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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

Agenda
College Station City Council
Regular Meeting
Monday, October 07, 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:
 - September 25, 2013 Special Meeting
 - September 26, 2013 Workshop
 - September 26, 2013 Regular Council Meeting
 - b. Presentation, possible action, and discussion regarding approval of a three year software license agreement with ESRI for their Small Government Enterprise ArcGIS Licenses at a maximum cost of \$150,000 over three years.
 - c. Presentation, possible action, and discussion on an Interlocal Agreement between the City of College Station and City of Paris for sale city surplus equipment.

- d. Presentation, possible action and discussion on a funding agreement between the City of College Station and the Research Valley Partnership (RVP) for FY14 in the amount of \$350,000.
 - e. Presentation, possible action and discussion on approving the budget of the Arts Council of the Brazos Valley, and; presentation, possible action and discussion on approving two agreements between the City of College Station and the Arts Council of the Brazos Valley for operations and maintenance in FY14 totaling \$100,000, with \$50,000 coming from the General Fund and \$50,000 coming from the Hotel Tax Fund.
 - f. Presentation, possible action and discussion on approving the agreement between the City of College Station and the Arts Council of Brazos Valley for FY14 in the amount of \$365,000 for Affiliate funding and Annual Program and Marketing funding.
 - g. Presentation, possible action and discussion on approving the budget of the Brazos Valley Convention and Visitors Bureau (CVB); and presentation, possible action and discussion on a funding agreement between the City of College Station and the Brazos Valley Convention and Visitors Bureau for FY14 in the amount of \$1,379,340.
 - h. Presentation possible action and discussion on a funding agreement between the City of College Station and the Brazos Valley Convention and Visitors Bureau (CVB) for FY14 in the amount of \$128,000 to administer the CVB Grant Program.
 - i. Presentation, possible action, and discussion authorizing the renewal of the award of Bid No. 12-102 for the purchase of City branded uniforms for Parks athletic programs and for other City departments with CC Creations (\$45,000) and Monograms and More (\$33,000) for a combined annual estimated expenditure of \$78,000.
 - j. Presentation, possible action, and discussion regarding an ordinance approving an increase in rates for Atmos Energy Mid Tex pursuant to the renewed Rate Review Mechanism tariff resulting in an increase of \$16.6 million system-wide.
 - k. Presentation, possible action and discussion regarding Change Order Number 1 to Northgate Substation Construction Contract Number 13-171 in the amount of \$154,714.62.
 - l. Presentation, possible action, and discussion regarding approval of a supplement contract between the City of College Station and Sungard Public Sector for one-time services the amount of \$6,240 and for recurring charges up to \$18,000 annually, for the purposes of upgrading the Click2Gov Software payment engine to a Payment Card Industry Data Security Standards (PCI DSS) compliant version.
 - m. Presentation, possible action, and discussion regarding approval of Change Order #1 to the professional services contract with Freese & Nichols, Inc. in the amount of \$25,346 for the Wolf Pen Creek Erosion Control Phase II.
 - n. Presentation, possible action, and discussion regarding approval of a Resolution that will authorize City staff to negotiate for the purchase of easements needed for the Bee Creek Parallel Trunk Line Project.
3. Adjourn.

City Council Regular Meeting
Monday, October 7, 2013

The City Council may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion.

APPROVED:

Kathleen Memel
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 Monday, October 07, 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 Agenda.

Posted this 4th day of October, 2013 at 4:00 p.m.

Sherry M. ...
City Secretary

I, the undersigned, do hereby certify that the above Notice of Meeting of the Governing Body of the City of College Station, Texas, is a true and correct copy of said Notice and that I posted a true and correct copy of said notice on the bulletin board at City Hall, 1101 Texas Avenue, in College Station, Texas, and the City's website, www.cstx.gov . The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on October 4, 2013 at 4:00 p.m. and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

This public notice was removed from the official posting board at the College Station City Hall on the following date and time: _____ by _____.

Dated this ____ day of _____, 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.

October 7, 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:

- September 25, 2013 Special Meeting
- September 26, 2013 Workshop
- September 26, 2013 Regular Council Meeting

Attachments:

- September 25, 2013 Special Meeting
- September 26, 2013 Workshop
- September 26, 2013 Regular Council Meeting

MINUTES OF THE CITY COUNCIL SPECIAL MEETING
CITY OF COLLEGE STATION
SEPTEMBER 25, 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:

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 8:37 a.m. on Wednesday, September 25, 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 §551.074-Personnel, the College Station City Council convened into Executive Session at 8:37 a.m. on Wednesday, September 25, 2013 in order to continue discussing matters pertaining to:

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

- City Manager Interviews

The Executive Session adjourned 4:25 p.m.

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

No action was required from Executive Session.

4. Adjournment

MOTION: There being no further business, Mayor Berry adjourned the special meeting of the College Station City Council at 4:26 p.m. on Wednesday, September 25, 2013.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

MINUTES OF THE CITY COUNCIL WORKSHOP
CITY OF COLLEGE STATION
SEPTEMBER 26, 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

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, September 26, 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, and §551.074-Personnel, the College Station City Council convened into Executive Session at 4:31 p.m. on Thursday, September 26, 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 361 st Judicial 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

The Executive Session adjourned at 5:58 p.m.

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

MOTION: Upon a motion made by Councilmember Mooney and a second by Councilmember Benham, the City Council voted seven (7) for and none (0) opposed, to appoint Kelly Templin as City Manager. The motion carried unanimously.

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

Items 2k, 2n, 2p, and 2q were pulled for discussion.

2k: Lance Simms, Assistant Director of Planning and Development, clarified there is a termination clause in the janitorial services contract. Councilmember Fields stated he would be abstaining from voting on this item.

2n: Jeff Kersten, Executive Director of Finance, clarified how the outsourcing would result in better efficiencies and cost savings.

2p: Chuck Gilman, Director of Public Works, clarified which school zones will be affected and necessary sign postings.

2q: Chuck Gilman, Director of Public Works, stated they had just completed a re-timing and synchronization of FM2818.

5. Council Calendar

<u>Sept. 27</u>	<u>DRB Meeting in City Hall Administrative Conference Room at 10:30 a.m.</u>
<u>Sept. 27</u>	<u>7th Annual Texas Reds Steak & Grape Festival in Downtown Bryan at 5:00 p.m.</u>
<u>Sept. 28</u>	<u>7th Annual Texas Reds Steak & Grape Festival in Downtown Bryan at 10:00 a.m.</u>
<u>Oct. 3</u>	<u>P & Z Workshop/Meeting in Council Chambers at 6:00 p.m. (Julie Schultz, Liaison)</u>

- Oct. 5 Twin Oaks - Household Hazardous Waste Collection Event at University Services Complex - Entrance on Harvey Rd/Hwy 30, 7:00 a.m.
- Oct. 7 Bicycle, Pedestrian & Greenways Advisory Board Meeting in City Hall Administrative Conference Room at 3:00 p.m.
- Oct. 7 Executive Session/Workshop/Regular Meeting at 4:30, 6:00 & 7:00 p.m.
- Oct. 8-11 TML Annual Conference in Austin at 8:00 a.m.

Council reviewed the calendar. It was also noted that the heart walk in honor of Frank Simpson's memory will be October 5.

6. 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 Fields asked for an update on the rental registration policy. He also wants to discuss the issue of people renting out their homes during A&M home games.

Councilmember Schultz asked for concrete dates regarding virtual attendance at Council meetings. She also wants an update on high-speed rail.

7. 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, BWACS, 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.

Councilmember Benham reported on the Research Valley Technology Council.

Councilmember Schultz reported on the RVP.

Councilmember Nichols reported on the Brazos County Health Department.

Mayor Berry reported on Interfaith Dialogue Association.

Councilmember Brick reported on the Chamber of Commerce Transportation Committee. She also reported on the BVCOG.

Councilmember Mooney reported on BVSWMA, Keep Brazos Beautiful, and the Brazos County Convention and Visitors Bureau.

8. Adjournment

MOTION: There being no further business, Mayor Berry adjourned the workshop of the College Station City Council at 6:47 p.m. on Thursday, September 26, 2013.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

DRAFT

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF COLLEGE STATION
SEPTEMBER 26, 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 7:00 p.m. on Thursday, September 26, 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.

Harrison Kuhn, Boy Scout Troop 102, led the assembly in the Pledge.

Citizen Comments

There were no comments.

CONSENT AGENDA

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

- September 12, 2013 Workshop
- September 12, 2013 Regular Council Meeting

2b. Presentation, possible action, and discussion regarding the approval of Election Judges for the November 5, 2013 General Election. *Presentación, posible acción y diálogo con respecto a la aprobación de Jueces para las Elecciones Generales del 5 de noviembre de, 2013.*

2c. Presentation, possible action, and discussion to approve extending the closing date for the sale of the First Street Property to Asset Plus Realty Corporation.

2d. Presentation, possible action and discussion regarding ratification of contract award #13-361 and #13-407 to N-Line Traffic Maintenance for the installation of traffic pavement markings.

2e. Presentation, possible action, and discussion regarding Resolution 09-26-13-2e setting a public hearing to update the 92-01 Graham Road Sewer Line, 07-01 Spring Creek Sewer Line, 97-02B Alum Creek Sewer Line, 99-01 Harley Water Line, and 03-02 Steeplechase Sewer Line Impact Fees.

2f. Presentation, possible action, and discussion on Semi-Annual Report for Impact Fees 92-01, 97-01, 97-02B, 99-01, and 03-02.

2g. Presentation, possible action and discussion regarding an animal sheltering services agreement.

2h. Presentation, possible action and discussion regarding Ordinance 2013-3526, amending Chapter 2 – Animal Control of the City of College Station Ordinances.

2i. Presentation, possible action and discussion regarding a Law Enforcement Assistance-Inter-local Agreement.

2j. Presentation, possible action, and discussion on Resolution 09-26-13-2j, Advance Funding Agreement (AFA) with The Northpoint Crossing (Plaza) developer on the reconstruction of the traffic signal at University Dr. and Texas Ave. Contract associated 13-412.

2k. Presentation, possible action, and discussion regarding the first renewal of service Contract 12-302 for annual janitorial services for the Northgate District and the Chimney Hill center with Shelby Building Maintenance & Janitorial, Inc. DBA Professional Floor Service & Janitorial in an amount not to exceed \$59,627.

2l. Presentation, possible action, and discussion regarding Ordinance 2013-3527, amending Chapter 10, Section 4 of the College Station Code of Ordinances, specifically a change to the lost ticket fee for the Northgate parking garage.

2m. Presentation, possible action and discussion to authorize expenditure of funds for FY'14, items exempt from competitive bidding as described more fully in Texas Local Government Code, Chapter 252.022; and other expenditures for interlocal contracts or fees mandated by state law that are greater than \$50,000.

2n. Presentation, possible action and discussion regarding renewal of the services contract 12-300, for outsourcing of the Printing and Mailing of Utility Bills, final notices and inserts for an estimated annual expenditure of \$230,000 to Xpedient Mail.

2o. Presentation, possible action, and discussion regarding the renewal of an annual price agreement with Ergon Asphalt Emulson, Inc. for the purchase of Emulsified Asphalt Products in the amount of \$428,697.14.

2p. Presentation, possible action, and discussion on consideration of Ordinance 2013-3528, amending Chapter 10, Section 2F, of the College Station Code of Ordinances regarding the Traffic Control Device Inventory, Schedule V (School Zones).

2q. Presentation, possible action, and discussion on consideration of Ordinance 2013-3529, amending Chapter 10, Section 3, of the College Station Code of Ordinances regarding the speed limits on FM 2818.

Items 2e, 2f, and 2k were pulled for a separate vote.

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

(2e)MOTION: Upon a motion made by Councilmember Nichols and a second by Councilmember Benham, the City Council voted six (6) for and one (1) opposed, with Councilmember Fields voting against, to adopt Resolution 09-26-13-2e setting a public hearing to update the 92-01 Graham Road Sewer Line, 07-01 Spring Creek Sewer Line, 97-02B Alum Creek Sewer Line, 99-01 Harley Water Line, and 03-02 Steeplechase Sewer Line Impact Fees. The motion carried.

(2f)MOTION: Upon a motion made by Councilmember Nichols and a second by Councilmember Mooney, the City Council voted six (6) for and one (1) opposed, with Councilmember Fields voting against, to approve the Semi-Annual Report for Impact Fees 92-01, 97-01, 97-02B, 99-01, and 03-02. The motion carried.

(2k)MOTION: Upon a motion made by Councilmember Benham and a second by Councilmember Mooney, the City Council voted six (6) for and none (0) opposed, with Councilmember Fields abstaining, to approve the first renewal of service Contract 12-302 for annual janitorial services for the Northgate District and the Chimney Hill center with Shelby Building Maintenance & Janitorial, Inc. DBA Professional Floor Service & Janitorial in an amount not to exceed \$59,627. The motion carried.

REGULAR AGENDA

1. Presentation, possible action, and discussion regarding the appointment to the Board of Directors for the Brazos Central Appraisal District.

MOTION: Upon a motion made by Councilmember Nichols and a second by Councilmember Fields, the City Council voted seven (7) for and none (0) opposed, to appoint Ron Kaiser to the Brazos Central Appraisal District Board of Directors. The motion carried unanimously.

2. Presentation, possible action, and discussion regarding an appointment to the BVSWMMA, Inc. Board of Directors.

MOTION: Upon a motion made by Councilmember Mooney and a second by Councilmember Nichols, the City Council voted seven (7) for and none (0) opposed, to re-appoint Mayor Nancy Berry to the BVSWMMA, Inc. Board of Directors. The motion carried unanimously.

3. Public Hearing, presentation, possible action, and discussion regarding Ordinance 2013-3530, amending Chapter 12, “Unified Development Ordinance”, Section 4.2, “Official Zoning Map” of the Code of Ordinances of the City of College Station, Texas by rezoning 1.35 acres in Oak Terrace Addition, Lots 11-16, Block 12, 1.46 acres in Tauber Subdivision, Lots 1-5 & 16-20 and associated BPP, Block 4, and 1.02 acres in Ramparts Subdivision, Part of Tracts C & D, recorded in Volume 10683, Page 240 of the Official Records of Brazos County, Texas and Nagle Street right-of-way between these properties, generally located at 601 Cross Street, 700 Cross Street, and 402 Nagle Street from NG-3 Residential Northgate to NG-2 Transitional Northgate.

Theresa Rogers, Staff Planner, provided a brief presentation on the St. Mary’s Catholic Church re-zoning from NG-3 Residential Northgate to NG-2 Transitional Northgate to develop a parking garage and associated uses for St. Mary’s Catholic Church.

The Planning and Zoning Commission, and Staff, recommended approval of the rezoning request.

At approximately 7:17 p.m., Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 7:17 p.m.

MOTION: Upon a motion made by Councilmember Fields and a second by Councilmember Benham, the City Council voted seven (7) for and none (0) opposed, to adopt Ordinance 2013-3530, amending Chapter 12, “Unified Development Ordinance”, Section 4.2, “Official Zoning Map” of the Code of Ordinances of the City of College Station, Texas by rezoning 1.35 acres in Oak Terrace Addition, Lots 11-16, Block 12, 1.46 acres in Tauber Subdivision, Lots 1-5 & 16-20 and associated BPP, Block 4, and 1.02 acres in Ramparts Subdivision, Part of Tracts C & D, recorded in Volume 10683, Page 240 of the Official Records of Brazos County, Texas and Nagle Street right-of-way between these properties, generally located at 601 Cross Street, 700 Cross Street, and 402 Nagle Street from NG-3 Residential Northgate to NG-2 Transitional Northgate. The motion carried unanimously.

4. Public Hearing, presentation, possible action, and discussion on Ordinance 2013-3531, amending the College Station Comprehensive Plan by adopting the South Knoll Area Neighborhood Plan for the area generally located within the boundaries of Texas Avenue, Holleman Drive, Welsh Avenue, Southwest Parkway, Wellborn Road, and Harvey Mitchell Parkway.

Jennifer Prochazka, Senior Staff Planner, provided a brief presentation of the South Knoll Area Neighborhood Plan. Public input was provided through a written questionnaire, a Neighborhood Resource Team, and a series of public meetings. Several goals were established for neighborhood integrity and community character, mobility, and public facilities and services. Topics of interest included:

- Option for overlay to further limit number of unrelated
- Additional Rental Registration information
- Parking removal from 2:00a.m. – 6:00a.m.
- Option for one side of street removal
- Glade Street bike lane/route with parking removal

The Bicycle, Pedestrian, and Greenways Advisory Board recommended approval of the mobility components of the Plan. Planning and Zoning recommended approval of the Plan (5-0) with the amendment that parking could only be removed from streets during the hours of 2:00 a.m. through 6:00 a.m. by neighborhood petition and City Council approval.

Councilmember Nichols stated he owns property (his primary residence) in the area being considered. After research of the rules, he has determined he does not have a conflict of interest and plans to stay involved in the discussion.

Councilmember Schultz stated she also owns property in the area, and does not believe she has a conflict, but she will ask for a separate vote on Glade Street and will abstain from the vote.

At approximately 8:15 p.m., Mayor Berry opened the Public Hearing.

Linda Bendiksen, 1503 Gunsmith, spoke in favor of the plan, especially as it relates to neighborhood integrity and character.

Kamal Ahmad Rahman, 2905 Oakbrook Court, spoke on behalf of Sultan Mahmood, who plans a multi-family development.

Jennifer McCaskill, 1301 Foster Avenue, provided written comments, attached.

Don Simpson, 1812 Langford, is a real estate investor, and spoke against the plan as it relates to reducing the number of tenants.

Tina Evans, 1208 Orr Street, spoke in favor of the plan. The issues have been thoroughly vetted by staff and citizens.

Jim Sharp, 1204 Holleman Drive, provided written comments, attached.

Patsy Deere, 1500 Frost, spoke against the parking restrictions as they are proposed in the plan. They directly conflict with the parking ordinance recently adopted by the City.

Kevin Smith, 1511 Texas Avenue, spoke against the plan. This will legally discriminate against the non-owner occupied buyer.

Sherry Ellison, 2705 Brookway Drive, spoke in support of the plan. The plan will keep the neighborhood a desirable place to live and raise a family.

S. Simpson, 1812 Langford, provided written comments, attached.

Steve Strong, 2503 Whispering Oaks Circle, provided written comments, attached, and spoke against the plan.

Oscar Parulia, 6041 Blue Ridge Drive, spoke against the plan as it relates to the rental registration.

Robert McGeachin, 1208 Glade Street, spoke in favor of the plan as it relates to protecting the integrity and character of the neighborhood. The process was open to all property owners/residents. The plan is mostly compromises after much discussion.

Michael Painter, 1209 Lancelot Circle, spoke in favor of the plan since it provides a foundation for the vision of neighborhood character. He is opposed to seeing single family areas converted to commercial high-density zones.

James Yelich, 1223 Boswell Street, said he sees valid points on both sides of the discussion. However, it does seem the issues of character arise from either bad tenants or poor property owner maintenance. If we continue with the status quo, the area will continue to degrade.

Robert Averyt, 14695 Highway 30, said he was an active member of the Area 5 resource team. He feels the planning process was broken because there was not fair representation. There are sixty proposals in the plan. Most items will be passed without any discussion or thought. He asked that action on this item be postponed.

Lisa Halperin, 1811 Shadowwood Drive, spoke in favor of the plan. The city must enforce its ordinances. The street belongs to the City and is not an extension of residents' driveways. Ignoring the problem will not make it go away. Residents feel these issues are being ignored.

Clayton Powell, 1211 S. Ridgefield, stated he participated in the meetings, and everyone was included. It was a volunteer situation. When he moved into his home, zoned residential, he had an expectation that he would not be living next door to a frat house. Why are we allowing a transient population to dictate the character of the neighborhood?

Charles Barr, 1508 Caudill, reported that families are fleeing the South Knoll neighborhood. How do we recruit families and professionals to the area as they look for a place to live? He spoke of the "big city" commute that people are trying to get away from.

David Woodcock, 1511 Wolf Run, spoke in favor of the plan. He talked of the impact of cars parked on the street, the impact of the trash generated by four tenants, and how those affect the quality of life in the neighborhood.

Marguerite Anthony, 1211 Orr, told a story about parking that went crazy. Tenants on Holleman come though her back lot and parked on her street. One group began to leave things under her

tires, such as bricks, beer cans, and tacks. She put up a fence to block the lot. As a result, a deer head was left on the front porch.

Lee Fedora, 900 Emerald Dove Avenue, said he owns homes in the South Knoll area. Being able to live with friends in a house was an invaluable experience. It is not fair to restrict the kids in relation with whom they can live. We need to get them ready for the real world and how to be good citizens.

Helen Cluck, 9411 Scarborough Drive, spoke in favor of the plan. The cul de sac was single family when her family moved there. After 38 years, she decided to leave the area and became a landlord. Her tenants eventually bought in Bryan because they wanted a single family neighborhood. It is more an issue of parking and upkeep.

Rodney Boehm, 1911 Langford Street, spoke in favor of the plan. He was part of the neighborhood team and the process. It was a very inclusive process with community input. The plan is not anti-tenant, anti-landlord, anti-investor, or anti-student.

Gene Hawkins, 1805 Lawyer Place, spoke in favor of the plan and asked the Council to adopt the plan as it was presented in its entirety. Many of the long-term residents have been there longer than the short-term residents have been alive.

Kathe Hawkins, 1805 Lawyer Place, spoke in favor of the plan. She hears a group that wants rules and a group that doesn't want rules. All they are asking is for are rules so they can have their neighborhood back.

CC Mathewson, 1307 Glade, said he is hopeful that if parking is on only one side of Glade, with a bicycle route, that speed bumps and speed limit signs, etc. will be provided. He asked they look at safety on Glade Street when the plan is implemented.

Hugh Lindsay, 412 Tarrow, sees the problem as enforcement, or the lack thereof. He picks up between 80-160 gallons of cans every year from this neighborhood. He has noted the number of vehicles at houses, parking in bike lanes, and other violations.

Pamela Brummett, 1804 Lawyer Place, said her family has lived here for over 80 years. 20 - 25 years ago it was stricter, and students went to Bryan. Bryan has gotten smart, and now the students are moving back to College Station. The things she sees happening in South Knoll are just sad. People are moving out, and we are creating an inner city. This is affecting families and schools. That's what this community was built on. She is also concerned with safety.

L.Garry Adams, 1803 Lawyer Place, provided written comments, attached. He spoke in favor of the plan that was developed by a lot of hard work and extensive input from many residents. South Knoll residents have invested heavily in their homes.

Gary Ives, 3943 Blue Jay Court, provided written comments, attached. He spoke in favor of the plan.

Jonathan Coopersmith, 1811 Shadowwood Drive, spoke in support of the neighborhood plan and urged Council to adopt it, particularly the bike route portion.

Colin Slattery, 1400 Sunny Court, said he was here to represent the students that live in South Knoll. He has a rigorous schedule as a student athlete, and he enjoys living in a house in a neighborhood with friends that he considers family. He feels he is being driven out of a neighborhood that he loves. He is speaking for all students who want to live as he does.

Micah Dettmer, 1500 Oakdale Circle, Apt. C, apologized for the actions of some students. He feels enforcement is more effective than "weeding out" students from the neighborhood.

Dudley Smith, 1810 Shadowwood, said he takes a lot of pleasure from buying a house, fixing it up, and making it attractive to renters. The key for him has been communication. Accessibility for emergency vehicles is very, very important.

Justine Ealy, 1706 North Bardell, was called but did not speak.

Phil Banks, 1206 Winding Road, said it takes all kinds of people to make a community. He urged the Council to adopt the plan.

Rachel Bramson, MD, 1014 Madera, provided written comments, attached.

Donald Deere, 1500 Frost Drive, stated he owns eight rental properties in South Knoll. One of the plan proposals limits the number of unrelated tenants to two, but permits a family, regardless of size, to live in the same house. He noted that the appraisal district shows an increase in property values over the last couple of years.

Will Pittman, 1401 Skrnavek, apologized that more students did not participate when they had the opportunity. The apartments have not arrived yet, so the students are going to the neighborhoods. There is a campus campaign to educate students to be better neighbors and to be considerate of their neighbors. It is time to change poor student behavior. Better community relationships are not legislated, they are made.

Joe Dixon, 1807 Lawyer Place, spoke in favor of the plan. Within the neighborhood, they have privacy for families to grow, safety for children, and respect for everyone.

Cheryl Wenck, 8703 Chippendale, said they moved to College Station because of the excellent school in South Knoll. In seven short years, the school has become the worse school in the state. She urged the Council to save the school and the neighborhood.

Barbara McCannon, 1506 Caudill, told of raising her family in South Knoll. People may say it is not important to have family neighborhoods, but there is no community like there used to be. We need that. She encouraged Council to go with the plan full force.

Ralph Wurbs, 1804 Lawyer, spoke in favor of the plan. It is important to save neighborhoods, and it is not too late for South Knoll.

Marilyn Yeager, 1807 Hondo, said the street has real safety issues. Transportation is not a small issue.

Sherron McKenzie, 1801 Bee Creek, said College Station is a great place to live and appreciates the opportunity to participate in the process. She is not against Aggies or renters, but there is a problem with South Knoll. She noted houses are not being rented, the rooms are being rented. They are boarding houses.

There being no further comments, the Public Hearing was closed at 10:09 p.m.

MOTION: Upon a motion made by Councilmember Nichols and a second by Councilmember Brick, the City Council voted seven (7) for and none (0) opposed, to adopt Ordinance 2013-3531, amending the College Station Comprehensive Plan by adopting the South Knoll Area Neighborhood Plan for the area generally located within the boundaries of Texas Avenue, Holleman Drive, Welsh Avenue, Southwest Parkway, Wellborn Road, and Harvey Mitchell Parkway, and to include the Planning and Zoning recommendation to amend the Plan that parking may be removed from streets from 2:00 a.m. to 6:00 a.m. by petition and Council approval only, as amended below, and to vote on the Glade Street parking elimination separately. The motion carried unanimously.

MOTION TO AMEND #1: Upon a motion made by Councilmember Fields and a second by Councilmember Benham, the City Council voted five (5) for and two (2) opposed, with Councilmembers Brick and Nichols voting against, to remove from the plan NICC 1.3 and 1.4 restricting the number of tenants to two unrelated persons. The motion carried.

MOTION TO AMEND #2: Upon a motion made by Councilmember Schultz and a second by Councilmember Fields, the City Council voted six (6) for and one (1) opposed, with Councilmember Brick voting against, to remove NICC 2.1 that parking may be removed from streets from 2:00 a.m. to 6:00 a.m., including the Planning and Zoning recommendation that it may be removed by petition. The motion carried.

MOTION TO AMEND #3: Upon a motion made by Councilmember Schultz and a second by Councilmember Fields, the City Council voted two (2) for and five (5) opposed, with Mayor Berry and Councilmembers Brick, Mooney, Nichols and Benham voting against, to remove NICC 2.2 that parking may be removed for reasons of character with 50.1% approval of the neighbors. The motion failed.

MOTION TO AMEND #4: Upon a motion made by Councilmember Benham and a second by Councilmember Fields, the City Council voted seven (7) for and none (0) opposed, to amend NICC 2.2 by requiring a supermajority. The motion carried unanimously.

MOTION: Upon a motion made by Councilmember Fields and a second by Councilmember Brick, the City Council voted six (6) for and none (0) opposed, with Councilmember Schultz abstaining, to amend the plan by providing a bike route and allowing parking on one side of Glade Street between the hours of 7:00 a.m. and 6:00 p.m. The motion carried unanimously.

5. Adjournment.

MOTION: There being no further business, Mayor Berry adjourned the Regular Meeting of the City Council at 12:45 a.m. on Friday, September 27, 2013.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

DRAFT

October 7, 2013
Consent Agenda Item No. 2b
ESRI Small Government Enterprise License Agreement

To: Kathy Merrill, Interim City Manager

From: Ben Roper, IT Director

Agenda Caption: Presentation, possible action, and discussion regarding approval of a three year software license agreement with ESRI for their Small Government Enterprise ArcGIS Licenses at a maximum cost of \$150,000 over three years.

Relationship to Strategic Goals:

1. Financially Sustainable City
2. Core Services and Infrastructure

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

Summary: This ESRI Small Government Enterprise Licenses Agreement (ELA) allows the City to utilize most of the ESRI products without limitations on the number of licenses owned. This is a three year contract that is following a previous three year contract, approved by Council on October 25, 2010 Agenda item 2r, for the same enterprise licenses. This contract has an annual cost of \$50,000 for each year.

This agreement provides cost savings when compared to individual licenses purchased with an annual maintenance and support agreement.

Budget & Financial Summary: Funding for the first year of this 3 year contract has been budgeted in the FY14 Information Technology Department operating budget.

Reviewed and Approved by Legal: Yes

Attachments:

ESRI Contract Number 14-001 (Available in the CSO)
ELA Quote 20431071

October 7, 2013
Consent Agenda Item No. 2c
Interlocal Agreement with City of Paris

To: Kathy Merrill, Interim City Manager

From: Jeff Kersten, Executive Director Business Services

Agenda Caption: Presentation, possible action, and discussion on an Interlocal Agreement between the City of College Station and City of Paris for sale city surplus equipment.

Recommendation(s): Staff recommends approval of the Interlocal Agreement.

Summary: This agreement would authorize the City of College Station and City of Paris to enter into a mutual agreement for the sale and purchase of Wastewater plant equipment consisting of ATAD spare parts; specifically, nine (9) foam controller blades, one (1) spiral aerator impeller and nine (9) blade/hub exchange sets. The City wishes to sell this equipment and City of Paris wishes to buy the equipment. City of Paris will pay to College Station a total of TWENTY THOUSAND and NO/100 (\$20,000.00) for these parts.

Budget & Financial Summary: No expenses will be incurred to approve the Interlocal Agreement. Proceeds from the sale of the equipment will be deposited into the City's Wastewater Fund.

Attachments:

Interlocal Agreement with City of Paris is on file in the City Secretary's Office

October 7, 2013
Consent Agenda Item No. 2d
Funding Agreement With Research Valley Partnership

To: Kathy Merrill, Interim City Manager

From: Jeff Kersten, Executive Director Business Services

Agenda Caption: Presentation, possible action and discussion on a funding agreement between the City of College Station and the Research Valley Partnership (RVP) for FY14 in the amount of \$350,000.

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

Summary: As part of the 2013-2014 budget process the City Council approved funding for the Research Valley Partnership in the amount of \$350,000. This funding is for the provision of economic development services for the area.

Budget & Financial Summary: The funds for this agreement are budgeted and available in the 2013-2014 General Fund in the total amount of \$350,000. These funds are for the operations and maintenance of the Research Valley Partnership in FY 14.

Attachments:

1. Research Valley Partnership Funding Agreement (available in City Secretary's Office)

October 7, 2013
Consent Agenda Item No. 2e
Operations & Maintenance Funding Agreements with Arts Council of Brazos Valley

To: Kathy Merrill, Interim City Manager

From: Jeff Kersten, Executive Director Business Services

Agenda Caption: Presentation, possible action and discussion on approving the budget of the Arts Council of the Brazos Valley, and; presentation, possible action and discussion on approving two agreements between the City of College Station and the Arts Council of the Brazos Valley for operations and maintenance in FY14 totaling \$100,000, with \$50,000 coming from the General Fund and \$50,000 coming from the Hotel Tax Fund.

Recommendation(s): Staff recommends approval of the Arts Council budget and funding agreements.

Summary: As part of the 2013-2014 budget process the City Council approved operations and maintenance funding for the Arts Council of Brazos Valley in the amount of \$50,000 from the General Fund and \$50,000 from the Hotel Tax Fund.

The Arts Council of Brazos Valley promotes advocates, builds partnerships with, and funds arts and cultural organizations of the Brazos Valley. These funds will be used for maintaining and operating the Arts Council.

Budget & Financial Summary: The funds for this agreement are budgeted and available in the 2013-2014 General Fund in the amount of \$50,000 and in the 2013-2014 Hotel Tax Fund in the amount of \$50,000. State law requires that the City Council adopt the budget of any organization that is to be funded through Hotel Tax revenue.

Attachments:

1. Arts Council of the Brazos Valley Budget
2. Arts Council of the Brazos Valley General Fund Funding Agreement (available in City Secretary's Office)
3. Arts Council of the Brazos Valley Hotel Tax Fund Funding Agreement (available in City Secretary's Office)

Arts Council of Brazos Valley
Proposed Budget Overview
 October 2013 through September 2014

	Oct '13 - Sep 14
Ordinary Income/Expense	
Income	
430 · Contributed Income	
431 · Membership Dues	26,087.50
432 · Fundraising Events	
4321 · Anniversary Event	20,000.00
4322 · ACBV Events	8,340.00
4323 · Benchmarking Project	15,000.00
4324 · Celebrating the Arts	70,100.00
432 · Fundraising Events - Other	0.00
Total 432 · Fundraising Events	113,440.00
433 · Government Grants	
4331 · College Station	50,000.00
4332 · College Station HOT	415,000.00
4333 · Bryan HOT	42,000.00
4334 · Brazos County	8,000.00
4335 · TCA	23,600.00
4336 · Navasota HOT	26,990.00
433 · Government Grants - Other	0.00
Total 433 · Government Grants	565,590.00
434 · Foundation & Trust Grants	1,000.00
430 · Contributed Income - Other	0.00
Total 430 · Contributed Income	706,117.50
440 · Program Service Revenue	26,000.00
450 · Other Revenue	
451 · Investments	1,440.00
452 · Rentals	840.00
Total 450 · Other Revenue	2,280.00
46000 · Merchandise Sales	16,000.00
Total Income	750,397.50
Gross Profit	750,397.50
Expense	
600 · Awards and Grants	
601 · Awards & Grants-Organizations	366,990.00
602 · Awards & Grants-Individuals	3,000.00
Total 600 · Awards and Grants	369,990.00

Arts Council of Brazos Valley
Proposed Budget Overview
 October 2013 through September 2014

610 · Salaries and Related Expenses	
611 · Salaries & Wages	148,325.00
612 · IRA Employer Contributions	4,809.75
613 · Employee Benefits-not pension	21,120.00
614 · Payroll taxes & fees	15,126.42
610 · Salaries and Related Expenses - Other	12,000.00
Total 610 · Salaries and Related Expenses	<u>201,381.17</u>
620 · Fees for Services	
621 · Accounting Fees	9,740.00
622 · Legal Fees	1,000.00
Total 620 · Fees for Services	<u>10,740.00</u>
630 · Advertising, Printing, Promo.	46,001.78
631 · Programs	
6311 · Reflections of Special Olympic	1,500.00
6312 · ART for Life	9,830.00
6313 · Texas Gallery	6,000.00
6314 · School Programs/Classes	8,700.00
6315 · Community Festivals	6,000.00
631 · Programs - Other	2,000.00
Total 631 · Programs	<u>34,030.00</u>
632 · Fundraising	
6321 · Anniversary Event	12,000.00
6322 · ACBV Events	2,500.00
6323 · Benchmarking Project	7,500.00
6324 · Celebrating the Arts	25,000.00
632 · Fundraising - Other	0.00
Total 632 · Fundraising	<u>47,000.00</u>
640 · Office Expenses	
641 · Postage, Mailing Service	600.00
642 · Supplies	1,500.00
640 · Office Expenses - Other	550.00
Total 640 · Office Expenses	<u>2,650.00</u>
650 · Information Technology	4,000.00
660 · Occupancy	
661 · Facilities & Equipment Rental	2,500.00
Total 660 · Occupancy	<u>2,500.00</u>
670 · Travel	
671 · Travel & In-Region Mileage	1,800.00

Arts Council of Brazos Valley
Proposed Budget Overview
October 2013 through September 2014

672 · Conference, Convention, Meeting	0.00
670 · Travel - Other	0.00
Total 670 · Travel	<u>1,800.00</u>
680 · Insurance	4,800.00
690 · Other expenses	
691 · Bank Charges	500.00
692 · Credit Card Charges	2,507.76
694 · Memberships and Dues	1,000.00
695 · Training & Development	3,000.00
697 · Artist Commission	15,900.00
699 · Other Costs (Taxes)	1,200.00
690 · Other expenses - Other	0.00
Total 690 · Other expenses	<u>24,107.76</u>
Total Expense	<u>749,000.71</u>
Net Ordinary Income	<u>1,396.79</u>
Net Income	<u><u>1,396.79</u></u>

October 7, 2013
Consent Agenda Item No. 2f
Affiliate Funding and Annual Program and Marketing Funding Agreement
with Arts Council of Brazos Valley

To: Kathy Merrill, Interim City Manager

From: Jeff Kersten, Executive Director Business Services

Agenda Caption: Presentation, possible action and discussion on approving the agreement between the City of College Station and the Arts Council of Brazos Valley for FY14 in the amount of \$365,000 for Affiliate funding and Annual Program and Marketing funding.

Recommendation(s): Staff recommends approval of the Arts Council Affiliate and Annual Program and Marketing funding agreement for FY14.

Summary: As part of the 2013-2014 budget process, the City Council approved total funding for the Arts Council of the Brazos Valley from the Hotel Tax Fund in the amount of \$365,000 to be used for Affiliate funding and Annual Program and Marketing funding administered by the Arts Council.

As part of the 2013-2014 budget process, the City Council also approved \$50,000 from the General Fund and \$50,000 from Hotel Tax Fund for operations and maintenance of the Arts Council.

Budget & Financial Summary: The funds for this agreement are budgeted and available in the 2013-2014 Hotel Tax Fund Budget in the amount of \$365,000. The total of this amount is to be used to fund Arts Council Affiliates and Annual Program and Marketing administered by the Arts Council. State law requires that the City Council adopt the budget of any organization that is to be funded through Hotel Tax revenue. Arts Council budget was presented for approval with the operations and maintenance funding agreement consent agenda item.

Attachments:

1. Arts Council of the Brazos Valley Affiliate and Annual Program and Marketing Funding Agreement (Available in the City Secretary's Office)
2. Arts Council Affiliate Funding Memorandum



To: Kathy Merrill, Interim City Manager
From: Jeff Kersten, Executive Director Business Services
Date: October 1, 2013
Subject: FY14 Arts Council Affiliate Funding

As part of the FY14 Budget Process, Council approved funding in the amount of \$335,000 from the Hotel Tax Fund for Arts Council of Brazos Valley (ACBV) Affiliates. These funds are distributed by the Arts Council through a process set in place by its Annual Program and Marketing Grant Selection Committee which meets during the month of August. The ACBV grant program is designed to provide its Affiliate organizations with financial support for projects that make a significant contribution toward the promotion of arts and culture in the Brazos Valley and directly enhance and promote tourism and the convention & hotel industry. For FY14 a total of 21 Affiliates submitted grant applications, requesting a total of \$438,405 in funding. These grant applications were reviewed by a Grant Review Panel that consisted of ACBV Staff, City of College Station citizens at large, Hotel & Convention industry professionals, and City of College Station staff.

Each affiliate grant application was scored by the Grant Review panel based upon the Hotel Impact, Artistic and Program Merit, Capability, Fiscal Need & Health, and Support of the Mission of the Arts Council demonstrated by the application. Upon reviewing and scoring the applications, the Grant Review Panel made funding recommendations for each application and submitted those recommendations to the Arts Council Board of Directors for approval and recommendation to the City of College Station. On September 3, 2013 the ACBV Board approved the recommendations that total the budgeted \$335,000 in approved funding.

The following is a brief overview of each Affiliate and the grant amount recommended for funding through this process for FY14.

Academy of Visual and Performing Arts – FY14 Grant Amount \$5,000; No Grant Request or Award in FY13

The Academy of Visual and Performing Arts produces diverse, innovative, and prominent performing and visual artists. Funding will be used to support a regional marketing campaign for a 6-show season for 2013-2014. Each of these events takes place in the evening, and it is anticipated that those attending from outside of the area will make arrangements to stay in the area for at least one night.

Brazos Dance Collective – FY14 Grant Amount \$6,000; FY13 Grant Amount \$6,000

The Brazos Dance Collective presents and promotes contemporary dance through performances, demonstrations, classes, and workshops. Funding will be used for the Brazos Contemporary Dance Festival and a Master Class and Composition Workshop. Each of these are multi-day events and it is estimated that 30-50% of attendees will be from outside of the Brazos Valley.

Brazos Valley African American Museum – FY14 Grant Amount \$6,000; FY13 Grant Amount \$3,000

The Brazos Valley African American Museum hosts events and exhibits that provide opportunities to learn more about African American culture and history. Funding will be used to host a meet and greet event in association with the Blues Festival and Juneteenth celebration, as well as to create and market a lecture series in conjunction with some of the more high-profile exhibits displayed by the museum.

Brazos Valley Chorale – FY14 Grant Amount \$7,500; FY13 Grant Amount \$8,000

The Brazos Valley Chorale hosts a series of unique choral experiences with five concerts scheduled for 2013-2014. Additionally, funding will also be used by the Chorale for marketing in the Concierge Magazine that will promote local cultural and tourism opportunities for visitors to College Station.

Brazos Valley Museum of Natural History – FY14 Grant Amount \$25,000; FY13 Grant Amount \$30,000

The Brazos Valley Museum of Natural History promotes natural and cultural history through the presentation of exhibits, educational programs, and preserving cultural artifact and natural specimen collections. Approximately 47% of the Museum's 25,000-30,000 annual visitors are from outside the Bryan/College Station area, and 31% stayed in area hotels during their visit. In addition to supporting exhibits, funds will be used for advertisements related to Boonville Days, the 4th Annual Buffalo Stampede Half-marathon & 5K Race, and other museum events and exhibits.

Brazos Valley Stitchers - FY14 Grant Amount \$1,000; No Grant Request or Award in FY13

The Brazos Valley Stitchers supports, encourages and educates those interested in the needle arts. Funding will be used to support and promote an event on May 31 – June 1, 2014 of the Toni Gerdes Workshop. Ms. Gerdes is a nationally known embroidery teacher who teaches all over the US.

Brazos Valley Symphony Society – FY14 Grant Amount \$39,000; FY13 Grant Amount \$31,324

The Brazos Valley Symphony Society maintains a symphony of high artistic standards and promotes the musical arts for cultural and educational purposes. The Symphony Society will host nine (9) programs and events in FY14, impacting approximately 34,000 people. Included is the 11th Annual Derby Day Fundraiser, which will be hosted at the Hilton hotel as well as a performance at the Noon Lions Club's Independence Day Celebration at the George Bush Presidential Library.

Brazos Valley T.R.O.U.P.E. – FY14 Grant Amount \$7,500; FY13 Grant Amount \$15,000

The Brazos Valley T.R.O.U.P.E. (Texas Repertory of Unique Performing Arts & Entertainment) provides a variety of artistic entertainment including improvisation shows, musicals, revues, and concerts involving youth. Funding will be used for marketing during the 2013-2014 season.

Brazos Valley Worldfest – FY14 Grant Amount \$22,500; FY13 Grant Amount \$20,000

Brazos Valley Worldfest is a two day festival celebrating international awareness by offering cultural displays, demonstrations, international cuisine, performances, children's crafts, educational competitions and many other activities. Anticipated attendance this year is between 11,000-12,000 total for both days. Funds will be used for acquiring performers for the event as well as targeted marketing outside of the College Station area through avenues such as Texas Monthly magazine and Suddenlink media stations throughout other parts of the state.

Brazos Writers – FY14 Grant Amount \$750; FY13 Grant Amount \$1,000

The Brazos Writers is a non-profit organization for published and unpublished writers. Funding will be used to workshops open to all ages and levels of experience. Specifically, workshops will focus on one theme or aspect of writing, including screen writing, crime writing and legal thrillers. Workshops will be marketed through local and nonlocal media outlets.

Downtown Bryan Association - FY14 Grant Amount \$5,250; No Grant Request or Award in FY13

The Downtown Bryan Association will assume management and associated costs of Texas Reds Festival beginning in 2014. Funding will fund marketing and advertising efforts of Texas Reds festival outside a 50-mile radius of Bryan/College Station.

Forsyth Galleries/Stark Galleries – FY14 Grant Amount \$24,000; FY13 Grant Amount \$20,000

The MSC Forsyth Gallery provides lectures, tours, cultural trips, workshops, demonstrations, hands-on art activities and other events related to the visual arts. Funding will be used solely for marketing efforts in various media resources including Texas Monthly magazine, SEC sports programs marketing, KVUE Austin television, and KHOU Houston television.

Friends of Chamber Music – FY14 Grant Amount \$24,000; FY13 Grant Amount \$6,000

The Friends of Chamber Music provides free concerts and presentations of traditional and contemporary chamber music. Live performances are attended by approximately 2,400 people and many performances are rebroadcast by KAMU. Six concerts are scheduled for 2013-2014 with two of the concert's performers (Hermes's Quartet and The Baltimore Consort) internationally known. Organization is working with local hotels to set up room blocks for performers and musicians attending concerts from out of town.

George Bush Library & Museum – FY14 Grant Amount \$65,000; No FY13 Grant Request or Award via Affiliate Funding

The George Bush Library was funded directly by the City in FY13 for \$69,852. In FY14 funding will be used for advertising and promoting the library. Advertisements will also be placed in several media markets to target general Texas tourism as well as new visitors affiliated with SEC schools.

KAMU-FM – FY14 Grant Amount \$32,000; FY13 Grant Amount \$32,000

KAMU-FM provides informative, enlightening, and cultural programming to Central Texas, North Texas, and beyond by providing news, public affairs programs and a variety of locally and nationally produced musical programs. KAMU-FM promotes local arts events and programs through its Brazos Arts segment as well as the Brazos Valley Concert Series which features concerts by various musical groups in the area. KAMU-FM reaches approximately 350,000 people within 75-mile radius, and through its partnership with KTRL-FM in Stephenville that reaches western portions of the Fort Worth area. Programming and area advertising is also streamed online.

Marian Anderson String Quartet – FY14 Grant Amount \$10,000; No Grant Request or Award in FY13

The Quartet is internationally known and performs throughout the US. Funding is provided for the 2014 Chamber Music Institute which has developed a national reputation of excellence and attracts participants throughout Texas and across the US.

Mic Check – FY14 Grant Amount \$7,000; FY13 Grant Amount \$4,000

Mic Check is a charitable arts group that helps connect an active community of readers, writers, and critics of contemporary, experimental, avant-garde, and neglected poetry to the general public. Funding will be used to market and host the 2013 Texas Grand Slam Poetry Festival whose participants and attendees are anticipated to stay in College Station area hotels.

Museum of the American G.I. - FY14 Grant Amount \$10,000; No Grant Request or Award in FY13

Funding is for advertising and targeted program support for the 2014 Museum of the American G.I. Open House. This is the largest military vehicle rally and reenactment in the South.

StageCenter – FY14 Grant Amount \$15,000; FY13 Grant Amount \$15,000

StageCenter enriches the cultural base of the Brazos Valley by providing professional-quality live theatre. Approximately 3,750 patrons are expected for performances in FY14, with approximately 23% visiting from outside of the College Station area. Funds will be used to produce and promote seven (7) unique shows to potential patrons outside of the Brazos Valley.

Texas Independent Film Festival - FY14 Grant Amount \$4,000; No Grant Request or Award in FY13

This will be the fourth year of the Texas Independent Film Festival scheduled for April 2014. This event brings the film community to Bryan/College Station area. Funding will assist with cost of event and guest speakers that will be part of the professional and/or academic film industry.

Theatre Company of B/CS – FY14 Grant Amount \$27,000; FY13 Grant Amount \$26,324

The Theatre Company presents high-quality musical productions that are suitable for family audiences. The organization is working with various hotels and the CVB to offer "stay & play" packages through their website and various other CVBs throughout Texas. Additionally, the Theatre Company has joined the Texas Non-Profit Theatre Association and the American Association of Community Theatres in an effort to draw patrons from communities outside the Brazos Valley.

Visual Arts Committee - FY14 Grant Amount \$10,000; No Grant Request or Award in FY13

The Visual Arts Committee located on the Texas A&M campus provides opportunities to connect with visual arts through art exhibitions and gallery programs. Funding will assist with costs for Salvador Dali, Three Exhibits from April 15 – September 15, 2014. 4,000 visitors are anticipated to the three Dali exhibits and associated events. The Salvador Dali exhibits, in conjunction with the opening gala, readings, workshops and film screenings will create a significant draw from outside the Brazos Valley area.

Affiliates will be required to submit quarterly reports to the City through the ACBV. Information that will be included on the reports includes financial information about the Affiliate as well as information regarding the number of attendees at the Affiliate's performances, the number of hotel stays generated by the Affiliate's attendees, and marketing efforts utilized by the Affiliate to bring guests from outside the Brazos Valley to their programs.

Exhibit A
Arts Council of Brazos Valley FY14 Affiliate Funding

Affiliate Funding	Funding Amount
Academy Of Visual and Performing Arts	\$ 5,000
Brazos Dance Collective	6,000
Brazos Valley African American Museum	6,000
Brazos Valley Chorale	7,500
Brazos Valley Natural History Museum	25,000
Brazos Valley Stitchers	1,000
Brazos Valley Symphony	39,000
Brazos Valley TROUPE	7,500
Brazos Valley WorldFest	22,500
Brazos Writers	750
Downtown Bryan Association	5,250
Forsyth Galleries/Stark Galleries	24,000
Friends of Chamber Music	6,000
George Bush Presidential Library & Museum	65,000
KAMU-FM	32,000
Marian Anderson String Quartet	10,000
Mic Check	7,000
Museum of the American G.I.	9,500
StageCenter	15,000
Texas Independent Film Festival	4,000
The Theatre Company of Bryan / College Station	27,000
Visual Arts Committee	10,000
TOTAL AFFILIATE FUNDING	\$335,000

October 7, 2013
Consent Agenda Item No. 2g
Brazos Valley Convention and Visitors Bureau Budget and Funding Agreement

To: Kathy Merrill, Interim City Manager

From: Jeff Kersten, Executive Director Business Services

Agenda Caption: Presentation, possible action and discussion on approving the budget of the Brazos Valley Convention and Visitors Bureau (CVB); and presentation, possible action and discussion on a funding agreement between the City of College Station and the Brazos Valley Convention and Visitors Bureau for FY14 in the amount of \$1,379,340.

Recommendation(s): Staff recommends approval of the CVB budget and the funding agreement for FY14.

Summary: As part of the 2013-2014 budget process the City Council approved funding for the Brazos Valley Convention and Visitors Bureau in the amount of \$1,379,340. This is for marketing and operational activities directly associated with the promotion of tourism and the hotel industry in College Station by the CVB.

Budget & Financial Summary: The funds for this agreement are budgeted and available in the 2013-2014 Hotel Tax Fund budget. A total of \$1,379,340 is to be used for marketing and operational activities directly associated with the promotion of tourism and the hotel industry in College Station.

State law requires that the City Council adopt the budget of any organization that is to be funded through the Hotel Occupancy Tax funds.

Attachments:

1. CVB Budget
2. CVB Funding Agreement (available in City Secretary's Office)

10:29 AM
 05/28/13
 Accrual Basis

Bryan-College Station Convention & Visitors Bureau Profit & Loss Budget Overview October 2013 through September 2014

	Oct '13 - Sep 14
Ordinary Income/Expense	
Income	
Booking Commissions	12,000.00
Brazos County	25,000.00
Bryan	172,042.00
Bryan Downtown Rent	0.00
BVSF Events	
Entry Fees	9,000.00
Souvenirs	0.00
Sponsorships	6,000.00
Tickets	21,000.00
Total BVSF Events	36,000.00
College Station	1,379,340.00
Industry Participation	22,380.00
Interest earned	3,500.00
Total Income	1,650,262.00
Expense	
Administrative/Operations	
Audit/Legal/Professional Serv.	9,250.00
Board Expenses	6,250.00
Building Repairs & Maintenance	12,500.00
Electrical/Water Svc Expense	15,000.00
Liability Insurance	5,000.00
Merchant Charges	600.00
Office Supplies	9,900.00
Outside Storage	2,100.00
Property Tax	1,900.00
Sympathy/Recognition	3,000.00
Technical Support	22,100.00
Telephone	15,600.00
Vehicle Gas & Maintenance	3,420.00
Total Administrative/Operations	106,520.00
Capital	
Equipment	
Computer Software	2,000.00
Equipment Repair & Maint.	5,000.00
Lease	19,600.00
Total Equipment	26,600.00
Office Rent	0.00
Total Capital	26,600.00
Marketing/Sales/Promotion	
Admission Tickets/Merchandise	1,800.00
Advertising	173,185.00
Bid Fees	3,000.00
Client Relations	3,215.00
Community Luncheons/Events	3,046.00
Event Personnel	26,850.00
Facility Rental	46,008.00
Gift Baskets	3,250.00
Luncheons/Banquet	11,100.00
Memberships/Subscriptions	17,290.00
Postage	15,750.00
Printing	10,350.00
Professional Development	18,704.00
Promotional	45,350.00
Research	35,000.00
Sales/Marketing Leads	825.00
Site Visits/FAM Tours	1,220.00
Sponsorships	124,911.00
Trade Show/Booth	29,240.00

10:29 AM
05/28/13
Accrual Basis

Bryan-College Station Convention & Visitors Bureau
Profit & Loss Budget Overview
October 2013 through September 2014

	<u>Oct '13 - Sep 14</u>
Travel	
Air	22,873.00
Ground	7,550.00
Hotel	40,290.00
Meals	8,850.00
Misc.	780.00
Total Travel	80,343.00
Website	
Advertising	72,000.00
Development	52,405.00
Total Website	124,405.00
Total Marketing/Sales/Promotion	774,842.00
Payroll Expenses	742,300.00
Total Expense	1,650,262.00
Net Ordinary Income	0.00
Net Income	0.00

October 7, 2013
Consent Agenda Item No. 2h
Grant Funding Agreement with Brazos Valley Convention and Visitors Bureau

To: Kathy Merrill, Interim City Manager

From: Jeff Kersten, Executive Director Business Services

Agenda Caption: Presentation possible action and discussion on a funding agreement between the City of College Station and the Brazos Valley Convention and Visitors Bureau (CVB) for FY14 in the amount of \$128,000 to administer the CVB Grant Program.

Recommendation(s): Staff recommends approval of the CVB Grant Program funding agreement for FY14.

Summary: As part of the 2013-2014 budget process the City Council approved funding for the Brazos Valley Convention and Visitors Bureau in the amount of \$128,000. This agreement will allow the CVB to effectively and efficiently administer the grant program to sub-recipients.

Budget & Financial Summary: The funds for this agreement are budgeted and available in the 2013-2014 Hotel Tax Fund budget. A total of \$128,000 is to be used to fund event grants that will promote tourism and the hotel industry in College Station.

State law requires that the City Council adopt the budget of any organization that is to be funded through the Hotel Occupancy Tax funds. The CVB budget was presented for approval with the CVB funding agreement on this agenda.

Attachments:

1. CVB Funding Agreement (available in City Secretary's Office)

October 7, 2013
Consent Agenda Item No. 2i
Annual Agreement for City Branded Uniforms for Parks Programs
And Other City Departments – Renewal #1

To: Kathy Merrill, Interim City Manager

From: Jeff Kersten, Executive Director of Business Services

Agenda Caption: Presentation, possible action, and discussion authorizing the renewal of the award of Bid No. 12-102 for the purchase of City branded uniforms for Parks athletic programs and for other City departments with CC Creations (\$45,000) and Monograms and More (\$33,000) for a combined annual estimated expenditure of \$78,000.

Relationship to Strategic Goals: Financially Sustainable City

Recommendation(s): Staff recommends approval to purchase City branded uniforms for Parks athletic programs and other City departments to CC Creations and Monograms and More.

Summary: Seven (7) sealed, competitive bid were received and opened on Thursday, September 6, 2012. CC Creations and Monograms and More were awarded pricing agreements based on pricing and being the most responsible bidders. This will be the first of two possible renewals.

These purchases will be made as needed during the term of the agreement. Approximately 70% (\$54,600) of the total expenditure will be utilized by the Athletic Division in the Parks and Recreation Department for league play: adult softball, volleyball, flag football, youth softball, volleyball, flag football, basketball, challenger sports and swim teams. The cost of these shirts are calculated into the registration fees charged to program participants and are recovered by the Parks and Recreation Department through these registration fees.

The other 30% (\$23,400) of shirts purchased will be used as employee uniforms for Fire, Public Works, Electric, etc. Based on FY 2013 historical usage, the estimated annual expenditures for this merchandise with CC Creations and Monograms and More is \$78,000. This is a 4% increase from the previously approved agreements.

Budget & Financial Summary: Funds are budgeted and available in various departmental operating budgets.

Legal Reviewed: Yes

Attachments: Signed Renewal Letters

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RENEWAL ACCEPTANCE

By signing herewith, I acknowledge and agree to renew ITB 12-102, Annual City Wide T-Shirts, Caps and Polos in accordance with all terms and conditions previously agreed to and accepted for an amount not to exceed Forty Five Thousand and 00/100 Dollars (\$45,000).

I understand this renewal term will be for the period beginning October 17, 2013 through October 16, 2014. This is the first of two possible renewals.

C.C. Creations

By: Andy O'Bannon
Printed Name: Andy O'Bannon
Title: Sales & Manager
Date: 9-5-13

City of College Station

By: _____
City Manager
Date: _____

APPROVED:

City Attorney
Date: _____

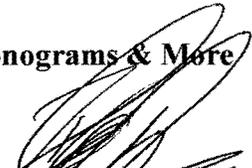
Executive Director Business Services
Date: _____



RENEWAL ACCEPTANCE

By signing herewith, I acknowledge and agree to renew ITB 12-102, Annual City Wide T-Shirts, Caps and Polos in accordance with all terms and conditions previously agreed to and accepted, with a ten percent (10%) increase for an amount not to exceed Thirty Three Thousand and 00/100 Dollars (\$33,000).

I understand this renewal term will be for the period beginning October 17, 2013 through October 16, 2014. This is the first of two possible renewals.

Monograms & More
By: 
Printed Name: Blaine Fernandez
Title: Owner
Date: 8-30-13

City of College Station
By: _____
City Manager
Date: _____

APPROVED:

City Attorney
Date: _____

Executive Director Business Services
Date: _____

October 7, 2013
Consent Agenda Item No. 2j
Ordinance Adopting the Atmos Mid-Tex Division
First Annual "Rate Review Mechanism"
Rate Increase Under the Renewed "Rate Review Mechanism" Tariff

To: Kathy Merrill, Interim City Manager

From: Randall Heye, Assistant to the City Manager

Agenda Caption: Presentation, possible action, and discussion regarding an ordinance approving an increase in rates for Atmos Energy Mid Tex pursuant to the renewed Rate Review Mechanism tariff resulting in an increase of \$16.6 million system-wide.

Recommendation(s): Staff recommends approval.

Summary: The City of College Station, along with approximately 164 other cities served by Atmos Energy Mid-Tex Division ("Atmos Mid-Tex" or "Company"), is a member of the Atmos Cities Steering Committee ("ACSC"). On or about July 15, 2013, Atmos Mid-Tex filed with the City an application to increase natural gas rates pursuant to the Rate Review Mechanism ("RRM") tariff renewed by the City in 2013 as a continuation and refinement of the previous RRM rate review process. This is the first annual RRM filing under the renewed RRM tariff.

The Atmos Mid-Tex RRM filing sought a \$22.7 million rate increase system-wide based on an alleged test-year cost of service revenue deficiency of \$25.7 million. The City worked with ACSC to analyze the schedules and evidence offered by Atmos Mid-Tex to support its request to increase rates. The Ordinance and attached rate tariffs are the result of negotiations between ACSC and the Company to resolve issues raised by ACSC during the review and evaluation of Atmos Mid-Tex's RRM filing.

The Ordinance resolves the Company's RRM filing by authorizing additional revenues to the Company of \$16.6 million system-wide. For purposes of comparison, this negotiated result is about \$11 million *less* than what ACSC's consultants calculated that Atmos would have been entitled to if Atmos had filed a case under the Gas Reliability Infrastructure Program ("GRIP") rather than an RRM case. The settlement is expected to increase the average residential customer's bill by approximately \$0.74 per month. An Average Bill Comparison of base rates has been prepared for residential, commercial, industrial, and transportation customers.

The purpose of the Ordinance is to approve rates (shown on "Attachment A" to the Ordinance) that reflect the negotiated rate changes pursuant to the RRM process. Approval of the Ordinance will result in the implementation of new rates that increase Atmos Mid-Tex's revenues effective November 1, 2013. The ACSC Executive Committee and ACSC legal counsel recommend that all ACSC Cities adopt the Ordinance implementing the rate change.

Budget & Financial Summary: N/A

Legal Review: Yes

Attachments:

1. Ordinance
2. Attachment "A" – RRM Tariff

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING A NEGOTIATED RESOLUTION BETWEEN THE ATMOS CITIES STEERING COMMITTEE AND ATMOS ENERGY CORP., MID-TEX DIVISION REGARDING THE COMPANY'S 2013 ANNUAL RATE REVIEW MECHANISM FILING IN ALL CITIES EXERCISING ORIGINAL JURISDICTION; DECLARING EXISTING RATES TO BE UNREASONABLE; ADOPTING TARIFFS THAT REFLECT RATE ADJUSTMENTS CONSISTENT WITH THE NEGOTIATED SETTLEMENT AND FINDING THE RATES TO BE SET BY THE ATTACHED TARIFFS TO BE JUST AND REASONABLE; REQUIRING THE COMPANY TO REIMBURSE CITIES' REASONABLE RATEMAKING EXPENSES; REPEALING CONFLICTING RESOLUTIONS OR ORDINANCES; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; ADOPTING A SAVINGS CLAUSE; DECLARING AN EFFECTIVE DATE; PROVIDING A MOST FAVORED NATIONS CLAUSE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND THE STEERING COMMITTEE'S LEGAL COUNSEL.

WHEREAS, the City of College Station, Texas ("City") is a gas utility customer of Atmos Energy Corp., Mid-Tex Division ("Atmos Mid-Tex" or "Company"), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee ("ACSC"), a coalition of approximately 164 similarly situated cities served by Atmos Mid-Tex that have joined together to facilitate the review of and response to natural gas issues affecting rates charged in the Atmos Mid-Tex service area; and

WHEREAS, pursuant to the terms of the agreement settling the Company's 2007 Statement of Intent to increase rates, ACSC Cities and the Company worked collaboratively to develop a Rate Review Mechanism ("RRM") tariff that allows for an expedited rate review process controlled in a three-year experiment by ACSC Cities as a substitute to the current Gas Reliability Infrastructure Program ("GRIP") process instituted by the Legislature; and

WHEREAS, the City took action in 2008 to approve a Settlement Agreement with Atmos Mid-Tex resolving the Company's 2007 rate case and authorizing the RRM tariff; and

WHEREAS, in 2013, ACSC and the Company negotiated a renewal of the RRM tariff process for an additional five years; and

WHEREAS, the City passed an ordinance renewing the RRM tariff process for the City for an additional five years; and

WHEREAS, the RRM renewal tariff contemplates reimbursement of ACSC Cities' reasonable expenses associated with RRM applications; and

WHEREAS, on or about July 15, 2013, the Company filed with the City its first annual RRM filing under the renewed RRM tariff, requesting to increase natural gas base rates by \$22.7 million; and

WHEREAS, ACSC coordinated its review of Atmos Mid-Tex's RRM filing through its Executive Committee, assisted by ACSC attorneys and consultants, to resolve issues identified by ACSC in the Company's RRM filing; and

WHEREAS, the ACSC Executive Committee, as well as ACSC's counsel and consultants, recommend that ACSC Cities approve the attached rate tariffs ("Attachment A" to this Ordinance), which will increase the Company's revenues by \$16.6 million; and

WHEREAS, the attached tariffs implementing new rates are consistent with the negotiated resolution reached by ACSC Cities and are just, reasonable, and in the public interest; now, therefore,

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

- PART 1: That the findings set forth in this Ordinance are hereby in all things approved.
- PART 2: That the City Council finds the existing rates for natural gas service provided by Atmos Mid-Tex are unreasonable and new tariffs which are attached hereto and incorporated herein as Attachment A, are just and reasonable and are hereby adopted.
- Section 3. That Atmos Mid-Tex shall reimburse the reasonable ratemaking expenses of the ACSC Cities in processing the Company's RRM application.
- PART 4: That to the extent any resolution or ordinance previously adopted by the Council is inconsistent with this Ordinance, it is hereby repealed.
- PART 5: That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.
- PART 6: That if any one or more sections or clauses of this Ordinance is adjudged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.
- PART 7: That if ACSC determines any rates, revenues, terms and conditions, or benefits resulting from a Final Order or subsequent negotiated settlement approved in any proceeding addressing the issues raised in Atmos' 2013 RRM filing would be more beneficial to the ACSC Cities than the terms of the attached tariffs, then the more favorable rates, revenues, terms and conditions, or benefits shall

additionally and automatically accrue to the ACSC Cities, including the City, without the need for City to take any further action. If this automatic adjustment occurs, Atmos Mid-Tex shall promptly thereafter file with the City an amended tariff documenting the adjustment to rates.

PART 8: That this Ordinance shall become effective from and after its passage with rates authorized by attached tariffs to be effective for bills rendered on or after November 1, 2013.

PART 9: That a copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Chris Felan, Manager of Rates and Regulatory Affairs, at Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1862, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., P.O. Box 1725, Austin, Texas 78767-1725.

PASSED AND APPROVED this 7th day of October, 2013.

Mayor

ATTEST:

City Secretary

APPROVED AS TO FORM:

Carla A. Robinson
City Attorney

Attachment A

Atmos Mid-Tex Tariffs
Effective November 1, 2013

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	R – RESIDENTIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2013	

Application

Applicable to Residential Customers for all natural gas provided at one Point of Delivery and measured through one meter.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 17.70 per month
Rider CEE Surcharge	\$ 0.02 per month ¹
Total Customer Charge	\$ 17.72 per month
Commodity Charge – All Ccf	\$0.05831 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹ Reference Rider CEE - Conservation And Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2013.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	C – COMMERCIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2013	

Application

Applicable to Commercial Customers for all natural gas provided at one Point of Delivery and measured through one meter and to Industrial Customers with an average annual usage of less than 30,000 Ccf.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and Ccf charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Bill	\$ 35.75 per month
Rider CEE Surcharge	\$ 0.10 per month ¹
Total Customer Charge	\$ 35.85 per month
Commodity Charge – All Ccf	\$ 0.06893 per Ccf

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Weather Normalization Adjustment: Plus or Minus an amount for weather normalization calculated in accordance with Rider WNA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

¹ Reference Rider CEE - Conservation And Energy Efficiency as approved in GUD 10170. Surcharge billing effective July 1, 2013.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	I - INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2013	

Application

Applicable to Industrial Customers with a maximum daily usage (MDU) of less than 3,500 MMBtu per day for all natural gas provided at one Point of Delivery and measured through one meter. Service for Industrial Customers with an MDU equal to or greater than 3,500 MMBtu per day will be provided at Company's sole option and will require special contract arrangements between Company and Customer.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's monthly bill will be calculated by adding the following Customer and MMBtu charges to the amounts due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 620.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.2565 per MMBtu
Next 3,500 MMBtu	\$ 0.1879 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0403 per MMBtu

Gas Cost Recovery: Plus an amount for gas costs and upstream transportation costs calculated in accordance with Part (a) and Part (b), respectively, of Rider GCR.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement Index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	I – INDUSTRIAL SALES	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2013	

Agreement

An Agreement for Gas Service may be required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate I, Customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2013	

Application

Applicable, in the event that Company has entered into a Transportation Agreement, to a customer directly connected to the Atmos Energy Corp., Mid-Tex Division Distribution System (Customer) for the transportation of all natural gas supplied by Customer or Customer's agent at one Point of Delivery for use in Customer's facility.

Type of Service

Where service of the type desired by Customer is not already available at the Point of Delivery, additional charges and special contract arrangements between Company and Customer may be required prior to service being furnished.

Monthly Rate

Customer's bill will be calculated by adding the following Customer and MMBtu charges to the amounts and quantities due under the riders listed below:

Charge	Amount
Customer Charge per Meter	\$ 620.00 per month
First 0 MMBtu to 1,500 MMBtu	\$ 0.2565 per MMBtu
Next 3,500 MMBtu	\$ 0.1879 per MMBtu
All MMBtu over 5,000 MMBtu	\$ 0.0403 per MMBtu

Upstream Transportation Cost Recovery: Plus an amount for upstream transportation costs in accordance with Part (b) of Rider GCR.

Retention Adjustment: Plus a quantity of gas as calculated in accordance with Rider RA.

Franchise Fee Adjustment: Plus an amount for franchise fees calculated in accordance with Rider FF. Rider FF is only applicable to customers inside the corporate limits of any incorporated municipality.

Tax Adjustment: Plus an amount for tax calculated in accordance with Rider TAX.

Surcharges: Plus an amount for surcharges calculated in accordance with the applicable rider(s).

Imbalance Fees

All fees charged to Customer under this Rate Schedule will be charged based on the quantities determined under the applicable Transportation Agreement and quantities will not be aggregated for any Customer with multiple Transportation Agreements for the purposes of such fees.

Monthly Imbalance Fees

Customer shall pay Company the greater of (i) \$0.10 per MMBtu, or (ii) 150% of the difference per MMBtu between the highest and lowest "midpoint" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" during such month, for the MMBtu of Customer's monthly Cumulative Imbalance, as defined in the applicable Transportation Agreement, at the end of each month that exceeds 10% of Customer's receipt quantities for the month.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RATE SCHEDULE:	T – TRANSPORTATION	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2013	

Curtailment Overpull Fee

Upon notification by Company of an event of curtailment or interruption of Customer's deliveries, Customer will, for each MMBtu delivered in excess of the stated level of curtailment or interruption, pay Company 200% of the midpoint price for the Katy point listed in *Platts Gas Daily* published for the applicable Gas Day in the table entitled "Daily Price Survey."

Replacement index

In the event the "midpoint" or "common" price for the Katy point listed in *Platts Gas Daily* in the table entitled "Daily Price Survey" is no longer published, Company will calculate the applicable imbalance fees utilizing a daily price index recognized as authoritative by the natural gas industry and most closely approximating the applicable index.

Agreement

A transportation agreement is required.

Notice

Service hereunder and the rates for services provided are subject to the orders of regulatory bodies having jurisdiction and to the Company's Tariff for Gas Service.

Special Conditions

In order to receive service under Rate T, customer must have the type of meter required by Company. Customer must pay Company all costs associated with the acquisition and installation of the meter.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2013	

Provisions for Adjustment

The Commodity Charge per Ccf (100 cubic feet) for gas service set forth in any Rate Schedules utilized by the cities of the Mid-Tex Division service area for determining normalized winter period revenues shall be adjusted by an amount hereinafter described, which amount is referred to as the "Weather Normalization Adjustment." The Weather Normalization Adjustment shall apply to all temperature sensitive residential and commercial bills based on meters read during the revenue months of November through April. The five regional weather stations are Abilene, Austin, Dallas, Waco, and Wichita Falls.

Computation of Weather Normalization Adjustment

The Weather Normalization Adjustment Factor shall be computed to the nearest one-hundredth cent per Ccf by the following formula:

$$WNAF_i = R_i \frac{(HSF_i \times (NDD-ADD))}{(BL_i + (HSF_i \times ADD))}$$

Where

- i = any particular Rate Schedule or billing classification within any such particular Rate Schedule that contains more than one billing classification
- $WNAF_i$ = Weather Normalization Adjustment Factor for the i^{th} rate schedule or classification expressed in cents per Ccf
- R_i = Commodity Charge rate of temperature sensitive sales for the i^{th} schedule or classification.
- HSF_i = heat sensitive factor for the i^{th} schedule or classification divided by the average bill count in that class
- NDD = billing cycle normal heating degree days calculated as the simple ten-year average of actual heating degree days.
- ADD = billing cycle actual heating degree days.
- BL_i = base load sales for the i^{th} schedule or classification divided by the average bill count in that class

The Weather Normalization Adjustment for the j th customer in i th rate schedule is computed as:

$$WNA_j = WNAF_i \times q_{ij}$$

Where q_{ij} is the relevant sales quantity for the j th customer in i th rate schedule.

**MID-TEX DIVISION
ATMOS ENERGY CORPORATION**

RIDER:	WNA – WEATHER NORMALIZATION ADJUSTMENT	
APPLICABLE TO:	ALL CUSTOMERS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS AND UNINCORPORATED AREAS	
EFFECTIVE DATE:	Bills Rendered on or after 11/01/2013	

Base Use/Heat Use Factors

Weather Station	<u>Residential</u>		<u>Commercial</u>	
	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>	Base use <u>Ccf</u>	Heat use <u>Ccf/HDD</u>
Abilene	9.97	0.1318	96.50	0.5659
Austin	11.05	0.1262	189.59	0.7195
Dallas	13.13	0.1832	171.84	0.8797
Waco	9.78	0.1262	117.60	0.5774
Wichita Falls	10.99	0.1297	107.70	0.5041

Weather Normalization Adjustment (WNA) Report

On or before June 1 of each year, the company posts on its website at atmosenergy.com/mtx-wna, in Excel format, a *Weather Normalization Adjustment (WNA) Report* to show how the company calculated its WNA factor during the preceding winter season. Additionally, on or before June 1 of each year, the company files one hard copy and a Excel version of the *WNA Report* with the Railroad Commission of Texas' Gas Services Division, addressed to the Director of that Division.

October 7, 2013
Consent Agenda Item No. 2k
Change Order Number 1 for Northgate Substation Construction Contract

To: Kathy Merrill, Interim City Manager

From: Timothy Crabb, Director of Electric Utilities

Agenda Caption: Presentation, possible action and discussion regarding Change Order Number 1 to Northgate Substation Construction Contract Number 13-171 in the amount of \$154,714.62

Relationship to Strategic Goals:

1. Financially Sustainable City
2. Core Services and Infrastructure
3. Diverse Growing Economy

Recommendation(s): Staff recommends the approval of Change Order Number 1 for \$154,714.62 to the Northgate Substation Construction Contract due to additional construction requirements for the substation site that were not included in the original bid.

Summary: Northgate Substation is being constructed adjacent to the existing BTU/TAMU 138 kV Switchyard near the intersection of FM 60 and Agronomy Road. Because of the accelerated schedule to bid out this project, there were certain aspects of the project that had not been completely designed before the contract was released. The final design required 196 feet of additional screening wall to replace the chain link fence that was currently around a portion of the property being leased from Texas A&M University. This additional screening wall impacted drainage on the site, which impacted the placement and elevation of facilities being placed in this area. After getting additional depth information of current and proposed facilities around this site, it was also required to increase the depth of the underground feeder exits from this substation.

Budget & Financial Summary: The original contract cost for Northgate Substation was \$4,138,947.08. Change Order Number 1, in the amount of \$154,714.62 reflects a 3.74% increase in cost, for a revised substation cost of \$4,293,661.70. Northgate Substation is Project "A" of Contract Number 13-171.

Reviewed and Approved by Legal: N/A

Attachments:

1. Change Order Number 1 Contract Number 13-171

**NORTHGATE SUBSTATION CONSTRUCTION
CONTRACT NO. 13-171**

**CHANGE ORDER NO. 1
Power Secure Unit Prices**

Underground Feeder Exit Alternations, Drainage And Wall Additions

Item No.	Unit No.	Description	Unit	Estimate Quantity	Unit Price Labor	Unit Price Material	Unit Price Total	Extended Price Total
1	UM50-P-4A	Labor And Material To Install 2-4" Schedule 40 PVC Conduits Including Excavation, Sand Backfill, Warning Tape and Natural Fill As Shown on Change Order No.1, Option 1 Drawings (MEI-10301-1 to 10301-4) Of Trench Detail N	LF	26	\$ 148.74	\$ 148.74	\$ 297.47	\$ 7,734.22
2	UM50-P-3C	Labor And Material To Install 4-3" Schedule 40 PVC Conduits Including Excavation, Sand Backfill, Warning Tape and Natural Fill As Shown on Change Order No.1, Option 1 Drawings (MEI-10301-1 to 10301-4) Of Trench Detail A	LF	294	\$ 53.08	\$ 53.08	\$ 106.16	\$ 31,211.04
3	UM50-P-3C-4A	Labor And Material To Install 4-3" And 2-4" Schedule 40 PVC Conduits Including Excavation, Sand Backfill, Warning Tape and Natural Fill as shown on Change Order No.1, Option 1 Drawings (MEI-10301-1 to 10301-4) of Trench Detail A1	LF	42	\$ 124.05	\$ 124.05	\$ 248.10	\$ 10,420.20
4	UM50-P-3G	Labor And Material To Install 8-3" Schedule 40 PVC Conduits Including Excavation, Sand Backfill, Warning Tape and Natural Fill As Shown on Change Order No.1, Option 1 Drawings (MEI-10301-1 to 10301-4) Of Trench Detail B	LF	249	\$ 57.96	\$ 57.96	\$ 115.92	\$ 28,864.08
5	UM50-P-3G-4A	Labor And Material To Install 8-3" And 2-4" Schedule 40 PVC Conduits Including Excavation, Sand Backfill, Warning Tape and Natural Fill As Shown on Change Order No.1, Option 1 Drawings (MEI-10301-1 to 10301-4) Of Trench Detail B1	LF	82	\$ 77.57	\$ 77.57	\$ 155.14	\$ 12,721.48
6	Pre-Fabricated Wall	Labor And Material To Install An Additional 196' Of Pre-Fabricated Wall As Show On Drawing MEI-10000-051, Change Order No. 1	LS	1	\$ 27,985.00	\$ 27,985.00	\$ 55,970.00	\$ 55,970.00
7	Site Work	Labor And Material To Install A Catch Basin With 12" RCP And Side slope Channel From Existing Drainage Ditch As Shown On Drawing MEI-10000-051 Change Order No.1	LS	1	\$ 3,541.00	\$ 3,541.00	\$ 7,082.00	\$ 7,082.00
8	XO1	4" x 10', Schedule 40, Gray, Conduit	LF	(1,048)	\$ 12.00	\$ 3.33	\$ 15.33	\$ (16,065.84)
9	X10	Conduit Spacer, Base, for 4" PVC with 3" Separation	EA	(900)	\$ 2.67	\$ 5.33	\$ 8.00	\$ (7,200.00)
10	X11	Conduit Spacer, Intermediate, for 4" PVC with 3" Separation	EA	(900)	\$ 2.67	\$ 17.00	\$ 19.67	\$ (17,703.00)
11	X12	Tape, Underground Caution, Red, Electrical, 3" x 1000'	RI	(3)	\$ 133.33	\$ 666.67	\$ 800.00	\$ (2,400.00)
12	X28	Sand Bedding, (Bank Sand, SP, SW, or SM by Unified Soil Classification System) (ASTM D2487)	TON	(5)	\$ 6.67	\$ 45.33	\$ 52.00	\$ (260.00)
13	UM50-P-2	Labor and Material to Install 2-2" Schedule 40 PVC Conduit in Cable Tray as shown in Drawing MEI-10000-CO2-3	LF	160	\$ 10.10	\$ 4.10	\$ 14.20	\$ 2,272.00
14	UM50-P-4A	Labor and Material to Install 2-4" Schedule 40 PVC Conduit s including excavation, concrete backfill, warning tape and natural fill . This unit is to include core drilling concrete wall of Verizon manhole and concrete cable tray, terminating conduit and grouting around conduit to seal as shown in Drawing MEI-10000-CO2-3	LF	110	\$ 92.35	\$ 92.35	\$ 184.70	\$ 20,317.00
15	Communications Panel	Labor and Material to install one 24 fiber optic, single mode termination panel	EA	1	\$ 1,850.00	\$ 1,940.00	\$ 3,790.00	\$ 3,790.00

October 7, 2013
Consent Agenda Item No. 2L
Sungard Public Sector C2G Payment Engine Upgrade

To: Kathy Merrill, Interim City Manager

From: Ben Roper, IT Director

Agenda Caption: Presentation, possible action, and discussion regarding approval of a supplement contract between the City of College Station and Sungard Public Sector for one-time services the amount of \$6,240.00 and for recurring charges up to \$18,000.00 annually, for the purposes of upgrading the Click2Gov Software payment engine to a Payment Card Industry Data Security Standards (PCI DSS) compliant version.

Relationship to Strategic Goals: Core Services and Infrastructure

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

Summary: The Click2Gov (C2G) Payment Engine facilitates the credit card and e-check transactions for Utility and Rental Registration payments for the City. The PCI DSS mandates that all credit card merchants conform to their standards or be at risk of revocation of the City's ability to take credit cards as a form of payment. The version of C2G that the City uses is not compliant with these standards and this upgrade will mitigate that.

This contract is a supplement to the master agreement between the City and Sungard Public Sector, dated March 13, 1998.

Budget & Financial Summary:

Funding for this project is in the 2014 IT Department Operating Budget. The contract is exempt from competitive bidding by LGC 252.022(a)(7)(A) due to one source based on software copyrights.

Reviewed and Approved by Legal: Yes

Attachments:

1. Contact Supplement is available in the CSO

October 7, 2013
Consent Agenda Item No. 2m
Wolf Pen Creek Erosion Control
Phase II Change Order #1

To: Kathy Merrill, Interim City Manager

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

Agenda Caption: Presentation, possible action, and discussion regarding approval of Change Order #1 to the professional services contract with Freese & Nichols, Inc. in the amount of \$25,346.00 for the Wolf Pen Creek Erosion Control Phase II.

Relationship to Strategic Goals:

1. Core Services and Infrastructure

Recommendation(s): Staff recommends approval of the change order with Freese & Nichols, Inc in the amount of \$25,346.00.

Summary: The professional services contract with Freese & Nichols, Inc., FNI, was approved on July 11, 2013. The original scope of work for Phase II was to study three different locations along Wolf Pen Creek (1, 4, and 6). These areas of study have failed gabion baskets and unstable banks near the Wolf Pen Creek Upper Trail System. Included in the original scope are two (2) 40-foot soil borings at location #4 to assist with the slope stability analysis. Upon completion of the study, FNI will provide a memorandum detailing mode of failure, life expectancy, recommendations and costs associated with repairs at each of these locations. An additional location has been identified as an area that is in need of analysis. The additional location was briefly inspected during FNI's site visit. The gabion baskets were demonstrating signs of undermining which indicates possible failure in the future.

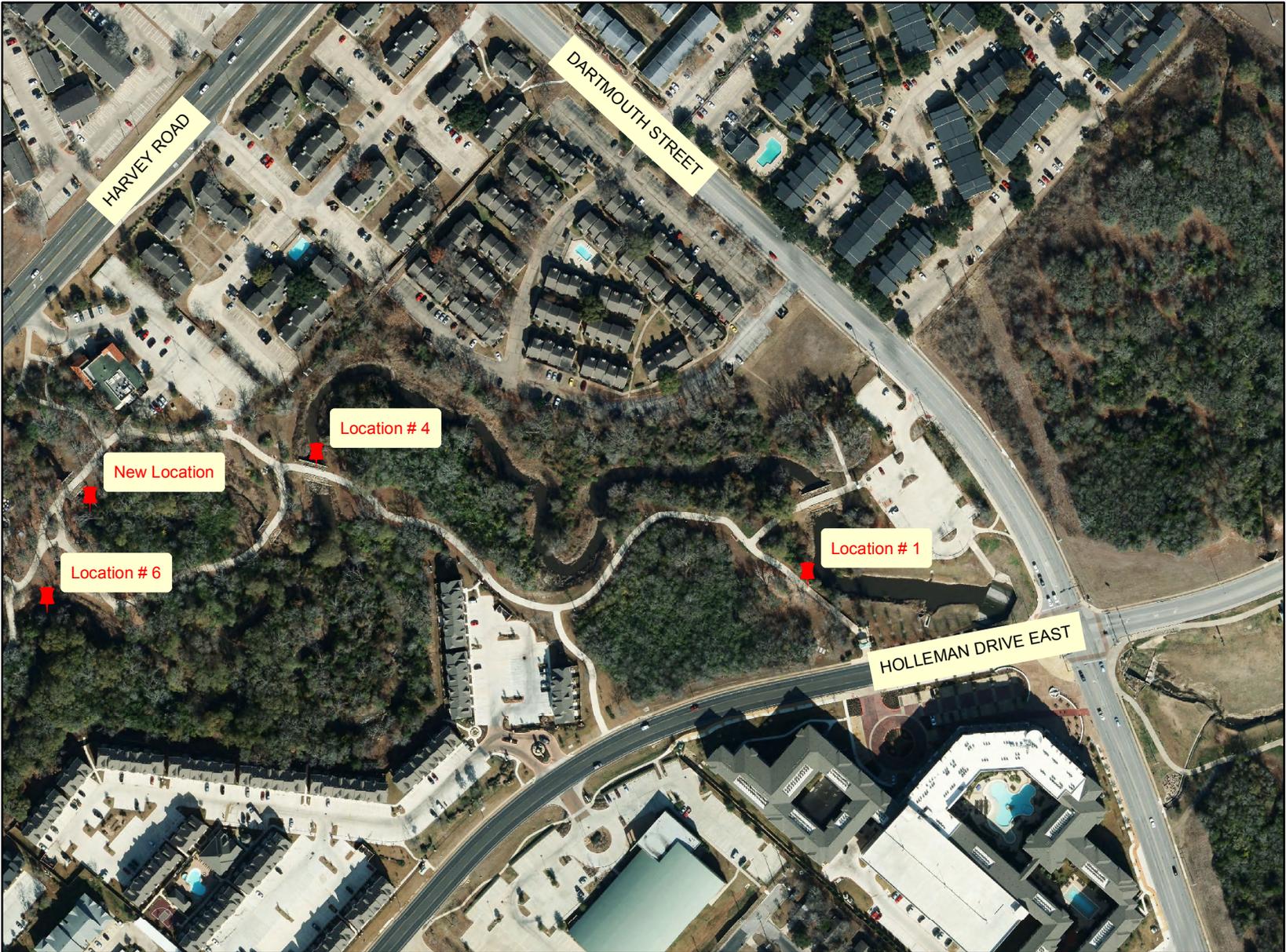
Change order #1 will include one additional location for analysis and three additional borings, one (1) at location #6 and two (2) at the additional location. The change order will allow Freese and Nichols to perform a stability analysis, develop a recommendation for repair, and develop an opinion of probable construction cost.

Budget & Financial Summary: The original contract was in the amount of \$48,757. The total for change order #1 is \$25,346.00; making the new adjusted contract in the amount of \$74,103.00. Funds in the amount of \$370,000 have been budgeted in the Drainage Utility Fund for Phase II. A total of \$54,449.24 has been expended or committed to date, leaving a balance of \$315,550.76 for this change order and future construction costs.

Reviewed and Approved by Legal: Yes

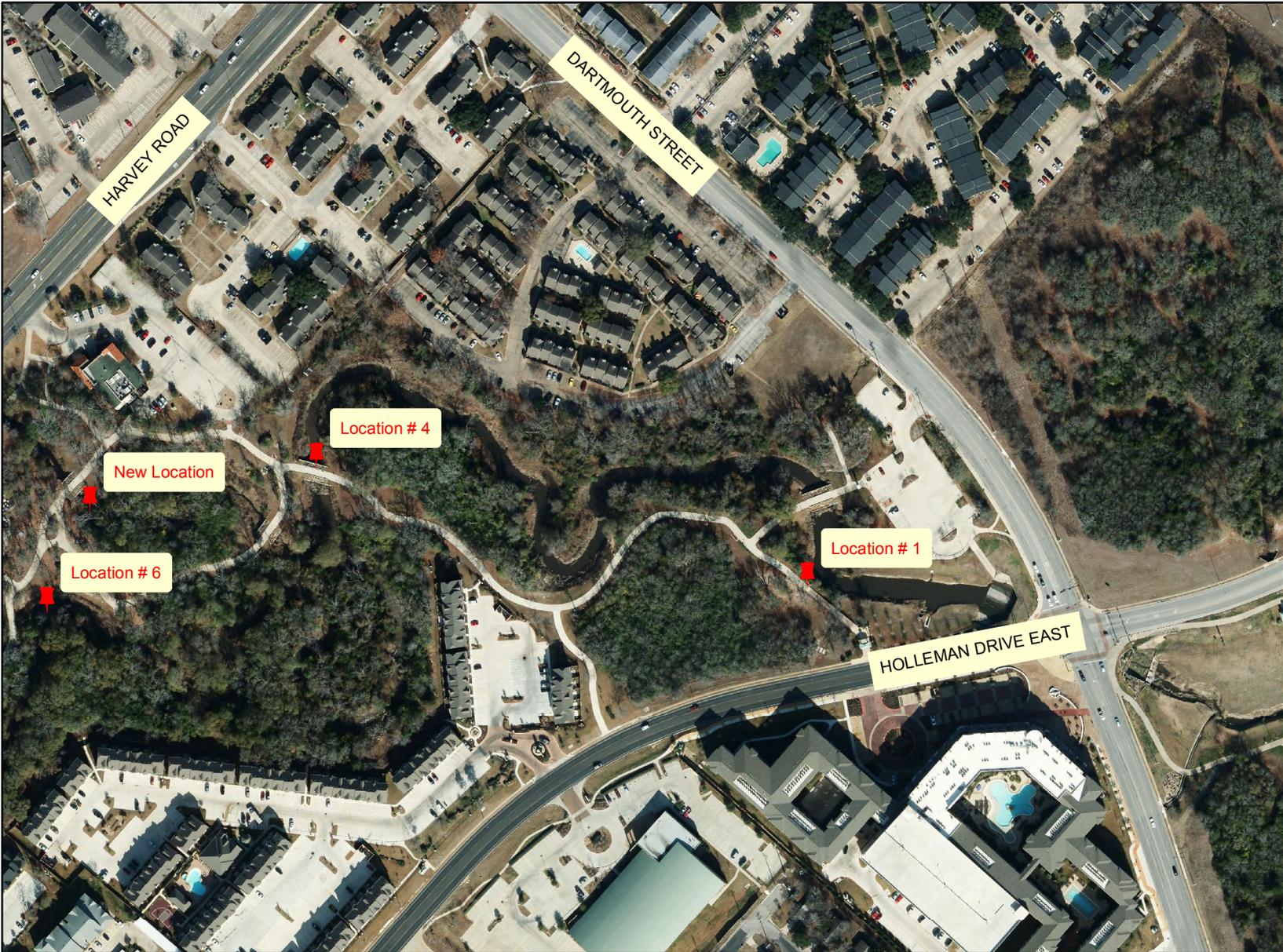
Attachments:

1. Change Order #1
2. Project Map



Wolf Pen Creek Erosion Control Phase II:

Location Map



Wolf Pen Creek Erosion Control Phase II:

Location Map

October 7, 2013
Consent Agenda Item No. 2n
Bee Creek Parallel Trunk Line Project – Phase III (WF1369909)
Resolution Determining Need and Necessity for Easement Acquisition

To: Kathy Merrill, Interim City Manager

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

Agenda Caption: Presentation, possible action, and discussion regarding approval of a Resolution that will authorize City staff to negotiate for the purchase of easements needed for the Bee Creek Parallel Trunk Line Project.

Relationship to Strategic Goals:

1. Core Services and Infrastructure

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

Summary: The existing Bee Creek Trunk Line serves areas along FM 2818, from Carters Creek Wastewater Treatment Plant to areas just west of FM 2154, near Cain Road. Much of the existing trunk line was installed in 1973 and does not have sufficient capacity to convey additional flow. This project includes the installation of a gravity sewer line in four phases that will increase the system capacity to meet the anticipated demand in these areas.

Approval of the Resolution Determining Need and Necessity will authorize staff to negotiate for the purchase of easements necessary to complete Phase III of the project. Phase III extends from the west side of State Highway 6 to just north of the terminus of Longmire Court, and is currently under design. Phase I of the project is currently under construction, while Phase II is currently in the design and land acquisition stage. Any easement needs for the final phase of the project will be brought to Council for approval at a later date.

Budget & Financial Summary: Funds in the amount of \$14,703,625 are budgeted for this project in the Wastewater Capital Projects Fund. A total of \$3,856,206 has been expended or committed to date.

Reviewed and Approved by Legal: Yes

Attachments:

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

Bee Creek Parallel Trunk Line Phase III Project Map Proposed Easement Needs



Great Aggie Land, LLC

Jaffar

Seaback Estate

Legend

- Gravity
- Force



RESOLUTION DETERMINING PUBLIC NEED AND NECESSITY

RESOLUTION NO. _____

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

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

WHEREAS, the City is engaged in the Bee Creek Parallel Trunk Line Project – Phase III (“Project”); and

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

WHEREAS, such Project is located at or about the following physical location: A route extending along Bee Creek from the west side of State Highway 6 to north of the terminus of Longmire Court in College Station, Brazos County, Texas; and

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

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

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

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

PART 2: That the City Council of the City of College Station, Texas, herein determines it to be in the best interest of its citizens and the general public to commence the Bee Creek Parallel Trunk Line Project – Phase III in College Station for the public purpose of wastewater services and other public utilities, and to take any and all reasonable action to achieve completion of the Project, including the acquisition of property.

- PART 3:** That the Project will require the acquisition of an easement interest in the property as described in Exhibit "A" attached hereto and made a part of this Resolution ("Property").
- PART 4:** That the City's representatives, agents, and staff are hereby authorized to acquire the Property pursuant to applicable law, including Chapter 2206 Texas Government Code and Chapter 21 Texas Property Code as same may, from time to time, be amended; and to specifically provide the Landowner's Bill of Rights to landowners, and to conduct such land appraisals as may be desired and as may be required by law.
- PART 5:** That adoption of this Resolution shall not authorize the City's representatives, agents, and staff to proceed to condemnation without first obtaining express authority to condemn from the City Council.
- PART 6:** That the City Manager is hereby authorized to direct and designate City staff and to contract with one or more agents or representatives as deemed appropriate to act on behalf of the City to acquire the Property, including contracting with professional appraisers for appraisal services, and contracting with professional real estate agents to act as a land agent for the City relating to acquisition of the Property.
- PART 7:** That the City Manager and his authorized designee be authorized to sell any surplus improvements and to order the removal or the demolition of any improvements that are located on the Property that in their determination hinder or are unnecessary to completion of the Project.
- PART 8:** That this Resolution shall take effect immediately from and after its passage.

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

ATTEST:

APPROVED:

City Secretary

MAYOR

APPROVED:



City Attorney

EXHIBIT "A"

Being all those tracts or parcels of land necessary to install a wastewater system and other public utilities located along a route extending along Bee Creek from the west side of State Highway 6 to just north of the terminus of Longmire Court in College Station, Brazos County, Texas. Said route is depicted on the map attached hereto and made part hereof.

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

Landowner (Now or Formerly): SHABEER JAFFAR

Brazos County Appraisal District Property ID: 117147

Street Address: Dartmouth Street, College Station, Texas

Legal Description: Being all that certain lot, tract or parcel of land being situated in the Morgan Rector League, Abstract No. 46, College Station, Brazos County, Texas; and being the 1.67 acre tract or parcel described in Correction Deed from James A. Ford, Trustee, to Shabeer Jaffar recorded in Volume 6095, Page 3, Official Records of Brazos County, Texas.

Landowner (Now or Formerly): GARY SEABACK ESTATE

Brazos County Appraisal District Property ID: 91826

Street Address: Harvey Mitchell Parkway S., College Station, Texas

Legal Description: Being all that certain lot, tract or parcel of land being situated in the Morgan Rector League, Abstract No. 46, College Station, Brazos County, Texas; and being the 3.6171 acre tract or parcel described in Warranty Deed from First Victoria National Bank to Gary Seaback recorded in Volume 8312, Page 28, Official Records of Brazos County, Texas.

Landowner (Now or Formerly): GREAT AGGIE LAND, LLC

Brazos County Appraisal District Property ID: 13226

Street Address: Texas Avenue S., College Station, Texas

Legal Description: Being all that certain lot, tract or parcel of land being situated in the Morgan Rector League, Abstract No. 46, College Station, Brazos County, Texas; and being the 10.131 acre tract or parcel described in Warranty Deed from Galleria 8 Development, LP to Great Aggie Land, LLC recorded in Volume 10281, Page 12, Official Records of Brazos County, Texas.