



# College Station, TX

City Hall  
1101 Texas Ave  
College Station, TX 77840

## Meeting Agenda - Final City Council Regular

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Thursday, September 11, 2014

7:00 PM

City Hall Council Chambers

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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.

2a. [14-645](#) Presentation, possible action, and discussion of minutes for:

- March 13, 2014 Regular Council Meeting (Amended)
- August 25, 2014 Workshop
- August 25, 2014 Regular Council Meeting
- September 3, 2014 Special Meeting

**Attachments:** [completed RM031314 DRAFT Minutes.pdf](#)

[WKSHP082514 DRAFT Minutes.pdf](#)

[RM082514 DRAFT Minutes.pdf](#)

[SM090314 DRAFT Minutes.pdf](#)

2b. [14-660](#) Presentation, possible action, and discussion of a resolution and amendment to the Economic Development Agreement between the City of College Station and Kalon Biotherapeutics.

**Sponsors:** Gilman

**Attachments:** [BioCorridor incentives resolution KALON 09 11 14.docx](#)  
[Amendment #1 Draft 08 27 14.docx](#)

- 2c. [14-634](#) Presentation, possible action, and discussion regarding updating water tap fees to reflect current costs by amending Chapter 11, "Utilities" Section 2 "Water And Sewer Services", D "Water and Sewer Rates, Usage Charges and Fees", 4 "Water and Sewer Tap Fees, Meter Set-In Fees, and Sewer Inspection Fees", A (1) "Fee for Water Tap" of the Code of Ordinances.

**Sponsors:** Coleman

**Attachments:** [8 26 14 Water Tap Fee Ordinance.docx](#)

- 2d. [14-637](#) Presentation, possible action, and discussion on the consideration of an ordinance amending Chapter 10, "Traffic Code", Section 2 "Traffic Control Devices", C "Four-Way Stop Intersections", Traffic Schedule II - "Four-Way Stop Intersections", of the Code of Ordinances of the City of College Station, Texas, by implementing an all-way stop control intersection at the intersection of Cross Street and Dogwood Street.

**Sponsors:** Rother

**Attachments:** [All-Way Stop Sign Ord Map - Cross @ Dogwood.pdf](#)  
[All-Way Stop Sign Ord - Cross @ Dogwood.docx](#)

- 2e. [14-638](#) Presentation, possible action and discussion regarding a real estate contract for the purchase of right-of-way along Rock Prairie Road between State Highway 6 and Normand Drive.

**Sponsors:** Harmon

**Attachments:** [RPRW ROW.pdf](#)

- 2f. [14-639](#) Presentation, possible action and discussion regarding the service contract (Contract No. 14-372) with Cal's Body Shop for annual automobile and truck paint and body repairs in an amount not to exceed \$60,000.

**Sponsors:** Harmon

- 2g. [14-641](#) Presentation, possible action, and discussion regarding the approval of Election Judges for the November 4, 2014 General Election. Presentación, posible acción y diálogo con respecto a la aprobación de Jueces para las Elecciones Generales del 4 de noviembre de, 2014.

**Sponsors:** Mashburn

**Attachments:** [Election Judges & Alternates Recommendations](#)  
[Appointment of Central Count](#)

- 2h. [14-644](#) Presentation, possible action, and discussion on renewal of an Enterprise Agreement (EA) for Microsoft software with SHI Government Solutions for a three year period totaling \$93,818.70.

**Sponsors:** Roper

**Attachments:** [SHI Quote-8394371.pdf](#)  
[Microsoft EA Documents.pdf](#)

- 2i. [14-649](#) Presentation, possible action and discussion on a bid award for the annual purchase of single phase transformers, which will be maintained in electrical inventory to be issued and expended as needed. The award is being recommended to Techline as the lowest responsible bidder for a not to exceed amount of \$240,433.

**Sponsors:** Kersten

**Attachments:** [Tabsheet Single Phase Transformer.pdf](#)

## Regular Agenda

At the discretion of the Mayor, individuals may be allowed to speak on a Regular Agenda Item. Individuals who wish to address the City Council on a regular agenda item not posted as a public hearing shall register with the City Secretary prior to the Mayor's reading of the agenda item. Registration forms are available in the lobby and at the desk of the City Secretary.

Individuals who wish to address the City Council on an item posted as a public hearing shall register with the City Secretary prior to the Mayor's announcement to open the public hearing. The Mayor will recognize individuals who wish to come forward to speak for or against the item. The speaker will state their name and address for the record and allowed three minutes. A timer alarm will sound at 2 1/2 minutes to signal thirty seconds remaining to conclude remarks. After a public hearing is closed, there shall be no additional public comments. If Council needs additional information from the general public, some limited comments may be allowed at the discretion of the Mayor.

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

1. [14-642](#) Public Hearing, presentation, possible action, and discussion regarding an ordinance amending Chapter 12, "Unified Development Ordinance," Section 12-4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas by changing the zoning district boundaries from R Rural to E Estate

for approximately 71 acres being all of the remainder of a 39.44-acre tract as described as Tract One and the remainder of a 29.29-acre tract as described as Tract Two by a deed of Joe & Janet Johnson Land & Investments, LP recorded in volume 7803, page 244, a 2.84-acre tract as described by a deed to Joe & Janet Johnson Land & Investments, LP recorded in volume 8017, page 273, and a 0.216-acre tract as described by a deed to Joe & Janet Johnson Land & Investments, LP recorded in volume 8317, page 62 of the Official Public Records of Brazos County, Texas, generally located at 8601 Rock Prairie Road.

**Sponsors:** Schubert

**Attachments:** [Background Information](#)  
[Aerial & Small Area Map](#)  
[Ordinance](#)

2. [14-647](#) Public Hearing, presentation, possible action, and discussion on the City of College Station FY2014-2015 Proposed Budget.

**Sponsors:** Kersten

3. [14-648](#) Public Hearing, presentation, possible action and discussion on the City of College Station 2014 advertised ad valorem tax rate of \$0.4525 per \$100 valuation resulting in an increase in tax revenues. Also discussion and possible action on announcing the meeting date, time and place to adopt the tax rate.

**Sponsors:** Kersten

4. [14-659](#) Public Hearing, presentation, possible action, and discussion regarding the award of Bid No. 14-071 to Halcon Energy Properties, Inc. for the lease of oil, gas, and related hydrocarbon mineral interests.

**Sponsors:** Jarmon and Gibbs

**Attachments:** [Maps.pdf](#)

5. [14-646](#) Public Hearing, presentation, possible action, and discussion regarding an ordinance amending Chapter 7, "Health and Sanitation", of the Code of Ordinances of the City of College Station, Texas, by amending section 9, "Tobacco products and smoking"; to prohibit the sale of electronic cigarettes to, possession of and use of by minors; providing a severability clause; declaring a penalty; and providing an effective date.

**Sponsors:** Jarmon

**Attachments:** [Electronic Cigarettes Ordinance](#)

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



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 11th day of September, 2014 at 7:00PM at the City Hall Council Chambers, 1101 Texas Avenue, College Station, Texas. The following subjects will be discussed, to wit: See Agenda.

Posted this 5th day of September, 2014 at 5:00 p.m.



City Secretary

I, the undersigned, do hereby certify that the above Notice of Meeting of the Governing Body of the City of College Station, Texas, is a true and correct copy of said Notice and that I posted a true and correct copy of said notice on the bulletin board at City Hall, 1101 Texas Avenue, in College Station, Texas, and the City's website, [www.cstx.gov](http://www.cstx.gov). The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on September 5, 2014 at 5:00 p.m. and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

This 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](http://www.cstx.gov). Council meetings are broadcast live on Cable Access Channel 19.



## Legislation Details (With Text)

**File #:** 14-645      **Version:** 1      **Name:** Minutes  
**Type:** Minutes      **Status:** Consent Agenda  
**File created:** 8/26/2014      **In control:** City Council Regular  
**On agenda:** 9/11/2014      **Final action:**  
**Title:** Presentation, possible action, and discussion of minutes for:  
· March 13, 2014 Regular Council Meeting (Amended)  
· August 25, 2014 Workshop  
· August 25, 2014 Regular Council Meeting  
· September 3, 2014 Special Meeting

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** [completed RM031314 DRAFT Minutes.pdf](#)  
[WKSH082514 DRAFT Minutes.pdf](#)  
[RM082514 DRAFT Minutes.pdf](#)  
[SM090314 DRAFT Minutes.pdf](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
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Presentation, possible action, and discussion of minutes for:  
· March 13, 2014 Regular Council Meeting (Amended)  
· August 25, 2014 Workshop  
· August 25, 2014 Regular Council Meeting  
· September 3, 2014 Special Meeting

**Relationship to Strategic Goals:**

- Good Governance

**Recommendation(s):** Approval. Please note that the amended minutes of March 13, 2014 must be approved by a 2/3 vote.

**Summary:** The March 13, 2014 minutes are being amended to reflect the correct ordinance numbers.

**Budget & Financial Summary:** None

**Attachments:**

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
CITY OF COLLEGE STATION  
MARCH 13, 2014

STATE OF TEXAS           §  
  §  
COUNTY OF BRAZOS       §

**Present:**

Nancy Berry, Mayor

**Council:**

Blanche Brick  
Steve Aldrich  
Karl Mooney  
John Nichols  
Julie Schultz  
James Benham, arrived after roll call

**City Staff:**

Kelly Templin, City Manager  
Carla Robinson, City Attorney  
Chuck Gilman, Deputy City Manager  
Sherry Mashburn, City Secretary  
Ian Whittenton, Records Management Coordinator

**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 7:06 p.m. on Thursday, March 13, 2014 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77840.

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

**Citizen Comments**

Ben Roper, 5449 Prairie Dawn Court, honored the life and sacrifice of Specialist Rodrigo Gonzalez, Jr., who died in the service of his country.

**CONSENT AGENDA**

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

- **February 27, 2014 Workshop**
- **February 27, 2014 Regular Council Meeting**

**2b. Presentation, possible action, and discussion on Ordinance 2014-35573558, amending Chapter 1, Section 1-23, "Creation of a Historic Preservation Committee", of the Code of Ordinances of the City of College Station, Texas, by amending certain sections as set out below; providing a severability lause; declaring a penalty; and providing an effective date.**

**2c. Presentation, possible action and discussion on the cancellation of award with Stuart C. Irby; re-award of the annual purchase of various transformers and ratification of purchase of emergency transformers. The revised total recommended for re-award is \$546,504.03.**

**2d. Presentation, possible action and discussion on the first reading of an ordinance granting a non-exclusive natural gas franchise to Atmos Energy Corporation Mid-Tex Division.**

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

### **REGULAR AGENDA**

**1. Public hearing, presentation, possible action, and discussion regarding Resolution 03-13-14-1, granting conditional consent to the creation of Brazos County Municipal Utility District No. 1, consisting of approximately 553 acres and located at 17529 State Highway South, in the City's extraterritorial jurisdiction.**

This item was pulled from the agenda.

**2. Public hearing, presentation, possible action, and discussion, regarding Ordinance 2014-35583557, amending Chapter 12, "Unified Development Ordinance," Section 12-4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas, by changing the zoning district boundaries from R Rural to SC Suburban Commercial for approximately 1.3 acres in the Robert Stevenson League, Abstract No. 54 as described by a deed to Akaal Holdings, LLC recorded in Volume 10876, Page 89 of the office of public records of Brazos County Texas, located at 13913 Wellborn Road.**

Morgan Hester, Planning and Development Services,, provided a brief background on this item. The Planning and Zoning Commission heard this item at their February 20 meeting and approved the re-zoning six (6) to one (1).

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 Benham and a second by Councilmember Schultz, the City Council voted six (6) for and one (1) opposed, with Councilmember Nichols voting against, to adopt Ordinance 2014-35583557, amending Chapter 12, "Unified Development Ordinance," Section 12-4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas, by changing the zoning district boundaries from R Rural to SC Suburban Commercial for approximately 1.3 acres in the Robert Stevenson League, Abstract No. 54 as

described by a deed to Akaal Holdings, LLC recorded in Volume 10876, Page 89 of the office of public records of Brazos County Texas, located at 13913 Wellborn Road. The motion carried.

**3. Adjournment.**

**MOTION:** There being no further business, Mayor Berry adjourned the Regular Meeting of the City Council at 7:19 p.m. on Thursday, March 13, 2014.

\_\_\_\_\_  
Nancy Berry, Mayor

ATTEST:

\_\_\_\_\_  
Sherry Mashburn, City Secretary

MINUTES OF THE CITY COUNCIL WORKSHOP  
CITY OF COLLEGE STATION  
AUGUST 25, 2014

STATE OF TEXAS           §  
  §  
COUNTY OF BRAZOS       §

**Present:**

Nancy Berry, Mayor

**Council:**

Blanche Brick  
Steve Aldrich  
Karl Mooney  
John Nichols  
Julie Schultz  
James Benham, absent

**City Staff:**

Kelly Templin, 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 5:01 p.m. on Monday, August 25, 2014 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77840.

**2. Executive Session**

In accordance with the Texas Government Code §551.071-Consultation with Attorney, the College Station City Council convened into Executive Session at 5:02 p.m. on Monday, August 25, 2014 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 272<sup>nd</sup> District Court of Brazos County, TX

- Cause No. 13-002978-CV-361, Deluxe Burger Bar of College Station, Inc. D/B/A Café Eccell v. Asset Plus Realty Corporation, City of College Station, Texas and the Research Valley Partnership, Inc., In the 361<sup>st</sup> Judicial District Court, Brazos County, Texas
- Margaret L. Cannon v. Deputy Melvin Bowser, Officer Bobby Williams, Officer Tristan Lopez, Mr. Mike Formicella, Ms. Connie Spence, Cause No. 13 002189 CV 272, In the 272nd District Court of Brazos County, Texas
- Bobby Trant v. BVSWMA, Inc., Cause No. 33014, In the District Court, Grimes County, Texas, 12th Judicial District
- Robyn Taylor, et al vs. Boomfit, Carlos Lima and Alicia Lima and Lincoln Recreational Center, Cause No. 13 003118 CV 85, In the 85th District Court of Brazos County, Texas

The Executive Session adjourned at 5:50 p.m.

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

No action was required from Executive Session.

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

Items 2f, 2h, and 2i were pulled for clarification.

*(2f)*: Jeff Kersten, Assistant City Manager, explained the assignment from Citibank to Branch Banking & Trust. This will maintain the status quo until an RFA for banking services goes out.

*(2h/2i)*: Donald Harmon, Public Works Director, stated that Chimney Hill will be removed from the specs. It was also noted that departmental points-of-contact will be utilized for better feedback regarding janitorial issues.

### **5. Council Calendar**

Council reviewed the calendar.

### **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.**

No items were requested.

### **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, BVWACS, Compensation and Benefits Committee,**

**Convention & Visitors Bureau, Design Review Board, Economic Development Committee, Gigabit Broadband Initiative, Historic Preservation Committee, Interfaith Dialogue Association, Intergovernmental Committee, Joint Relief Funding Review Committee, Landmark Commission, Library Board, Metropolitan Planning Organization, Parks and Recreation Board, Planning and Zoning Commission, Research Valley Partnership, Research Valley Technology Council, Regional Transportation Committee for Council of Governments, Transportation and Mobility Committee, TAMU Student Senate, Texas Municipal League, Twin City Endowment, Youth Advisory Council, Zoning Board of Adjustments.**

There were no reports.

**8. Adjournment**

**MOTION:** There being no further business, Mayor Berry adjourned the workshop of the College Station City Council at 6:12 p.m. on Monday, August 25, 2014.

\_\_\_\_\_  
Nancy Berry, Mayor

ATTEST:

\_\_\_\_\_  
Sherry Mashburn, City Secretary

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
CITY OF COLLEGE STATION  
AUGUST 25, 2014

STATE OF TEXAS           §  
  §  
COUNTY OF BRAZOS       §

**Present:**

Nancy Berry, Mayor

**Council:**

Blanche Brick  
Steve Aldrich  
Karl Mooney  
John Nichols  
Julie Schultz  
James Benham

**City Staff:**

Kelly Templin, City Manager  
Carla Robinson, City Attorney  
Chuck Gilman, Deputy City Manager  
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 Monday, August 25, 2014 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77840.

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

**Presentation of a Historic Marker plaque by the Historic Preservation Committee to Carla Fisher for her residence at 1213 Winding Rd., College Station, Texas.**

Tina Evans, Historic Preservation Committee member, provided a brief overview of the Historic Marker program. Mayor Berry presented Marker No. 88 to Carla Fisher for her residence located at 1213 Winding Road.

**Citizen Comments**

Michelle Raisor, 506 Bolton, spoke to Council about the distinct character of different cities in earlier years. Now all cities look the same with one box store after another. American towns are

losing their character. She remembers what she loves about College Station . . . the character and the flavor. It disturbs her that her neighborhood is now being filled with two-story houses with four bedrooms, four baths. This is destroying the integrity of our neighborhoods. It is all one box that look the same. She requested that Council provide guidelines to developers so they may renovate, not destroy.

Ben Roper, 5449 Prairie Dawn Court, came before Council to honor the service and sacrifice of Private First Class Anthony Miller.

## **CONSENT AGENDA**

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

- **August 14, 2014 Workshop**
- **August 14, 2014 Regular Council Meeting**
- **August 18, 2014 Budget Workshop**
- **August 19, 2014 Budget Workshop**
- **August 20, 2014 Budget Workshop**

**2b. Presentation, possible action, and discussion regarding approval of a 3-year agreement in an amount not to exceed \$64,450 with Selectron Technologies, Inc. to purchase the IVR solution for customer inquiry and for over the phone payment of Utility Bills.**

**2c. Presentation, possible action, and discussion on a Professional Services Contract, Contract No. 14-357 with Kimley-Horn and Associates, Inc., in the amount of \$273,850 for the design, bidding, and construction phase services associated with the Rock Prairie Road West Widening Project.**

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

**2e. Presentation, possible action, and discussion regarding approval of a \$19,000 funding increase to Miller Uniforms for the purchase of police uniforms, for a new amount not to exceed \$67,000.**

**2f. Presentation, possible action and discussion on the assignment of the bank depository contract between the City, Citibank N.A. and Branch Banking and Trust (“BB&T”), and the Agreement to extend the depository contract between City and BB&T.**

**2g. Presentation, possible action, and discussion regarding purchase of equipment to monitor and analyze electrical usage in water production and wastewater treatment, with a total cost of \$91,670.**

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

**2i. Presentation, possible action, and discussion of the second renewal of Service Contract 12-278 between the City of College Station and Shelby Building Maintenance & Janitorial, Inc. d/b/a Professional Floor Service & Janitorial LLC in the amount of \$145,444.00 for the purpose of Annual Janitorial Maintenance Service of City buildings.**

**2j. Presentation, possible action, and discussion on approving three contracts between the City of College Station and N. Harris Computer Corporation: a “Cayenta Software License Agreement”, (\$191,040.00) for the software licenses, a “Cayenta Software Implementation Services Agreement”, (\$645,696.00), and a “Cayenta Support and Maintenance Agreement”, (1st Yr Maint. - \$47,760.00) for the software licenses, support and implementation services, and software maintenance and support services for Cayenta Software Products; and approving Resolution 08-25-14-2j, authorizing the City Manager to approve contract documents and expenditures related to the N. Harris Computer Corporation contracts.**

Item 2d was pulled from the agenda.

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

## **REGULAR AGENDA**

**1. Public Hearing, presentation, possible action, and discussion regarding Ordinance 2014-3596, amending the Comprehensive Plan - Future Land Use & Character Map from Restricted Suburban to Suburban Commercial for the property located at 3751 Rock Prairie Road West, generally located at the southwest corner of Rock Prairie Road West and Holleman Drive South.**

Jennifer Prochazka, Planning and Development Services, stated that this request is to amend the Comprehensive Plan – Future Land Use and Character Map from Restricted Suburban to Suburban Commercial.

The Planning and Zoning Commission considered this item at their August 7 meeting and voted unanimously to recommend approval of the amendment to the Comprehensive Plan.

At approximately 7:27 p.m., Mayor Berry opened the Public Hearing.

Rabon Metcalf, engineer for the development, spoke in favor of the project.

There being no further comments, the Public Hearing was closed at 7:27 p.m.

**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 adopt Ordinance 2014-3596, amending the Comprehensive Plan - Future Land Use & Character Map from Restricted Suburban to Suburban Commercial for the property located at 3751 Rock Prairie Road West, generally located at the southwest corner of Rock Prairie Road West and Holleman Drive South. The motion carried unanimously.

**2. Public Hearing, presentation, possible action, and discussion regarding an ordinance amending Chapter 7, "Health and Sanitation", of the Code of Ordinances of the City of College Station, Texas, by amending section 9, "Tobacco products and smoking"; to regulate electronic cigarettes as tobacco, restricting their public use as specified and prohibiting their sale to and possession and use of by minors; providing a severability clause; declaring a penalty; and providing an effective date.**

Chris Jarmon, Assistant to the City Manager, reported that Staff recommends that e-cigarettes be regulated under Chapter 7-Health and Sanitation and specifically recommends three limitations regarding the sale, possession, and use of e-cigarettes. If approved, this ordinance will become effective within twenty days of passage.

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

Chris Scotti, 305 Gleeson Court, representing the Northgate District Association, said they asked for input from their members and took a vote today. The decision of the Board was to stay neutral. Suggested change is to affect specific businesses whose bottom line may be affected.

Frank Hageal, 3815 Stoney Creek, owns a social lounge. He stated that the e-hookah is 99% safer than the usual hookah and contains zero nicotine or other toxic materials. It is very safe. This will affect his business, and he asked for an exemption.

Jordan Paultz, 110 College Main, stated that the e-hookah provides a valued service to tables. The mist is 100% nicotine-free and is non-hazardous to their customers. It is a substitute to smoking and is seen as a safer option and is less expensive. It also gives way to satiate cravings. He asked for exemption.

Jonathan Payne, 1301 Harvey Road, Apt. 237, reported he was a smoker for six years at two packs a day. He developed asthma and needed an inhaler. He started vaping last year and no longer needs the inhaler. He named a number of vegetables that also contain nicotine, and noted that some doctors recommend nicotine to promote growth of the brain. He also noted that over consumption of nicotine can be lethal. The flavorings are derived from natural fruits, etc., and they don't sell to minors.

Kristine Donatello, 6715 Windrift Way #16, with the American Cancer Society, expressed their support of this ordinance. The FDA has announced they intend to put e-cigarettes in the same category as cigarettes. The similarities have been confusing business owners and cities across Texas. They are not asking for a ban on e-cigarettes, but that it be included in the ban wherever cigarettes are banned. She noted that the number of youths using e-cigarettes has tripled, and the middle and high school students that have never smoked are twice as likely to use cigarettes later if they use e-cigarettes.

There being no further comments, the Public Hearing was closed at 7:55 p.m.

A motion was made by Councilmember Brick and seconded by Councilmember Nichols to adopt an ordinance amending Chapter 7, "Health and Sanitation", of the Code of Ordinances of the City of College Station, Texas, by amending section 9, "Tobacco products and smoking"; to regulate electronic cigarettes as tobacco, restricting their public use as specified and prohibiting

their sale to and possession and use of by minors; providing a severability clause; declaring a penalty; and providing an effective date, amended to strike the definition and insert the definition proposed by the American Cancer Association, noted below:

“Electronic Smoking Device”- means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.

**MOTION:** Upon a motion made by Councilmember Benham and a second by Councilmember Mooney, the City Council voted two (2) for and five (5) opposed, with Mayor Berry and Councilmembers Brick, Aldrich, Nichols, and Schultz voting against, to amend the main motion by removing #C and all related sections. The motion failed.

**MOTION:** Upon a motion made by Councilmember Aldrich and a second by Mayor Berry, the City Council voted seven (7) for and none (0) opposed, to postpone this item to the September 11 Council meeting. The motion carried unanimously.

### **3. Presentation, possible action, and discussion regarding an economic development agreement between the City of College Station and StataCorp, LP.**

Randall Heye, City Manager’s Office, reported that StataCorp has expressed an interest in expanding its headquarters and employee amenities currently located at 4905 Lakeway Drive onto the adjacent 210 Technology Way for a larger corporate campus. In order to do so, staff is recommending to City Council the abandonment of a portion of Technology Way, expedited permitting and waiver of the right-of-way abandonment application fee, and the dedication of approximately 30 acres of greenways to parkland. StataCorp would be responsible for the construction of a new commercial office building valued at \$3,000,000, and an addition of fifteen new professional positions or an annual payroll increase of \$1,000,000 within the terms of the agreement. Staff recommends approval of the Economic Development Agreement with StataCorp.

**MOTION:** Upon a motion made by Councilmember Benham and a second by Councilmember Schultz, the City Council voted six (6) for and none (0) opposed, with Councilmember Brick recusing herself, to approve the Economic Development Agreement with StataCorp. The motion carried.

### **4. Presentation, possible action, and discussion regarding an appointment to the BVSWMA, Inc., Board of Directors.**

**MOTION:** Upon a motion made by Councilmember Nichols and a second by Councilmember Benham, the City Council voted seven (7) for and none (0) opposed, to appoint Karl Mooney to the BVSWMA, Inc. Board of Directors for a one-year term and Rick Floyd to the BVSWMA, Inc. Board of Directors for a three-year term. The motion carried unanimously.

**5. Adjournment.**

**MOTION:** There being no further business, Mayor Berry adjourned the Regular Meeting of the City Council at 8:31 p.m. on Monday, August 25, 2014.

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Nancy Berry, Mayor

ATTEST:

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Sherry Mashburn, City Secretary

MINUTES OF THE CITY COUNCIL SPECIAL MEETING  
CITY OF COLLEGE STATION  
SEPTEMBER 3, 2014

STATE OF TEXAS           §  
  §  
COUNTY OF BRAZOS       §

**Present:**

Nancy Berry, Mayor

**Council:**

Blanche Brick  
Steve Aldrich  
Karl Mooney  
John Nichols  
Julie Schultz  
James Benham

**City Staff:**

Kelly Templin, City Manager  
Chuck Gilman, Deputy City Manager  
Carla Robinson, City Attorney  
Tanya McNutt, Deputy City Secretary  
Ian Whittenton, Records Management Coordinator

**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 6:00 p.m. on Wednesday, September 3, 2014 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77842.

Pledge of Allegiance and Invocation.

**2. Public Hearing, presentation, possible action, and discussion on the City of College Station 2014 proposed tax rate of \$0.4525 per \$100 assessed valuation resulting in an increase in tax revenues.**

Jeff Kersten, Assistant City Manager, provided a review of the proposed tax rate for the FY14-15 budget. The current effective tax rate is \$.0425958 per \$100 assessed valuation and the proposed tax rate is \$0.452500 per \$100 assessed valuation. This is an increase of \$0.026542 per \$100 assessed valuation and is estimated to provide an additional \$1.6 million in revenues. The certified property valuation totaled \$6.56 billion, which is a total increase of \$330,622,559 or

approximately a 5.3% increase in value over last year. If adopted, the proposed tax rate per \$100 of assessed valuation would be 45.2500 cents and would provide 19.3053 cents for debt service and 25.9447 cents for the general fund.

The Proposed Tax Rate Funds:

- Keeping up with growth
- Public Safety/Police
  - Additional personnel and equipment for the Police Department.
    - Traffic Patrol, Animal Control, and support positions
    - Patrol cars, motorcycles, tasers
- Public Safety/Fire
  - Additional personnel for EMS/Safety Officer program and for initial staffing for new ladder truck
- Transportation/Mobility
  - Additional street maintenance and repair funds, and initial funding for new intelligent transportation system.
- Improved park facilities and equipment
- Competitive Pay and Benefits
  - 3.5% average performance pay
  - Continue Police Step Plan, Fire and Electric Plans
  - Increase pay scale for sworn police and fire

Mr. Kersten summarized that the proposed budget and tax rate would allow the city to keep pace with growth and be well positioned to meet increased service demands over the next several years. Staff recommends approval.

At approximately 6:07 p.m., Mayor Berry opened the Public Hearing.

Richard Dusold, 4602 Oakmont, addressed the council with his concerns about what he feels is a lack of transparency and a lack of clarity in the presentations from staff on the effect of the proposed tax rate in real dollars. He challenged the council to not approve the proposed budget.

J. Michael Bozardt, 2409 Friar, spoke to the council on his concerns regarding the distribution of the tax base among residents, students, and landlords. He also listed multiple taxes already levied on the citizens by the city and other government agencies.

There being no further comments, the Public Hearing was closed at 6:13 p.m.

Mayor Berry announced that council will take a vote on the tax rate on September 22, 2014 in Council Chambers at 7:00 p.m.

### **3. Adjournment.**

**MOTION:** There being no further business, Mayor Berry adjourned the Special Meeting of the City Council at 6:15 p.m. on Wednesday, September 3, 2014.

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Nancy Berry, Mayor

ATTEST:

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Sherry Mashburn, City Secretary



Legislation Details (With Text)

|                       |  |                      |   |                      |                       |
|-----------------------|--|----------------------|---|----------------------|-----------------------|
| <b>File #:</b>        | 14-660   | <b>Version:</b>      | 1 | <b>Name:</b>         | Kalon Biotherapeutics |
| <b>Type:</b>          | Resolution   | <b>Status:</b>       |   | <b>Status:</b>       | Consent Agenda        |
| <b>File created:</b>  | 8/28/2014  | <b>In control:</b>   |   | <b>In control:</b>   | City Council Regular  |
| <b>On agenda:</b>     | 9/11/2014  | <b>Final action:</b> |   | <b>Final action:</b> |                       |
| <b>Title:</b>         | Presentation, possible action, and discussion of a resolution and amendment to the Economic Development Agreement between the City of College Station and Kalon Biotherapeutics. |                      |   |                      |                       |
| <b>Sponsors:</b>      | Chuck Gilman   |                      |   |                      |                       |
| <b>Indexes:</b>       |  |                      |   |                      |                       |
| <b>Code sections:</b> |  |                      |   |                      |                       |
| <b>Attachments:</b>   | <a href="#">BioCorridor incentives resolution KALON 09 11 14.pdf</a><br><a href="#">Amendment #1 Draft 08 27 14.pdf</a>  |                      |   |                      |                       |

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Presentation, possible action, and discussion of a resolution and amendment to the Economic Development Agreement between the City of College Station and Kalon Biotherapeutics.

Relationship to Strategic Goals:

- Diverse Growing Economy

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

Summary: Earlier this year the City of College Station and Kalon Biotherapeutics entered into an economic development agreement to aid in the “development of commercial enterprises and redevelopment projects within the geographic boundaries of [the] City and its extraterritorial jurisdiction.” The amendment replaces said language with language directly from Chapter 380 of the Texas Local Government Code. The amended language recognizes the City’s authority to grant public funds to “promote state and local economic development and to simulate business and commercial activity in College Station.” Furthermore, the economic development agreement is contingent upon the City of Bryan entering into an agreement with Kalon to grant its shared revenue to Kalon. Article V of the Interlocal Cooperation and Joint Development Agreement between the Cities of College Station and Bryan requires the City of College Station to approve in writing Bryan’s granting of incentives to Kalon. Adoption of the attached resolution will provide the required approval. The City of Bryan will be required to adopt a similar resolution approving College Station’s grant to Kalon.

Budget & Financial Summary: N/A

Attachments: Resolution Amendment



RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, CONSENTING TO THE CITY COUNCIL OF THE CITY OF BRYAN PROVIDING ECONOMIC DEVELOPMENT INCENTIVES TO A BUSINESS PROSPECT LOCATED IN THE JOINT RESEARCH VALLEY BIOCORRIDOR DEVELOPMENT PROJECT.

WHEREAS, the City of College Station, Texas, and the City of Bryan, Texas entered into an agreement (ILA) which sets forth the understandings and obligations of the Cities with respect to certain infrastructure projects and a joint economic development program known as the Joint Research Valley BioCorridor Development Project; and

WHEREAS, the promotion of the expansion of existing businesses within the Cities and the recruitment of new business enterprises to the Cities will promote economic development, stimulate commercial activity, generate additional sales tax and will enhance the property tax base and economic vitality of the Cities; and

WHEREAS, the ILA requires joint approval of all economic development incentives to business prospects or development within the Joint Research Valley BioCorridor Development Project; now, therefore,

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

PART 1: That the City Council hereby consents to the City Council of the City of Bryan providing economic development incentives to Kalon Biotherapeutics, L.L.C. as shown in the Economic Development Agreement Between the City of Bryan and Kalon Therapeutics, L.L.C., attached as **Exhibit A**.

PART 2: That the City Council's consent in this Resolution shall serve as written approval for the purposes of the ILA.

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

ADOPTED this 11<sup>th</sup> day of September, A.D. 2014.

ATTEST:

APPROVED:

\_\_\_\_\_  
City Secretary

\_\_\_\_\_  
MAYOR

APPROVED:

\_\_\_\_\_  
City Attorney

**AMENDMENT NO. 1 TO ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF COLLEGE STATION AND KALON BIOTHERAPEUTICS, L.L.C.**

THIS AMENDMENT NO. 1 TO ECONOMIC DEVELOPMENT AGREEMENT BETWEEN THE CITY OF COLLEGE STATION AND KALON BIOTHERAPEUTICS (“Amendment”) is made as of September 11, 2014, by and between THE CITY OF COLLEGE STATION, a home-rule municipal corporation organized under the laws of Texas (“City”), and KALON BIOTHERAPEUTICS, L.L.C., a Texas limited liability corporation, (“Developer”). The City and Developer may be hereinafter referred to collectively as “Parties.”

**RECITALS**

A. WHEREAS, the City and Developer entered into that certain Economic Development Agreement Between the City of College Station and Kalon Biotherapeutics, L.L.C. with an effective date of July 1, 2014 (the “Agreement”); and

B. WHEREAS, the Parties wish to amend the Agreement to reflect certain additional agreements between them.

NOW, THEREFORE, in consideration of the mutual promises, conditions, and covenants contained in the Agreement, including this Amendment thereto, the Parties agree as follows:

1. Defined Terms. Unless otherwise indicated, any capitalized term used in this Amendment and not defined herein shall have the meaning ascribed to it in the Agreement.

2. Amendments. The first Recital is deleted and replaced with the following language: “WHEREAS CITY is authorized by Chapter 380 of the TEXAS LOCAL GOVERNMENT CODE to make grants of public money to promote state and local economic development and to stimulate business and commercial activity in College Station; and”.

3. Reference to and Effect on the Agreement.

(a) Upon the effectiveness of this Amendment, each reference in the Agreement to “this Agreement”, “hereunder”, “hereof”, “herein” or words of like import referring to the Agreement shall mean and be a reference to the Agreement as amended hereby.

(b) Except as set forth above, all other terms and conditions of the Agreement shall remain in full force and effect.

(c) Wherever there exists a conflict between this Amendment and the Agreement, the provisions of this Amendment shall control.

(d) This Amendment, together with the Agreement, constitute the complete agreement of City and Developer as to the matters set forth herein and may not be waived, modified or changed, except by writing signed by both City and Developer.

(e) To the extent the Agreement remains in effect, in the event of a conflict between the Agreement and such Agreement as amended by this Amendment, the Agreement, as amended by this Amendment, shall control.

4. Governing Law. This Amendment shall be governed by and construed in accordance with the laws of the State of Texas.

5. Counterparts; Signatures. This Amendment may be executed in counterparts, all of which, when taken together, shall constitute one and the same original. Signatures transmitted by facsimile or electronically shall constitute original signatures for the purposes of this Amendment.

6. Headings. Section headings in this Amendment are included herein for convenience of reference only and shall not constitute a part of this Amendment for any other purpose.

7. Time of Essence. Time shall be of the essence as to each and every provision of this Amendment.

SIGNATURE PAGE FOLLOWS

IN WITNESS WHEREOF, the parties have executed this Agreement as of the date set forth below each party's signature.

KALON BIOTHERAPEUTICS, L.L.C.

CITY OF COLLEGE STATION, TEXAS

By: \_\_\_\_\_  
Andrew Strong  
Chief Executive Officer

By: \_\_\_\_\_  
Nancy Berry  
Mayor

Date: \_\_\_\_\_

Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
City Secretary

Date: \_\_\_\_\_

APPROVED:

\_\_\_\_\_  
Kelly Templin,  
City Manager

Date: \_\_\_\_\_

\_\_\_\_\_  
Jeff Kersten  
Assistant City Manager/CFO

Date: \_\_\_\_\_

\_\_\_\_\_  
Carla A. Robinson  
City Attorney

Date: \_\_\_\_\_



## Legislation Details (With Text)

|                       |  |                      |   |                      |                       |
|-----------------------|--|----------------------|---|----------------------|-----------------------|
| <b>File #:</b>        | 14-634   | <b>Version:</b>      | 1 | <b>Name:</b>         | Update Water Tap Fees |
| <b>Type:</b>          | Ordinance  | <b>Status:</b>       |   | <b>Status:</b>       | Consent Agenda        |
| <b>File created:</b>  | 8/19/2014  | <b>In control:</b>   |   | <b>In control:</b>   | City Council Regular  |
| <b>On agenda:</b>     | 9/11/2014  | <b>Final action:</b> |   | <b>Final action:</b> |                       |
| <b>Title:</b>         | Presentation, possible action, and discussion regarding updating water tap fees to reflect current costs by amending Chapter 11, "Utilities" Section 2 "Water And Sewer Services", D "Water and Sewer Rates, Usage Charges and Fees", 4 "Water and Sewer Tap Fees, Meter Set-In Fees, and Sewer Inspection Fees", A (1) "Fee for Water Tap" of the Code of Ordinances. |                      |   |                      |                       |
| <b>Sponsors:</b>      | David Coleman  |                      |   |                      |                       |
| <b>Indexes:</b>       |  |                      |   |                      |                       |
| <b>Code sections:</b> |  |                      |   |                      |                       |
| <b>Attachments:</b>   | <a href="#">8 26 14 Water Tap Fee Ordinance.pdf</a>  |                      |   |                      |                       |

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Presentation, possible action, and discussion regarding updating water tap fees to reflect current costs by amending Chapter 11, "Utilities" Section 2 "Water And Sewer Services", D "Water and Sewer Rates, Usage Charges and Fees", 4 "Water and Sewer Tap Fees, Meter Set-In Fees, and Sewer Inspection Fees", A (1) "Fee for Water Tap" of the Code of Ordinances.

### Relationship to Strategic Goals:

- Core Services and Infrastructure
- Diverse Growing Economy

Recommendation: Approve the second phase of updated tap fees.

Summary: In February 2014, City Council approved the first phase of Water Tap Fee increases, as shown in the chart below. These tap fees are in place to reimburse City crews for the materials and labor they provide when setting water meters and meter boxes for new water service taps. Prior to March of 2014, these fees had not been updated for over ten years, and with material price increases, and higher prices for electronic meters, the fees needed to be increased. City staff discussed this situation with the Homebuilders Association, and they agreed with the updated fees, based on a phased implementation schedule, as shown:

| Size | Old Fee | Updated Fee | Effective Mar 2014 | Effective Oct 2014 | Effective Oct 2015 |
|------|---------|-------------|--------------------|--------------------|--------------------|
| 3/4" | \$400   | \$607       | \$430              | \$533              | \$607              |
| 1.0" | \$500   | \$739       | \$620              | \$739              | \$739              |
| 1.5" | \$800   | \$2,001     | \$1,401            | \$2,001            | \$2,001            |
| 2.0" | \$1,500 | \$2,961     | \$2,231            | \$2,961            | \$2,961            |

Staff recommends approval of the second phase of Water Tap Fee increases, to be effective October 1, 2014.

**Budget & Financial Summary:** Will increase Water Fund revenue approximately \$144,000 per year when fully implemented. This increase is intended to cover the actual cost of setting water meters and meter boxes for new water service taps.

Reviewed and Approved by Legal: Yes

Attachment: Ordinance

**ORDINANCE NO. \_\_\_\_\_**

**AN ORDINANCE AMENDING CHAPTER 11, "UTILITIES" SECTION 2 "WATER AND SEWER SERVICES", D "WATER AND SEWER RATES, USAGE CHARGES AND FEES", 4 "WATER AND SEWER TAP FEES, METER SET-IN FEES, AND SEWER INSPECTION FEES", A (1) "FEE FOR WATER TAP", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, AS SET OUT BELOW; PROVIDING FOR AN INCREASE IN WATER TAP FEES; AND PROVIDING A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.**

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

**PART 1:** That Chapter 11, "Utilities" Section 2 "Water And Sewer Services", D "Water and Sewer Rates, Usage Charges and Fees", 4 "Water and Sewer Tap Fees, Meter Set-In Fees, and Sewer Inspection Fees", A (1) "Fee for Water Tap", of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

**PART 2:** That all previous ordinances in direct conflict with this ordinance are hereby superseded and repealed.

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

**PART 4:** This ordinance becomes effective October 1, 2014.

**PASSED, ADOPTED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.**

**APPROVED:**

\_\_\_\_\_  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**City Secretary**

**APPROVED:**

\_\_\_\_\_  
**City Attorney**

**EXHIBIT “A”**

That Chapter 11 “Utilities” Section 2 “Water And Sewer Services”, D “Water And Sewer Rates, Usage Charges And Fees”, 4 “Water and Sewer Tap Fees, Meter Set-In Fees, and Sewer Inspection Fees”, A (1) “Fee For Water Tap”, of the Code of Ordinances of the City of College Station, Texas, is hereby amended as set out below:

**(a) Fee for water tap.**

The City will charge a service charge to all customers connecting to the water system within or outside the corporate limits of the City. The service charge will be based on water tap size.

- (i) The water tap service charge shall apply to all connections to the water system requiring a tap to be made to the water main, construction of the service line and meter set-in.

Service Charge for Water Tap:

| <b>Tap Size</b> | <b>Charge</b> |
|-----------------|---------------|
| ¾ inch          | \$533.00      |
| 1 inch          | \$739.00      |
| 1 ½ inch        | \$2,001.00    |
| 2 inch          | \$2,961.00    |



## Legislation Details (With Text)

**File #:** 14-637      **Version:** 1      **Name:** All Way Stop Ordinance Cross / Dogwood  
**Type:** Ordinance      **Status:** Consent Agenda  
**File created:** 8/22/2014      **In control:** City Council Regular  
**On agenda:** 9/11/2014      **Final action:**

**Title:** Presentation, possible action, and discussion on the consideration of an ordinance amending Chapter 10, "Traffic Code", Section 2 "Traffic Control Devices", C "Four-Way Stop Intersections", Traffic Schedule II - "Four-Way Stop Intersections", of the Code of Ordinances of the City of College Station, Texas, by implementing an all-way stop control intersection at the intersection of Cross Street and Dogwood Street.

**Sponsors:** Troy Rother

**Indexes:**

**Code sections:**

**Attachments:** [All-Way Stop Sign Ord Map - Cross @ Dogwood.pdf](#)  
[All-Way Stop Sign Ord - Cross @ Dogwood.pdf](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Presentation, possible action, and discussion on the consideration of an ordinance amending Chapter 10, "Traffic Code", Section 2 "Traffic Control Devices", C "Four-Way Stop Intersections", Traffic Schedule II - "Four-Way Stop Intersections", of the Code of Ordinances of the City of College Station, Texas, by implementing an all-way stop control intersection at the intersection of Cross Street and Dogwood Street.

### Relationship to Strategic Goals:

- Core Services and Infrastructure

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

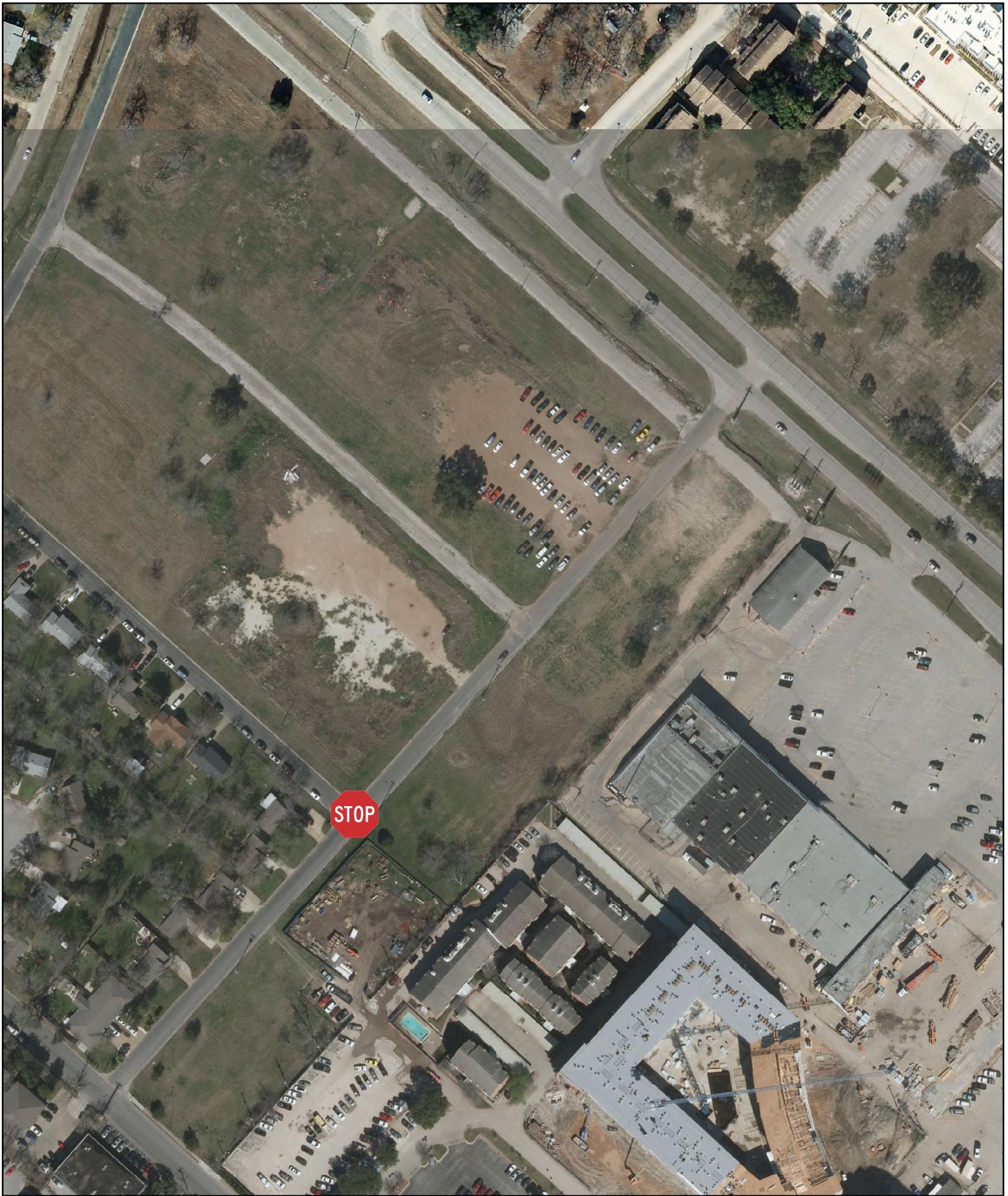
Summary: An all-way stop intersection is warranted for the intersection of Cross Street at Dogwood Street. This all-way stop intersection will improve pedestrian safety in the area and provide pedestrian access from new residential developments to the north of Cross Street to Texas A&M University and commercial developments, which are south of Cross Street. This ordinance allows for the implementation and enforcement of an all-way stop at this intersection to improve safety and pedestrian mobility.

Budget & Financial Summary: The installation of the stop signs and stop bars are funded in the traffic operations budget.

### Attachments:

1. Ordinance

## 2. Location Map



# All-way Stop Controlled Intersection

Cross St. @ Dogwood St.



**ORDINANCE NO. \_\_\_\_\_**

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

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

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

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

**PART 3:** That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than Twenty-Five Dollars (\$25.00) or more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**APPROVED:**

\_\_\_\_\_  
**Mayor**

**ATTEST:**

\_\_\_\_\_  
**City Secretary**

**APPROVED:**

\_\_\_\_\_  
**City Attorney**

**EXHIBIT “A”**

That Chapter 10, “Traffic Code”, Section 2 “Traffic Control Devices”, C “Four-Way Stop Intersections”, Traffic Schedule II – “Four-Way Stop Intersections” is amended to include the following:

Cross Street at Dogwood Street



## Legislation Details (With Text)

|                       |   |                      |   |                      |                                |
|-----------------------|---|----------------------|---|----------------------|--------------------------------|
| <b>File #:</b>        | 14-638  | <b>Version:</b>      | 1 | <b>Name:</b>         | Rock Prairie Road Right-of-Way |
| <b>Type:</b>          | Contract  | <b>Status:</b>       |   | <b>Status:</b>       | Consent Agenda                 |
| <b>File created:</b>  | 8/22/2014   | <b>In control:</b>   |   | <b>In control:</b>   | City Council Regular           |
| <b>On agenda:</b>     | 9/11/2014   | <b>Final action:</b> |   | <b>Final action:</b> |                                |
| <b>Title:</b>         | Presentation, possible action and discussion regarding a real estate contract for the purchase of right-of-way along Rock Prairie Road between State Highway 6 and Normand Drive. |                      |   |                      |                                |
| <b>Sponsors:</b>      | Donald Harmon   |                      |   |                      |                                |
| <b>Indexes:</b>       |   |                      |   |                      |                                |
| <b>Code sections:</b> |   |                      |   |                      |                                |
| <b>Attachments:</b>   | <a href="#">RPRW ROW.pdf</a>  |                      |   |                      |                                |

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Presentation, possible action and discussion regarding a real estate contract for the purchase of right-of-way along Rock Prairie Road between State Highway 6 and Normand Drive.

### Relationship to Strategic Goals:

- Core Services and Infrastructure
- Improving Mobility

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

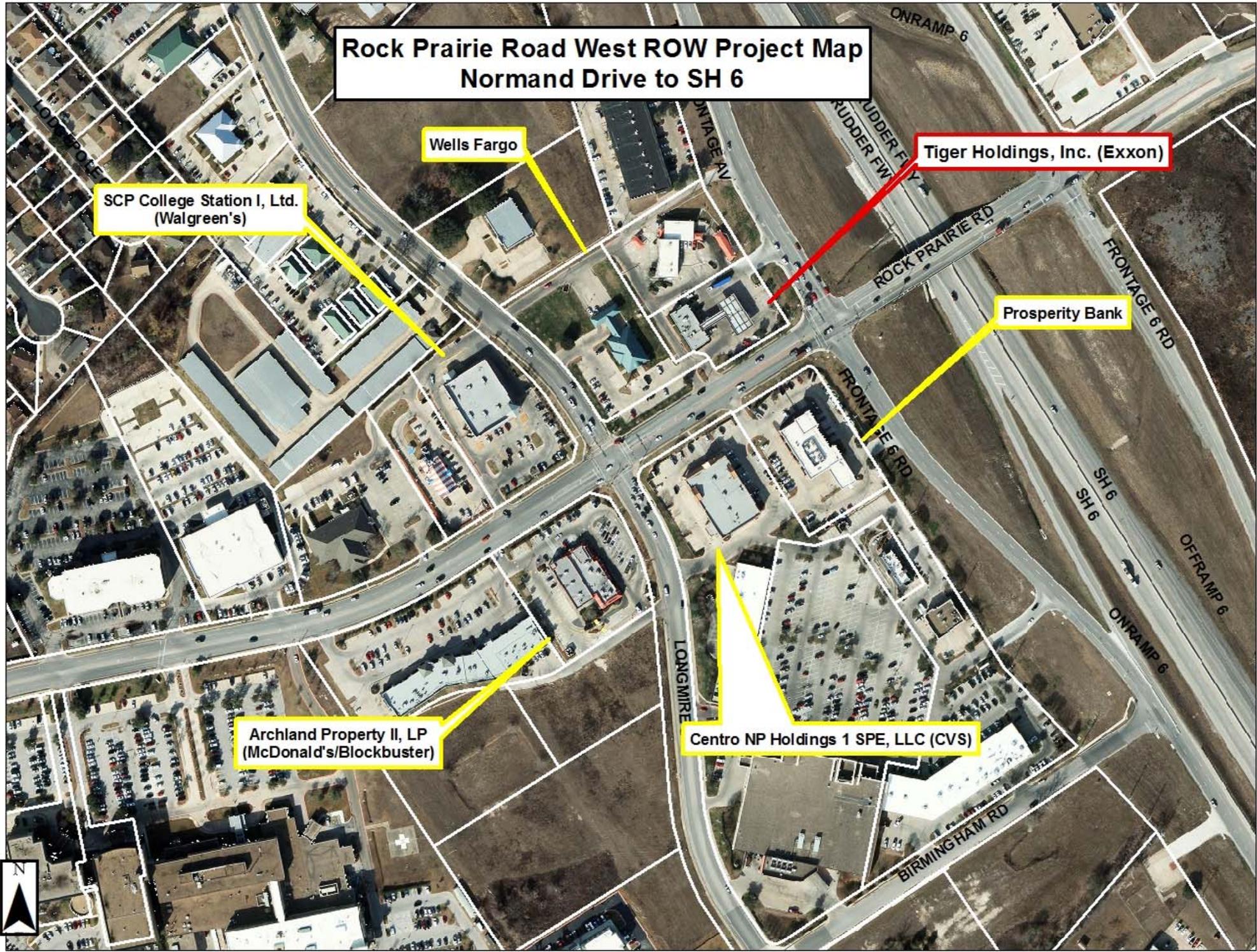
Summary: Additional right-of-way and public utility, access, and landscape easements are required for the widening of Rock Prairie Road West, between State Highway 6 and Normand Drive. The widening project will improve vehicular and pedestrian mobility along the corridor. The 2008 Bond Election included a project to acquire additional right-of-way (ROW) along Rock Prairie Road, west of State Highway 6. Council authorized negotiations for the land when it approved the Resolution Determining Need for this project on February 23, 2012.

Budget & Financial Summary: The purchase price for this property is eighty-two thousand dollars (82,000.00). The current budget for the Rock Prairie Road West ROW Project is \$740,000. Funding for this project is from the 2008 general obligation bond authorization. Funds in the amount of \$405,810 have been expended or committed to date, leaving a balance of \$334,190 for this purchase, remaining ROW purchases, and related expenses.

### Attachments:

1. Project Map
2. Real Estate Contract - On file in the City Secretary's Office

# Rock Prairie Road West ROW Project Map Normand Drive to SH 6



SCP College Station I, Ltd.  
(Walgreen's)

Wells Fargo

Tiger Holdings, Inc. (Exxon)

Prosperity Bank

Archland Property II, LP  
(McDonald's/Blockbuster)

Centro NP Holdings 1 SPE, LLC (CVS)





## Legislation Details (With Text)

**File #:** 14-639      **Version:** 1      **Name:** Service Agreement for Auto Paint & Body Repairs  
**Type:** Contract      **Status:** Consent Agenda  
**File created:** 8/22/2014      **In control:** City Council Regular  
**On agenda:** 9/11/2014      **Final action:**  
**Title:** Presentation, possible action and discussion regarding the service contract (Contract No. 14-372) with Cal's Body Shop for annual automobile and truck paint and body repairs in an amount not to exceed \$60,000.  
**Sponsors:** Donald Harmon  
**Indexes:**  
**Code sections:**  
**Attachments:**

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Presentation, possible action and discussion regarding the service contract (Contract No. 14-372) with Cal's Body Shop for annual automobile and truck paint and body repairs in an amount not to exceed \$60,000.

Relationship to Strategic Goals:

- Core Services and Infrastructure

Recommendation(s): Staff recommends approval of the service contract (Contract No. 14-372).

Summary: The Fleet Division of Public Works Department does not have the internal resources to make automotive paint and body repairs to damaged vehicles in our fleet. In FY14, staff solicited sealed competitive bids for this service. Two sealed bids were received and Cal's Body Shop submitted the lowest responsible bid.

Budget & Financial Summary: Funds are available in the Property and Casualty Fund.

Attachments:

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



## Legislation Details (With Text)

**File #:** 14-641      **Version:** 1      **Name:** 2014 General Election Judges  
**Type:** Presentation      **Status:** Consent Agenda  
**File created:** 8/22/2014      **In control:** City Council Regular  
**On agenda:** 9/11/2014      **Final action:**

**Title:** Presentation, possible action, and discussion regarding the approval of Election Judges for the November 4, 2014 General Election. *Presentación, posible acción y diálogo con respecto a la aprobación de Jueces para las Elecciones Generales del 4 de noviembre de, 2014.*

**Sponsors:** Sherry Mashburn

**Indexes:**

**Code sections:**

**Attachments:** [Election Judges & Alternates Recommendations](#)  
[Appointment of Central Count](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Presentation, possible action, and discussion regarding the approval of Election Judges for the November 4, 2014 General Election. *Presentación, posible acción y diálogo con respecto a la aprobación de Jueces para las Elecciones Generales del 4 de noviembre de, 2014.*

**Recommendation (Recomendación) :** Approve as presented to the City Council. *Aprobar después de ser presentado al Consejo de la Ciudad.*

**Summary (Resumen) :** Council approved an ILA with Brazos County on August 14, 2014. The Brazos County Clerk is designated as the Chief Election Official, and as such, is responsible for the securing of qualified individuals to serve as election judges for each polling place. *El Consejo aprobó un Acuerdo Interlocal con el Condado de Brazos el 14 de agosto de 2014. El Oficial del Condado de Brazos será designado como el Oficial Encargado de las Elecciones y como tal es responsable de contratar a individuos calificados para que sirvan de jueces de las elecciones para cada centro de votaciones.*

**Budget Summary (Resumen del Presupuesto) :** The cost for election judges is budgeted in the total cost of the General Election. *El costo de contratar a jueces para las elecciones se incluye en el costo total de las Elecciones Generales.*

- Attachments (Documentos adjuntos):**
- List of Recommended Election Workers
  - Appointment of Central Count

I, Karen McQueen, County Clerk of Brazos County do hereby submit the following persons for appointment as presiding judge and alternate judge for elections conducted by the county as required upon receipt of timely list(s) submitted by the appropriate political party chairs or as recommended by me if no list(s) were submitted timely by party chairs. The appointment will be a 1 year term, ending on July 31, 2015.

*Yo, Karen McQueen, Escribiente del Condado, del condado de Brazos someto por este medio para nombrar las personas siguientes como juez de presidencia y juez alterno par alas elecciones conducidas por el condado como requerido, según el recibo de las listas oportunas sometidas por las sillas politicas apropiadas del partido o según lo recomendado por mi si no hay listas oportunas sometidas al lado de las sillas del partido. La cita sera un término de 1 año, terminando el 31 de Julio de 2015.*

| <b>Precinct No.</b><br><i>No. del recinto</i> | <b>Presiding Judge</b><br><i>Juez de presidencia</i> | <b>Alternate Judge</b><br><i>Juez alterno</i> |
|---|--|---|
| 1   | Thaddeus Adams *R*                                   | Verna Mathis *D*                              |
| 3/23  | Nathen Cook *R*                                      | Harold Eaton *D*                              |
| 4/18/79/43                                    | Shirley Carter *D*                                   | Tori Ellis *R*                                |
| 5/48/60/61/37                                 |  | Marilyn Moore *D*                             |
| 6   |  | Corbet Perkins *D*                            |
| 7   | Lola Peterson *R*                                    | Helen Wager *D*                               |
| 8   | Pattie Wells *R*                                     | Jack Miller *D*                               |
| 9   | Terri Stewart *R*                                    | Raul Castillo *D*                             |
| 11/21/22                                      | Arthur Pinto *R*                                     | Bobby Slovak *D*                              |
| 12  | Diana Davis *R*                                      | Susan Spears *D*                              |
| 13/52   | Nicholas Hernandez *R*                               | Princess Jones *D*                            |
| 14/57   | Jesse Ostiguin *D*                                   | Joe Moreno *R*                                |
| 15  | Debbie Pipes *R*                                     | Richard Griffin *D*                           |
| 16  | Barry Clar *D*                                       | Robert Bruce *R*                              |
| 17  | Murrey Bennett *R*                                   | Paul Peterson *D*                             |
| 19/30/47/46/77                                | Bernice Ward *R*                                     | Bobbie Newton *D*                             |
| 20  | Boyd Cherry *R*                                      | Bob Presley *D*                               |
| 24/53/58                                      | Raul Pendas *R*                                      | Jackie Girouard *D*                           |
| 25/62/64/81                                   | Denise Ray *D*                                       | Ron Treat *R*                                 |
| 27/42/56                                      | Clyde Goen *R*                                       | Wesley James *D*                              |
| 28/68   | Michael Cohen *R*                                    | Mary Lin Howell *D*                           |
| 29  |  | Ruby Ellis *D*                                |
| 31  | Al Postelwait *R*                                    | Jean Cangelose *D*                            |
| 33/79/49/72                                   | Andre Steen *D*                                      | Donald Tracey *R*                             |
| 34  | Gary Thomas *R*                                      | Joe Callaway *D*                              |
| 35  | Pinky Brauer *R*                                     | Charles Fraser *D*                            |
| 36  | E.J Biskup *R*                                       | Oscar Chavarria *D*                           |
| 38  | Barbara Cooper *D*                                   | Clyde Goen *R*                                |
| 39  | Bill Edison *R*                                      | Gene Charleton *D*                            |
| 40  | Peter Grandjean *R*                                  | Paul Parrish *D*                              |
| 41/59   | Dixie Tracey *R*                                     | Brian Bochner *D*                             |
| 45/78/44                                      | George McDonald *R*                                  | Lynn Krueger *D*                              |
| 63/26   | Marla Calvin *R*                                     | Barry Bauerschlag *D*                         |
| 65/2/50/51/71/32/82/83/69                     | Patricia Lassiter *R*                                | Tina Hanna *D*                                |
| 70/67   | Arlene Candia *R*                                    | Ann Weaver Hart *D*                           |
| 80/10   | Doris Milam *R*                                      | Terri Miller *D*                              |

Issued this the \_\_\_\_\_ day of September 2014.  
*Emitado este dia \_\_\_\_\_ de septiembre de 2014.*

APPROVED:

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E. Duane Peters, Brazos County Judge  
*Juez del Condado de Brazos*

## Appointment of Central Count Staff

*(La cita del Personal Central de Contado)*

I, Karen McQueen, County Clerk of Brazos County do hereby recommend the following persons be appointed for the November 4, 2014 General Election conducted by the county.

*(Yo, Karen McQueen, Escribiente del Condado de Brazos, recomiendo por este medio que a las personas siguientes sean designadas para la Elección general, conducida por el condado, el 4 de noviembre de 2014.)*

|  | <b>Name</b><br><i>(Nombre)</i> | <b>Position</b><br><i>(Posición)</i>                       | <b>Party</b><br><i>(Partido)</i>   |
|--|--------------------------------|--|------------------------------------|
| <u>Early Voting</u><br><u>Ballot Board:</u><br><i>(Junta de boleta de votación adelantada)</i> | Bob Davis                      | Judge<br><i>(Juez)</i>                                     | Republican<br><i>(Republicano)</i> |
|  | Susan Miller                   | Alternate Judge<br><i>(Alterno Juez)</i>                   | Democratic<br><i>(Demócrata)</i>   |
| <u>Central Counting</u><br><u>Station:</u><br><i>(Estación central de escrutinio)</i>          | Darlene Nichols                | Manager<br><i>(Administrador)</i>                          |                                    |
|  | Bob Davis                      | Judge<br><i>(Juez)</i>                                     | Republican<br><i>(Republicano)</i> |
|  | Susan Miller                   | Alternate Judge<br><i>(Alterno Juez)</i>                   | Democratic<br><i>(Demócrata)</i>   |
| <u>Tabulators:</u><br><i>(Tabulador)</i>   | Cray Crouse                    | Tabulation Supervisor <i>(Supervisor de la Tabulación)</i> |                                    |
|  | Tracy Price                    | Assistant Tabulator <i>(Ayudante del Tabulador)</i>        |                                    |

Issued this the \_\_\_\_\_ c day of September 2014

*(Emitado este dia \_\_\_\_\_ de septiembre de 2014)*

Approved:

\_\_\_\_\_  
Duane Peters, Brazos County Judge

*(Juez del Condado de Brazos)*



## Legislation Details (With Text)

**File #:** 14-644      **Version:** 2      **Name:** Microsoft EA Renewal  
**Type:** Agreement      **Status:** Consent Agenda  
**File created:** 8/25/2014      **In control:** City Council Regular  
**On agenda:** 9/11/2014      **Final action:**  
**Title:** Presentation, possible action, and discussion on renewal of an Enterprise Agreement (EA) for Microsoft software with SHI Government Solutions for a three year period totaling \$93,818.70.  
**Sponsors:** Ben Roper  
**Indexes:**  
**Code sections:**  
**Attachments:** [SHI Quote-8394371.pdf](#)  
[Microsoft EA Documents.pdf](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Presentation, possible action, and discussion on renewal of an Enterprise Agreement (EA) for Microsoft software with SHI Government Solutions for a three year period totaling \$93,818.70.

Relationship to Strategic Goals: (Select all that apply)

- Financially Sustainable City
- Core Services and Infrastructure

**Recommendation(s):** Staff recommends approval of the Agreement

### Summary:

In 2011, the City made a determination to move from Novell software applications for E-mail and File and Print services to Microsoft software applications for these services, and executed a limited Enterprise Agreement with Microsoft through Dell Marketing LP for the initial 3 year term.

This Agreement renews and updates the EA to cover appropriate server, database and Client Access Licenses for the next 3 year term. SHI Government Solutions is the holder of the current Texas State Contract for Microsoft Volume Licenses, which covers this contract (Texas Department of Information Resources Microsoft DIR Contract Number DIR-SDD-2503).

This Agreement allows the City to receive Microsoft Licensed product updates and upgrades at no cost.

### Budget & Financial Summary:

Funding for the first installment of this Agreement (\$31,272.90) is included in the IT Department Operations Budget under Software Maintenance, and subsequent year payments will be budgeted and submitted for Council approval through the normal budgeting process.

Attachments:



Pricing Proposal  
 Quotation #: 8394371  
 Created On: 8/11/2014  
 Valid Until: 9/30/2014

**City of College Station TX**

**Account Executive**

**Ben Roper**

1101 Texas Ave.  
 College Station, TX 77840  
 United States  
 Phone: (979) 764-3538  
 Fax: (979) 764-3664  
 Email: broper@cstx.gov

**Craig Bailey**

SHI Government Solutions  
 1301 South Mo-Pac, Suite 375  
 Austin, TX 78746  
 Mobile Phone: 512-822-0457  
 Phone: 800-870-6079 x5199  
 Fax: 512-732-0232  
 Email: Craig\_Bailey@shi.com

All Prices are in US Dollar (USD)

| Product  | Qty | Your Price | Total       |
|--|-----|------------|-------------|
| 1 ExchgStdCAL ALNG SA MVL UsrCAL<br>Microsoft - Part#: 394-00550         | 950 | \$11.90    | \$11,305.00 |
| 2 WinSvrCAL ALNG SA MVL UsrCAL<br>Microsoft - Part#: R18-00052           | 950 | \$5.20     | \$4,940.00  |
| 3 ExchgSvrEnt ALNG SA MVL<br>Microsoft - Part#: 395-02504                | 2   | \$653.90   | \$1,307.80  |
| 4 ExchgSvrStd ALNG SA MVL<br>Microsoft - Part#: 312-02257                | 2   | \$114.40   | \$228.80    |
| 5 SQLSvrStdCore ALNG SA MVL 2Lic CoreLic<br>Microsoft - Part#: 7NQ-00292 | 8   | \$579.10   | \$4,632.80  |
| 6 WinSvrDataCtr ALNG SA MVL 2Proc<br>Microsoft - Part#: P71-07282        | 6   | \$994.50   | \$5,967.00  |
| 7 WinSvrStd ALNG SA MVL 2Proc<br>Microsoft - Part#: P73-05898            | 4   | \$143.20   | \$572.80    |
| 8 WinSvrDataCtr ALNG LicSAPk MVL 2Proc<br>Microsoft - Part#: P71-07280   | 1   | \$2,318.70 | \$2,318.70  |
|  |     | Subtotal   | \$31,272.90 |
|  |     | Total      | \$31,272.90 |

**Additional Comments**

**Microsoft DIR Contract Number DIR-SDD-2503**

*Thank You for choosing SHI-GS! To ensure the best level of service, please provide End User Name, Phone Number, and E-Mail*

*Address when submitting a Purchase Order. For any additional information including Hardware and Software Contract Numbers, please contact an SHI-GS Sales Representative at 800-870-6079.*

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*The Products offered under this proposal are subject to the SHI Return Policy posted at [www.shi.com/returnpolicy](http://www.shi.com/returnpolicy), unless there is an existing agreement between SHI and the Customer.*

## Program Signature Form

MBA/MBSA number



Agreement number

01E73535

**Note:** Enter the applicable active numbers associated with the documents below. Microsoft requires the associated active number be indicated here, or listed below as new.

For the purposes of this form, "Customer" can mean the signing entity, Enrolled Affiliate, Government Partner, Institution, or other party entering into a volume licensing program agreement.

This signature form and all contract documents identified in the table below are entered into between the Customer and the Microsoft Affiliate signing, as of the effective date identified below.

| Contract Document                | Number or Code          |
|----------------------------------|-------------------------|
| <Choose Agreement>               | Document Number or Code |
| <Choose Agreement>               | Document Number or Code |
| <Choose Agreement>               | Document Number or Code |
| <Choose Agreement>               | Document Number or Code |
| <Choose Agreement>               | Document Number or Code |
| Enterprise Enrollment            | X20-10631               |
| <Choose Enrollment/Registration> | Document Number or Code |
| <Choose Enrollment/Registration> | Document Number or Code |
| <Choose Enrollment/Registration> | Document Number or Code |
| <Choose Enrollment/Registration> | Document Number or Code |
| Product Selection Form           | 0236310.001_PSF         |
| Document Description             | Document Number or Code |
| Document Description             | Document Number or Code |
| Document Description             | Document Number or Code |
| Document Description             | Document Number or Code |

By signing below, Customer and the Microsoft Affiliate agree that both parties (1) have received, read and understand the above contract documents, including any websites or documents incorporated by reference and any amendments and (2) agree to be bound by the terms of all such documents.

| <b>Customer</b>   |  |
|---|--|
| Name of Entity (must be legal entity name)* City of College Station |  |
| Signature* _____  |  |
| Printed First and Last Name*  |  |
| Printed Title   |  |
| Signature Date*   |  |
| Tax ID  |  |

\* indicates required field

| <b>Microsoft Affiliate</b>  |  |
|---|--|
| Microsoft Licensing, GP   |  |
| Signature _____   |  |
| Printed First and Last Name                                       |  |
| Printed Title   |  |
| Signature Date  |  |
| <small>(date Microsoft Affiliate countersigns)</small>            |  |
| Agreement Effective Date  |  |
| <small>(may be different than Microsoft's signature date)</small> |  |

Optional 2<sup>nd</sup> Customer signature or Outsourcer signature (if applicable)

| <b>Customer</b>                             |  |
|---|--|
| Name of Entity (must be legal entity name)* |  |
| Signature* _____                            |  |
| Printed First and Last Name*                |  |
| Printed Title                               |  |
| Signature Date*                             |  |

\* indicates required field

| <b>Outsourcer</b>                           |  |
|---|--|
| Name of Entity (must be legal entity name)* |  |
| Signature* _____                            |  |
| Printed First and Last Name*                |  |
| Printed Title                               |  |
| Signature Date*                             |  |

\* indicates required field

If Customer requires physical media, additional contacts, or is reporting multiple previous Enrollments, include the appropriate form(s) with this signature form.

After this signature form is signed by the Customer, send it and the Contract Documents to Customer's channel partner or Microsoft account manager, who must submit them to the following

address. When the signature form is fully executed by Microsoft, Customer will receive a confirmation copy.

**Microsoft Licensing, GP**  
Dept. 551, Volume Licensing  
6100 Neil Road, Suite 210  
Reno, Nevada 89511-1137  
USA



## Enterprise Enrollment

## State and Local

Enterprise Enrollment number  
(Microsoft to complete)

|  |
|--|
|  |
|--|

Proposal ID/Framework ID

|  |
|--|
|  |
|--|

Previous Enrollment number  
(Reseller to complete)

7721753

Earliest expiring previous  
Enrollment end date

09/30/2014

**This Enrollment must be attached to a signature form to be valid.**

This Microsoft Enterprise Enrollment is entered into between the entities as identified in the signature form as of the effective date. Enrolled Affiliate represents and warrants it is the same Customer, or an Affiliate of the Customer, that entered into the Enterprise Agreement identified on the program signature form.

This Enrollment consists of: (1) these terms and conditions, (2) the terms of the Enterprise Agreement identified on the signature form, (3) the Product Selection Form, (4) any supplemental contact information form or Previous Agreement/Enrollment form that may be required, (5) any order submitted under this Enrollment. This Enrollment may only be entered into under a 2011 or later Enterprise Agreement.

All terms used but not defined are located at <http://www.microsoft.com/licensing/contracts>. In the event of any conflict the terms of this Agreement control.

**Effective date.** If Enrolled Affiliate is renewing Software Assurance or Subscription Licenses from one or more previous Enrollments or agreements, then the effective date will be the day after the first prior Enrollment or agreement expires or terminates. Otherwise, the effective date will be the date this Enrollment is accepted by Microsoft. Any reference to "anniversary date" refers to the anniversary of the effective date each year this Enrollment is in effect.

**Term.** The initial term of this Enrollment will expire on the last day of the month, 36 full calendar months from the effective date of the initial term. If the Enrollment is renewed, the renewal term will expire 36 full calendar months after the effective date of the renewal term. Any reference in this Enrollment to "day" will be a calendar day.

**Product order.** The Reseller will provide Enrolled Affiliate with Enrolled Affiliate's Product pricing and order. Prices and billing terms for all Products ordered will be determined by agreement between Enrolled Affiliate and the Reseller. The Reseller will provide Microsoft with the order separately from this Enrollment.

## Terms and Conditions

### 1. Definitions.

Terms used but not defined in this Enrollment will have the definition in the Enterprise Agreement. The following definitions are used in this Enrollment:

"Additional Product" means any Product identified as such in the Product List and chosen by Enrolled Affiliate under this Enrollment.

"Enterprise Online Service" means any Online Service designated as an Enterprise Online Service in the Product List and chosen by Enrolled Affiliate under this Enrollment. Enterprise Online Services are treated as Online Services, except as noted.

"Enterprise Product" means any Desktop Platform Product that Microsoft designates as an Enterprise Product in the Product List and chosen by Enrolled Affiliate under this Enrollment. Enterprise

Products must be licensed for all Qualified Devices and Qualified Users on an Enterprise-wide basis under this program.

"Expiration Date" means the date upon which the Enrollment expires.

"Industry Device" (also known as line of business device) means any device that: (1) is not useable in its deployed configuration as a general purpose personal computing device (such as a personal computer), a multi-function server, or a commercially viable substitute for one of these systems; and (2) only employs an industry or task-specific software program (e.g. a computer-aided design program used by an architect or a point of sale program) ("Industry Program"). The device may include features and functions derived from Microsoft software or third-party software. If the device performs desktop functions (such as email, word processing, spreadsheets, database, network or Internet browsing, or scheduling, or personal finance), then the desktop functions: (1) may only be used for the purpose of supporting the Industry Program functionality; and (2) must be technically integrated with the Industry Program or employ technically enforced policies or architecture to operate only when used with the Industry Program functionality.

"L&SA" means a License with Software Assurance for any Product ordered.

"Qualified Device" means any device that is used by or for the benefit of Enrolled Affiliate's Enterprise and is: (1) a personal desktop computer, portable computer, workstation, or similar device capable of running Windows Professional locally (in a physical or virtual operating system environment), OR (2) a device used to access a virtual desktop infrastructure ("VDI").. Qualified Devices do not include any device that is: (1) designated as a server and not used as a personal computer, OR (2) an Industry Device, OR (3) not managed (as defined in the Product List at the start of the applicable initial or renewal term of the Enrollment) as part of Enrolled Affiliate's Enterprise. At its option, the Enrolled Affiliate may designate any device excluded above (e.g., Industry Device) that is used by or for the benefit of the Enrolled Affiliate's Enterprise as a Qualified Device for all or a subset of Enterprise Products or Online Services the Enrolled Affiliate has selected.

"Qualified User" means a person (e.g., employee, consultant, contingent staff) who: (1) is a user of a Qualified Device, or (2) accesses any server software requiring an Enterprise Product Client Access License or any Enterprise Online Service. It does not include a person who accesses server software or an Online Service solely under a License identified in the Qualified User exemptions in the Product List.

"Reserved License" means for an Online Service identified as eligible for true-ups in the Product List, the License reserved by Enrolled Affiliate prior to use and for which Microsoft will make the Online Service available for activation.

"Transition" means the conversion of one or more License to or from another License(s). Products eligible for Transition and permitted Transitions are identified in the Product List.

"Transition Period" means the time between the Transition and the next Enrollment anniversary date for which the Transition is reported.

## **2. Order requirements.**

- a. **Minimum Order requirements.** Enrolled Affiliate's Enterprise must have a minimum of 250 Qualified Users or Qualified Devices. The initial order must include at least 250 Licenses for Enterprise Products or Enterprise Online Services.
  - (i) **Enterprise Commitment.** If ordering any Enterprise Products, Enrolled Affiliate's order must include coverage for all Qualified Users or Qualified Devices, depending on the License Type, of one or more Enterprise Products or a mix of Enterprise Products and the corresponding Enterprise Online Services.
  - (ii) **Enterprise Online Services.** If ordering Enterprise Online Services only, then Enrolled Affiliate must maintain at least 250 Subscription Licenses.
- b. **Additional Products.** Upon satisfying the minimum order requirements above, Enrolled Affiliate may order Additional Products and Services.
- c. **Product Use Rights for Enterprise Products.** For Enterprise Products, if a new Product version has more restrictive use rights than the version that is current at the start of the

applicable initial or renewal term of the Enrollment, those more restrictive use rights will not apply to Enrolled Affiliate's use of that Product during that term.

- d. **Country of usage.** Enrolled Affiliate must specify the countries where Licenses will be used on its initial order and on any additional orders.
- e. **Adding Products.**
  - (i) **Adding new Products not previously ordered.** Enrolled Affiliate may add new Enterprise Products by entering into a new Enrollment or as part of a renewal. New Enterprise Online Services may be added by contacting a Microsoft Account Manager or Reseller. New Additional Products, other than Online Services, may be used if an order is placed in the month the Product is first used. For Additional Products that are Online Services, an initial order for the Online Service is required prior to use.
  - (ii) **Adding Licenses for previously ordered Products.** Additional Licenses for previously ordered Products must be included in the next true-up order. Enrolled Affiliate must purchase Services and Licenses for Online Services prior to use, unless the Online Services are (1) identified as eligible for true-up in the Product List or (2) included as part of other Licenses (e.g., Enterprise CAL).
- f. **True-up requirements.**
  - (i) **True-up order.** Enrolled Affiliate must submit an annual true-up order that accounts for changes since the initial order or last true-up order, including: (1) any increase in Licenses, including any increase in Qualified Devices or Qualified Users and Reserved Licenses; (2) Transitions (if permitted); or (3) Subscription License quantity reductions (if permitted). Microsoft, at its discretion, may validate the customer true-up data submitted through a formal product deployment assessment using an approved Microsoft partner.
  - (ii) **Enterprise Products.** Enrolled Affiliate must determine the number of Qualified Devices and Qualified Users (if ordering user-based Licenses) at the time the true-up order is placed and must order additional Licenses for all Qualified Devices and Qualified Users that are not already covered by existing Licenses, including any Enterprise Online Services.
  - (iii) **Additional Products.** For Products that have been previously ordered, Enrolled Affiliate must determine the Additional Products used and order the License difference (if any).
  - (iv) **Online Services.** For Online Services identified as eligible for true-up orders in the Product List, Enrolled Affiliate may first reserve the additional Licenses prior to use. Microsoft will provide a report of Reserved Licenses in excess of existing orders to Enrolled Affiliate and its Reseller. Reserved Licenses will be invoiced retroactively for the prior year based upon the month in which they were reserved.
  - (v) **Transitions.** Enrolled Affiliate must report all Transitions. Transitions may result in an increase in Licenses to be included on the true-up order and a reduction of Licenses for prior orders. Reductions in Licenses will be effective at end of the Transition Period. Associated invoices will also reflect this change. For Licenses paid upfront, Microsoft will issue a credit for the remaining months of Software Assurance or Subscription Licenses that were reduced as part of the Transition.
  - (vi) **True-up due date.** The true-up order must be received by Microsoft between 60 and 30 days prior to the Enrollment anniversary date. The third-year anniversary true-up order is due within 30 days prior to the Expiration Date. Enrolled Affiliate may true-up more often than at each Enrollment anniversary date except for Subscription License reductions.
  - (vii) **Late true-up order.** If the true-up order is not received when due:
    - 1) Microsoft will invoice Reseller for all Reserved Licenses not previously ordered.
    - 2) Transitions and Subscription License reductions cannot be reported until the following Enrollment anniversary date (or at Enrollment renewal, as applicable).

(viii) **Subscription License reductions.** Enrolled Affiliate may reduce the quantity of Subscription Licenses on a prospective basis if permitted in the Product List as follows:

- 1) For Subscription Licenses part of an Enterprise-wide purchase, Licenses may be reduced if the total quantity of Licenses and Software Assurance for an applicable group meets or exceeds the quantity of Qualified Devices identified on the Product Selection Form. Step-up Licenses do not count towards this total count.
- 2) For Enterprise Online Services not a part of an Enterprise-wide purchase, Licenses can be reduced as long as the initial order minimum requirements are maintained.
- 3) For Additional Products available as Subscription Licenses, Enrolled Affiliate may reduce the Licenses. If the License count is reduced to zero, then Enrolled Affiliate's use of the applicable Subscription License will be cancelled.

Invoices will be adjusted to reflect any reductions in Subscription Licenses at the true-up order Enrollment anniversary date and effective as of such date.

(ix) **Update statement.** An update statement must be submitted instead of a true-up order if, as of the initial order or last true-up order, Enrolled Affiliate's Enterprise has not: (1) changed the number of Qualified Devices and Qualified Users licensed with Enterprise Products or Enterprise Online Services; and (2) increased its usage of Additional Products. This update statement must be signed by Enrolled Affiliate's authorized representative. The update statement must be received by Microsoft between 60 and 30 days prior to the Enrollment anniversary date. The last update statement is due within 30 days prior to the Expiration Date.

g. **Step-up Licenses.** For Licenses eligible for a step-up under this Enrollment, Enrolled Affiliate may step-up to a higher edition or suite as follows:

- (i) For step-up Licenses included on an initial order, Enrolled Affiliate may order according to the true-up process.
- (ii) If step-up Licenses are not included on an initial order, Enrolled Affiliate may step-up initially by following the process described in the Section titled "Adding new Products not previously ordered," then for additional step-up Licenses, by following the true-up order process.
- (iii) If Enrolled Affiliate has previously ordered an Online Service as an Additional Product and wants to step-up to an Enterprise Online Service eligible for a Transition, the step-up may be reported as a Transition.
- (iv) If Enrolled Affiliate Transitions a License, it may be able to further step-up the Transitioned License. If Enrolled Affiliate chooses to step-up and the step-up License is separately eligible to be Transitioned, such step-up Licenses may result in a License reduction at the Enrollment anniversary date following the step-up.

h. **Clerical errors.** Microsoft may correct clerical errors in this Enrollment, and any documents submitted with or under this Enrollment, by providing notice by email and a reasonable opportunity for Enrolled Affiliate to object to the correction. Clerical errors include minor mistakes, unintentional additions and omissions. This provision does not apply to material terms, such as the identity, quantity or price of a Product ordered.

### 3. **Pricing.**

- a. **Price Levels.** For both the initial and any renewal term Enrolled Affiliate's Price Level for all Products ordered under this Enrollment will be Level "D" throughout the term of the Enrollment. Price Level's will be captured in the Product Selection Form.
- b. **Setting Prices.** Enrolled Affiliate's prices for each Product will be established by its Reseller. As long as Enrolled Affiliate continues to qualify for the same price level, Microsoft's prices for Resellers for each Product or Service will be fixed throughout the applicable initial or renewal Enrollment term. However, if Enrolled Affiliate qualifies for a different price level, Microsoft will establish a new price level for future new orders either

upon Enrolled Affiliate's request or on its own initiative. Any changes will be based upon price level rules in the Product Selection Form.

#### **4. Payment terms.**

For the initial or renewal order, Enrolled Affiliate may pay upfront or elect to spread its payments over the applicable Enrollment term. If spread payments are elected, unless indicated otherwise, Microsoft will invoice Enrolled Affiliate's Reseller in three equal annual installments. The first installment will be invoiced upon Microsoft's acceptance of this Enrollment and on each Enrollment anniversary date. Subsequent orders are invoiced upon acceptance of the order and Enrolled Affiliate may elect to pay annually or upfront for Online Services and upfront for all other Licenses.

#### **5. Transitions.**

##### **a. Transition requirements.**

- (i) Licenses with active Software Assurance or Subscription Licenses may be Transitioned at any time if permitted in the Product List. Enrolled Affiliate may not, however, reduce the quantity of Licenses or associated Software Assurance prior to the end of the Transition Period.
- (ii) Enrolled Affiliate must order the Licenses to which it is transitioning for the year(s) following the Transition Period.
- (iii) If a Transition is made back to a License that had active Software Assurance as of the date of Transition, then Software Assurance must be re-ordered for all such Licenses on a prospective basis following the Transition Period. Software Assurance coverage may not exceed the quantity of perpetual Licenses for which Software Assurance was current at the time of any prior Transition. Software Assurance may not be applied to Licenses transferred by Enrolled Affiliate.
- (iv) If a device-based License is Transitioned to a user-based License, all users of the device must be licensed as part of the Transition.
- (v) If a user-based License is Transitioned to a device-based License, all devices accessed by the user must be licensed as part of the Transition.

##### **b. Effect of Transition on Licenses.**

- (i) Transition will not affect Enrolled Affiliate's rights in perpetual Licenses paid in full.
- (ii) New version rights will be granted for perpetual Licenses covered by Software Assurance up to the end of the Transition Period.
- (iii) For L&SA not paid in full at the end of the Transition Period, Enrolled Affiliate will have perpetual Licenses for a proportional amount equal to the amounts paid for the Transitioned Product as of the end of the Transition Period.
- (iv) For L&SA not paid in full or granted a perpetual License in accordance with the above or Subscription Licenses, all rights to Transitioned Licenses cease at the end of the Transition Period.

#### **6. End of Enrollment term and termination.**

- a. **General.** At the Expiration Date, Enrolled Affiliate must immediately order and pay for Licenses for Products it has used but has not previously submitted an order, except as otherwise provided in this Enrollment.
- b. **Renewal Option.** At the Expiration Date of the initial term, Enrolled Affiliate can renew Products by renewing the Enrollment for one additional 36 full calendar month term or signing a new Enrollment. Microsoft must receive a Product Selection Form and renewal order prior to or at the Expiration Date. The renewal term will start on the day following the Expiration Date. Microsoft will not unreasonably reject any renewal. Microsoft may

make changes to this program that will make it necessary for Customer and its Enrolled Affiliates to enter into new agreements and Enrollments at renewal.

**c. If Enrolled Affiliate elects not to renew.**

(i) **Software Assurance.** If Enrolled Affiliate elects not to renew Software Assurance for any Product under its Enrollment, then Enrolled Affiliate will not be permitted to order Software Assurance later without first acquiring L&SA.

(ii) **Online Services eligible for an Extended Term.** For Online Services identified as eligible for an Extended Term in the Product List, the following options are available at the end of the Enrollment initial or renewal term.

1) **Extended Term.** Licenses for Online Services will automatically expire in accordance with the terms of the Enrollment. An extended term feature that allows Online Services to continue month-to-month ("Extended Term") is available. During the Extended Term, Online Services will be invoiced monthly at the then-current published price for Enrolled Affiliate's price level as of the Expiration Date plus a 3% administrative fee for up to one year. If Enrolled Affiliate does want an Extended Term, Reseller must submit a request to Microsoft. Microsoft must receive the request not less than 30 days prior to the Expiration Date.

2) **Cancellation during Extended Term.** If Enrolled Affiliate has opted for the Extended Term and later determines not to continue with the Extended Term, Reseller must submit a notice of cancellation for each Online Service. Cancellation will be effective at the end of the month following 30 days after Microsoft has received the notice.

(iii) **Subscription Licenses and Online Services not eligible for an Extended Term.** If Enrolled Affiliate elects not to renew, the Licenses will be cancelled and will terminate as of the Expiration Date. Any associated media must be uninstalled and destroyed and Enrolled Affiliate's Enterprise must discontinue use. Microsoft may request written certification to verify compliance.

(iv) **Customer Data.** Upon expiration or termination of a License for Online Services, Microsoft will keep Customer's Data in a limited function account for 90 days so that Customer may extract it. Enrolled Affiliate will reimburse Microsoft if there are any associated costs. After 90 days Microsoft will disable Enrolled Affiliate's account and will delete its Customer Data. Enrolled Affiliate agrees that, other than as described above, Microsoft has no obligation to continue to hold, export or return Enrolled Affiliate's Customer Data and that Microsoft has no liability whatsoever for deletion of Enrolled Affiliate's Customer Data pursuant to these terms.

**d. Termination for cause.** Any termination for cause of this Enrollment will be subject to the "Termination for cause" section of the Agreement.

**e. Early termination.** Any Early termination of this Enrollment will be subject to the "Early Termination" Section of the Enterprise Agreement.

For Subscription Licenses, in the event of a breach by Microsoft, Microsoft will issue Reseller a credit for any amount paid in advance that would apply after the date of termination.

## Enrollment Details

### 1. Enrolled Affiliate's Enterprise.

- a. Identify which Agency Affiliates are included in the Enterprise. (Required) Enrolled Affiliate's Enterprise must consist of entire offices, bureaus, agencies, departments or other entities of Enrolled Affiliate, not partial offices, bureaus, agencies, or departments, or other partial entities. Enrolled Affiliate's organization includes .

Check only one box in this section. If no boxes are checked, Microsoft will deem the Enterprise to include the Enrolled Affiliate only. If more than one box is checked, Microsoft will deem the Enterprise to include the largest number of Affiliates:

Enrolled Affiliate only

Enrolled Affiliate and the following Affiliate(s) (Only identify specific affiliates to be included if fewer than all Affiliates are to be included in the Enterprise):

Enrolled Affiliate and all Affiliates, with following Affiliate(s) excluded:

- b. Please indicate whether the Enrolled Affiliate's Enterprise will include all new Affiliates acquired after the start of this Enrollment: Check only one box in this section:

Enrolled Affiliate's Enterprise will include all new Affiliates acquired after the start of this Enrollment

Enrolled Affiliate's Enterprise will **not** include all new Affiliates acquired after the start of this Enrollment

If no selection is made, or if both boxes are checked, Microsoft will deem the Enterprise to include all future Affiliates

### 2. Contact information.

Each party will notify the other in writing if any of the information in the following contact information page(s) changes. The asterisks (\*) indicate required fields. By providing contact information, Enrolled Affiliate consents to its use for purposes of administering this Enrollment by Microsoft, its Affiliates, and other parties that help administer this Enrollment. The personal information provided in connection with this Enrollment will be used and protected in accordance with the privacy statement available at <https://www.microsoft.com/licensing/servicecenter>.

- a. **Primary contact.** This contact is the primary contact for the Enrollment from within Enrolled Affiliate's Enterprise. This contact is also an Online Administrator for the Volume Licensing Service Center and may grant online access to others. The primary contact will be the default contact for all purposes unless separate contacts are identified for specific purposes

Name of entity (must be legal entity name)\* City of College Station

Contact name\* First BEN Last ROPER

Contact email address\* BROPER@CSTX.GOV

Street address\* 310 KRENEK TAP RD.

City\* COLLEGE STATION  
State/Province\* TX  
Postal code\* 7840-5023  
(For U.S. addresses, please provide the zip + 4, e.g. xxxxx-xxxx)  
Country\* USA  
Phone\* 979-764-3457  
Tax ID  
\* indicates required fields

- b. **Notices contact and Online Administrator.** This contact (1) receives the contractual notices, (2) is the Online Administrator for the Volume Licensing Service Center and may grant online access to others, and (3) is authorized for applicable Online Services to add or reassign Licenses, step-up, and initiate Transitions prior to a true-up order.

Same as primary contact (default if no information is provided below, even if the box is not checked).

Contact name\* First Last

Contact email address\*

Street address\*

City\*

State/Province\*

Postal code\* -

(For U.S. addresses, please provide the zip + 4, e.g. xxxxx-xxxx)

Country\*

Phone\*

Language preference. Choose the language for notices. English

This contact is a third party (not the Enrolled Affiliate). Warning: This contact receives personally identifiable information of the Customer and its Affiliates.

\* indicates required fields

- c. **Online Services Manager.** This contact is authorized to manage the Online Services ordered under the Enrollment and (for applicable Online Services) to add or reassign Licenses, step-up, and initiate Transitions prior to a true-up order.

Same as notices contact and Online Administrator (default if no information is provided below, even if box is not checked)

Contact name\*: First Last

Contact email address\*

Phone\*

This contact is from a third party organization (not the entity). Warning: This contact receives personally identifiable information of the entity.

\* indicates required fields

- d. **Reseller information.** Reseller contact for this Enrollment is:

Reseller company name\* SHI International Corp

Street address (PO boxes will not be accepted)\* 290 Davidson Ave

City\* Somerset

State/Province\* NJ

Postal code\* 08873

Country\* USA

Contact name\* ANDREW MORSE

Phone\* 888 764 8888

Contact email address\*

\* indicates required fields

MSTEAM@SHI.COM

By signing below, the Reseller identified above confirms that all information provided in this Enrollment is correct.

|                |                      |
|----------------|----------------------|
| Signature*     | Andrew Morse         |
| Printed name*  | ANDREW MORSE         |
| Printed title* | CONTRACTS SPECIALIST |
| Date*          | 8-21-2014            |

\* indicates required fields

**Changing a Reseller.** If Microsoft or the Reseller chooses to discontinue doing business with each other, Enrolled Affiliate must choose a replacement Reseller. If Enrolled Affiliate or the Reseller intends to terminate their relationship, the initiating party must notify Microsoft and the other party using a form provided by Microsoft at least 90 days prior to the date on which the change is to take effect.

- e. If Enrolled Affiliate requires a separate contact for any of the following, attach the Supplemental Contact Information form. *Otherwise, the notices contact and Online Administrator remains the default.*
- (i) Additional notices contact
  - (ii) Software Assurance manager
  - (iii) Subscriptions manager
  - (iv) Customer Support Manager (CSM) contact

### 3. **Financing elections.**

Is a purchase under this Enrollment being financed through MS Financing? No

If a purchase under this Enrollment is financed through MS Financing, and Enrolled Affiliate chooses not to finance any associated taxes, it must pay these taxes directly to Microsoft Licensing, GP.

Proposal ID

0236310.001

Enrollment Number

Language: English (United States)

| Enrolled Affiliate's Enterprise Products and Enterprise Online Services summary for the initial order: |                   |                 |                     |                             |                     |
|--|-------------------|-----------------|---------------------|-----------------------------|---------------------|
| Profile  | Qualified Devices | Qualified Users | Device / User Ratio | Enterprise Product Platform | CAL Licensing Model |
| Enterprise   | 950               | 950             | 1.0                 | Components Only             | User Licenses       |

| Products              | Enterprise Quantity |
|-----------------------|---------------------|
| <b>CAL Components</b> |                     |
| Exchange Standard CAL | 950                 |
| Windows Server CAL    | 950                 |

| Enrolled Affiliate's Product Quantities: |   |  |  |  |
|--|---|--|--|--|
| Price Group                              | 1   | 2  | 3                                      | 4  |
| Enterprise Products                      | Office Professional Plus + Office Professional Plus for Office 365 + Office Standard + Office 365 (Plans E2-E4) | Client Access License + Office 365 (Plans E1-E4) | Client Access License + Windows Intune | Windows Desktop Upgrade + Windows VDA + Windows Companion Subscription License |
| Quantity                                 | 0   | 950  | 950                                    | 0  |

| Enrolled Affiliate's Price Level:  |             |
|--|-------------|
| Product Offering / Pool  | Price Level |
| Enterprise Products and Enterprise Online Services: Unless otherwise indicated in associated contract documents, Price level set using the highest quantity from Groups 1 through 4. | D           |
| Additional Product Application Pool: Unless otherwise indicated in associated contract documents, Price level set using quantity from Group 1.                                       | D           |
| Additional Product Server Pool: Unless otherwise indicated in associated contract documents, Price level set using the highest quantity from Group 2 or 3.                           | D           |
| Additional Product Systems Pool: Unless otherwise indicated in associated contract documents, Price level set using quantity from Group 4.   | D           |

| NOTES  |
|--|
| Unless otherwise indicated in the associated contract documents, the price level for each Product offering / pool is set as described above, based upon the quantity to price level mapping below: |

| Quantity of Licenses and Software Assurance  | Price Level |
|--|-------------|
| 2,399 and below  | A           |
| 2,400 to 5,999   | B           |
| 6,000 to 14,999  | C           |
| 15,000 and above   | D           |
| <p><b>Note 1:</b> Enterprise Online Services may not be available in all locations. Please see the Product List for a list of locations where these may be purchased.</p>  |             |
| <p><b>Note 2:</b> Unless otherwise indicated in associated Agreement documents, the CAL selection must be the same across the Enterprise for each Profile.</p>   |             |
| <p><b>Note 3:</b> If Enrolled Affiliate does not order an Enterprise Product or Enterprise Online Service associated with an applicable Product pool, the price level for Additional Products in the same pool will be price level "A" throughout the term of the Enrollment. Refer to the Qualifying Government Entity Addendum pricing provision for more details on price leveling.</p> |             |



## Legislation Details (With Text)

**File #:** 14-649      **Version:** 2      **Name:** Single phase Transformers  
**Type:** Presentation      **Status:** Consent Agenda  
**File created:** 8/26/2014      **In control:** City Council Regular  
**On agenda:** 9/11/2014      **Final action:**

**Title:** Presentation, possible action and discussion on a bid award for the annual purchase of single phase transformers, which will be maintained in electrical inventory to be issued and expended as needed. The award is being recommended to Techline as the lowest responsible bidder for a not to exceed amount of \$240,433.

**Sponsors:** Jeff Kersten

**Indexes:**

**Code sections:**

**Attachments:** [Tabsheet Single Phase Transformer.pdf](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Presentation, possible action and discussion on a bid award for the annual purchase of single phase transformers, which will be maintained in electrical inventory to be issued and expended as needed. The award is being recommended to Techline as the lowest responsible bidder for a not to exceed amount of \$240,433.

### **Relationship to Strategic Goals:** Core Services and Infrastructure

**Recommendation(s):** Recommend award to Techline as the lowest responsible bidder providing the best value to the City.

**Summary:** Seven (7) sealed competitive bids were received and opened on August 7, 2014. Electric staff evaluated the bids for compliance to the needed specifications. Techline had the lowest overall bid for the total of all the line items. Similar bids in the past have been award by line item to the lowest responsible bidders, resulting in multiple purchase orders being issued. These multiple purchase orders proved difficult to track and time consuming to maintain. Techline provides the best value to the City for the total long term cost to acquire the various single phase transformers needed.

Upon Council approval, a single purchase order will be issued to the vendor recommended for award. The materials will be placed and maintained in the electrical inventory to be issued and expended as needed.

**Budget & Financial Summary:** Funds are budgeted and available in the Electrical Fund. Various projects may be expensed as supplies are pulled from inventory and issued.

**Reviewed and Approved by Legal:** N/A

**Attachments:** Bid Tabulation #14-083



City of College Station - Purchasing Division  
 Bid Tabulation for #14-083  
 "Annual Purchase of Single Phase Transformers"  
 Open Date: Thursday, August 7, 2014 @ 2:00 p.m.

### Award by Vendor Total

| <b>Vendor</b>             | <b>Bid</b>       | <b>Manufacturer</b> | <b>Delivery</b>  |
|---------------------------|------------------|---------------------|------------------|
| <b>Techline</b>           | <b>\$240,433</b> | <b>Howard</b>       | <b>8-9 weeks</b> |
| Priester-Mell & Nicholson | \$251,405        | Central Moloney     | 10-12 weeks      |
| KBS #1*                   | \$261,639        | Ermco               | 8-10 weeks       |
| KBS #2                    | \$261,926        | Central Moloney     | 10 weeks         |
| HD Supply Utilities*      | \$268,785        | GE Prolec           | 14 weeks         |
| TEC #2*                   | \$268,849        | GE                  | 12-14 weeks      |
| Irby #1                   | \$271,966        | Ermco               | 8-10 weeks       |
| TEC #1                    | \$279,259        | Ermco               | 8-10 weeks       |
| Wesco                     | \$294,786        | ABB                 | 8-10 weeks       |
| KBS #3*                   | \$308,403        | Cooper              | 8-10 weeks       |
| Irby #2*                  | \$316,223        | Cooper              | 8-10 weeks       |
| <b>Low Bid</b>            |                  |                     |                  |

\* Bid did not include item #9



City of College Station - Purchasing Division  
 Bid Tabulation for #14-083  
 "Annual Purchase of Single Phase Transformers"  
 Open Date: Thursday, August 7, 2014 @ 2:00 p.m.

**ITEM NUMBER: 1**

**ITEM DESCRIPTION: 25 KVA Padmount Transformer 240/120**

**Order Quantity:** 40

**INVENTORY #:** 285-086-00031

| BIDDER                    | MANUFACTURER    | UNIT PRICE | EXTENDED PRICE | Total Owning Cost (TOC) | DELIVERY (weeks) |
|---------------------------|-----------------|------------|----------------|-------------------------|------------------|
| Techline                  | Howard          | \$1,460.00 | \$58,400.00    | \$1,941.00              | 7-9              |
| Irby #1                   | Ermco           | \$1,747.00 | \$69,880.00    | \$2,258.00              | 8-10             |
| Irby #2                   | Cooper          | \$2,167.00 | \$86,680.00    | \$2,677.00              | 8-10             |
| Priester Mell & Nicholson | Central Moloney | \$1,596.00 | \$63,840.00    | \$2,107.00              | 10-12            |
| KBS #1                    | Ermco           | \$1,744.00 | \$69,760.00    | \$2,242.00              | 8-10             |
| KBS #2                    | Central Moloney | \$1,663.00 | \$66,520.00    | \$2,174.00              | 10               |
| KBS #3                    | Cooper          | \$2,119.00 | \$84,760.00    | \$2,629.00              | 8-10             |
| Wesco                     | ABB             | \$1,963.00 | \$78,520.00    | \$2,443.50              | 8-10             |
| TEC #1                    | Ermco           | \$1,785.00 | \$71,400.00    | \$2,283.00              | 8-10             |
| TEC #2                    | GE              | \$1,824.00 | \$72,960.00    | \$2,306.00              | 12-14            |
| HD Supply                 | GE Prolec       | \$1,823.16 | \$72,926.40    | \$2,305.22              | 14               |

Low Bid



City of College Station - Purchasing Division  
 Bid Tabulation for #14-083  
 "Annual Purchase of Single Phase Transformers"  
 Open Date: Thursday, August 7, 2014 @ 2:00 p.m.

**ITEM NUMBER: 2**

**ITEM DESCRIPTION: 37.5 KVA Padmount Transformer 240/120**

**Order Quantity:** 30

**INVENTORY #:** 285-086-00059

| BIDDER                    | MANUFACTURER    | UNIT PRICE | EXTENDED PRICE | Total Owning Cost (TOC) | DELIVERY (weeks) |
|---------------------------|-----------------|------------|----------------|-------------------------|------------------|
| Techline                  | Howard          | \$1,665.00 | \$49,950.00    | \$2,329.00              | 7-9              |
| Irby #1                   | Ermco           | \$1,893.00 | \$56,790.00    | \$2,579.00              | 8-10             |
| Irby #2                   | Cooper          | \$2,326.00 | \$69,780.00    | \$3,010.00              | 8-10             |
| Priester Mell & Nicholson | Central Moloney | \$1,771.00 | \$53,130.00    | \$2,451.00              | 10-12            |
| KBS #1                    | Ermco           | \$1,869.00 | \$56,070.00    | \$2,571.00              | 8-10             |
| KBS #2                    | Central Moloney | \$1,844.00 | \$55,320.00    | \$2,524.00              | 10               |
| KBS #3                    | Cooper          | \$2,274.00 | \$68,220.00    | \$2,958.00              | 8-10             |
| Wesco                     | ABB             | \$2,158.00 | \$64,740.00    | \$2,815.90              | 8-10             |
| TEC #1                    | Ermco           | \$1,912.00 | \$57,360.00    | \$2,614.00              | 8-10             |
| TEC #2                    | GE              | \$1,957.00 | \$58,710.00    | \$2,620.00              | 12-14            |
| HD Supply                 | Howard          | \$1,956.84 | \$58,705.20    | \$2,620.04              | 14               |

Low Bid



City of College Station - Purchasing Division  
 Bid Tabulation for #14-083  
 "Annual Purchase of Single Phase Transformers"  
 Open Date: Thursday, August 7, 2014 @ 2:00 p.m.

**ITEM NUMBER: 3**

**ITEM DESCRIPTION: 50 KVA Padmount Transformer 240/120**

**Order Quantity:** 15

**INVENTORY #:** 285-086-00032

| BIDDER                    | MANUFACTURER    | UNIT PRICE | EXTENDED PRICE | Total Owning Cost (TOC) | DELIVERY (weeks) |
|---------------------------|-----------------|------------|----------------|-------------------------|------------------|
| Techline                  | Howard          | \$1,820.00 | \$27,300.00    | \$2,642.00              | 7-9              |
| Irby #1                   | Ermco           | \$2,005.00 | \$30,075.00    | \$2,857.00              | 8-10             |
| Irby #2                   | Cooper          | \$2,513.00 | \$37,695.00    | \$3,353.00              | 8-10             |
| Priester Mell & Nicholson | Central Moloney | \$1,889.00 | \$28,335.00    | \$2,720.00              | 10-12            |
| KBS #1                    | Ermco           | \$2,019.00 | \$30,285.00    | \$2,865.00              | 8-10             |
| KBS #2                    | Central Moloney | \$1,964.00 | \$29,460.00    | \$2,795.00              | 10               |
| KBS #3                    | Cooper          | \$2,454.00 | \$36,810.00    | \$3,294.00              | 8-10             |
| Wesco                     | ABB             | \$2,273.00 | \$34,095.00    | \$2,987.47              | 8-10             |
| TEC #1                    | Ermco           | \$2,071.00 | \$31,065.00    | \$2,917.00              | 8-10             |
| TEC #2                    | GE              | \$2,083.00 | \$31,245.00    | \$2,917.00              | 12-14            |
| HD Supply                 | GE Prolec       | \$2,082.11 | \$31,231.65    | \$2,916.20              | 14               |

Low Bid



City of College Station - Purchasing Division  
 Bid Tabulation for #14-083  
 "Annual Purchase of Single Phase Transformers"  
 Open Date: Thursday, August 7, 2014 @ 2:00 p.m.

**ITEM NUMBER: 4**

**ITEM DESCRIPTION:** 50 KVA Type II Padmount Transformer 240/120 (low profile)

**Order Quantity:** 20

**INVENTORY #:** 285-086-00061

| BIDDER                    | MANUFACTURER    | UNIT PRICE | EXTENDED PRICE | Total Owning Cost (TOC) | DELIVERY (weeks) |
|---------------------------|-----------------|------------|----------------|-------------------------|------------------|
| Techline                  | Howard          | \$1,665.00 | \$33,300.00    | \$2,479.00              | 7-9              |
| Irby #1                   | Ermco           | \$1,811.00 | \$36,220.00    | \$2,652.00              | 8-10             |
| Irby #2                   | Cooper          | \$2,441.00 | \$48,820.00    | \$3,299.00              | 8-10             |
| Priester Mell & Nicholson | Central Moloney | \$1,714.00 | \$34,280.00    | \$2,543.00              | 10-12            |
| KBS #1                    | Ermco           | \$1,818.00 | \$36,360.00    | \$2,667.00              | 8-10             |
| KBS #2                    | Central Moloney | \$1,785.00 | \$35,700.00    | \$2,614.00              | 10               |
| KBS #3                    | Cooper          | \$2,386.00 | \$47,720.00    | \$3,244.00              | 8-10             |
| Wesco                     | ABB             | \$2,158.00 | \$43,160.00    | \$2,872.00              | 8-10             |
| TEC #1                    | Ermco           | \$1,857.00 | \$37,140.00    | \$2,706.00              | 8-10             |
| TEC #2                    | GE              | \$1,899.00 | \$37,980.00    | \$2,717.00              | 12-14            |
| HD Supply                 | GE Prolec       | \$1,898.95 | \$37,979.00    | \$2,716.52              | 14               |

Low bid



City of College Station - Purchasing Division  
 Bid Tabulation for #14-083  
 "Annual Purchase of Single Phase Transformers"  
 Open Date: Thursday, August 7, 2014 @ 2:00 p.m.

**ITEM NUMBER: 5**

**ITEM DESCRIPTION: 50 KVA Padmount Transformer 480/240**

**Order Quantity:** 1

**INVENTORY #:** 285-086-00062

| BIDDER                    | MANUFACTURER    | UNIT PRICE | EXTENDED PRICE | Total Owning Cost (TOC) | DELIVERY (weeks) |
|---------------------------|-----------------|------------|----------------|-------------------------|------------------|
| Techline                  | Howard          | \$2,031.00 | \$2,031.00     | \$2,868.00              | 7-9              |
| Irby #1                   | Ermco           | \$2,075.00 | \$2,075.00     | \$2,927.00              | 8-10             |
| Irby #2                   | Cooper          | \$2,584.00 | \$2,584.00     | \$3,430.00              | 8-10             |
| Priester Mell & Nicholson | Central Moloney | \$1,962.00 | \$1,962.00     | \$2,768.00              | 10-12            |
| KBS #1                    | Ermco           | \$2,010.00 | \$2,010.00     | \$2,861.00              | 8-10             |
| KBS #2                    | Central Moloney | \$2,044.00 | \$2,044.00     | \$2,850.00              | 10               |
| KBS #3                    | Cooper          | \$2,463.00 | \$2,463.00     | \$3,309.00              | 8-10             |
| Wesco                     | ABB             | \$2,247.00 | \$2,247.00     | \$2,998.18              | 8-10             |
| TEC #1                    | Ermco           | \$2,058.00 | \$2,058.00     | \$2,909.00              | 8-10             |
| TEC #2                    | GE              | \$2,270.00 | \$2,270.00     | \$3,096.00              | 12-14            |
| HD Supply                 | GE Prolec       | \$2,269.47 | \$2,269.47     | \$3,095.13              | 14               |

Low bid



City of College Station - Purchasing Division  
 Bid Tabulation for #14-083  
 "Annual Purchase of Single Phase Transformers"  
 Open Date: Thursday, August 7, 2014 @ 2:00 p.m.

**ITEM NUMBER: 6**

**ITEM DESCRIPTION:** 75 KVA Padmount Transformer 240/120

**Order Quantity:** 10

**INVENTORY #:** 285-086-00033

| BIDDER                    | MANUFACTURER    | UNIT PRICE | EXTENDED PRICE | Total Owning Cost (TOC) | DELIVERY (weeks) |
|---------------------------|-----------------|------------|----------------|-------------------------|------------------|
| Techline                  | Howard          | \$2,274.00 | \$22,740.00    | \$3,376.00              | 7-9              |
| Irby #1                   | Ermco           | \$2,426.00 | \$24,260.00    | \$3,566.00              | 8-10             |
| Irby #2                   | Cooper          | \$2,797.00 | \$27,970.00    | \$3,931.00              | 8-10             |
| Priester Mell & Nicholson | Central Moloney | \$2,254.00 | \$22,540.00    | \$3,342.00              | 10-12            |
| KBS #1                    | Ermco           | \$2,459.00 | \$24,590.00    | \$3,618.00              | 8-10             |
| KBS #2                    | Central Moloney | \$2,348.00 | \$23,480.00    | \$3,436.00              | 10               |
| KBS #3                    | Cooper          | \$2,736.00 | \$27,360.00    | \$3,871.00              | 8-10             |
| Wesco                     | ABB             | \$2,474.00 | \$24,740.00    | \$3,517.47              | 8-10             |
| TEC #1                    | Ermco           | \$2,518.00 | \$25,180.00    | \$3,677.00              | 8-10             |
| TEC #2                    | GE              | \$2,450.00 | \$24,500.00    | \$3,544.00              | 12-14            |
| HD Supply                 | GE Prolec       | \$2,449.47 | \$24,494.70    | \$3,543.07              | 14               |

Low bid



City of College Station - Purchasing Division  
 Bid Tabulation for #14-083  
 "Annual Purchase of Single Phase Transformers"  
 Open Date: Thursday, August 7, 2014 @ 2:00 p.m.

**ITEM NUMBER: 7**

**ITEM DESCRIPTION:** 100 KVA Padmount Transformer 240/120

**Order Quantity:** 6

**INVENTORY #:** 285-086-00034

| BIDDER                    | MANUFACTURER    | UNIT PRICE | EXTENDED PRICE | Total Owning Cost (TOC) | DELIVERY (weeks) |
|---------------------------|-----------------|------------|----------------|-------------------------|------------------|
| Techline                  | Howard          | \$2,608.00 | \$15,648.00    | \$3,977.00              | 7-9              |
| Irby #1                   | Ermco           | \$2,903.00 | \$17,418.00    | \$4,335.00              | 8-10             |
| Irby #2                   | Cooper          | \$3,136.00 | \$18,816.00    | \$4,503.00              | 8-10             |
| Priester Mell & Nicholson | Central Moloney | \$2,615.00 | \$15,690.00    | \$3,972.00              | 10-12            |
| KBS #1                    | Ermco           | \$2,970.00 | \$17,820.00    | \$4,379.00              | 8-10             |
| KBS #2                    | Central Moloney | \$2,742.00 | \$16,452.00    | \$4,099.00              | 10               |
| KBS #3                    | Cooper          | \$3,037.00 | \$18,222.00    | \$4,401.00              | 8-10             |
| Wesco                     | ABB             | \$2,811.00 | \$16,866.00    | \$4,228.01              | 8-10             |
| TEC #1                    | Ermco           | \$3,046.00 | \$18,276.00    | \$4,455.00              | 8-10             |
| TEC #2                    | GE              | \$2,826.00 | \$16,956.00    | \$4,197.00              | 12-14            |
| HD Supply                 | GE Prolec       | \$2,825.26 | \$16,951.56    | \$4,196.74              | 14               |



City of College Station - Purchasing Division  
 Bid Tabulation for #14-083  
 "Annual Purchase of Single Phase Transformers"  
 Open Date: Thursday, August 7, 2014 @ 2:00 p.m.

**ITEM NUMBER: 8**

**ITEM DESCRIPTION:** 167 KVA Padmount Transformer 240/120

**Order Quantity:** 6

**INVENTORY #:** 285-086-00035

| BIDDER                    | MANUFACTURER    | UNIT PRICE | EXTENDED PRICE | Total Owning Cost (TOC) | DELIVERY (weeks) |
|---------------------------|-----------------|------------|----------------|-------------------------|------------------|
| Techline                  | Howard          | \$3,445.00 | \$20,670.00    | \$5,573.00              | 7-9              |
| Irby #1                   | Ermco           | \$4,096.00 | \$24,576.00    | \$6,349.00              | 8-10             |
| Irby #2                   | Cooper          | \$3,978.00 | \$23,868.00    | \$6,293.00              | 8-10             |
| Priester Mell & Nicholson | Central Moloney | \$3,646.00 | \$21,876.00    | \$5,755.00              | 10-12            |
| KBS #1                    | Ermco           | \$4,124.00 | \$24,744.00    | \$6,359.00              | 8-10             |
| KBS #2                    | Central Moloney | \$3,798.00 | \$22,788.00    | \$5,907.00              | 10               |
| KBS #3                    | Cooper          | \$3,811.00 | \$22,866.00    | \$6,125.00              | 8-10             |
| Wesco                     | ABB             | \$3,547.00 | \$21,282.00    | \$5,632.12              | 8-10             |
| TEC #1                    | Ermco           | \$4,215.00 | \$25,290.00    | \$6,450.00              | 8-10             |
| TEC #2                    | GE              | \$4,038.00 | \$24,228.00    | \$6,224.00              | 12-14            |
| HD Supply                 | GE Prolec       | \$4,037.89 | \$24,227.34    | \$6,223.53              | 14               |

Low bid



City of College Station - Purchasing Division  
 Bid Tabulation for #14-083  
 "Annual Purchase of Single Phase Transformers"  
 Open Date: Thursday, August 7, 2014 @ 2:00 p.m.

**ITEM NUMBER: 9**

**ITEM DESCRIPTION:** 250 KVA Padmount Transformer 240/120

**Order Quantity:** 2

**INVENTORY #:** 285-086-00034

| BIDDER                    | MANUFACTURER    | UNIT PRICE | EXTENDED PRICE | Total Owning Cost (TOC) | DELIVERY (weeks) |
|---------------------------|-----------------|------------|----------------|-------------------------|------------------|
| Techline                  | Howard          | \$5,197.00 | \$10,394.00    | \$8,132.00              | 7-9              |
| Irby #1                   | Ermco           | \$5,337.00 | \$10,674.00    | \$8,354.00              | 8-10             |
| Irby #2                   | Cooper          | No bid     | No bid         | No bid                  | No bid           |
| Priester Mell & Nicholson | Central Moloney | \$4,876.00 | \$9,752.00     | \$7,634.00              | 10-12            |
| KBS #1                    | Ermco           | \$5,620.00 | \$11,240.00    | \$8,664.43              | 8-10             |
| KBS #2                    | Central Moloney | \$5,081.00 | \$10,162.00    | \$7,839.00              | 10               |
| KBS #3                    | Cooper          | No bid     | No bid         | No bid                  | No bid           |
| Wesco                     | ABB             | \$4,568.00 | \$9,136.00     | \$7,400.29              | 8-10             |
| TEC #1                    | Ermco           | \$5,745.00 | \$11,490.00    | \$8,789.00              | 8-10             |
| TEC #2                    | GE              | No bid     | No bid         | No bid                  | No bid           |
| HD Supply                 | GE Prolec       | No bid     | No bid         | No bid                  | No bid           |

Low bid



Legislation Details (With Text)

|                      |           |                      |   |                      |                        |
|----------------------|-----------|----------------------|---|----------------------|------------------------|
| <b>File #:</b>       | 14-642    | <b>Version:</b>      | 1 | <b>Name:</b>         | Williams Lake Rezoning |
| <b>Type:</b>         | Rezoning  | <b>Status:</b>       |   | <b>Status:</b>       | Agenda Ready           |
| <b>File created:</b> | 8/25/2014 | <b>In control:</b>   |   | <b>In control:</b>   | City Council Regular   |
| <b>On agenda:</b>    | 9/11/2014 | <b>Final action:</b> |   | <b>Final action:</b> |                        |

**Title:** Public Hearing, presentation, possible action, and discussion regarding an ordinance amending Chapter 12, "Unified Development Ordinance," Section 12-4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas by changing the zoning district boundaries from R Rural to E Estate for approximately 71 acres being all of the remainder of a 39.44-acre tract as described as Tract One and the remainder of a 29.29-acre tract as described as Tract Two by a deed of Joe & Janet Johnson Land & Investments, LP recorded in volume 7803, page 244, a 2.84-acre tract as described by a deed to Joe & Janet Johnson Land & Investments, LP recorded in volume 8017, page 273, and a 0.216-acre tract as described by a deed to Joe & Janet Johnson Land & Investments, LP recorded in volume 8317, page 62 of the Official Public Records of Brazos County, Texas, generally located at 8601 Rock Prairie Road.

**Sponsors:** Jason Schubert

**Indexes:**

**Code sections:**

**Attachments:** [Background Information](#)  
[Aerial & Small Area Map](#)  
[Ordinance](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Public Hearing, presentation, possible action, and discussion regarding an ordinance amending Chapter 12, "Unified Development Ordinance," Section 12-4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas by changing the zoning district boundaries from R Rural to E Estate for approximately 71 acres being all of the remainder of a 39.44-acre tract as described as Tract One and the remainder of a 29.29-acre tract as described as Tract Two by a deed of Joe & Janet Johnson Land & Investments, LP recorded in volume 7803, page 244, a 2.84-acre tract as described by a deed to Joe & Janet Johnson Land & Investments, LP recorded in volume 8017, page 273, and a 0.216-acre tract as described by a deed to Joe & Janet Johnson Land & Investments, LP recorded in volume 8317, page 62 of the Official Public Records of Brazos County, Texas, generally located at 8601 Rock Prairie Road.

**Relationship to Strategic Goals:** Diverse Growing Economy

**Recommendations:** The Planning and Zoning Commission considered this item at their August 21, 2014 meeting and unanimously recommended approval. Staff also recommends approval.

**Summary:** This request is to rezone the property from R Rural to E Estate. The Unified Development Ordinance provides the following review criteria for zoning map amendments:

**REVIEW CRITERIA**

- 1. Consistency with the Comprehensive Plan:** The majority of the subject tract is

designated as Estate on the Comprehensive Plan Future Land Use and Character Map with a small portion along Rock Prairie Road designated as Suburban Commercial. According to the Comprehensive Plan, the Estate designation is generally for areas that, due to public service limitations or a prevailing rural character, should have limited development activities. These areas will tend to consist of low-density single-family residential lots of at least one acre in size or lots that average 20,000 square feet clustered around open space.

The Suburban Commercial portion is part of a larger area intended to provide the opportunity for smaller scale commercial at the intersection of Rock Prairie Road and William D. Fitch Parkway. As the Future Land Use and Character is not parcel based, this tract is considered as Estate for purposes of this rezoning request.

**2. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:** The proposed zoning will conform with the nearby properties in that it will allow large lot single-family development to occur in an existing low density area.

**3. Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment:** The subject tract is suitable for the proposed zoning to allow low-density single-family residential.

**4. Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment:** The surrounding areas is zoned R Rural and the area has remained rural in character. In order to facilitate develop, generally a rezoning to another zoning district is necessary.

**5. Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment:** The applicant states that the marketability of the tract is limited with the existing R Rural zoning as a low number of lots could be created that do not support the cost of the required infrastructure.

**6. Availability of water, wastewater, stormwater, and transportation facilities generally suitable and adequate for the proposed use:** The frontage along Rock Prairie Road is located within College Station Utilities water service area with the majority of the remainder of the tract located in the Wellborn Special Utility District service area. The applicant has provided a verification letter that Wellborn Special Utility District has capacity to serve the area. The City of College Station has a 18-inch water line along Rock Prairie Road and a 12-inch water line along William D Fitch Parkway. A 12-inch sanitary sewer line is also located along William D. Fitch Parkway. The tract is not located in an identified flood hazard area and the northeast part of the tract has a pond and an existing drainage way out to the north toward a Carter Creek tributary. Drainage and other public infrastructure is required with development to be designed and constructed in accordance with the B/CS Unified Design Guidelines. Access to the sites will be available via Rock Prairie Road which is classified as a Minor Arterial on the Thoroughfare Plan but is currently constructed to a two-lane rural section. A Minor Collector also bisects the tract, will be constructed with development of the tract, and will extend to William D. Fitch Parkway when the adjacent tract the south develops. Existing infrastructure appears to be adequate for the proposed use.

## **Budget & Financial Summary: N/A**

**Attachments:**

1. Background Information
2. Aerial & Small Area Map (SAM)
3. Ordinance

## Background Information

### NOTIFICATIONS

Advertised Commission Hearing Date: August 21, 2014

Advertised Council Hearing Dates: September 11, 2014

The following neighborhood organizations that are registered with the City of College Station's Neighborhood Services have received a courtesy letter of notification of this public hearing:

None

Property owner notices mailed: Nine

Contacts in support: None at the time of staff report.

Contacts in opposition: None at the time of staff report.

Inquiry contacts: Two

### ADJACENT LAND USES

| Direction                          | Comprehensive Plan                | Zoning  | Land Use  |
|------------------------------------|-----------------------------------|---------|---|
| North                              | Estate                            | R Rural | Single-family   |
| South                              | Estate and Suburban Commercial    | R Rural | Single-family<br>Vacant                                       |
| East                               | Estate and Natural Areas Reserved | R Rural | Agricultural uses<br>Floodplain                               |
| West<br>(across Rock Prairie Road) | Institutional/Public              | R Rural | Former Rock Prairie landfill<br>CSISD Transportation facility |

### DEVELOPMENT HISTORY

**Annexation:** 1983 (Rock Prairie Road frontage, 2002 (remainder of tract)

**Zoning:** A-O Agricultural Open (upon annexation)  
A-O Agricultural Open renamed R Rural (2013)

**Final Plat:** Not platted

**Site development:** Mostly vacant with a cell tower and an existing manmade pond



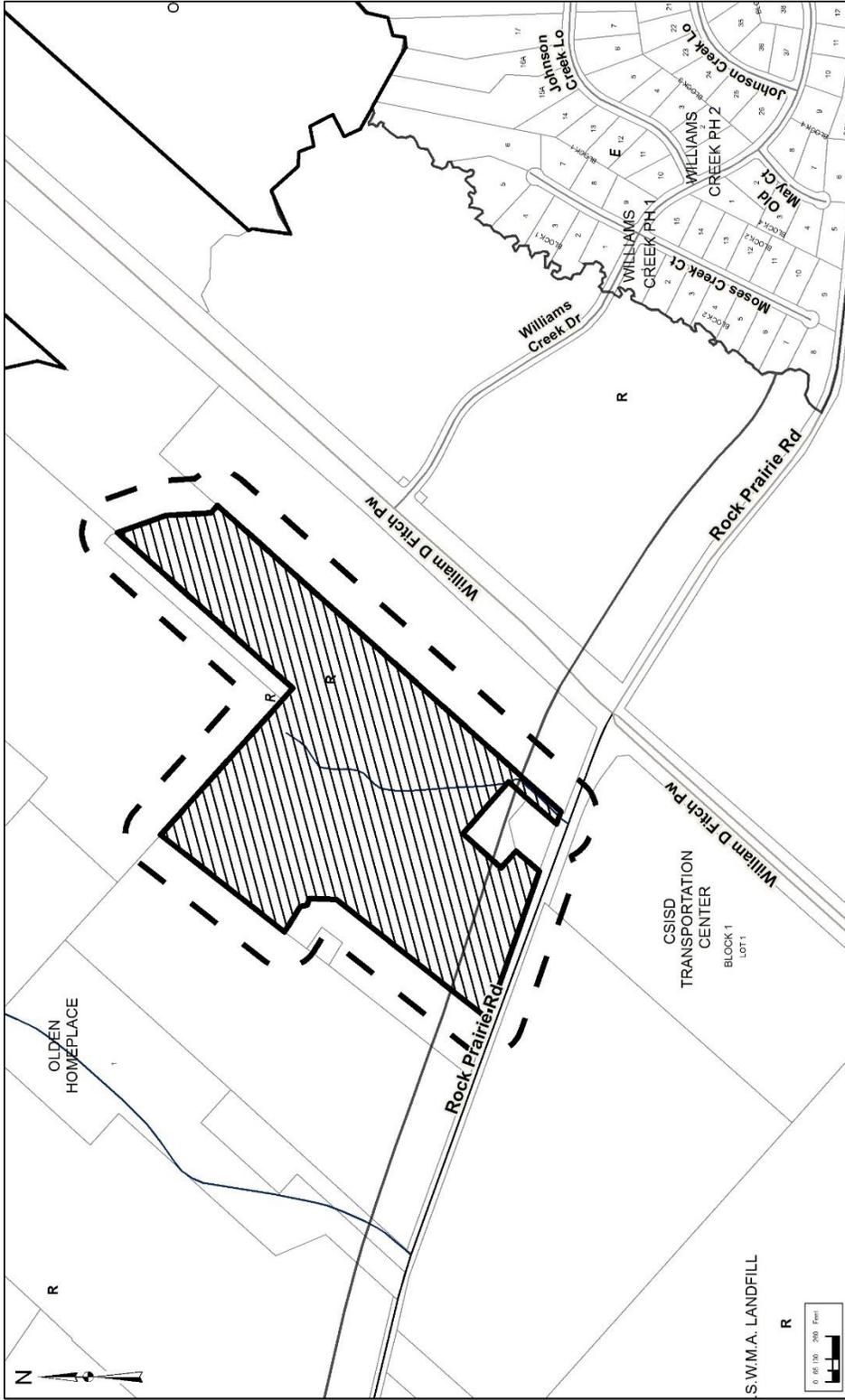
REZONING

Case: 14-172

WILLIAMS LAKE SUBDIVISION

DEVELOPMENT REVIEW





**Zoning Districts**

|        |                           |       |                           |       |                               |        |                              |
|--------|---------------------------|-------|---------------------------|-------|-------------------------------|--------|------------------------------|
| R      | Rural                     | R - 4 | Multi-Family              | BPI   | Business Park Industrial      | PDD    | Planned Development District |
| E      | Estate                    | R - 6 | High Density Multi-Family | NAP   | Natural Areas Protected       | WPC    | Wolf Pen Creek Dev. Corridor |
| RS     | Restricted Suburban       | MHP   | Manufactured Home Park    | C - 3 | Light Commercial              | NG - 1 | Core Northgate               |
| GS     | General Suburban          | O     | Office                    | M - 1 | Light Industrial              | NG - 2 | Transitional Northgate       |
| R - 1B | Single Family Residential | SC    | Suburban Commercial       | M - 2 | Heavy Industrial              | NG - 3 | Residential Northgate        |
| D      | Duplex                    | GC    | General Commercial        | C - U | College and University        | OV     | Corridor Overlay             |
| T      | Townhouse                 | CI    | Commercial-Industrial     | R & D | Research and Development      | RDD    | Redevelopment District       |
|        |                           | BP    | Business Park             | P-MUD | Planned Mixed-Use Development | KO     | Krenk Tap Overlay            |

|   |                                  |   |                        |
|---|----------------------------------|---|------------------------|
|  | <p><b>DEVELOPMENT REVIEW</b></p> | <p><b>WILLIAMS LAKE SUBDIVISION</b></p> | <p><b>REZONING</b></p> |
| <p>Case: 14-172</p>   |                                  |   |                        |

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," SECTION 12-4.2, "OFFICIAL ZONING MAP," OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY CHANGING THE ZONING DISTRICT BOUNDARIES FROM R RURAL TO E ESTATE FOR APPROXIMATELY 71 ACRES BEING ALL OF THE REMAINDER OF A 39.44-ACRE TRACT AS DESCRIBED AS TRACT ONE AND THE REMAINDER OF A 29.29-ACRE TRACT AS DESCRIBED AS TRACT TWO BY A DEED OF JOE & JANET JOHNSON LAND & INVESTMENTS, LP RECORDED IN VOLUME 7803, PAGE 244, A 2.84-ACRE TRACT AS DESCRIBED BY A DEED TO JOE & JANET JOHNSON LAND & INVESTMENTS, LP RECORDED IN VOLUME 8017, PAGE 273, AND A 0.216-ACRE TRACT AS DESCRIBED BY A DEED TO JOE & JANET JOHNSON LAND & INVESTMENTS, LP RECORDED IN VOLUME 8317, PAGE 62 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, GENERALLY LOCATED AT 8601 ROCK PRAIRIE RD; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1: That Chapter 12, "Unified Development Ordinance," Section 12-4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A" and as shown graphically in Exhibit "B", attached hereto and made a part of this ordinance for all purposes.

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

PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this 11<sup>th</sup> day of September, 2014

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Secretary

APPROVED:

\_\_\_\_\_  
City Attorney

**EXHIBIT "A"**

That Chapter 12, "Unified Development Ordinance," Section 12-4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas, is hereby amended as follows:

The following property as described by metes and bounds is rezoned from R Rural to E Estate:

**METES AND BOUNDS DESCRIPTION  
OF A  
71.136 ACRE TRACT  
THOMAS CARUTHERS LEAGUE, A-9  
COLLEGE STATION, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE THOMAS CARUTHERS LEAGUE, ABSTRACT NO. 9, COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID TRACT BEING ALL OF THE REMAINDER OF A CALLED 39.44 ACRE TRACT OF LAND AS DESCRIBED AS TRACT ONE AND THE REMAINDER OF A CALLED 29.29 ACRE TRACT OF LAND AS DESCRIBED AS TRACT TWO BY A DEED OF JOE & JANET JOHNSON LAND & INVESTMENTS, LP RECORDED IN VOLUME 7803, PAGE 244 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, ALL OF A CALLED 2.84 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO JOE AND JANET JOHNSON LAND & INVESTMENTS, LP RECORDED IN VOLUME 8017, PAGE 273 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS AND ALL OF A CALLED 0.216 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO JOE & JANET JOHNSON LAND & INVESTMENTS, LP RECORDED IN VOLUME 8317, PAGE 62 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS.

SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING** AT A 1/2 INCH IRON ROD FOUND ON THE NORTHEAST LINE OF ROCK PRAIRIE ROAD EAST (115' R.O.W.) MARKING THE WEST CORNER OF SAID REMAINDER OF 39.44 ACRE TRACT AND THE SOUTH CORNER OF THE REMAINDER OF A CALLED 10.00 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO JAMES TODD CARLL RECORDED IN VOLUME 2348, PAGE 325 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. FOR REFERENCE, A 1/2 INCH IRON ROD FOUND MARKING THE ORIGINAL WEST CORNER OF SAID 39.44 ACRE TRACT BEARS: S 38° 26' 34" W FOR A DISTANCE OF 20.89 FEET (DEED CALL: S 38° 07' 55" W - 20.81 FEET, 11804/1);

**THENCE:** N 38° 07' 05" E ALONG THE COMMON LINE OF SAID 39.44 ACRE TRACT AND SAID 10.00 ACRE TRACT FOR A DISTANCE OF 1086.40 FEET (DEED CALL: N 41° 18' 58" E - 1261.15 FEET, 7803/244) TO A 1/2 INCH IRON ROD SET MARKING THE SOUTH CORNER OF SAID 0.216 ACRE TRACT. FOR REFERENCE, A 1/2 INCH IRON ROD FOUND MARKING THE EAST CORNER OF SAID 0.216 ACRE TRACT BEARS: N 38° 07' 05" E FOR A DISTANCE OF 153.87 FEET (DEED CALL: N 41° 18' 58" E - 154.50 FEET, 8317/62);

**THENCE:** N 08° 48' 49" W ALONG THE SOUTHWEST LINE OF SAID 0.216 ACRE TRACT, AT 167.97 FEET PASS A 1/2 INCH IRON ROD FOUND ON THE COMMON LINE OF SAID 39.44 ACRE TRACT AND SAID 10.00 ACRE TRACT MARKING THE WEST CORNER OF SAID 0.216 ACRE TRACT AND THE SOUTH CORNER OF A CALLED 0.216 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO JAMES TODD CARLL RECORDED IN VOLUME 8317, PAGE 66 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, CONTINUE ON ALONG THE EAST LINE OF SAID 0.216 ACRE TRACT (8317/66) FOR A TOTAL DISTANCE OF 204.67 FEET (DEED CALL: N 05° 44' 33" W - 204.42 FEET, 8317/62 & 66) TO A 1/2 INCH IRON ROD FOUND MARKING THE EAST CORNER OF SAID 0.216 ACRE TRACT (8317/66);

**THENCE:** N 57° 18' 28" W ALONG THE NORTHEAST LINE OF SAID 0.216 ACRE TRACT (8317/66) FOR A DISTANCE OF 170.35 FEET (DEED CALL: N 54° 06' 52" W - 170.18 FEET, 8317/66) TO A 1/2 INCH IRON ROD SET ON THE COMMON LINE OF SAID 39.44 ACRE TRACT AND A CALLED 49.44 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO DOLLY C. OLDEN RECORDED IN VOLUME 8276, PAGE 158 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. SAID IRON ROD SET MARKING THE NORTH CORNER OF SAID 0.216 ACRE TRACT (8317/66). FOR REFERENCE, A FENCE CORNER POST FOUND BEARS: S 82° 48' 06" W FOR A DISTANCE OF 0.53 FEET AND A 1/2 INCH IRON ROD FOUND MARKING THE WEST CORNER OF SAID 0.216 ACRE TRACT (8317/66) AND THE ORIGINAL

NORTHWEST CORNER OF SAID 39.44 ACRE TRACT BEARS: S 38° 08' 17" W FOR A DISTANCE OF 72.03 FEET (DEED CALL: S 41° 18' 58" W - 72.00 FEET, 8317/66);

**THENCE:** N 38° 08' 17" E ALONG THE COMMON LINE OF SAID 39.44 ACRE TRACT AND SAID 49.44 ACRE TRACT FOR A DISTANCE OF 887.53 FEET (DEED CALL: N 41° 18' 58" E - 959.25 FEET, 7803/244) TO A 6 INCH FENCE POST FOUND ON THE SOUTHWEST LINE OF THE REMAINDER OF A CALLED 403 ACRE TRACT OF LAND AS DESCRIBED AS TRACT ONE BY A DEED TO DOLLY DYMPLER OLDEN AND ARTHUR D. OLDEN RECORDED IN VOLUME 1616, PAGE 28 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. SAID FENCE POST FOUND MARKING THE NORTH CORNER OF SAID 39.44 ACRE TRACT;

**THENCE:** S 47° 38' 20" E ALONG THE COMMON LINE OF SAID 39.44 ACRE TRACT AND SAID REMAINDER OF 403 ACRE TRACT FOR A DISTANCE OF 1023.07 FEET (DEED CALL: S 44° 28' 02" E - 1115.38 FEET, 7803/244) TO A 1/2 INCH IRON ROD FOUND MARKING THE WEST CORNER OF SAID 2.84 ACRE TRACT. FOR REFERENCE, A 1/2 INCH IRON ROD FOUND ON THE NORTHWEST LINE OF SAID 29.29 ACRE TRACT MARKING THE COMMON CORNER OF SAID 39.44 ACRE TRACT AND SAID 2.84 ACRE TRACT BEARS: S 47° 38' 20" E FOR A DISTANCE OF 92.06 FEET (DEED CALL: S 44° 28' 02" E - 92.00 FEET, 8017/273);

**THENCE:** N 41° 49' 18" E ALONG THE NORTHWEST LINE OF SAID 2.84 ACRE TRACT FOR A DISTANCE OF 1346.66 FEET (DEED CALL: N 45° 00' 00" E - 1346.82 FEET, 8017/273) TO A 1/2 INCH IRON ROD FOUND MARKING THE NORTH CORNER OF SAID 2.84 ACRE TRACT;

**THENCE:** S 48° 54' 09" E ALONG THE NORTHEAST LINE OF SAID 2.84 ACRE TRACT FOR A DISTANCE OF 58.14 FEET (DEED CALL: S 45° 42' 36" E - 58.43 FEET, 8017/273) TO A 12 INCH FENCE CORNER POST FOUND;

**THENCE:** S 18° 59' 21" E CONTINUING ALONG THE NORTHEAST LINE OF SAID 2.84 ACRE TRACT, AT 38.48 FEET PASS THE COMMON CORNER OF SAID 2.84 ACRE TRACT, SAID 29.29 ACRE TRACT AND A CALLED 82.36 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO MILTON BARRY HENDLER, JR. AND SARAH HENDLER RECORDED IN VOLUME 9877, PAGE 119 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, CONTINUE ON ALONG THE COMMON LINE OF SAID 29.29 ACRE TRACT AND SAID 82.36 ACRE TRACT FOR A TOTAL DISTANCE OF 329.68 FEET (DEED CALL: S 15° 44' 36" E - 329.31 FEET, 7803/244 & 8017/273) TO A 1/2 INCH IRON ROD FOUND;

**THENCE:** CONTINUING ALONG SAID COMMON LINE FOR THE FOLLOWING CALLS:

S 03° 27' 51" E FOR A DISTANCE OF 256.80 FEET (DEED CALL: S 00° 14' 35" E - 257.08 FEET, 7803/244) TO A 1/2 INCH IRON ROD FOUND;

S 48° 19' 36" E FOR A DISTANCE OF 53.86 FEET (DEED CALL: S 45° 08' 00" E - 54.30 FEET, 7803/244) TO A POINT ON THE NORTHWEST LINE OF A CALLED 35.37 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO HARTZELL LEKINS RECORDED IN VOLUME 1920, PAGE 323 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. SAID POINT MARKING THE EAST CORNER OF SAID 29.29 ACRE TRACT AND THE SOUTHWEST CORNER OF SAID 82.36 ACRE TRACT. FOR REFERENCE, A 1/2 INCH IRON ROD FOUND BEARS: N 41° 40' 24" E FOR A DISTANCE OF 19.57 FEET;

**THENCE:** S 41° 40' 24" W ALONG THE COMMON LINE OF SAID 29.29 ACRE TRACT AND SAID 35.37 ACRE TRACT, AT 2280.19 FEET PASS A 1/2 INCH IRON ROD FOUND, CONTINUE ON FOR A TOTAL DISTANCE OF 2607.65 FEET (DEED CALL: S 44° 52' 00" W - 2627.98 FEET, 7803/244) TO A POINT ON THE NORTHEAST LINE OF ROCK PRAIRIE ROAD EAST MARKING THE SOUTH CORNER OF SAID REMAINDER OF 29.29 ACRE TRACT. FOR REFERENCE, A 1/2 INCH IRON ROD MARKING THE ORIGINAL SOUTH CORNER OF SAID 29.29 ACRE TRACT BEARS: S 41° 40' 24" W FOR A DISTANCE OF

20.65 FEET (DEED CALL: S 41° 40' 56" W - 20.62 FEET, 11804/1);

**THENCE:** N 69° 53' 32" W ALONG THE NORTHEAST LINE OF ROCK PRAIRIE ROAD EAST FOR A DISTANCE OF 75.27 FEET (DEED CALL AND MEASURED, 11804/1) TO A POINT ON THE SOUTHEAST LINE OF A CALLED 1.583 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO JEAN S. STANLEY RECORDED IN VOLUME 5201, PAGE 160 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

**THENCE:** N 41° 40' 24" E ALONG THE SOUTHEAST LINE OF SAID 1.583 ACRE TRACT, AT 2.69 FEET PASS A 1/2 INCH IRON ROD FOUND, CONTINUE ON ALONG SAID LINE, PASS THE COMMON CORNER OF SAID 1.583 ACRE TRACT AND A CALLED 1.917 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO JEAN S. STANLEY RECORDED IN VOLUME 5201, PAGE 164 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, CONTINUE ON ALONG THE SOUTHEAST LINE OF SAID 1.917 ACRE TRACT FOR A TOTAL DISTANCE OF 354.80 FEET (DEED CALL: N 44° 57' 05" E - 375.76 FEET, 7803/244) TO A 1/2 INCH IRON ROD SET MARKING THE EAST CORNER OF SAID 1.917 ACRE TRACT. FOR REFERENCE, AN 8 INCH GATE POST FOUND BEARS: N 51° 06' 27" W FOR A DISTANCE OF 6.77 FEET;

**THENCE:** ALONG THE COMMON LINE OF SAID 1.917 ACRE TRACT AND SAID REMAINDER OF 29.29 ACRE TRACT FOR THE FOLLOWING CALLS:

N 48° 14' 28" W FOR A DISTANCE OF 391.83 FEET (DEED CALL: N 45° 02' 55" W - 392.18 FEET, 7803/244) TO A 1/2 INCH IRON ROD FOUND MARKING THE NORTH CORNER OF SAID 1.917 ACRE TRACT;

S 41° 53' 20" W FOR A DISTANCE OF 291.68 FEET (DEED CALL: S 45° 06' 48" W - 291.69 FEET, 7803/244) TO A 12 INCH FENCE CORNER POST FOUND MARKING THE WEST CORNER OF SAID 1.917 ACRE TRACT. FOR REFERENCE, A 1/2 INCH IRON ROD FOUND BEARS: N 01° 01' 07" E FOR A DISTANCE OF 0.46 FEET;

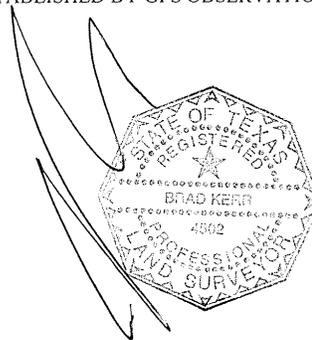
S 48° 06' 36" E FOR A DISTANCE OF 127.62 FEET (DEED CALL: S 44° 53' 08" E - 127.55 FEET, 7803/244) TO A POINT MARKING THE SOUTHWEST CORNER OF SAID 1.917 ACRE TRACT AND THE NORTHWEST CORNER OF SAID 1.583 ACRE TRACT. FOR REFERENCE, A 12 INCH FENCE CORNER POST FOUND BEARS: N 27° 51' 31" E FOR A DISTANCE OF 0.54 FEET;

**THENCE:** S 41° 50' 39" W ALONG THE NORTHWEST LINE OF SAID 1.583 ACRE TRACT, AT 165.62 FEET PASS A 1/2 INCH IRON ROD FOUND, CONTINUE ON FOR A TOTAL DISTANCE OF 168.35 FEET (DEED CALL: S 45° 06' 48" W - 189.33 FEET, 7803/244) TO A POINT ON THE NORTHEAST LINE OF ROCK PRAIRIE ROAD EAST;

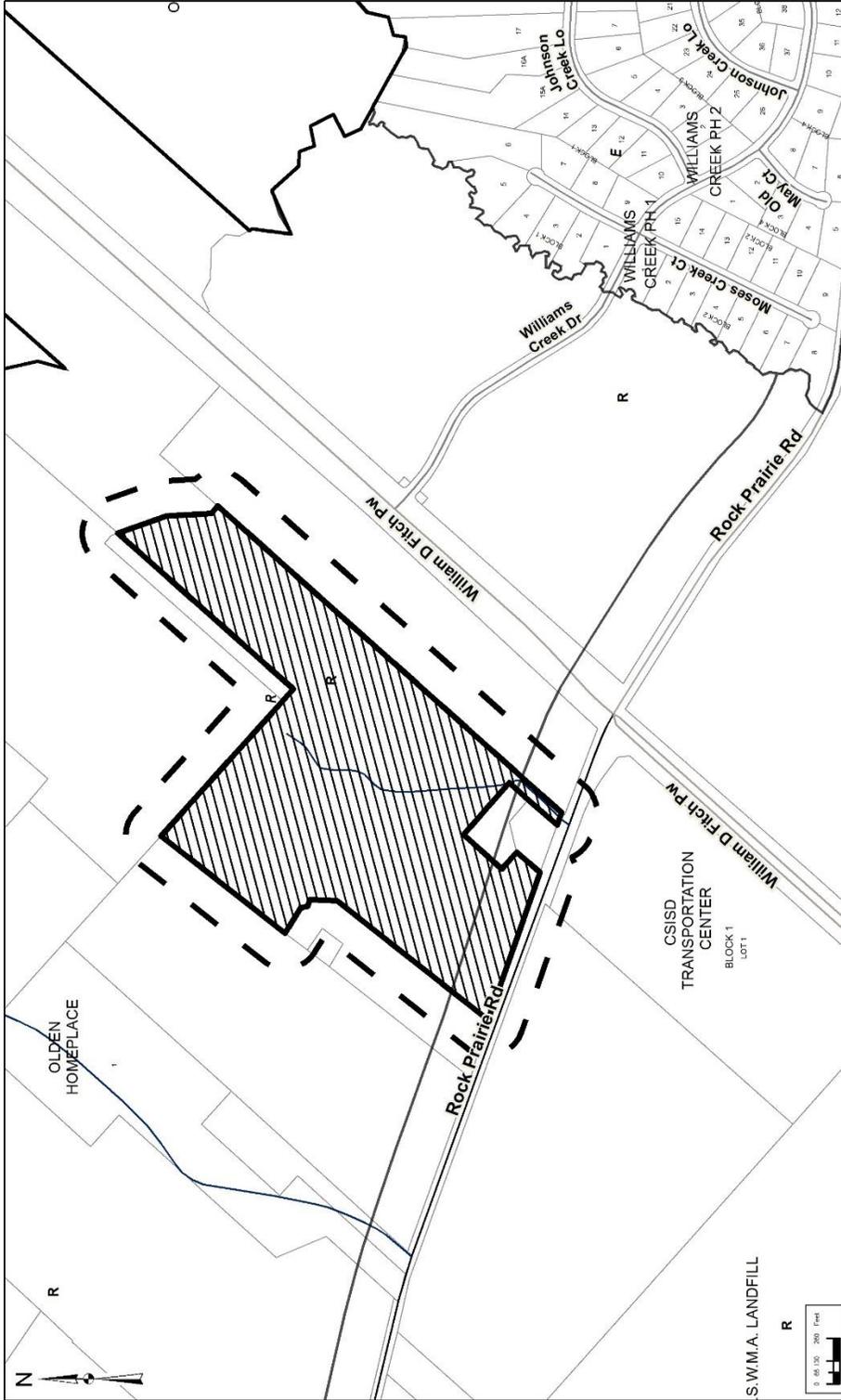
**THENCE:** N 69° 53' 32" W ALONG THE NORTHEAST LINE OF ROCK PRAIRIE ROAD EAST FOR A DISTANCE OF 885.87 FEET (DEED CALL: N 69° 53' 32" W - 885.93 FEET, 11804/1) TO THE **POINT OF BEGINNING** CONTAINING 71.136 ACRES OF LAND, MORE OF LESS, AS SURVEYED ON THE GROUND JUNE, 2014. SEE PLAT PREPARED JUNE, 2014, FOR MORE DESCRIPTIVE INFORMATION. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED BY GPS OBSERVATION.

BRAD KERR  
REGISTERED PROFESSIONAL  
LAND SURVEYOR No. 4502

C:/WORK/MAB/14-393



**EXHIBIT "B"**



| Zoning Districts | R-4   | Multi-Family              | BPI   | Business Park Industrial      | PDD  | Planned Development District |
|------------------|-------|---------------------------|-------|-------------------------------|------|------------------------------|
| R                | Rural | High Density Multi-Family | MAP   | Natural Areas Protected       | WPC  | Wolf Pen Creek Dev. Corridor |
| E                | R-6   | Manufactured Home Park    | C-3   | Light Commercial              | NG-1 | Core Northgate               |
| RS               | MHP   | Office                    | M-1   | Light Industrial              | NG-2 | Transitional Northgate       |
| GS               | O     | Suburban Commercial       | M-2   | Heavy Industrial              | NG-3 | Residential Northgate        |
| R-1B             | SC    | General Commercial        | C-U   | College and University        | OV   | Corridor Overlay             |
| D                | GC    | Commercial-Industrial     | R & D | Research and Development      | RDD  | Redevelopment District       |
| T                | CI    | Business Park             | P-MUD | Planned Mixed-Use Development | KO   | Krenek Tap Overlay           |
|                  | BP    |                           |       |                               |      |                              |

|                           |                                  |                 |
|---------------------------|----------------------------------|-----------------|
| <b>DEVELOPMENT REVIEW</b> | <b>WILLIAMS LAKE SUBDIVISION</b> | <b>REZONING</b> |
|                           | Case: 14-172                     |                 |



## Legislation Details (With Text)

**File #:** 14-647      **Version:** 1      **Name:** Budget Public Hearing  
**Type:** Presentation      **Status:** Agenda Ready  
**File created:** 8/26/2014      **In control:** City Council Regular  
**On agenda:** 9/11/2014      **Final action:**  
**Title:** Public Hearing, presentation, possible action, and discussion on the City of College Station FY2014-2015 Proposed Budget.  
**Sponsors:** Jeff Kersten  
**Indexes:**  
**Code sections:**  
**Attachments:**

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Public Hearing, presentation, possible action, and discussion on the City of College Station FY2014-2015 Proposed Budget.

**Recommendation(s):** Hold public hearing on Proposed Budget and receive citizen input. Provide direction to staff on budget.

**Summary:** The City Charter requires that the City Council call and hold a public hearing on the proposed budget; and that after such public hearing, the Council may insert or decrease items so long as the total of any increases and insertions do not increase the total budget by more than 3%.

The Proposed Budget was presented to the City Council on August 14, 2014. Three budget workshops were held to review the proposed budgets on August 18th, August 19th, and August 20<sup>th</sup>.

On August 14, 2014, the City Council called a public hearing on the FY2014-2015 Proposed Budget. A notice announcing the public hearing was published in accordance with City Charter and State Law requirements.

The FY2014-2015 Budget is scheduled to be adopted on September 22, 2014.

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

|                                     |               |
|-------------------------------------|---------------|
| Subtotal Operation and Maintenance: | \$218,885,807 |
| Subtotal Capital:                   | \$34,155,710  |
| Total Proposed Budget:              | \$253,041,517 |

**Attachments:** Please bring FY2014-2015 Proposed Budget



## Legislation Details (With Text)

**File #:** 14-648      **Version:** 1      **Name:** Tax Rate Public Hearing  
**Type:** Presentation      **Status:** Agenda Ready  
**File created:** 8/26/2014      **In control:** City Council Regular  
**On agenda:** 9/11/2014      **Final action:**  
**Title:** Public Hearing, presentation, possible action and discussion on the City of College Station 2014 advertised ad valorem tax rate of \$0.4525 per \$100 valuation resulting in an increase in tax revenues. Also discussion and possible action on announcing the meeting date, time and place to adopt the tax rate.  
**Sponsors:** Jeff Kersten  
**Indexes:**  
**Code sections:**  
**Attachments:**

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Public Hearing, presentation, possible action and discussion on the City of College Station 2014 advertised ad valorem tax rate of \$0.4525 per \$100 valuation resulting in an increase in tax revenues. Also discussion and possible action on announcing the meeting date, time and place to adopt the tax rate.

**Recommendation(s):** Hold public hearing and receive citizen input on the tax rate.

**Summary:** The Texas Property Tax Code requires that if an entity wishes to increase tax revenues over the effective tax rate then that entity must call and hold two public hearings on the proposed tax rate. Following each public hearing the City Council must announce the meeting date, time and place to adopt the tax rate.

The tax rate that the City Council announced it would hold a public hearing on is \$0.452500 per \$100 assessed valuation.

The notice of this public hearing was placed in the Eagle, as well as on the City's internet site, and the City's television channel.

The first public hearing on the tax rate was held on Wednesday September 3. The City Council will vote on the tax rate on Thursday September 22.

**Budgetary and Financial Summary:** The public hearing tax rate of \$0.452500 per \$100 assessed valuation will generate \$29,743,623 in taxes. The property taxes are used to fund the general debt service of the City as well as a portion of the operations and maintenance costs of the General Fund.

**Attachments:** N/A



## Legislation Details (With Text)

**File #:** 14-659      **Version:** 1      **Name:** Oil & Gas Lease - Halcon Energy  
**Type:** Bid Award      **Status:** Agenda Ready  
**File created:** 8/28/2014      **In control:** City Council Regular  
**On agenda:** 9/11/2014      **Final action:**  
**Title:** Public Hearing, presentation, possible action, and discussion regarding the award of Bid No. 14-071 to Halcon Energy Properties, Inc. for the lease of oil, gas, and related hydrocarbon mineral interests.  
**Sponsors:** Chris Jarmon, Alan Gibbs  
**Indexes:**  
**Code sections:**  
**Attachments:** [Maps.pdf](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Public Hearing, presentation, possible action, and discussion regarding the award of Bid No. 14-071 to Halcon Energy Properties, Inc. for the lease of oil, gas, and related hydrocarbon mineral interests.

Relationship to Strategic Goals: (Select all that apply)

- Financially Sustainable City
- Diverse Growing Economy

Recommendation(s): Staff recommends awarding the bid submitted by Halcon Energy Properties, Inc. and entering into the mineral lease for oil, gas, and related hydrocarbons with Halcon Energy Properties, Inc.

Summary: The City of College Station owns mineral interests on approximately 26 tracts of land generally located in the vicinity of Wellborn Road and 2818. The City put these mineral interests out to bid (Bid No. 14-071) between August 4, 2014 and August 25, 2014. A sealed bid was received from Halcon Energy Properties, Inc. and evaluated by Staff. Halcon Energy Properties, Inc. was the only bidder to respond and submit a bid.

Budget & Financial Summary: College Station will receive royalty payments and a lease bonus subject to the terms of the oil and gas lease.

Reviewed and Approved by Legal: Yes

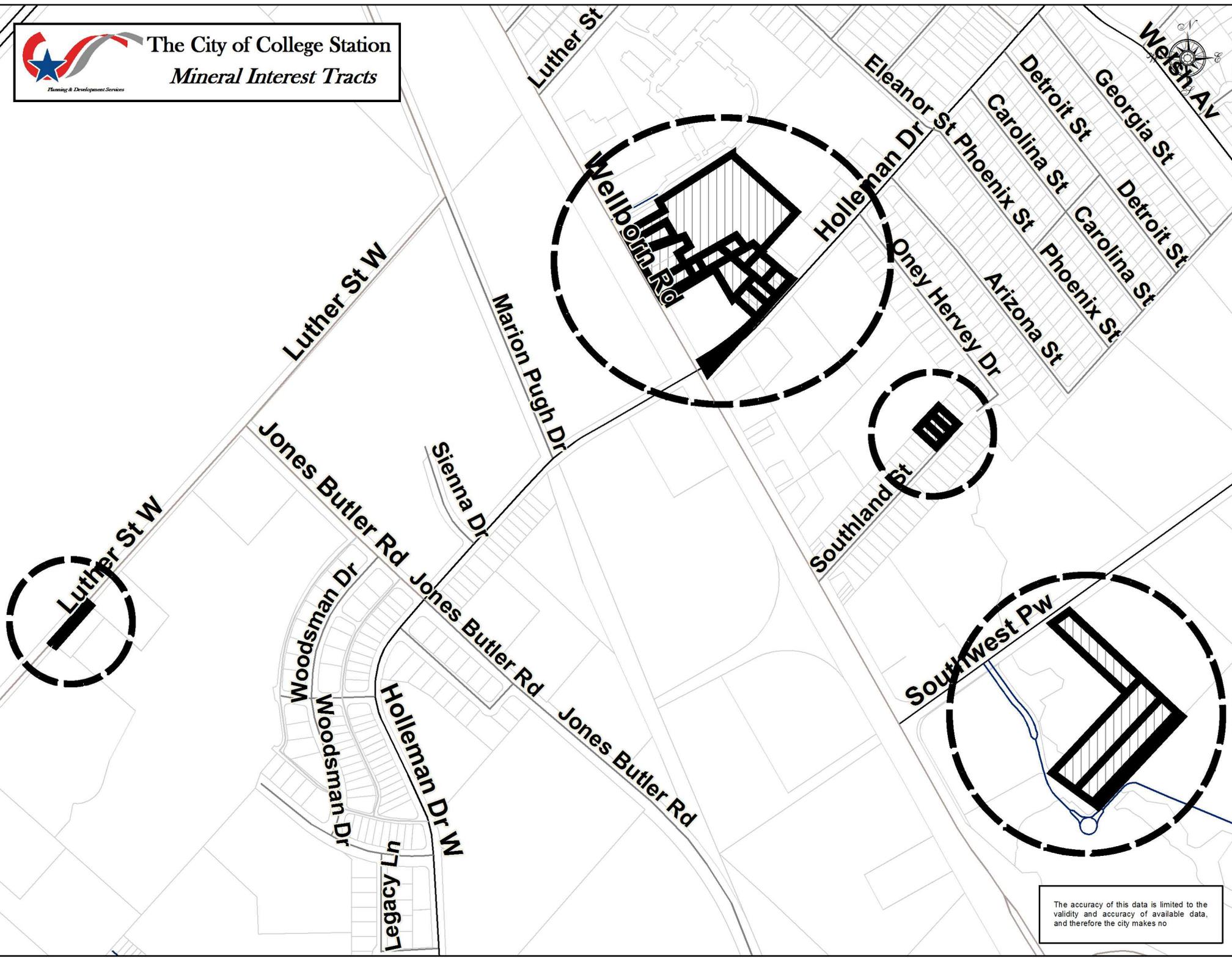
Attachments:

1. Map of mineral interest locations.
2. Bid No. 14-071 and the Paid Up Oil and Gas Lease is on file with the City Secretary's Office.





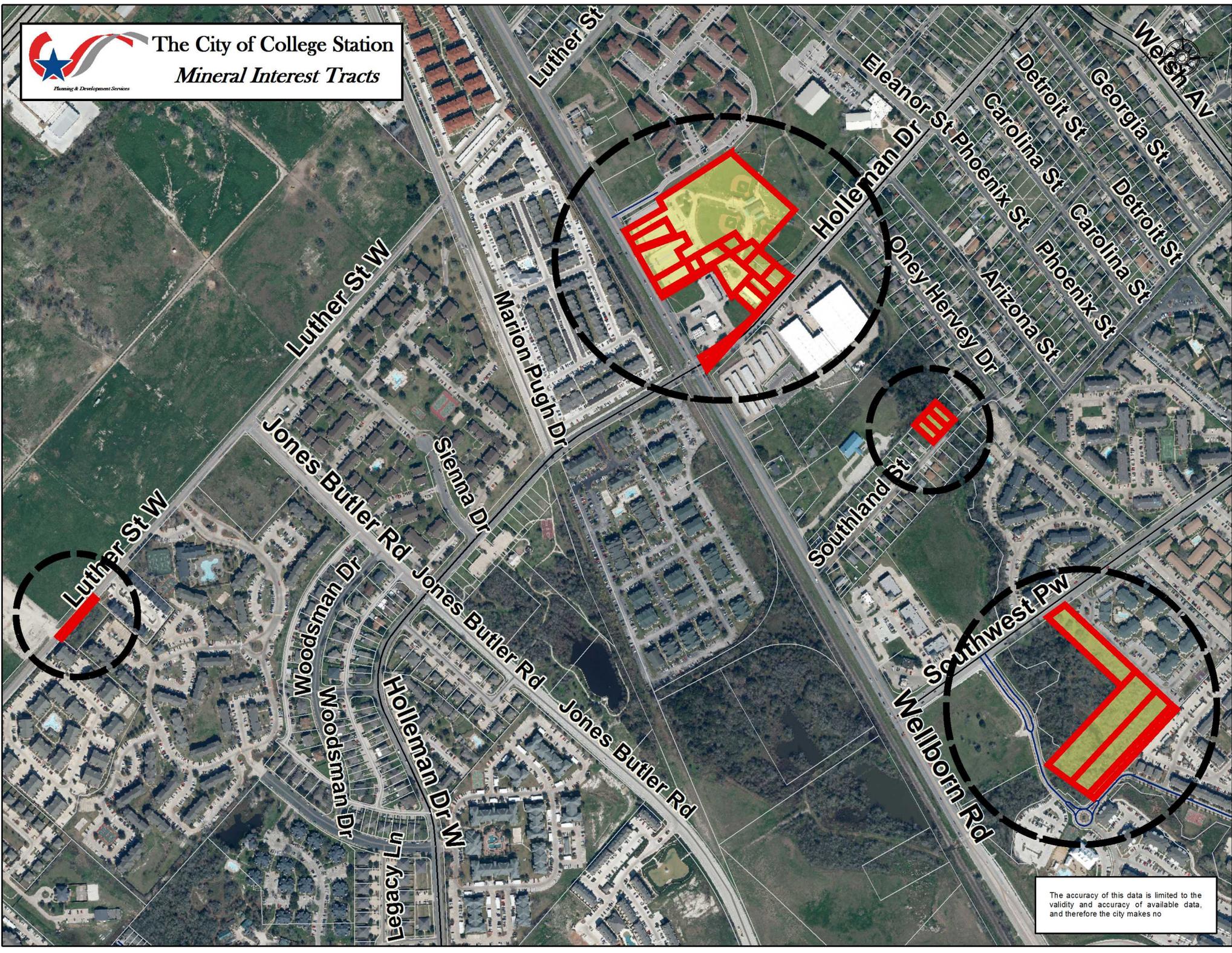
The City of College Station  
*Mineral Interest Tracts*



The accuracy of this data is limited to the validity and accuracy of available data, and therefore the city makes no



The City of College Station  
*Mineral Interest Tracts*



The accuracy of this data is limited to the validity and accuracy of available data, and therefore the city makes no



Legislation Details (With Text)

|                       |  |                      |   |                      |  |
|-----------------------|--|----------------------|---|----------------------|--|
| <b>File #:</b>        | 14-646   | <b>Version:</b>      | 1 | <b>Name:</b>         | Proposed Changes to the Smoking Ordinance Regarding E-Cigarettes |
| <b>Type:</b>          | Ordinance  | <b>Status:</b>       |   | <b>Status:</b>       | Agenda Ready   |
| <b>File created:</b>  | 8/26/2014  | <b>In control:</b>   |   | <b>In control:</b>   | City Council Regular   |
| <b>On agenda:</b>     | 9/11/2014  | <b>Final action:</b> |   | <b>Final action:</b> |  |
| <b>Title:</b>         | Public Hearing, presentation, possible action, and discussion regarding an ordinance amending Chapter 7, "Health and Sanitation", of the Code of Ordinances of the City of College Station, Texas, by amending section 9, "Tobacco products and smoking"; to prohibit the sale of electronic cigarettes to, possession of and use of by minors; providing a severability clause; declaring a penalty; and providing an effective date. |                      |   |                      |  |
| <b>Sponsors:</b>      | Chris Jarmon   |                      |   |                      |  |
| <b>Indexes:</b>       |  |                      |   |                      |  |
| <b>Code sections:</b> |  |                      |   |                      |  |
| <b>Attachments:</b>   | <a href="#">Electronic Cigarettes Ordinance</a>  |                      |   |                      |  |

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Public Hearing, presentation, possible action, and discussion regarding an ordinance amending Chapter 7, "Health and Sanitation", of the Code of Ordinances of the City of College Station, Texas, by amending section 9, "Tobacco products and smoking"; to prohibit the sale of electronic cigarettes to, possession of and use of by minors; providing a severability clause; declaring a penalty; and providing an effective date.

Relationship to Strategic Goals:

- Good Governance
- Core Services and Infrastructure

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

**Summary:** On August 14, staff made a workshop presentation to Council regarding regulations on e-cigarettes with respect to their sale, possession, and use; on August 25 staff brought those recommendations before Council in the form of an ordinance. After a great deal of discussion, Council decided to table the item until the September 11 Council Meeting.

The ordinance brought before Council on August 25 would have placed prohibitions on minors' access to e-cigarettes as well as placed restrictions on where the products may be used in public. After careful consideration, staff has decided to bring forward an ordinance that only places restrictions on minors' access to e-cigarettes. This will give staff additional time to research provisions related to public use restrictions on e-cigarettes, while also satisfying Council's request to bring the item back.

In summary, staff recommends that e-cigarettes be regulated under Chapter 7 (Health and

Sanitation) of the Code of Ordinances, and specifically, recommends two (2) limitations on the use of e-cigarettes:

1. E-cigarettes cannot be sold to minors.
2. Minors cannot be in possession or use e-cigarettes.

For review purposes, electronic cigarettes, or e-cigarettes, are battery-powered devices that look like traditional cigarettes and are designed to simulate the feeling and experience of smoking. These devices lack tobacco, but may contain some amount of liquid or synthetic nicotine. The use of e-cigarettes is known as “vaping” because the heating element in the device, known as an atomizer, vaporizes the liquid solution present in the cartridge, allowing the user to create a cloud that resembles smoke. These devices are also referred to as vaporizing cigarettes or electronic vaping devices.

If Council approves the ordinance, these changes will become effective in twenty (10) days.

**Budget & Financial Summary:** n/a

**Attachments:**

1. Proposed changes to the smoking ordinance regarding e-cigarettes.

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 7, "HEALTH AND SANITATION", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING SECTION 9, "TOBACCO PRODUCTS AND SMOKING"; TO PROHIBIT THE SALE OF ELECTRONIC CIGARETTES TO, POSSESSION OF AND USE BY MINORS; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

**WHEREAS**, the City Council of the City of College Station has determined that e-cigarettes come in a variety of flavors, including watermelon, pineapple, cherry, peaches and cream, sugar cookie, and coffee, that may attract teens and pre-teens to these products; and

**WHEREAS**, the National Youth Tobacco Survey finds that e-cigarette use among middle school and high school students has doubled from 2011 to 2012; and

**WHEREAS**, the City Council of the City of College Station has determined that the nicotine available in e-cigarettes is a highly addictive substance and has the potential to lead to dependence by the user; and

**WHEREAS**, researchers with the University of California – San Francisco find that e-cigarettes have not been proven to help people quit smoking; and

**WHEREAS**, a 2009 study conducted by the FDA found trace amounts of toxins, including diethylene glycol and nitrosamines, in the ingredients of two leading e-cigarette brands; and

**WHEREAS**, the City Council of the City of College Station has determined that e-cigarettes are currently not regulated by the State of Texas or the federal government; and

**WHEREAS**, given the current state of research and knowledge on e-cigarettes, the City Council of the City of College Station believes it is necessary to impose reasonable regulations on the purchase, possession, and use of e-cigarettes; and

**WHEREAS**, the City Council of the City of College Station finds that the policies contained herein are necessary to ensure the health and safety of the citizens of College Station, Texas.

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

**PART 1:** The purpose of this ordinance is to regulate the purchase, possession and use of electronic cigarettes by minors.

**PART 2:** That Chapter 7, Section 9, of the Code of Ordinances of the City of College Station, Texas be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

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

**PART 4:** That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-Five Dollar (\$25.00) nor more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council.

PASSED, ADOPTED, and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2014.

**APPROVED:**

\_\_\_\_\_  
Mayor

**ATTEST:**

\_\_\_\_\_  
City Secretary

**APPROVED:**

\_\_\_\_\_  
City Attorney

## EXHIBIT A

That Chapter 7, "HEALTH AND SANITATION", Section 9, "TOBACCO PRODUCTS AND SMOKING" of the Code of Ordinances of the City of College Station, Texas is hereby amended to include the following:

### A. Definitions.

\*\*\*\*\*

- (3) **Smoke** or **smoking** includes:
- (a) Carrying or holding a lighted pipe, cigar or cigarette of any kind or any other lighted smoking equipment or device;
  - (b) Lighting a pipe, cigar, or cigarette of any kind or any other smoking equipment or device; or
  - (c) Emitting or exhaling the smoke of a pipe, cigar, or cigarette of any kind or any other smoking equipment or device.

\*\*\*\*\*

- (10) **Electronic Cigarette and/or e-cigarette** means any product containing or delivering nicotine or any other substance intended for human consumption that can be used by a person to simulate smoking through inhalation of vapor or aerosol from the product. The term includes any such device, whether manufactured, distributed, marketed, or sold as an e-cigarette, e-cigar, e-pipe, e-hookah, or vape pen, or under any other product name or descriptor.
- (11) **Electronic Vaping Device** shall have the same definition as electronic cigarette.
- (12) **Vaporizing Cigarette** shall have the same definition as electronic cigarette.
- (13) **Minor** shall mean a person younger than 18 years of age.

### B. Offense; penalty.

- (1) A person commits an offense if the person smokes at a public meeting, in a public place, in a workplace or in any other enclosed, indoor area in which "no smoking" signs are conspicuously posted by the person in charge, and the person is not in an area designated as a smoking area under subsection C. below.
- (2) It is a defense to:
- (a) subsection B.(1) that the person is smoking:
    - (1) As an actor or actress in a theatrical performance; or
    - (2) A tobacco specialty shop; or
    - (3) At a hookah bar; or
    - (4) As required of a participant in a smoking-related medical or scientific research study.
  - (b) subsections H.(1), (2) or (3), if at the time of the sale, the minor presented the person or business with a facially valid proof of identification showing the minor was at least 18 years of age.

- (3) Smoking shall be allowed, without any requirement for signage by the person in charge under subsection C.(1), where smoking is permitted by subsection B.(2). However, smoking is not allowed at any public meeting, in any public place, or in a workplace unless specifically permitted by subsection B.(2).
- (4) A minor commits an offense if the minor violates subsection G.(1) or G.(2).
- (5) A person or business commits an offense if the person or business violates subsections H(1), (2) or (3).

\*\*\*\*\*

**G. Possession and Use of Electronic Cigarettes by Minors**

- (1) The possession, purchase, acquisition, consumption, or use of electronic cigarettes, e-cigarettes, electronic vaping devices, or vaporizing cigarettes by minors is prohibited.
- (2) A minor is prohibited from misrepresenting himself or herself to be 18 years of age or older for the purpose of acquiring or receiving an electronic cigarette, e-cigarette, electronic vaping device, or vaporizing cigarette.

**H. Solicitation or Sale of Electronic Cigarettes to Minors**

- (1) No person or business shall sell, cause to be sold, give, distribute, or transfer an electronic cigarette, e-cigarettes, electronic vaping devices, or vaporizing cigarettes to minors.
- (2) No person or business shall sell, cause to be sold, give, distribute, or transfer an electronic cigarette, e-cigarettes, electronic vaping devices, or vaporizing cigarettes to another person who intends to deliver or give it to someone who is a minor.
- (3) No person or business shall solicit or engage minors in the testing, product-sampling or other business-related purpose involving the inhalation or other use of e-cigarettes, regardless of whether a minor is an employee, contractor or volunteer.