



Mayor
Ron Silvia
Mayor Pro Tempore
John Happ
Interim City Manager
Glenn Brown

Council Members
Ben White
Ron Gay
Susan Lancaster
Chris Scotti
Nancy Berry

Draft Minutes
College Station City Council
Workshop and Regular Meetings
Wednesday, September 21, 2005 at 3:00 and 7:00 p.m.
City Hall Council Chambers, 1101 Texas Avenue
College Station, Texas

COUNCIL MEMBERS PRESENT: Mayor Silvia, Mayor Pro Tem Happ, Council members White, Gay, Lancaster, Scotti, Berry

STAFF PRESENT: Interim City Manager Brown, City Attorney Cargill Jr., City Secretary Hooks, Assistant City Secretary Casares

Mayor Silvia called the meeting to order at 3:00 p.m.

Workshop Agenda Item No. 1 -- Presentation, discussion, and possible action on items listed on the consent agenda.

12.2 – Presentation, discussion, and possible action regarding approval of a contract for the purchase of services, training and software to support Public Meeting Agenda preparation with DynaSource, Inc. for an amount not to exceed \$41,750.00.

Director of the Office of Technology and Information Services Olivia Burnside remarked that LF Agenda Manager is a web-based automation tool that will provide standardization and increased efficiency during the entire agenda preparation process, from calls for submissions through final packet publication and post-meeting minutes distribution.

12.3 – Presentation, discussion and possible action regarding a resolution to approve contract #05-251 in an amount not to exceed \$179,474 with Clean Harbors Environmental Services, Inc. to provide Household Hazardous Waste Collection Services.

Pete Caler, Assistant Director of Public Works/BVSWMA remarked that the funds are available, budgeted and will be paid out of the Brazos Valley Solid Waste Management Agency Fund; which incorporates the funds of both cities.

12.4 –Presentation, discussion and possible action approving a real estate contract that will authorize the purchase of 7.7012 acres of land (more or less) needed as a buffer between the Carter Creek Wastewater Treatment Plant and the Emerald Forest neighborhood. This

acquisition increases the scope of the Order Control Capital Improvement Project. This property is owned by Allen R. Swoboda and the purchase price is \$70,000.

Interim City Manager Glenn Brown noted that the additional 7.7012 acres of land will act as a buffer around the Wastewater Treatment Plant. The City of College Station will have control of the property and ensure that no development will take place any closer to the wastewater treatment plant.

Workshop Agenda Item No. 2 -- Presentation, discussion, and possible action on two appointments to the Brazos Valley Convention & Visitors Bureau to fill expired terms.

Kim Foutz, Director of Community and Economic Development remarked that College Station is currently represented on the Brazos Valley Convention & Visitors Bureau by Lynn McIlhaney, Glenda Mariott, and Joe O'Leary. Board members terms expire each year on September 30, 2005 on a staggered basis. Ms. Mariott and Dr. Joseph O'Leary were originally appointed to a two year term which expires on September 30, 3005. Ms. Foutz noted that Mr. Joe O'Leary is not available for an interview until November 2005.

The nominating committee of the Brazos Valley Convention & Visitors Bureau recommended that Ms. Mariott be re-appointed for two years beginning October 1, 2005 and ending September 30, 2007.

The City Council members interviewed Ms. Glenda Mariott.

Council member Berry moved to re-appoint Glenda Mariott to the Brazos Valley Convention and Visitors Bureau for a two year term. Council member White seconded the motion, which carried unanimously, 7-0.

FOR: Silvia, Happ, White, Gay, Lancaster, Scotti, Berry
AGAINST: None

Workshop Agenda Item No. 3 -- Presentation, discussion and possible action on the selection of an executive search firm to assist in the process of hiring a City Manager.

Purchasing Services Manager Cheryl Turney explained that on September 8, 2005, Council evaluated and ranked seven proposals. The City Council elected to interview the top ranked firm, The Mercer Group, Inc. Ms. Turney introduced Mr. James Mercer, CMC of the Mercer Group.

James L. Mercer, presented an overview of the company, its consulting process and answered questions of the City Council.

Council member Gay moved to enter into contract negotiations with The Mercer Group for the purpose of hiring a City Manager for the City of College Station. Council member White seconded the motion which carried unanimously 7-0.

FOR: Silvia, Happ, White, Gay, Lancaster, Scotti, Berry
AGAINST: None

The City Council recessed for a short break at 4:21 p.m. and reconvened at 4:35 p.m.

Workshop Agenda Item No. 4 – Presentation, discussion and possible action regarding a Request for Proposal for Transportation Policy and Legislative Consulting services.

Don Fazzino, Manager of Special Projects and Legislative Affairs noted that the City of College Station has contracted with Dean International for the past five fiscal years starting in 2001. He described four key work components:

- Identify and secure potential funding sources for priority transportation projects.
- State and Federal Transportation policy
- Regional Transportation Summit
- Additional Services that address other projects and priorities identified by Council.

Mr. Fazzino proposed to release the RFP's in late September, receive the RFP's in late October, evaluate the proposals in November and present the findings to the City Council in December.

Mr. Fazzino solicited Council guidance on a) the scope of work, b) who will evaluate proposals received, c) the timeline for releasing and securing a contract for transportation policy and legislative consulting services, d) the Council's direction for the Regional Transportation Summit to continue as part of the scope of services.

Council members expressed concerns regarding the value to the City of College Station in supporting the Regional Summit. Council members Gay and Scotti recommended canceling the Regional Summit.

Council members Gay and Scotti volunteered to hold meetings to seek collaboration with the City of Bryan, Brazos County and Texas A&M University to enlist their participation.

After a brief discussion, Council member Gay moved to direct staff to move forward with a non-binding RFP proposal process for Transportation Policy and Legislative Consulting Services and collaborate with the City of Bryan, Brazos County and Texas A&M University to recruit their support on common goals. Council member Scotti seconded the motion, which carried unanimously, 7-0.

FOR: Silvia, Happ, White, Gay, Lancaster, Scotti, Berry
AGAINST: None

Workshop Agenda Item No. 5 – Presentation, discussion, and possible action on future agenda items: A Council Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of

existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.

This item was postponed until after the regular meeting.

Workshop Agenda Item No. 6 – Council Calendars

Agenda Planning Calendar

- Sept. 19 Intergovernmental Committee, CSISD Administration, Noon
- Sept. 20 Chamber of Commerce Meeting 8:30 am
- Sept. 20 Texas Emerging Technology Fund. GB Conference Center 11:00 am
- Sept. 20 Celebrating the Arts 35 Years of Excellence, Hilton 6:00– 9:00
- Sept. 21 Research Valley Partnership – 3:00 pm
- Sept. 21 Workshop/Regular Meeting 3:00 pm and 7:00 pm
- Sept. 22 BVCOG 38th Annual Meeting Brazos Center 6:30 pm
- Sept. 22 Project Unity House Ribbon Cutting 11:30 am
- Sept. 29 International Scholars BBQ – Central Park, 5:00 - 8:00 pm
- Oct. 13 Workshop/Regular Meeting 3:00 pm and 7:00 pm
- Oct. 17 IGC Meeting – Brazos County Courthouse, 8:00 am
- Oct. 18 Citizen’s University Reunion – Pebble Creek 6:30 pm
- Oct. 18 Chamber of Commerce Meeting 8:30 am
- Oct. 19 Research Valley Partnership 3:00 pm
- Oct. 24 Workshop/Regular Meetings 3:00 pm and 7:00 pm
- Oct. 26–29 TML 2005 Annual Conference - Grapevine

This item was postponed until after the regular meeting

Workshop Agenda Item No. 7 -- Discussion, review and possible action regarding the following meetings: Brazos County Health Department, Brazos Animal Shelter, Brazos Valley Council of Governments, Cemetery Committee, City Center, Design Review Board, Façade Improvement Program Advisory Committee, Fraternal Partnership, Historic Preservation Committee, Intergovernmental Committee and School District, Joint Relief Funding Review Committee, Library Committee, Making Cities Livable Conference, Metropolitan Planning Organization, Parks and Recreation Board, Planning and Zoning Commission, Sister City Association, TAMU Student Senate, The Research Valley Partnership, Transportation Committee, Wolf Pen Creek Oversight Committee, Wolf Pen Creek TIF Board, Zoning Board of Adjustments.

This item was postponed until after the regular meeting.

Workshop Agenda Item No. 8 – Executive Session

At 5:43 p.m., Mayor Silvia announced in open session that the City Council would convene into executive session pursuant to Sections 551.071, 551.072, 551.074 and 551.087 of the Open Meetings Act, to seek the advice of our attorney with respect to pending and contemplated litigation, to consider the purchase of real property, the evaluation of a public officer, economic development negotiations.

Consultation with Attorney {Gov't Code Section 551.071}

- a. TCEQ Docket No. 2002-1147-UCR, Applications of Brushy Water Supply and College Station (Westside/Highway 60)
- b. TCEQ Docket No. 2003-0544MWD, Application of Nantucket, Ltd.
- c. TXU Lone Star Gas Rate Request.
- d. Cause No. 03-002098-CV-85, Brazos County, College Stat v. Wellborn Special Utility District
- e. Civil Action No. H-04-4558, U.S. District Court, Southern District of Texas, Houston Div. College Stat v. U.S. Dept. of Agriculture, etc., @ Wellborn Special Utility District
- f. Civil Action No. H-04-3876, U.S. District Court, Southern District of Texas, Houston Division JK Development v. College Station
- g. GUD No. 9530 – Gas Cost Prudence Review, Atmos Energy Corporation
- h. GUD No. 9560 – Gas Reliability Infrastructure Program (GRIP) rate increases, Atmos Energy Corporation
- i. Cause No. GN-502012, Travis County, TMPA v. PUC (College Station filed Intervention 7/6/05)
- j. Claim letter from Café Eccell
- k. Regarding the July 14th City Council Meeting and the Open Meetings Act

Workshop Agenda Item No. 9 – Final Action on executive session, if necessary.

Council returned from executive session at 6:52 p.m. No action was taken.

Workshop Agenda Item No. 10 - Adjourn

Council continued to the regular meeting.

Regular Item No. 10 - Regular Meeting

Mayor Silvia called the regular meeting to order at 7:00 p.m. with all Council members present. He led the audience in the pledge of allegiance and Council member Lancaster provided the invocation.

Regular Agenda Item No. 11 - Hear Visitors

Interim City Manager Glenn Brown provided information regarding Hurricane Rita. Police Chief Clancy and Fire Chief Alley described the particulars of the City of College Station Emergency Operations in regard to Hurricane Rita.

Consent Agenda

- 12.1 Approved by common consent minutes for City Council Meeting September 8, 2005.

- 12.2 Approved by common consent a contract for the purchase of services, training and software to support Public Meeting Agenda Preparation with DynaSource, Inc. for an amount not to exceed \$41,750.00.
- 12.3 Approved by common consent **Resolution No. 9-21-2005-12.3** approving a contract #05-251 in the amount of \$179,474 with Clean Harbors Environmental Services, Inc. to provide Household Hazardous Waste Collection Services.
- 12.4 Approved by common consent a real estate contract that will authorize the purchase of 7.7912 acres of land (more or less) needed as a buffer between the Carter Creek Wastewater Treatment Plant and the Emerald Forest Improvement Project. This acquisition increases the scope of the Odor Control Capital Improvement Project. The property is owned by Allen R. Swoboda and the purchase price is \$70,000.
- 12.5 Approved by common consent an amendment to a real estate contract in the amount of \$121,024 with Mary Harriet Lott Travilla for the purchase of two land tracts totaling 37.82 acres located within the SH30 landfill site.
- 12.6 Approved by common consent the renewal agreement for third party claims administration with AS&G Claims Administration, Inc. for an annual expenditure of \$50,000. Anticipated workers compensation claims for FY 06 are \$360,000 and anticipated liability claims for FY 06 are \$300,000.
- 12.7 Approved by common consent **Resolution No. 9-21-2005-12.07** awarding the bid and construction contract with Elliott Construction in the amount not to exceed \$2,052,658 for construction of the Water Service Extension Project Phase 1, which includes the Barron Road Waterline, the Rock Prairie Waterline, and the Lick Creek Waterline.
- 12.8 Approved by common consent the National Incident Management System (NIMS).
- 12.9 Approved by common consent purchase requests for FY 2006, items exempt from competitive bidding as described more fully in Texas Local Government Code, Chapter 252.022.

Regular Agenda

Regular Agenda Item No. 13.1 -- Public hearing, presentation, discussion, and possible action on an ordinance rezoning .54-acre parcel located at 331 Dominik Drive and bound by George Bush Drive East, Dominik Drive and Puryear Drive from C-3 Light Commercial to R-3, Townhouse (05-131)

This item was removed by the applicant.

Regular Agenda Item No. 13.2 – Presentation, discussion, and possible action on an ordinance adopting the City of College Station 2005-2006 Proposed Budget.

Finance and Strategic Planning Director Jeff Kersten remarked that the budget goal would provide excellence in service delivery at a reasonable cost. The total proposed net budget is \$188,278,360 with \$138,450,995 for Operations and Maintenance and \$49,827,365 for Capital portion. The proposed changes identified were:

- General Fund Change - \$195,622
- General Government Capital Projects Change - \$300,000
- Economic Development Fund Change \$1,000,000
- Hotel/Motel Fund change \$19,875

- Total Increase was \$615,497.

Other Changes included:

- Outside Agency Funding - \$2,081,380

Mr. Kersten explained that the Wolf Pen Creek TIF Board recommended increasing their budget by \$300,000 dollars to meet the needs of the capital projects, which would include improvements to the Wolf Pen Creek Amphitheater. Staff recommended issuing an additional \$300,000 in Certificates of Obligation using a portion of the ten to fifteen million dollars of debt capacity for this project.

Council member Lancaster moved to approve the 2005-2006 Budget with the proposed Budget Revisions in various funds and additional \$300,000 for the Wolf Pen Creek TIF fund. Council member Berry seconded the motion, which carried unanimously, 7-0.

FOR: Silvia, Happ, White, Gay, Lancaster, Scotti, Berry
AGAINST: None

Regular Agenda Item No. 13.3 – Presentation, discussion, and possible action on an ordinance adopting the City of College Station 2005-2006 advertised ad valorem tax rate of \$0.4632 per \$100 valuation.

Finance and Strategic Planning Director Jeff Kersten commended that the total assessed valuations is \$3.6 billion dollars, which is a 10.77% increase over 2004. The effective tax rate discussed was \$0.4394 cents per \$100 of valuation and the public hearing tax rate was \$0.4632 cents per \$100 valuation. The Debt Service portion was \$0.2498 cents and the operations and maintenance for the General Fund portion was \$0.4294 cents. This funds the proposed budget and provides an additional \$230,096. He pointed out that with the approval of additional monies in various funds of \$230,096 have been utilized.

Council member Berry moved to adopt a tax rate of \$0.4394 per \$100 valuation, \$0.2498 cents for debt services and \$0.1896 cents for general fund. Council Scotti seconded the motion which carried unanimously, 7-0

FOR: Silvia, Happ, White, Gay, Lancaster, Scotti, Berry
AGAINST: None

Regular Agenda Item No. 13.4 – Presentation, discussion and possible action on an ordinance amending Chapter 11, “Utilities” Section 4, “Electric Service,” of the Code of Ordinances of the City of College Station, Texas having the effect of raising rates for electric services an average of eight percent (8%).

Assistant Director/Electrical Division Manager David Massey stated that the proposed ordinance authorizes the implementation of the electric rates increase by 8% for residential and commercial customers, with an effective date of October 1, 2005. Extensive electric system expansion was needed due to an average of a 5-8% growth rate over the past ten years in College Station; sharply increasing natural gas costs for electric generation and increasing transmission delivery costs.

Staff recommended approval of the proposed ordinance.

Council member Berry moved to approve **Ordinance No.2832** amending Chapter 11, “Utilities” Section 4, “Electric service,” of the Code of Ordinances of the City of College Station, Texas increasing rates for electric services on average of eight percent (8%). Council member White seconded the motion which carried unanimously, 7-0.

FOR: Silvia, Happ, White, Gay, Lancaster, Scotti, Berry
AGAINST: None

Regular Agenda Item No. 13.5 – Presentation, discussion, and possible action on an ordinance amending Chapter 11, “Utilities” Section 2, “Water and Sewer Services,” of the Code of Ordinances of the City of College Station, Texas (having the effect of raising rate for water services by four percent (4%).

Division Manager of Water/Wastewater David Coleman noted that the proposed ordinance authorizes the implementation of increase of Service charges and usage charge by 4%. This rate increase was required to keep up with the increased cost of operating the water system. Water rates have not increased since 1992, yet consumers’ prices since that time have risen over 39%. In addition to general inflation, operations have risen due to increased security requirements, provision of backup power generation equipment, fuel and material cost increases, and regulations created by the new Brazos Valley Groundwater Conservation District.

Staff recommended approval of the proposed ordinance increasing water rates by four percent (4%).

Council member Gay moved to approve **Ordinance No. 2833** amending Chapter 11, "Utilities" Section 2, "Water and Sewer Services," of the Code of Ordinances of the City of College Station, Texas having the effect of raising rates for water services by four percent (4%). Council member Lancaster seconded the motion, which carried unanimously, 7-0.

FOR: Silvia, Happ, White, Gay, Lancaster, Scotti, Berry

AGAINST: None

Regular Agenda item No. 13.6 -- Presentation, discussion and possible action on an ordinance setting and increasing residential and commercial sanitation service rates and fees.

Pete Caler, Assistant Director of Public Works/BVSWMA remarked that the proposed ordinance would increase residential rates by 8% and commercial rates would increase by 7% across the board on the variable rate schedule. The rate increases are necessary due to higher fuel costs, an increase in the per-house fee paid to Texas Commercial Waste for recycling collection. The expiration of the recycling franchise agreement and subsequent re-bid resulted in an annual cost increase of \$70,000. The division also experienced higher disposal costs from a tipping fee increase at the Bryan compost Facility, combined with increased disposal amounts from street sweeping operations.

Staff recommended approval of the proposed ordinance.

Council member Lancaster moved to approve **Ordinance No. 2834** setting and increasing residential and commercial rate. Council member Scotti seconded the motion, which carried unanimously, 7-0.

FOR: Silvia, Happ, White, Gay, Lancaster, Scotti, Berry

AGAINST: None

Regular Agenda Item No. 13.7 -- Presentation, discussion and possible action on two appointments to the Brazos Valley Convention & Visitors Bureau to fill expired terms.

This item was completed during the Workshop Meeting.

Workshop Agenda Item No. 5 -- Presentation, discussion, and possible action on future agenda items: A Council Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.

Council member Happ requested an agenda item regarding the City Center. Council member Scotti seconded the motion, which carried by a vote of 5-2.

FOR: Silvia, Happ, White, Lancaster, Scotti
AGAINST: Gay, Berry

Workshop Agenda Item No. 6 – Council Calendars

Agenda Planning Calendar

- Sept. 19 Intergovernmental Committee, CSISD Administration, Noon
- Sept. 20 Chamber of Commerce Meeting 8:30 am
- Sept. 20 Texas Emerging Technology Fund. GB Conference Center 11:00 am
- Sept. 20 Celebrating the Arts 35 Years of Excellence, Hilton 6:00– 9:00
- Sept. 21 Research Valley Partnership – 3:00 pm
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Council member Berry presented highlights of the Intergovernmental Committee meeting and the Board of Health.

Council member Scotti conveyed comments from the Research Valley Partnership meeting.

Council member Gay presented an outline of the Transportation Committee meeting.

Mayor Silvia expressed comments of the Metropolitan Planning Organization Meeting.

Interim City Manager Glenn Brown presented a summary of the Brazos Animal Shelter Board meeting.

Regular Agenda Item No. 14 – The City Council may convene the executive session following the regular meeting to discuss matters posted on the executive session agenda for September 21, 2005.

At 8:41 p.m., Mayor Silvia announced in open session that the City Council would reconvene into executive session pursuant to Sections 551.071, 551.072, 551.074 and 551.087 of the Open Meetings Act, to seek the advice of our attorney with respect to pending and contemplated litigation, to consider the purchase of real property, the evaluation of a public officer, economic development negotiations.

Regular Agenda Item No. 15 -- Final Action on executive session, if necessary.

Council concluded the executive session at 10:15 pm. They returned to the Council Chambers. No action was taken.

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Regular Agenda Item No 16 -- Adjourn.

Hearing no objections, the meeting adjourned at 10:17 p.m. Thursday, September 21, 2005

APPROVED:

Mayor Ron Silvia

ATTEST:

City Secretary Connie Hooks