del Consejo haya tomado cargo del puesto, ni con respecto a oficiales que hayan sido sometidos a elecciones revocatorias y no fueron destituidos de ese modo, hasta por lo menos seis (6) meses después de dichas elecciones.

Una parte de la Sección 104 Procedimiento – Al ser enmendada se leerá de la siguiente manera y el resto de la Sección 104 permanecerá sin cambios:

Procedimiento

Sección 104. . . . Ninguna ordenanza que otorgue una franquicia será aprobada por lectura excepto por votación de la mayoría de los miembros del Consejo de la Ciudad, y dicha ordenanza no entrará en vigencia hasta sesenta (60) días después de ser adoptada en su tercera y última lectura; siempre y cuando si en cualquier momento antes de que dicha ordenanza finalmente entre en vigencia, se presentara una petición al Consejo de la Ciudad firmada por no menos del diez (10) por ciento de los votantes registrados de la Ciudad, entonces el Consejo de la Ciudad les presentará la pregunta de otorgamiento de dicha franquicia a los votantes calificados de la Ciudad y puesta a votación en la siguiente fecha uniforme de elecciones indicada por la ley del estado, que permita suficiente tiempo para cumplir con otros requisitos de ley, siempre y cuando se publique el aviso del mismo en por menos veinte (20) números sucesivos del periódico oficial de la Ciudad de College Station antes de convocar dichas elecciones. La boleta brevemente describirá la franquicia a ser puesta a votación y los términos del mismo y deberá contener las palabras “A Favor”, y “En Contra” a la izquierda del texto y por lo demás deberá cumplir con la ley del estado. Los votos pasarán por el escrutinio del Consejo de la Ciudad y si resulta que la mayoría de los votantes en esas votaciones emitieron su voto “A Favor” del otorgamiento de la franquicia, entonces por orden ingresada en las minutas, el Consejo de la Ciudad lo declarará como tal y dicha franquicia de inmediato entrará en vigencia. Pero si la mayoría de los votos fueron emitidos “En Contra” del otorgamiento de la franquicia, entonces el Consejo de la Ciudad, por orden ingresada en las minutas lo declarará como tal y dicha franquicia no entrará en vigencia. Si la franquicia es negada por el Consejo de la Ciudad, entonces el asunto podrá presentarse ante los votantes calificados por petición y se convocarán las elecciones bajo los procedimientos estipulados anteriormente en este documento. Si el

Consejo de la Ciudad no aprueba finalmente la solicitud dentro de un período de seis (6) meses después de presentada dicha solicitud, entonces se interpretará como negada. El Consejo de la Ciudad al aprobar una ordenanza otorgando una franquicia, deberá estipular en la misma que no entrará en vigencia hasta que la misma haya sido presentada y aprobada por la mayoría de los votantes calificados de la Ciudad en elecciones generales. Todos los gastos de publicación, relacionados con esta sección, correrán por cuenta del solicitante que deberá realizar un depósito por adelantado para cubrir los costos estimados de publicación. La cantidad del depósito será determinada por el Administrador de la Ciudad.

Sección 117 Parientes de Oficiales No Serán Nombrados ni Empleados– Al ser enmendada se leerá de la siguiente manera:

Parientes de Oficiales No Serán Nombrados ni Empleados

Sección 117. Ningún pariente con afinidad del segundo grado o del tercer grado de consanguinidad con los miembros del Consejo de la Ciudad o con el Administrador de la Ciudad podrá ser nombrado o empleado en cualquier oficina, puesto o servicio de la Ciudad.

Sección 119 Notificación de Heridas o Daños – Al ser enmendada se leerá de la siguiente manera:

Notificación de Heridas o Daños

Sección 119. La Ciudad nunca será responsable por lesiones o heridas personales, ya sea que resulte en la muerte o no, a menos que la persona(s) herida(s), o alguien que actúe de parte del herido (los heridos) o muerto(s), o si la herida resulta en muerte, la persona o personas que puedan tener motivos para demandar bajo la ley respecto a la lesión o muerte, podrá presentarle, por escrito, al Secretario de la Ciudad dentro de un período de noventa (90) días después de que haya ocurrido la misma, declarando específicamente en dicha notificación, cuándo, dónde, y cómo ocurrió exactamente, el alcance de los daños, la cantidad de daños reclamados o afirmados, y una lista de personas, si se conocen, que fueron testigos de la herida o daño. La Ciudad nunca será responsable de ningún reclamo por daños o perjuicios a los bienes inmuebles a menos que la persona a la cual se le ha dañado el bien inmueble, o alguien actuando de parte de la persona a la cual se le ha dañado el bien inmueble, podrá presentarle, por escrito, a la Secretario de la Ciudad dentro de un período de noventa (90) días después de que haya ocurrido el mismo, una declaración específica en dicha notificación de cuándo, dónde, y cómo ocurrió el daño o la herida. La persona que presenta la notificación bajo esta Sección, deberá suscribir bajo juramento el nombre de dicha persona en la notificación indicando que las declaraciones y hechos contenidos en dicha notificación son verdaderos y correctos.

2. Las boletas incluirán las siguientes propuestas:

PROPUESTA NO. 1

A FAVOR/EN CONTRA

¿Se deberá enmendar el Artículo X (Iniciativa, Referéndum, Revocatoria), Secciones 94 (Revocatoria; General), 95 (Procedimiento Revocatorio), 96 (Petición Revocatorias) y 97 (Elecciones Revocatorias) de los Estatutos de la Ciudad de College Station para exigir razones para destituir a los Miembros del Consejo por revocación; estipulando que dichas razones se incluyan en la declaración jurada revocatoria y en las peticiones revocatorias; darle al Secretario de la Ciudad un tiempo razonable para entregar el formulario en blanco de petición revocatoria;

exigir que las peticiones revocatorias estén firmadas por electores calificados que realmente votaron en las elecciones en las cuales fue electo el individuo al que se le pide la destitución; aclarar el papel que desempeña el Secretario de la Ciudad en la revisión de las peticiones revocatorias; y enmendar el número de días permitidos para que un oficial, al que se le ha pedido la destitución, renuncie?

IMPACTO FISCAL: NINGUNO

PROPUESTA NO. 2

A FAVOR/EN CONTRA

¿Se deberá enmendar el Artículo III (El Consejo de la Ciudad), Sección 21 (Vacantes) de los Estatutos de la Ciudad de College Station para autorizar un proceso a seguir para convocar elecciones si resulta un puesto vacante en la oficina del Alcalde y si resultan vacantes en la oficina del Alcalde y de todos los Miembros del Consejo?

IMPACTO FISCAL: NINGUNO

PROPUESTA NO. 3

A FAVOR/EN CONTRA

¿Se deberá enmendar el Artículo X (Iniciativa, Referéndum, Revocatoria), Sección 83 (Derecho de Iniciativa) y Sección 84 (Derecho de Referéndum) para aclarar las excepciones al derecho de iniciativa y las excepciones al derecho de referéndum, para extender el número de días en los cuales una ordenanza es sujeta a referéndum de veinte (20) días a treinta (30) días, para extender el número de días que se le permite al Secretario de la Ciudad revisar las peticiones de diez (10) días a quince (15) días, y para estipular que el número de días especificados para revisar las peticiones son días hábiles?

IMPACTO FISCAL: NINGUNO

PROPUESTA NO. 4

A FAVOR/EN CONTRA

¿Se revocará el Artículo XII (Reglamentos Generales), Sección 118 (Juramento al Cargo) de los Estatutos de la Ciudad de College Station y se agregará otra sección al Artículo IX (Nominaciones y Elecciones) que requieran un juramento al cargo?

IMPACTO FISCAL: NINGUNO

PROPUESTA NO. 5

A FAVOR/EN CONTRA

¿Se agregará un reglamento al Artículo XII (Reglamentos Generales) de los Estatutos de la Ciudad de College Station para definir días hábiles y días calendario donde se deberá enmendar todo el documento para especificar cuándo aplica un día hábil y cuándo aplica un día calendario?

IMPACTO FISCAL: NINGUNO

PROPUESTA NO. 6

A FAVOR/EN CONTRA

¿Se deberá enmendar el Artículo X (Franquicias y Servicios Públicos Esenciales), Sección 104 (Procedimiento) de los Estatutos de la Ciudad de College Station para exigir dos (2) lecturas de la ordenanza de franquicia a ser leídas para ser aprobada?
IMPACTO FISCAL: NINGUNO

PROPUESTA NO. 7

A FAVOR/EN CONTRA

¿Se enmendarán los Estatutos de la Ciudad de College Station para estipular la actualización y modernización del Artículo XI (Franquicias y Servicios Públicos Esenciales)?
IMPACTO FISCAL: NINGUNO

PROPUESTA NO. 8

A FAVOR/EN CONTRA

¿Se deberá cambiar el lenguaje en el Artículo XII (Reglamentos Generales), Sección 115 (Interés Personal) de los Estatutos de la Ciudad de College Station con lenguaje que estipula que los miembros del Consejo de la Ciudad y cualquier oficial o empleado de la Ciudad tendrá que cumplir con la ley estatal relacionado a conflictos de interés de oficiales de gobierno local, incluyendo el CÓDIGO DEL GOBIERNO LOCAL DE TEXAS, Capítulo 171?
IMPACTO FISCAL: NINGUNO

PROPUESTA NO. 9

A FAVOR/EN CONTRA

¿Se deberán enmendar los Estatutos de la Ciudad de College Station para agregar un reglamento al Artículo XII (Reglamentos Generales) de los estatutos, estipulando que los estatutos deberán ser de tipo género neutro y enmendar todo el documento para que el lenguaje de los estatutos sea de tipo género neutro; para corregir los errores no fundamentales tales como errores de ortografía, puntuación, gramática, y estructura de las oraciones; para realizar los cambios no fundamentales, los cuales aclararán el significado de varios reglamentos de los estatutos; para cumplir con los requisitos y/o reglamentos de la ley actual del estado y/o las leyes federales; y para remover términos obsoletos de los estatutos?
IMPACTO FISCAL: NINGUNO

3. Los centros de votaciones para cada distrito serán los siguientes:

DISTRITO NO.	CENTROS DE VOTACIONES
8	Parkway Baptist Church [Iglesia Bautista Parkway] 1501 Southwest Parkway College Station, Texas
9	Justice of the Peace, Pct. 3 Office [Juez de Paz, Distrito 3 Oficina] 1500 George Bush Drive College Station, Texas

10, 80	Living Hope Baptist Church [Iglesia Bautista Living Hope] 4170 State Highway 6, South College Station, Texas
20	Memorial Student Center (MSC), Room 526 [Centro de Estudiantes Memorial] Texas A&M Campus, Joe Routh Blvd. College Station, Texas
21	Cavitt Church of Christ [Iglesia de Cristo Cavitt] 3200 Cavitt Avenue Bryan, Texas
24, 53, 58	Hawthorne Suites [al hotel Hawthorn Suites] 1010 University Drive East College Station, Texas
31	Larry J. Ringer Library [Biblioteca Larry J. Ringer] 1818 Harvey Mitchell Parkway College Station, Texas
33, 49, 72, 74,	Lincoln Center [Centro Lincoln] 1000 Eleanor College Station, Texas
34	College Station Ciudad Hall [Municipalidad de College Station] 1101 Texas Avenue College Station, Texas
35	College Station ISD Administration Building [Edificio Administrativo del Distrito Independiente de College Station] 1812 Welsh College Station, Texas
39	St. Francis Episcopal Church [Iglesia Episcopal St. Francis] 1101 Rock Prairie Road College Station, Texas
40	Aldersgate Methodist Church [Iglesia Metodista Aldersgate] 2201 Earl Rudder Freeway College Station, Texas
41	Christ United Methodist Church [Iglesia Metodista Christ United] 4201 State Highway 6, South College Station, Texas
65, 69, 71	Wellborn Community Center [Centro Comunitario Wellborn] 4119 W. Greens Prairie Road College Station, Texas
68	Peach Creek Community Center [Centro Comunitario Peach Creek] 2216 Peach Creek Road College Station, Texas

5. Las urnas se abrirán de las 7:00 a.m. a las 7:00 p.m. el día de las elecciones.

September 13, 2012 (13 de septiembre de 2012)
City Council Consent Agenda Item No. 2d (Agenda de Acuerdo del Consejo de la Ciudad
Punto No.2d)
Certification of Unopposed Candidates and Cancellation of General Election (Certificación
de Candidatos Sin Oposición y Cancelación de las Elecciones Generales)

To (Para): David Neeley, City Manager (*Administrador de la Ciudad*)

From (De): Sherry Mashburn, City Secretary (*Secretaria de la Ciudad*)

Agenda Caption (Encabezado de la Agenda): Presentation, possible action and discussion on the Certification of Unopposed Candidates and an ordinance ordering the cancellation of the General Election on November 6, 2012. (*Presentación, posible acción y discusión acerca de la Certificación de Candidatos Sin Oposición y una ordenanza que ordene la cancelación de las Elecciones Generales del 6 de noviembre de 2012.*)

Summary (Resumen): A general election may be cancelled if each candidate for an office that is to appear on the ballot is unopposed. As soon as possible after the deadline for declaration of write-in candidacy, if no candidate in the election is opposed on the ballot or by a declared write-in candidate, the City Secretary must deliver to the City Council a certification that each candidate for office is unopposed [EC §2.052]. (*Se pueden cancelar elecciones generales si cada candidato a un cargo que ha de aparecer en la boleta, no tiene oposición. Tan pronto como sea posible después de la fecha límite para la declaración de “write-in” [ser un candidato en que los votantes agregan el nombre en el espacio en blanco en la boleta], si no hay candidatos oponentes en la boleta ni por una declaración de agregar en el espacio en blanco o “write-in”, entonces la Secretaria de la Ciudad deberá entregarle al Consejo de la Ciudad una certificación que cada candidato para los cargos en la boleta se encuentran sin oposición [EC §2.052].*)

Upon receiving the certification, the City Council may declare the unopposed candidates elected to office, in which case the election is not held [EC §2.052(b)]. The statute provides that a certificate of election is issued to each candidate who is declared elected, “in the manner and at the same time as provided for a candidate elected at the election” [EC §2.053(c)]. Candidates elected through cancellation must also qualify for office and take the oaths of office the same as candidates elected at an election. (*Al recibir la certificación, el Consejo de la Ciudad podrá declarar a los candidatos sin oposición electos al cargo, y en tal caso no se celebran las elecciones [EC §2.052(b)]. El estatuto estipula que se emita una certificación de elecciones a cada candidato declarado electo, “de la manera y al mismo tiempo como se indica para un candidato electo en elecciones” [EC §2.053(c)]. Los candidatos electos por medio de cancelación también deberán calificar para el cargo y tomar el juramento al cargo al igual que los candidatos electos en elecciones.*)

Attachments (Adjuntos):

- Certification of Unopposed Candidates (*Certificación de Candidatos Sin Oposición*)
- Draft Ordinance Cancelling the General Election (*Borrador de la Ordenanza Cancelando las Elecciones Generales*)

**Certification of Unopposed Candidates
By the City Secretary**

I, Sherry Mashburn, certify that I am the City Secretary of the City of College Station, Texas, and the authority responsible for preparing the ballot for the November 6, 2012 City election. I further certify that no person has made a declaration of write-in candidacy, and all of the following candidates are unopposed:

<u>Candidate</u>	<u>Office Sought</u>
John Nichols	Councilmember, Place 4
James M. Benham	Councilmember, Place 6

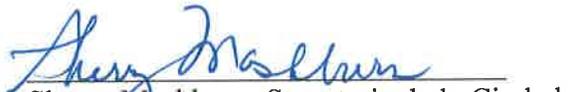

Sherry Mashburn, City Secretary
City of College Station, Texas

Dated this 27th day of August, 2012.

Certificación de Candidatos Sin Oposición por el Secretario de la Ciudad

Yo, Sherry Mashburn, certifico que soy la Secretaria de la Ciudad, de la Ciudad de College Station, Texas, y la autoridad responsable para preparar la boleta para las elecciones de la Ciudad el 6 de noviembre de 2012. Además certifico que ningún individuo ha realizado una declaración de candidatura de agregar su nombre en el espacio en blanco de la boleta o "write-in", y todos los candidatos siguientes se encuentran sin oponentes:

<u>Candidato</u>	<u>Cargo Deseado</u>
John Nichols	Miembro del Consejo, Puesto 4
James M. Benham	Miembro del Consejo, Puesto 6


Sherry Mashburn, Secretaria de la Ciudad
Ciudad de College Station, Texas

Fechada este 27^{avo} día del mes de agosto de 2012.

ORDINANCE NO.

AN ORDINANCE DECLARING UNOPPOSED CANDIDATES IN THE NOVEMBER 6, 2012 GENERAL CITY ELECTION, ELECTED TO OFFICE; CANCELING THE ELECTION; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the general city election was for November 6, 2012 for the purpose of electing member to the City Council; and

WHEREAS, the City Secretary has certified in writing that no person has made a declaration of write-in candidacy, and that each candidate on the ballot is unopposed for election to office; and

WHEREAS, under these circumstances, Subchapter C, Chapter 2, Election Code, authorizes the City Council to declare the candidates elected to office and cancel the election.

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

SECTION 1. The following candidates, who are unopposed in the November 6, 2012 general City election, are declared elected to office, and shall be issued certificates of election following the time the election would have been canvassed:

<u>Candidate</u>	<u>Office Sought</u>
John Nichols	Councilmember, Place 4
James M. Benham	Councilmember, Place 6

SECTION 2. The November 6, 2012 general City election is canceled, and the City Secretary is directed to cause a copy of this ordinance to be posted on Election Day at each polling places used or that would have been used in the election.

SECTION 3. If any portion of this Ordinance is held invalid by a court of competent jurisdiction, the remaining provisions of this Ordinance shall remain in full force and effect.

SECTION 4. This Ordinance shall be effective immediately upon adoption.

APPROVED AND ADOPTED by the City Council of the City of College Station this _____ day of _____, 2012.

CITY OF COLLEGE STATION:

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

APPROVED AS TO FORM:

Carla A Robinson

Carla A. Robinson, City Attorney

ORDENANZA NO.

UNA ORDENANZA QUE DECLARA ELECTOS AL CARGO A LOS CANDIDATOS SIN OPOSICIÓN EN LAS ELECCIONES GENERALES DE LA CIUDAD DEL 6 DE NOVIEMBRE DE 2012; CANCELANDO LAS ELECCIONES; ESTIPULANDO UNA CLÁUSULA DE SEPARABILIDAD; Y ESTIPULANDO UNA FECHA PARA ENTRAR EN VIGENCIA.

EN TANTO QUE las elecciones generales de la ciudad estaban programadas para el 6 de noviembre de 2012 con el propósito de elegir a miembros al Consejo de la Ciudad; y

EN TANTO QUE la Secretaria de la Ciudad ha certificado por escrito que ningún individuo ha realizado una declaración de candidatura de agregar su nombre en el espacio en blanco de la boleta o “write-in”, y que cada candidato en la boleta se encuentra sin oponente para las elecciones al cargo; y

EN TANTO QUE bajo estas circunstancias, el Subcapítulo C, Capítulo 2 del Código de Elecciones le autoriza al Consejo de la Ciudad declarar a los candidatos electos al cargo y cancelar las elecciones.

AHORA, POR LO TANTO, QUE SE ORDENE POR EL CONSEJO DE LA CIUDAD, DE LA CIUDAD DE COLLEGE STATION, TEXAS:

SECCIÓN 1. Los siguientes candidatos, los cuales se encuentran sin oponentes en las elecciones generales de la Ciudad del 6 de noviembre de 2012, se declaran electos al cargo, y serán emitidos certificados de elecciones en el momento en que se hubiera realizado el escrutinio de los votos:

<u>Candidato</u>	<u>Cargo Deseado</u>
John Nichols	Miembro del Consejo, Puesto 4
James M. Benham	Miembro del Consejo, Puesto 6

SECCIÓN 2. Se cancelan las elecciones generales de la Ciudad del 6 de noviembre de 2012, y la Secretaria de la Ciudad hará una copia de esta ordenanza para ponerla en cada uno de los sitios utilizados para las votaciones o que se hubiesen utilizado para las votaciones.

SECCIÓN 3. Si alguna parte de esta Ordenanza se encuentra inválida por una corte competente dentro de la jurisdicción, entonces el resto de las provisiones de esta Ordenanza permanecerán en completa vigencia y vigor.

SECCIÓN 4. Esta ordenanza entrará en vigencia inmediatamente después de ser adoptada.

APROBADA Y ADOPTADA por el Consejo de la Ciudad de la Ciudad de College Station este ____ día del mes de _____ de 2012.

CIUDAD DE COLLEGE STATION:

Nancy Berry, Alcalde

DOY FE:

APROBADA EN CUANTO A FORMA:

Sherry Mashburn, Secretaria de la Ciudad

Carla Robinson, Abogada de la Ciudad

September 13, 2012
Consent Agenda Item No. 2e
Audit Services Renewal

To: David Neeley, City Manager

From: Jeff Kersten, Executive Director Business Services

Agenda Caption: Presentation, possible action and discussion on a letter agreement for year 4 of the Professional Auditing Services engagement with Ingram, Wallis & Co., P.C. for the fiscal year ending September 30, 2012 with expenditures totaling \$91,000 from the City of College Station.

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

Recommendation(s): Staff recommends contract renewal with Ingram, Wallis & Co. for the fiscal year ending September 30, 2012.

Summary:

In May 2009, staff solicited proposals for professional auditing services for the fiscal year ending September 30, 2009 with the option of renewing the engagement for up to four (4) subsequent years. The audits are to be performed in accordance with generally accepted auditing standards, the standards set forth for financial audits in the General Accounting Office's (GAO) *Government Auditing Standards* (2007), the provisions of the federal Single Audit Act of 1984 (as amended in 1996), and the provisions of the U.S. Office of Management and Budget (OMB) Circular A-133, *Audits of States, Local Governments, and Non-Profit Organizations*.

The Audit Committee recommended and on July 23, 2009, City Council selected Ingram, Wallis & Co., P.C. to be the City's external auditor and approved a letter agreement with them for the fiscal year ending September 30, 2009 and with the potential for extending the agreement annually for up to four additional years.

This is the third renewal.

Budget & Financial Summary: Funds are available and budgeted in the General Fund, and in the Community Development Budget.

Attachments:

1. Renewal Agreement

RENEWAL ACCEPTANCE

By signing herewith, I acknowledge and agree to renew **Contract No. 09-268** for Professional Audit Services in an amount not to exceed Ninety-One Thousand and No/100 Dollars (\$91,000.00) and all other terms and conditions previously agreed to and accepted.

I understand this renewal agreement will be for the performance of professional audit services for fiscal year ending September 30, 2012. This is the third renewal term.

INGRAM, WALLIS & CO., P.C.


Authorized Representative


DATE

CITY OF COLLEGE STATION

City Manager

DATE

APPROVED:


City Attorney

DATE

Executive Director Business Services

DATE

September 13, 2012
Consent Agenda Item No. 2f
Contract between the City of College Station and Siemens Industry, Inc. for the
Installation of Security Cameras in the Northgate Parking Garage

To: David Neeley, City Manager

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

Agenda Caption: Presentation, possible action, and discussion regarding the approval of contract No. 12-280 in the amount of \$87,329.67 between the City of College Station and Siemens Industry, Inc. for the installation of security cameras in the Northgate Parking Garage and authorizing the City Manager to execute the contract on behalf of the City Council.

Relationship to Strategic Goals: Core Services and Infrastructure

Recommendation(s): Staff recommends approval.

Summary: This contract provides additional security cameras for the Northgate Parking Garage. Currently, the garage has limited camera coverage on the first floor, elevators, and stairwells. This contract provides increased coverage on the first floor in addition to coverage on the second, third, and fourth floors.

Budget & Financial Summary: The City Council approved an \$80,000 service level adjustment for this project as part of the FY'12 budget. The balance will be covered by savings in other areas of the Northgate Fund.

Attachments:

1. A copy of the contract is available in the City Secretary's Office

September 13, 2012
Consent Agenda Item No. 2g
Contract between the City of College Station and Shelby Building Maintenance & Janitorial, Inc. for Janitorial Services in Northgate and at the Chimney Hill Shopping Center

To: David Neeley, City Manager

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

Agenda Caption: Presentation, possible action, and discussion regarding the approval of contract No. 12-302 in the amount of \$59,627.00 between the City of College Station and Shelby Building Maintenance & Janitorial, Inc. for cleaning services in Northgate and the Chimney Hill Shopping Center and authorizing the City Manager to execute the contract on behalf of the City Council.

Relationship to Strategic Goals: Core Services and Infrastructure

Recommendation(s): Staff recommends approval.

Summary: This contract provides janitorial services for the several public areas in Northgate (such as the promenade, restrooms, and College Main pedestrian Mall) and the Chimney Hill Shopping Center.

Budget & Financial Summary: This contract will be funded from two sources. The Northgate Fund covers \$56,507.00 of the contract amount and the Chimney Hill Fund covers the remaining \$3,120.00.

Attachments:

1. A copy of the contract is available in the City Secretary's Office

September 13, 2012
Consent Agenda Item No. 2h
Annual Agreement Janitorial Maintenance Services

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 service contract between the City of College Station and Shelby Building Maintenance & Janitorial Services in the amount of \$141,334.00 for Annual Janitorial Maintenance Services in City buildings, and authorizing the City Manager to execute the contract on behalf of the City Council.

Relationship to Strategic Goals: Core Services and Infrastructure: Maintain and rehabilitate equipment, facilities, and infrastructure on a strategic schedule.

Recommendation(s): Staff recommends approval of the contract and authorizing the City Manager to execute the contract on behalf of the City Council.

Summary: This is an annual agreement for one (1) year with four (4) additional one year renewals upon mutual consent of the City and the vendor. Six (6) sealed proposals were received and evaluated with Shelby Building Maintenance & Janitorial Service providing the best value to the City. By comparison, the contract for janitorial services in 2010 and 2011 were \$199,142.24 and \$167,142.44, respectively.

This contract is for routine, daily cleaning of all city offices, restrooms, jail and meeting rooms. The contract further calls for periodic window washing, floor stripping/waxing and heavy carpet cleaning. Locations covered under this contract include:

City Hall	Community Development	Central Park Office
Utility Customer Service	Municipal Court Bldg.	Public Works
Police Department	Lincoln Center	Dowling Pump Station
Library	Exit Teen Center	College Station Utilities
Carter Creek Waste Water	Arts Council	CSU Meeting Facility
Carter Creek WW Lab		

Budget & Financial Summary: Funds are budgeted and available in the Public Works Facilities Maintenance Budget.

Attachments:

1. Contract is on file in the City Secretary's Office

September 13, 2012
Consent Agenda Item No. 2i
Engineering Investigation Bee Creek Trunk Line

To: David Neeley, City Manager

From: David Coleman, Director of Water Services

Agenda Caption: Presentation, possible action, and discussion authorizing the City Manager to sign professional services contract 12-334 with Interra Hydro Incorporated in the amount of \$47,870 for a Bee Creek sewer trunk line study.

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

Recommendation: Staff recommends Council approval

Summary: Extensive new development on the west side of College Station has necessitated increasing the sewage collection capacity of the Bee Creek trunk line. The design work for this construction project is already underway by Kimley Horn Associates under contract 11-264. Kimley Horn has developed a phasing plan to spread the construction costs over several years, with phase 1 to address the most critical segment from Adamson's Lagoon to Welsh Street. A key innovation for this phase will be to divert a portion of the Bee Creek trunk line flow to an adjacent trunk line that has available capacity, which enables us to postpone other phases to subsequent years.

To make this plan work, we must be certain that the portions of the Bee Creek trunk line that remain in service are flowing efficiently. The proposed contract with Interra-Hydro will accomplish this, by inspecting and cleaning 7,300 feet of the existing trunk line. Interra-Hydro is uniquely qualified to clean, perform a closed circuit TV inspection and provide a detailed report of all defects and appurtenance locations, since they have performed this type of work for us in the past with very satisfactory results. The proposed price is reasonable and represents a savings over having to use separate contractors to clean and to conduct the CCTV inspection and prepare the report.

Since this work on the Bee Creek trunk line is essential to complete the project design, and will help prevent sewage overflows, staff recommends approval to award the contract.

Budget & Financial Summary: Funds are budgeted and available in the Wastewater Operating Fund.

Attachments:
None

September 13, 2012
Consent Agenda Item No. 2j
Memorandum of Understanding with the TAMU Department of Psychology

To: David Neeley, City Manager

From: Jeff Capps, Chief of Police

Agenda Caption: Presentation, possible action, and discussion on a Memorandum of Understanding (MOU) with the TAMU Department of Psychology to provide psychological evaluations on potential employees of the Police Department in accordance with the requirements set for by the Texas Commission on Law Enforcement Standards and Education.

Relationship to Strategic Goals: Core Services and Infrastructure

Recommendation(s): Staff recommends Council approval

Summary: Due to the high stress situations encountered and the sensitive information available to Police Department employees, state law and department policy require that psychological evaluations be conducted on all sworn employees and on some civilian employees prior to employment with the College Station Police Department.

The Texas A&M University Department of Psychology is qualified and sufficiently staffed to provide these screenings and the associated reports expeditiously. During the hiring process, when the City has a need for a psychological, we will contact an established liaison to schedule an appointment for the applicant within ten business days.

TAMU will furnish these psychological evaluations for police and public safety officer applications, promotion applicants, and other employees as referred by College Station.

Each evaluation will include (1) a thorough clinical interview (2) an appropriate global measure of personality/psychosocial functioning, and (3) additional specific measure(s) of behavioral style as indicated by other evaluation measures or referral questions posed by the City. Verbal feedback will be provided to the City within three working days of the evaluation and a complete written report will be forwarded to the city within fourteen working days of the evaluation.

TAMU has been the provider of these services for the Police Department since 2009 but the current MOU is set to expire September 30, 2012.

Budget & Financial Summary: Each psychological evaluation done by the TAMU Psychology Department will be paid for by the Police Department. Initial evaluations will cost \$250.00 each. This reflects a slight increase of \$10.00 per evaluation since the last agreement was signed. If necessary, re-evaluations will cost \$110.00 each.

Attachments:

1. Memorandum of Understanding

MEMORANDUM OF UNDERSTANDING

This Memorandum of Understanding (hereinafter referred to as "MOU") is made this 1st day of October 2012 by and between Texas A&M University, Department of Psychology (hereinafter referred to as "TAMU"), and the City of College Station, Texas, a Texas Home-Rule Municipal Corporation (hereinafter referred to as "City").

WHEREAS, TAMU offers a clinical psychology doctoral program; and

WHEREAS, the City and its Police Department (hereinafter referred to as "CSPD") seek to evaluate potential candidates for employment, and potential candidates for promotion; and

WHEREAS, it is deemed in the best interest of both parties that said governments do enter into a mutually satisfactory agreement and share in the educational process;

NOW THEREFORE, based on the mutual promises set forth herein, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto, intending to be legally bound, have agreed as follows:

TAMU RESPONSIBILITIES:

- (1) TAMU shall assign a liaison to the City, Robert Heffer, Ph.D., Director TAMU Psychology Clinic, Department of Psychology, for purposes of communication.
- (2) TAMU shall furnish psychological evaluations, in accordance with regulations set forth in the Texas Commission on Law Enforcement Officers Standards and Education, for police and public safety officer applications, promotion applicants, and other employees as referred by College Station.
 - (a) Each evaluation will include (1) a thorough clinical interview (2) an appropriate global measure of personality/psychosocial functioning, and (3) additional specific measure(s) of behavioral style as indicated by other evaluation measures or referral questions posed by the City.
- (3) TAMU shall schedule evaluations within ten (10) working days after receiving written or phone request from the City to conduct such evaluations.
- (4) TAMU agrees to provide verbal feedback to the City and make available, for mailing or personal pick-up, the TCLOESE L-3 (Declaration of Psychological and Emotional Health) form within three (3) working days of completion of the testing.
- (5) TAMU shall make available the psychological evaluation report generated on persons served under this Agreement for mailing to, or personal pick-up by, the City within fourteen (14) working days after the scheduled evaluation.
- (6) TAMU agrees to discuss via phone or email with the City situations that alter these scheduling-testing-report expectations as soon as either party becomes aware of the need to change expectations for a given referral.

- (7) TAMU agrees that payment will be based on the timely submission of evaluation reports as stated above.
- (8) TAMU shall provide the City an invoice by the 10th of each month for services rendered during the previous month.
- (9) TAMU shall accept, as full compensation, the sum of \$250.00 per psychological evaluation completed.
- (10) TAMU shall accept, as full compensation, the sum of \$110.00 per psychological re-evaluation completed.
- (11) TAMU shall provide the City, if requested, a copy of current professional credentials of all individuals involved with the evaluations, professional liability insurance applicable under this Agreement and all policies established by the TAMU Psychology Clinic.
- (12) TAMU students and faculty supervisors appointed by TAMU shall comply with policies established by the TAMU Psychology Clinic regarding code of ethics, confidentiality, and other issues relevant to provision of consultative clinical services.

THE CITY'S RESPONSIBILITIES:

- (1) The City shall assign a liaison to TAMU for purposes of communication.
- (2) The City shall provide TAMU a written request for evaluation.
- (3) The City shall provide TAMU with a completed Release of Information signed by each person being evaluated prior to the scheduled evaluation.
- (4) The City agrees to discuss via phone or email with TAMU situations that alter the scheduling-testing-report timeline expectations, as stated in the TAMU RESPONSIBILITIES section above, as soon as either party becomes aware of the need to change expectations for a given referral.
- (5) The City shall pay, as full compensation, the sum \$250.00 per psychological evaluation completed. The City shall provide payment upon timely submission of evaluation reports as agreed to above.
- (6) The City shall pay as full compensation, the sum of \$110.00 per psychological re-evaluation completed.
- (7) The City shall pay TAMU for services in full within thirty (30) days after satisfactory receipt of services and billing unless otherwise specified or mutually agreed upon before orders are placed. The City will not be liable for payment of invoices received six (6) months after order completion. Invoices must be submitted by TAMU in duplicate to the City of College Station, Accounting Dept., P.O. Box 9973, College Station, Texas 77842-0973.

NOTICE: Any required notice or contact under this MOU shall be made to:

City of College Station, Texas:

Chief of Police Jeff Capps 2611 Texas Avenue College Station, Texas 77840 Phone: (979) 764-3605	<i>with copies to:</i>	City Manager and City Attorney 1101 Texas Avenue College Station, Texas 77842 Phone: (979) 764-3509
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TAMU:

TAMU Psychology Clinic Department of Psychology Texas A&M University 2435 TAMU College Station, Texas 77843-2435	employer's I.D.#: 76-4000531 profession/ occupation: psychologist Phone: (979) 845-8017 Fax: (979) 845-5191
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INDEMNIFICATION: Subject to the limitations as to 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 MOU, or any of its officers, agents or employees, or as the result of its performance, or any of its officers, agents or employees, of this MOU. TAMU is an agency of the State of Texas and nothing in this Agreement waives or relinquishes TAMU's right to claim any exemptions, privileges, or immunities as may be provided by law. The City is a Texas Home Rule Municipal Corporation and nothing in this Agreement waives or relinquishes City's right to claim any exemptions, privileges, or immunities as may be provided by law.

CONSENT TO SUIT: City by entering into Agreement does not give its consent to suit.

TERM OF AGREEMENT: This MOU shall begin as of the date of the last signature, and remain in effect for no more than three (3) years ending September 30, 2015. This MOU may be terminated on behalf of either party in the agreement, by providing the other party with thirty (30) days written notice. Any of the City's candidates scheduled for evaluations, at time of termination will be allowed to complete their evaluation, provided that the termination was requested by TAMU. In the event this agreement is terminated, TAMU will be paid only for the evaluations completed, provided the required evaluation reports are presented to the City within three (3) weeks of the cancellation of this MOU.

INDEPENDENT CONTRACTOR STATUS: This MOU shall not be construed as creating an employer/employee relationship between TAMU, including any of its officers, agents and employees, and the City and it does not constitute a joint venture.

PROVISIONS: If any provision or provisions of the MOU shall be held to be invalid, illegal or unenforceable, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby.

GOVERNING LAW: The terms and conditions of the MOU and performance hereunder shall be construed in accordance with the laws of the State of Texas. Venue shall be in a court of

competent jurisdiction in Brazos County, Texas.

OTHER DIRECT COSTS: The City will only pay the amount per completed evaluation or re-evaluation as specified in the preceding "RESPONSIBILITIES" sections. The number of evaluations will vary over the months in which this contract is in effect. The cost of each evaluation or re-evaluation includes other direct costs which will be used by TAMU for supplies, photo-reproduction, books, journals, training tapes, software, equipment, professional dues, travel expenses, educational development, and other directly related costs.

AUTHORITY TO CONTRACT: Each party has the full power and authority to enter into and perform this MOU, and the persons signing below on behalf of each party have been properly authorized and empowered to enter into this MOU. The persons executing this MOU hereby represent that they have authorization to sign on behalf of their respective entities.

CITY OF COLLEGE STATION

By: _____
David Neely, City Manager

Date: _____

APPROVED:

Carla A Robinson

Carla Robinson, City Attorney

Date: _____

Jeff Kersten, Chief Financial Officer

Date: _____

TEXAS A&M UNIVERISTY

By: _____
Dean K. Endler, Executive Director
Contract Administration

Date: _____

September 13, 2012

Consent Agenda

Memorandum of Understanding with the TAMU Department of Psychology

To: David Neeley, City Manager

From: Jeff Capps, Chief of Police

Agenda Caption: Presentation, possible action, and discussion on a MOU with the TAMU Department of Psychology.

Relationship to Strategic Goals: Core Services and Infrastructure

Recommendation(s): Staff recommends Council approval

Summary: Due to the high stress situations encountered and the sensitive information available to Police Department employees, state law and department policy require that psychological evaluations be conducted on all sworn employees and on some civilian employees prior to employment with the College Station Police Department.

The Texas A&M University Department of Psychology is qualified and sufficiently staffed to provide these screenings and the associated reports expeditiously. Additionally, they have provided these services for the Police Department since 2009 but the current MOU is set to expire September 30, 2012.

Budget & Financial Summary: Each psychological evaluation done by the TAMU Psychology Department will be paid for by the Police Department. Initial evaluations will cost \$250.00 each. This reflects a slight increase of \$10.00 per evaluation since the last agreement was signed. If necessary, re-evaluations will cost \$110.00 each.

Attachments:

1. Memorandum of Understanding

September 13, 2012
Consent Agenda Item No. 2k
BVSWMA, Inc. FY13 Budget

To: David Neeley, City Manager

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

Agenda Caption: Presentation, possible action, and discussion on the FY 2012-2013 BVSWMA, Inc Proposed Budget.

Relationship to Strategic Goals: Core Services and Infrastructure – Efficiently, effectively, and strategically placed and delivered core services and infrastructure that maintains citizens health, safety, and general welfare and enables the City's economic growth and physical development

Recommendation(s): Staff recommends the Council approve the FY13 BVSWMA, Inc. Proposed Budget.

Summary: The BVSWMA, Inc proposed budget was considered and approved by the BVSWMA, Inc. Board of Directors on June 20, 2012 and presented to the City Council on August 9, 2012.

According to the BVSWMA, Inc, By-Laws and Operating Agreement, the BVSWMA budget will be presented to the College Station and Bryan City Councils for consideration after being approved by the BVSWMA Board.

Budget & Financial Summary: The FY13 BVSWMA, Inc. Proposed Budget Revenue is \$6,452,625 and the Expenses are \$9,361,160.

Attachments:

1. BVSWMA, Inc. Proposed FY13 Budget

**BVSWMA, Inc.
2012-2013 Budget**

**APPROVED AND ADOPTED BY VOTE OF THE BOARD OF DIRECTORS OF THE
BRAZOS VALLEY SOLID WASTE MANAGEMENT AGENCY, INC. AT A REGULAR
MEETING HELD ON THE 20TH DAY OF JUNE 2012.**

APPROVED:

Jason P. Bienski, President

BVSWMA, Inc.
2012-2013 Budget Overview

2012 - 2013 Budget Overview

	Approved 2012 Budget	Projected 2012 Results	Proposed 2013 Budget
Revenue	6,559,750	6,654,373	6,452,625
Operating Expense	5,488,969	5,242,116	4,851,160
Capital	5,575,000	5,500,000	4,510,000
Total Expenses	<u>11,063,969</u>	<u>10,742,116</u>	<u>9,361,160</u>

BVSWMA, Inc.
2012-2013 Operations Budget

**Brazos Valley Solid Waste Management Agency, Inc.
2011-2012 Budget**

	2011/2012 Budget	2011/2012 7 Volume Month 6	2011/2012 Projected	2013 Budget	
Operating Revenue					
Landfill Volume - Tons					
City of College Station	95,000	52,036	89,204	89,200	
City of Bryan	110,000	60,533	103,770	103,800	
Third Party	78,000	48,084	82,430	82,500	
	<u>283,000</u>	<u>160,652</u>	<u>275,404</u>	<u>275,500</u>	
Landfill Rates					Gate Rate
City of College Station			\$ 20.25	1.25 \$	21.50
City of Bryan			\$ 20.25	1.25 \$	21.50
Third Party			\$ 25.75	1.25 \$	27.00
Landfill Revenue					
City of College Station				1,806,300	
City of Bryan				2,101,950	
Third Party				2,124,375	
Total Landfill Revenue		3,094,744	6,189,488	6,032,625	
Compost Revenue	400,000	220,213	440,426	420,000	
Total Operating Revenue	6,559,750	3,327,186	6,654,373	6,452,625	
Expenditures and Transfers					
Maintenance Expense					
Computer Software	16,000	5,151	10,302	10,000	
Office Maint-Other	5,000	0	0	-	
Office Maint-Equipment	2,000	0	0	3,000	
Office Maint-Furniture	1,000	152	303	1,000	
Office Maint-Computer	1,000	1,147	2,294	3,000	
Maint.-Building	10,000	5,131	10,263	10,000	
Maint.-Grounds	25,000	13,415	20,000	20,000	
Maint.-Fence & Gates	1,000	245	489	1,000	
System Maint-Streets	1,000	0	0	-	
V&E Maint-Machine/Tool	2,000	0	0	2,000	
V&E Maint-Heavy Equipment	200,000	98,521	230,000	200,000	
V&E Maint-Radios	2,500	0	0	2,500	
V&E Maint-Phones	3,000	0	0	3,000	
V&E Maint-Pages/Other	15,000	375	751	15,000	
V&E Maint-Pumps/Motors	5,000	2,433	4,865	5,000	
V&E Maint-Motor Vehicle	12,000	2,555	5,109	12,000	
V&E Maint-Other	1,000	7,224	14,448	1,000	
Wet Weather Access	50,000	18,541	37,081	50,000	
Other Total	0	0	0	-	
Total Maintenance Expense	352,500	154,888	335,905	338,500	
Purchased Services					
Advertise-Legal Notices	1,000	0	0	-	
Advertise-Promotional	30,000	8,461	16,922	20,000	
Advertise-recruiting	-	0	0	-	
Insurance-Premium	70,000	23,051	46,102	50,000	
Other Serv-Other	50,000	14,283	28,566	50,000	
Other Serv-Contract Labor	150,000	1,884	3,768	25,000	
Other Serv-C/T COCS Employees	1,393,590	576,309	1,152,617	20,000	
Other Serv-C/T COB Employees	178,421	97,975	195,949	50,000	
Other Serv-Security	10,000	870	1,740	4,000	
Printing-Copier Costs	1,000	0	0	-	
Printing-External	7,000	1,201	5,000	7,000	
Printing-Signs & Banners	2,500	1,000	2,000	2,500	
Prof Serv-Audit	40,000	5,250	12,000	15,000	
Prof Serv-Engineering	150,000	121,617	243,235	250,000	
Prof Serv-Legal	100,000	22,236	44,473	60,000	
Prof Serv-Medical	1,000	0	500	1,000	
Prof Serv-Surveying	1,000	0	0	-	
Prof Serv-Spec Studies	90,000	0	35,000	50,000	
Prof Serv-Other	550,000	146,974	415,000	475,000	
Rentals-Buildings & Structures	2,000	868	1,736	2,000	
Rentals-Clothing	500	0	0	-	
Rentals-Equipment	25,000	24,158	48,317	25,000	
Replacement-Phones	1,000	0	0	-	
Replacement-Radio System-800Mhz	5,000	8	16	-	
Sundry-Credit Card Fees	5,500	4,556	9,113	10,000	
Sundry-Freight	5,000	2,432	4,864	6,000	
Sundry-Permits & Licenses	1,500	0	0	1,500	
Sundry-Mail Handling	1,000	94	188	-	
Sundry-Penalty & Interest	500	0	0	500	
Sundry-Postage	3,000	1,331	2,662	3,000	
Tech Serv-Janitorial	10,000	2,497	4,993	6,000	
Tech Serv-Pest Control	3,500	973	1,946	2,500	
Tech. Svcs.-Inspect & Lic. Fees	6,000	8,060	10,000	10,000	
Training-In-house Training	1,000	125	250	1,000	
Training-Memberships	5,000	2,072	4,144	5,000	
Training-Outside Training	11,500	5,019	10,038	11,500	
Training-Subscriptions	500	335	669	500	
Training-Travel & Lodging	10,000	4,352	8,704	10,000	
Util Serv-Cable Services	2,000	675	1,349	2,000	
Util Serv-Disposal Fees	15,000	6,506	13,013	15,000	
Util Serv-Electric	90,000	30,968	61,937	75,000	
Util Serv-Garbage	200	20	39	200	

**Brazos Valley Solid Waste Management Agency, Inc.
2011-2012 Budget**

	2011/2012 Budget	2011/2012 7	2011/2012 Projected	2013 Budget
Util Serv-Local Phone	1,500	585	1,170	1,500
Util Serv-Long Distance Phone	400	159	318	400
Util Serv-Mobile Phone	7,500	3,520	7,040	7,500
Util Serv-Natural Gas	350	26	51	350
Util Serv-Sewer	500	7	13	500
Util Serv-Water	20,000	4,954	9,907	20,000
Total Purchased Services	3,060,461	1,125,409	2,405,349	1,296,450
Salaries & Benefits				
Administrative	120,000	55,379	110,757	225,000
Fulltime Labor	120,000	172,331	344,662	800,000
Overtime	15,000	44,521	89,042	200,000
Bonuses	9,000	0	0	15,000
FICA/Medicare & Unemployment	20,000	25,933	51,866	97,500
Retirement	20,000	26,627	53,254	140,000
Group Health Insurance	14,000	41,980	83,961	160,000
Group Life Insurance	500	1,040	2,080	5,000
Workers Compensation	1,200	6,024	12,048	30,000
Unemployment Compensation	100	0	0	500
Education Reimbursement	1,000	0	0	1,500
Group LT Disability		305	610	4,000
Taxable Employee Benefits	0	70	140	2,500
Total Salaries & Benefits	320,800	374,209	748,418	1,681,000
Supplies				
Office Supplies - General	15,000	6,792	13,584	15,000
Office Supplies - Computer	500	967	1,935	500
Office Supplies - Educate	1,000	1,016	2,032	1,000
Office Supplies - Photo	200	0	0	200
Office Supplies-Minor Equipment	5,000	1,721	3,441	5,000
Office Supp.-Computer Hardware	3,000	3,636	7,271	3,000
Office Supp.-Computer Software		421	841	1,000
Office Supplies - Other	400	398	796	400
Botanical	1,000	48	97	1,000
V&E-Oil	25,000	10,266	20,531	25,000
V&E-Fuel	10,000	3,773	7,546	10,000
V&E-Diesel	500,000	324,810	649,620	700,000
V&E-Minor Tools	6,000	6,583	13,167	6,000
V&E-Other	7,500	2,400	4,800	12,500
Awards-Service	1,000	98	195	1,000
Awards-Recognition	500	2,700	5,400	500
Award-Clothing	850	0	0	850
Clothing-Accessory	7,500	7,582	15,163	7,500
Clothing-Uniforms	1,000	0	0	1,000
Chemical-Janitorial	4,000	1,855	3,710	4,000
Chemical-Botanical	10,000	8,847	17,695	10,000
Chemical-Pesticide	1,000	319	638	1,000
Chemical-Other	300	0	0	300
Crew-First Aid	1,000	0	500	1,000
Crew-Safety	5,000	560	1,119	5,000
Crew-Other	200	0	0	200
Misc Supply-Promo Mater	10,000	0	5,000	10,000
Misc Supply-Goodwill	800	1,500	3,000	800
Misc Supply-Food & Ice	10,000	3,885	7,770	10,000
Misc Supply-Other	10,000	8,570	17,139	10,000
Misc Supply-Survey	15,000	0	0	15,000
Total Supplies	652,750	398,745	802,989	858,750
Other Budget not specified in P&L	0	0	0	0
Total Expenditures & Transfers	4,386,511	2,053,251	4,292,662	4,174,700
Non-Departmental				
Debt Serv Trsf-College Station	399,250	93,730	399,235	177,710
Debt Serv Trsf-Bryan	389,450	96,716	398,431	189,331
General & Administrative Trsf	0	0	0	0
Compost Fac. Equip N/P Bryan	0	0	0	0
Host Fees	163,758	75,894	151,788	159,419
Contingency	150,000	0	0	150,000
Non-Departmental Total	1,102,458	266,340	949,454	676,460
Expenses Subtotal	5,488,969	2,319,591	5,242,116	4,851,160
EBITDA	1,070,781	1,007,595	1,412,257	1,601,465

**BVSWMA, Inc.
Capital Budget
&
Cash Reserves**

	2010	2011	2012	2013	2014	2015	2016	2017	2018	2019	2020	2021	2022
Equipment Replacement													
Unclassified													
2012 JD 1050 Dozer		\$ (740,480)											
2012 Compactor "Pac Man" rebuild		\$ (429,585)											
2012 Wood Grinder		\$ (615,580)											
2012 320 Excavator		\$ (203,400)											
2013 Utility Vehicle			\$ (15,000)										
2013 Mechanic truck			\$ (110,000)										
2013 F250			\$ (40,000)										
2013 Backhoe/loader			\$ (95,000)										
2013 950 wheel loader			\$ (245,000)										
2013 Compost/wood chip Bagger			\$ (50,000)										
2013 ADT				\$ (475,000)									
2013 ADT				\$ (475,000)									
2014 Utility Trailer				\$ (800)									
2014 Miller Welder				\$ (12,000)									
2014 Generator				\$ (45,000)									
2014 F250				\$ (40,000)									
2014 Excavator				\$ (550,000)									
2014 Generator trailer				\$ (2,500)									
2014 Electric pump				\$ (30,000)									
2014 Hay buster				\$ (12,000)									
2014 water reel B140				\$ (8,000)									
2015 Motor grader					\$ (250,000)								
2015 F250					\$ (40,000)								
2015 CAT 836 rebuild					\$ (500,000)								
2015 Diesel pump					\$ (35,000)								
2015 Broom					\$ (50,000)								
2016 Water truck						\$ (55,000)							
2016 F250						\$ (40,000)							
2016 D8 rebuild						\$ (400,000)							
2016 CAT 836						\$ (1,000,000)							
2017 Forklift							\$ (40,000)						
2017 MadVac							\$ (26,000)						
2017 Utility trailer							\$ (2,500)						
2017 Steam cleaner							\$ (15,000)						
2017 Utility vehicle							\$ (18,000)						
2017 850 dozer							\$ (360,000)						
2017 D8 rebuild							\$ (400,000)						
2018 Tarp Machine								\$ (90,000)					
2018 Pickup								\$ (32,000)					
2018 CAT 836								\$ (1,000,000)					
2019 Light plant									\$ (15,000)				
2019 Utility Trailer									\$ (15,000)				
2019 Utility Vehicle									\$ (17,000)				
2019 F150									\$ (32,000)				
2019 CAT 836									\$ (1,000,000)				
2020 Excavator										\$ (550,000)			
2020 Backhoe/Loader										\$ (95,000)			
2020 Roll-off										\$ (185,000)			
2021 Utility trailer/shredder											\$ (85,000)		
2021 Water truck											\$ (85,000)		
2021 Plug											\$ (1,000,000)		
2022 Plug												\$ (1,000,000)	
Equipment subtotal		\$ (1,989,045)	\$ (555,000)	\$ (1,650,300)	\$ (875,000)	\$ (1,495,000)	\$ (861,500)	\$ (1,122,000)	\$ (1,079,000)	\$ (830,000)	\$ (1,170,000)	\$ (1,000,000)	\$ (1,000,000)
Debt Service													
City of College Station			\$ (220,000)	\$ (230,000)	\$ (240,000)	\$ (250,000)	\$ (210,000)	\$ (220,000)	\$ (230,000)	\$ (240,000)	\$ (250,000)	\$ (260,000)	\$ (260,000)
City of Bryan			\$ (210,000)	\$ (215,000)	\$ (220,000)	\$ (230,000)	\$ (235,000)	\$ (250,000)	\$ (255,000)	\$ (265,000)	\$ (275,000)	\$ (285,000)	\$ (285,000)
Debt Subtotal		\$ -	\$ (430,000)	\$ (445,000)	\$ (460,000)	\$ (480,000)	\$ (445,000)	\$ (470,000)	\$ (485,000)	\$ (505,000)	\$ (525,000)	\$ (545,000)	\$ (545,000)
Capital Projects													

Landfill Development		\$ (1,500,000)	\$ (2,000,000)	\$ -	\$ (3,000,000)	\$ -	\$ -	\$ (3,000,000)	\$ -	\$ -	\$ (1,500,000)	\$ (1,500,000)	
Twin Oaks Entrance & Site Improvements		\$ (100,000)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Wind Screens		\$ (100,000)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
RPR Closure		\$ (1,500,000)	\$ (1,500,000)	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
RPR Post Closure		\$ -	\$ (25,000)	\$ (25,000)	\$ (15,000)	\$ (15,000)	\$ (10,000)	\$ (10,000)	\$ (10,000)	\$ (10,000)	\$ (10,000)	\$ (10,000)	
Pipeline Relocation		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Compost Relocation		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Compost Closure		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
HHW Center		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Other capital		\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	
Other subtotal		\$ (3,200,000)	\$ (3,525,000)	\$ (25,000)	\$ (3,015,000)	\$ (15,000)	\$ (10,000)	\$ (3,010,000)	\$ (10,000)	\$ (10,000)	\$ (1,510,000)	\$ (1,510,000)	
Total Capital			\$ (4,510,000)	\$ (2,120,300)	\$ (4,350,000)	\$ (1,990,000)	\$ (1,316,500)	\$ (4,602,000)	\$ (1,574,000)	\$ (1,345,000)	\$ (3,205,000)	\$ (3,055,000)	
Cash Balance	3/31/12	\$ 11,267,261	\$ 9,871,690	\$ 7,783,947	\$ 4,875,412	\$ 4,422,674	\$ 2,315,439	\$ 2,651,538	\$ 3,903,355	\$ 1,959,389	\$ 3,135,671	\$ 4,635,661	\$ 4,372,775
Revenue		\$ 6,654,373	\$ 6,452,625	\$ 6,585,878	\$ 7,236,921	\$ 7,386,115	\$ 7,697,936	\$ 7,856,622	\$ 8,018,623	\$ 8,184,011	\$ 8,352,856	\$ 8,525,234	
Operating Expenses		\$ (5,242,116)	\$ (4,851,160)	\$ (4,918,315)	\$ (4,994,156)	\$ (5,060,017)	\$ (5,129,618)	\$ (5,198,588)	\$ (5,268,341)	\$ (5,339,020)	\$ (5,410,743)	\$ (5,483,856)	
Cash from Operations		\$ 1,412,257	\$ 1,601,465	\$ 1,667,562	\$ 2,242,765	\$ 2,326,098	\$ 2,568,318	\$ 2,658,034	\$ 2,750,282	\$ 2,844,990	\$ 2,942,113	\$ 3,041,378	
Projected Capital needs		\$ (3,500,000)	\$ (4,510,000)	\$ (2,120,300)	\$ (4,350,000)	\$ (1,990,000)	\$ (1,316,500)	\$ (4,602,000)	\$ (1,574,000)	\$ (1,345,000)	\$ (3,205,000)	\$ (3,055,000)	
Cash at End of Year		\$ 7,783,947	\$ 4,875,412	\$ 4,422,674	\$ 2,315,439	\$ 2,651,538	\$ 3,903,355	\$ 1,959,389	\$ 3,135,671	\$ 4,635,661	\$ 4,372,775	\$ 4,359,153	
Starting Capacity	27,750,000	27,675,456	27,400,052	27,124,552	26,843,542	26,536,912	26,224,149	25,905,131	25,579,732	25,247,826	24,909,282	24,563,966	
Tons	74,544	275,404	275,500	281,010	306,630	312,763	319,018	325,398	331,906	338,545	345,315	352,222	
Remaining capacity	27,675,456	27,400,052	27,124,552	26,843,542	26,536,912	26,224,149	25,905,131	25,579,732	25,247,826	24,909,282	24,563,966	24,211,744	
"Earmarked" Funds													
Starting Closure reserve	-	51,147	252,965	465,422	682,129	918,594	1,159,787	1,405,805	1,656,743	1,912,699	2,173,775	2,440,072	
Additional Reserve	51,147	201,818	212,458	216,707	236,464	241,194	246,018	250,938	255,957	261,076	266,297	271,623	
Total Closure reserve	51,147	252,965	465,422	682,129	918,594	1,159,787	1,405,805	1,656,743	1,912,699	2,173,775	2,440,072	2,711,696	
Starting Post-Closure reserve	-	25,573	126,482	232,711	341,065	459,297	579,894	702,902	828,371	956,350	1,086,888	1,220,036	
Additional Reserve	25,573	100,909	106,229	108,353	118,232	120,597	123,009	125,469	127,978	130,538	133,149	135,812	
Total Post-Closure reserve	25,573	126,482	232,711	341,065	459,297	579,894	702,902	828,371	956,350	1,086,888	1,220,036	1,355,848	
Total "Earmarked"	76,720	379,447	698,134	1,023,194	1,377,890	1,739,681	2,108,707	2,485,114	2,869,049	3,260,663	3,660,109	4,067,543	
Non "Earmarked" Capital		\$ 7,404,500	\$ 4,177,278	\$ 3,399,480	\$ 937,549	\$ 911,857	\$ 1,794,648	\$ (525,725)	\$ 266,622	\$ 1,374,999	\$ 712,666	\$ 291,609	

BVSWMA, Inc.
Long Range Planning Budget

	2012 Projected	2013 Budget	2014 Budget	2015 Budget	2016 Budget	2017 Budget	2018 Budget	2019 Budget	2020 Budget	2021 Budget	2022 Budget
Operating Revenue											
Landfill Volume (tons)											
City of College Station	89,204	89,200	90,984	92,804	94,660	96,553	98,484	100,454	102,463	104,512	106,602
City of Bryan	103,770	103,800	105,876	107,994	110,153	112,356	114,604	116,896	119,234	121,618	124,051
Third Party	82,430	82,500	84,150	105,833	107,950	110,109	112,311	114,557	116,848	119,185	121,569
Landfill Rates											
City of College Station	\$ 20.25	\$ 20.25	\$ 20.25	\$ 20.25	\$ 20.25	\$ 20.75	\$ 20.75	\$ 20.75	\$ 20.75	\$ 20.75	\$ 20.75
City of Bryan	\$ 20.25	\$ 20.25	\$ 20.25	\$ 20.25	\$ 20.25	\$ 20.75	\$ 20.75	\$ 20.75	\$ 20.75	\$ 20.75	\$ 20.75
Third Party	\$ 25.75	\$ 25.75	\$ 25.75	\$ 25.75	\$ 25.75	\$ 26.25	\$ 26.25	\$ 26.25	\$ 26.25	\$ 26.25	\$ 26.25
Landfill Revenue											
City of College Station		1,806,300	1,842,426	1,879,275	1,916,860	2,003,474	2,043,543	2,084,414	2,126,102	2,168,624	2,211,997
City of Bryan		2,101,950	2,143,989	2,186,869	2,230,606	2,331,397	2,378,024	2,425,585	2,474,097	2,523,579	2,574,050
Third Party		2,124,375	2,166,863	2,725,200	2,779,704	2,890,352	2,948,159	3,007,122	3,067,265	3,128,610	3,191,182
Total Landfill Revenue	6,189,488	6,032,625	6,153,278	6,791,343	6,927,170	7,225,222	7,369,727	7,517,121	7,667,464	7,820,813	7,977,229
Compost Revenue	440,426	420,000	432,600	445,578	458,945	472,714	486,895	501,502	516,547	532,043	548,005
Total Operating Revenue	6,654,373	6,452,625	6,585,878	7,236,921	7,386,115	7,697,936	7,856,622	8,018,623	8,184,011	8,352,856	8,525,234
Expenditures and Transfers											
Maintenance Expense											
Computer Software	10,302	10,000	10,100	10,201	10,303	10,406	10,510	10,615	10,721	10,829	10,937
Office-Maint-Other	-	-	-	-	-	-	-	-	-	-	-
Office Maint-Equipment	-	3,000	3,030	3,060	3,091	3,122	3,153	3,185	3,216	3,249	3,281
Office Maint-Furniture	303	1,000	1,010	1,020	1,030	1,041	1,051	1,062	1,072	1,083	1,094
Office Maint-Computer	2,294	3,000	3,030	3,060	3,091	3,122	3,153	3,185	3,216	3,249	3,281
Maint.-Building	10,263	10,000	10,100	10,201	10,303	10,406	10,510	10,615	10,721	10,829	10,937
Maint.-Grounds	20,000	20,000	20,200	20,402	20,606	20,812	21,020	21,230	21,443	21,657	21,874
Maint.-Fence & Gates	489	1,000	1,010	1,020	1,030	1,041	1,051	1,062	1,072	1,083	1,094
System-Maint-Streets	-	-	-	-	-	-	-	-	-	-	-
V&E Maint-Machine/Tool	-	2,000	2,020	2,040	2,061	2,081	2,102	2,123	2,144	2,166	2,187
V&E Maint-Heavy Equipment	230,000	200,000	202,000	204,020	206,060	208,121	210,202	212,304	214,427	216,571	218,737
V&E Maint-Radios	-	2,500	2,525	2,550	2,576	2,602	2,628	2,654	2,680	2,707	2,734
V&E Maint-Phones	-	3,000	3,030	3,060	3,091	3,122	3,153	3,185	3,216	3,249	3,281
V&E Maint-Pages/Other	751	15,000	15,150	15,302	15,455	15,609	15,765	15,923	16,082	16,243	16,405
V&E Maint-Pumps/Motors	4,865	5,000	5,050	5,101	5,152	5,203	5,255	5,308	5,361	5,414	5,468
V&E Maint-Motor Vehicle	5,109	12,000	12,120	12,241	12,364	12,487	12,612	12,738	12,866	12,994	13,124
V&E Maint-Other	14,448	1,000	1,010	1,020	1,030	1,041	1,051	1,062	1,072	1,083	1,094
Wet Weather Access	37,081	50,000	50,500	51,005	51,515	52,030	52,551	53,076	53,607	54,143	54,684
Other Total	-	-	-	-	-	-	-	-	-	-	-
Total Maintenance Expense	335,905	338,500	341,885	345,304	348,757	352,244	355,767	359,325	362,918	366,547	370,212
Purchased Services											
Advertise-Legal Notices	-	-	-	-	-	-	-	-	-	-	-
Advertise-Promotional	16,922	20,000	20,200	20,402	20,606	20,812	21,020	21,230	21,443	21,657	21,874
Advertise-recruiting	-	-	-	-	-	-	-	-	-	-	-
Insurance-Premium	46,102	50,000	50,500	51,005	51,515	52,030	52,551	53,076	53,607	54,143	54,684
Other Serv-Other	28,566	50,000	50,500	51,005	51,515	52,030	52,551	53,076	53,607	54,143	54,684
Other Serv-Contract Labor	3,768	25,000	25,250	25,503	25,758	26,015	26,275	26,538	26,803	27,071	27,342
Other Serv-C/T COCS Employees	1,152,617	20,000	20,200	20,402	20,606	20,812	21,020	21,230	21,443	21,657	21,874
Other Serv-C/T COB Employees	195,949	50,000	50,500	51,005	51,515	52,030	52,551	53,076	53,607	54,143	54,684
Other Serv-Security	1,740	4,000	4,040	4,080	4,121	4,162	4,204	4,246	4,289	4,331	4,375

Printing-Copier-Costs	-	-	-	-	-	-	-	-	-	-	-
Printing-External	5,000	7,000	7,070	7,141	7,212	7,284	7,357	7,431	7,505	7,580	7,656
Printing-Signs & Banners	2,000	2,500	2,525	2,550	2,576	2,602	2,628	2,654	2,680	2,707	2,734
Prof Serv-Audit	12,000	15,000	15,150	15,302	15,455	15,609	15,765	15,923	16,082	16,243	16,405
Prof Serv-Engineering	243,235	250,000	252,500	255,025	257,575	260,151	262,753	265,380	268,034	270,714	273,421
Prof Serv-Legal	44,473	60,000	60,600	61,206	61,818	62,436	63,061	63,691	64,328	64,971	65,621
Prof Serv-Medical	500	1,000	1,010	1,020	1,030	1,041	1,051	1,062	1,072	1,083	1,094
Prof Serv-Surveying	-	-	-	-	-	-	-	-	-	-	-
Prof Serv-Spec Studies	35,000	50,000	50,500	51,005	51,515	52,030	52,551	53,076	53,607	54,143	54,684
Prof Serv-Other	415,000	475,000	479,750	484,548	489,393	494,287	499,230	504,222	509,264	514,357	519,501
Rentals-Buildings & Structures	1,736	2,000	2,020	2,040	2,061	2,081	2,102	2,123	2,144	2,166	2,187
Rentals-Clothing	-	-	-	-	-	-	-	-	-	-	-
Rentals-Equipment	48,317	25,000	25,250	25,503	25,758	26,015	26,275	26,538	26,803	27,071	27,342
Replacement Phones	-	-	-	-	-	-	-	-	-	-	-
Replacement-Radio System-800Mhz	16	-	-	-	-	-	-	-	-	-	-
Sundry-Credit Card Fees	9,113	10,000	10,100	10,201	10,303	10,406	10,510	10,615	10,721	10,829	10,937
Sundry-Freight	4,864	6,000	6,060	6,121	6,182	6,244	6,306	6,369	6,433	6,497	6,562
Sundry-Permits & Licenses	-	1,500	1,515	1,530	1,545	1,561	1,577	1,592	1,608	1,624	1,641
Sundry-Mail Handling	188	-	-	-	-	-	-	-	-	-	-
Sundry-Penalty & Interest	-	500	505	510	515	520	526	531	536	541	547
Sundry-Postage	2,662	3,000	3,030	3,060	3,091	3,122	3,153	3,185	3,216	3,249	3,281
Tech Serv-Janitorial	4,993	6,000	6,060	6,121	6,182	6,244	6,306	6,369	6,433	6,497	6,562
Tech Serv-Pest Control	1,946	2,500	2,525	2,550	2,576	2,602	2,628	2,654	2,680	2,707	2,734
Tech. Svcs.-Inspect & Lic. Fees	10,000	10,000	10,100	10,201	10,303	10,406	10,510	10,615	10,721	10,829	10,937
Training-In-house Training	250	1,000	1,010	1,020	1,030	1,041	1,051	1,062	1,072	1,083	1,094
Training-Memberships	4,144	5,000	5,050	5,101	5,152	5,203	5,255	5,308	5,361	5,414	5,468
Training-Outside Training	10,038	11,500	11,615	11,731	11,848	11,967	12,087	12,207	12,330	12,453	12,577
Training-Subscriptions	669	500	505	510	515	520	526	531	536	541	547
Training-Travel & Lodging	8,704	10,000	10,100	10,201	10,303	10,406	10,510	10,615	10,721	10,829	10,937
Util Serv-Cable Services	1,349	2,000	2,020	2,040	2,061	2,081	2,102	2,123	2,144	2,166	2,187
Util Serv-Disposal Fees	13,013	15,000	15,150	15,302	15,455	15,609	15,765	15,923	16,082	16,243	16,405
Util Serv-Electric	61,937	75,000	75,750	76,508	77,273	78,045	78,826	79,614	80,410	81,214	82,026
Util Serv-Garbage	39	200	202	204	206	208	210	212	214	217	219
Util Serv-Local Phone	1,170	1,500	1,515	1,530	1,545	1,561	1,577	1,592	1,608	1,624	1,641
Util Serv-Long Distance Phone	318	400	404	408	412	416	420	425	429	433	437
Util Serv-Mobile Phone	7,040	7,500	7,575	7,651	7,727	7,805	7,883	7,961	8,041	8,121	8,203
Util Serv-Natural Gas	51	350	354	357	361	364	368	372	375	379	383
Util Serv-Sewer	13	500	505	510	515	520	526	531	536	541	547
Util Serv-Water	9,907	20,000	20,200	20,402	20,606	20,812	21,020	21,230	21,443	21,657	21,874
Total Purchased Services	2,405,349	1,296,450	1,309,415	1,322,509	1,335,734	1,349,091	1,362,582	1,376,208	1,389,970	1,403,870	1,417,908
Salaries & Benefits											
Administrative	110,757	225,000	231,750	238,703	245,864	253,239	260,837	268,662	276,722	285,023	293,574
Fulltime Labor	344,662	800,000	824,000	848,720	874,182	900,407	927,419	955,242	983,899	1,013,416	1,043,819
Overtime	89,042	200,000	206,000	212,180	218,545	225,102	231,855	238,810	245,975	253,354	260,955
Bonuses	-	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000	15,000
FICA/Medicare & Unemployment	51,866	97,500	100,425	103,438	106,541	109,737	113,029	116,420	119,913	123,510	127,215
Retirement	53,254	140,000	144,200	148,526	152,982	157,571	162,298	167,167	172,182	177,348	182,668
Group Health Insurance	83,961	160,000	164,800	169,744	174,836	180,081	185,484	191,048	196,780	202,683	208,764
Group Life Insurance	2,080	5,000	5,150	5,305	5,464	5,628	5,796	5,970	6,149	6,334	6,524
Workers Compensation	12,048	30,000	30,900	31,827	32,782	33,765	34,778	35,822	36,896	38,003	39,143
Unemployment Compensation	-	500	515	530	546	563	580	597	615	633	652
Education Reimbursement	-	1,500	1,545	1,591	1,639	1,688	1,739	1,791	1,845	1,900	1,957
Group LT Disability	610	4,000	4,120	4,244	4,371	4,502	4,637	4,776	4,919	5,067	5,219
Taxable Employee Benefits	140	2,500	2,575	2,652	2,732	2,814	2,898	2,985	3,075	3,167	3,262

Total Salaries & Benefits	748,418	1,681,000	1,730,980	1,782,459	1,835,483	1,890,098	1,946,351	2,004,291	2,063,970	2,125,439	2,188,752
Supplies											
Office Supplies - General	13,584	15,000	15,150	15,302	15,455	15,609	15,765	15,923	16,082	16,243	16,405
Office Supplies - Computer	1,935	500	505	510	515	520	526	531	536	541	547
Office Supplies - Educate	2,032	1,000	1,010	1,020	1,030	1,041	1,051	1,062	1,072	1,083	1,094
Office Supplies - Photo	-	200	202	204	206	208	210	212	214	217	219
Office Supplies-Minor Equipment	3,441	5,000	5,050	5,101	5,152	5,203	5,255	5,308	5,361	5,414	5,468
Office Supp.-Computer Hardware	7,271	3,000	3,030	3,060	3,091	3,122	3,153	3,185	3,216	3,249	3,281
Office Supp.-Computer Software	841	1,000	1,010	1,020	1,030	1,041	1,051	1,062	1,072	1,083	1,094
Office Supplies - Other	796	400	404	408	412	416	420	425	429	433	437
Botanical	97	1,000	1,010	1,020	1,030	1,041	1,051	1,062	1,072	1,083	1,094
V&E-Oil	20,531	25,000	25,250	25,503	25,758	26,015	26,275	26,538	26,803	27,071	27,342
V&E-Fuel	7,546	10,000	10,100	10,201	10,303	10,406	10,510	10,615	10,721	10,829	10,937
V&E-Diesel	649,620	700,000	707,000	714,070	721,211	728,423	735,707	743,064	750,495	758,000	765,580
V&E-Minor Tools	13,167	6,000	6,060	6,121	6,182	6,244	6,306	6,369	6,433	6,497	6,562
V&E-Other	4,800	12,500	12,625	12,751	12,879	13,008	13,138	13,269	13,402	13,536	13,671
Awards-Service	195	1,000	1,010	1,020	1,030	1,041	1,051	1,062	1,072	1,083	1,094
Awards-Recognition	5,400	500	505	510	515	520	526	531	536	541	547
Award-Clothing	-	850	859	867	876	885	893	902	911	920	930
Clothing-Accessory	15,163	7,500	7,575	7,651	7,727	7,805	7,883	7,961	8,041	8,121	8,203
Clothing-Uniforms	-	1,000	1,010	1,020	1,030	1,041	1,051	1,062	1,072	1,083	1,094
Chemical-Janitorial	3,710	4,000	4,040	4,080	4,121	4,162	4,204	4,246	4,289	4,331	4,375
Chemical-Botanical	17,695	10,000	10,100	10,201	10,303	10,406	10,510	10,615	10,721	10,829	10,937
Chemical-Pesticide	638	1,000	1,010	1,020	1,030	1,041	1,051	1,062	1,072	1,083	1,094
Chemical-Other	-	300	303	306	309	312	315	318	322	325	328
Crew-First Aid	500	1,000	1,010	1,020	1,030	1,041	1,051	1,062	1,072	1,083	1,094
Crew-Safety	1,119	5,000	5,050	5,101	5,152	5,203	5,255	5,308	5,361	5,414	5,468
Crew-Other	-	200	202	204	206	208	210	212	214	217	219
Misc Supply-Promo Mater	5,000	10,000	10,100	10,201	10,303	10,406	10,510	10,615	10,721	10,829	10,937
Misc Supply-Goodwill	3,000	800	808	816	824	832	841	849	858	866	875
Misc Supply-Food & Ice	7,770	10,000	10,100	10,201	10,303	10,406	10,510	10,615	10,721	10,829	10,937
Misc Supply-Other	17,139	10,000	10,100	10,201	10,303	10,406	10,510	10,615	10,721	10,829	10,937
Misc Supply-Survey	-	15,000	15,150	15,302	15,455	15,609	15,765	15,923	16,082	16,243	16,405
Total Supplies	802,989	858,750	867,338	876,011	884,771	893,619	902,555	911,580	920,696	929,903	939,202
Other Budget not specified in P&L	-	-	-	-	-	-	-	-	-	-	-
Total Expenditures & Transfers	4,292,662	4,174,700	4,249,617	4,326,283	4,404,745	4,485,052	4,567,254	4,651,404	4,737,554	4,825,759	4,916,075
Non-Departmental											
Debt Serv Trsf-College Station	399,235	177,710	170,960	163,910	156,560	149,135	141,610	133,448	124,336	114,536	104,336
Debt Serv Trsf-Bryan	398,431	189,331	185,131	176,531	167,731	160,831	151,431	141,431	131,231	120,631	109,631
General & Administrative Trsf	-	-	-	-	-	-	-	-	-	-	-
Compost Fac. Equip N/P Bryan	-	-	-	-	-	-	-	-	-	-	-
Host Fees	151,788	159,419	162,607	177,432	180,981	184,600	188,292	192,058	195,899	199,817	203,814
Contingency	-	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000	150,000
Non-Departmental Total	949,454	676,460	668,698	667,873	655,272	644,567	631,334	616,937	601,467	584,985	567,781
Expenses Subtotal	5,242,116	4,851,160	4,918,315	4,994,156	5,060,017	5,129,618	5,198,588	5,268,341	5,339,020	5,410,743	5,483,856
EBITDA	1,412,257	1,601,465	1,667,562	2,242,765	2,326,098	2,568,318	2,658,034	2,750,282	2,844,990	2,942,113	3,041,378

September 13, 2012
Consent Agenda Item No. 2L
Annual Blanket Order for Annual Interior/Exterior Painting and Rejection of Bids
Received for Invitation To Bid #12-057

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 contract between the City of College Station and JNA Painting & Contracting Company Inc. in the amount of \$57,931.00 for the purpose of Various Interior/Exterior Painting of City Buildings under ITB (Invitation To Bid) #12-084, the rejection of bids received for ITB (Invitation To Bid) #12-057, and authorizing the City Manager to execute the contract on behalf of the City Council.

Relationship to Strategic Goals: Core Services and Infrastructure: Maintain and rehabilitate equipment, facilities, and infrastructure on a strategic schedule.

Recommendation(s): Staff recommends approval of the contract, the rejection of bids received for ITB #12-057, and authorizing the City Manager to execute the contract on behalf of the City Council.

Summary: On April 19, 2012 staff received bids for the Annual Blanket Order for Annual Interior/Exterior Painting under ITB#12-057; however, during the contract execution the lowest bidder could not meet the terms set forth in the bond provisions of the City's Standard Form of Agreement, specifically performance and payment bond requirements.

The second lowest bidder submitted a bid that far exceeded the budget for this service. Staff determined that it was in the City's best interest to rebid the contract. All the vendors that submitted bids were informed of the decision to reject the bids. After modifying the scope of work to be included in this annual blanket purchase order, staff rebid the contract under ITB #12-084 and received bids on July 26, 2012.

This is an annual blanket agreement for one (1) year with two (2) additional year renewals upon mutual consent of the City and the vendor. Three (3) sealed bids were received and opened at the Purchasing Department for ITB #12-084(rebid) with JNA Painting being the lowest responsible bidder.

Budget & Financial Summary: Funds are budgeted and available in the Public Works Facilities Maintenance Budget.

Attachments:

1. Bid Tab
2. Contract is on file in the City Secretary's Office



City of College Station - Purchasing Division
Bid Tabulation for #12-084
"Annual Interior/Exterior Painting of City Buildings"
Open Date: Thursday, July 26, 2012 @ 2:00 p.m.

ITEM	QTY	UNIT	DESCRIPTION	JNA Painting & Contracting Company, Inc. (Frisco, TX)		Vivas Contractors, Inc. (Houston, TX)		MBC Management, Inc. (Navasota, TX)	
				UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
SECTION I: INTERIOR PAINTING									
1	4,000	SQ FT	Ceiling, apply one (1) coat	\$0.17	\$680.00	\$0.55	\$2,200.00	\$0.41	\$1,640.00
2	4,000	SQ FT	Ceiling, apply two (2) coats	\$0.34	\$1,360.00	\$0.75	\$3,000.00	\$0.74	\$2,960.00
3	40,000	SQ FT	Walls, apply one (1) coat	\$0.17	\$6,800.00	\$0.42	\$16,800.00	\$0.40	\$16,000.00
4	40,000	SQ FT	Walls, apply two (2) coats	\$0.34	\$13,600.00	\$0.52	\$20,800.00	\$0.73	\$29,200.00
5	50	EA	Windows (including trim), apply one (1) coat	\$22.00	\$1,100.00	\$50.00	\$2,500.00	\$67.00	\$3,350.00
6	50	EA	Windows (including trim), apply two (2) coats	\$35.00	\$1,750.00	\$60.00	\$3,000.00	\$124.00	\$6,200.00
7	50	EA	Metal doors (both sides including trim), apply one (1) coat	\$25.00	\$1,250.00	\$65.00	\$3,250.00	\$93.00	\$4,650.00
8	50	EA	Metal doors (both sides including trim), apply one (1) coat	\$40.00	\$2,000.00	\$95.00	\$4,750.00	\$172.00	\$8,600.00
9	50	EA	Stain & clear coat wood doors (both sides including trim), apply one (1) coat	\$25.00	\$1,250.00	\$80.00	\$4,000.00	\$95.00	\$4,750.00
10	50	EA	Stain & clear coat wood doors (both sides including trim), apply one (2) coats	\$40.00	\$2,000.00	\$100.00	\$5,000.00	\$175.00	\$8,750.00
11	4,000	SQ FT	Cost for moving office furniture (desks, file cabinets, sofa, chairs, etc.)	\$0.200	\$800.00	\$0.35	\$1,400.00	\$0.41	\$1,640.00
12	1,000	SQ FT	Accent walls	\$0.34	\$340.00	\$0.75	\$750.00	\$1.09	\$1,090.00
13	2,000	SQ FT	Specialty Coatings (epoxy)	\$0.40	\$800.00	\$1.65	\$3,300.00	\$2.44	\$4,880.00
14	1,000	SQ FT	Drywall repair/texture	\$1.00	\$1,000.00	\$2.50	\$2,500.00	\$1.99	\$1,990.00
15	100	SQ FT	Drywall replacement	\$1.50	\$150.00	\$3.50	\$350.00	\$8.66	\$866.00
Sub Total (Section I-Interior Painting)				\$34,880.00		\$73,600.00		\$96,566.00	
SECTION II: EXTERIOR PAINTING									
1	20,000	SQ FT	Walls, apply one (1) coat	\$0.17	\$3,400.00	\$0.75	\$15,000.00	\$0.52	\$10,400.00
2	20,000	SQ FT	Walls, apply two (2) coats	\$0.34	\$6,800.00	\$0.85	\$17,000.00	\$0.96	\$19,200.00



City of College Station - Purchasing Division
Bid Tabulation for #12-084
"Annual Interior/Exterior Painting of City Buildings"
Open Date: Thursday, July 26, 2012 @ 2:00 p.m.

ITEM	QTY	UNIT	DESCRIPTION	JNA Painting & Contracting Company, Inc. (Frisco, TX)		Vivas Contractors, Inc. (Houston, TX)		MBC Management, Inc. (Navasota, TX)	
				UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE	UNIT PRICE	EXTENDED PRICE
3	50	EA	Windows (including trim), apply one (1) coat	\$22.00	\$1,100.00	\$50.00	\$2,500.00	\$67.00	\$3,350.00
4	50	EA	Windows (including trim), apply two (2) coats	\$35.00	\$1,750.00	\$65.00	\$3,250.00	\$124.00	\$6,200.00
5	50	EA	Metal doors (both sides including trim), apply one (1) coat	\$25.00	\$1,250.00	\$80.00	\$4,000.00	\$93.00	\$4,650.00
6	50	EA	Metal doors (both sides including trim), apply two (2) coats	\$40.00	\$2,000.00	\$95.00	\$4,750.00	\$172.00	\$8,600.00
7	50	SQ FT	Stain & clear coat (both sides including trim), apply two (1) coat	\$25.00	\$1,250.00	\$80.00	\$4,000.00	\$95.00	\$4,750.00
8	50	SQ FT	Stain & clear coat (both sides including trim), apply two (2) coats	\$40.00	\$2,000.00	\$100.00	\$5,000.00	\$175.00	\$8,750.00
9	4,000	SQ FT	Prep bare concrete masonry area before painting	\$0.10	\$400.00	\$0.48	\$1,920.00	\$0.98	\$3,920.00
10	10,000	SQ FT	Pressure Washing	\$0.10	\$1,000.00	\$0.30	\$3,000.00	\$0.19	\$1,900.00
11	2,000	SQ FT	Miscellaneous light fixtures, electrical boxes, a/c units, signs, lettering, etc.	\$0.25	\$500.00	\$0.65	\$1,300.00	\$2.17	\$4,340.00
12			Wood replacement						
	100	LFT	2" x 6"	\$5.00	\$500.00	\$8.50	\$850.00	\$12.68	\$1,268.00
	100	LFT	1" x 6"	\$5.00	\$500.00	\$6.50	\$650.00	\$11.03	\$1,103.00
	20	ea	4' x 8' x 5/8"	\$25.00	\$500.00	\$50.00	\$1,000.00	\$192.00	\$3,840.00
13	1	LS	Scaffolding (one (1) section) (Daily Rate)	\$1.00	\$1.00	\$350.00	\$350.00	\$3,750.00	\$3,750.00
14	1	LS	Man Lift (Daily Rate)	\$100.00	\$100.00	\$500.00	\$500.00	\$11,550.00	\$11,550.00
Sub Total (Section II-Exterior Painting)				\$23,051.00		\$65,070.00		\$97,571.00	
GRAND TOTAL (Section I & II)				\$57,931.00		\$138,670.00		\$194,137.00	
Certification of Bid				✓		✓		✓	
Bid Bond				✓		✓		✓	
Acknowledged Addendum				✓		✓		✓	

September 13, 2012
Consent Agenda Item No. 2m
Project Number ST0910
Lincoln Avenue Sidewalk Construction Contract

To: David Neeley, City Manager

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

Agenda Caption: Presentation, possible action, and discussion regarding a construction contract 12-299 with Palomares Construction Company, in the amount of \$152,361.00 for the Lincoln Avenue Sidewalk Project, and authorizing the City Manager to execute the contract on behalf of the City Council.

Recommendation(s): Staff recommends approval of this construction contract and authorizing the City Manager to execute the contract on behalf of the City Council.

Summary: Included in the 2008 Bond Authorization was \$300,000 for sidewalk extensions. At the time of the bond authorization, a sidewalk along Lincoln was one of the highest ranking projects. This project will construct a 6-foot wide sidewalk on the north side of Lincoln from Foster to the sidewalk to the south of Munson Avenue. The sidewalk will include a block retaining wall in areas where existing grade dictates.

For several years, staff has been acquiring easements for the new sidewalk. Six construction bids were received on August 10, 2012. Palomares Construction Company was the lowest responsible bidder.

Budget & Financial Summary: Funds in the amount of \$283,285 are budgeted for this project from General Obligation Bonds. A total of \$72,051.67 has been expended or committed to date, leaving a balance of \$205,101 for construction and remaining expenditures.

Attachments:

1. Bid tabulation
2. Map
3. Contract is on file in the City Secretary's Office

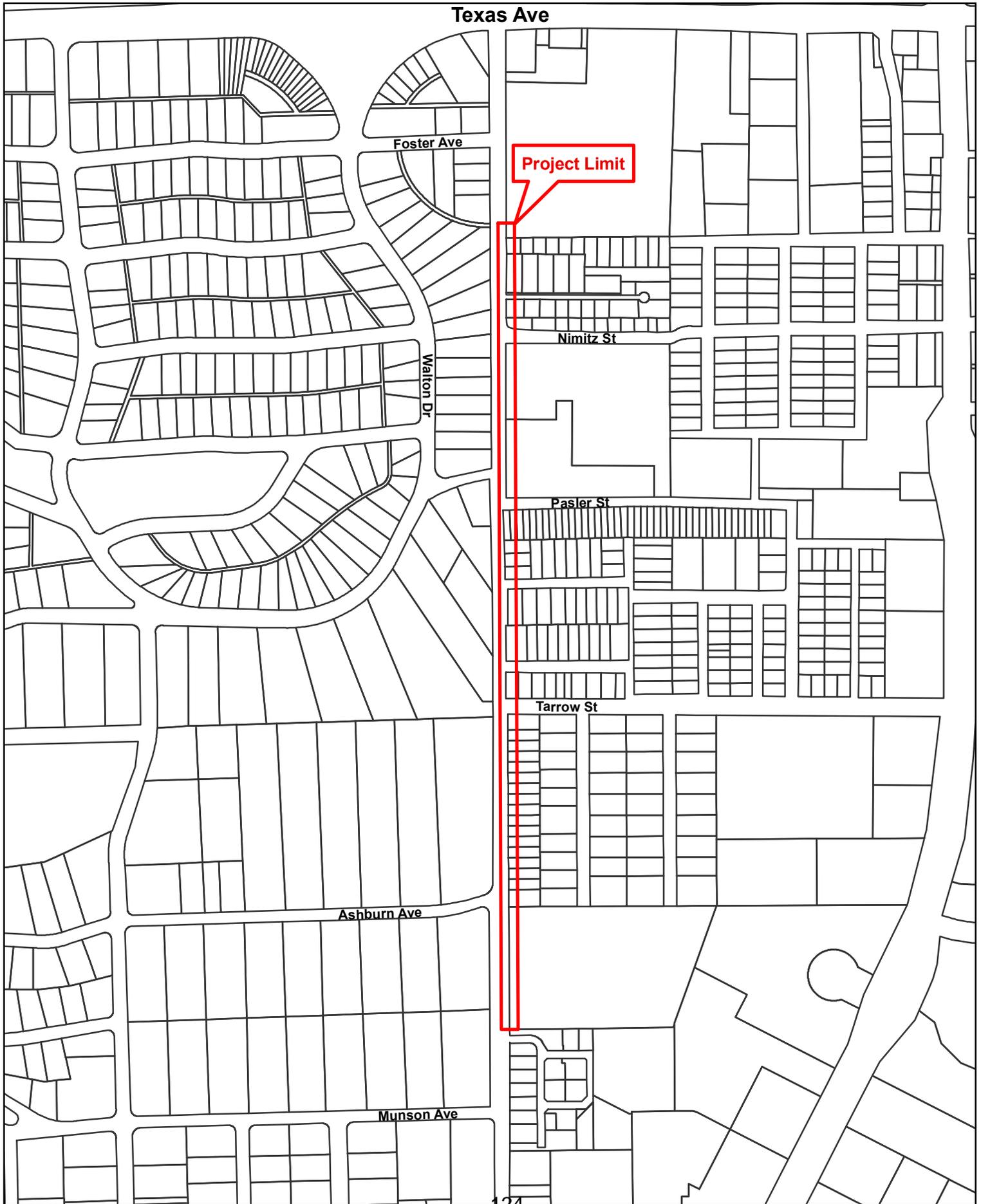


**ITB 12-090 Construction of
Lincoln Avenue Sidewalk**

Item No.	Quantity	Units	Description & Unit Price in Words	Mike Larsen Company		Brazos Paving, Inc.		Palomares Construction, Inc.		Dudley Construction, Ltd		VOX Construction, LLC		GW Williams	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	1	LS	MOBILIZATION	\$8,386.77	\$8,386.77	\$12,685.00	\$12,685.00	\$14,000.00	\$14,000.00	\$11,206.35	\$11,206.35	\$16,500.00	\$16,500.00	\$7,925.00	\$7,925.00
2	1	LS	TRAFFIC CONTROL PLAN	\$5,140.80	\$5,140.80	\$6,350.00	\$6,350.00	\$4,000.00	\$4,000.00	\$2,829.60	\$2,829.60	\$13,338.00	\$13,338.00	\$4,905.00	\$4,905.00
3	1	LS	EROSION CONTROL PLAN	\$1,512.00	\$1,512.00	\$4,000.00	\$4,000.00	\$1,500.00	\$1,500.00	\$5,672.29	\$5,672.29	\$1,065.00	\$1,065.00	\$1,650.00	\$1,650.00
4	15000	SFT	4" CONCRETE SIDEWALK (incl: all excav., select backfill to design grades, concrete, formwork, reinforcement, all materials, labor & equipment to complete the installation).	\$6.24	\$93,600.00	\$5.35	\$80,250.00	\$4.55	\$68,250.00	\$5.64	\$84,600.00	\$5.54	\$83,100.00	\$5.00	\$75,000.00
5	885	(face)SFT	CONCRETE BLOCK SEGMENTED RETAINING WALL (incl: all excav., select backfill to design grades, materials, labor & equipment to complete the installation).	\$18.92	\$16,744.20	\$42.35	\$37,479.75	\$16.10	\$14,248.50	\$29.29	\$25,921.65	\$18.64	\$16,496.40	\$36.82	\$32,585.70
6	65	(face)SFT	REINFORCED CONCRETE RETAINING WALL (incl: all excav., select backfill to design grades, materials, labor & equipment to complete the installation).	\$88.64	\$5,761.60	\$131.00	\$8,515.00	\$30.00	\$1,950.00	\$38.39	\$2,495.35	\$159.75	\$10,383.75	\$87.56	\$5,691.40
7	680	SFT	ADA RAMPS (incl: all excav., select backfill, concrete, reinforcement, curb removal & placement, formwork to ADA slopes & gradients).	\$17.27	\$11,743.60	\$12.00	\$8,160.00	\$12.00	\$8,160.00	\$21.68	\$14,742.40	\$36.34	\$24,711.20	\$12.25	\$8,330.00
8	370	SFT	BRICK PAVERS (incl: all excav., select backfill, to design grades, all materials, equipment & labor to complete the installation).	\$8.55	\$3,163.50	\$15.00	\$5,550.00	\$8.50	\$3,145.00	\$17.73	\$6,560.10	\$23.43	\$8,669.10	\$16.23	\$6,005.10
9	1110	SFT	REMOVE & REPLACE CONCRETE DRIVEWAYS, STEPS & MISC CURBS (incl: all cut, select backfill, to design grades, all materials, equipment & labor to complete the installation).	\$7.18	\$7,969.80	\$16.20	\$17,982.00	\$12.25	\$13,597.50	\$19.53	\$21,678.30	\$19.29	\$21,411.90	\$12.67	\$14,063.70
10	1	LS	TREE & BRUSH REMOVAL (incl: removal and proper disposal)	\$1,767.15	\$1,767.15	\$11,050.00	\$11,050.00	\$2,500.00	\$2,500.00	\$3,854.19	\$3,854.19	\$4,693.00	\$4,693.00	\$1,650.00	\$1,650.00
11	1	LS	RELOCATE & REPL. SIGNS, MAILBOXES	\$1,389.15	\$1,389.15	\$4,150.00	\$4,150.00	\$2,000.00	\$2,000.00	\$2,189.50	\$2,189.50	\$2,769.00	\$2,769.00	\$3,850.00	\$3,850.00
12	20	LF	INSTALL 8" PVC DRAINAGE PIPES (incl: all excav., select backfill to design grades, material, equipment & labor to complete the installation).	\$42.70	\$854.00	\$118.00	\$2,360.00	\$25.00	\$500.00	\$68.95	\$1,379.00	\$159.75	\$3,195.00	\$46.75	\$935.00
13	180	SFT	REMOVE & INSTALL NEW CONCRETE DRAINAGE FLUME & METAL GRATE CROSSING (incl: all excav., select backfill to design grades, all materials, equipment & labor required to complete the installation)	\$26.19	\$4,714.20	\$40.00	\$7,200.00	\$7.00	\$1,260.00	\$42.56	\$7,660.80	\$34.51	\$6,211.80	\$26.47	\$4,764.60
14	4	EA	REMOVE FLOWER BEDS	\$347.29	\$1,389.16	\$1,500.00	\$6,000.00	\$250.00	\$1,000.00	\$226.80	\$907.20	\$213.00	\$852.00	\$110.00	\$440.00
15	1000	SY	BLOCK SODDING (incl: all grading, bedding, watering & installation)	\$7.64	\$7,640.00	\$10.25	\$10,250.00	\$11.25	\$11,250.00	\$5.41	\$5,410.00	\$4.69	\$4,690.00	\$3.52	\$3,520.00
16	1	LS	ADJUST ANY ELECTRICAL VAULT, WATER METERS, VALVE BOXES, GAS METERS, SHUTOFFS, OR OTHERS IN WALKS	\$1,389.15	\$1,389.15	\$6,750.00	\$6,750.00	\$4,000.00	\$4,000.00	\$9,420.03	\$9,420.03	\$2,327.00	\$2,327.00	\$1,100.00	\$1,100.00
17	100	LF	REMOVE & INSTALL NEW CHAIN LINK FENCE & GATE	\$29.57	\$2,957.00	\$25.10	\$2,510.00	\$10.00	\$1,000.00	\$23.10	\$2,310.00	\$18.11	\$1,811.00	\$16.50	\$1,650.00
Total Base Bid				\$176,122.08		\$231,241.75		\$152,361.00		\$208,836.76		\$222,224.15		\$174,065.50	

Indicates a price correction based on unit pricing

LINCOLN AVENUE SIDEWALKS



Project Limit

Texas Ave

Foster Ave

Nimitz St

Pasler St

Tarrow St

Ashburn Ave

Munson Ave

Walton Dr

September 13, 2012
Consent Agenda Item No. 2n
Loading Zone on University Drive at College Main

To: David Neeley, City Manager

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

Agenda Caption: Presentation, possible action, and discussion of an ordinance amending Chapter 10 "Traffic Code", to create a loading zone on University Drive east of College Main in accordance with the desires of the area merchants and as identified in the Memorandum of Understanding.

Relationship to Strategic Goals: Improving Mobility – Plan for infrastructure necessary to meet projected growth and physical development.

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

Summary: As part of the public meetings held for the University Drive Pedestrian Safety Project, merchants expressed a desire to have a commercial loading zone on University Drive between College Main and Lodge Street. This would provide an area for commercial trucks to make deliveries to the adjacent businesses without parking in the travel lanes of University Drive and creating congestion. The creation of the loading zone was included as one of the deliverables in the Memorandum of Understanding signed by the City of College Station and the Northgate District Association.

The loading zone, as desired by the merchants, would primarily provide an area for commercial vehicles to make deliveries to the adjacent businesses. However, a secondary request was to allow patrons of the area businesses to use the zone to pick-up orders. The ordinance was developed to meet both of these requests. According to the proposed ordinance, "all vehicles may stop or stand for up to 5 minutes, with an attendant present that may move the vehicle..." Additionally, "Commercial Motor Vehicles may stop and stand, with an unattended vehicle for active loading or unloading..."

The loading zone will extend between College Main and Lodge Street and was constructed as part of the University Drive Pedestrian Safety project. With the completion of this project and approval of the ordinance, loading zone signs will be installed and the area will be enforced by the City according to the proposed ordinance.

Budget & Financial Summary: The Loading Zone signs will be covered by the Public Works Traffic Operations budget.

Attachments:

1. Ordinance
2. Map
3. Sign Layout

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10, "TRAFFIC CODE", SECTION 4, "ADMINISTRATIVE ADJUDICATION OF PARKING VIOLATIONS," E "PARKING REGULATIONS FOR CERTAIN DESCRIBED AREAS", AND "TRAFFIC SCHEDULE XIV NO PARKING HERE TO CORNER AND NO PARKING ANYTIME", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1: That CHAPTER 10, "TRAFFIC CODE", SECTION 4, "ADMINISTRATIVE ADJUDICATION OF PARKING VIOLATIONS," E "PARKING REGULATIONS FOR CERTAIN DESCRIBED AREAS", AND "TRAFFIC SCHEDULE XIV NO PARKING HERE TO CORNER AND NO PARKING ANYTIME", of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

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

PART 3 That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed liable for a civil offense or guilty of a Class C misdemeanor, and, upon a finding of liability thereof, shall be punished by a civil penalty of not less than One Dollar (\$1.00) nor more than Two Thousand Dollars (\$2,000.00), or upon conviction thereof, shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00). Said Ordinance becomes effective ten (10) days after date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2012.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:



City Attorney

EXHIBIT "A"

That **CHAPTER 10, "TRAFFIC CODE", SECTION 4, "ADMINISTRATIVE ADJUDICATION OF PARKING VIOLATIONS," E "PARKING REGULATIONS FOR CERTAIN DESCRIBED AREAS", AND "TRAFFIC SCHEDULE XIV NO PARKING HERE TO CORNER AND NO PARKING ANYTIME"**, is hereby amended to include the following:

West Bound FM 60 between College Main and Lodge Street

1. All vehicles may stop or stand for up to 5 minutes, with an attendant present that may move the vehicle, on West Bound FM 60 outside of the travel lanes and the median between College Main and Lodge Street.
2. Commercial Motor Vehicles may stop and stand, with an unattended vehicle for active loading or unloading, on West Bound FM 60 outside of the travel lanes and the median between College Main and Lodge.

That **CHAPTER 10, "TRAFFIC CODE", SECTION 4, "ADMINISTRATIVE ADJUDICATION OF PARKING VIOLATIONS," E "PARKING REGULATIONS FOR CERTAIN DESCRIBED AREAS"**, is hereby amended by adding the following:

(3) Commercial Motor Vehicle in **"TRAFFIC SCHEDULE XIV NO PARKING HERE TO CORNER AND NO PARKING ANYTIME"** means a motor vehicle or combination of motor vehicles used to transport property that:

(a) has a gross combination weight or a gross combination weight rating of 26,001 or more pounds, including a towed unit with a gross vehicle weight or a gross vehicle weight rating of more than 10,000 pounds;

(b) has a gross vehicle weight or a gross vehicle weight rating of 26,001 or more pounds.



College Main Pedestrian Plaza

University Drive Loading Zone

**NO
PARKING
COMMERCIAL
VEHICLE
LOADING
ZONE**

5

MIN

**STOPPING
STANDING**



Ord. No XXX

September 13, 2012
Consent Regular Agenda Item No. 2o
Renewal of Emulsified Asphalt Products Annual Price Agreement

To: David Neeley, City Manager

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

Agenda Caption: Presentation, possible action, and discussion regarding the renewal of an annual price agreement with Ergon Asphalt & Emulsions to provide emulsified asphalt products for the maintenance of streets in an amount not to exceed \$428,697.14

Relationship to Strategic Goals: Core Services and Infrastructure: Maintain and rehabilitate equipment, facilities, and infrastructure on a strategic schedule.

Recommendation(s): Staff recommends approval the renewal of the annual price agreement.

Summary: Public Works utilizes several emulsified asphalt products to rehabilitate and repair asphalt pavement. CRS-2 is used by our patching truck for preventive maintenance; and SS-1 is used as a tack coat for asphalt failure repairs when using fresh Hot Mix Asphalt. Ergon Asphalt & Emulsions agrees to the first renewal of two available renewals with a 5.5% increase over the original bid in an amount not to exceed \$428,697.14.

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

Attachments:

1. Signed Renewal Letter
2. Bid 11-125 for Annual Price Agreement for Emulsified Asphalt Products



August 6, 2012

ATTN:
Cary P. Bownlee
Ergon Asphalt & Emulsions Inc.
11612 RM 2244, Building 1, Suite 250
Austin, Texas 78738

RE: Renewal - Bid #11-125 – Annual Price Agreement for Emulsified Asphalt Products

Dear Cary P. Brownlee:

The City of College Station appreciates the services provided by Ergon Asphalt & Emulsion, Inc. this past year. We would like to exercise our option to renew the above referenced agreement under the same terms and conditions for the term of October 17, 2012 through October 16, 2013, with your requested increase of 5.5% for an amount not to exceed Four Hundred Twenty Eight Thousand Six Hundred Ninety Seven Dollars and 14/100 (\$428,697.14).

If this meets with your company's approval, please complete this renewal agreement and return it no later than Friday, August 17, 2012. It is our intention to have this renewal on the September 13, 2012 City Council Agenda.

Should you have any questions, please call me at (979) 764-3437.

Sincerely,

Heather Pavelka
Buyer

Attachment

PO Box 9960
1101 Texas Avenue
College Station, TX 77842

www.cstx.gov

.....
RENEWAL ACCEPTANCE

By signing herewith, I acknowledge and agree to renew Bid 11-125 for Annual Price Agreement for Emulsified Asphalt Products in accordance with all terms and conditions previously agreed to and accepted, with an increase of 5.5 % for an amount not to exceed Four Hundred Twenty Eight Thousand Six Hundred Ninety Seven Dollars and 14/100 (\$428,697.14).

I understand this renewal term will be for the period beginning October 17, 2012 through October 16, 2013. This is the first renewal.

ERGON ASPHALT & EMULSION, INC

CITY OF COLLEGE STATION

By: 
Printed Name: CARY P. BROWNLEE
Title: REGIONAL SALES MANAGER
Date: AUGUST 7, 2012

By: _____
City Manager
Date: _____

APPROVED:

City Attorney
Date: _____

Executive Director Business Services
Date: _____



City of College Station - Purchasing Division
 Bid Tabulation for #11-125
 "Annual Emulsified Asphalt Products"
 Open Date: Thursday, September 15, 2011 @ 2:00 p.m.

Annual Estimates				Ergon Asphalt & Emulsions	
Item	Est.			Unit	Total
No.	Qty.	Unit	Description	Price	Price
1	100000	gal	Emulsion, HFRS (Delivered)	\$ 3.0006	\$ 300,060.00
2	20000	gal	Emulsion, CRS (Delivered)	\$ 2.3894	\$ 47,788.00
2b	20000	gal	Emulsion, CRS (Pickup by City)	\$ 2.2500	\$ 45,000.00
3	6000	gal	Emulsion, Anionic SS-1 (Pickup by City)	\$ 2.2500	\$ 13,500.00
4	6000	gal	Cutback, Medium Curing MC-30 (Pickup by City)		\$ -

Total \$ 406,348.00

Semi-Annual Estimates					
Item	Est.			Unit	Total
No.	Qty.	Unit	Description	Price	Price
1	50000	gal	Emulsion, HFRS (Delivered)	\$ 3.0006	\$ 150,030.00
2	10000	gal	Emulsion, CRS (Delivered)	\$ 2.3894	\$ 23,894.00
2b	10000	gal	Emulsion, CRS (Pickup by City)	\$ 2.2500	\$ 22,500.00
3	3000	gal	Emulsion, Anionic SS-1 (Pickup by City)	\$ 2.2500	\$ 6,750.00
4	3000	gal	Cutback, Medium Curing MC-30 (Pickup by City)		\$ -

Total 1&2&2b \$ 203,174.00

Quarterly Estimates					
Item	Est.			Unit	Total
No.	Qty.	Unit	Description	Price	Price
1	33000	gal	Emulsion, HFRS (Delivered)	\$ 3.0006	\$ 99,019.80
2	6600	gal	Emulsion, CRS (Delivered)	\$ 2.3894	\$ 15,770.04
2b	6600	gal	Emulsion, CRS (Pickup by City)	\$ 2.2500	\$ 14,850.00
3	1500	gal	Emulsion, Anionic SS-1 (Pickup by City)	\$ 2.2500	\$ 3,375.00
4	1500	gal	Cutback, Medium Curing MC-30 (Pickup by City)		\$ -

Total 1&2&2b \$ 133,014.84

Certification Y

Federal Environmental Fee will be added to above prices at a rate of \$.4424/ton for asphalt & polymer loads or \$.00133/gal for Exceptions emulsion loads.

September 13, 2012
Consent Agenda Item No. 2p
Southside Area Neighborhood Plan

To: David Neeley, City Manager

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

Agenda Caption: Presentation, possible action, and discussion on an ordinance amending the College Station Comprehensive Plan by adopting the Southside Area Neighborhood Plan for the area generally bounded by George Bush Drive, Texas Avenue South, Holleman Drive, Welsh Avenue, Southwest Parkway, and Wellborn Road.

Relationship to Strategic Goals: Core Services and Infrastructure, Neighborhood Integrity, Multi-Modal Transportation, and Sustainable City.

Recommendation(s): The Bicycle, Pedestrian, and Greenways Advisory Board considered the mobility components of the Plan at their August 6th meeting and unanimously recommended approval (7-0). The Planning and Zoning Commission held a public hearing for this item at their August 16th meeting and recommended approval of the Plan (6-0).

Summary: This item was heard and unanimously approved by the City Council on August 23, 2012. Prior to the effective date of the ordinance, a typographical error was found on page one of ordinance document. A corrected ordinance has been provided in your packet. Exhibit "B," the Southside Area Neighborhood Plan, has not changed.

Budget & Financial Summary: Capital and operations and maintenance costs are noted in the Neighborhood Plan.

Attachments:

1. The Southside Area Neighborhood Plan is on file at the City Secretary's Office and is available on the City's website at www.cstx.gov/ndcplanning.
2. Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF COLLEGE STATION, TEXAS, AMENDING THE COLLEGE STATION COMPREHENSIVE PLAN BY ADOPTING THE SOUTHSIDE AREA NEIGHBORHOOD PLAN FOR THE AREA GENERALLY BOUNDED BY GEORGE BUSH DRIVE, TEXAS AVENUE, HOLLEMAN DRIVE, WELSH AVENUE, SOUTHWEST PARKWAY, AND WELLBORN ROAD; PROVIDING A SEVERABILITY CLAUSE, PROVIDING AN EFFECTIVE DATE; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

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

PART 1: That the College Station Comprehensive Plan is hereby amended by adding a new section B.14, the Southside Area Neighborhood Plan, as duly adopted herein and as incorporated into such Comprehensive Plan by reference thereto as if recited in full and as set forth in Exhibit "A" attached hereto and made a part hereof.

PART 2: That the City Council of the City of College Station hereby adopts the Southside Area Neighborhood Plan as set out in Exhibit "B" attached hereto and made a part hereof.

PART 3: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

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

PASSED, ADOPTED and APPROVED this 13th day of September, 2012.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:



City Attorney

EXHIBIT "A"**A. Comprehensive Plan**

The College Station Comprehensive Plan (Ordinance 3186) is hereby adopted and consists of the following:

1. Existing Conditions;
2. Introduction;
3. Community Character;
4. Neighborhood Integrity;
5. Economic Development;
6. Parks, Greenways & the Arts;
7. Transportation;
8. Municipal Services & Community Facilities;
9. Growth Management and Capacity; and
10. Implementation and Administration.

B. Master Plans

The following Master Plans are hereby adopted and made a part of the College Station Comprehensive Plan:

1. The Northgate Redevelopment Plan dated November 1996;
2. The Revised Wolf Pen Creek Master Plan dated 1998;
3. Northgate Redevelopment Implementation Plan dated July 2003;
4. East College Station Transportation Study dated May 2005;
5. Parks, Recreation and Open Space Master Plan dated May 2005;
6. Park Land Dedication Neighborhood Park Zones Map dated January 2009;
7. Park Land Dedication Community Park Zones map dated April 2009;
8. Bicycle, Pedestrian, and Greenways Master Plan dated January 2010;
9. Central College Station Neighborhood Plan dated June 2010;
10. Water System Master Plan dated August 2010;
11. Wastewater Master Plan dated June 2011;
12. Eastgate Neighborhood Plan dated June 2011;
13. Recreation, Park and Open Space Master Plan dated July 2011; and
14. Southside Area Neighborhood Plan dated August 2012.

C. Miscellaneous Amendments

The following miscellaneous amendments to the College Station Comprehensive Plan are as follows:

1. Future Land Use and Character Map Amendment:
 - a. 301 Southwest Parkway – Ordinance 3255, dated July 2010.

D. General

1. Conflict. All parts of the College Station Comprehensive Plan and any amendments thereto shall be harmonized where possible to give effect to all. Only in the event of an irreconcilable conflict shall the later adopted ordinance prevail and then only to the extent necessary to avoid such conflict. Ordinances adopted at the same city council meeting without reference to another such ordinance shall be harmonized, if possible, so that effect may be given to each.
2. Purpose. The Comprehensive Plan is to be used as a guide for growth and development for the entire City and its extra-territorial jurisdiction ("ETJ"). The College Station Comprehensive Plan depicts generalized locations of proposed future land-uses, including thoroughfares, bikeways, pedestrian ways, parks, greenways, and waterlines that are subject to modification by the City to fit local conditions and budget constraints.
3. General nature of Future Land Use and Character. The College Station Comprehensive Plan, in particular the Future Land Use and Character Map found in A.3 above and any adopted amendments thereto, shall not be nor considered a zoning map, shall not constitute zoning regulations or establish zoning boundaries and shall not be site or parcel specific but shall be used to illustrate generalized locations.
4. General nature of College Station Comprehensive Plan. The College Station Comprehensive Plan, including the Thoroughfare Plan, Bicycle, Pedestrian, and Greenways Master Plan, Central College Station Neighborhood Plan, Water System Master Plan and any additions, amendments, master plans and subcategories thereto depict same in generalized terms including future locations; and are subject to modifications by the City to fit local conditions, budget constraints, cost participation, and right-of-way availability that warrant further refinement as development occurs. Linear routes such as bikeways, greenways, thoroughfares, pedestrian ways, waterlines and sewer lines that are a part of the College Station Comprehensive Plan may be relocated by the City 1,000 feet from the locations shown in the Plan without being considered an amendment thereto.
5. Reference. The term College Station Comprehensive Plan includes all of the above in its entirety as if presented in full herein, and as same may from time to time be amended.

EXHIBIT "B"
SOUTHSIDE AREA NEIGHBORHOOD PLAN

September 13, 2012
Consent Agenda Item No. 2q
Resolution Establishing a Hotel Occupancy Tax
Fund Event Grant Application Policy

To: David Neeley, City Manager

From: Frank Simpson, Deputy City Manager

Agenda Caption: Presentation, possible action, and discussion regarding approval of a resolution creating a Hotel Occupancy Tax Fund Event Grant Application Policy.

Recommendation(s): Staff recommends Council approve the Hotel Occupancy Tax Fund Event Grant Application Policy to further the effort to standardize the allocation of HOT funds.

Summary: In 2011 the Bryan-College Station Convention and Visitors Bureau (CVB) engaged The Indigo Resource Group to study how to improve the effectiveness and efficiencies of the hotel occupancy tax (HOT) investments, and then make observations and recommendations to have that happen. The final report was delivered in June 2011, which the CVB then focused on three initiatives: (1) standardize the allocation process for requests to utilize HOT funds, (2) create and implement a way finding master plan, and (3) strengthen stakeholder relationships.

At the June 14, 2012 City Council Workshop, City Staff presented Council an overview of a proposed HOT tax event grant funding application, review, and approval process in an effort to standardize how allocations are made for use of HOT funds. Staff received direction to prepare a policy and this agenda item is for City Council to consider approving the developed Hotel Occupancy Tax Fund Event Grant Application Policy. City Staff has worked with the CVB and the City of Bryan staffs to collectively come to agreement for the basics of a standardized program while leaving the actual approval for the use of each City's HOT funds independent of the other.

The CVB will receive applications, work directly with applicants to collect information, and make recommendations to the City. The City of College Station will make all final decisions on funding in whole, part or none of the requested amount; and determine how funds, if any, will be dispensed to applicants. The City Manager will be authorized to approve requests within his policy spending limit and within approved budget appropriations. The City Manager may also decide to forward any or all requests to City Council for final approval. As proposed, the City of College Station will have the absolute and ongoing right to audit any or all organizations receiving funding.

This policy outlines a pre-event application process, and a post-event analysis to assess actual tourism impact of local events. The policy applies only to outside (not City-sponsored) events. It does not apply to currently funded programs, such as annual operating funding for the CVB or other organizations that have separate funding agreements with the City that are considered on an annual basis.

Budget & Financial Summary: The proposed FY 2013 budget includes \$100,000 available to fund any City of College Station Hotel Tax Fund Event Grant applications that are recommended and approved. The policy authorizes the City Manager to approve requested amounts that do not exceed \$25,000 and City Council must approve requests that exceed \$25,000.

Attachments: Resolution and Policy

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS ESTABLISHING THE HOTEL OCCUPANCY TAX FUND EVENT GRANT APPLICATION POLICY; ADOPTING THE POLICY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Home Rule City of College Station, Texas receives numerous requests from organizations for hotel occupancy tax funds to promote and assist with local festivals and events, and

WHEREAS, use of hotel occupancy tax funds for local festivals and events shall adhere to Section 351.101 of the Texas Tax Code, which states that hotel occupancy tax funds “may be used only to directly enhance and promote tourism and the convention and hotel industry”, and

WHEREAS, the City Council of the City of College Station, Texas, desires to appropriate funding for events that bring visitors and tourism to the City of College Station; now, therefore,

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

- PART 1: The City Manager shall be authorized to administer the Hotel Occupancy Tax Fund Event Grant Application Policy, as provided in the City of College Station Hotel Tax Fund Event Grant Application Packet, attached hereto as Exhibit “A” and incorporated herein by reference for all purposes, for requested amounts that do not exceed \$25,000. Requests that exceed \$25,000 shall be approved by the City Council of the City of College Station, Texas.
- PART 2: The above referenced Policy shall be administered in coordination with the Bryan-College Station Convention & Visitor’s Bureau (CVB), within the appropriated annual hotel occupancy tax fund budget.
- PART 3: The CVB shall review and make recommendations to the City Manager on all proposals from event organizations that provide completed applications and related information regarding proposed festivals and events eligible to receive hotel occupancy tax funds.
- PART 4: The City of College Station shall make all final decisions on hotel occupancy tax funding to be provided for proposed festivals or events. Hotel occupancy tax funding may be provided in whole, part, or none of the funding amounts requested by applicants, or recommended by the CVB.
- PART 5: The City of College Station shall have final authority to determine how hotel occupancy tax funds, if any, are dispensed to organizations.
- PART 6: The City of College Station shall have the absolute and ongoing right to audit any or all organizations requesting hotel occupancy tax funding.
- PART 7: This resolution shall take effect immediately after its passage.

ADOPTED this _____ day of _____, A.D. 2012.

ATTEST:

APPROVED:

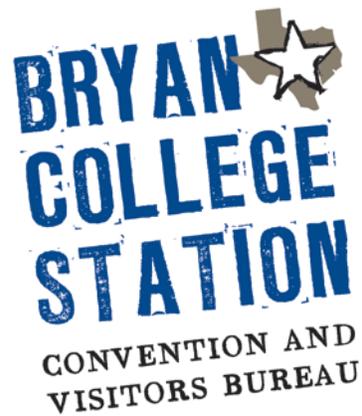
City Secretary

Mayor

APPROVED:

Carla A Robinson

City Attorney



CITY OF COLLEGE STATION

Home of Texas A&M University

City of College Station
Hotel Tax Fund
Event Grant Application Packet

September 13, 2012

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Overview Of The Application Process

This packet was designed to establish guidelines to apply universally to all events requesting funds from the City of College Station in regards to financial support from the City Hotel Tax Fund. There are stringent requirements in the Tax Code regulating the use of HOT funds. A copy of the applicable sections of the Tax Code has been included in this packet (Page 11) for your review.

A Convention & Visitors Bureau (CVB) Staff Representative will review the application and make recommendations to the City of College Station city designee regarding approval or denial of the request and give additional comments as to the size of the financial funding request based on estimated economic impact relevant to the request, as well as taking into consideration the need for local community economic impact relevant to the community calendar. The Convention & Visitors Bureau (CVB) Staff Representative will work with the applicant to ensure that all necessary documentation is included when presenting to the City of College Station city designee. The City of College Station will make the final decision on funding the event and at what level.

To apply for support, the event must take place within Brazos County.

If there is a sponsoring organization they will be required to provide their tax filing status and ID number as part of the application. The sponsoring organization must be tax-exempt. It is preferred that the sponsoring organizations have 501(c) tax-exempt status, but it is not required.

Rules Governing Your Application

1. The applicant must present reasonable evidence that the event will directly promote tourism AND impact the hotel/convention business in Brazos County.
2. For any applicant applying for HOT funds to advertise an event, the CVB recommends these funds focus on targeting visitors outside a 60 mile radius of Bryan-College Station. *Applicant must also attach copy of their marketing plan for advertising including (1) venue for advertising; what medium (magazine, newspaper, radio etc.); (2) rate card/sheet for said venue (3) expected run date or issue.*
3. The applicant must ensure that a direct link to the CVB website is included on ANY information provided to a registrant, vendor/event attendee, including but not limited to any event website. The CVB website will contain a completed list of all hotels and B&B's in good standing.
4. If the request is for cooperative advertising support, the CVB Director or its designee must approve the final advertising copy for appropriate representation of the community and local lodging three (3) weeks before the ad or publication's proof deadline.
5. Any promotional materials (brochures, website, advertisements, etc.) using HOT funds are required to include the appropriate Bryan-College Station CVB logo with the visitaggieland.com website below the brand. The CVB logo must be used on all advertising, print, television and online; and a website link provided. *(Contact the Bryan-College Station CVB @ 979-260-9898 for approval and the correct version of the brand and link to use for promotional item.)*
6. After the application process is complete, and upon recommendation from CVB Staff for approval, the applicant may be expected to present an overview of the information and/or items included in the application such as expected visitor attendance to event, hotel selection, and expected overnight stays directly attributed to the event and to the City designee or any other group or entity that the City deems necessary.

Process Overview

The Pre-Event Funding And Reimbursement Process:

1. The City of College Station reserves the right to decide how funds will be dispensed; annually, quarterly, or monthly.
2. The City of College Station reserves the right to decide if **partial** or **all** funding should be reimbursed to the city provided the organization or event did not meet the requirements of said contract.
3. The City of College Station reserves the absolute and ongoing right to conduct an audit of anyone receiving HOT Funds to ensure correct use of HOT Funds.

The Post-Event Process:

The Post Event Analysis must include all of the items outlined in the application, including samples of advertisements produced with the use of HOT funds. If the Post Event Analysis and the final accounting of room nights are not received by the due date, the City of College Station reserves the right to reject any future application by the organization and to request reimbursement of partial or all HOT Funding.

It is the responsibility of the event to monitor the number of out-of-town guests who stay in Bryan and College Station lodging properties in relation to their event. It is strongly recommended to work with the CVB and the hotels to ensure proper credit and tracking. Some suggestions for tracking out-of-town guests would be to use a zip code tracking system or a survey distributed to attendees. Please note that stated room nights generated will be subject to an audit by the City Manager and/or staff or the City designee.

A hotel list has been included in this packet for your reference in coordinating room blocks and/or directing people to overnight accommodations. Please note that room nights generated in other surrounding areas do not fulfill the requirements of the state law and will not be credited to your event.

It is extremely important that applications be filled out completely and accurately. If you need assistance in completing the application or have further questions, please do not hesitate to contact Shannon Overby or Kindra Fry at 979-260-9898 or via e-mail at shannon@bcscvb.org or kindra@bcscvb.org.

Support Considerations Checklist

Name of Event _____

Year Applying _____

_____ The event “directly enhances and promotes tourism AND the convention and hotel industry.” (Tax Code, Section 351.101)

_____ The event qualifies under AT LEAST ONE of the following categories:
(Please circle category number)

- (1) the establishment, improvement, or maintenance of a convention center or visitor information center
- (2) the facilitation of convention registration
- (3) advertising, solicitations and promotions that attract tourists and convention delegates to Brazos County

NOTE: If applying under this category, legitimate media must be utilized IN ADVANCE of the event (examples include direct mail, postage, newspapers, magazines, radio, television, billboards, newsletters, brochures and other collateral material).

- (4) the encouragement, promotion, improvement and application of the arts
NOTE: Must be a viable art form (examples include instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording)
- (5) the enhancement of historical restoration and preservation projects
- (6) funding costs in certain counties to hold sporting events that substantially increase hotel activity: (City within counties of under 1 million population
****Brazos County currently qualifies under this statute**)
- (7) the enhancement or upgrading of existing sports facilities or sports fields for certain municipalities
- (8) funding transportation systems for tourists

_____ The application is filled out thoroughly and completely with all requested documentations attached.

_____ The Post Event Analysis for last year’s event have been previously submitted. (Write “N/A” if you did not receive support last year)

_____ It has been determined how the event will track out-of-town guests, demonstrating that the event will attract tourists that will support the convention and hotel industry.

Please note: All items must be completed before the application can be submitted.

Application For Event Support

Organization/Business Information

Today's Date: _____ Event Date: _____

Name of Organization/Business: _____

City, State, Zip: _____

Contact Name: _____

Contact Phone Number: _____ Email: _____

Status of organization: Non-Profit _____ Private/For Profit _____ Govt. Agency _____

Tax ID #: _____ Social Security # _____

Purpose of your organization/business:

Event or Expenditure Description

Please answer all items that apply to your request.

Name of your event/expenditure: _____

Website address of your event/expenditure: _____

Date(s) of event/expenditure: _____

How will the funds be used to directly enhance and promote tourism AND the hotel and convention industry in Brazos County?

List other means of financial support including in-kind support

<u>Name</u>	<u>Amount to receive</u>
_____	_____
_____	_____
_____	_____

Primary location of event/expenditure: _____

Number of total persons expected to attend this event/expenditure: _____

Number of persons expected to visit event or expenditure monthly/yearly: _____

Approximate number of people attending/visiting event or expenditure will stay overnight in local hotels, motels or bed & breakfasts?

List host hotel or hotels that currently have a block of rooms for this event: Organization must provide proof of listing or link of hotels on advertising and website.

<u>Hotel</u>	<u># of Rooms Blocked</u>	<u>Room Rate</u>
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____
_____	_____	_____

Required Attachments:

Check all documents that are attached along with the application

- _____ P&L from previous year's program
- _____ Projected budget for entire program
- _____ Itemized, detailed list of expenditures relevant for HOT revenue use
- _____ Advertising / Marketing Plan, including target audience
- _____ List of Board of Directors with contact phone numbers
- _____ Event planning timeline, if applicable
- _____ Schedule of activities relating to your event/expenditure
- _____ Copy of Tax Exempt certificate, if applicable
- _____ Copy of previous year's finances upon request

HOT Tax Fund Grant Agreement Form

Please return completed application with necessary attachments and signature to the Bryan-College Station CVB located at 715 University Drive East College Station, TX 77840 no later than 90 days prior to event or project.

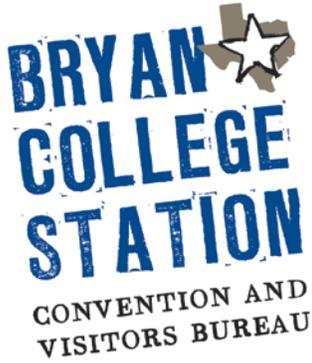
I have read the HOT Tax Fund Grant Application Process including the Rules Governing the Application and the Reimbursement Process.

I fully understand the HOT Tax Fund Grant Application Process, Rules Governing the Application and the process established by the City of College Station. I intend to use this grant for the aforementioned event/project to forward the efforts of Brazos County and the Convention & Visitors Bureau in directly enhancing and promoting tourism and the convention and hotel industry by attracting visitors and hotel guests from outside Brazos County into the city or its vicinity.

I understand that if I am awarded a HOT Tax Fund Grant , any deviation from the approved project or from the rules governing the application may result in the partial or total withdrawal of the HOT Fund Grant or a requirement to refund any and all funds received.

Business/Organization Name _____

Applicant's Signature _____ *Date* _____



CVB Staff Recommendation

CVB Staff Representative Recommended Grant Amount: \$ _____

Terms of Grant: Monthly _____ Quarterly _____ Annual _____

Date of Payment: _____

Conditions of Grant:

City of College Station Approval

Signature: _____

Date: _____

City of College Station Designee: _____

Post Event Analysis

***This Form Must Be Completed And Returned To The Bryan-College Station CVB
No Later Than 30 Days Following Your Event Along With All Proof Of
Advertising And Hotel Room Night Pick Ups.***

Event Information

Event Name: _____

Event Dates: _____

Event Expected And/Or Final Outcome

Attendance: _____

Hotel Room Nights*: _____

**Subject To Audit*

The above accounting of our Special Event is accurate and true to the best of my knowledge.

Authorized Signature

Date

Printed Name

Title/Responsibility

Return this form, supporting documentation and check (if applicable) to:

**Bryan-College Station CVB
715 University Drive East
College Station, TX 77840**

If you have any questions, please contact Shannon Overby at 979-260-9898.

Tax Code – Use of Hotel Occupancy Tax Revenue

§ 351.101. USE OF TAX REVENUE.

- (a) Revenue from the municipal hotel occupancy tax may be used only to promote tourism and the convention and hotel industry, and that use is limited to the following:
- (1) the acquisition of sites for and the construction, improvement, enlarging, equipping, repairing, operation, and maintenance of convention center facilities or visitor information centers, or both;
 - (2) the furnishing of facilities, personnel, and materials for the registration of convention delegates or registrants;
 - (3) advertising and conducting solicitations and promotional programs to attract tourists and convention delegates or registrants to the municipality or its vicinity;
 - (4) the encouragement, promotion, improvement, and application of the arts, including instrumental and vocal music, dance, drama, folk art, creative writing, architecture, design and allied fields, painting, sculpture, photography, graphic and craft arts, motion pictures, radio, television, tape and sound recording, and other arts related to the presentation, performance, execution, and exhibition of these major art forms;
 - (5) historical restoration and preservation projects or activities or advertising and conducting solicitations and promotional programs to encourage tourists and convention delegates to visit preserved historic sites or museums;
 - (6) for a municipality located in a county with a population of one million or less, expenses, including promotion expenses, directly related to a sporting event in which the majority of participants are tourists who substantially increase economic activity at hotels and motels within the municipality or its vicinity.
 - (7) the promotion of tourism by the enhancement and upgrading of existing sports facilities or fields, including facilities or fields for baseball, softball, soccer, and flag football
 - (8) for funding transportation systems for tourists

§ 351.108. RECORDS.

- (a) A municipality shall maintain a record that accurately identifies the receipt and expenditure of all revenue derived from the tax imposed under this chapter.
- (b) A municipality or entity that spends revenue derived from the tax imposed under this chapter shall, before making an expenditure, specify in a list each scheduled activity, program, or event that:
- (1) is directly funded by the tax or has its administrative costs funded in whole or in part by the tax; and
 - (2) is directly enhancing and promoting tourism and the convention and hotel industry.
- (c) If a municipality delegates to another entity the management or supervision of an activity or event funded by the tax imposed under this chapter, each entity that is ultimately funded by the tax shall, before making an expenditure, specify in a list each scheduled activity, program, or event that:
- (1) is directly funded by the tax or has its administrative costs funded in whole or in part by the tax; and
 - (2) is directly enhancing and promoting tourism and the convention and hotel industry.



Hotel Tax Fund Event Grant Application Packet



September 13, 2012
Regular Agenda Item No. 1
Fiscal Year 2012 - 2013 Budget Adoption

To: David Neeley, City Manager

From: Jeff Kersten, Executive Director, Business Services

Agenda Caption: Presentation, possible action, and discussion on an ordinance adopting the City of College Station 2012-2013 Budget; and presentation, possible action and discussion ratifying the property tax revenue increase reflected in the budget.

Recommendation(s): Staff recommends the City Council approve the ordinance adopting the proposed 2012-2013 budget with any changes the Council wishes to include. A summary of changes the City Council has discussed will be presented to the Council for consideration.

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

Summary: There are two actions in this agenda item.

First is the consideration of the 2012 - 2013 proposed budget. The City Council received the proposed budget on August 9th, 2012 and held budget workshops on August 20th, August 21st, and August 22nd. The City Council held a public hearing on the proposed budget on August 23rd. The charter requires that the City Council adopt a budget no later than September 27th.

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

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

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

The proposed budget will result in additional property tax revenues over last year totaling \$593,795, or 2.55%. This is additional tax revenue to be raised from new property added to the tax roll this year.

The proposed tax rate is \$0.430687 per \$100 assessed valuation which is the effective tax rate.

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

Subtotal Operation and Maintenance:	\$212,643,409
<u>Subtotal Capital:</u>	<u>40,490,202</u>
Total Proposed Budget:	\$253,133,611

Attachments:

1. FY 13 Budget Ordinance
2. Attachment A

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A BUDGET FOR THE 2012-13 FISCAL YEAR AND AUTHORIZING EXPENDITURES AS THEREIN PROVIDED.

WHEREAS, a proposed budget for the fiscal year October 1, 2012, to September 30, 2013, was prepared and presented to the City Council and a public hearing held thereon as prescribed by law and the Charter of the City of College Station, Texas, notice of said hearing having first been duly given; and

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

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

PART 1: That the proposed budget as amended by the City Council of the City of College Station, which is made a part hereof to the same extent as if set forth at length herein, is hereby adopted and approved, a copy of which is on file in the Office of the City Secretary in College Station, Texas.

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

PART 3: That the City Manager and his authorized and designated employees, at his discretion, be, and are hereby authorized to approve and execute contracts and documents authorizing the payment of funds and to expend public funds for expenditures that are \$50,000 or less, except that the City Manager and his authorized and designated employees may approve and execute those contracts and documents authorizing the payment of funds, and otherwise expend public funds only for those expenditures expressly described in PART 5 herein without such monetary limit; to approve and execute change orders authorizing the expenditure of funds pursuant to the TEXAS LOCAL GOVERNMENT CODE or as provided in the original contract document. The intent of this section is to provide the ability to conduct daily affairs of the City which involve numerous decisions of a routine nature.

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

ORDINANCE NO. _____

PART 5: That the City Council hereby approves the funding and the purchases that are made pursuant to interlocal agreements as provided by CHAPTER 271, SUBCHAPTERS (D) AND (F) of the TEXAS LOCAL GOVERNMENT CODE in this budget and authorizes the City Manager and his authorized and designated employees, at his discretion, to approve and execute contracts and documents authorizing the payment of funds, and to expend public funds that have been expressly designated, approved, and appropriated in this budget for new and replacement equipment as set out in the 2012-13 Fiscal Year Equipment Replacement Fund, and technology related hardware and software as set out in Attachment "A" to this Ordinance.

PART 6: That this ordinance shall become effective immediately after passage and approval.

PASSED AND APPROVED THIS 13th DAY OF SEPTEMBER, 2012.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:

Carla A. Robinson

City Attorney

ATTACHMENT A

ORDINANCE NO.

Potential Technology Purchases through GSA Schedule 70, HGAC, TXMAS, Texas Department of Information Resources, TAMU Master Agreement M100299, TCPN or Buy Board Purchases

ITEM	Quantity	Estimated Unit Cost	Projected Total
Scheduled Replacement/Repair/Additions			
Replacement PCs	100	1,000	100,000
Replacement Monitors	40	160	6,400
Replacement Printers	8	2,200	17,600
Replacement Laptops	30	1,200	36,000
Replacement Copiers			83,503
Replacement Scanners			15,000
Printer replacement Parts			20,000
PC Replacement Parts (Video Cards, Hard Drive & Memory)			25,000
Replace virtual servers	2	15,000	30,000
Replace single server	3	5,500	16,500
Server replacement parts			20,000
Server OS replacement/upgrade			10,000
Replacement UPS battery/units			35,000
Estimated Additional Desktop Software			60,000
Includes but not limited to New & Upgrade versions of Adobe Acrobat, PageMaker, Photoshop Illustrator, Premier, Audition, Microsoft Publisher, Windows XP, Frontpage, Project, Visio, Vstudio.net, AutoCAD, ESRI ArcGIS, Crystal, Corel Draw, Cognos, Novell Asset Management			
Computer Network Maint and Equipment Replacement			30,000
Motorola Radio Repair/Replacement			20,000
Telephone Repair/Replacement			25,000
Fiber ring expansion			50,000
Communications Infrastructure Improvements - Wastewater			30,000
Fiber to Lift Stations -Wastewater			64,000
Dowling Road High Service Improvements - Wastewater			388,250
Sandy Point Cooling Tower Expansion - Wastewater			76,000
Professional Services - Wastewater			14,400
Subtotal - Scheduled Replacement			1,172,653
Service Level Adjustments			
SLA - new position equipment			115,635
includes desktop pc, extended warranty, network card, added memory, monitor, laptop, printer, standard software, additional phones and radios			
SLA - Brazos Valley Wide Area Communication System (BVWACS)			164,983
Capital Infrastructure Improvements			
Subtotal - Service Level Adjustments			280,618

ATTACHMENT A

ORDINANCE NO.

Potential Technology Purchases through GSA Schedule 70, HGAC, TXMAS, Texas Department of Information Resources, TAMU Master Agreement M100299, TCPN or Buy Board Purchases

ITEM	Quantity	Estimated Unit Cost	Projected Total
Unscheduled Replacements/Additions			
Estimated Additional PC setups not identified specifically in budget includes but not limited to: Monitor, network card, extended warranty, added memory	10	2,100	21,000
Estimated Standard Desktop Software not identified specifically in budget Includes but not limited to: Microsoft Office 2010, Vipre, Microsoft Windows client access license, Novell	10	604	6,040
Estimated Additional Desktop Software Includes but not limited to New & Upgrade versions of Adobe Acrobat, PageMaker, Photoshop Illustrator, Premier, Audition Microsoft Publisher, Windows 7 Frontpage, Project, Visio, Vstudio.net AutoCAD, ESRI ArcGIS, Crystal Corel Draw, Cognos, Novell			45,000
Estimated Additional Printers/Plotters			20,000
Estimated Memory upgrades includes: desktop pcs, printers laptops	100	100	10,000
Estimated PC misc parts includes: CD Burners, harddrives modems, network cards, DVD Burner mice, network cables			10,000
Estimated Monitor upgrades includes: Flat Panel and larger than 19" monitor			20,000
Estimated Additional Scanners	10	1,200	12,000
Estimated Additional Laptops/Toughbooks	10	4,000	40,000
Estimated Network Upgrades			80,000
Sub-Total Unscheduled Replacement/Additions			264,040
Phone System Maintenance			
Cisco_SmartNet Maintenance			45,000
Subtotal - Phone System Maintenance			45,000

ATTACHMENT A

ORDINANCE NO. _____

Potential Technology Purchases through GSA Schedule 70, HGAC, TXMAS, Texas Department of Information Resources, TAMU Master Agreement M100299, TCPN or Buy Board Purchases

ITEM	Quantity	Estimated Unit Cost	Projected Total
Network Software on Master License Agreement (MLA)			
Novell Open Workgroup Suite (1Zen/1Groupwise/1 ODS) -927			65,000
CommVault			16,000
ZenWorks Asset Management -904 nodes			4,500
ZenWorks Patch Management - 904 nodes			8,000
Subtotal - Network Software on MLA			93,500
PC Hardware and Software Maintenance			
HP Printer Maintenance			2,818
AutoCAD			15,225
Barracuda Spam/Spyware			5,500
Siemens Access Control System			10,000
Subtotal - PC Software Maintenance			33,543
IBM Hardware and Software Maintenance			
Hardware Maintenance (2 power 7's)			-
Power 7 Software Subscription and Support	2		7,700
Subtotal - IBM Hardware and Software Maintenance			7,700
GIS Software Maintenance			
Enterprise Maintenance for ESRI software			
Subtotal - GIS Software Maintenance			50,000
Grand Total			1,947,054

September 13, 2012
Regular Agenda Item No. 2
Ad Valorem Tax Rate Adoption

To: David Neeley, City Manager

From: Jeff Kersten, Executive Director, Business Services

Agenda Caption: Presentation, possible action, and discussion on approval of an ordinance adopting the City of College Station 2012-2013 ad valorem tax rate of \$0.430687 per \$100 assessed valuation, the debt service portion being \$0.195635 per \$100 assessed valuation and the operations and maintenance portion being \$0.235052 per \$100 assessed valuation.

Recommendation(s): Staff recommends Council adopt the effective tax rate of \$0.430687 per \$100 assessed valuation.

Summary: On August 22nd, the City Council discussed the tax rate and decided not to consider a rate higher than the effective rate of \$0.430687. As a result, no additional public hearings or notices were required. The highest tax rate the City Council can consider is the effective tax rate of \$.430687.

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

\$0.235052	M&O
<u>\$0.195635</u>	Debt Service
\$0.430687	Total Tax Rate

The effective tax rate of \$0.430687 per \$100 assessed valuation was used to prepare the proposed budget. If the City Council adopts a tax rate lower than the effective rate, the budget will have to be amended and reduced.

Budgetary and Financial Summary: The effective tax rate of \$0.430687 per \$100 assessed valuation will generate approximately \$25.5 million. The property taxes are used to fund the general debt service of the City as well as a portion of the operations and maintenance costs of the General Fund.

Attachments:

1. Tax Rate Ordinance - \$0.430687 per \$100 assessed valuation

ORDINANCE NO. _____

AN ORDINANCE LEVYING THE AD VALOREM TAXES FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF COLLEGE STATION, TEXAS, AND PROVIDING FOR THE GENERAL DEBT SERVICE FUND FOR THE YEAR 2012-13 AND APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSES.

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

SECTION 1. That there is hereby levied and there shall be collected for the use and support of the municipal government of the City of College Station, Texas, and to provide General Debt Service for the 2012-13 fiscal year upon all property, real, personal and mixed within the corporate limits of said city subject to taxation, a tax of forty three and six hundredths and eighty seven thousandths cents (\$0.430687) on each one hundred dollar (\$100.00) valuation of property, and said tax being so levied and apportioned to the specific purpose herein set forth:

1. For the maintenance and support of the general government (General Fund), twenty three and fifty hundredths and fifty two thousandths cents (\$0.235052) on each one hundred dollar (\$100.00) valuation of property; and
2. For the general obligation debt service (Debt Service Fund), nineteen and fifty six hundredths and thirty five thousandths cents (\$0.195635) on each one hundred dollars (\$100.00) valuation of property to be used for principal and interest payments on bonds and other obligations of the fund.

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

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

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

PASSED AND APPROVED THIS 13th DAY OF SEPTEMBER, 2012.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:

Carla A. Robinson

City Attorney

September 13, 2012
Regular Agenda Item No. 3
Wastewater Utility Rate Increase

To: David Neeley, City Manager

From: Dave Coleman, Director of Water Services

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

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

Recommendation: Staff recommends approval of the ordinance.

Summary: The attached ordinance implements the sewer rates discussed with Council at the August 21, 2012 Budget Workshop, and will generate the revenue required for the FY-13 Budget that is being considered by City Council today. The proposed rates will increase the Service Charges and Usage Charges as follows:

Sewer Service Fees and Volume Rates: 5% increase (amount varies by category)

The average single-family home customer will see an increase of \$1.61 in their monthly bill for wastewater services. Apartment dwellers will see an increase of either \$0.75 or \$1.19 per month, depending on whether their unit has a kitchen.

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

Since the rate increase is required to meet the increased demands being placed on the Wastewater collection system, staff recommends approval.

Budget & Financial Summary: The proposed new rates are estimated to generate approximately \$12.7 million in FY-13 sewer revenues. This increase is needed to continue meeting financial policies and bond covenants.

Attachment:
Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 11, "UTILITIES" OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING SECTION 2(D)(3) AS SET OUT BELOW; PROVIDING FOR AN INCREASE IN SEWER SERVICE FEES AND VOLUME RATES; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1: That Chapter 11, "Utilities" Sections 2(D)(3) of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

PART 2: That all previous ordinances in direct conflict with this ordinance are hereby superseded and repealed.

PART 3: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 4: New rates are effective October 1, 2012.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2012.

APPROVED:

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

APPROVED:



City Attorney

Exhibit A

D.

Water and sewer rates, usage charges and fees.

(3)

Rates for sewerage service.

(a)

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

Service charge:

\$18.78 for first four thousand (4,000) gallons of water metered.

Usage charge:

\$3.76 per one thousand (1,000) gallons of water usage for the next six thousand (6,000) gallons of water metered.

Maximum billing:

\$41.34 cap for metered water is ten thousand (10,000) gallons.

(b)

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

Monthly charge per household unit: \$23.89

(c)

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

Monthly charge per household unit: \$14.91

(d)

For customers using sewerage service for household purposes, multi-family residences having fifty (50) residential units or less without kitchen facilities in each residential unit, where water service is provided without a meter for each residential unit such as but not limited to fraternity houses, sorority houses, boarding houses and privately owned student dorms:

Service charge:

\$16.11 per month

Usage charge:

\$3.76 per one thousand (1,000) gallons of water usage.

(e)

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

Service charge:

\$16.11 per month

Usage charge:

\$4.47 per one thousand (1,000) gallons of water usage.

(f)

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

9,001–10,000 > gallons per month	\$41.34
7,001–9,000 gallons per month	\$33.81
5,001–7,000 gallons per month	\$26.29
0–5,000 gallons per month	\$18.78

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

Monthly charge per residential unit: \$45.42

(h)

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

(i)

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

September 13, 2012
Regular Agenda Item No. 4
TMRS Ordinance Revision

To: David Neeley, City Manager

From: Jeff Kersten, Executive Director, Business Services

Agenda Caption: Presentation, possible action, and discussion on the Texas Municipal Retirement System Ordinance to reduce the Updated Service Credit for current employees calculation from 100% to 75%; and reduce the Cost of Living Adjustment, or annuity increase, calculation for retirees from 70% to 50% of the Consumer Price Index.

Recommendation(s): Staff recommends approval of the ordinance reducing the Updated Service Credit calculation from 100% to 75% for current employees, and reducing the Cost of Living Adjustment, or annuity increase, calculation for retirees from 70% to 50% of the Consumer Price Index.

This recommendation was also supported by the Council Benefits Committee and presented to the City Council on August 9.

Summary: The City's retirement plan through the Texas Municipal Retirement Agency (TMRS) is an important benefit that the City can offer to recruit, attract and retain good employees.

During the FY 13 Budget process a recommendation was made to change 2 provisions in the retirement plan. These are reductions in the Updated Service Credits (USC) for current employees and a reduction in the Annuity Increase or Cost of Living Adjustment (COLA) for retirees.

The USC is an optional benefit within the menu of plan design options that cities can adopt. It is designed to help retirement benefits from being eroded over time. The USC benefit can be offered at the following levels 100%, 75%, or 50%. Currently the City offers the Updated Service Credit at 100% of the benefit calculation. **The USC for current employees is proposed to be reduced to the 75% level.**

The COLA is also an option cities can choose to increase annuities for retirees. The amount of the COLA varies depending on the rate of inflation as measured by the annual Consumer Price Index. The City chooses the adjustment amount of 70%, 50% or 30%. Currently the City offers the COLA for retirees at the 70% level. **The COLA for retirees is proposed to be reduced to the 50% level.**

These changes will not affect the core components of the retirement plan which include the 7% employee contribution and the 2 to 1 match from the City; and allow the City to continue to have a competitive benefit package. These are important changes that need to be made to ensure the retirement plan remains strong, but at a reasonable cost.

Budgetary and Financial Summary: These changes will reduce the contribution rate from a projected 16.72% (phase in rate) to a rate of 13.75%. In FY 12 the amount budget for TMRS was \$6.6 million. In FY 13 that amount is projected to be \$5.6 million. These changes will result in savings of a little over \$1 million in FY 13 over the FY 12 budget.

Attachments:
Ordinance

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING AND ALLOWING, UNDER THE ACT GOVERNING THE TEXAS MUNICIPAL RETIREMENT SYSTEM, "UPDATED SERVICE CREDITS" IN SAID SYSTEM ON AN ANNUAL BASIS FOR SERVICE PERFORMED BY QUALIFYING MEMBERS OF SUCH SYSTEM WHO AT THE EFFECTIVE DATE OF THE ALLOWANCE ARE MEMBERS OF THE CITY OF COLLEGE STATION; PROVIDING FOR INCREASED PRIOR AND CURRENT SERVICE ANNUITIES FOR RETIREES AND BENEFICIARIES OF DECEASED RETIREES OF THE CITY; AND ESTABLISHING AN EFFECTIVE DATE FOR THE ORDINANCE.

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

Authorization of Updated Service Credits.

(a) On the terms and conditions set out in Sections 853.401 through 853.404 of Subtitle G of Title 8, Government Code, as amended (hereinafter referred to as the "TMRS ACT"), each member of the Texas Municipal Retirement System (hereinafter referred to as the "System") who has current service credit or prior service credit in the System in force and effect on the 1st day of January of the calendar year preceding such allowance, by reason of service in the employment of the City, and on such date had at least 36 months of credited service with the System, shall be and is hereby allowed "Updated Service Credit" (as that term is defined in subsection (d) of Section 853.402 of the TMRS Act).

(b) On the terms and conditions set out in Section 853.601 of the TMRS Act, any member of the System who is eligible for Updated Service Credits on the basis of service with this City, who has unforfeited credit for prior service and/or current service with another participating municipality or municipalities by reason of previous service, and was a contributing member on the 1st day of January of the calendar year preceding such allowance, shall be credited with Updated Service Credits pursuant to, calculated in accordance with, and subject to adjustment as set forth in said Section 853.601, both as to the initial grant hereunder and all future grants under this ordinance.

(c) The Updated Service Credit hereby allowed and provided for shall be **75%** of the "base Updated Service Credit" of the member (calculated as provided in subsection (c) of Section 853.402 of the TMRS Act).

(d) Each Updated Service Credit allowed hereunder shall replace any Updated Service Credit, prior service credit, special prior service credit, or antecedent service credit previously authorized for part of the same service.

(e) In accordance with the provisions of subsection (d) of Section 853.401 of the TMRS Act, the deposits required to be made to the System by employees of the several participating departments on account of current service shall be calculated from and after the effective date of this ordinance on the full amount of such person's compensation as an employee of the City.

Increase in Retirement Annuities.

(a) On terms and conditions set out in Section 854.203 of the TMRS Act, the City hereby elects to allow and to provide for payment of the increases below stated in monthly benefits payable by the System to retired employees and to beneficiaries of deceased employees of the City under current service annuities and prior service annuities arising from service by such employees to the City. An annuity increased under this Section replaces any annuity or increased annuity previously granted to the same person.

(b) The amount of the annuity increase under this Section is computed as the sum of the prior service and current service annuities on the effective date of retirement of the person on whose service the annuities are based, multiplied by 50% of the percentage change in Consumer Price Index for All Urban Consumers, from December of the year immediately preceding the effective date of the person's retirement to the December that is 13 months before the effective date of this Section.

(c) An increase in an annuity that was reduced because of an option selection is reducible in the same proportion and in the same manner that the original annuity was reduced.

(d) If a computation hereunder does not result in an increase in the amount of an annuity, the amount of the annuity will not be changed hereunder.

(e) The amount by which an increase under this Section exceeds all previously granted increases to an annuitant is an obligation of the City and of its account in the municipality accumulation fund of the System.

Dates of Allowances and Increases. The initial allowance of Updated Service Credit and increase in retirement annuities hereunder shall be effective on **January 1, 2013**, subject to approval by the Board of Trustees of the System. An allowance of Updated Service Credits and an increase in retirement annuities shall be made hereunder on January 1 of each subsequent year until this ordinance ceases to be in effect under subsection (e) of Section 853.404 of the TMRS Act, provided that, as to such subsequent year, the actuary for the System has made the determination set forth in subsection (d) of Section 853.404 of the TMRS Act.

Effective Date. Subject to approval by the Board of Trustees of the System, this ordinance shall be and become effective on the **1st day of January 2013**.

Passed and approved this the 13th day of September, 2012.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

Carla A. Robinson

City Attorney

September 13, 2012
City Council Regular Item No. 5
Appointment to BCS Convention & Visitors Bureau

To: David Neeley, City Manager

From: Sherry Mashburn, City Secretary

Agenda Caption: Presentation, possible action and discussion regarding the appointment to the Executive Committee of the Board of Directors for the Bryan-College Station Convention and Visitors Bureau.

Background & Summary: The current representative for College Station is Steve Aldrich, and his term expires September 20, 2012. He is eligible for another two-year term. Mr. Aldrich has been contacted, and he has expressed his willingness to continue.

Budget & Financial Summary: There is no fiscal impact.

Attachments:

- Email from Bryan-College Station Convention and Visitors Bureau, dated August 30, 2012.

Sherry Mashburn

Subject: FW: BCSCVB Representative

From: Shelley K. Major
Sent: Thursday, August 30, 2012 10:55 AM
To: Sherry Mashburn; Nancy Berry; David Neeley; Frank Simpson
Subject: FW: BCSCVB Representative

From: Danya Hatley [<mailto:Danya@BCSCVB.ORG>]
Sent: Thursday, August 30, 2012 10:12 AM
To: Shelley K. Major
Subject: BCSCVB Representative

Shelley,

Steve Aldrich is up for renewal as the City of College Station appointee on the Executive Committee of the Board of Directors for the Bryan-College Station Convention & Visitors Bureau. His current appointment ends on September 30, 2012. He is eligible for an appointment to another two year term. Please let me know if the plan is to reappoint him or if another will be appointed.

Thank you,

Danya Hatley
Accountant
Bryan-College Station Convention & Visitors Bureau
715 University Drive East
College Station, Texas 77840
979-260-9898

<AVG Certification.txt>