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Mayor

Nancy Berry

Mayor Pro Tem

Karl Mooney

Interim City Manager

Kathy Merrill

Council members

Blanche Brick

Jess Fields

John Nichols

Julie M. Schultz

James Benham

**Amended Agenda
College Station City Council
Regular Meeting
Thursday, July 25, 2013 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:
 - July 8, 2013 Joint Workshop
 - July 9, 2013 Special Meeting
 - July 11, 2013 Workshop
 - July 11, 2013 Regular Council Meeting
 - b. Presentation, possible action, and discussion regarding approval of a contract between the City and Cherwell Software Inc. for software licensing in the amount of \$44,145 and a contract between the City and Flycast Partners for services to configure and implement the software in the amount of \$43,401, for a total project cost of \$87,546.

- c. Presentation, possible action and discussion on construction contract #13-323 for the purchase and installation of Type II, FGSMA (Fine-Graded Stone Matrix Asphalt) Hot Mix Asphalt to Knife River for an amount not to exceed \$526,000.00.
- d. Presentation, possible action, and discussion on the consideration of an ordinance amending Chapter 10, "Traffic Code," Section 2.C of the Code of Ordinances of the City of College Station changing the traffic control at the intersection of Park Place and Fairview to a four-way stop controlled intersection.
- e. Presentation, possible action, and discussion regarding a change order to the contract with Green Teams, Inc. in the amount of \$66,462 for landscape maintenance services.
- f. Presentation, possible action and discussion regarding a professional services contract for an ERP (Enterprise Resource Planning) Project Manager with Wilson Kleemann d/b/a Spherion in an amount not to exceed \$814,597.
- g. Presentation, possible action, and discussion regarding the bid award of annual transformer repair and rebuild services to Greenville Transformer Company, Inc. in the amount of \$66,530.46.
- h. Presentation, possible action, and discussion on an ordinance amending Chapter 10, Section 4, Subsection H of the code of ordinances, establishing a commercial loading zone in a portion of the promenade parking lot and adjusting Northgate parking rates.
- i. Presentation, possible action, and discussion regarding Substantial Amendment to the 2012 Annual Action Plan – HOME Investment Partnership Program Grant Funds.
- j. Presentation, possible action, and discussion regarding a resolution to authorize and designate the Executive Director of Planning and Development Services to sign all required Action Plan applications, grant agreements, certifications, evaluations, and other forms and agreements required by the U. S. Department of Housing and Urban Development for all Community Planning and Development Grant Programs for program years 2007 – 2012 on behalf of the City of College Station.
- k. Presentation, possible action, and discussion regarding approval of two (2) contracts between the City of College Station and Siemens Industry, Inc. in the amounts of \$55,511.74 (contract 13-234) and \$19,703.59 (contract 13-235), for a total of \$75,215.33, for the purpose of purchasing and installing security equipment at the Northgate and Switch Station Substations.
- l. Presentation, possible action and discussion regarding the approval of an ongoing program for EMS Provider/ First Responder agreement for emergency medical service and emergency ambulance transport between the City of College Station, The City of Bryan, South Brazos County Fire Department, Brazos County District 2 Volunteer Fire Department, Brazos County Precinct 3 Volunteer Fire Department and Brazos County Precinct 4 Volunteer Fire Department.
- m. Presentation, possible action and discussion on an amendment to the current lease between the City of College Station and DVA Renal Healthcare, Inc. formerly known as Gambro Healthcare of Texas, Inc. (aka DaVita, Inc.) in the Chimney Hill Shopping Center.

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. Public Hearing, presentation, possible action, and discussion on an ordinance Budget Amendment #3 amending ordinance number 3443 which will amend the budget for the 2012-2013 Fiscal Year in the amount of \$1,961,334; increase the number of regular full-time positions in the budget by one (1.0); and presentation, possible action and discussion on three interfund transfers and a contingency transfer.
2. Public Hearing, presentation, possible action, and discussion regarding an amendment to Chapter 12 Unified Development Ordinance of the Code of Ordinances to allow micro-industrial uses as a permitted use within the NG-1 Core Northgate and NG-2 Transitional Northgate zoning districts.
3. Presentation, possible action and discussion regarding appointments to the following boards and commissions:
 - Historic Preservation Committee (two vacancies)
4. Adjourn.

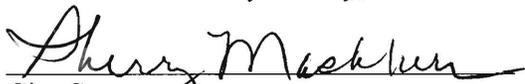
If litigation issues arise to the posted subject matter of this Council Meeting an executive session will be held.

APPROVED:


City Manager

Notice is hereby given that a Regular Meeting of the City Council of the City of College Station, Texas will be held on the Thursday, July 25, 2013 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 Amended Agenda

Posted this 22nd day of July, 2013 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

Thursday, July 25, 2013

notice on the bulletin board at City Hall, 1101 Texas Avenue, in College Station, Texas, and the City's website, www.cstx.gov . The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on July 22 , 2013 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 _____, 2013 By _____

Subscribed and sworn to before me on this the _____ day of _____, 2013.

Notary Public – Brazos County, Texas My commission expires: _____

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

July 25, 2013
City Council Consent Agenda Item No. 2a
City Council Minutes

To: Kathy Merrill, Interim City Manager

From: Sherry Mashburn, City Secretary

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

- July 8, 2013 Joint Workshop
- July 9, 2013 Special Meeting
- July 11, 2013 Workshop
- July 11, 2013 Regular Council Meeting

Attachments:

- July 8, 2013 Joint Workshop
- July 9, 2013 Special Meeting
- July 11, 2013 Workshop
- July 11, 2013 Regular Council Meeting

MINUTES OF THE CITY COUNCIL JOINT WORKSHOP
WITH CITY OF BRYAN AND BRAZOS COUNTY
CITY OF COLLEGE STATION
JULY 8, 2013

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry, Mayor

Council:

Blanche Brick
Jess Fields, absent
Karl Mooney
John Nichols
Julie Schultz
James Benham

City Staff:

Kathy Merrill, Interim City Manager
Sherry Mashburn, City Secretary

Present from City of Bryan: Councilmembers Ann Horton, District 4, and Art Hughes, District 5

Present from Brazos County Commissioners Court: Judge Duane Peters and Commissioners Lloyd Wassermann, Precinct 1; Sammy Catelena, Precinct 2; and Kenny Mallard, Precinct 3

1. Call to Order and Announce a Quorum is Present

The Joint Workshop was called to order by Commissioner Mallard at 11:53 a.m. on Monday, July 8, 2013 at the Brazos Valley Council of Governments, 3991 E. 29th, Bryan, Texas 77842.

2. Update regarding High Speed Rail.

Present to provide the update and answer questions were Michael Parks, Assistant Executive Director for the Brazos Valley Council of Government, Mayor Pro Tem John Willis, City of Garland, and Russell Schaffner, Senior Public Policy Consultant for Dean International, Inc.

The Texas High Speed Rail & Transportation Corporation is a not-for-profit organization ten years in the making. The corporation membership represents 12 million Texans. Their proposal

is a multi-modal and inter-modal transportation system linking four major metropolitan areas of Texas via the Texas T-Bone Corridor. Austin, Dallas/Fort Worth, Houston, and San Antonio are the major areas to be connected. High speed rail is energy efficient and carries several hundred passengers on each train at speeds in excess of 200 mile per hour. It was noted there has been only one accident in forty years, and that was in China. Examples of train sets from around the world were provided, e.g. Germany, Japan, the United Kingdom, Spain, France, Belgium, etc. We have the right demographics and population centers for this opportunity.

The world-wide trend related to the creation of a high speed rail station in an existing airport is evolving into the new age transportation system, providing passengers with fast, efficient and comfortable transitions from plane to train. Aerotropolis was defined as an economic region developing around an airport; cities developing around a multi-modal center hub connecting travelers, executives and suppliers to the global marketplace.

The Texas T-Bone corridor is the most efficient route connecting the four largest metropolitan city centers in the state, covering 470 miles. The route covers over 70% of Texas' current population and will cover 80% of the population by 2040. Because of the economy they are looking at getting from Houston to Dallas via a capital-constrained system. The Texas T-Bone design is 395 miles vs. the Texas Triangle design of 705 miles. Private investors are looking at alternative routes that are straight corridors from Houston to Dallas, and the prospects for a line through the Bryan-College Station area is diminishing. There is no economic development potential along the I-45 corridor such as can be found along I-35. The only solution for easy access of moving people and supplies is high speed rail, and we need the entire service with the T-Bone. Bryan-College Station needs to take the position that if it doesn't come through Bryan-College Station, then it just doesn't happen. Connectivity is what makes our state work.

It was noted that the Rail Safety Act (HR6003) passed in 2008 included a route through Bryan-College Station to Killeen from Houston. They are working on getting study money to help change the dynamic of the discussion and have it well represented. They have to have everyone's commitment. This will be a difficult and laborious task. They are looking to totally fund the project through private funds, and they have made huge steps in the past two or three years to get investors interested in the area.

High speed rail will have tremendous trade and economic impacts: Texas is the #1 exporter in the United States and accounts for more than 17% of all US exports. This will benefit transit-oriented development. Retail stores thrive from pedestrians; areas around stations are ideal for mixed use and dense development, and offices close to stations allow workers to take the train.

The private sector loves doing business in Texas because it is in a central time zone and central location. It also has a southern climate and is a right-to-work state. Others factors include the surface highway infrastructure, a 1,200 mile border with Mexico and a 940-mile border along the Gulf of Mexico. Texas also has a sustainable population growth. High speed rail will create tens of thousands of jobs; promote transit oriented development; create efficient commuter availability; stimulate private sector investment in Texas; attract tourism; provide congestion relief; increase mobility; and reduce stress on Texas roads. It is energy efficient and less

dependent on oil; therefore, it is environmentally friendly. It provides an alternative method of transportation.

The projected cost is \$24 billion. Approximately 52 million people will live along the Texas T-Bone corridor in 2040. A transportation study has determined there will be 8 million in annual ridership with a daily ridership of 22,000. Estimated annual revenues for HSP tickets are \$650 million. There are some right-of-way issues, and they are looking at a grade-separated system so they won't have to have as much land. This should only require an 80 foot – 100 foot footprint.

There is an investor interested. Elected leaders at the local government level need to step up to get this to happen. If not, then it will be the easy connection from Houston to Dallas that will win the day. The cost is \$25,000 per entity per year. There are Board slots available. They want a very active membership, but they need our participation to work with congressional delegations and legislators.

3. Adjournment

MOTION: There being no further business, the joint workshop was adjourned at 1:25 p.m. on Monday, July 8, 2013.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

MINUTES OF THE CITY COUNCIL SPECIAL MEETING
CITY OF COLLEGE STATION
JULY 9, 2013

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry, Mayor

Council:

Blanche Brick
Jess Fields
Karl Mooney
John Nichols
Julie Schultz
James Benham

City Staff:

Kathy Merrill, Interim 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 Special Meeting of the College Station City Council was called to order by Mayor Berry at 3:09 p.m. on Tuesday, July 9, 2013 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77842.

2. Presentation, possible action and discussion regarding the initial review of the findings, observations, and recommendations contained in the Planning and Development Services Organizational Report conducted by Alan Mueller; and to provide future policy direction to staff.

Alan Mueller led the Council in the organizational review of the Planning and Development Department. Five policy questions addressed perceptions/attitudes, flexibility and communication. Mr. Mueller presented his perception on each question based on the answers received in the survey.

1. Should the Planning and Development staff's primary responsibility/allegiance be to the Comprehensive Plan or to the will of the seated City Council? Staff perspective is that the Comprehensive Plan is the guiding document. The business community feels we need to be more market-responsive, and the Comprehensive Plan is too restrictive and inflexible. The Council perspective falls between that of staff and the business community, being closer to the

business point of view. Council feels the staff needs to be more responsive to the Council's directives as they relate to the business community.

2. To what extent should the seated Council and staff defer to the Comprehensive Plan vs. modifying the Plan based on the philosophy of the seated Council? Staff sees that a lot of work went into the Plan, and we should stick with it. The business community has no deference to the Plan. The Council falls in the middle; they value the Plan and believe it is important, but feel it should also reflect the political changes.

3. To what extent should homeowners and the general citizenry of College Station be considered as "customers" of the Planning and Development Department whose rights and interests must be protected by staff? Most of the general citizenry is silent, and staff sees it as their responsibility to represent those folks who are not there. The business community feels the Plan is skewed in favor of the residential community. Council is in the middle as a balancing approach; there is a responsibility to the business community, but we must protect the integrity of our neighborhoods.

4. Is the Department staff driving policy instead of Council driving policy? What is the proper role and extent of staff input and recommendation? Staff feels they present recommendations to Council, who accepts or reject the recommendation, staff then enforces what was approved. However, the business community believes that staff is more in control. Staff needs to be cognizant of the level of influence they have with Council, and what they present needs to be more in line with what the Council wants as a whole.

5. The Planning and Development Services staff has a dual role of facilitator and regulator. Which role should have a greater emphasis? Staff sees themselves in the middle; they have to facilitate, but in a balanced manner. The perception is that we want to facilitate growth and development with less roadblocks and angst.

There was much discussion and questions of clarification from the Council. Not all of it agreed with the consultant's perceptions of the view of Council. Concern was also expressed that the study did not encompass more citizens of the community, and it was noted that the Comprehensive Plan and UDO needs to be reviewed to insure that staff has adequate guidance for day-to-day decisions. The Mayor directed the Interim City Manager to proceed with finalizing the report.

3. Adjournment

MOTION: There being no further business, Mayor Berry adjourned the special meeting of the College Station City Council at 5:29 p.m. on Tuesday, July 9, 2013.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

MINUTES OF THE CITY COUNCIL WORKSHOP
CITY OF COLLEGE STATION
JULY 11, 2013

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry, Mayor

Council:

Blanche Brick
Jess Fields, arrived after roll call
Karl Mooney
John Nichols
Julie Schultz, arrived after roll call
James Benham, arrived after roll call

City Staff:

Kathy Merrill, Interim City Manager
Carla Robinson, City Attorney
Sherry Mashburn, City Secretary
Tanya McNutt, Deputy City Secretary

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 Berry at 4:30 p.m. on Thursday, July 11, 2013 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, §551.074-Personnel, and §551.087-Economic Development Negotiations, the College Station City Council convened into Executive Session at 4:30 p.m. on Thursday, July 11, 2013 in order to continue discussing matters pertaining to:

- A. Consultation with Attorney to seek advice regarding pending or contemplated litigation; to wit:
- College Station v. Star Insurance Co., Civil Action No. 4:11-CV-02023.

- 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
- Cause No. 12-002918-CV-361; Tom Jagielski v. City of College Station; In the 361st Judicial District Court, Brazos County, Texas
- State v. Carol Arnold, Cause Number 11-02697-CRF-85, In the 85th District Court, Brazos County, Texas
- Robyn Taylor, individually and as next friend of Faith Taylor, a minor child v. Lincoln Recreation Center, Cause No. 13-001244-CV-361, in the 361st District Court, Brazos County, Texas

B. Deliberation on the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer; to wit:

- City Manager

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

- Economic Incentives to a business prospect for projects located in various locations in College Station

The Executive Session adjourned at 6:02 p.m.

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

No action was required from Executive Session.

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

Items 2e and 2j were pulled for discussion.

2e: Chuck Gilman, Director of Capital Projects, explained they focused on facilities ten years or older or have heavy use by citizens or staff. He also stated this is just a base assessment; there is no as-built in the scope. There will be a scoring system to identify issues and capital needs.

2j: Joe Guerra, Transportation Planning Coordinator, presented renderings of the site plan. He also presented the developer's budget for the project.

5. Presentation, possible action and discussion regarding the Brazos Central Appraisal District's Evaluation and Calculation Process.

Mark Price, Chief Appraiser with the Brazos Central Appraisal District, outlined the property tax cycle. The first step of the process is Discovery and Valuation done August through May. The deadline to protest valuation is May 31. The Equalization period is June 1 – July 25. They are required to certify the tax roll by July 25. Local taxing units then adopt their budgets and set tax rates, after which the Tax Assessor-Collector collects the taxes.

In 2013, 5,806 (increased 227 from last year) County protests were filed, of which 2,579 (down by 86 from last year) were from College Station. The total number of properties is 29,003 (an increase of 408 properties from last year). The net taxable value, as of July 11, 2013, is \$6,265,217,184 reflecting a 5.4% increase over last year's certified net taxable value. 442 accounts are still under review with a net taxable value of \$300,575,118.

6. Presentation, possible action, and discussion on the FY 2014 BVSWMA, Inc. Proposed Budget.

Bryan Griesbach, Executive Director, provided the BVSWMA FY2014 budget overview. BVSWMA is a non-profit local government corporation created in 2010 to provide solid waste disposal through the operation of the Twin Oaks Landfill and Twin Oaks Compost facilities. It is self-funded through user fees, and the annual principal and interest payments are made to both cities. There are 25 full-time employees with a service area population of approximately 300,000. The Board of Directors is comprised of three representatives from each City and a seventh member from the community at large.

Solid waste disposal operations are the core of their business. The Twin Oaks Landfill manages approximately 300,000 tons of municipal solid waste each year. The Twin Oaks Landfill covers 610 acres with a waste footprint of 214 acres. It has a capacity of 37,000,000 cubic yards. Twin Oaks also utilizes a high-capacity wood grinder to efficiently divert more than 8,000 tons per year of wood waste from landfill disposal. Some of the material from the wood grinding operation is sold as mulch, but a larger portion is utilized for compost operations. Approximately 7,000 tons per year of bio-solids are diverted from landfill disposal for beneficial use as compost and erosion control products.

Since BVSWMA was formed, the Texas Commission on Environmental Quality (TCEQ) has found no violations or deficiencies during their inspections of BVSWMA facilities. In fact, in 2012, the TCEQ held their statewide Investigator Training in Bryan-College Station in order to showcase the Twin Oaks Landfill as a model of excellent landfill design and operation.

BVSWMA sponsors the spring and fall household hazardous waste collection events that serve the entire Brazos Valley region, typically serving 2,200 participants.

Recent activities include:

- Completed construction of Cell 2A-1 at the Twin Oaks Landfill;
- Final Cover installed on the Rock Prairie Road Landfill;
- Discontinued Borrowed Employee Agreement on December 31, 2012;
- Additional Board designated funds for future capital expenses;
- Now offering easy to handle bagged compost and mulch; and
- State fee reduced on June 1, 2013, resulting in a \$0.31/ton decrease in landfill gate rate.

For FY 2013, they are ahead on budgeted revenue and under on budgeted expenses. The FY2014 budget has \$6,878,600 in revenue. The expense budget is \$7,795,724 split between operating expenses in the amount of \$5,330,724 and \$2,465,000 for capital expense. Reserves

from the Rock Prairie Closure/Post Closure, Twin Oak Closure/Post Closure, interim cover and pre-closure, pipeline relocation, and gas system total \$4,648,461.

7. Council Calendar

- July 17 BVSWMA Board Meeting at 310 Krenk Tap Road - Municipal Court Building - 2nd Floor - Room 203, 11:00 a.m.
- July 17 RVP Board Meeting at RVP, 3:00 p.m.
- July 18 P & Z Workshop/Meeting in Council Chambers at 6:00 p.m. (John Nichols, Liaison)
- July 19 Scott & White Hospital Simply Spectacular Event at 700 Scott & White Drive, 6:30 p.m.
- July 23 Audit Committee Meeting in City Hall Administrative Conference Room at 4:30 p.m.
- July 25 Executive Session/Workshop/Regular Meeting at 4:30, 6:00 & 7:00 p.m.

Council reviewed the Council calendar.

8. Presentation, possible action, and discussion on future agenda items: a Councilmember 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 Schultz requested a workshop on purchasing land for floodplain and the reasons behind it. She also would like to discuss a requirement for a five-year study on the appraisal of any other land purchases we make. There was consensus.

Councilmember Benham asked to hear from staff about video conferencing and how we can do that. There was consensus.

Councilmember Fields asked to see a workshop item on the impact of our regulatory environment as it relates to housing affordability. There was no consensus.

9. Discussion, review and possible action regarding the following meetings: Animal Shelter Board, Arts Council of Brazos Valley, Arts Council Sub-committee, Audit Committee, Bicycle, Pedestrian, and Greenways Advisory Board, Bio-Corridor Board of Adjustments, Blinn College Brazos Valley Advisory Committee, Brazos County Health Dept., Brazos Valley Council of Governments, Bryan/College Station Chamber of Commerce, Budget and Finance Committee, BVSWMA, BVWACS, Compensation and Benefits Committee, Convention & Visitors Bureau, Design Review Board, Economic Development Committee, Gigabit Broadband Initiative, Historic Preservation Committee, Interfaith Dialogue Association, Intergovernmental Committee, Joint Relief Funding Review Committee, Landmark Commission, Library Board, Metropolitan Planning Organization, Parks and Recreation Board, Planning and Zoning Commission, Research Valley Partnership, Research Valley Technology Council, Regional Transportation Committee for Council of Governments, Transportation and Mobility Committee, TAMU Student Senate, Texas

Municipal League, Twin City Endowment, Youth Advisory Council, Zoning Board of Adjustments.

Mayor Berry reported on the Council of Governments.

Councilmember Benham reported on the bandwidth committee.

10. Adjournment

MOTION: There being no further business, Mayor Berry adjourned the workshop of the College Station City Council at 7:13 p.m. on Thursday, July 11, 2013.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF COLLEGE STATION
JULY 11, 2013

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry, Mayor

Council:

Blanche Brick
Jess Fields
Karl Mooney
John Nichols
Julie Schultz
James Benham

City Staff:

Kathy Merrill, Interim City Manager
Carla Robinson, City Attorney
Sherry Mashburn, City Secretary
Tanya McNutt, Deputy City Secretary

Call to Order and Announce a Quorum is Present

With a quorum present, the Regular Meeting of the College Station City Council was called to order by Mayor Berry at 7:25 p.m. on Thursday, July 11, 2013 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77842.

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

Citizen Comments

There were no comments.

CONSENT AGENDA

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

- **June 27, 2013 Workshop**
- **June 27, 2013 Regular Council Meeting**

2b. Presentation, possible action, and discussion regarding approval of “Resolution 07-11-13-2b, Declaring Intention to Reimburse Certain Expenditures with Proceeds from Debt”

for expenditures related to the City of College Station's portion of the costs of the Rio Grande/2818 Signal Rehabilitation project, the FM 2818 School Zone Signalization project, the Wellborn/F&B Signal project, the University Drive Pedestrian Improvements Phase II project and Electric Utility Capital Projects.

2c. Presentation, possible action, and discussion regarding the first of two renewal options of an annual blanket purchase order 12-067 with Boundtree Medical L.L.C. for \$80,000.00 for EMS supplies.

2d. Presentation, possible action, and discussion regarding approval of a contract between the City of College Station and Safran MorphoTrust USA in the amount of \$57,980.00 for the purposes of replacing the handprint and fingerprint systems at the Police Department.

2e. Presentation, possible action and discussion regarding professional services consulting contract 13-193 in the amount of \$219,990 to Faithful + Gould for Facilities Assessment and Maintenance Planning.

2f. Presentation, possible action, and discussion regarding Resolution 07-11-13-2f, approving the reimbursement of costs to the Texas Department of Transportation (TXDOT) in the amount of \$44,094.84 for the FM2154 (Wellborn Widening) project.

2g. Presentation, possible action, and discussion on a Quitclaim Agreement with the Texas Department of Transportation for easements that were acquired for widening Wellborn Road.

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

2i. Presentation, possible action, and discussion on a Professional Services Contract number 13-237 with Alan Plummer Associates, Inc., in the amount of \$75,000 to prepare renewal applications for our three wastewater discharge permits.

2j. Presentation, possible action, and discussion on Resolution 07-11-13-2j for a Texas Department of Transportation (TxDOT) Advance Funding Agreement for the Rise at Northgate.

2k. Presentation, possible action, and discussion regarding the approval of a local agreement between the City of College Station, Brazos County, and the Brazos County District Attorney's Office regarding the disposition of forfeited contraband seized under Chapter 59 of the Texas Code of Criminal Procedure.

2l. Presentation, possible action, and discussion regarding the Interlocal Agreement (ILA) with the College Station Independent School District (CSISD) regarding School Resource Officers (SRO).

2m. Presentation, possible action, and discussion on a Professional Services Contract with Dunham Engineering Inc., in the amount of \$50,000 for engineering services for the rehabilitation of our 5 Million Gallon Ground Storage Reservoir.

2n. Presentation, possible action, and discussion on Amendment #1 to the Front End Loader (FEL) Container Lease Agreement with Texas Commercial Waste, and a one-time increase of \$30,568 to the existing lease purchase order.

Item 2e was pulled for a separate vote.

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

(2e)MOTION: Upon a motion made by Councilmember Mooney and a second by Councilmember Benham, the City Council voted six (6) for and one (1) opposed, with Councilmember Fields voting against, to award a professional services consulting contract 13-193 in the amount of \$219,990 to Faithful + Gould for Facilities Assessment and Maintenance Planning. The motion carried.

REGULAR AGENDA

1. Presentation, possible action and discussion on a Funding Agreement between the City of College Station and the Brazos Valley Convention and Visitors Bureau for Preferred Access to Texas A&M University facilities; and an Assignment and Assumption Agreement between the City of College Station, Texas A&M University, and the Brazos Valley Convention and Visitors Bureau.

MOTION: Upon a motion made by Councilmember Mooney and a second by Councilmember Nichols, the City Council voted six (6) for and one (1) opposed, with Councilmember Fields voting against, to approve a Funding Agreement between the City of College Station and the Brazos Valley Convention and Visitors Bureau for Preferred Access to Texas A&M University facilities; and an Assignment and Assumption Agreement between the City of College Station, Texas A&M University, and the Brazos Valley Convention and Visitors Bureau. The motion carried.

2. Presentation, possible action, and discussion regarding an update on the status of the ERP Replacement Project.

Ben Roper, Director of Information Technology, provided an update on the ERP Replacement Project. The total estimated cost is \$5,185,000. They are also looking at a contracted position for Project Manager for the next 2.5 – 3.5 years. The salary range is \$200,000 - \$450,000 plus firm overhead.

Nearly 50% of all ERP implementations fail to deliver even one-third of their expected business benefits due to a lack of software fit; unrealistic implementation expectations; lack of executive buy-in and support; propensity to customize software rather than leverage standard functionality; and lack of ERP implementation expertise.

No action was required.

3. Presentation, possible action and discussion regarding the proposed Community Development FY 2014 (PY 2013) Action Plan and Budget.

Debbie Eller, Director of Community Development, presented the proposed plan and budget. She reported that the City is an entitlement community due to size of our community. This is funded by the HUD through CDBG and HOME grants. These fund housing, infrastructure, public facilities, economic development, code enforcement, and public services. There are three tests:

1. Benefit low/moderate income persons;
2. Elimination of slum and blight; and
3. Meet an urgent need.

While CDBG funds may be used for a variety of community development activities, HOME funds may only be used for affordable housing activities. Local objectives include economic opportunity, strong neighborhoods, and safe, decent and affordable housing.

For Public Facilities, we must expand, improve and/or add public facilities and infrastructure, and we must benefit low-moderate area or low-moderate clientele. Improvements may include: streets, parks, neighborhood/community centers, sidewalk projects, or facilities for persons with special needs.

For public service agency funding, up to 15% of CDBG funds can be allocated. There is a unique joint process used for funds allocation with the Joint Relief Review Committee comprised of three volunteer committee members from each City. To use CDBG funds, a public service must be a new service or a quantifiable increase in the level of an existing service.

Since 1997, we have met the housing needs of approximately 1,246 families. Current affordable housing programs are:

- Down Payment Assistance
- Tenant Based Rental Assistance
- Home Owner Minor Repair/Rehabilitation
- Home Owner Reconstruction
- Rental Rehabilitation
- New Construction (Non Profit Partners).

The One Year Action Plan re-validates and updates local needs and addresses specific goals outlined in the City's 2010-2014 Consolidated Plan. It proposes activities for the upcoming year and represents the annual formal application to the Department of HUD and lists funded activities and specific amounts, and provides for a regular public process.

CDBG funds in the amount of \$2,403,350 and HOME funds in the amount of \$1,692,294 will fund the FY2014 Budget for a total Community Development Budget of \$4,095,643. Ms. Eller provided a list of recommended public services and public facilities. Planned Initiatives include:

- Construction of new affordable houses and rehabilitation of existing affordable rental units through non-profit partners
- Nine public facility activities including seven sidewalk design and/or construction projects and two street rehabilitation projects

- Continue down-payment assistance, homeowner rehab and reconstruction, and security deposit assistance programs
- Continue rental rehabilitation program
- Continue to proactively manage costs
- Technical assistance for non-funded agencies and developers/builders.

It is time to make the formal application to HUD. They will advertise and receive public comment July 1st – July 31st. A Public Hearing will be held July 9th at the Lincoln Center. This will come back before the Council for their approval on August 8th. A submission must be made to HUD no later than August 16th.

No action was required.

4. Adjournment.

MOTION: There being no further business, Mayor Berry adjourned the Regular Meeting of the City Council at 9:17 p.m. on Thursday, July 11, 2013.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

July 25, 2013
Consent Agenda Item No. 2b
IT Service Management Software and Implementation Services

To: Kathy Merrill, Interim City Manager

From: Erin Provazek, Assistant IT Director

Agenda Caption: Presentation, possible action, and discussion regarding approval of a contract between the City and Cherwell Software Inc for software licensing in the amount of \$44,145 and a contract between the City and Flycast Partners for services to configure and implement the software in the amount of \$43,401, for a total project cost of \$87,546.

Relationship to Strategic Goals:

1. Financially Sustainable City
2. Core Services and Infrastructure

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

Summary: At the beginning of fiscal year 2013, IT Department staff began earning the Information Technology Infrastructure Library (ITIL) Foundations Certification. ITIL is a framework for IT Service Management, including sound processes, transparency, efficiency, and integration in the way IT does business. All IT staff have earned the Certification and have been working to define our processes along the ITIL framework. The implementation of these integrated processes has proven very difficult with the ticketing system currently used. Cherwell Software is an IT Service Management tool that was developed along the ITIL framework and will grant the IT Department greater flexibility in process design and implementation. Flycast Partners is a Cherwell Software business partner that specializes in configuration, training, and implementation of Cherwell Software.

Budget & Financial Summary: Funds are available from savings in the FY13 Information Technology operating budget.

Reviewed and Approved by Legal: Yes

Attachments:

License Agreement with Cherwell Software is on file in the CSO
Professional Services Agreement with Flycast Partners is on file in the CSO

July 25, 2013
Consent Agenda Item No 2c
Annual Purchase of Hot Mix Asphalt (Type II, FG SMA)

To: Kathy Merrill, Interim City Manager

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

Agenda Caption: Presentation, possible action and discussion on construction contract #13-323 for the purchase and installation of Type II, FG SMA (Fine-Graded Stone Matrix Asphalt) Hot Mix Asphalt to Knife River for an amount not to exceed \$526,000.00.

Relationship to Strategic Goals:

1. Core Services and Infrastructure

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

Summary: The City of College Station joined Brazos County in their Bid for the Annual Purchase and installation of Hot Mix Asphalt. Two (2) sealed competitive bids were received by Brazos County and opened on June 11, 2013. The lowest responsible bidder was Knife River. Knife River bid 4,000 tons of Type II, FG SMA Hot Mix Asphalt at \$131.50/ton, for a not to exceed amount of \$526,000.00 for materials to be installed on City streets as needed. Staff is familiar with the quality of the recommended bidder's products, their reputation and the long term cost for acquiring the products from the vendor recommended. Upon Council approval, a blanket purchase order will be issued to Knife River

Budget & Financial Summary: Funds are budgeted and available in the Street Maintenance Fund.

Reviewed and Approved by Legal: Yes

Attachments:

1. Brazos County Bid Tabulation #2013-52
2. Construction Contract #13-323 is on file in the City Secretary's Office.

BID TABULATION 2013-52
HOT MIX ASPHALT
June 28,2013 through June 29, 2014

		Knife River	Brazos Paving Inc.
1	Type II, FG SMA HMAC (City of College Station)	\$131.50/ton	\$172.50/ton
	Product Name	FGSMA PG 76-22	FGSMA PG 76-22
	Product Number	39346076A	3934606
2	Type II, FG SMA HMAC (Road and Bridge)	\$6.90/SY	\$9.25/SY
	Product Name	FGSMA PG 76-22	FGSMA PG 76-22
	Product Number	39346076A	3934606
3	TYPE C, HMAC 2" MINIMUM - 500 Tons	\$14.00/SY	\$18.00/SY
	Product Name	Type C PG 64-22	Type C MIX 64-22
	Product Number	39410 RS	39410
4	TYPE C, HMAC 2" MINIMUM - 1000 Tons	\$9.05/SY	\$18.00/SY
	Product Name	Type C PG 64-22	Type C MIX 64-22
	Product Number	39410 RS	39410
5	TYPE D, HMAC 1.50" MINIMUM - 500 Tons	\$11.50/SY	\$18.25/SY
	Product Name	Type D PG 64-22	Type D Mix 64-22
	Product Number	39417RS	39417
6	TYPE D, HMAC 2" MINIMUM - 1000 Tons	\$7.00/SY	\$18.25/SY
	Product Name	Type D PG 64-22	Type D Mix 64-22
	Product Number	39417RS	39417

7	Location of Supplier	6310 SH 21 West, Bryan	6310 SH 21 West, Bryan
8	Estimated Delivery	3 Weeks	1-2 Weeks

RECOMMENDED AWARD: KNIFE RIVER

Approved by Commissioner's Court on this _____ day of _____, 2013 by

_____ holding the position of _____

July 25, 2013
Consent Agenda
Four-way Stop: Park Place at Fairview

To: Kathy Merrill, Interim City Manager

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

Agenda Caption: Presentation, possible action, and discussion on the consideration of an ordinance amending Chapter 10, "Traffic Code," Section 2.C of the Code of Ordinances of the City of College Station changing the traffic control at the intersection of Park Place and Fairview to a four-way stop controlled intersection.

Relationship to Strategic Goals: Core Services and Infrastructure, Neighborhood Integrity, & Improving Transportation

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

Summary: The existing intersection of Park Place and Fairview has stop signs on the Fairview approaches to the intersection (i.e., Northbound and Southbound). Additionally, as part of the Southside Neighborhood Parking Removal Plan, on-street parking was removed from the south side of Park Place on the western leg of the intersection and on both side of southern leg.

Using the line of sight criteria identified in the *Policy on Geometric Design of Highways and Streets*, the sight distance for vehicles setting at the existing stop sign on the southbound Fairview approach is inadequate to see vehicles approaching the intersection from the left (i.e., traveling eastbound on Park Place) when vehicles are parked on the north side of Park Place. Because the intersection is adjacent to a city park, removing on-street parking to provide adequate visibility would have other impacts. For these reasons the Traffic Management Team met in June 2013 and discussed the concern. The committee recommended to add stop signs to the east- and westbound approaches to the intersection.

Budget & Financial Summary: The "Stop" signs are planned operation and maintenance expenses accounted for in the Public Works Traffic Operation budget.

Reviewed and Approved by Legal: Yes

Attachments:

1. Ordinance
2. Location Map

ORDINANCE NO. _____

AN ORDINANCE AMENDING THAT CHAPTER 10 "TRAFFIC CODE", SECTION 2 "TRAFFIC CONTROL DEVICES", SUB-SECTION C "FOUR WAY STOP INTERSECTIONS", "TRAFFIC SCHEDULE II" OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS,, AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1: That Chapter 10 "Traffic Code", Section 2 "Traffic Control Devices", Sub-Section C "Four Way Stop Intersections", "Traffic Schedule II" of the Code of Ordinances of the City of College Station, Texas, be amended as set out in **Exhibit "A"**, attached hereto and made a part of this ordinance for all purposes.

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

PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2013.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:



City Attorney

EXHIBIT "A"

That Chapter 10 "Traffic Code", Section 2 "Traffic Control Devices", Sub-Section C "Four Way Stop Intersections", "Traffic Schedule II" of the Code of Ordinances of the City of College Station, Texas, is hereby amended to include the following:

Fairview Avenue at Park Place



Proposed 4-Way Stop: Park Place at Fairview Avenue

Note: Existing No Parking zones adjacent to intersection are only ³⁰ones shown.

July 25, 2013
Consent Agenda Item No 2e
Annual Citywide Landscape Maintenance
Change Order

To: Kathy Merrill, Interim City Manager

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

Agenda Caption: Presentation, possible action, and discussion regarding a change order to the contract with Green Teams, Inc. in the amount of \$66,462 for landscape maintenance services.

Relationship to Strategic Goals:

1. Core Services and Infrastructure

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

Summary: Staff issued a Request for Proposals (RFP) for landscape maintenance services in the spring of 2013. City properties were divided into six categories based on the services needed and desired. Contracts were awarded to two different service providers in the April 2013. Landscape maintenance at the College Station Cemetery and the College Station Memorial Cemetery was not included in the contracts. The cemeteries were being maintained by city staff in the Department of Parks and Recreation.

Over the past two months several positions in the cemetery crew have become vacant, which prompted the Department of Parks and Recreation to review the operation at the cemeteries and the services levels. Based on that review staff has concluded it will be more efficient to contract out the mowing and trimming of both the City cemeteries. Contracting the landscape maintenance at the cemeteries is not expected to have a negative impact on service levels at the two sites.

Budget & Financial Summary: A portion of the budget for the salary and benefits of the three vacant positions will be transferred to the landscape maintenance account to offset the cost of adding these additional services to the citywide landscape maintenance contract. The positions will not be filled for the rest of FY13 and the positions will not be included in the FY14 Proposed Budget. Based on the amount budgeted for the positions as compared to the cost of outsourcing the services, it is anticipated that annual savings of approximately \$46,000 should be realized.

Reviewed and Approved by Legal: Yes

Attachments:

1. Change Order

CHANGE ORDER NO. 2 DATE: July 25, 2013 Contract No. 13-189
P.O.# 130723 PROJECT: Annual City Wide Landscape Maintenance

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

CONTRACTOR:
Green Teams, Inc.
979- 823-7551
979-822-3303

PURPOSE OF THIS CHANGE ORDER:
A. Removal of service on 1022 Crested Point
B. Addition of CS Cemetery and CS Memorial Cemetery (mowing and trimming)
C. Addition of chemical weed control quarterly at the USC white rock areas.

ITEM NO	UNIT	DESCRIPTION	UNIT PRICE	ORIGINAL QUANTITY	REVISED QUANTITY	ADDED COST
1	1	Removal of service on 1022 Crested Point	\$24.00			(\$818.00)
2	34	Mowing of Cemeteries	\$1,944.00			\$66,128.00
3	4	chemical weed control at the USC white rock areas	\$288.00			\$1,152.00
TOTAL						\$66,462.00

THE NET AFFECT OF THIS CHANGE ORDER IS 11.82 % INCREASE.

LINE 1 (acct./ 122-1015-521-8020	-818.00
LINE 2 (acct./ 001-5383-651-3510	66,128.00
LINE 3 (acct./ 211-5010-601-3510	1,152.00
TOTAL CHANGE ORDER	<u>66,462.00</u>

ORIGINAL CONTRACT AMOUNT	\$562,483.00	
CHANGE ORDER NO. 1	\$21,600.00	0.038401161 % CHANGE
CHANGE ORDER NO. 2	<u>\$66,462.00</u>	0.118158238 % CHANGE
REVISED CONTRACT AMOUNT	\$584,083.00	0.038401161 % TOTAL CHANGE

ORIGINAL CONTRACT TIME	365	Days
Time Extension No. 1	<u>0</u>	Days
Revised Contract Time	365	Days

SUBSTANTIAL COMPLETION DATE
REVISED SUBSTANTIAL COMPLETION DATE

APPROVED

<p><u>[Signature]</u> 7-11-13 A/E CONTRACTOR Date</p> <p><u>[Signature]</u> N/A CONSTRUCTION CONTRACTOR Date</p> <p><u>[Signature]</u> 7-10-13 PROJECT MANAGER Date</p> <p><u>[Signature]</u> N/A CITY ENGINEER Date</p>	<p><u>[Signature]</u> 10 July 2013 DEPARTMENT DIRECTOR Date</p> <p><u>[Signature]</u> 7/12/13 EXECUTIVE DIR BUS SRVS Date</p> <p><u>[Signature]</u> CITY ATTORNEY Date</p> <p><u>[Signature]</u> CITY MANAGER Date</p>
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July 25, 2013
Consent Agenda Item No. 2f
ERP (Enterprise Resource Planning) Project Manager - Fiscal Year 2013

To: Kathy Merrell, Interim City Manager

From: Alison Pond, Human Resources Director

Agenda Caption: Presentation, possible action and discussion regarding a professional services contract for an ERP (Enterprise Resource Planning) Project Manager with WilsonKleemann d/b/a Spherion in an amount not to exceed \$814,597.

Relationship to Strategic Goals:

1. Financially Sustainable City
2. Core Services and Infrastructure

Recommendation(s): In response to increasing input from staff concerning the functionality of the Enterprise Resource Planning (ERP) system, in late 2011, the City began an internal review of the ability of the system to meet current business requirements. As a result of this internal review, the City determined that a more complete analysis and evaluation needed to be conducted. In July 2012 RFP 12-092 for, "Consultation on ERP Assessment and Evaluation" was released. At this point, a Project Manager is needed to help lead and manage the execution of the remaining pieces of this project. This contract will further define the expectations and scope of the assignment at hand.

Summary: The next phase of the ERP system implementation is expected to continue over the coming 30-36 months. The Project Manager is expected to perform traditional project manager duties regarding management of the schedule, budget, and scope triad in addition to working closely with city management, staff and consultants, and in leading change management throughout the project.

Budget & Financial Summary: Funds have been designated through the previously requested ERP funding allocation. The Project Management piece is allocated a total of \$800,000.

Attachments: Contract will be provided on council day.

July 25, 2013
Consent Agenda Item No. 2g
Annual Transformer Repair and Rebuild

To: Kathy Merrill, Interim City Manager

From: Jeff Kersten, Executive Director Business Services

Agenda Caption: Presentation, possible action, and discussion regarding the bid award of annual transformer repair and rebuild services to Greenville Transformer Company, Inc. in the amount of \$66,530.46.

Relationship to Strategic Goals:

1. Financially Sustainable City
2. Core Services and Infrastructure

Recommendation(s): Staff recommends that Council approve the award of an annual pricing agreement with Greenville Transformer Company, Inc. for the repair and rebuild of transformers as needed, for an amount not to exceed \$66,530.46 annually.

Summary: Three (3) sealed, competitive bids were received and opened on July 2, 2013. The bid received from Alamo Transformer Supply Company was not submitted on the proper forms, or in the requested format. This bid was deemed non-responsive and was not evaluated. Greenville Transformer Company, Inc. took exception to the cost of oil being included in the bid price, and included it at a cost of \$6.50/gallon. Staff estimated the amount of oil which would be used, and included the additional cost into the bid tabulation. Greenville Transformer Company, Inc is the lowest responsible bidder. Staff is familiar with the quality of the work provided and the reputation of the recommended vendor. Upon Council approval a blanket purchase order will be issued to Greenville Transformer Company, Inc.

Budget & Financial Summary: Funds are budgeted and available in the Electrical Fund. Funds will be expensed as transformer repairs are needed throughout the term of the agreement.

Reviewed and Approved by Legal: N/A

Attachments: Bid Tabulation #13-075



City of College Station - Purchasing Division
 Bid Tabulation for #13-075
 "Annual Transformer Repair and Rebuild"
 Open Date: Tuesday, July 2, 2013 @ 2:00 p.m.

			Solomon Corporation			Greenville Transformer Company, Inc.				
I. Transformer Repair & Rewind										
A. Single Phase Pole Mounted										
	Size (kVA)	Est. Quantity	Category I (Ref Only)	Category II Unit Cost	Extended Cost	Category I (Ref Only)	Category II Unit Cost	Extended Cost		
	10	1	\$225.00	\$225.00	\$225.00	\$140.00	\$210.00	\$210.00		
	15	10	\$275.00	\$275.00	\$2,750.00	\$140.00	\$235.00	\$2,350.00		
	25	15	\$350.00	\$350.00	\$5,250.00	\$145.00	\$240.00	\$3,600.00		
	37.5	10	\$450.00	\$450.00	\$4,500.00	\$172.00	\$270.00	\$2,700.00		
	50	5	\$550.00	\$550.00	\$2,750.00	\$206.00	\$310.00	\$1,550.00		
	75	1	\$675.00	\$675.00	\$675.00	\$230.00	\$370.00	\$370.00		
	100	1	\$800.00	\$800.00	\$800.00	\$255.00	\$425.00	\$425.00		
	167	1	\$1,100.00	\$1,100.00	\$1,100.00	\$270.00	\$460.00	\$460.00		
	250	1	\$1,450.00	\$1,450.00	\$1,450.00	\$325.00	\$510.00	\$510.00		
	333	1	\$1,900.00	\$1,900.00	\$1,900.00	\$475.00	\$675.00	\$675.00		
	500	1	\$2,200.00	\$2,200.00	\$2,200.00	\$475.00	\$700.00	\$700.00		
				Subtotal	\$23,600.00		Subtotal	\$13,550.00		
B. Single Phase Pad Mounted										
	Size (kVA)	Est. Quantity	Category I (Ref Only)	Category II Unit Cost	Extended Cost	Category I (Ref Only)	Category II Unit Cost	Extended Cost		
	25	10	\$800.00	\$800.00	\$8,000.00	\$215.00	\$316.00	\$3,160.00		
	37.5	5	\$915.00	\$915.00	\$4,575.00	\$235.00	\$354.00	\$1,770.00		
	50	1	\$975.00	\$975.00	\$975.00	\$252.00	\$375.00	\$375.00		
	75	1	\$1,150.00	\$1,150.00	\$1,150.00	\$301.00	\$435.00	\$435.00		
	100	1	\$1,275.00	\$1,275.00	\$1,275.00	\$337.00	\$485.00	\$485.00		
	165	1	\$1,500.00	\$1,500.00	\$1,500.00	\$486.00	\$648.00	\$648.00		
	250	1	\$2,200.00	\$2,200.00	\$2,200.00	\$656.00	\$855.00	\$855.00		
				Subtotal	\$19,675.00		Subtotal	\$7,728.00		
C. Three Phase Pad Mounted Transformer										
	Size (kVA)	Est. Quantity	Category I (Ref Only)	Category II Unit Cost	Extended Cost	Category I (Ref Only)	Category II Unit Cost	Extended Cost		
	75	1	\$2,525.00	\$2,525.00	\$2,525.00	\$672.00	\$875.00	\$875.00		
	112.5	1	\$2,700.00	\$2,700.00	\$2,700.00	\$839.00	\$1,065.00	\$1,065.00		
	150	1	\$2,875.00	\$2,875.00	\$2,875.00	\$880.00	\$1,150.00	\$1,150.00		
	225	1	\$3,225.00	\$3,225.00	\$3,225.00	\$880.00	\$1,150.00	\$1,150.00		
	300	1	\$3,575.00	\$3,575.00	\$3,575.00	\$1,140.00	\$1,500.00	\$1,500.00		
	500	1	\$4,475.00	\$4,475.00	\$4,475.00	\$1,552.00	\$2,040.00	\$2,040.00		
	750	1	\$5,625.00	\$5,625.00	\$5,625.00	\$2,030.00	\$2,690.00	\$2,690.00		
	1000	1	\$6,775.00	\$6,775.00	\$6,775.00	\$2,330.00	\$3,090.00	\$3,090.00		
	1500	1	\$9,050.00	\$9,050.00	\$9,050.00	\$3,080.00	\$4,060.00	\$4,060.00		
	2000	0	\$11,350.00	\$11,350.00	\$0.00	\$3,080.00	\$4,090.00	\$0.00		
	2500	0	\$13,650.00	\$13,650.00	\$0.00	\$4,500.00	\$6,039.00	\$0.00		
				Subtotal	\$40,825.00		Subtotal	\$17,620.00		
Group I Total					\$84,100.00	Group I Total				
II. Additional Parts										
A. Pole Mount										
	Part	Est. Qty		Unit Cost	Total Cost		Unit Cost	Total Cost		
	Primary Bushings 7200	10		\$25.00	\$250.00		\$37.91	\$379.10		
	Arrester 9/10 KV			\$40.00	\$0.00		\$46.88	\$0.00		
	4 Hole Spade Bushing									
	3/8" Spade			\$25.00	\$0.00		\$17.85	\$0.00		
	1/2" Spade			\$25.00	\$0.00		\$19.10	\$0.00		
	5/8" Spade			\$25.00	\$0.00		\$47.50	\$0.00		
	3/4" Spade						\$51.00	\$0.00		
	6 Hole Spade Bushing									
	1" Spade			\$75.00	\$0.00		\$80.74	\$0.00		
	1 1/4" Spade			\$75.00	\$0.00		\$80.74	\$0.00		
	Protective Fuse Link			\$10.00	\$0.00		\$4.50	\$0.00		
	TapChanger - External			\$60.00	\$0.00		\$27.00	\$0.00		
	Ground Strap			\$0.00	\$0.00		\$4.00	\$0.00		
	Clamp			\$0.00	\$0.00		\$4.00	\$0.00		
	Eyebolt	5		\$0.00	\$0.00		\$2.00	\$10.00		
	Secondary bushings	5		\$10.00	\$50.00		\$11.50	\$57.50		
	Hangers	2		\$25.00	\$50.00		\$10.00	\$20.00		
				Subtotal	\$350.00		Subtotal	\$466.60		



City of College Station - Purchasing Division
 Bid Tabulation for #13-075
 "Annual Transformer Repair and Rebuild"
 Open Date: Tuesday, July 2, 2013 @ 2:00 p.m.

		Solomon Corporation			Greenville Transformer Company, Inc.		
B. Pad Mount			Unit Cost	Total Cost		Unit Cost	Total Cost
Part	Est. Qty						
Secondary Bushings							
Bushing Well	25		\$35.00	\$875.00		\$31.00	\$775.00
Bushing Insert	25		\$40.00	\$1,000.00		\$42.00	\$1,050.00
Bay O Net Assy	15		\$80.00	\$1,200.00		\$46.67	\$700.05
Bay O Net Fusing	10		\$30.00	\$300.00		\$14.00	\$140.00
Isolation Link			\$10.00	\$0.00		\$10.50	\$0.00
Oil Temp Gauge			\$54.00	\$0.00		\$42.00	\$0.00
Oil Level Gauge			\$39.00	\$0.00		\$36.00	\$0.00
TapChanger							
1 ph			\$0.00	\$0.00		\$26.00	\$0.00
2 ph			\$0.00	\$0.00		\$74.15	\$0.00
3 ph	3		\$60.00	\$180.00		\$101.27	\$303.81
Drip Gaurds	15		\$0.00	\$0.00		\$7.00	\$105.00
Parking Stand			\$0.00	\$0.00		\$7.00	\$0.00
Pressure Vacuum Gauge			\$25.00	\$0.00		\$35.00	\$0.00
Drain Valve w/ Sampler	5		\$25.00	\$125.00		\$34.00	\$170.00
Nameplate							
Poles & 1 Phase Pads			\$0.00	\$0.00		\$5.00	\$0.00
3 Phase Pads			\$0.00	\$0.00		\$8.50	\$0.00
Penta Bolts	10		\$0.00	\$0.00		\$4.25	\$42.50
Plugs	15		\$0.00	\$0.00		\$0.00	\$0.00
Adapters	5		\$0.00	\$0.00		\$0.00	\$0.00
Clamps	15		\$0.00	\$0.00		\$4.00	\$60.00
Spades	5		\$0.00	\$0.00		\$15.00	\$75.00
			Subtotal	\$3,680.00		Subtotal	\$3,421.36
			Group II Total	\$4,030.00		Group II Total	\$3,887.96
GRAND TOTAL			\$88,130.00			\$42,785.96	
						*Cost of Additional Oil	\$23,744.50
						Adjusted Total	\$66,530.46
Salvage Value	\$ per kVA (Overhead)		\$3.00			\$2.00	
	\$ per kVA (Pad-Mount)		\$2.00			\$2.15	
	Delivery		4 weeks			42 days	
	Bid Certification		Y			Y	
	Exceptions		*Bidder miscalculated their total on section II. A. Correct totals are highlighted in blue			* Bidder miscalculated the line item total for Penta Bolts. Corrected totals are highlighted in blue.	
						*Oil \$6.50/gallon (due to the wide variation of gallons per unit size)	
						* Certified PCB Test \$24.00 (These will be performed on any unit that fails the regular Chlor-N-Oil Test)	

Note: Bid submitted by Alamo Transformer Supply Company was not submitted on proper forms, or in requested format. The bid was deemed non-responsive and was not considered for evaluation.

July 25, 2013
Consent Agenda Item No. 2h
Northgate Loading Zone & Parking Rates

To: Kathy Merrill, Interim City Manager

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

Agenda Caption: Presentation, possible action, and discussion on an ordinance amending Chapter 10, Section 4, Subsection H of the code of ordinances, establishing a commercial loading zone in a portion of the promenade parking lot and adjusting Northgate parking rates.

Relationship to Strategic Goals: Core Services and Infrastructure, and Multi-Modal Transportation.

Recommendation(s): Staff recommends approval.

Summary: This ordinance establishes an additional loading zone in a portion of the Northgate promenade parking lot and provides the City Manager authorization to adjust Northgate parking rates within the limits of the ordinance. The change will also provide a violation if damage to the pavement is caused by loading or unloading goods. More information regarding Northgate parking rates will be provided at the workshop meeting.

The additional loading zone was identified with the assistance of the Northgate District Association and other key stakeholders. The new loading zone will be located on the south side of the parking lot (see attached map) and will be available from 7:00 AM until 11:00 AM, Monday through Friday.

This action is part of an on-going effort to provide additional loading zones in the Northgate District.

Budget & Financial Summary: N/A

Reviewed and Approved by Legal: Yes

Attachments:

1. Ordinance
2. Map
3. Redline Version

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10, "TRAFFIC CODE", SECTION 10-4., "ADMINISTRATIVE ADJUDICATION OF PARKING VIOLATIONS," SUBSECTION H. "NORTHGATE PROMENADE PARKING LOT FEES.", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY DELETING SUBSECTION H. "NORTHGATE PROMENADE PARKING LOT FEES.", IN ITS ENTIRETY AND SUBSTITUTING A NEW SUBSECTION H. "NORTHGATE PARKING FEES, HOURS, EXEMPTIONS, AND LOADING ZONE."; 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 10-4., "ADMINISTRATIVE ADJUDICATION OF PARKING VIOLATIONS," SUBSECTION H. "NORTHGATE PROMENADE PARKING LOT FEES", of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A" and 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 _____, 2013.

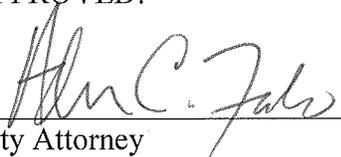
APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:



City Attorney

EXHIBIT "A"

CHAPTER 10, "TRAFFIC CODE", SECTION 10-4., "ADMINISTRATIVE ADJUDICATION OF PARKING VIOLATIONS," SUBSECTION H. "NORTHGATE PROMENADE PARKING LOT FEES.", is hereby amended by deleting Subsection H. "Northgate Promenade Parking Lot Fees." in its entirety and substituting a new Subsection H. "Northgate Parking Fees, Hours, Exemptions, and Loading Zones.", to read as follows:

H. Northgate Parking Fees, Hours, Exemptions, and Loading Zone

- (1) Northgate Promenade Parking Lot Fee Schedule.** The City Manager or his designee may adjust the parking fee up to or below the amounts set below. The following fees shall be charged for the use of a parking space in the Northgate Promenade Parking Lot, located at 310 Church Street:

 - (a)** Per hour fee up to three dollars and fifty cents (\$3.50) per hour.
 - (b)** Special event fee up to twenty-five dollars (\$25.00) per day.
 - (c)** Game day fee up to twenty-five dollars (\$25.00) per day.

- (2) Northgate Parking Garage Fee Schedule.** The City Manager or his designee may adjust the parking fee up to or below the amounts set below. The following fees shall be charged for the use of a parking space in the Northgate Parking Garage, located at 309 College Main:

 - (a)** Per hour fee up to three dollars (\$3.00) per hour.
 - (b)** Maximum daily fee ten dollars (\$10.00) per day.
 - (c)** Lost ticket fee ten dollars (\$10.00) per day.
 - (d)** Special event fee up to twenty-five dollars (\$25.00) per day.
 - (e)** Game day fee up to twenty-five dollars (\$25.00) per day.

(f) License Agreements.

The City Manager or his designee may enter into license agreements for the use of parking spaces in the Northgate College Main Parking Garage and may charge the following fees:

- (i)** Twenty-four-hour—Seven days a week licenses (24/7). Up to two thousand dollars (\$2,000.00) annually, or up to seven hundred dollars (\$700.00) per semester or up to two hundred dollars (\$200.00) per month.
- (ii)** Daytime licenses. Up to one thousand five hundred dollars (\$1,500.00) annually or up to five hundred dollars (\$500.00) per semester or up to two hundred dollars (\$200.00) per month.
- (iii)** Charge a non-refundable administrative fee up to fifty dollars (\$50.00) upon execution of a license agreement to park in the garage.

(3) Northgate on Street Parking Fee Schedule. The City Manager or his designee may adjust the parking fee up to or below the amounts set below. The following fees shall be charged for the use of an on-street parking space provided by the City of College Station and adjacent to a parking meter anywhere in the Northgate area, generally located between South College on the East, Wellborn Road on the West, University Drive on the South and the City limit on the North.

- (a)** Per hour fee up to three dollars and fifty cents (\$3.50) per hour.
- (b)** Special event fee up to twenty-five dollars (\$25.00) per day.
- (c)** Game day fee up to twenty-five dollars (\$25.00) per day.

(4) Hours of Operation. The City Manager or his designee shall determine the hours of operation of the Northgate Promenade Parking Lot and Northgate College Main Parking Garage.

(5) Exemptions.

- (a) Sunday Parking.** A person may park a motor vehicle in the Northgate Promenade Parking Lot, Northgate on Street Parking and the Northgate College Main Garage and is exempt from the above fees on Sundays between the hours of 7:00 a.m. and 2:00 p.m.
- (b) Disabled Parking.** A person may park a motor vehicle in the Northgate Promenade Parking Lot and is exempt from the above fees if there is displayed on the vehicle valid disabled license plates or a valid disabled parking placard.
- (c) Friday 12:30 P.M. and 2:30 P.M. Parking.** A person may park a motor vehicle at the on Street Parking Meters on the 300 and 400 Blocks of Stasney Street and

Tauber Street on Friday between the hours of 12:30 P.M. and 2:30 P.M. and is exempt from the above fees.

(d) Northgate Promenade Parking Lot Loading Zone.

(i) Location. The Loading Zone will be located at Parking Space numbers 106 through 135 on the South side of the Northgate Promenade Parking Lot located at 310 Church Avenue.

(ii) Commercial Vehicles and Times. Only Commercial Motor Vehicles may park, stop, and stand with an unattended vehicle for active loading or unloading, on Northgate Promenade Parking Lot Loading Zone the during the hours from 7:00 A.M. to 11:00 A.M., Monday through Friday. All other motor vehicles are prohibited from stopping, standing, and parking in this area during the specified time period.

(1) Commercial Motor Vehicle in this Chapter means a vehicle 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 or has a gross vehicle weight or a gross vehicle weight rating of 26,001 or more pounds.

(6) Violations.

(a) It shall be unlawful to park a motor vehicle or Commercial Motor Vehicle in a space or multiple spaces without paying the required fee into the meter for the space, unless covered by an exemption listed above.

(b) It shall be unlawful to park in the parking garage without paying the required fee, unless covered by an exemption as listed above.

(c) It shall be unlawful to park a motor vehicle or Commercial Motor Vehicle in such a manner that the vehicle prohibits the use of an adjacent designated parking space or spaces.

(d) It shall be unlawful to cause any damage to any parking surface, sidewalk, or any other property owned or maintained by the City by the loading or unloading of goods or by the over weight of a motor vehicle or Commercial Motor Vehicle.

(Ordinance No. 2960 of March 8, 2007) (Ordinance No. 3197 of August 17, 2009)



The City of College Station
Northgate Loading Zone

Loading Zone
7 AM - 11 AM
M-F

CHURCH AVENUE

SECOND STREET

COLLEGE MAIN

PATRICIA STREET

BOYETT STREET

PATRICIA STREET

PATRICIA STREET

Pedestrian Mall

UNIVERSITY DRIVE

HOUSTON STREET

July 25, 2013
Consent Agenda Item No. 2i
Authorization and Designation for U. S. Department of Housing and Urban Development

To: Kathy Merrill, Interim City Manager

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

Agenda Caption: Presentation, possible action, and discussion regarding Substantial Amendment to the 2012 Annual Action Plan – HOME Investment Partnership Program Grant Funds.

Relationship to Council Strategic Plan: Financially Sustainable City, Core Services and Infrastructure, Neighborhood Integrity, and Diverse Growing Economy

Recommendation(s): Staff recommends approval of the Substantial Amendment

Summary: The City of College Station, Texas (City) annually receives funds from the U. S. Department of Housing and Urban Development (HUD) that includes the Community Development Block Grant and HOME Investment Partnership Program Grant (HOME). In order to receive these funds, the City must prepare and submit a 5-year long range plan, known as the Consolidated Plan. The Consolidated Plan includes an annual update called an Annual Action Plan that describes how funds will be used each year to address the goals and objectives identified in the 5-Year Consolidated Plan. The 2012 Annual Action Plan is a component of the 2010 – 2014 Consolidated Plan and identifies resources and strategies to assist in meeting the housing and community development needs and includes plans for monitoring performance for Program Year 2012 (Fiscal Year 2013).

The City's Citizen Participation Plan, required by Federal Regulation found in 24 CFR Part 91, states that a substantial change to the Consolidated Plan, which includes the Annual Action Plan, is an individual budget transfer of more than 15% of the City's total annual Federal allocation. A substantial change requires a Substantial Amendment to the plan, including public notice and the opportunity for citizen comment as outlined in the attached document.

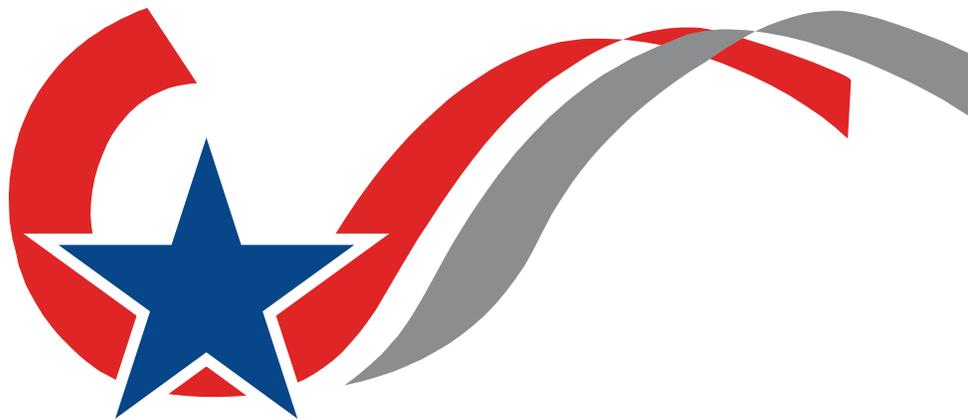
The proposed substantial change to the budget includes the move of \$1,330,629 from the New Construction Project to Community Housing Development Organization (CHDO) Reserve. The funds will be used by a certified CHDO for the acquisition, development and construction of affordable housing units or the rehabilitation of existing housing units.

Budget & Financial Summary: Transfer of \$1,330,629 of HOME funds from Construction project to CHDO Reserve.

Attachments:

Attachment 1: Substantial Amendment to 2012 Annual Action Plan – HOME Funds

2005 - 2009
Consolidated Plan
DRAFT
Substantial Amendment to the
2012 Annual Action Plan to Revise the Use of the
HOME Investment Partnership Program Funds



CITY OF COLLEGE STATION

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

To be Considered for Approval by
City of College Station
City Council
July 25, 2013

Substantial Amendment to the 2012 Annual Action Plan HOME Investment Partnership Program Grant

Summary

The City of College Station, Texas (City) annually receives funds from the U. S. Department of Housing and Urban Development (HUD) that includes the Community Development Block Grant and HOME Investment Partnership Program Grant (HOME). In order to receive these funds, the City must prepare and submit a 5-year long range plan, known as the Consolidated Plan. The Consolidated Plan includes an annual update called an Annual Action Plan that describes how funds will be used each year to address the goals and objectives identified in the 5-Year Consolidated Plan. The 2012 Annual Action Plan is a component of the 2010 – 2014 Consolidated Plan and identifies resources and strategies to assist in meeting the housing and community development needs and includes plans for monitoring performance for Program Year 2012 (Fiscal Year 2013).

The City's Citizen Participation Plan, required by Federal Regulation found in 24 CFR Part 91, states that a substantial change to the Consolidated Plan, which includes the Annual Action Plan, is an individual budget transfer of more than 15% of the City's total annual Federal allocation. A substantial change requires a Substantial Amendment to the plan, including public notice and the opportunity for citizen comment.

Fiscal Impact

The proposed substantial change to the budget includes the move of \$1,330,629 from the New Construction Project to Community Housing Development Organization (CHDO) Reserve. The funds will be used by a certified CHDO for the acquisition, development and construction of affordable housing units or the rehabilitation of existing housing units.

Citizen Participation

- The substantial amendment will be considered for approval by the City Council at the meeting on Thursday, July 25, 2013.
- To encourage public input on the Substantial Amendment, the amendment will be posted to the City of College Station's website under the Community Development section on August 1, 2013. Copies of the amendment will be available for review at the Lincoln Center (1101 Eleanor), the Larry Ringer Library, City Secretary's office, the Planning & Development Services Department, and Community Development office.
- Information regarding the amendment will be included during regular programming on the City's public television channel 19.
- A Public Hearing will be held on Tuesday, August 6, 2013 at the City of College Station Council Chamber located at 1101 Texas Avenue, College Station, Texas 77840

- Citizens will have the opportunity to review and comment on the proposed 2013 Annual Action Plan Substantial Amendment during the public hearing and 30-day public comment period of August 1st – August 30th, 2013. A summary of citizen comments will be included in the 2013 Substantial Amendment to be submitted to HUD.

Responsible Organization

Public Comments regarding this notice should be mailed to Debbie Eller, Planning & Development Services – Community Development Unit, P. O. Box 9960, College Station, Texas 77842, email to deller@cstx.gov, or faxed to 979-764-3785. For more information, please contact Debbie Eller at (979) 764-3778.

1101 Texas Avenue is wheelchair accessible. Handicap parking spaces are available. For information on TDD, sign language interpretation, or other translation or accessibility information, please contact the Community Development office at (979) 764-3778. Please try to contact the above office at least 48 hours before the scheduled time of the meeting so that your request may be completely fulfilled.

Table 3C: Consolidated Plan Listing of Projects - Amended

Project: Community Housing Development Organization		Project ID 8108	
Description: HOME funds will be made available to an eligible CHDO for the acquisition, development and construction of affordable housing units or the rehabilitation of existing housing units.			
Priority Need:	Owner-Occupied Housing	Objectives: <input type="checkbox"/> Suitable Living Environment <input checked="" type="checkbox"/> Decent Housing <input type="checkbox"/> Economic Opportunity	
Specific Objective:	DH 1.2		
HUD Matrix Code:	12 Construction of Housing		
CDBG Citation:		Outcomes: <input checked="" type="checkbox"/> Availability/Accessibility <input type="checkbox"/> Affordability <input type="checkbox"/> Sustainability	
CDBG National Objective			
Type of Recipient:	Subrecipient		
Location/Target Area:	Community-wide	Funding Sources: CDBG: \$0 HOME: \$61,331 Prior Year Funds: \$1,243,408 Other Funding \$230,000 Total: \$1,534,739	
Start/Completion Date	10/1/2012 – 9/30/2013		
Performance Indicator:	Housing Units		
Annual Units:	11		
Units Upon Completion:			

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

Project: Construction		Project ID 8105	
Description: HOME funds will be used to facilitate the development of affordable housing by non-profit partners or for-profit developers. Activities may include the acquisition of land, soft costs, or construction/rehab of single-family or multi-family units, including the support of Housing Tax Credit developments and local non-profit housing developers.			
Priority Need:	Owner-Occupied Housing	Objectives: <input type="checkbox"/> Suitable Living Environment <input checked="" type="checkbox"/> Decent Housing <input type="checkbox"/> Economic Opportunity	
Specific Objective:	DH 1.2		
HUD Matrix Code:	12 Construction of Housing		
CDBG Citation:		Outcomes: <input checked="" type="checkbox"/> Availability/Accessibility <input type="checkbox"/> Affordability <input type="checkbox"/> Sustainability	
CDBG National Objective			
Type of Recipient:	Local Government		
Location/Target Area:	Community-wide	Funding Sources: CDBG: \$0 HOME: \$0 Prior Year Funds: \$268,594 Total: \$268,594	
Start/Completion Date	10/1/2012 – 9/30/2013		
Performance Indicator:	Housing Units		
Annual Units:	2		
Units Upon Completion:			

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

July 25, 2013
Consent Agenda Item No. 2j
Authorization and Designation for U. S. Department of Housing and Urban Development

To: Kathy Merrill, Interim City Manager

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

Agenda Caption: Presentation, possible action, and discussion regarding a resolution to authorize and designate the Executive Director of Planning and Development Services to sign all required Action Plan applications, grant agreements, certifications, evaluations, and other forms and agreements required by the U. S. Department of Housing and Urban Development for all Community Planning and Development Grant Programs for program years 2007 – 2012 on behalf of the City of College Station.

Relationship to Council Strategic Plan: Financially Sustainable City, Core Services and Infrastructure, Neighborhood Integrity, and Diverse Growing Economy

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

Summary: This resolution will provide the authority for the Executive Director of Planning and Development Services the authority to execute all documents related to all Community Planning and Development grant programs for program years 2007 - 2012. The resolutions approved by City Council in 2007 – 2012 provided authorization for documents only related to the Annual Action Plans and budget.

Budget & Financial Summary: None

Attachments:

Attachment 1: Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF COLLEGE STATION, TEXAS, AUTHORIZES AND DESIGNATES THE EXECUTIVE DIRECTOR OF PLANNING AND DEVELOPMENT SERVICES TO SIGN ALL REQUIRED ACTION PLAN APPLICATIONS, GRANT AGREEMENTS, CERTIFICATIONS, EVALUATIONS, AND OTHER FORMS AND AGREEMENTS REQUIRED BY THE U. S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR ALL COMMUNITY PLANNING AND DEVELOPMENT GRANT PROGRAMS FOR PROGRAM YEARS 2007 - 2012.

WHEREAS, the City of College Station is entitled to receive Community Development Block Grant (CDBG) funds, Community Development Block Grant Recovery Funds (CDBG-R), and Home Investment Partnership Program (HOME) funds from the United States Department of Housing and Urban Development (HUD) in program years 2007 - 2012;

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

PART 1: That the City Council hereby authorizes and designates the Executive Director of Planning and Development Services to sign all required Action Plan applications, grant agreements, certifications, evaluations, and other forms and agreements required by the U. S. Department of Housing and Urban Development for all Community Planning and Development Grant Programs for program years 2007 - 2012 on behalf of the City of College Station.

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

ADOPTED this _____ day of _____, A.D. 2013

APPROVED

ATTEST:

Mayor

City Secretary

APPROVED:

[Handwritten Signature]

City Attorney

July 25, 2013
Consent Agenda Item No. 2k
Security Equipment Purchase and Installation
for Northgate and Switch Station Substations

To: Kathy Merrill, Interim City Manager

From: Timothy Crabb, Director of Electric Utilities

Agenda Caption: Presentation, possible action, and discussion regarding approval of two (2) contracts between the City of College Station and Siemens Industry, Inc. in the amounts of \$55,511.74 (contract 13-234) and \$19,703.59 (contract 13-235), for a total of \$75,215.33, for the purpose of purchasing and installing security equipment at the Northgate and Switch Station Substations.

Relationship to Strategic Goals: (Select all that apply)

1. Financially Sustainable City
2. Core Services and Infrastructure

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

Summary:

Required technological upgrades to Switch Station Substation and new technologies used in the construction of Northgate Substation (Ethernet IP equipment) have necessitated the installation of upgraded security systems at these locations. The proper configuration and management of these security systems is required by FERC/NERC Critical Infrastructure Protection (CIP) regulations to prevent accidental or directed attacks on the reliability of the ERCOT Bulk Electric Power System.

The pricing for these contracts was obtained through the National Joint Powers Alliance (NJPA), which the City is a member of. The NJPA has secured their pricing through a competitive bidding process, which allows the City to utilize the NJPA contract without conducting a formal bid.

Budget & Financial Summary: Funds for these purchases are available in the Electrical Capital Projects fund.

Reviewed and Approved by Legal: Yes

Attachments: Contracts available in City Secretary's Office

July 25, 2013
Consent Agenda Item No. 2L
EMS Provider/ First Responder Agreement

To: Kathy Merrill, Interim City Manager

From: Eric Hurt, Interim Fire Chief

Agenda Caption: Presentation, possible action and discussion regarding the approval of an ongoing program for EMS Provider/ First Responder agreement for emergency medical service and emergency ambulance transport between the City of College Station, The City of Bryan, South Brazos County Fire Department, Brazos County District 2 Volunteer Fire Department, Brazos County Precinct 3 Volunteer Fire Department and Brazos County Precinct 4 Volunteer Fire Department.

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

Summary: The City of College Station currently provides EMS services to the Southern half of Brazos County and through Automatic Aid with the City of Bryan the Northern half of Brazos County. This agreement allows the volunteer fire departments in Brazos County to respond as First Responders to EMS calls in the County.

Budget & Financial Summary: None.

Legal Review: yes

Attachments:
First Responder Agreement form.

EMS PROVIDER/FIRST RESPONDER AGREEMENT FOR EMERGENCY MEDICAL SERVICE AND EMERGENCY AMBULANCE TRANSPORT BETWEEN

**THE CITY OF COLLEGE STATION,
THE CITY OF BRYAN,
SOUTH BRAZOS COUNTY FIRE DEPARTMENT,
BRAZOS COUNTY DISTRICT 2 VOLUNTEER FIRE DEPARTMENT,
BRAZOS COUNTY PRECINCT 3 VOLUNTEER FIRE DEPARTMENT, AND
BRAZOS COUNTY PRECINCT 4 VOLUNTEER FIRE DEPARTMENT**

WHEREAS, the City of College Station and the City of Bryan (“Providers”) are licensed by the Texas Department of State Health Services as Emergency Medical Service Providers (“EMS”), and

WHEREAS, the Brazos County Volunteer Fire Departments (“First Responders”) are holding or seeking First Responder registration by the Texas Department of State Health Services, and

NOW, THEREFORE, in consideration of the recitals and mutual covenants made by the Parties in this Agreement the Parties agree as follows:

**ARTICLE I
FIRST RESPONDERS RESPONSIBILITIES**

1.1 Response. The First Responders will respond twenty-four hours a day, seven days a week for EMS assists. First Responders may respond Code 3 as determined by state law and city ordinances.

a. All the First Responders’ personnel must be identified by at least the following information when on the scene of an EMS assist: name of service, name of individual, and level of certification.

1.2 Provider in Charge. The Providers’ personnel on the scene of an EMS assist will be in charge of patient care. First Responders’ personnel will accompany the patient to the hospital if requested to do so by the Providers.

1.3 Patient Care. The First Responders’ personnel currently certified by Texas Department of State Health Services as a first responder can only perform patient care. The First Responders’ personnel will not carry ALS (advanced life support) supplies or equipment. First Responders may not perform ALS interventions, unless credentialed by and otherwise authorized to do so under the policies and procedures of the Provider.

1.4 Transfer of Patient Care. The First Responders or Providers can transfer any aspect of patient care or other related responsibility (as defined by DSHS patient abandonment rules) to another health care provider only if the other health care provider can provide the same or higher level of care.

1.5 Patient Information. On the arrival of Providers' ambulance, patient care will be released from the First Responders to the Providers' personnel assigned to the ambulance crew with the following patient information:

- a. Description of situation upon arrival;
- b. The names and certification level of the primary First Responders involved with patient care;
- c. Patient condition, vital signs, known past and present medical history, medications and allergies; and
- d. Care rendered and the patient's response to that care.

1.6 Patient Care Forms. The First Responders will ensure that forms are available at every scene, and properly filled out for every patient, including "no transports". Requests for completed patient care forms must be made to the First Responders' Fire Chief and a copy of the completed patient care report form will be sent to the requesting Provider within seven (7) days of the request. The First Responders will maintain copies of all patient report forms. When requested, the applicable patient care report will be sent to the following Provider address:

College Station Fire Department
Attention: EMS Coordinator
300 Krenek Tap Road
College Station, TX 77840
Telephone Number: (979) 764-3705

Bryan Fire Department
Attention: EMS Coordinator
P. O. Box 1000
Bryan, TX 77805-1000
Telephone Number: (979) 209-5906

1.7 Terminating Responding Ambulance. First Responders have the authority to terminate Providers' responding ambulances, in the event of the following, once patient contact is initiated:

- a. Obvious Death
 1. Visible head or chest trauma clearly incompatible with life,
 2. Decapitation,
 3. Rigor mortis,
 4. Dependent lividity,
 5. Decomposition,
 6. Documented prolonged down time, or
 7. Absence of breathing and pulse in a multiple casualty incident; or
- b. Patient Refusals as determined appropriate by the Provider.

If the First Responder terminates the Provider response then the First Responder will be responsible for full documentation of the incident. Provider's personnel similarly have the authority to cancel First Responders' responding ambulances if they are not needed once patient contact is made. In such event, the Provider attendant will be responsible for full documentation of the incident.

1.8 Equipment and Supplies. Providers will not incur any expense for the First Responders' use of their equipment or supplies. First Responders will be responsible for the purchase and

maintenance of their supplies and equipment. First Responders may replace disposable items used in patient care from the ambulance which transports the patient.

ARTICLE II POLICIES AND PROCEDURES

2.1 First Responders' Policies. The First Responders will follow the protocols and procedures approved by the First Responders' and the Providers' Medical Director at all times on an EMS assist. The First Responders will be responsible for developing a quality assurance program. The First Responders will be held to the same standards of professional ethics, behavior, demeanor, and patient care as the Providers.

2.2 Patient Confidentiality. First Responders will be responsible for maintaining written and verbal patient confidentiality according to First Responders' Notice of Privacy Practices.

2.3 Disputes. In the event a dispute arises regarding the First Responders' Responsibilities or the Policies and Procedures of this Agreement an effort will be made to resolve the dispute by the individuals and officers involved. If the dispute cannot be resolved, the First Responder's Fire Chief and the Provider's Fire Chief will work to resolve the dispute in a reasonable and timely manner.

ARTICLE III LIABILITY OF THE PARTIES

3.1 Provider Liability. The Providers will not be liable for patient care rendered, training, accidents, injuries, exposures or any liability involving First Responders' personnel, equipment, supplies, or vehicles.

3.2 HOLD HARMLESS. ALL PARTIES TO THIS AGREEMENT EACH INDIVIDUALLY AGREE TO HOLD THE OTHER HARMLESS FROM AND AGAINST ANY AND ALL CLAIMS, LOSSES, DAMAGES, CAUSES OF ACTION, SUITS, AND LIABILITIES OF EVERY KIND, INCLUDING ALL EXPENSES OF LITIGATION, COURT COSTS, AND ATTORNEY'S FEES, FOR INJURY OR DEATH OF ANY PERSON, FOR ANY DAMAGE TO ANY PROPERTY, ARISING OUT OF OR IN CONNECTION WITH THE SERVICES PERFORMED UNDER THIS AGREEMENT.

3.3 Suits by Third Parties. If any party to this Agreement is sued by a third party for any acts or omissions arising from the performance of this Agreement, the Parties may be a "Governmental Unit" as that term is defined in Section 101.001(3) of the Texas Civil Practice Code. The Parties further understand and agree that such Parties are entitled to the rights, protections, and limitations which Title 5 of the Texas Civil Practice and Remedies Code provides for Governmental Units, including the protections and limitations afforded under Chapter 101 of the Texas Civil Practice and Remedies Code.

ARTICLE IV GENERAL TERMS

4.1 Authority to Enter Contract. Each Party has the full power and authority to enter into and perform this Agreement, and the person signing this Agreement on behalf of each Party has been properly authorized and empowered to enter into this Agreement. The persons executing this Agreement hereby represent that they have authorization to sign on behalf of their respective organizations.

4.2 Entire Agreement. This Agreement represents the entire agreement among the Parties with respect to the subject matter covered by this Agreement. There is no other collateral, oral or written agreement between the Parties that in any manner relates to the subject matter of this Agreement.

4.3 Amendment. This Agreement may be amended by the mutual written agreement of the Parties.

4.4 Assignment. Neither Party may assign this Agreement without the prior written consent of the other Party.

4.5 Force Majeure. No Party shall be liable to another Party for any failure, delay, or interruption in the performance of any of the terms, covenants, or conditions of this Agreement due to causes beyond their respective control, including, but not limited to: war, nuclear disaster, strikes, boycotts, labor disputes, embargoes, acts of God, acts of the public enemy, acts of superior governmental authority, floods, riots, rebellion, sabotage, terrorism, or any other circumstance for which a party is not legally responsible or which is not reasonably within its power to control. The affected Party's obligation shall be suspended during the continuance of the inability then claimed, but for no longer period. To the extent possible, the Party shall endeavor to remove or overcome the inability claimed with all reasonable dispatch.

4.6 Term and Termination.

a. Effective Date. This Agreement shall become effective on the last date of execution hereof (the "Effective Date") following the approval of this Agreement by the Parties and shall be in effect for a term of five (5) years.

b. Termination. Notwithstanding any of the foregoing, this Agreement may be terminated at any time, with respect to any Party, following written notice from that Party to the others.

4.7 Notice. Any notices, approval, consent, or communication by one party to another must be in writing and may be by personal delivery or registered or certified United States Mail, properly addressed to the respective parties to the address below. Day to day communications may be done by telephone and email. If there are any changes in addresses or chiefs all Parties will be noticed in written within ten calendar days.

College Station Fire
Department
300 Krenek Tap Road
College Station, TX 77840

Bryan Fire Department
PO Box 1000
Bryan, TX 77805-1000

South Brazos County Fire
Department
c/o Chet Barker
P.O. Box 501
Millican, TX 77866

Brazos County District 2
Volunteer Fire Department
c/o Merrie Noak
P.O. Box 32
Kurten, TX 77862

Brazos County Precinct 3
Volunteer Fire Department
c/o Gerald Burnett
P.O. Box 5453
Bryan, TX 77805

Brazos County Precinct 4
Volunteer Fire Department
c/o Joe Dan Ondrasek
P.O. Box 4186
Bryan, TX 77805

4.8 Governing Law. The validity of this Agreement and any of its terms and provisions as well as the rights and duties of the Parties shall be governed by the laws of the State of Texas; and venue for any action concerning this Agreement shall be in the State District Court of Brazos County, Texas. The Parties agree to submit to the personal and subject matter jurisdiction of said court.

4.9 Severability. In the event any one or more of the provisions contained in this Agreement shall for any reason be held to be invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect the other provisions, and in lieu of each provision that is invalid, illegal or unenforceable, there shall be added a new provision to this Agreement as similar in terms to such invalid, illegal, or unenforceable provision as may be possible and yet be valid, legal and enforceable, by means of good faith negotiation by the Parties to this Agreement or by reform by a court of competent jurisdiction.

4.10 Duplicate Originals. The parties may execute this Agreement in duplicate originals, each of equal dignity. If the parties sign this Agreement on different dates, the later date shall be the effective date of this Agreement for all purposes.

**CITY OF COLLEGE STATION, TEXAS
PROVIDER**

By: _____

Mayor

Date: _____

ATTEST:

By: _____

City Secretary

Date: _____

APPROVED

By: _____

City Attorney

Date: _____

By: _____

City Manager

Date: _____

By: _____

Exec. Dir. Business Services

Date: _____

By: _____

Fire Chief

Date: _____

MEDICAL DIRECTOR

By: 

Eric Wilke, MD

Medical Director for College Station Fire Department

Date: 5/21/13

**CITY OF BRYAN, TEXAS
PROVIDER**

By: *Jason M. Bienski for*
Jason Bienski, Mayor
Date: 6-27-13

ATTEST:

By: *Mary Lynne Straffa*
Mary Lynne Straffa, City Secretary
Date: 6-27-13

APPROVED AS TO FORM

By: *Janis Hampton*
Janis Hampton, City Attorney
Date: 6-26-13

By: *Randy McGregor*
Randy McGregor, Fire Chief
Date: 6-20-13

MEDICAL DIRECTOR

By: *Aaron Buzzard*
Aaron Buzzard, MD
Date: 5/23/13

Medical Director for:
Bryan Fire Department
South Brazos County Fire Department
Brazos County District 2 Volunteer Fire Department
Brazos County District 3 Volunteer Fire Department
Brazos County District 4 Volunteer Fire Department

**BRAZOS COUNTY FIRE DEPARTMENTS
FIRST RESPONDERS**

**SOUTH BRAZOS COUNTY
FIRE DEPARTMENT**

By: Chet Barker
Chet Barker, Fire Chief
Date: May 22 2013

**BRAZOS COUNTY DISTRICT TWO
VOLUNTEER FIRE DEPARTMENT**

By: Merrie Noak
Merrie Noak, Fire Chief
Date: 5-23-13

**BRAZOS COUNTY PRECINCT THREE
VOLUNTEER FIRE DEPARTMENT**

By: Gerald Burnett
Gerald Burnett, Fire Chief
Date: 5-23-13

**BRAZOS COUNTY PRECINCT FOUR
VOLUNTEER FIRE DEPARTMENT**

By: Joe Dan Ondrasek
Joe Dan Ondrasek, Fire Chief
Date: 5/25/13

July 25, 2013
Consent Agenda Item No. 2m
Chimney Hill Shopping Center Lease Amendment

To: Kathy Merrill, Interim City Manager

From: Jason Stuebe, Assistant to the City Manager

Agenda Caption: Presentation, possible action and discussion on an amendment to the current lease between the City of College Station and DVA Renal Healthcare, Inc. formerly known as Gambro Healthcare of Texas, Inc. (aka DaVita, Inc.) in the Chimney Hill Shopping Center.

Recommendation(s): Staff recommends approval.

Summary: DVA Renal Healthcare, Inc. (DaVita) signed a 10-year lease agreement for 10,160 SF of space in the Chimney Hill Shopping Center in 1997 at a rate of \$26.57 per SF. The agreement then provided the tenant with three successive options of five years to renew the lease at the end of the initial term.

In 2007, the tenant exercised one of the five-year options to renew. When the lease was up again in August of 2012, DaVita requested and the City Council approved a one-year option to extend their lease in lieu of the afforded 5-year option, though they retained their right to a 5-year option upon the completion of the one-year term.

Since that time, at Council direction, staff has been preparing for the disposition of the Chimney Hill property. As such, staff negotiated with DaVita to reduce their remaining 5-year option to 18 months contingent upon a 15% reduction in the minimum monthly rent. This will be the final option guaranteed by this lease and will terminate without any further extensions or options on February 14, 2015.

Budget & Financial Summary: The previous minimum monthly rent was \$22,177.09. This amount will be reduced by 15% effective in August 2013 to \$18,850.52.

Legal Review: Yes

Attachments:

1. Attachment 1 – Second Amendment to Lease Agreement

SECOND AMENDMENT TO LEASE AGREEMENT

This SECOND AMENDMENT TO LEASE AGREEMENT (the "Second Amendment") is made and entered into as of the Effective Date, as defined in Section 4.3, by and between **THE CITY OF COLLEGE STATION**, a Texas home-rule municipal corporation, successor-in-interest to CHSC, LTD. ("Landlord") and **DVA RENAL HEALTHCARE, INC.**, formerly known as Gambro Healthcare of Texas, Inc. ("Tenant").

RECITALS:

WHEREAS, Landlord and Tenant are parties to that certain Lease Agreement dated April 28, 1997, as amended by that certain First Amendment to Lease Agreement dated February 20, 2012 (the "First Amendment"), (collectively, the "Lease") concerning approximately 10,016 rentable square feet of space previously designated as 701 University Drive, College Station, Texas (the "Premises"); and

WHEREAS, the current term of the Lease is set to expire on August 14, 2013, and the parties wish to extend the Lease for an additional eighteen month period, commencing on August 15, 2013; and

WHEREAS, the parties desire to amend the Lease in accordance with the terms herein below stated.

NOW THEREFORE, for and in consideration of the mutual covenants contained herein and other good and valuable consideration exchanged by each of the parties to this Second Amendment, the receipt and sufficiency of which are hereby acknowledged, the Lease is hereby amended and the parties agree to as follows:

1. **Extended Term.** The term of the Lease shall be extended for eighteen months, commencing on August 15, 2013 and expiring on February 14, 2015 (the "Extended Term").
2. **Minimum Rent.** Notwithstanding anything to the contrary in the Lease, throughout the Extended Term, Tenant shall pay Minimum Rent in the amount of \$18,850.52 per month, based on an annual rental rate of \$22.58 per square foot
3. **Notices.** All notices to the Tenant and Landlord under the Lease shall be sent to the following addresses until notice of change of address shall be given as set forth in the Lease:

TENANT:

c/o DaVita HealthCare Partners Inc.
2000 16th Street
Denver, Colorado 80202
Attn: Real Estate Legal

with a copy to:

relegal@davita.com

Subject: College Station, TX, Facility #3248

LANDLORD:

City of College Station
300 Krenek Tap Road
College Station, Texas 77842
Attn: City Manager

with a copy to:

City of College Station
300 Krenek Tap Road
College Station, Texas 77842
Attn: Public Works Director

4. Miscellaneous.

- 4.1 Counterparts. This Second Amendment may be executed in any number of counterparts via facsimile or electronic transmission or otherwise, each of which shall be deemed an original, but all of which, taken together, shall constitute one and the same instrument.
- 4.2 Entire Agreement. This Second Amendment sets forth the entire agreement between the parties with respect to the matters set forth herein. There have been no additional oral or written representations or agreements.
- 4.3 Effective Date. This Second Amendment shall not take effect or be legally binding upon the parties until (i) this Second Amendment has been executed by all parties hereto and (ii) DaVita HealthCare Partners Inc.'s Group General Counsel has approved the form hereof.
- 4.4 Authority. The parties signing below on behalf of the parties hereto represent and warrant that they have the authority and power to bind their respective party.
- 4.5 Terms. Capitalized terms not otherwise defined herein shall have the same meanings as are set forth in the Lease.
- 4.6 Consents. Landlord hereby represents and warrants to Tenant that all consents required, if any, from lenders, mortgagees, and ground owners, and any other holders of liens or encumbrances on, against, or affecting the Premises and/or the real property on which the Premises are located, have been obtained for execution and performance of this Second Amendment. Landlord agrees to indemnify, defend and hold Tenant

harmless from and against any liability, claim, loss, cost, damage or expense arising from or based upon Landlord's failure to obtain all such required consents.

- 4.7 Conflicts. Except to the extent expressly stated, modified or amended herein, all terms and conditions of the Lease are ratified and confirmed and shall remain in effect as originally written. The parties agree that in the event of any conflict between the terms of the Lease, as heretofore amended, and this Second Amendment, the provisions of this Second Amendment shall control.
- 4.8 Parties Bound. This Second Amendment shall be binding upon and inure to the benefit of the parties hereto and their respective heirs, successors and assigns.

[Signature Page Follows]

IN WITNESS WHEREOF, the parties hereto, through their duly authorized representatives, have on the dates set forth below executed this Second Amendment to be effective as of the Effective Date.

LANDLORD:

TENANT:

CITY OF COLLEGE STATION

DVA RENAL HEALTHCARE, INC.

By: _____
Name: _____
Title: Mayor
Date: _____

DocuSigned by:
Chakilla Robinson
By: _____
Name: Chakilla Robinson
Title: DVP
Date: July 18, 2013

ATTEST:

By: _____
Name: _____
Title: City Secretary
Date: _____

APPROVED:

By: _____
Name: _____
Title: City Manager
Date: _____

By: _____
Name: _____
Title: City Attorney
Date: _____

By: _____
Name: _____
Title: Executive Director of Fiscal Services
Date: _____

July 25, 2013
Regular Agenda Item No. 1
Public Hearing and Consideration of Budget Amendment #3

To: Kathy Merrill, Interim City Manager

From: Jeff Kersten, Executive Director, Business Services

Agenda Caption: Public Hearing, presentation, possible action, and discussion on an ordinance Budget Amendment #3 amending ordinance number 3443 which will amend the budget for the 2012-2013 Fiscal Year in the amount of \$1,961,334; increase the number of regular full-time positions in the budget by one (1.0); and presentation, possible action and discussion on three interfund transfers and a contingency transfer.

Relationship to Strategic Goals:

1. Financially Sustainable City
2. Core Services and Infrastructure

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

Summary: The proposed budget amendment is to increase the appropriations for the items listed below by \$1,961,334. Included in this amount is an interfund transfer of \$305,000. Also included in the amendment are two interfund transfers that will have no budget impact and one contingency transfer in the amount of \$50,000. The charter of the City of College Station provides for the City Council to amend the annual budget in the event there are revenues available to cover increased expenditures and after holding a public hearing on such budget amendment. A number of items have been identified that need to be considered in a budget amendment. Attached is a list of the items in the proposed budget amendment.

Budget & Financial Summary: The City has resources or can reasonably expect resources to cover each of the appropriations in this budget amendment. The attached list has the complete description of the items included in the proposed budget amendment.

Reviewed and Approved by Legal: Yes

Attachments:

1. Budget Amendment #3 Detail List,
2. Ordinance

FY13 Budget Amendment #3 Detail Listing

The proposed budget amendment is to increase the appropriations for the items listed below by \$1,961,334. Also included are three interfund transfers, a contingency transfer and an increase by 1.0 to the overall number of full-time equivalent (FTE) personnel. Increases to personnel, contingency transfers greater than \$15,000, and interfund transfers require Council approval and are therefore included as part of this Budget Amendment.

1. Enterprise Resource Planning (ERP) Replacement Consulting Services and Project Management - \$151,419 (Budget Amendment)

On April 25, 2013, Council approved a contract in the amount of \$101,419 with BerryDunn for the purpose of gathering requirements and leading the City through a Request for Proposal process for the replacement of the City's Enterprise Resource Planning (ERP) system. Budget for this phase of the project was not included in the FY13 budget because, when the FY13 budget was developed, it was not known what recommendations would be made to and accepted by Council. Council approved the contract and this phase of the project is in progress. In addition, it is anticipated that a contract for project management services will be brought to Council in the near future. Budget in the amount of \$50,000 is being included on this budget amendment to cover the expenditures that are estimated to be incurred in FY13 for the project management services. The funds for these items are available in the General Fund balance for the BerryDunn consulting contract. The budget for the project management will be included in the Facilities and Technology Capital Improvement Projects Fund.

2. Game Day Traffic Study - \$50,000 (Contingency Transfer) and \$50,000 (Budget Amendment)

Last year, after the Texas A&M and Missouri football game, post football game traffic data were collected west of Kyle Field to see what improvements could be made to FM 2818 and George Bush Drive to more efficiently move the traffic. The consultant recommended a few improvements that will be implemented this football season. Additionally, the consultant recommended that a large study be considered so a comprehensive update could be made to the Go With the Green Plan, which was developed 20 years ago to efficiently move post-game traffic. The City of College Station and Texas A&M are proposing to update the Go With the Green Plan. The updated Plan will help reduce the duration of traffic congestion before and after Texas A&M home football games. It is anticipated that the cost of the study will be \$100,000, which will be split between the City of College Station and Texas A&M. A contingency transfer in the amount of \$50,000 is being recommended to cover the City's cost of the study. Contingency transfers greater than \$15,000 must be approved by Council. In addition, this item will appropriate \$50,000 for the balance of the expenditure. This will be offset by funds to be received from Texas A&M, as outlined in the ILA that will be brought to City Council in the near future.

3. Police Department Overtime Expenditures – \$93,000 (Budget Amendment)

The Police Department provides traffic control, escorts and various other services for Texas A&M University (TAMU) and College Station Independent School District (CSISD) events. If these services are performed while an Officer is working overtime, TAMU and CSISD reimburse the costs of the overtime pay and associated benefits to the City. The estimated overtime and associated benefits to be reimbursed by TAMU and CSISD to the City in FY13 is \$93,000. This item will appropriate \$93,000 in the General Fund Police Department budget for the expenditures. This will be offset by the reimbursement from TAMU and CSISD.

4. Bullet Proof Vest Program Grant Purchase - \$15,615 (Budget Amendment)

In FY13, the City of College Station was awarded a Bulletproof Vest Program Grant. These grant funds reimburse half the purchase cost of eligible bulletproof vests for sworn officers. In FY13, the

FY13 Budget Amendment #3 Detail Listing

Police Department and Municipal Court purchased 45 eligible bulletproof vests for Police Officers and City Marshals for a total cost of \$31,230, of which \$15,615 will be reimbursed by the grant and the remaining \$15,615 is available in the General Fund, Police Department budget.

- 5. Fire Department Salary and Benefits Expenditures - \$270,000 (Budget Amendment)**
In the FY13 Approved Budget, salaries and benefits for the Fire Department were budgeted at 97%, per City policy, to allow for vacancies throughout the year. During the year, there were very few vacancies. As a result, the estimated year end salary and benefits expense is approximately \$306,000 over budget. However, the Fire Department has been able to reduce expenditures in other areas, staying under budget by an estimated \$36,000, resulting in a \$270,000 shortfall. Funds are available in the General Fund to cover these expenditures.
- 6. Budget Overage - Fleet Maintenance Fund - \$110,000 (Budget Amendment)**
FY13 expenditures in the Fleet Maintenance Fund are estimated to be over budget by approximately \$110,000. Higher costs than anticipated have been realized in FY13 for parts and repairs. Funds for this item are available in the Fleet Maintenance Fund balance.
- 7. Sanitation Vehicle - \$305,000 (Budget Amendment) & \$305,000 (Interfund Transfer)**
A Sanitation vehicle (vehicle 72-24) was recently involved in an accident is thought to be totaled. Replacement of the vehicle is estimated to cost approximately \$305,000. The City's property damage insurance policy will cover the vehicle cost beyond a \$50,000 deductible. This item will appropriate budget in the Equipment Replacement Fund for the replacement of this vehicle. A total of \$305,000 will be appropriated to cover the total cost of the vehicle; however, it is anticipated that insurance will pay the actual cash value of the vehicle on the date of the loss. As the revenue received for the claim will be posted to the Property Casualty Fund, this item also appropriates budget to the Property Casualty Fund in the amount of \$305,000 for the interfund transfer of these funds to the Equipment Replacement Fund to offset the cost of the purchase. The cost of the deductible will be covered with funds are available in the Property Casualty Fund. In the event the vehicle is not totaled and is repaired instead of replaced, this item will cover the budget for the repair and the interfund transfer will not be completed.
- 8. Veterans Park Synthetic Fields - \$617,400 (Budget Amendment)**
It is anticipated that the construction contract for the Veterans Park Synthetic Fields project will be brought to Council in the near future. Taking into account the construction bid, the revised project estimate is approximately \$617,400 over budget. These funds are available in the Hotel Tax Fund and this item will appropriate additional budget needed for the project.
- 9. Hotel Tax Fund Audit Services - \$15,000 (Budget Amendment)**
This item will appropriate budget to the Hotel Tax Fund in the amount of \$15,000 for FY13 audit service expenses. The company providing these services, MuniServices, will be assisting the City in realizing the lodging tax revenue to which it is entitled through the on-site examination of records and education of the lodging providers to ensure the appropriate collection and remittance of lodging tax. In addition MuniServices is also handling the monthly administration functions of collection, deposit recording, delinquency follow up and reporting of local lodging tax. The funds for these services are available in the Hotel Tax Fund balance.

10. Donations for Sponsorship of COCS 75th Anniversary - \$28,900 (Budget Amendment)

Donations in the amount of \$28,900 have been received to be used toward the City of College Station's 75th Anniversary celebration. This item will appropriate in the General Fund the budget that is needed for the expenditure of these funds.

11. Wolf Pen Creek TIF Fund (No Budget Impact - Interfund Transfers)

The WPC TIF expired on December 31, 2009. In FY13, a portion of the remaining WPC TIF funds were expended on the WPC Festival Site. The project is now complete and a balance of approximately \$450,000 remains in the WPC TIF Fund. It has been proposed that a portion of this balance (approximately \$160,000) be used toward the installation of a pre-fabricated restroom facility near the festival site and that an additional \$40,000 be reserved for other needs in the park. These funds will be transferred to the Parks Capital Improvement Projects Fund and remaining WPC related expenditures will occur out of that fund. It is proposed that the remaining WPC TIF balance (\$250,000) be transferred to the Streets Capital Improvement Projects Fund for use on future capital projects. These funds will be used in lieu of debt issuance for identified capital projects. As this is a reallocation of existing budget, there is not a budget increase associated with this item. This item is included on the budget amendment as it will result in interfund transfers, which must be approved by Council.

12. Transfer of Positions from Temporary Seasonal to Full-Time Regular (No budget impact; Change in FTE Status)

Staffing in the Northgate District currently includes four full-time regular positions as well as temporary/seasonal positions (temporary/seasonal funding equivalent to four FTE positions). Due to limitations on the hours that can be worked by temporary/seasonal employees before becoming benefits eligible, it has been determined that it would be more cost effective to move to a full-time position a portion of the budget currently used for temporary/seasonal positions. This budget reallocation would result in five full-time equivalent positions and the equivalent of funding for three FTE temporary/seasonal positions. As this is a reallocation of existing budget, there is not a budget increase associated with this item. The item is included on the budget amendment because Council must approve changes to the overall regular full and part-time personnel count.

ORDINANCE NO. _____

AN ORDINANCE (BUDGET AMENDMENT 3) AMENDING ORDINANCE NUMBER 3443 WHICH WILL AMEND THE BUDGET FOR THE 2012-2013 FISCAL YEAR AND AUTHORIZING AMENDED EXPENDITURES AS THEREIN PROVIDED.

WHEREAS, the City Council of the City of College Station, Texas, approved its Budget Ordinance for the 2012-2013 Fiscal Year on September 13, 2012; and

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

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

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

Part 1: That Part 1 of the Budget Ordinance for the 2012-2013 Fiscal Year is amended to read as follows:

"PART 1: That the proposed budget as amended by the City Council of the City of College Station, which is made a part hereof to the same extent as if set forth at length herein, is hereby adopted and approved, a copy of which is on file in the Office of the City Secretary in College Station Texas. Amended appropriations for fiscal year 2012-2013 for the General Fund are \$65,318,108; for the Hotel Tax Fund are \$6,663,826; for the General Government Capital Projects Fund are \$682,143; for the Property Casualty Fund are \$1,293,905; for the Equipment Replacement Fund are \$3,261,813; and for the Fleet Maintenance Fund are \$1,802,901. Amended regular full and part-time positions is 840. All other appropriations as originally adopted and amended by the City Council remain in full force and effect."

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

PASSED and APPROVED this _____ day of _____ 2013.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

Carla A. Robinson

City Attorney

July 25, 2013
Regular Agenda Item No. 2
UDO Amendment - MICRO-INDUSTRIAL USES

To: Kathy Merrill, Interim City Manager

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

Agenda Caption: Public Hearing, presentation, possible action, and discussion regarding an amendment to Chapter 12 Unified Development Ordinance of the Code of Ordinances to allow micro-industrial uses as a permitted use within the NG-1 Core Northgate and NG-2 Transitional Northgate zoning districts.

Relationship to Strategic Goals: Diverse Growing Economy

Recommendation(s): The Planning & Zoning Commission heard this item at their July 18, 2013 meeting and voted unanimously to recommend approval.

Summary: In January 2011, staff brought forward an amendment to the Unified Development Ordinance (UDO) to allow for small-scale industrial uses, such as a micro-winery or micro-brewery, in commercially-zoned districts. The addition of Micro-Industrial uses as permissible uses was identified by staff in response to a trend of new development requests.

The proposed ordinance amendment adds NG-1 Core Northgate and NG-2 Transitional Northgate to the list of permitted zoning districts for Micro-Industrial uses. Currently, Micro-Industrial Uses are only permitted in the GC General Commercial, CI Commercial-Industrial and BPI – Business Park Industrial zoning districts. Micro-Industrial uses are defined as: a use engaged, on a limited scale, in basic processing and/or manufacturing of materials or products or parts, predominantly from extracted raw materials, entirely contained within a building and not deemed to be a public nuisance.

Specific Use Standards for Micro-Industrial Uses include the requirement that all production activities be conducted within an enclosed building, the prohibition of outside storage, and limiting the size of Micro-Industrial uses to no more than 5,000 gross square feet. In addition, accessory restaurants, nightclubs, bars or taverns would not be permitted within the Commercial-Industrial and Business Park Industrial zoning districts.

Budget & Financial Summary: N/A

Reviewed and Approved by Legal: Yes

Attachments:

1. Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," SECTION 6.3, "TYPES OF USE," OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

- PART 1: That Chapter 12, "Unified Development Ordinance," Section 6.3, "Types of Use," 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 affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.
- PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2013.

APPROVED:

MAYOR

ATTEST:

City Secretary

APPROVED:

sw 

City Attorney

EXHIBIT “A”

That Chapter 12, “Unified Development Ordinance,” Section 6.2, “Types of Uses”, of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

6.3. Types of Use

- A.** Uses of land or structures which are not expressly listed in the Use Table as permitted uses (P), permitted uses subject to specific use standards (P*), or conditional uses (C) in a zoning district or planned development are prohibited uses and shall not be established in that district or planned development.
- B.** The Administrator shall determine whether or not an unlisted use, that is otherwise prohibited, as stated above should be processed. In doing so, the Administrator shall utilize purpose statements adopted herein in conjunction with the applicable zoning district, and consideration of the following criteria:
 - 1.** The actual or anticipated characteristics of the activity in relationship to known characteristics of similar projects in standard planning practice;
 - 2.** The relative amount of site area, floor space, and equipment;
 - 3.** Relative volumes of sales from each activity;
 - 4.** The customer type for each activity;
 - 5.** The relative number of employees in each activity;
 - 6.** Hours of operation;
 - 7.** Building and site arrangement;
 - 8.** Vehicles used with the activity and the relative number of vehicle trips generated by the use; and
 - 9.** How the use advertises itself.

C. Use Table

Except where otherwise specifically provided herein, regulations governing the use of land and structures with the various zoning districts and classifications of planned developments are hereby established as shown in the following Use Table.

1. Permitted Uses

A “P” indicates that a use is allowed by right in the respective district. Such uses are subject to all other applicable regulations of this UDO.

2. Permitted Uses Subject to Specific Standards

A “P*” indicates a use that will be permitted, provided that the use meets the provisions in Section 6.3, Specific Use Standards. Such uses are also subject to all other applicable regulations of this UDO.

3. Conditional Uses

A “C” indicates a use that is allowed only where a conditional use permit is approved by the City Council. The Council may require that the use meet the additional standards enumerated in Section 6.2, Specific Use Standards. Conditional uses are subject to all other applicable regulations of this UDO.

July 25, 2013
City Council Regular Item No. 3
Board and Commission Appointments

To: Kathy Merrill, Interim City Manager

From: Sherry Mashburn, City Secretary

Agenda Caption: Presentation, possible action and discussion regarding appointments to the following boards and commissions:

- Historic Preservation Committee (two vacancies)

Background & Summary: The Historic Preservation Committee aids in the collection and preservation of the City's history. It provides for the education of citizenry, with an emphasis on the designation of historical areas by assigning historic plaques to residents of historic home sites and buildings.

The Committee is experiencing difficulty in maintaining a quorum due to one resignation and one member that has three unexcused absences. It is important that the Committee be able to meet in order to prepare for upcoming events, such as the 75th Anniversary and the Exploring History luncheons scheduled for this Fall. The Committee requests that the Council appoint two individuals to fill in until the regular appointment period in January.

Notice of the vacancies was posted on our website and various social media. Homeowners associations and graduates of Citizens University were contacted. Applications are due in to the City Secretary by 5:00 p.m. July 23.

Budget & Financial Summary: There is no fiscal impact.

Attachments:

- None