



Mayor
Ben White
Mayor Pro Tem
Ron Gay
City Manager
Glenn Brown

Councilmembers
John Crompton
James Massey
Lynn McIlhane
Chris Scotti
David Ruesink

Agenda
College Station City Council
Special Meeting
Tuesday, December 04, 2007 at 2:00 PM
City Hall Council Chamber, 1101 Texas Avenue
College Station, Texas

Special Meeting Items

1. Presentation, possible action, and discussion regarding the 2008 Planning & Zoning Commission Plan of Work.
2. Presentation, possible action and discussion on the performance, progress and future plans of the Bryan/College Station Convention and Visitors Bureau (B/CSCVB).
3. Presentation, possible action, and discussion regarding proposed City Hall and Masterplan for Krenk Tap Road property.
4. Presentation, possible action, and discussion approving an ordinance amending Chapter 1 “General Provisions” of the Code of Ordinances by adding a new section establishing the Municipal Court in College Station, Texas as a Municipal Court of Record, providing for the term and appointment of a judge of the Municipal Court of Record; and authorizing the City Manager or his designee to appoint a municipal court clerk.
5. Presentation, possible action, and discussion regarding Citizen Engagement Policy and the application of Community Problem Solving Model in College Station.
6. Presentation, possible action, and discussion regarding policies related to operations and events at the Wolf Pen Creek Amphitheater.
7. Presentation, possible action and discussion regarding a resolution of the City Council of the City of College Station, Texas, approving and setting fees for Parks and Recreation activities and facilities.
8. Presentation, possible action and discussion regarding public input on capital roadway construction projects.
9. Presentation, possible action, and discussion on the Super Freeport Exemption.
10. Adjourn.

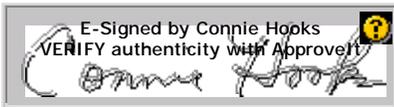
If litigation issues arise to the posted subject matter of this Council Meeting an executive session will be held.

APPROVED:

City Manager

Notice is hereby given that a Special Meeting of the City Council of the City of College Station, Texas will be held on the Tuesday, December 04, 2007 at 2:00 PM at the City Hall Council Chambers, 1101 Texas Avenue, College Station, Texas. The following subjects will be discussed, to wit: See Agenda.

Posted this the 30th day of November, 2007 at 1:30 pm.



City Secretary

I, the undersigned, do hereby certify that the above Notice of Meeting of the Governing Body of the City of College Station, Texas, is a true and correct copy of said Notice and that I posted a true and correct copy of said notice on the bulletin board at City Hall, 1101 Texas Avenue, in College Station, Texas, and the City's website, www.cstx.gov. The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on November 30, 2007 at 1:30 pm and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

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

Dated this ____ day of _____, 2007.

By _____

Subscribed and sworn to before me on this the ____ day of _____, 2007.

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

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

**4 December 2007
Regular Agenda Item 1
2008 Planning & Zoning Commission Plan of Work**

To: Glenn Brown, City Manager

From: Bob Cowell, AICP, Director of Planning and Development Services

Agenda Caption: Presentation, possible action, and discussion regarding the 2008 Planning & Zoning Commission Plan of Work.

Recommendation: Staff recommends endorsement of the items contained within the 2008 P&Z Plan of Work.

Summary: The Planning and Zoning Commission adopted Rules and Procedures state that the Planning and Zoning Commission may adopt a Plan of Work. The Plan of Work should consider future tasks for a prescribed period and be updated and revised annually in coordination with the City Council Strategic Planning process.

Upon presentation of a draft Plan of Work by the Commission in a joint meeting with the City Council and the Planning and Zoning Commission, the Commission may adopt the Plan by majority vote of the members present.

The Planning and Zoning Commission met on October 24th in a mini-retreat specifically scheduled to begin developing its 2008 Plan of Work. As part of the development, the Commission was provided with the estimated workload in which the Planning & Development Services staff would have available to accomplishing the Plan of Work considering the Comprehensive Plan, Council initiated items, and other already programmed items. Through its mini-retreat and its two November Workshops, the Commission identified several items for consideration and has prioritized them accordingly.

A new format is proposed for the 2008 Plan of Work to align with the Department's Strategic Business Plan. Items are assigned within one of four categories: Community & Neighborhood Planning, Data Collection & Analysis, Development Services, and Outreach & Communications. Also, additional descriptions are provided to better track the purpose and progress of each item through the year. A mid-year review of the Plan of Work is anticipated next summer to review the overall progress and adjust items as necessary.

The Planning and Zoning Commission is seeking input from the Council on the Plan of Work and concurrence with the same.

Budget & Financial Summary: N/A

Attachments:

1. 2008 P&Z Plan of Work (draft)

Planning & Zoning Commission 2008 Plan of Work (draft)

Community & Neighborhood Planning

Comprehensive Plan Phase 2	
<p>Summary: Continuation of the update to Comprehensive Plan. Phase 2 results in the formulation and completion of planning documents that contain the chapters or elements of the Comprehensive Plan.</p>	<p>Project Dates: 10/25/07: Council approved resolution for Phase 2 contract 11/8/07: Staff coordination meeting with consultants</p>
Staff Assigned: P&DS Staff	Anticipated Completion: 1st Quarter 2009

Annexation	
<p>Summary: Complete annexation of identified "exempt" areas, including development agreements and service plan. Identify other areas for potential 3-year annexation plan as directed through the Comprehensive Plan.</p>	<p>Project Dates: 11/19/07: Council approved exempt area development agreements and gave approval of pursuing additional ones 12/13/07: Ordinance to Council establishing public hearing dates and authorizing development of service plan.</p>
Staff Assigned: LS, CH	Anticipated Completion: 1st Quarter 2008 (exempt package)

Neighborhood Integrity	
<p>Summary: Council Initiative. Obtain stakeholder input and general consensus for the formulation of appropriate neighborhood integrity and protection measures.</p>	<p>Project Dates: 11/5/07: Council heard staff's proposed neighborhood protection and conservation zoning amendments. 11/19/07: Council heard Texas A&M Student Senate and staff presentations regarding neighborhood issues.</p>
Staff Assigned: LB, BC	Anticipated Completion: 1st Quarter 2008

Capital Improvement Projects	
<p>Summary: Council Initiative. Identify capital projects appropriate for a potential Nov. 2008 bond election in connection with the Capital Improvement Program Citizen Advisory Committee and other future projects as directed through the Comprehensive Plan.</p>	<p>Project Dates:</p>
Staff Assigned: P&DS Staff	Anticipated Completion: 3rd Quarter 2008

Density around the University Area	
<p>Summary: P&Z Initiative. As part of the Comprehensive Plan, consider appropriate densities and land uses surrounding the Texas A&M University campus.</p>	<p>Project Dates:</p>
Staff Assigned: P&DS Staff	Anticipated Completion: 3rd Quarter 2008

Overlays	
<p>Summary: P&Z Initiative. As part of Comprehensive Plan, identify areas that may require additional overlay standards beyond general development requirements.</p>	<p>Project Dates:</p>
Staff Assigned: P&DS Staff	Anticipated Completion: 1st Quarter 2009

Planning & Zoning Commission 2008 Plan of Work (draft)

Redevelopment

Summary: As part of the Comprehensive Plan, identify areas within the City that are identified or encouraged for redevelopment.	Project Dates:
Staff Assigned: P&DS Staff	Anticipated Completion: 1st Quarter 2009

Transportation Plan

Summary: Council Initiative. Conduct analysis of thoroughfare plan in connection with a revised land use plan and other elements part of the Comprehensive Plan.	Project Dates:
Staff Assigned: P&DS Staff	Anticipated Completion: 1st Quarter 2009

Data Collection & Analysis

Indicators

Summary: P&DS Business Plan Initiative. Define and formulate a process that identifies and tracks key indicators and benchmarks to help ensure that activities and decisions are working to accomplish the goals of the Comprehensive Plan.	Project Dates:
Staff Assigned: P&DS Staff	Anticipated Completion: 2nd Quarter 2008

Development Services

Subdivision Regulations

Summary: Council Initiative. Multi-phased effort of ordinance amendments that will integrate the Regulations into the UDO, remove inconsistencies, and include revised processes and standards.	Project Dates: 10/25/07: Council gave direction to staff to proceed with staff recommended growth management strategies.
Staff Assigned: KF, JS, AG	Anticipated Completion: 1st Quarter 2008 (first phase)

Tree Ordinance

Summary: Council Initiative. Evaluate feasibility of implementing tree preservation and protections standards.	Project Dates: 12/13/07: Feasibility of tree preservation ordinance to be present at Council workshop.
Staff Assigned: CH, BC	Anticipated Completion: 2nd Quarter 2008

Subdivision Regulations - differences between City & ETJ

Summary: P&Z Initiative. Present differences in requirements for subdivisions within the City and in the ETJ. Item will be present before and after growth management amendments.	Project Dates:
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Planning & Zoning Commission 2008 Plan of Work (draft)

Staff Assigned: AG

Anticipated Completion: 1st Quarter 2008

Planning & Zoning Commission 2008 Plan of Work (draft)

Traffic Impact Analysis	
Summary: P&Z Initiative. Propose amendments to UDO that will revise the TIA requirements for residential and non-residential projects.	Project Dates: 8/6/07: Council gave direction to formulate ordinance amendments for TIAs.
Staff Assigned: KF	Anticipated Completion: 1st Quarter 2008

Condo Zoning	
Summary: P&Z Initiative. Survey how other zoning ordinances address condo uses and evaluate feasibility of creating a condo zoning district exclusive of other general multi-family districts.	Project Dates:
Staff Assigned: P&DS Staff	Anticipated Completion: 2nd Quarter 2008

Non-residential Architecture Standards (NRA) Results	
Summary: P&Z Initiative. Survey and review the end product of completed non-residential projects that were required to meet the NRA standards adopted in 2004. Item may involve local case studies, P&Z tour of projects, and survey of other cities.	Project Dates:
Staff Assigned: P&DS Staff	Anticipated Completion: 2nd Quarter 2008

Streetscape Update	
Summary: P&Z Initiative. Survey standards of other cities and review effectiveness of existing ordinance, including implementation within city projects and contextual thoroughfares.	Project Dates:
Staff Assigned: P&DS Staff	Anticipated Completion: 2nd Quarter 2008

Employment Zoning	
Summary: P&Z Initiative. Evaluate zoning districts for permitted service/industrial based uses and identify land use characteristics for appropriate placement.	Project Dates:
Staff Assigned: P&DS Staff	Anticipated Completion: 3rd Quarter 2008

Park Development	
Summary: P&Z Initiative. In collaboration with Parks Board, evaluate parking funding and maintenance challenges and how neighborhood and community parks serve the community.	Project Dates:
Staff Assigned: P&DS Staff	Anticipated Completion: 3rd Quarter 2008

Planning & Zoning Commission 2008 Plan of Work (draft)

Contextual Residential Standards

Summary: P&Z Initiative. Explore potential building mass, setback, and standards for residential structures in relation to the context in which they are placed.	Project Dates:
Staff Assigned: P&DS Staff	Anticipated Completion: 4th Quarter 2008

Parking Ordinance Update

Summary: P&Z Initiative. Survey peer cities and evaluate parking standards for different types of uses, particularly standards for shopping centers.	Project Dates:
Staff Assigned: P&DS Staff	Anticipated Completion: 4th Quarter 2008

Outreach & Communications

Joint Subcommittee with City of Bryan P&Z

Summary: P&Z initiative. Explore and seek opportunities for partnership and consistent standards for gateways and corridors common to the City of College Station and City of Bryan.	Project Dates: 10/31/07: Joint P&Z meeting held with City of Bryan
Staff Assigned: P&DS Staff	Anticipated Completion: 1st Quarter 2008

Community Education about Zoning Issues, Processes, etc

Summary: P&DS Business Plan Initiative. Provide additional methods and forums to disseminate planning information, processes, and issues.	Project Dates:
Staff Assigned: P&DS Staff	Anticipated Completion: 3rd Quarter 2008

Outreach & Education via Channel 19 and Website

Summary: P&DS Business Plan Initiative. Enhance the availability and effectiveness of communication planning information and activities on the City's cable channel and website.	Project Dates:
Staff Assigned: P&DS Staff	Anticipated Completion: 3rd Quarter 2008

Planning & Zoning Commission 2008 Plan of Work (draft)

Anticipated Completion of Plan of Work Items						
	Year:		2008			2009
	Quarter:		1st	2nd	3rd	4th
Community & Neighborhood Planning						
Comprehensive Plan Phase 2						X
Annexation	X					X
Neighborhood Integrity	X					
Capital Improvement Projects				X		
Density around the University Area				X		
Overlays						X
Redevelopment						X
Transportation Plan						X
Data Collection & Analysis						
Indicators			X			
Development Services						
Subdivision Regulations	X					X
Tree Ordinance	X					
Subdivision Regulations - differences between City & ETJ	X					
Traffic Impact Analysis	X					
Non-residential Architecture Standards (NRA) Results			X			
Streetscape update			X			
Condo Zoning			X			
Employment Zoning				X		
Park Development				X		
Contextual Residential Standards					X	
Parking Ordinance update					X	
Outreach & Communications						
Joint Subcommittee with City of Bryan P&Z	X					
Outreach & Education via Channel 19 and Website				X		
Community Education about Zoning Issues, Process, etc				X		
Mid-Year Review of Plan of Work						
			X			

December 4, 2007
Regular Agenda Item 2
Bryan/College Station Convention and Visitors Bureau Performance Update

To: Glenn Brown, City Manager

From: David Gwin, Director of Economic and Community Development

Agenda Caption: Presentation, possible action and discussion on the performance, progress and future plans of the Bryan/College Station Convention and Visitors Bureau (B/CSCVB).

Recommendation(s): N/A

Summary: Mr. Barry Biggar, Executive Director, will provide a presentation on the performance, progress and future plans of the Bryan/College Station Convention and Visitors Bureau (B/CSCVB).

City representation on the B/CSCVB Board is realized through the efforts and participation of the following appointments:

Mr. Dave Ruesink, City Council	-	Executive Committee
Mr. Steve Moore	-	Executive Committee
Mr. Scott Shafer	-	Executive Committee
Mr. David Gwin, City of College Station	-	Ex-Officio

Budget & Financial Summary: In FY 2008, the City Council allocated \$1,060,000 in annual funding for the Bryan/College Station Convention and Visitors Bureau (B/CSCVB). The City of College Station is the primary source of funding for this Contract Partner agency and its various tourism development and enhancement activities.

Attachments:

December 4, 2007
Regular Agenda Item 3
Presentation on new City Hall and Masterplan for Krenek Tap Road Property

To: Glenn Brown, City Manager

From: Terry L. Childers, Deputy City Manager

Agenda Caption: Presentation, possible action, and discussion regarding proposed City Hall and Masterplan for Krenek Tap Road property.

Recommendation(s): Council is requested to provide direction to the City Manager to proceed with City Hall project and the Krenek Tap Masterplan.

Summary: Randall Scott and Associates presented the scope definition for a new City Hall and proposed Masterplan for the Krenek Tap property at the November 19 Council meeting. The item has been placed on the agenda to permit the Council to discuss the recommendations in more detail and to provide direction to the City Manager.

Budget & Financial Summary: None

Attachments:

City Manager Report Krenek Tap Property – New City Hall

City Manager Report

Future Development Options Krenek Tap Road Property New City Hall

This report is designed to present for Council discussion options related to the development of the Krenek Tap property and the construction of a new City Hall building.

History and Background

The City has been pursuing the construction of a new City Hall since the late nineties. The useful life of the current Municipal Building has long past. We have pursued solutions to address the need for additional administrative space through several strategies.

- 1) We have acquired land in the Krenek Tap – Texas Avenue – Dartmouth – Central Park area to accommodate the long term land needs of the City. (There are four remaining residential out parcels which we will acquire as soon as the owners express a willingness to sell).
- 2) We have constructed new space in the Krenek Tap area to accommodate our Municipal Court, Utility Customer Service, and Technology departments. This strategy has provided short term relief to our overcrowding challenges.
- 3) Voters approved in November 2003 a \$4 million ballot proposition to build Phase 1 of City Hall (new Council Chamber and some limited administrative space). In discussion with the Council in June 2006, we opted not to Phase the project. During the Council Retreat in June 2006, the City Manager was directed to develop a scope definition for a new City Hall and provide a Masterplan for the Krenek Tap property.
- 4) We allocated funds to finish out the second floor of the Municipal Courts building for Fiscal Services. This will provide space in City Hall to alleviate *cramped quarters* for City Attorney, Public Communications, Planning and Development Services, and Human Resources.

Following Council direction and citizen input we have proceeded on the basis that the new Municipal Building will be located on the Krenek Tap property. The Council authorized a contract with Randall Scott and Associates in March 2007 to undertake a two part study – a) develop a scope definition for the new City Hall; and b) develop a Masterplan for the Krenek Tap property.

Policy Questions for Council

One of the purposes of this report is to frame several key policy issues for Council. From a staff perspective, there are at least seven decision points for Council consideration.

- 1) Does Council want to locate City Hall at Krenek Tap and Dartmouth?
- 2) Does Council want to sale real estate (Spring Creek Business Park, property next to Lick Creek Park, and current City Hall site) to finance City Hall project?
- 3) Is Council willing to issue certificates of obligation to proceed with the project immediately?
- 4) Does Council desire to locate the Conference Center-Hotel on the Texas Avenue location?
- 5) Does Council desire to include retail – commercial space as a part of the site development?
- 6) Does Council desire to locate the Senior Center adjacent to City Hall or locate it within Central Park?
- 7) Does Council want to include LEED standards for City Hall building?

The following discussion is designed to assist Council in your discussions and decisions.

Proposed City Hall Facility

There has been some discussion about the exact location of the facility on the property – Dartmouth, Texas Avenue, or Earl Rudder Freeway. Obviously, it is a policy decision by Council to determine the location of City Hall on the property. It should be pointed out locating the facility on the ball fields in Central Park will require an election by College Station citizens to change the use of the property from Parkland to use as the City Hall site. There will be additional costs to build replacement ball fields on another section of the Krenek Tap property.

Council Discussion from November 19 Meeting

During Council discussion at the November 19th meeting, several points of discussion were identified. Here are my thoughts on the various items:

- * The scope definition presented to Council was intended to provide some basic planning data to define the overall scope and estimated cost for a new facility. It is not intended to be a proposed design for the facility. Many of the actual design decisions will be made once the project is authorized by Council. The scope definition will be used to *guide* the design of the facility in which many of the details about configuration of space and amenities will be determined. The project scope definition provided to Council had three purposes:
 - a) identification of departments to be included in a new City Hall
 - b) relative space requirements for each department included in the new facility
 - c) Estimated cost of the new facility in 2008 dollars
- * The methodology used to determine future space needs considered the following factors:
 - 1) current requirements for each department to be housed in the new facility
 - 2) projected growth needs of the department over the next 10 – 15 year period (adjusted for realism and affordability)
 - 3) gross up of the projected needs by a 10% gross up factor

The original square footage resulting from projected growth in staffing needs resulted in a 69,568 SF facility. Adding the gross up factor, the recommended size of the facility is 74,485. We believe this methodology produces a more realistic requirement for space and is consistent with other

Texas communities who have recent experience in building new City Hall facilities. The consultant was directed to limit the overall size of the facility to a 10-15 year requirement for the staff to be housed in the facility in an effort to control overall cost. This is important since large amounts of shell space, while more cheaply built in today's dollars, has a carry cost which may be more efficiently converted to new space in an associated facility adjacent to the primary City Hall facility.

- * The project scope definition suggests the use of a combination of fixed wall office construction and systems (landscape) furnishings. This approach has a number of benefits both short term and long term.
 - 1) It enhances our flexibility to use the constructed space in City Hall. One of the challenges we currently face is the cost of and inefficiencies of moving fixed wall space in our present facilities. As departmental missions and functions change from time to time, we are confronted with moving walls to adjust for added staff and other administrative functions. Typically, we are required to hire outside contractors to accomplish this work.
 - 2) It increases the efficiency of the space. One of the continuing problem with our current City Hall is that it has been remodeled several times. The heating and air conditioning systems operate at a sub par level because the original design of the HVAC was designed to accommodate a different configuration than in place now. Systems furniture arrangements permit the designed HVAC system to function properly even when the space is rearranged to accommodate changes required by departments in the space.
 - 3) The life cycle cost of Systems furnishings is highly competitive to fixed wall construction. The initial investment is in the range of 1.5 to fixed wall. When consideration is given to the normal repair and maintenance, reconfiguration costs, and energy savings the initial investment is easily recouped over the fifty year life of the building.
- * The scope definition recommends space standards for various offices. In planning for a new facility, it is important to establish clear standards for allocation of space to protect against excessive departmental space allocations. The scope definition accomplishes this by setting size standards for all office spaces throughout the proposed facility.
- * Storage space requirements were identified in the scope based on the use of basic design standards. A more detailed analysis of requirements will be completed as a part of the preliminary construction design of the facility.
- * Estimated value of Texas Avenue property. Brazos County Appraisal District has a value on the Texas Avenue of \$2.2 million.

City Hall Cost Summary

The Randall Scott and Associates scope definition has a cost estimate of \$23,418,641 for a 74,485 SF facility. The cost estimate includes

- * Cost of construction of a shell facility
- * Surface parking for approximately 300 cars (UDO standard)

The cost estimate does not include the following:

- * Furnishings, fixtures and equipment
- * Site development costs for City Hall facility (utilities, site preparation, water feature)
- * Site development and landscaping costs associated with Krenek Tap site (public gathering areas, hike-bike trails, streetscape, etc.)
- * Design fees
- * Owner permits, fees, and construction management
- * Inflationary cost

The cost estimate for a complete facility is estimated at \$30,558,632. This estimate is based on the Randall Scott and Associates cost estimate(\$23,418,641) plus required project costs in the amount of \$3,365,666. An additional \$1,045,883 is included in the estimate for inflation. This inflationary adjustment assumes the award of a construction contract in mid 2009. The cost estimate also includes the cost to make City Hall LEED (Leadership in Energy, Environmental and Design) compliant. (LEED standards are achieved in five categories - water efficiency, energy and atmosphere, materials and resources, sustainable sites, and indoor environmental quality. LEED compliance is estimated at two percent of the project construction cost or \$468,373).

Funding City Hall Project

It goes without saying, the City Hall project is a big project. It is not the typical municipal project in terms of scope, cost, or importance. Funding the project will require vision, restraint, and courage. The proposed funding of the project has several facets.

The project as now conceived totals \$30.6 million (with LEED standards). The project can be funded through the sale 2003 GO Bond authorization (\$4 million) selling 3 parcels of land (existing City Hall site; land adjacent to Lick Creek Park; and Spring Creek Business Park) and reprogramming funds set aside to complete the second floor of Municipal Court building.

Total Project Cost	30,600,000
74,485 SF facility	
Funding sources:	
2003 GO Bond authority	4,000,000
Sale of existing City Hall site	7,700,000
Sale parcel adjacent to Lick Creek Park	1,250,000
Sale Spring Creek Business Park	15,875,000
Municipal Court Building Renovation funding	1,775,000
Available resources	30,600,000

** Note: The sale of Spring Creek property will require the development of a Masterplan and construction of infrastructure to maximize the sales price. The \$15.875 million is the net sales price after funding infrastructure and pre-development costs. As a finished ready for development tract, the parcel is likely to generate \$18-20 million in value. We estimate it could take 3-5 years to sale the property.

It should also be noted, utilizing the sales proceeds from Spring Creek to pay off debt for City Hall will preclude the use of sales proceeds in connection with the Conference Center – Hotel.



Krenek Tap Master Plan

This section of the report is dedicated to the Masterplan for the Krenek Tap property. The City has been visionary in assembling the Krenek Tap site. Unlike other communities, we have assembled prime real estate which will serve our community needs for generations to come. Our big challenge is to use the same visionary leadership to plan for the future use of the property.

Randall Scott and Associates has prepared a proposed Masterplan which addresses the future development of the site. Based on Council discussion at the November 19th Council meeting, there appears to be a consensus on Scheme A (see Scheme A in Exhibit section). I will focus my comments on Scheme A.

Masterplan Objectives

The Masterplan has three objectives.

- 1) To provide overall guidance to develop the Krenek Tap property for its highest and best use for the citizens of College Station.
- 2) To identify spatial and aesthetic relationship between facilities and site amenities
- 3) To define the character of the area as a major component of the community's character

Masterplan Summary and Recommendations

The Masterplan offers several exciting elements for consideration by Council.

- * Development of the Bee Creek Hike and Bike Trail through the property. The plan suggests connecting the Bee Creek Trail system to the trail system in Central Park to provide a continuous trail system for Bee Creek. The Trail as envisioned in the plan suggests passive recreational uses in the floodway and preservation of green space to enhance the character of the site.
- * The placement of municipal facilities in the center of the site (Dartmouth and Krenek Tap). This location provides adequate space to build the proposed City Hall, Senior Center, and future administrative space (Fire Administration, Police Headquarters, future growth needs of City Hall departments) to accommodate as many as three additional office buildings.
- * The plan suggests the creation of a major water feature as a major site amenity. This proposal lends itself to the existence of a major borrow area created in conjunction with the construction of Dartmouth bridge across Bee Creek.
- * Conference Center – Hotel location on Texas Avenue. This proposal provides the opportunity to proceed with the development of this critical project should the Council agree this is a site worthy of serious consideration. A complete presentation on the suggested site can be presented to Council in the near future.

- * Senior Center co-located with City Hall and other future administrative offices. At my direction, the consultant included the Senior Center in the civic center site. This is an issue which the Council may want to address in your discussions.

- * Live, work and play space. The Masterplan suggests the inclusion of small scale retail, commercial, and residential space as a part of the plan. There has been discussion within the community for several years about the potential of including such space in the Krenek Tap project site. This proposal has merit. If it can be assumed that the Conference Center and Hotel are located on the site together with the City Hall and the opening of Dartmouth to Texas Avenue, there will likely be demand for space of this nature. Development of the space in a thoughtful and sensitive manner could provide an important node of commerce which could be used to provide cash flow to fully develop the site using revenue from the development. If a project can be developed as a Town Center similar to Woodlands and Sugarland, it would create a valuable community asset. In many ways, it will assist us with the Council Strategic Issue of being a destination city – a *cool city*.

During Council discussion on November 19th, several issues were raised. I want to provide my thoughts on each of the issues.

- 1) Inclusion of Open Green Space on the site. Scheme A has as one of its strong design elements the inclusion of generous open and green space. Additional green space will become available as the Public Works Center and Police Station are relocated in future phases of the Masterplan implementation. Adequate space is available on the site to create public gathering places, open green space, and significant public places.

- 2) Inclusion of Conference Center – Hotel in the site. We have had several attempts to site a Conference Center – Hotel. One of our biggest challenges has been to acquire sufficient land on which to build a first class facility. The distinct advantage to locating the facility on the Krenek Tap property is that we own and control the site. The cost of the facility will be reduced by as much as \$7-8 million. Staff analysis indicates the facility at this location will serve the convention industry very well. Should Council desire a more detailed presentation to discuss the merit for the Krenek Tap location, I will schedule a briefing.

- 3) Inclusion of retail – commercial in the project site. Obviously, this is a major policy question for Council. Scheme A creates a critical mass of facilities on the Krenek Tap property to support retail development. Retail will not be viable if the Conference Center-Hotel is not located on the site.

Senior Center

The Council may desire to consider whether the location of the Senior Center should be co-located with the City Hall and future administrative space. One consideration is to place the facility in Central Park itself near the current Parks Administration Building. The nature of usage planned for the Senior building may be better served within the park site as opposed to in the administrative area contemplated by Scheme A.

Recommendations

Here are my recommendations for Council consideration and discussion:

- 1) I recommend the new City Hall be located at Krenek Tap and Dartmouth. This location has the several benefits. It is the best location for us to plan for future expansion needs. We can ill afford to invest in a new facility which is land locked in the mid range time frame. This location provides the best opportunity for us to maximize the use of the Krenek Tap property in the long term by providing for opportunities to locate other community facilities on the site – Conference Center – Hotel.
- 2) I recommend we design and construct a facility which is representative of College Station and its commitment to quality and excellence. This is not a facility which should be viewed as simply another government building. It needs to be a quality facility which makes a statement about our community as a whole.
- 3) I recommend we fund the new City Hall through issuing \$24.8 million in Certificates of Obligation to be repaid through the sale of City owned land.
- 4) I recommend Scheme A as the Masterplan for the property. I believe the proposal offers the best solution to maximize the highest and best use of the property to the benefit of College Station citizens.

Conclusions

I am excited about the opportunity to work with Council to develop the Krenek Tap property. I look forward to answering your questions and obtain your direction on this critical policy issue.

**December 4, 2007
Regular Agenda Item 4
Municipal Court of Record**

To: Glenn Brown, City Manager

From: Edward J. Spillane, Presiding Municipal Judge

Agenda Caption: Presentation, possible action, and discussion approving an ordinance amending Chapter 1 "General Provisions" of the Code of Ordinances by adding a new section establishing the Municipal Court in College Station, Texas as a Municipal Court of Record, providing for the term and appointment of a judge of the Municipal Court of Record; and authorizing the City Manager or his designee to appoint a municipal court clerk.

Recommendation(s): Staff recommends approval of ordinance establishing a municipal court of record in College Station.

Summary: At present, our municipal court is not a court of record. Anyone appealing cases heard at College Station Municipal Court must have their case start all over in the county court at law – basically eliminating the jury trial or bench trial heard in our municipal court. A municipal court of record may be established pursuant to the authority granted in Subchapter A, Chapter 30 of the Government Code. A municipal court of record has concurrent jurisdiction with any justice court in any precinct in which the City of College Station is located for criminal cases that arise within the City and are punishable only by fine. The city would maintain local control over ordinances and offenses because of fewer appeals and if the case is appealed and the judgment affirmed, the city's fine would be imposed with the city receiving the revenue. A court of record would further allow search warrants to be signed by the Municipal Judge and adds nuisance ordinances to the municipal court jurisdiction.

Budget & Financial Summary: The cost of recording equipment is approximately \$5000 which could be paid from the Efficiency Time Payment Fee Fund. In the event of an appeal, the defendant would be responsible for paying a transcript preparation fee of \$25 plus any associated costs for the actual transcript of the proceedings.

Attachments:

1. Ordinance establishing Court of Record in College Station
2. Texas Court of Records Education Center report
3. Advantages and Disadvantages of Creating a Municipal Court of Record

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 1, "GENERAL PROVISIONS", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY ADDING A NEW SECTION ESTABLISHING THE MUNICIPAL COURT IN COLLEGE STATION, TEXAS, AS A MUNICIPAL COURT OF RECORD, PROVIDING FOR THE TERM AND APPOINTMENT OF A JUDGE OF THE MUNICIPAL COURT OF RECORD; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPOINT A MUNICIPAL COURT CLERK; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND A REPEALER CLAUSE; PROVIDING FOR PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of College Station, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the TEXAS CONSTITUTION and Chapter 9 of the LOCAL GOVERNMENT CODE; and

WHEREAS, Chapter 30 of the TEXAS GOVERNMENT CODE authorizes College Station to establish its municipal court as a municipal court of record; and

WHEREAS, the City Council of the City of College Station deems it necessary to establish a municipal court of record to provide a more just and efficient disposition of cases arising in the City; and

WHEREAS, the City Council wishes to provide for a more effective means to enforce the laws of the State of Texas and the ordinances and laws of College Station; now, therefore,

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

PART 1: That Chapter 1, "General Provisions", of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A" attached and made a part of this ordinance for all purposes.

PART 2: All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

PART 3: Said Ordinance shall become effective on January 1, 2008, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this _____ day of December, 2007.

APPROVED:

MAYOR

ATTEST:

City Secretary

APPROVED:



City Attorney

EXHIBIT "A"

That Chapter 1, "General Provisions", of the Code of Ordinances of the City of College Station, Texas, is hereby amended by adding a new Section 31, "Municipal Court of Record" as set out hereafter to read as follows:

"SECTION 31: MUNICIPAL COURT OF RECORD

- A. The City Council hereby establishes the College Station Municipal Court as a municipal court of record in order to provide a more efficient disposition of cases arising in the City and in order to more effectively enforce the ordinances of the City, and shall be known as the Municipal Court of Record in the City of College Station.
- B. The Municipal Court of Record is established pursuant to the authority granted in Subchapter A, Chapter 30, of the GOVERNMENT CODE of the State of Texas, and specifically granted all jurisdictional powers set out in Section 30.00005, Jurisdiction, and the Uniform Municipal Courts of Records Act. The terms set forth therein are hereby adopted governing the operation of said court.
- C. The Municipal Court of Record shall have concurrent jurisdiction with any justice court in any precinct in which the City of College Station is located in criminal cases that arise within the City and are punishable only by fine.
- D. The Municipal Court of Record shall be presided over by a Municipal Judge who shall be appointed by the City Council for a term of two (2) years. The Municipal Judge must be a licensed attorney in good standing in the State of Texas and must have two or more years of experience in the practice of law in Texas. The judge must be a citizen of the United States and of the State of Texas.
- E. The Municipal Judge shall be the presiding judge of the Municipal Court of Record in the City of College Station. Associate Municipal Judges may be appointed as provided by Section 28 of the City Charter. Associate Municipal Judges shall meet the same qualifications as the Municipal Judge.
- F. The City Manager or his designee shall appoint a Clerk of the Municipal Court of Record who shall perform duties in accordance with state law, the City Charter and City ordinances. During proceedings of the court, the Clerk and other court personnel shall serve at the direction of the

Municipal Judge. At all other times, they shall serve at the direction and supervision of the City Manager who shall have the authority to remove the Court Clerk or the court personnel according to rules set forth in the City's personnel policies.

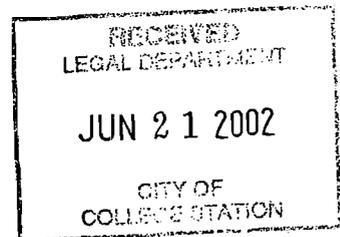
- G. The Municipal Judge shall continue in office through the expiration of his current term.
- H. The City Manager or his designee shall retain a court reporter who must meet the qualifications provided by law for official court reporters. The court reporter or court staff may use written notes, transcribing equipment, video or audio recording equipment, or a combination of those methods to record the proceedings of the court. The record shall be kept for a twenty (20) day period beginning the day after the last day of the court proceeding, trial or denial of motion for new trial, whichever occurs last. The court reporter is not required to be present during proceedings of the Municipal Court of Record, provided that proceedings that are required to be recorded are recorded by a good quality electronic recording device.
- I. The Municipal Judge shall supervise and control the operation and clerical functions of the administrative department of the Municipal Court, including the court's personnel, during the proceedings or docket of the court. At all other times, the operation and clerical functions of the administrative department of the Municipal Court shall be under the supervision and direction of the City Manager or his designee.
- J. The Municipal Judge shall supervise the selection of persons for jury service.
- K. In the event of an appeal, the appellant shall pay a transcript preparation fee in the amount of Twenty-five Dollars (\$25.00). The transcript preparation fee does not include the fee for an actual transcript of the proceedings. The Clerk shall note the payment of the fee on the docket of the court. If the case is reversed on appeal, the fee shall be refunded to the appellant. In addition to the transcript preparation fee, the fee for the actual transcript of the proceedings and statement of facts must be paid by the appellant, pursuant to GOVERNMENT CODE §30.00014 and §30.00019.
- L. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance, and amendments thereto, shall be hereby preserved for the benefit of the City

- M. It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this Ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional by the valid judgment or decree of any court of competent jurisdiction such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Ordinance, except for the provisions for appointment and direction and control by the City Manager of the “Clerk of the Municipal Court of Records”, in Sections F and I. Should these provisions be declared invalid, the Court shall immediately revert back to a “Municipal Court” as it currently exists, with the “Clerk of the Municipal Court” being appointed by the City Manager and this entire ordinance shall be of no force and effect.”

FUNDED BY A GRANT FROM THE
TEXAS COURT OF CRIMINAL APPEALS

**TEXAS MUNICIPAL COURTS
EDUCATION CENTER**

1601 RIO GRANDE, SUITE 550 AUSTIN, TEXAS 78701
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FAX (512) 435-6118



COURTS OF RECORD: HB731

Presented by

**Dottie Palumbo
Assistant General Counsel
Texas Municipal League
Austin**

**Lauren O'Connor
Chief Prosecutor
San Antonio**

**Mike Chitty
Assistant Chief Prosecutor
Houston**

**Betsy Elam
Taylor Olson, Adkins, Sarlla and Elam
Fort Worth**

TMCEC is a project of the Texas Municipal Courts Association

Courts of Record (from Chapter 30, Government Code)

Addison	/ *Flower Mound	Lubbock
Amarillo	Fort Worth	Mansfield
Arlington	? Garland	Marshall
Austin	Grand Prairie	Midland
Burleson	/ Grapevine	Odessa
Carrollton	*Hill Country Village	Pantego
Coppell	Houston	Richardson
Crowley	Hurst	*Rio Bravo
/ Dallas	Irving	River Oaks
Dalworthington Gardens	Kennedale	/ Rowlett → <i>East Side of Dallas</i>
Denton	Lake Worth	San Antonio
El Paso	Lewisville	Sansom Park
Eules	*Live Oak	Sweetwater
*Farmers Branch	Longview	*Tyler
		White Settlement
		Wichita Falls

*76th Legislative Session

Key Issues and Concerns To Consider When Creating a Court of Record:

Benefits:

- Trial de novo eliminated on appeals.
- Decline in number of appeals to county and dismissals at county level.
- Reduce burden on county court system.
- Adds integrity to the municipal system - no automatic skip past municipal court and hope that the county is too busy to hear the case! (Art. 27.14(b), C.C.P.)
- City maintains local control over ordinances and offenses within jurisdiction because of fewer appeals and if case appealed and judgment affirmed, city's fine is imposed.
- Improved police officer morale. Some cities have reported an increase in the number of tickets filed.
- Reduce police officers' overtime or salary expense to testify on appeals.
- Reduce time spent in court by city inspectors and other witnesses.
- Reduce time spent processing appeals by court support personnel.
- Court of record judge can sign evidentiary search warrants for "mere evidence" (Sec. 18.01(h), C.C.P.)
- Increase in revenue because of fewer appeals. Fines and city's portion of court costs remain with city when judgment affirmed on appeal.
- It is reasonable to expect that projected revenue increase will offset expense of increased staffing, office and courtroom space, and capital purchases.

Costs:

- More formalized proceeding may be threatening to pro se defendants.
- Attorney judge required.
- Additional court support personnel to assist with recording devices, record keeping, and more trials.
- Additional office space and more formal courtroom may be necessary.
- More paperwork.

Other Issues to Consider:

- El Paso and Dallas have Municipal Courts of Appeal
- May change selection, term, duties and powers and removal of judge.
- May change organizational relationships between judges and clerks.
- Some will argue that courts of record raise the costs of operating a court by requiring a prosecutor in court when a case goes to trial. Many do not realize that the Code of Criminal Procedure actually requires that the state be represented by counsel (a prosecutor or prosecutor pro tem). See Art. 45.031, C.C.P. In the past, some smaller courts have relied on a provision that allowed the justice to examine the witnesses rather than having a prosecutor present to present the state's case. In 1999, this provision (Art. 45.36, C.C.P.) was deleted and replaced by 45.031.

created by city ordinance

responsibility for appeals still in county atty's office

not supervised by judge - some establishing written order from judge to prosecutor then proceed with

Did You Know...

-
- The majority of the courts with populations over 50,000 (per 1990 Census) are courts of record.
 - That there are 44 out of 853 municipal courts of record in Texas (authorized and listed under Chapter 30, G.C.).
-
- That the Dallas (Section 30.00811, G.C) and El Paso (Section 30.0136-30.00147 G.C.) subchapters create municipal courts of appeal.
 - That the El Paso municipal judges may conduct marriage ceremonies in the city (Section 30.00123, G.C.).
 - That new general provision in Chapter 30 of the Government Code (Section 30.00085) outlines the removal of a municipal judge in a general law municipality by the procedure for the removal of mayors and aldermen under Section 21.002, L.G.C.
 - Judges in courts of record have authority to issue writs of mandamus and habeas corpus. (Sec. 30.0006(e), G.C.) Judges in non-record courts do not have this authority. See Art. 11.05, C.C.P.
 - Municipal courts of record have jurisdiction over city ordinance violations authorized by Sections 215.072, 217.042, 341.903, and 401.002, L.G.C. (Section 30.00005, G.C.) Those Sections provide:
 - A municipality is permitted to inspect dairies, slaughterhouses or slaughter pens in or outside the municipal limits from which milk or meat is furnished to the residents of the municipality. (Section 215.072, L.G.C.)
 - A municipality may define and prohibit any nuisance within the limits of the municipality and within 5,000 feet outside the limits and may enforce all ordinances necessary to prevent and summarily abate and remove a nuisance. (Section 217.042, L.G.C.)
 - A home-rule municipality may police the following areas owned by and located outside the municipality: (1) parks and grounds; (2) lakes and land contiguous to and used in connection with a lake; and (3) speedways and boulevards. (Section 341.903, L.G.C.)

--A home-rule municipality may prohibit the pollution or degradation of the city's water supply and provide protection of and police watersheds. The statute further provides that the authority granted by this statute may be exercised inside the city boundaries and in the extra-territorial jurisdiction only if the city is required to meet certain other state or federal requirements. The authority granted under this statute regarding the protection or recharge areas may be exercised outside the city boundaries within the extra-territorial limits provided that the city has a population greater than 750,000 and the ~~groundwater constitutes more than 75 percent of the city's water supply.~~
(Section 401.002, L.G.C.)

Disposition of Cases in Courts of Record--FY 99

CITY	Number of Months Reported	1990 Population	CASES FILED				CASES DISPOSED				CASES APPEARED				REVENUE In (\$)		
			Traffic		Non-Traffic		Traffic		Non-Traffic		Non-Traffic		State			City	
			Parking	Ord.	State	Ord.	Parking	Ord.	Parking	Ord.	Parking	Ord.	Law	Ord.		Law	Ord.
Houston	12	1,630,553	872,775	310,676	228,484	31,048	1,442,494	184,713	274,362	65,987	0	0	0	0	53,296,399		
Dallas	12	1,006,877	373,385	21	81,651	33,991	305,397	36	56,323	22,561	0	0	0	26,939,933			
San Antonio	12	935,913	260,462	87,737	28,825	14,365	327,411	63,762	24,287	13,457	0	0	0	22,149,164			
El Paso	12	515,342	182,788	62,704	5,836	3,124	113,321	39,225	2,138	2,159	0	0	0	16,239,236			
Austin	12	465,622	231,804	174,090	44,977	11,819	232,074	137,403	26,579	6,378	24	26	68	23,151,067			
Fort Worth	12	447,619	267,842	75,819	27,682	14,188	240,633	50,531	23,148	10,804	3	3	2	17,083,470			
Arlington	12	261,721	86,670	8,118	8,711	4,105	75,087	4,265	17,748	3,194	0	0	0	7,878,193			
Lubbock	12	186,206	63,276	60,446	29,558	3,214	61,811	54,196	25,863	3,658	0	0	0	6,273,378			
Garland	12	180,690	73,514	771	12,029	2,110	53,974	8,902	8,902	372	0	0	0	3,960,136			
Anaheim	12	157,615	54,230	5,578	4,470	2,151	45,870	6,581	3,146	1,880	0	0	0	3,381,580			
Irvine	12	155,037	98,236	5,468	5,428	1,587	72,838	3,090	4,586	1,267	0	0	0	9,128,235			
Grand Prairie	12	99,239	39,830	290	4,845	1,779	25,035	159	5,620	1,179	0	0	0	1,498,814			
Wichita Falls	12	89,699	14,821	1,227	4,488	1,904	15,363	1,221	3,544	1,421	0	0	0	1,654,724			
Odesa	12	89,443	32,233	14,871	5,990	2,062	9,694	9,562	2,084	588	0	0	0	2,371,762			
Midland	12	75,455	19,277	8,347	5,994	687	6,694	428	1,520	728	0	0	0	2,487,805			
Carrollton	12	75,455	45,938	414	1,688	829	17,396	478	1,300	1,176	0	0	0	4,883,047			
Tyler (new)	11	74,840	34,300	1,780	2,206	1,773	39,206	15,322	931	1,100	73	46	2	4,351,872			
Richardson	12	66,270	15,126	6,097	1,871	495	10,227	6,262	1,366	633	0	0	0	1,735,026			
Longview	12	38,149	31,749	8,059	8,357	859	29,018	4,391	7,212	907	0	0	0	2,214,847			
Levellille	12	46,521	19,787	1,264	2,455	2,596	17,233	751	1,888	282	0	0	0	2,609,025			
Eufaula	12	29,202	27,706	287	2,429	530	25,914	248	2,161	415	0	0	0	1,379,965			
Burst	12	33,574	11,904	206	4,872	645	9,918	124	3,745	444	0	0	0	2,393,183			
Grapevine	12	24,250	24,085	9,731	1,114	413	23,523	3,692	1,076	288	0	0	0	1,692,635			
Farmers Branch (new)	12	23,682	27,108	1,862	619	606	25,777	1,957	460	557	0	0	0	435,657			
Marshall	12	23,268	2,917	20	1,696	179	3,342	17	775	133	0	0	0	937,442			
Crowlett	12	16,881	7,843	212	3,090	239	8,514	244	2,194	334	0	0	0	1,001,200			
Coppell	12	16,113	7,459	1,542	443	341	7,493	1,511	467	325	29	9	3	800,951			
Burleson	12	15,607	9,186	83	974	193	9,907	71	833	173	0	0	0	677,185			
Manfield	12	15,527	5,059	46	2,489	33	5,082	45	1,742	22	0	0	0	855,972			
Flower Mound (new)	12	15,472	8,310	145	2,283	890	7,614	115	1,604	479	1	1	7	46,028			
White Settlement	1	15,472	437	0	226	25	327	0	232	3	60	34	0	101,385			
Sweetwater	12	11,967	1,700	6	720	23	1,587	7	513	19	0	0	0	602,449			
Live Oak (new)	12	10,022	9,703	164	1,869	124	6,051	185	1,176	148	0	0	0	885,683			
Live Oak (new)	12	8,783	6,405	1,734	955	64	7,032	1,170	1,199	63	0	0	0	189,818			
Addicks	12	6,974	2,378	0	711	69	2,328	0	548	68	0	0	0	498,318			
Crowley	12	6,580	4,464	11	1,056	292	3,532	14	940	268	0	0	0	864,526			
River Oaks	12	4,591	5,706	1,211	496	123	5,326	706	1,810	121	0	0	0	107,238			
Lake Worth	12	4,096	1,744	3	182	209	1,795	1	257	297	0	0	0	514,589			
Kennedale	8	3,928	3,706	26	996	30	4,584	19	920	23	0	0	0	163,191			
Parlange	12	2,371	3,236	0	133	10	4,338	0	130	9	0	0	0	...			
Dalworthington Gardens	9	1,758	...	...	...	...	...	...	...	...	...	...	...	...
Hill Country Village (new)	0	not available	...	...	...	...	...	...	...	...	...	...	...	...
Rio Bravo (new)	0	not available	...	...	...	...	...	...	...	...	...	...	...	...
Total		7,047,579	3,006,750	868,704	546,857	140,839	3,364,201	603,343	521,788	156,603	4,146	87	268	146	235,060,970		

ORDINANCE NO. _____

AN ORDINANCE ESTABLISHING THE MUNICIPAL COURT IN RED OAK AS A MUNICIPAL COURT OF RECORD, PROVIDING FOR THE TERM AND APPOINTMENT OF A JUDGE OF THE MUNICIPAL COURT OF RECORD; AUTHORIZING THE CITY MANAGER TO APPOINT A MUNICIPAL COURT CLERK; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SEVERABILITY CLAUSE; PROVIDING A SAVINGS CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Red Oak, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, Chapter 30 of the Texas Government Code authorizes Red Oak to establish its municipal court as a municipal court of record; and

WHEREAS, the City Council of the City of Red Oak deems it necessary to establish a municipal court of record to provide a more efficient disposition of cases arising in the city; and

WHEREAS, the City Council wishes to provide for a more effective means to enforce the ordinances and laws of the City of Red Oak.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF RED OAK, TEXAS:

SECTION 1.

The City Council hereby establishes the Red Oak municipal court as a municipal court of record in order to provide a more efficient disposition of cases arising in the city, and in order to more effectively enforce the ordinances of the city. The municipal court

shall become a court of record from and after the 1st day of October, 1999, and shall be known as The Municipal Court of Record in the City of Red Oak.

SECTION 2.

~~This municipal court of record is established pursuant to the authority granted in Subchapter A, Chapter 30, of the Government Code of the State of Texas, known as the Uniform Municipal Courts of Record Act, and the terms set forth therein are hereby adopted governing the operation of said court.~~

SECTION 3.

The court shall have concurrent jurisdiction with any justice court in any precinct in which the City of Red Oak is located in criminal cases that arise within the city and are punishable only by fine.

SECTION 4.

The municipal court of record shall be presided over by a municipal judge who shall be appointed by the city council for a term of two (2) years. The municipal judge must be a licensed attorney in good standing in the state of Texas, and must have two or more years of experience in the practice of law in Texas. The judge must be a citizen of the United States and of the state of Texas.

SECTION 5.

The city manager shall appoint a clerk of the municipal court of record who shall perform duties in accordance with state law, the city charter and city ordinances. During proceedings of the court, the clerk and other court personnel shall serve at the direction of the municipal court judge. At all other times they shall serve at the direction and

supervision of the city manager who shall have the authority to remove the court clerk or other court personnel according to rules set forth in the city's personnel policies.

SECTION 6.

The municipal judge shall continue in office through the expiration of his current term.

SECTION 7.

The municipal court clerk shall appoint a court reporter who must meet the qualifications provided by law for official court reporters. The court reporter or court staff may use written notes, transcribing equipment, video or audio recording equipment, or a combination of those methods to record the proceedings of the court. The court reporter or court staff are not required to record testimony in any case unless the judge or one of the parties requests a record in writing, and files the request with the court before trial. If a record is made, it shall be kept for the twenty (20) day period beginning the day after the last day of the court proceeding, trial or denial of motion for new trial, whichever occurs last. The court reporter is not required to be present during proceedings of the municipal court of record, provided that proceedings that are required to be recorded are recorded by a good quality electronic recording device.

SECTION 8.

The municipal judge shall supervise and control the operation and clerical functions of the administrative department of the municipal court, including the court's personnel, during the proceedings or docket of the court. At all other times, the operation and clerical

functions of the administrative department of the municipal court shall be under the supervision and direction of the city manager.

SECTION 9.

The municipal judge shall supervise the selection of persons for jury service.

SECTION 10.

In the event of an appeal, the appellant shall pay a transcript preparation fee in the amount of \$25. The transcript preparation fee does not include the fee for an actual transcript of the proceedings. The clerk shall note the payment of the fee on the docket of the court. If the case is reversed on appeal, the fee shall be refunded to the appellant. In addition to the transcript preparation fee, the fee for the actual transcript of the proceedings and statement of facts must be paid by the appellant, pursuant to Government Code §30.00014 and §30.00019.

SECTION 11.

This ordinance shall be cumulative of all provisions of ordinances of the City of Red Oak, Texas, except where the provisions of this ordinance are in direct conflict with the provisions of such ordinances, in which event the conflicting provisions of such ordinances are hereby repealed.

SECTION 12.

It is hereby declared to be the intention of the City Council that the phrases, clauses, sentences, paragraphs and sections of this ordinance are severable, and if any phrase, clause, sentence, paragraph or section of this ordinance shall be declared unconstitutional

by the valid judgment or decree of any court of competent jurisdiction, such unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this ordinance, since the same would have been enacted by the City Council without the incorporation in this ordinance of any such unconstitutional ~~phrase, clause, sentence, paragraph or section.~~

SECTION 13.

This ordinance shall be in full force and effect from and after its passage as required by law, and it is so ordained.

PASSED AND APPROVED ON THIS _____ DAY OF _____, 1999.

MAYOR

ATTEST:

CITY SECRETARY

EFFECTIVE: _____

APPROVED AS TO FORM AND LEGALITY:

City Attorney

ORDINANCE NO. 976

AN ORDINANCE OF THE CITY COUNCIL OF PEARLAND, TEXAS, ESTABLISHING THE MUNICIPAL COURT IN PEARLAND, TEXAS, AS A MUNICIPAL COURT OF RECORD, PROVIDING FOR THE TERM AND APPOINTMENT OF A JUDGE OF THE MUNICIPAL COURT OF RECORD; AUTHORIZING THE CITY MANAGER OR HIS DESIGNEE TO APPOINT A MUNICIPAL COURT CLERK; PROVIDING THAT THIS ORDINANCE SHALL BE CUMULATIVE OF ALL ORDINANCES; PROVIDING A SAVINGS CLAUSE, A SEVERABILITY CLAUSE, AND A REPEALER CLAUSE; PROVIDING FOR CODIFICATION, PUBLICATION AND AN EFFECTIVE DATE.

WHEREAS, the City of Pearland, Texas is a home rule city acting under its charter adopted by the electorate pursuant to Article XI, Section 5 of the Texas Constitution and Chapter 9 of the Local Government Code; and

WHEREAS, Chapter 30 of the Texas Government Code authorizes Pearland to establish its municipal court as a municipal court of record; and

WHEREAS, the City Council of the City of Pearland deems it necessary to establish a municipal court of record to provide a more efficient disposition of cases arising in the City; and

WHEREAS, the City Council wishes to provide for a more effective means to enforce the ordinances and laws of Pearland; now, therefore.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PEARLAND, TEXAS:

Section 1. The City Council hereby establishes the Pearland Municipal Court as a ~~municipal court of record in order to provide a more efficient disposition of cases arising in~~ the City, and in order to more effectively enforce the ordinances of the City. The municipal court shall become a court of record from and after the 15th day of August, 2000, and shall be known as The Municipal Court of Record in the City of Pearland.

ORDINANCE NO. 976

Section 2. This municipal court of record is established pursuant to the authority granted in Subchapter A, Chapter 30, of the Government Code of the State of Texas, known as the Uniform Municipal Courts of Record Act, and the terms set forth therein are hereby adopted governing the operation of said court.

Section 3. The court shall have concurrent jurisdiction with any justice court in any precinct in which the City of Pearland is located in criminal cases that arise within the City and are punishable only by fine.

Section 4. The municipal court of record shall be presided over by a municipal judge who shall be appointed by the City Council for a term of four (4) years. The municipal judge must be a licensed attorney in good standing in the State of Texas, and must have two or more years of experience in the practice of law in Texas. The judge must be a citizen of the United States and of the State of Texas.

Section 5. The city manager or his designee shall appoint a clerk of the Municipal Court of Record who shall perform duties in accordance with state law, the City Charter and City ordinances. During proceedings of the court, the clerk and other court personnel shall serve at the direction of the municipal court judge. At all other times they shall serve at the direction and supervision of the city manager who shall have the authority to remove the court clerk or other court personnel according to rules set forth in the City's personnel policies.

Section 6. The municipal judge shall continue in office through the expiration of his current term.

Section 7. The city manager shall appoint a court reporter who must meet the qualifications provided by law for official court reporters. The court reporter or court staff

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may use written notes, transcribing equipment, video or audio recording equipment, or a combination of those methods to record the proceedings of the court. The court reporter or court staff are not required to record testimony in any case unless the judge or one of the parties requests a record in writing, and files the request with the court before trial. If a record is made, it shall be kept for the twenty (20) day period beginning the day after the last day of the court proceeding, trial or denial of motion for new trial, whichever occurs last. The court reporter is not required to be present during proceedings of the municipal court of record, provided that proceedings that are required to be recorded are recorded by a good quality electronic recording device.

Section 8. The municipal judge shall supervise and control the operation and clerical functions of the administrative department of the municipal court, including the court's personnel, during the proceedings or docket of the court. At all other times, the operation and clerical functions of the administrative department of the municipal court shall be under the supervision and direction of the city manager or his designee.

Section 9. The municipal judge shall supervise the selection of persons for jury service.

Section 10. In the event of an appeal, the appellant shall pay a transcript preparation fee in the amount of Twenty-five Dollars (\$25.00). The transcript preparation fee does not include the fee for an actual transcript of the proceedings. The clerk shall note the payment of the fee on the docket of the court. If the case is reversed on appeal, the fee shall be refunded to the appellant. In addition to the transcript preparation fee, the fee for the actual transcript of the proceedings and statement of facts must be paid by the appellant, pursuant to Government Code §30.00014 and §30.00019.

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Section 11. Savings. All rights and remedies which have accrued in favor of the City under this Ordinance and amendments thereto shall be and are preserved for the benefit of the City.

Section 12. Severability. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid, unconstitutional or otherwise unenforceable by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions thereof.

Section 13. Repealer. All ordinances and parts of ordinances in conflict herewith are hereby repealed but only to the extent of such conflict.

Section 14. Codification. It is the intent of the City Council of the City of Pearland, Texas, that the provisions of this Ordinance shall be codified in the City's official Code of Ordinances as provided hereinabove.

Section 15. Publication and Effective Date. The City Secretary shall cause this Ordinance, or its caption, to be published in the official newspaper of the City of Pearland, upon passage of such Ordinance. The Ordinance shall become effective September 1, 2000.

ORDINANCE NO. 976

PASSED and APPROVED ON FIRST READING this the _____ day of _____, A. D., 2000.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING
CITY SECRETARY

PASSED and APPROVED ON SECOND AND FINAL READING this the _____ day of _____, A. D., 2000.

TOM REID
MAYOR

ATTEST:

YOUNG LORFING
CITY SECRETARY

ORDINANCE NO. 976

APPROVED AS TO FORM:

DARRIN M. COKER
CITY ATTORNEY

MUNICIPAL COURTS OF RECORD

Chapter 30 of the Texas Government Code authorizes the creation of municipal courts of record in Texas. A municipal court of record can be created by a municipality pursuant to the provisions of Subchapter A of Chapter 30 or by requesting the Legislature to adopt specific legislation for the requesting municipality.¹ This article will address why your city might want to create a court of record, what is required if a court of record is created, the change in the court operation required by becoming a court of record, and the potential cost increase or savings that might result from converting your municipal court to a court of record. A sample ordinance creating a municipal court of record is attached to this article² and a Checklist for Appeals from Municipal Court of Record.

Advantages and Disadvantages

1. Advantages:

In a non-record municipal court, a defendant may appeal the judgment of the municipal court to the appellate court handling municipal court appeals, usually a county court at law or county court, and have a trial de novo, i.e. a completely new trial on the entire case conducted as if there had been no trial in the first instance. A defendant may even skip a non-record municipal court altogether by entering a plea and appealing the case to the appellate court. The trial in the appellate court controls the outcome of the case, regardless of the verdict in municipal court. Thus, the trial de novo is eliminated. Also, the number of appeals to the county and the dismissals at the county level are decreased. A municipal court of record will reduce the burden on the county court system, and improves the integrity of the municipal court. A municipal court of record should also reduce police officers' overtime and reduce the time spent in court by city

inspectors and other witnesses as well as the time spent by municipal court staff in processing appeals. Some cities report that police officer morale improves, and more citations are issued by officers in cities that have a court of record.

The enforcement of code violations and city-ordinance violations improves because defendants cannot avoid a municipal court proceeding. The city maintains local control over these violations, appeals are decreased, and if a case is appealed and the judgment affirmed, the fine assessed at the municipal court level is imposed. Thus, defendants cannot negotiate a lower fine amount at the county level.

Finally, a judge of a municipal court of record has the authority to issue a search warrant to search for and seize contraband subject to forfeiture while a municipal judge of a non-record municipal court does not have this authority.³ The judge also has the authority, if granted by the city's governing body, to issue search warrants for the purpose of investigating a health and safety or nuisance abatement ordinance violation, and a seizure warrant for the purpose of securing, removing, or demolishing the offending property and removing the debris from the premises.⁴ He/she also has the authority to grant writs of mandamus, attachment, and other writs necessary to the enforcement of the jurisdiction of the court and may issue writs of habeas corpus in cases in which the offense charged is within the jurisdiction of the municipal court.⁵ A municipal judge is a magistrate and may issue administrative search warrants.⁶

2. Disadvantages:

The disadvantages of creating a municipal court of record include the requirement that the judge be an attorney if your court does not presently have an attorney-judge; the procedure for removing an unsatisfactory judge; the cost of additional court personnel to

assist with recording devices, record keeping, trial dockets, paperwork, etc.; the cost, if any to the city, of having an appointed court reporter although the cost of preparing the reporter's record is paid by the appellant; the possible need for additional office space; possible change in the organizational relationship between the judge(s) and clerks; and/or courtroom space. The city will also incur the cost of purchasing and installing a good quality electronic recording device although some cities that use the council chambers as a courtroom already have the necessary recording equipment in place. Finally, a more formalized municipal court proceeding may be threatening to pro se defendants that appear before the municipal court.

A trial in a municipal court of record is recorded by a court reporter or by an electronic recording device. Appeals of the judgment in the municipal court of record are based on alleged errors made during the municipal court trial. A trial de novo is not permitted and the appellate court renders a disposition of the appeal based on the transcript from the municipal court, the briefs submitted by the parties, and oral arguments unless the case is submitted to the appellate court without oral argument.

If your municipal court is experiencing a large amount of appeals, you may wish to consider creating a municipal court of record. If not, the additional costs incurred by creating a municipal court of record may not justify establishing such a court. Cities that have created municipal courts of record have experienced a drastic reduction in the number of appeals filed in their courts. Furthermore, a court will likely see an increase in annual revenues as a result of the reduction in the number of appeals.

Jurisdiction of the Court

Any municipal court, including a municipal court of record, shall have exclusive jurisdiction within the territorial limits of the municipality and property owned by the municipality located in the municipality's extraterritorial jurisdiction in all criminal cases that arise under (1) the ordinances of the municipality; or (2) a resolution, rule, or order of a joint board operating an airport under Section 22.074, Transportation Code; and are punishable by a fine not to exceed (a) \$2,000 in all cases arising under municipal ordinances or resolutions, rules or orders of a joint board that govern fire safety, zoning, or public health and sanitation, including dumping of refuse.⁷ The municipal court has concurrent jurisdiction with the justice court of a precinct in which the municipality is located in all criminal cases arising under state law that arise within the municipality's territorial limits or property owned by the municipality located in the municipality's extraterritorial jurisdiction and that are (1) punishable only by fine, or (2) arise under Chapter 106, Alcoholic Beverage Code, and do not include confinement as an authorized sanction.⁸

A municipal court of record has the additional jurisdiction over criminal cases arising under ordinances authorized by Section 215.072, 217.042, 341.903, and 401.002⁹ of the Local Government Code. In addition, the governing body of a city by ordinance may provide that the court has civil jurisdiction for the purpose of enforcing municipal ordinances enacted under Subchapter A, Chapter 214, Local Government Code¹⁰, or Subchapter E, Chapter 683, Transportation Code¹¹; and concurrent jurisdiction with a district court or a county court at law under Subchapter B, Chapter 54, Local Government Code¹², within the municipality's territorial limits and property owned by the

municipality located in the city's extraterritorial jurisdiction for the purpose of enforcing health and safety and nuisance abatement ordinances; and authority to issue (a) search warrants for the purpose of investigating health and safety or nuisance abatement ordinance violations, and (b) seizure warrants for the purpose of securing, removing, or demolishing the offending property and removing debris from the premises.¹³

Creating a Municipal Court of Record

The governing body may by ordinance create a municipal court of record IF the government body determines that the creation of the court is necessary to provide a more efficient disposition of the cases arising in the municipality. This finding should be included in the ordinance creating the municipal court of record. The court must be presided over by a municipal judge who is a resident of the state, a citizen of the United States, a licensed attorney in good standing, and an attorney with two or more years of experience in the practice of law in Texas.¹⁴ The term of the municipal judge must be for a definite term of two or four years. A city may appoint more than one municipal judge, but if it does, one judge shall be appointed as the presiding judge. A person may not serve as municipal judge if the person is employed by the same municipality. A municipal judge who accepts employment with the municipality vacates judicial office.¹⁵ These provisions prohibit a municipal judge from being employed in another capacity with the city. If a vacancy occurs in the office of municipal judge of a court of record, the city council can appoint another person to fill the office for the remainder of the unexpired term.

Subchapter A provides for the removal of the judge.¹⁶ A home rule city can remove a judge for the reasons stated and the procedures provided for in the city charter

for removal of judges. If no procedure is provided, a home rule city can provide for the removal of a judge pursuant to the procedures provided in Section 1-a, Article V, Texas Constitution, or the procedures provided in Subchapter B, Chapter 21, Local Government Code. Section 1-a, Article V, Texas Constitution creates the State Commission on Judicial Conduct and provides that a judge, including a municipal judge, may be removed from office for (1) willful or persistent violation of rules promulgated by the Supreme Court of Texas, (2) incompetence in performing the duties of the office, (3) willful violation of the Code of Judicial Conduct, or (4) willful or persistent conduct that is clearly inconsistent with the proper performance of his/her duties or casts public discredit upon the judiciary or administration of justice. The Commission may discipline or censure a judge in lieu of removal from office. If, after such investigation as it deems necessary, the Commission recommends removal, a tribunal of Justices or Judges of the Courts of Appeal will be appointed by the Chief Justice of the Texas Supreme Court to review the law and the facts and order public censure, retirement or removal, or rejection of the recommendation. The judge or justice may appeal the decision of the tribunal to the Texas Supreme Court.

Subchapter B, Chapter 21, Local Government Code, provides that an officer as defined by Subchapter B (city council member) may be removed for (1) incompetency, (2) official misconduct, or (3) intoxication on or off duty caused by drinking an alcoholic beverage.¹⁷ Subchapter B requires that a petition for removal be filed in the district court of the county in which the officer resides, and that a trial for removal be held.¹⁸ An officer shall have the right to a trial by jury.¹⁹ The District Attorney shall represent the state in a proceeding for removal.²⁰

A general law city may remove a municipal judge for the reasons stated and the procedures provided for the removal of members of the municipal governing body in Subchapter B, Chapter 21, Local Government Code. Obviously, a city needs to contemplate the burdensome procedures provided for the removal of a municipal judge of a municipal court of record when considering converting to a court of record. Also, the procedures set-out in Subchapter B, Chapter 21, require that the petition be brought in the county of the residence of the judge, and if the residence of the judge is outside of the county where the city is located, this could create an additional problem.

The procedures provided for under Subchapter B, Chapter 21, Local Government Code provide for the immediate removal from office if the officer is convicted of any felony or a misdemeanor involving official misconduct.²¹

Chapter 30 requires a municipal court of record to have a municipal clerk.²² The governing body shall by ordinance provide for the appointment of the clerk of the municipal court and may provide for the appointment of deputy clerks, warrant officers, and other personnel necessary for the proper operation of the courts. Normally, cities provide that the city manager/administrator shall appoint the clerk and other court personnel. The clerk and other court personnel perform their duties under the direction and control of the presiding judge.²³ In addition, the city council shall by ordinance provide for the hiring, direction, supervision, and removal of the personnel authorized in the annual budget for the clerk's office.²⁴ Once again, cities usually provide that the city manager/administrator shall be charged with these functions. There is a potential for conflict as a result of these provisions because the city manager/administrator may be given the responsibility to hire, direct, supervise, and remove the clerk and other court

personnel, but the court clerk and other court personnel perform their duties under the direction and control of the presiding judge. Cities should be cognizant of this potential conflict when contemplating creating a municipal court of record.

The clerk is charged with preparing a clerk's record if a case is appealed from the municipal court. A municipality shall establish by ordinance a fee in the amount of \$25.00 for the preparation of the clerk's record.²⁵

Chapter 30 also requires that the municipal court of record have a court reporter who meets the qualifications provided by law for official court reporters.²⁶ The reporter shall be compensated by the city in the manner determined by the governing body. The court reporter is charged with the responsibility of preserving the record of cases tried before a municipal court of record. The court reporter may use written notes, transcribing equipment, video or audio recording equipment, or a combination of these methods to record the proceedings. The reporter is not required to record testimony in a case unless the judge or one of the parties requests a record. Instead of providing a court reporter, the governing body of the city may provide that the proceedings be recorded by a good quality electronic recording device. If there is an appeal of the case, a court reporter must prepare a reporter's record from the recording. The court reporter is not required to be present during the proceedings in order to certify the reporter's record. In addition to paying the \$25.00 fee for the preparation of the clerk's record, the defendant shall also pay the fee for the actual transcription of the proceedings.²⁷ The record of the proceedings, if kept by a court reporter, or the recording made by an electronic recording device must be kept for the 20-day period beginning the day after the last day of the

proceeding, trial, denial of a new trial, or until any appeal is final, whichever occurs last.²⁸

All prosecutions in municipal courts of record shall be conducted as provided by Article 45.201, Code of Criminal Procedure. This section provides that the prosecutions must be conducted by the city attorney or by a deputy (assistant) city attorney.²⁹ If a city uses an attorney on a contract basis for municipal court prosecutions, it should formally designate that person as a deputy city attorney while acting as the municipal court prosecutor. The Code of Criminal Procedure and the Texas Rules of Appellate Procedure shall govern the trial of cases before the municipal courts of record unless those rules are modified by Subchapter A.³⁰

A defendant has the right of appeal from a judgment or conviction in a municipal court of record. The state (city) has the right to appeal as provided by Article 44.01, Code of Criminal Procedure.³¹ To perfect an appeal, the defendant must file a written motion for new trial with the municipal clerk not later than the 10th day after the date that the judgment is rendered.³² The motion must set forth the points of error or which the defendant complains. The defendant must also give notice of the appeal in order to perfect the appeal.³³

Not later than the 60th day after the date on which the notice of appeal is given or filed, the parties must file with the municipal clerk (1) the reporter's record; (2) a written description of material to be included in the clerk's record in addition to the required material; and (3) any material to be included in the clerk's record which is not in the custody of the clerk. On completion of the record, the municipal judge shall approve the record, and the clerk shall promptly send the record to the appellate court clerk for filing.

The appellate court clerk shall notify the defendant and prosecuting attorney that the record has been filed.³⁴

Briefs must be filed in the appellate court. The appellant's brief shall be filed no later than 15 days after the clerk's record and reporter's record are filed with the appellate court clerk. The appellee must file the appellee's brief not later than 15 days after the date on which the appellant's brief is filed. Copies of the briefs will be delivered to the opposing party and the municipal judge.³⁵ Section 30.00022 states that the trial court shall decide from the briefs whether the appellant should be permitted to withdraw the notice of appeal and be granted a new trial.³⁶

The appellate court shall determine each appeal from a municipal court of record conviction and each appeal from the state on the basis of the errors that are set forth in the appellant's motion for new trial and that are presented in the clerk's record and reporter's record prepared from the proceedings leading to the conviction or appeal.³⁷ Unless the matter was made an issue in the trial court or it affirmatively appears to be contrary from the clerk's record or reporter's record, the appellate court shall presume that (1) venue was proven in the trial court; (2) the jury, if any, was properly impaneled and sworn; (3) the defendant was arraigned and pleaded to the complaint; and (4) the municipal judge certified the charge before it was read to the jury.³⁸

In deciding the appeal, the appellate court may (1) affirm the judgment of the municipal court of record; (2) reverse and remand for a new trial; (3) reverse and dismiss the case; or (4) reform and correct the judgment.³⁹ The appellate court shall deliver a written opinion or order either sustaining or overruling each assignment of error presented and setting forth the reasons for its decision. The appellate court clerk shall

mail copies of the decision to the parties and to the municipal judge as soon as the decision is rendered. The appellate court may determine the rules for oral argument and the parties may submit the case on the record and briefs without oral argument.⁴⁰

When the judgment of the appellate court becomes final, the clerk of the court shall certify the proceedings and the judgment and shall mail the certificate to the municipal court of record. The municipal court clerk shall file the certificate with the papers in the case and note the certificate on the docket.⁴¹ If the municipal court of record judgment is affirmed, to enforce the judgment the court may (1) forfeit the bond of the defendant; (2) issue a writ of *habeas corpus* for the defendant; (3) issue an execution against defendant's property; (4) order a refund for the defendant's cost; or (5) conduct an indigency hearing at the court's discretion.⁴² If the appellate court awards a new trial, the case stands as if a new trial had been granted by the municipal court of record.⁴³ The appellant has the right to appeal to the court of appeals if the judgment exceeds \$100 and if the judgment is affirmed by the appellate court.⁴⁴

ENDNOTES

1. Prior to the passage of Chapter 691, Acts 1999, 76th Leg., effective September 1, 1999, cities had to create municipal courts of record by specific legislation. Specific legislation was adopted for a number of Texas cities. Thirty-eight cities had obtained special legislation to create a municipal court of record prior to 1999. Special legislation for an additional six cities was passed during the 1999 legislative session, and four more special acts have been passed since 1999. The 1999 act allowed for any municipality to create a municipal court of record by the adoption of an ordinance pursuant to the provisions of Subchapter A. Originally, the provisions of Subchapter A did not apply to

cities that obtained specific legislation. In 2003, the Legislature adopted Chapter 1127, Acts 2003, 78th Leg. which applied the provisions of Subchapter A to each municipality listed in Chapter 30, but provided that if the provisions of Subchapter A conflict with a specific provision for a particular municipality, the specific provision controls.

2. Home rule cities should review their charter provisions with regard to the creation of a municipal court or the appointment of a municipal judge(s), and counsel with their city attorneys as to the relationship of Chapter 30 to the home rule charter.

3. Art. 18.01(h) and Art. 18.02(12), Code of Crim. Proc.

4. Sec. 30.00005, Gov't Code.

5. Sec. 30.00006, Gov't Code.

6. Sec. 30.00006, Gov't Code.

7. Art. 4.14, Code of Crim. Proc. and Sec. 29.003, Gov't Code.

8. Art. 4.14, Code of Crim. Proc. and Sec. 29.003, Gov't Code.

9. Sec. 215.072 – Dairies and slaughterhouses;

Sec. 217.042 – Nuisances within city and within 5,000 feet of city limits;

Sec. 341.903 – Home rule city policing of the following areas owned and located outside the city limits: (1) parks and grounds; (2) lakes and contiguous land used in connection with lake; and (3) speedways and boulevards;

Sec. 401.002 – Protection of streams and watersheds by home-rule cities.

10. Dangerous structures.

11. Junked vehicles – public nuisance and abatement.

12. Municipal health and safety ordinances – civil actions and civil penalties.

13. Sec. 30.00005, Gov't Code.

14. Sec. 30.00006, Gov't Code.

15. Municipal judges are considered appointees rather than employees although they may be providing their services to the city on a full-time basis. It is recommended that an ordinance creating a municipal court of record set-out any benefits in addition to salary or fee that apply to the municipal judge.

16. Sec. 30.000085, Gov't Code.

17. Sec. 21.025, Local Gov't Code.

18. Sec. 21.026, Local Gov't Code.
19. Sec. 21.029(a), Local Gov't Code.
20. Sec. 21.029(d), Local Gov't Code.
21. Sec. 21.031, Local Gov't Code.
22. Sec. 30.00009, Gov't Code.
23. Sec. 30.00009(c), Gov't Code.
24. Sec. 30.00009(d), Gov't Code.
25. Sec. 30.00014(f) and Sec. 30.00017, Gov't code.
26. Sec. 30.00010, Gov't Code.
27. Section 30.00010 requires that the fee (\$25.00) for the preparation of the clerk's record be established by city ordinance, but the fee for the actual transcription of the proceeding is specifically set-out in Section 30.00010 and does not need to be adopted by ordinance.

Both the clerk's record and the reporter's record will be prepared in accordance with the Texas Rules of Appellate Procedure and the Code of Criminal Procedure, Sec. 30.00023.

If the court finds that the defendant is indigent and the payment of fines and costs would impose an undue hardship on defendant, the payment of fines and costs is waived. This waiver would extend to any appeal of the case so that a court finding would extend to the payment of the clerk's record and the reporter's record.

28. Sec. 30.00010, Gov't Code.
29. Art. 45.201 also authorizes the county attorney to represent the state in prosecutions in municipal court, and to allow the city attorney or a deputy city attorney, with the consent of the county attorney, to prosecute the appeals in the appellate court.
30. Sec. 30.00023, Gov't Code.
31. Sec. 30.00014(a), Gov't Code.
32. Sec. 30.00014 provides that the motion or amended motion for new trial may be amended by leave of court at any time before action on the motion is taken, but not later than the 20th day after the date on which the original or amended motion is filed. The court may for good cause extend the time for filing or amending, but the extension may

not exceed 90 days from the original filing deadline. If the court does not act on the motion before the expiration of the 30 days allowed for determination of the motion, the original or amended motion is overruled by operation of law.

33. If the defendant requests a hearing on the motion or amended motion for new trial, the notice of appeal may be given orally in open court on the overruling of the motion. If there is no hearing, the defendant must give written notice of appeal and must file the notice with the court not later than the 10th day after the date on which the motion is overruled. The court may upon good cause extend the time for filing the notice, but the extension may not exceed 90 days from the original filing deadline.

34. Sec. 30.00020, Gov't Code.

35. Sec. 30.00021, Gov't Code.

36. Sec. 30.00022, even though worded awkwardly, is intended to give the municipal judge one final opportunity to grant a new trial based on the information presented in the briefs of the party. This is so even though the record has been filed with the appellate court clerk, and, presumably, the municipal court no longer has jurisdiction of the case.

37. Sec. 30.00014(b), Gov't Code.

38. Sec. 30.00024(b), Gov't Code.

39. Sec. 30.00024(a), Gov't Code.

40. Sec. 30.00024, Gov't Code.

41. Sec. 30.00025, Gov't Code.

42. Sec. 30.00025, Gov't Code.

43. Sec. 30.00026, Gov't Code.

44. Sec. 30.00027, Gov't Code.

December 4, 2007
Regular Agenda Item 5
Citizen Engagement – Community Problem Solving

To: Glenn Brown, City Manager

From: Terry L. Childers, Deputy City Manager

Agenda Caption: Presentation, possible action, and discussion regarding Citizen Engagement Policy and the application of Community Problem Solving Model in College Station.

Recommendation(s): The Council is requested to receive a presentation on Citizen Engagement Discussion Paper for College Station. The discussion paper is intended to provide a broad policy context to apply Citizen Engagement Tool Box to engage College Station citizens on a consistent basis.

Summary: The City Council requested at their October 11, 2007 meeting a discussion of the Community Problem Solving Model and its potential application to address the Weingarten tract. The staff has developed a two prong presentation in response to the request. First, a discussion paper titled – Citizen Engagement a Discussion Paper for College Station has been developed to provide a broader policy framework to engage stakeholders in policy decisions of City government. It suggests, based on national research, that 84% of citizens surveyed feel better about city government when city government regularly seeks informed involvement of citizens in decisionmaking. The discussion paper suggests the establishment of a Citizen Engagement policy and the use of multiple tools to effectively engage citizens on a consistent basis. Second, a discussion of one of the tools identified in the Tool Box – Community Problem Solving Model to address difficult issues facing the community. The Council will be provided with several examples from the suggested Tool Box to gauge the level of acceptance to apply the various engagement tools in College Station.

Budget & Financial Summary: None at this time.

Attachments:

Citizen Engagement a Discussion Paper for College Station
Community Problem Solving Model



**Citizen
Engagement
Discussion Paper
for College Station**

October 15, 2007

Citizen Engagement – Discussion Paper for Introduction

One of the great challenges for the City organization is providing a consistent connection with our citizens in our efforts to foster the development of a high quality community. City Council has identified citizen (stakeholder) engagement as a strategic issue for our consideration.

Effective two-way communications with both internal and external audiences is essential to the continued success of the many programs and services offered by the City of College Station. Utilizing a variety of media and technology, we will strive to market our services, communicate our mission and values, engage our citizens in the decisions of city government while telling the College Station story to our elected officials, employees, citizens, community partners, and others nationwide.

While the City organization has a good tradition of citizen involvement, it lacks a comprehensive framework to fully engage its citizens in the business of City government to promote the quality of life in College Station. The purpose of this discussion paper is to set forth several *framing concepts* for consideration towards the development of a citizen engagement model for the City of College Station.

The *framing concepts* presented here are the result of a survey of current literature on citizen engagement in the public sector. While there is a wide range of models in use by various governmental entities, this paper focuses on key concepts vital to the success of a workable citizen engagement model for College Station. Citizen Engagement – a Discussion Paper for College Station is the beginning of the conversation rather than the end product. It is hoped this paper will

College Station

present a number of concepts which lead to a lively and active discussion among our citizens, policy makers, and management team. The result of the dialogue should result in a highly interactive and predictable citizen engagement model for College Station.

Citizen Engagement

One of the initial challenges is to distinguish between citizen participation and citizen engagement. Citizen participation has as its focus to provide opportunities for citizen input along the policy development and adoption continuum. It tends not to be proactive in seeking citizen involvement. Rather, citizen involvement is permitted at various points along the decisionmaking continuum. Statutorily, College Station citizens have numerous opportunities for input – posting of public meeting agendas, publishing of meeting minutes, public meetings, public hearings, etc. While these practices are good and beneficial, they should not be confused with citizen engagement. “to simply inform and to consult are *thin*, frequently proforma techniques of citizen participation that often fails to meet public expectations for involvement and typically yields little in the way of new knowledge”¹. In a 2006 survey of citizens on engagement strategies, 84% of the respondents indicated they would feel better about government decisionmaking if they knew that government regularly sought informed involvement of citizens in the decisionmaking.

Citizen engagement on the other hand is an active and intentional partnership between the general citizenry and decisionmakers. It a commitment from City government to cultivate a deeper level of knowledge

¹ “Public Deliberation: A Manager’s Guide to Citizen Engagement”

among citizens about the issues and potential solutions. Citizen engagement emphasizes the quality and depth of learning and involvement of citizens in the issues under consideration.

The distinction being offered here is an important one. There is a qualitative difference between citizen involvement and citizen engagement. The former places little emphasis on the quality of information and knowledge of citizens in the decisionmaking process while the latter, places great emphasis on ensuring citizens are fully informed and equipped to be full partners in policy deliberations. “Citizen engagement seeks to improve capacity of citizens to make informed choices, solve problems, and work in partnership with government.”³ It is this distinction – equipping our citizens

easier and accountability is established for the results.

Citizen Engagement Spectrum

Citizen engagement in its truest form is a commitment from local government to cultivate deeper levels of knowledge among citizens generally about the issue at hand and potential solutions, and to provide opportunities for citizens to exercise that knowledge in service of policy and program development in a regular and ongoing basis.

The broad literature of citizen engagement suggests a broad spectrum of connecting citizens to policy and program development. Table 1 below suggests the spectrum ranges from inform, consult, engage, collaborate, to empower.

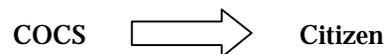
	Inform	Consult	Engage	Collaborate	Empower
Goal	Provide the public with balanced and objective information to assist them in understanding the problem, alternatives, opportunities, and /or solutions	Obtain public feedback on analysis, alternatives, and/or decisions	Work directly with the public throughout the process to ensure that public concerns and aspirations are consistently understood and considered	Partner with the public in each aspect of the decision including the development of alternatives and the identification of the preferred solution	Place final decision making authority in the hands of citizens

with knowledge and understanding of the issues – that is the focus of this discussion paper. How do we frame our public policy processes to fully prepare our citizens to be effective partners in making decisions for their benefit and the good of the community. Our primary focus should be to develop a richer information base through which to educate our citizens and public policy makers about the dimensions of an issue or decision. There should be open and candid discussion of policy options with a space fully reserved for the voice of our citizens. The by-product of engagement is that the implementation of decisions are

Stages of Citizen Engagement

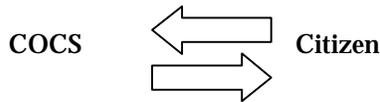
Citizen engagement typically progresses through three stages.

Stage 1 – Information stage. Government delivers information to citizens. This can be done in various forms – websites, agenda summaries, reports, media broadcasts, etc.



Stage 2 – Consultation stage. Government exchanges information with citizens on

issues. This stage is characterized by public hearings, citizen committees, surveys, etc.



Stage 3 – Active participation. This stage is generally characterized by planned collaboration between local government and citizens. Some examples – problem solving forums, online collaboration, discussion groups, etc.

Public entities tend to move through the various stages of engagement as both the community and the public policy makers mature in their understanding of the importance of connecting citizens with the outcomes of policy making.

Public bodies have a need to create various channels of engagement with the public. One way communications fails to fully engage citizens fully. There must be a purpose for the information sharing. There must be a *culture* created which promotes participatory and responsive local government. There is a need to shift from information exchange model to a full engagement of citizens on all fronts. This shift requires a deliberate plan of action on the part of city government.

Goals of Citizen Engagement

The creation of a deliberate citizen engagement model requires focus and prioritization. There are six specific goals generally associated with citizen engagement initiatives.

- 1) Inform and educate the public about important policy issues
- 2) Improve government decisions by supplying better information from citizens to decisionmakers

- 3) Create opportunities for citizens to shape public policy
- 4) Legitimize government decisions by ensuring that voices of those impacted by government policy have been heard
- 5) Involve citizens in monitoring outcomes of policy for evaluation
- 6) Improve the quality of public life by restoring the trust and engagement of citizens.

Six Guiding Principles

There are 6 Guiding Principles of citizen engagement. These principles guide the development of a comprehensive program to connect citizens with their city government.

Principle 1 – Educate participants. Provide accessible information to citizens about issues and choices they have in connection with issues.

Principle 2 – Frame issues neutrally. Offer unbiased framing of policy issues. Provide the facts and let the facts rest on their own merits.

Principle 3 – Achieve diversity. Involve a demographically representative group of citizens. Resist the temptation of inviting only the *usual suspects* to participate in the process.

Principle 4 – Get buy-in from policy makers. Achieve commitment from decision makers to engage in the process and use the results in policy making.

Principle 5 – Support quality deliberation. Facilitate high quality discussion that ensures all voices are heard.

Principle 6 – Sustain involvement. Support ongoing involvement by the public on issues, including feedback, monitoring, and evaluation.

(AmericaSpeaks, 2004)

City of College Station Citizen Engagement

A survey of the current citizen engagement environment in College Station suggests many of the pieces are in place for a vibrant citizen engagement program. A candid evaluation of the efforts by the City suggests that the current program is fragmented and lacks an overall focus. Too often citizen engagement is an after throughout rather than a premeditated plan of action to connect citizens with issues and policy making.

The first step towards are coherent citizen engagement program is a commitment by decisionmakers – policy makers and policy developers – to connect citizens to the development and approval of policies. Citizen engagement must permeate the organization with a heavy respect for the opinions and desires of citizens impacted by policymaking. The city organization must embrace at all levels the principles of engagement and make it a part of the culture and lethargy of the organization.

Proposed Citizen Engagement Plan

Introduction

The City of College Station values the involvement of its citizens in the business of City government. There is a recognition that decision-making by the City government is improved by connecting our citizens with the decision-making process. It is the desire of the elected and appointed officials to create a collaborative decision-making style in which every citizen has the ability to be well informed and provide direct input into the decisions of City government.

Council Strategic Issue

The City Council has recognized the importance of quality citizen engagement through the identification of a Strategic Issue – Effective Two Way Communication with both internal and external audiences is essential to the continued success of the many programs and services offered by the City of College Station. Utilizing a variety of media and technology, we will strive to market our services, communicate our mission and values, engage our citizens in the decisions of city government while telling the College Station story to our elected officials, employees, citizens, community partners, and others nationwide.

Policy Statement

The City of College Station is committed engagement of its citizens by ensuring every citizen has the opportunity and mechanisms to communicate effectively with decisionmakers. We will facilitate information access, knowledge sharing, and discussion among participants in the engagement process. We will use the citizen engagement process to establish responsibility and accountability of outcomes expected from city government.

Guiding Principles

Citizen Engagement should result in:

- * Trust between government and citizens
- * Informed judgments about City activities
- * Face to face deliberation
- * Decisions that reflect a thorough consideration of community issues and perspectives
- * Transparent and trackable decisions with stated accountabilities
- * Common understanding of issues and appreciation for complexity

Citizen engagement is a disciplined process which allows the City government to engage the citizens of College Station to:

- * Increase understanding of issues
- * Determine possible options
- * Generate new ideas
- * Discover and explore possible compromises
- * Gauge public support for various solutions

Citizen Engagement Process

The City of College Station's Citizen Engagement Process is based on the guiding principles of trust, education, deliberation, and involvement. Each major actor – citizens, elected officials, and city staff – has a vital role and responsibility in the Citizen Engagement Process.

Citizens Expectations and Responsibilities

Citizens are expected to be fair, respectful, and supportive of an open process which allows all who are affected or interested to have an equal opportunity to participate. Citizens are expected to work hard at learning about an issue, listening to all perspectives, attempting to understand opposing viewpoints, be willing to reach a compromise on difficult issues, and consider the *public good* perspective on all issues. Finally, citizens are expected to be solution oriented in opposition to fault finding and placing blame.

Elected Officials Roles and Responsibilities

Elected officials play a pivotal role in the success of Citizen Engagement. There must be a recognition of the benefits of citizen engagement and serve as advocates for the process. Elected officials must provide resources and support City staff in utilizing the process. Through the adoption of a formal citizen engagement policy, ensure it is fairly and consistently applied. This

implies, elected officials will be informed about the process and share the benefits of citizen engagement. There is a recognition that citizen engagement does not replace the role and responsibility of elected officials to make the final decision. Citizen Engagement produces improved information and increases the quality of decision-making. Finally, elected officials are expected to evaluate the effectiveness of each citizen engagement process and offer suggestions for improvement.

City Staff Roles and Responsibilities

City staff members role and involvement in the Citizen engagement process is crucial to its success. Based on Council policy, the City staff should recognize the benefits of citizen engagement and serve as advocates for the process. They must be informed of the efficacy and appropriateness of citizen engagement that may be useful in specific applications of their department's work program. City staff should provide accurate and unbiased information to educate citizens on the issues, options, and results of policy deliberations. City staff should engage citizens as partners in the design and execution of specific engagement efforts. Finally, City staff will promote efforts to connect as many affected or interested citizens as possible in the engagement process.

Phases of Citizen Engagement Process

The College Station Citizen Engagement process is a six (6) step process designed to produce improved quality decisions.

Step 1 – Issue Generation Phase

Issues derive from a multiplicity of sources – City Council, City staff, citizens, boards and committees. Issues, problems, concerns are identified which lend themselves to engagement of citizens in some way. Not every issue faced by the City government

should be considered a candidate for the Citizen Engagement process. At the discretion of the City Council or City Manager, an issue will be identified which merits consideration for the Citizen Engagement process.

Step 2 – Engagement Planning Phase

Once an issue has been identified for inclusion in the Citizen Engagement process, the City staff will develop a Citizen Engagement plan which addresses the following elements:

- 1) Scope definition. Define the scope of the issue and aspects of the problem.
- 2) Expected outcomes. Define the expected outcomes from process.
- 3) Information and data development. Provide information which will be required to engage citizens in the process.
- 4) Determine the best tools and methodology (Tool Box) to engage citizens. This is a critical step since it defines expectations of both citizens and ultimate decision-makers. If citizens are expected to provide input but not develop specific recommendations, it should be stated up front.
- 5) Final decision-making authority. There needs to be a clear statement of whom has final decision-making authority to make the decision.
- 6) Resources required. Required resources to fully implement the engagement need to be identified. Resources may be in the form of staff allocations, mailings, publications, programming, outside consultancy, etc.

7) Identify participants. Efforts should be made to identify both affected and interested citizens in the issue.

8) Communication protocol. The appropriate communication techniques with the affected and interested citizens and stakeholders will need to be identified. During this element the appropriate educational materials will be agreed upon and delivered to participants.

9) Timeline for process. A proposed timeline to communicate, educate, discuss, and prepare a final report for consideration.

Step 3 – Deliberation Phase

The next phase of the process is deliberation. It is during this phase that citizen input and suggestions are identified and recorded for reporting to appropriate bodies. Throughout the project, it is important to communicate often and clearly with stakeholders, elected officials, City staff members, general public, and news media the status of discussions and results to date.

Step 4 – Project Completion Phase

The results, findings, and recommendations developed during the engagement should be prepared in a form and format to be provided to stakeholders, general public, decisionmakers, and City Staff.

Step 5 – Decisionmaking Phase

In this phase, those charged with making final decisions review the outcome of the engagement and act upon it.

Step 6 – Evaluation Phase

In order to promote and refine the collective learning from Citizen Engagement processes, it is essential to evaluate the efficacy of both the engagement process and

the outcomes of the decision-making process.

Citizen Engagement Tool Box

The City has a number of tools available for use in Citizen Engagement. Inherent in all of the tools is the importance of accurate unbiased information and opportunities for citizens to express opinions and provide input. The selection of a particular tool to use in Citizen Engagement is dependent upon a number of factors:

- * the nature of the issue to be considered
- * expected outcomes from the process
- * the role of citizens in the decision making process. Whether citizens will be expected to provide input, offer alternatives, or make the basic decision.

Whatever tool is selected, City staff should be very clear as to the role citizens will play in the engagement. Failed processes often occur when there is confusion over expectations.

Here are several potential tools:

Community Problem Solving. This tool is used to bring together various stakeholders with opposing viewpoints on a high profile issue of general community concern. Stakeholders are charged with the development of specific solution(s) to the identified community problem for presentation to decision makers. Because of the high profile nature of issues subjected to this tool, decision makers will likely want to be active in the formulation of the group and provide specific direction in the form of a charge to the assembled work group.

Issues Forum. Forums can be organized in both a face to face format or online. They typically are focused on a single issue and participants are provided an opportunity to express opinions, provide comments, or

offer alternatives. Forums have the advantage of generating ideas and understanding of the single issue beyond the typical listening or input vehicles. Some examples of Issues Forums – online forums in which participants are invited to a website to enter comments, pose new ideas, or pose insightful questions. Some communities have used blogs to communicate with stakeholders and share ideas across a broad cross-section of the community.

Community Listening Sessions. This is one of the most commonly used engagement tools for College Station currently. Citizens are invited to participate in meetings to provide comments on a specific proposal under consideration by the City. Comments are captured and provided to decision-makers for consideration during the policy process. This process is distinguished from Issues Forums on the basis that Issues Forums lend themselves to more give and take and solicitation of new ideas while Listening Sessions are geared more for take comments and answering questions of stakeholders.

Citizen Congress Workshops. The City has successfully used Citizen Congress as a forum to discuss various issues and solicit specific feedback, ideas, and suggestions. Citizen Congress is distinguished by the use of focus groups to discuss various topics of concern to citizens and to assist policy makers to form the basis for broader policy initiatives. It is distinguished from other engagement techniques by the number of topics covered and the nature and use of the feedback received from the focus groups.

Special Task Force. Council has appointed from time to time special task forces to study a specific topic and provide recommendations to Council. Typically, special task forces represent stakeholders with unique interest in a particular issue.

Committees – Boards – Commissions. An important element of Citizen Engagement is the appointment by Council of various statutory, and advisory Committees, Boards, and Commissions to advise and recommend policy actions to Council. The various standing boards, commissions, and committees are a vital tool in citizen engagement process.

Community Survey. The City has successfully used various types of surveys to gauge community opinions and attitudes on various subjects. Survey data is generally used to frame broader policy initiatives or to assist policy makers in setting priorities.

Citizen Engagement Team

The following Management Team members will comprise the Citizen Engagement Team.

- * Information Technology
- * Public Communications
- * Planning and Development Services
- * Public Works
- * Police
- * Fire
- * Parks and Recreation
- * City Manager Office

The Citizen Engagement Team will be responsible for developing implementation strategies to implement the City of College Station Citizen Engagement Plan.



Memorandum

MEMO TO: Glenn Brown, City Manager

FROM: Terry L. Childers, Deputy City Manager

SUBJECT: Community Problem Solving

DATE: October 31, 2007

Community Problem Solving Model

The Community Problem Solving Model has its genesis in urban settings in which community leaders desired to find methods to resolve major community issues without the divisive and often times heated debate. From my personal experience, I have participated in community problem solving processes in two other communities with very good results. In my judgment, the Weingarten tract rises to the level for which we should consider using the model to reach a consensus on the future development of the tract.

Community Problem Solving Methodology

The essential element of Community Problem Solving is consensus building. Every participant in the process is challenged to work towards real and defined solutions and asked to commit to the final solution. This central element is critical. If participants in the process are unwilling to come to the table to find and agree to solutions, the process will not work and should not be undertaken.

A typical Community Problem Solving process will contain all or most of the following steps.

1. Identification of key stakeholders
2. Appointment of independent facilitator
3. Setting of ground rules
4. Agreement to ground rules by all stakeholders
5. Identification of all salient issues (stakeholder generated)
6. Resolution meetings and discussions (typically with set agendas, times and locations)

7. Final agreement authored by and signed by stakeholders

Weingarten Community Problem Solving Process

Here is what I suggest for the Weingarten process. I am adding several steps based on my understanding of our local circumstances:

1. Council and Planning Commission buy-in. This concept needs to be fully explained, understood, and supported by the two decision making bodies before attempting to launch a process. If any member of the Council or Planning Commission cannot support the effort, it should be scrapped.
2. Developer and Neighborhood buy-in. Just as with Council and Planning Commission, both the developer and our neighborhoods need to be fully briefed so they understand and support the process. If there is reluctance on the part of either groups, we should not move forward. This step is problematic on its face since we have varied neighborhood interests and concerns with no one group who could or should represent neighborhood interest. We will need to work with Council to develop some definition of who should be included (neighborhoods) as stakeholders in the process.
3. City Staff buy-in. It is equally important for our staff to be educated on the process and be supportive of the effort. From personal experience, one of the processes I was involved with was nearly submarined by staff who felt they were not fully part of the process.
4. Identification of independent and knowledgeable facilitator. This is perhaps one of the most critical steps in the process. The appointment of a facilitator who is viewed by participants or the community as biased in some way will destroy the creditability at the outset. I suggest we use someone from outside the community with a strong background in planning and development issues while having direct experience in balancing competing community interests.
5. Identification of stakeholders. Once there is complete buy-in and appointment of an independent facilitator, the task of identifying and naming stakeholders to participate in the process becomes paramount. There are two issues for us here a) who identifies the stakeholders (staff, Council, self selection, combination); and b) who names or appoints the stakeholders to serve in the process. Getting the right people connected and committed to be participants in the process will determine the success of the process.
6. Setting ground rules. Initially there needs to be a set of ground rules which will drive the process. The initial ground rules are generally set

Memorandum to Glenn Brown
Community Problem Solving Model

by the originator(s) of the process. All stakeholders (participants) must be willing to abide by the ground rules without exception. Here are some typical ground rules:

- a. Every participant will be expected to participate in every meeting convened to discuss the issue.
- b. Every participant has equal voice in the process. There will be no major or minor participants.
- c. There will be no alternates or surrogates designated to participate in the meetings.
- d. The timeframe to complete the process will be XXX days.
- e. Once a decision has been made on any portion of the solution, the solution will not be re-opened for debate.
- f. Once a final solution has been reached, all participants agree to fully support the final decision.

Participants in the process will generally add other ground rules or the facilitator may well want some rules to insure his/her ability to lead a successful process.

7. Agreement to ground rules by all participants. Typically at the first meeting of the participants, there is formal discussion and adoption of the ground rules. There are a variety of ways groups insure adherence to the ground rules but is primarily a self policing method that proves successful. The two processes I have been a part of required that all participants sign the agreement to ground rules.
8. Identification of salient issues. This is one of the critical steps to be addressed. The identification of issues has two aspects – a) identification of the real issues and concerns; and b) a statement of goals or outcomes expected from the process. The facilitator becomes a key actor to draw out all the issues and assists the group to articulate what every participant expects from the process.
9. Discussion and Resolution. Once the real issues and expected outcomes are set, the real work of the group begins. Every key issue is discussed fully and proposed solutions are identified. Through consensus building, the facilitator moves the group through a road map towards real and viable solutions. Typically, this process requires several meetings with agendas for discussion and resolution opportunities.

Memorandum to Glenn Brown
Community Problem Solving Model

10. Final agreement. Once the group has reached resolution on the stated problem, they agree to present their solutions to the community or in our case to the Council and Planning Commission. It becomes incumbent on every participant to support the agreed upon solution(s) to protect the integrity of the process. Typically a written document is prepared describing the process, findings, and solutions which is signed by every participant.

Conclusion

The use of Community Problem Solving Model lends itself to the Weingarten tract for several reasons.

- The issue(s) are definable and lend themselves to real solutions.
- The sophistication of College Station provides the opportunity for high level discourse of a critical community issue.
- This is a community wide issue with implications that impact the balance of the community.
- Resolution of the issue outside a consensus building process will likely result in even greater emotional response to future land development activities in the future.

I would be delighted to discuss this concept with you in more detail if you should desire.

December 4, 2007
Regular Agenda Item 6
Presentation, Discussion and Possible Action Regarding Policies for Operation of
the Wolf Pen Creek Amphitheater

To: Glenn Brown, City Manager

From: Ric Ploeger, Asst. Director of Parks and Recreation

Agenda Caption: Presentation, possible action, and discussion regarding policies related to operations and events at the Wolf Pen Creek Amphitheater.

Recommendation(s): Accept the staff recommendations regarding operational guidelines for the amphitheater as proposed. The Parks and Recreation Advisory Board discussed this recommendation on October 9, 2007 and recommends approval 5-2 with Joan Perry and Shawn Rhodes opposed (Jody Ford and Kathleen Ireland absent).

Summary: In 15 seasons there have been 281 events and over 535,000 guests at the amphitheater. We have received less than 250 complaints during this period including the numerous sound complaints at one concert in the spring of 2007. On average, this represents less than one complaint and approximately 2,000 guests per event during the first 15 years of operation.

Our operational policies need to be balanced and considerate of the guests who attend our concerts as well as the community as a whole. Our current operational philosophy and our history are congruent with our mission statement: *"Wolf Pen Creek staff will create an excellent experience for our guests through our festive atmosphere, professionalism, exceptional facilities and quality entertainment"*.

Several operational issues have been discussed concerning the Wolf Pen Creek Amphitheater's operations. These include:

- 1) Rental and operation of new facilities at Wolf Pen Creek Amphitheater
- 2) Noise control (sound travel)
- 3) Alcohol consumption
- 4) Seating conflicts between people using chairs and blankets
- 5) Smoking complaints and concerns.

Staff has examined each of these issues, and discussed them with the Parks and Recreation Advisory Board on July 17, 2007, August 14, 2007 and October 9, 2007. The Board has recommended approval of the proposed policies.

Budget & Financial Summary: The City Council expressed a desire to provide funds for the operations and maintenance of the new building at Wolf Pen Creek. A total of \$23,239 was approved to be added to the General Fund budget. This will be offset in part by additional revenue from renting the facility. Preliminary estimates show revenue may be \$5,000.

Attachments:

- 1 Wolf Pen Creek Amphitheater Guideline/Operations Recommendations
- 2 Noise Control Plan April 19 2007
- 3 Map Designating Smoking Areas
- 4 Map Designating Blanket Seating Area
- 5 Minutes from the July 17 2007 Parks & Recreation Advisory Board Meeting

6 Minutes from the August 14, 2007 Parks & Recreation Advisory Board Meeting
7 Minutes from the October 9, 2007 Parks & Recreation Advisory Board Meeting

Wolf Pen Creek Amphitheater Guidelines for Operations and Management

1. Rental Structure/Fees

Discussion: The Wolf Pen Creek Amphitheater is currently available for use for civic events and for private rental. The addition of the The Green Room and Plaza create more opportunities for the city to rent space for smaller events at Wolf Pen Creek. These new smaller rental spaces have both business and social uses, including trainings, retreats, hearings, wedding showers, dinner parties, and baby showers. Fees for the rental of these facilities have been determined after reviewing the local market.

Guidelines:

- Market and promote the use of all rental facilities at Wolf Pen Creek Park, including the Amphitheater, Green Room and Plaza.
- Collect fees at rates adopted by City Council.
- Review fees on a regular basis.

Future Development of Guidelines:

- Monitor rentals in FY 08 to provide a more accurate estimate of use and cost of each facility.
- Develop a business plan to ensure long range viability of facilities.

2. Noise Control Plan

Discussion: The Parks Department and Police Department adopted a noise control plan for the amphitheater on April 19, 2007. The plan was in response to an event where the weather and speaker configuration caused the sound from the concert to travel an unusually long distance. The Police Department received 67 sound complaints about the concert which had 3400 in attendance and ended at 11:15 pm.

Guidelines:

- Implement the Noise Control Plan as recently adopted. See attachment "A."
- Include language in performance and rental contracts referencing the Noise Control Plan.

Future Development of Guidelines:

- Review the Noise Control Policy, including possibly adding specific sound levels.

- Hire a sound engineer to study and make recommendations about the sound travel issue which may result in a change to our Noise Control Plan.

3. Alcohol Policy

Discussion: Currently the event promoter determines whether alcohol will be allowed at his event, whether it's BYOB or for sale, and what container or method by which alcohol is made available. It is desired to have more guidelines in place regarding alcohol use.

Guidelines:

- Limit alcohol to personal-sized containers only, meaning no coolers larger than 48 qt and no containers that require a separate tap or other external serving device.
- Require renters/promoters to specify whether alcohol will be allowed and how supplied (BYOB or sale).

Future Development of Guidelines:

- Monitor implementation of the above Guidelines to determine impact on business.

4. Chair Policy

Discussion: The City does not currently regulate the use of lawn chairs at events. Most events allow lawn chairs except for larger ticketed events geared towards college students, when lawn chairs are prohibited. Occasionally, there are complaints from attendees sitting on blankets who have their views blocked by those that bring lawn chairs.

Guidelines:

- Allow renter to determine whether to allow lawn chairs at the event.
- If lawn chairs are allowed, there will be a specific area identified as "blanket seating only." This area is set out in Exhibit "C."

Future Development of Guidelines:

- Monitor implementation of the above Guidelines to see if they are effective in curbing the sight restriction problem experienced by attendees sitting on blankets.

5. Smoking

Discussion: There is no regulation of tobacco smoking at events at Wolf Pen Creek Park. Recent years have seen a greater number of complaints about second hand smoke annoying non-smoking guests and possibly posing a health hazard. These recommendations are based on surveys of similar facilities throughout the state.

Guidelines:

- Ban smoking during concerts/events except in specific designated areas. See Exhibit "D" for identified smoking areas.

Future Development of Guidelines:

- Monitor implementation of the above Guideline to see if it is effective in reducing complaints about smoking.

Summary

In 15 seasons we have hosted 281 events and over 535,000 guests. We have fielded less than 250 complaints (includes 67 sound complaints at the concert this spring). On average, that would be less than one complaint per event, with an average of almost 2,000 guests per event. Our operations policies need to be well balanced and considerate of the guests who attend our concerts as well as our community. Our current operational philosophy and our history are congruent with our mission statement which is as follows: "Wolf Pen Creek staff will create an excellent experience for our guests through our festive atmosphere, professionalism, exceptional facilities and quality entertainment." We hope to continue with this mission for many years and appreciate the opportunity to serve our community.

City of College Station

Wolf Pen Creek Amphitheater Noise Control Plan

April 19, 2007

GOAL:

The goal of this plan is to establish internal procedures to mitigate excessive noise throughout the community and reduce complaints related to events and performances staged at the Wolf Pen Creek Amphitheater.

PROCESS:

The key to the success of this plan is a proactive approach by City Staff to implement procedures to effectively reduce citizen complaints related to excessive noise originating from the amphitheater. This includes establishing a strong communication link between the College Station Police Department and the Parks & Recreation Department event staff at the amphitheater facility.

To accomplish this task, the following measures will be implemented for all events:

1. The Parks & Recreation Department will assign a full time staff member who is familiar with the amphitheater operations and sound systems to be physically located at the sound control deck in the amphitheater. The purpose of this action is to place a knowledgeable person of authority to work directly with the sound technician for every event.
2. The Venue Manager on duty for each event will contact the Public Safety Dispatch prior to the start of "sound checks" for each event. The purpose of this step is to alert the dispatch staff that operations at the amphitheater are about to begin.
3. The Venue Manager on duty for each event will contact the Public Safety Dispatch prior to the start of the actual concert. The purpose of this step is to notify the Dispatch Staff that the event is ready to commence and ensure that the communication link is in place.

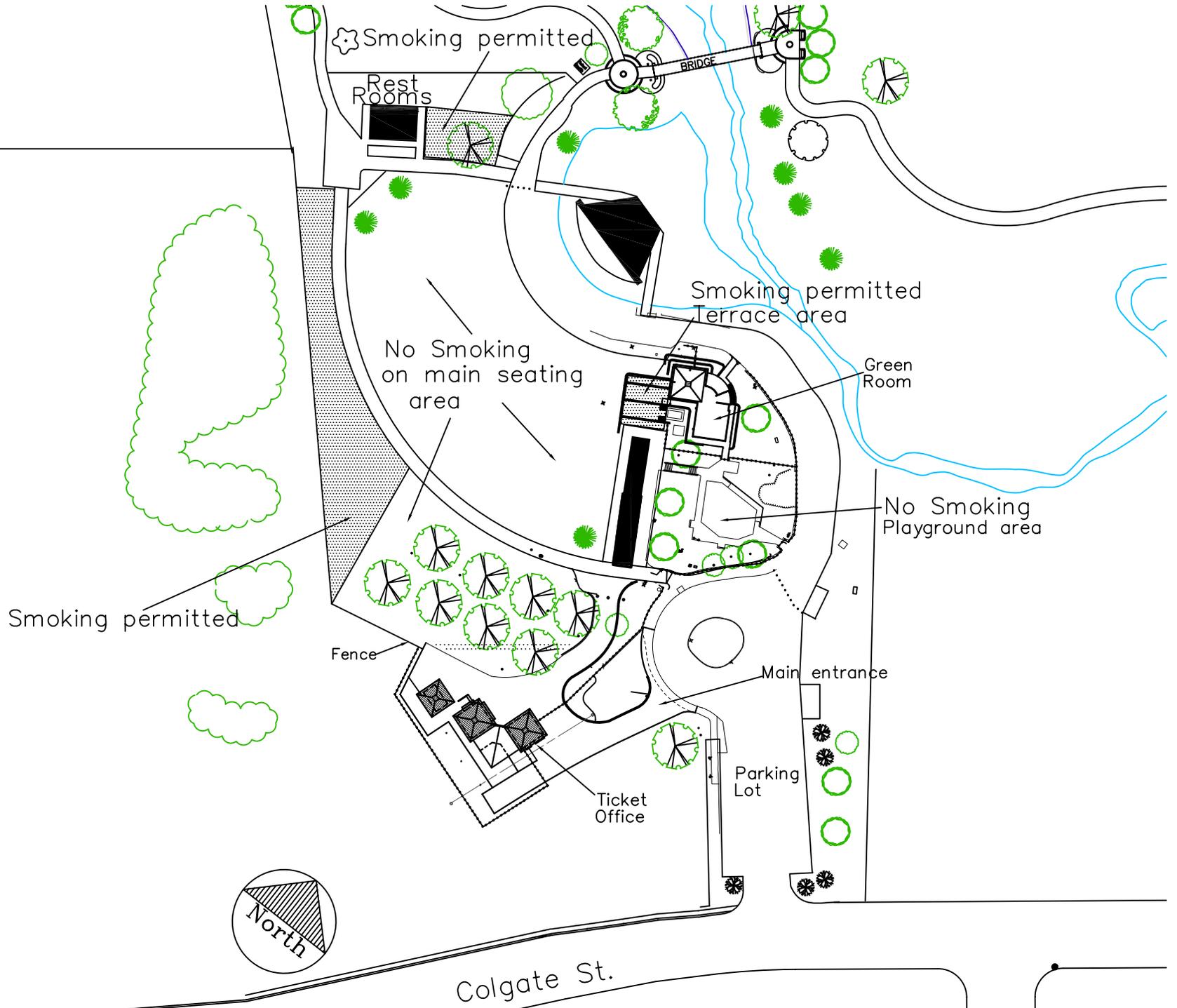
4. If noise complaints are received from the public, the Public Safety Dispatch will notify the on duty Police Watch Commander. The Watch Commander will then notify the Police Officers on duty at the amphitheater who will then relay the message to the Staff person located at the sound deck.
5. The sound technician will be directed to lower the volume to an appropriate level. The Parks & Recreation staff member assigned to the sound control deck will continue to monitor the sound technician throughout the event to confirm that the volume is not raised.
6. The Watch Commander has the authority to instruct the amphitheater Venue Manager to cancel the event and close the facility should the noise complaints continue and the above stated measures do not create satisfactory results.

This plan is effective immediately and subject to amendment as required to ensure the compliance with City of College Station ordinances, policies, procedures and directives.

Director of Parks & Recreation

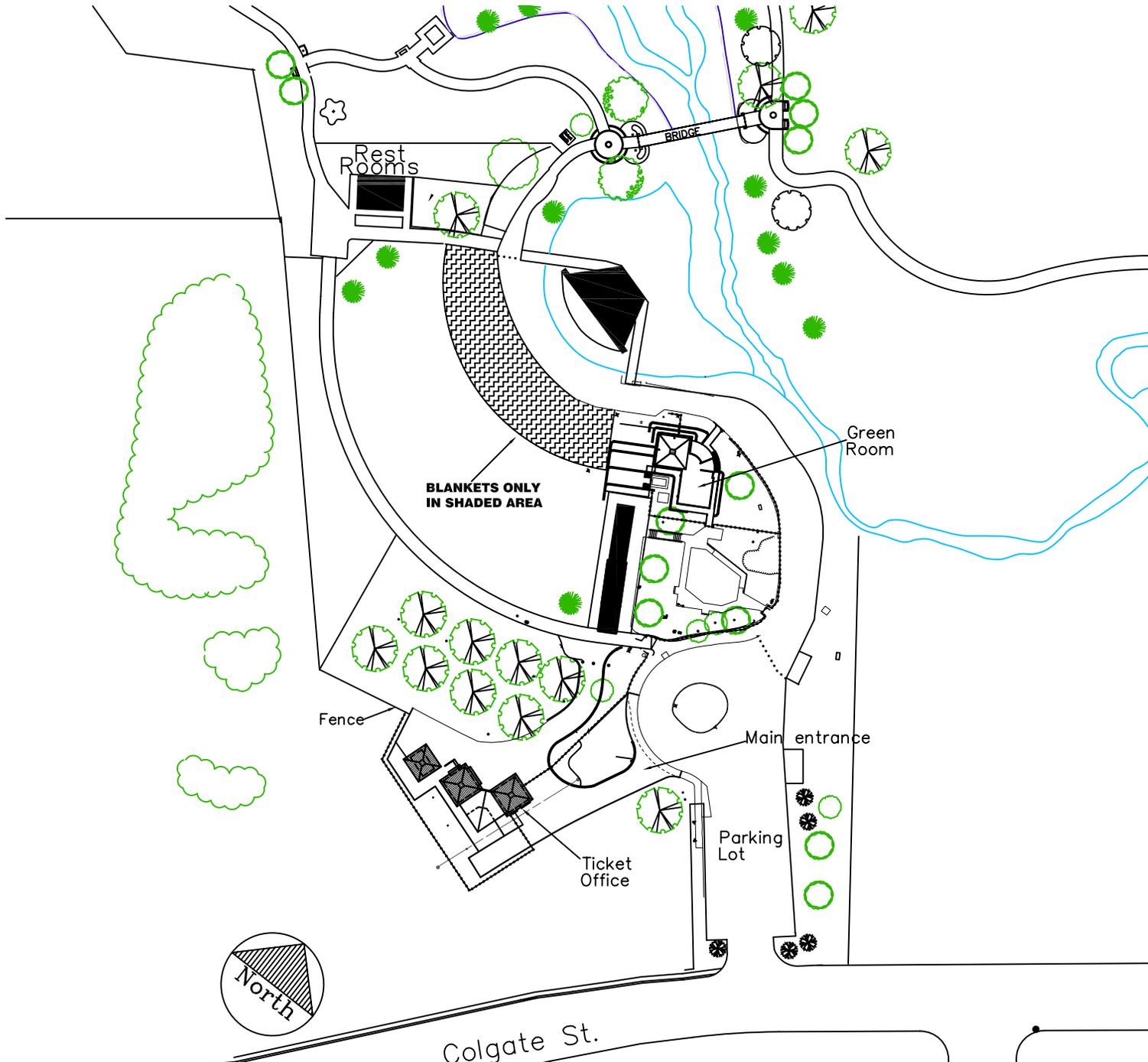
Police Chief

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Map designating smoking areas Wolf Pen Creek Amphitheater



**Map designating Blanket only area
Wolf Pen Creek Amphitheater**



PARKS AND RECREATION ADVISORY BOARD
MINUTES

REGULAR MEETING
7:00 PM, Tuesday, July 17, 2007
Wolf Pen Creek Hospitality Center
1015 Colgate s College Station, Texas

Staff Present: Steve Beachy, Director; Eric Ploeger, Assistant Director; Pamela Springfield, Staff Assistant; Curtis Bingham, Recreation Superintendent; Peter Lamont, Recreation Superintendent; Marci Rodgers, Senior Program Coordinator; Sheila Walker, Programs and Special Events Supervisor; Scott Hooks, Parks Operations Supervisor, West District

Members Present: Jodi Warner, Chair; Joan Perry; Jody Ford; Gary Erwin; Kathleen Ireland; Gary Thomas; Harry Green; Shawn Rhodes; (John Crompton had been voted onto the City Council and was no longer on the board.)

Members Absent: All members were present

Visitors Present: Andres Vela, Summit Crossing Development; Michael Davis, Summit Crossing; Joe Schultz, Civil Development, Ltd. (Summit Crossing); Paul Lindall, Representative for Brandon Heights Homeowner's Association; Joel Mitchell, Mitchell and Morgan Engineers

1. **Call to order:** Jodi Warner, Chair, called the meeting to order at 7:00 p.m. with a quorum present.
2. **Pardon and possible action concerning requests for absences of members.** All members were present.
3. **Hear visitors.** Paul Lindall was there to ask for feedback from the board and to present an informal proposal, on behalf of Brandon Heights Homeowners Association, to develop the water drainage overflow area off of Welsh Street into a useable park. The homeowners would be willing to participate in a modest way with the upkeep of the park. This item would be placed on a future agenda for discussion by the Board.

Hearing no further visitors, this item was closed.
4. **Consideration, possible action, and discussion of minutes from the Regular Meeting of June 19, 2007.** Jody Ford moved to approve the minutes as written. Shawn Rhodes seconded the motion and the vote was called. All were in favor and the minutes were unanimously approved.
5. **Presentation, possible action, and discussion regarding Wolf Pen Creek Amphitheater operations and projects ~ Sheila Walker.** Sheila reviewed the information report distributed to the board. Policies and operations issues were addressed and recommendations were discussed. A draft proposal would be brought back to the board at the August meeting. No action was taken.

6. **Presentation, possible action, and discussion regarding playground conditions and replacement schedule ~ Curtis Bingham.** The purpose of this item, brought back from a request made at the July meeting, was to give the board an update regarding current playground conditions and the replacement schedules for seven parks. Discussion followed. Kathleen Ireland made a motion that, due to liability issues, City Council should be made aware that some playgrounds would need replacing before they were scheduled. Joan Perry seconded the motion and the vote was called. All were in favor and the motion carried unanimously.
7. **Report, possible action, and discussion regarding agency accreditation ~ Steve Beachy.** An update was given regarding the CAPRA team's site visit and their recommendation to accredit the department. There were a few standards that the department did not meet however, none were fundamental standards. This was an informational item only and no action was required. Gary Thomas wanted to vote a resolution of thanks to the department for their effort in this endeavor. Gary Erwin seconded and the vote was called. All were in favor and the motion passed unanimously.
8. **Presentation, possible action, and discussion regarding Senior Advisory Committee member appointments ~ Marci Rodgers.** Four applications were presented for approval and appointment to serve three years on the Senior Advisory Committee. Kathleen Ireland moved to approve appointments as recommended by the Senior Services Coordinator and Jody Ford seconded the motion. All were in favor and the motion passed unanimously. Kathleen Ireland move to accept the recommendation for Robert Meyer to serve as Chair and for Raymond Reed to serve as Vice Chair of the committee. Gary Thomas seconded the motion. The vote was called. All were in favor and the motion passed unanimously. Hearing no further discussion, this item was closed.
9. **Presentation, possible action, and discussion regarding potential park land dedications.**
 - Ramada Inn Conceptual Plan for Tract Redevelopment ~ Park Zone 6. The required dedication for this was less than three acres, but since it was a planned development, it needed board approval. Staff was recommending the cash dedication of \$123,848. Gary Erwin moved to accept staff's recommendation and Shawn Rhodes seconded. The vote was called. All were in favor and the cash dedication was accepted.
 - Aggie Place Apartments ~ Park Zone 15. Staff was recommending acceptance of the cash donation of \$177,184 in lieu of the 3.136 acres. Discussion followed regarding taking the cash versus the land. Gary Erwin moved to accept the staff recommendation and Kathleen Ireland seconded. Hearing no further discussion the vote was called. All were in favor and the cash dedication was accepted.
 - Summit Crossing ~ Park Zone 4. The board had previously taken a tour of this property. Due to the new alignment of the borders of the park being proposed by the developer, staff was recommending that the board take another look at this property. Visibility and accessibility could affect the usability of the site as a park. A motion to table this item pending a site visit was made by Jody Ford and seconded by Gary Erwin. Discussion followed. The vote was called. The motion to table the item carried unanimously with a site visit to be scheduled.
10. **Presentation, possible action and discussion regarding the proposed fiscal year 2007/2008 through 2012/2013 Capital Improvement Plan; and report, possible action, and discussion concerning the current Capital Improvement Program.** A report had been distributed in the board members' packets. The projects were briefly reviewed and many had been discussed previously, however, none had been prioritized. The Board would see the list in the future in order to identify and prioritize potential projects in preparation for the upcoming bond election.

Current Capital Improvement and Park Land Dedication Project Lists had been included in the board members' packets. This was an informational item only and no action was required.

- Dedications of Less than Three Acres: No action was required.
 - Horse Haven Estates, Phase 4 ~ Park Zone 4;
 - North Forest Estates (Developer re-submittal) ~ Park Zone 8;
 - Cambridge Lofts ~ Park Zone 3; and
 - Stoneleigh Development ~ Park Zone 1

11. **Report, possible action and discussion concerning Board Goals, Departmental Goals and Objectives, and City Council Strategic Plan.** Updated lists had been included in the board members' packets. The park land dedication ordinance would be brought to council the following week. No action was required.

12. **Presentation, possible action, and discussion on future agenda items:** *A Board 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.*

§ August Regular Meeting ~ August 14, 2007, Wolf Pen Creek Hospitality Center

§ Brandon Heights would be placed on a future agenda for discussion. Staff would look at the proposal and bring it back to the board.

This was an informational item only and no action was taken.

13. **Adjourn.** A motion was made to adjourn by Jody Ford and seconded by Gary Erwin. The vote was called. All were in favor and the meeting adjourned at 9:50 p.m.



**PARKS AND RECREATION ADVISORY BOARD
MINUTES**

**REGULAR MEETING
7:00 PM, Tuesday, August 14, 2007
Wolf Pen Creek Hospitality Center
1015 Colgate s College Station, Texas**

Staff Present: Steve Beachy, Director; Pete Vanecek, Senior Park Planner; Pamela Springfield, Staff Assistant; Sheila Walker, Program and Special Events Supervisor; Peter Lamont, Parks Operations Supervisor; Scott Hooks, Parks Operations Supervisor, West District; Mollie Binion, Secretary

Members Present: Jodi Warner, Chair; Joan Perry; Gary Erwin; Jody Ford; Billy Hart; Wayne Williams; Shawn Rhodes; Kathleen Ireland; Gary Thomas

Members Absent: No absences for request had been submitted.

Guests Present: Natalie Ruiz, IPS Group, The Lofts at Wolf Pen Creek (WPC); Parviz Vessali, Texas Star Realtors; Joe Schultz, Civil Development, Summit Crossing; Michael Davis, Summit Crossing; Mark Lindley, Asset Plus, The Lofts at WPC; Barrett Kirk, Asset Plus, The Lofts at WPC; Paul Lindahl, Brandon Heights Homeowner's Association

1. **Call to order.** Jodi Warner called the meeting to order at 7:01 p.m. with a quorum present.
2. **Administering the Oath of Office and Swearing in of new and reappointed Board members.** Mollie Binion, Secretary was present to administer the Oath of Office to new members Wayne Williams and Billy Hart; and, the reappointed members Gary Erwin, Jody Ford, and Shawn Rhodes. The members were duly sworn in. Hearing no further discussion, this item was closed.
3. **Pardon and possible action concerning requests for absences of members.** All members were present. Hearing no discussion, this item was closed.
4. **Hear visitors.** Hearing none, this item was closed.
5. **Consideration, possible action, and discussion of minutes from the Regular Meeting of July 17, 2007.** Shawn Rhodes moved to approve the minutes from the July 17th meeting. Gary Erwin seconded the motion and the vote was called. All were in favor, and the minutes were unanimously approved.
6. **Presentation, possible action, and discussion regarding potential park land dedication for:**
Summit Crossing Subdivision ~ Park Zone 4: A site tour of the proposed, 8.8-acre dedication had been taken on Friday, August 10th. Gary Erwin moved to accept the dedication as recommended by staff. Joan Perry seconded the motion and the vote was called. All were in favor and the motion passed unanimously.
The Lofts at Wolf Pen Creek ~ Park Zone 3: This development, located in the WPC Corridor, would have retail on the first floor and residential on the second. The developer would like to use their dedication to develop a focal point on the corner of the development that would include a

small water feature, landscaping, and a streetscape type of environment, as stated in the letter distributed in the members' packets. Jody Ford moved to approve the conceptual plan and Kathleen Ireland seconded the motion. Discussion followed. The vote was called. All were in favor and the conceptual plan was unanimously approved.

7. **Report, possible action and discussion regarding a 4.16-acre detention area located on Welsh Street in Block "B", Brandon Heights, Phase II ~ Pete Vanecek.** The Brandon Heights Homeowner's Association wanted to turn this detention area into a useable park. Staff had met with Paul Lindahl, the HOA's representative and they felt that something could be done in conjunction with one, if not several organizations, to make the detention area more attractive. Staff did not wish to have it used as a park due to the proximity of two nearby parks. A legal contract has been in place with the City since 1996, for the HOA to maintain the area.

A motion was made for staff to further research the possibilities to help with the beautification project of this area, and to use that information for other HOA's as well as development standards. Joan Perry so moved. Billy Hart seconded the motion. The vote was called. All were in favor and the motion passed unanimously.

8. **Report, possible action, and discussion regarding the Wolf Pen Creek Amphitheater operations and policies ~ Sheila Walker.** Recommendations for policies and operations of the amphitheater had been included in the members' handouts. Discussion regarding smoking areas followed. Kathleen Ireland moved to adopt the guidelines as presented by staff. Joan Perry seconded the motion. Hearing no further discussion the vote was called. The motion passed 7-2, with Jody Ford and Shawn Rhodes opposed.

9. **Report, possible action, and discussion regarding the Park Land Dedication Ordinance.** There had been changes made in the ordinance from what had been previously submitted. Information had been included in the board packets outlining those revisions that would be presented to Council with city staff recommendations on August 23rd. Discussion followed. This was an update only and no action was required.

10. **Presentation, possible action and discussion concerning the current Capital Improvement Program:** Updated lists had been included in the members' packets. A little background on these items was given for the benefit of the new members.

- **Current Capital Improvement and Park Land Dedication Project Lists**
- **Dedications of Less than Three Acres: None**

This was an informational item only and no action was taken.

11. **Report, possible action and discussion concerning Board Goals, Departmental Goals and Objectives, and City Council Strategic Plan.** Updated lists had been included in the members' packets. This was an informational item only and no action was taken.

12. **Presentation, possible action, and discussion on future agenda items: A Board 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.**

§ **September 12, 2007, Regular Meeting, Wolf Pen Creek Hospitality Center** – The board agreed to move the regular meeting in September from Tuesday the 11th to Wednesday, September 12th due to a Patriot Day Ceremony that was being held.

Possible agenda items:

- Approval of minutes from August 10, 2007 Summit Crossing site tour;
- Review Subcommittee appointments

§ **October 9, 2007, Regular Meeting, Wolf Pen Creek Hospitality Center** ~ The suggestion was made to hold a workshop (at 5:00 p.m.) prior to the regular meeting in order to prepare board goals.

Hearing no further discussion this item was closed. No action was taken.

13. **Adjourn.** Jody Ford moved to adjourn the meeting and Kathleen Ireland seconded. The vote was called and the motion passed unanimously. The meeting adjourned at 9:34 p.m.



PARKS AND RECREATION ADVISORY BOARD
MINUTES

**5:30 GOALS WORKSHOP
AND REGULAR MEETING AT
7:00 PM, Tuesday, October 9, 2007
Wolf Pen Creek Hospitality Center
1015 Colgate s College Station, Texas**

Staff Present: Steve Beachy, Director; Pete Vanecek, Senior Park Planner; Amanda Putz, Board Secretary; Pamela Springfield, Staff Assistant; Peter Lamont, Recreation Superintendent; Sheila Walker, Recreation Supervisor, Special Events; Scott Hooks, Parks Operations Supervisor, West District; David Gerling, Special Facilities Superintendent

Members Present: Jodi Warner, Chair; Gary Erwin; Shawn Rhodes; Wayne Williams; Billy Hart; Joan Perry; Gary Thomas

Members Absent: Jody Ford; Kathleen Ireland

Visitors: Todd Grier, Felix Landry ~ Recreation, Park and Tourism Sciences, TAMU

Parks Board Goals Workshop ~ 5:30 p.m.

1. **Call to order.** Jodi Warner, Chair called the goals workshop meeting to order with a quorum present at 5:32 p.m.
2. **Pardon and possible action concerning requests for absences of members.** Two requests for absence had been submitted by Jody Ford and Kathleen Ireland. Joan Perry moved to accept the requests as submitted. Wayne Williams seconded the motion and the vote was called. All were in favor and the absences were excused.
3. **Discussion and possible action concerning Parks and Recreation Advisory Board and Departmental goals and objectives.** Draft goals and objectives for the Board for 2008 were discussed. Staff would put the items discussed into a format that could be reviewed by the Board for further discussion and approval at the November meeting.

6:38 p.m. ~ Break for Dinner

4. **Reconvene for Regular Meeting ~ 7:00 p.m.** Jodi Warner reconvened the meeting at 7:01 p.m. with a quorum present.
5. **Hear visitors.** Hearing none this item was closed.
6. **Consideration, possible action, and discussion of minutes from the Regular Meeting of September 12, 2007.** Gary Erwin moved to accept the minutes as presented. Shawn Rhodes seconded the motion and the vote was called. All were in favor and the motion passed unanimously. The information listing athletes and sports use per facility, which had been requested at the September meeting, was still being collected.

7. **Presentation, possible action, and discussion regarding the possible design concept by the developer for The Lofts at Wolf Pen Creek ~ Park Zone 3.** This item was pulled for lack of information received from the developer.
8. **Discussion, possible action, and consideration regarding Wolf Pen Creek Policy and Operations Recommendations ~ Sheila Walker, Peter Lamont.** This agenda item was moved from number 9. Peter presented the Board with a draft of the policies and operations being recommended and for the Green Room and the Plaza, along with maps showing the locations for the non smoking and blanket-only areas. Discussion followed. Billy Hart moved to accept the recommended policies and operations as presented. Gary Erwin seconded the motion and hearing no further discussion the vote was called. The motion passed 5-2 (Joan Perry and Shawn Rhodes were opposed). This item will go before the City Council for approval in November.
9. **Report, possible action and discussion relating to the Economic Impact of the 18 and Under National Softball Championship ~ Todd Grier, Felix Landry.** This item was moved from number 8 until the presenter arrived. This was a report done by the Department of Recreation Park and Tourism Sciences to address the value of the tournament to the community. No action was required this was an informational item only.

10. **Discussion, possible action, and consideration regarding Board Fees Subcommittee FY 2008 Fee recommendations.** The Fees Subcommittee, made up of Gary Erwin, Jody Ford and Kathleen Ireland had met with staff the week before to review fees. Gary Erwin briefly reviewed the few changes that were being proposed. It was the subcommittee's recommendation that the Board accept the fees as proposed by staff.

Wayne Williams moved to accept the recommendation from the subcommittee and Billy Hart seconded the motion. Discussion followed. The vote was called and the fees for 2008 were approved by the Board. The fees would go before City Council for approval in November. Hearing no further discussion, this item was closed.

11. **Presentation, possible action and discussion concerning the current Capital Improvement Program:**

- **Current Capital Improvement and Park Land Dedication Project Lists:** Lists had been distributed in the members' packets.
- **Dedications of Less than Three Acres:** None had been submitted.

This was an informational item only and no action was required.

12. ***Presentation, possible action, and discussion on future agenda items: A Board 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.***

§ Wolf Pen Creek Oversight Committee Meeting ~ Tentatively scheduled for October 16, 2007 at noon. Currently there were no items for discussion and this meeting may not take place.

§ Next Regular Meeting ~ November 13, 2007, Wolf Pen Creek Hospitality Center

- Discussion, consideration, and possible action regarding youth soccer and competitive groups vying for field use for practices.
- Review subcommittees – Add a Technology Subcommittee (Billy Hart, Joan Perry, and Gary Thomas volunteered)
- Board goals review and possible action

- Jodi Warner asked to have Geri Marsh, along with a few other key staff that were instrumental in the accreditation process, join the Board at the next meeting for a recognition

13. **Adjourn.** Gary Thomas moved to adjourn the meeting and Wayne Williams seconded the motion. Hearing no further discussion the vote was called. All were in favor and the meeting adjourned at 8:30 p.m.

December 4, 2007
Agenda Item No. 7
Parks and Recreation Department User Fees for CY 2008

To: Glenn Brown, City Manager

From: Ric Ploeger, Acting Director of Parks and Recreation

Agenda Caption: Presentation, possible action and discussion regarding a resolution of the City Council of the City of College Station, Texas, approving and setting fees for Parks and Recreation activities and facilities.

Recommendation(s): Staff recommends approval of the resolution, and fees schedule as submitted. The Parks and Recreation Advisory Board also recommends approval of the fees as proposed.

Summary: The Parks and Recreation Department conducts annual reviews of user fees to determine direct costs, as well as local "market" rates for individual programs and facilities. Further the Parks and Recreation Advisory Board established a departmental fee policy statement to provide guidance in the establishment of fees.

This policy is consistent with the City's fiscal and budgetary policy. The Board reviewed the proposed fees on October 9, 2007 and voted 7-0 (Jody Ford & Kathleen Ireland absent) to recommend approval of the fees as submitted for CY 2008.

Budget & Financial Summary: The proposed user fees for CY 2008 include changes that are detailed in Attachment 1. If approved, the new fees will become effective after January 1, 2008. All other fees are recommended to remain at the 2007 rates. Currently, the revenue forecast for Parks & Recreation for FY 2008 is a total of \$1,149,227.

Overall, the Department forecasts these new fees to raise approximately \$25,900 in additional revenue. This figure includes \$3,000 in athletic league fees, \$13,400 in facility rental fees, \$1,000 in membership fees and \$8,500 in aquatic fees. If all of these increases are approved, then the new forecasted revenue for FY 2008 will be \$1,175,127.

Attachments:

1. Proposed Changes to Parks and Recreation Department Fees for CY 2008.
2. Resolution.
3. Exhibit A, Proposed Fee Schedule

**City Of College Station
Parks and Recreation Department
Proposed Fee Changes and Additions
CY 2008**

- 1. Adult Athletic Programs** – Increase by \$5 due to increase in minimum wage

- 2. Package Rate for Veterans Park Soccer Fields and American Pavilion**
- New fee of \$1,000 per day for 9 soccer fields and the American Pavilion. Rented separately the fee would be \$1,200.

- 3. Rental Fees for Wolf Pen Creek Amphitheater facilities** – New fees for the rental of the Hospitality Center and the Plaza at the Wolf Pen Creek Amphitheater. Additionally, Fees have been added for weekday rentals versus weekend rentals

- 4. Swimming Lessons** – Increase by \$5 per lesson more than the current rate.

- 5. EXIT Teen Center** – Membership fees will mirror Lincoln Center fee due to the combined access pass that we use for both locations. Although, the “Additional Attendance Fee Per Hour” rental fees have been dropped from the schedule due to never being used. The screening process of users negates the need for those fees.

- 6. Lincoln Center Fees** – A new “Late Pick-up fee” will be added to the schedule to address parents that do not pick up their children on time. We have a hand full of parents that abuse the good will of the staff and come as late as 45 minutes after the pick up time. This assessment is more to deter late pick-up than to generate new revenue. Gym and room rental fees increased slightly to keep up with area rental fees of similar conveniences.

- 7. Swimming Pools** – Natatorium fees were increased to mirror Hallaran and Thomas pools rental fees. Jr. Life Guard program was increased by \$5 per participant, while the Life Guard 2-B program changed only in the way we figure the cost. Life Guard 2-B is a \$25 charge on top of the cost that Ellis and Associates charges to certify each participant.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING AND SETTING FEES FOR PARKS AND RECREATION FACILITIES AND ACTIVITIES.

WHEREAS, the City of College Station conducted a cost of service study to identify the full cost of service for all Parks and Recreation related facilities and services; and

WHEREAS, the City Council has adopted a Fiscal and Budgetary Policy; and

WHEREAS, the schedule of fees in the attached Exhibit A provides for Parks and Recreation related fees that are consistent with the adopted Fiscal and Budgetary Policy; now, therefore,

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

PART 1: That the City Council hereby approves and adopts the Parks and Recreation fee schedule attached as Exhibit A.

PART 2: That the fees provided for in the attached Exhibit A shall take effect for programs beginning after January 1, 2008.

ADOPTED this _____ day of _____, A.D. 2007.

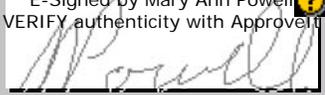
ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

E-Signed by Mary Ann Powell
VERIFY authenticity with ApproveIt


City Attorney

PARKS & RECREATION DEPARTMENT USER FEES

Draft Fees 2008

ACTIVITY/FACILITY	2005	2006	2007	2008
ADULT SPORTS PER TEAM				
1. Flag Football	\$355	\$355	\$375	\$380
2. Volleyball	\$175	\$175	\$185	\$190
3. Softball				
Play-Off League: Spring and Summer / Fall	\$340	\$340	\$350	\$355
Fast Pitch: Spring and Summer / Fall	\$380	\$380	\$390	\$395
4. Outside League Field Redevelopment Fee Per Team	\$75	\$75	\$75	\$75
5. Adult Sports Transfer/Cancellation Fee	N/A	\$10	\$10	\$10
YOUTH SPORTS PER CHILD				
1. Basketball / Flag Football / Youth Volleyball	\$45 / 40	\$50 / \$45	\$55 / \$50	\$55 / \$50
2. Girl's Softball	\$50 / 45	\$55 / \$50	\$55 / \$50	\$55 / \$50
3. Challenger Sports	\$15	\$15	\$15	\$15
4. Outside League Field Redevelopment Fee Per Child	\$5	\$10	\$10	\$10
5. Youth Sports Transfer/Cancellation Fee	N/A	\$10	\$10	\$10
INSTRUCTION FEES PER PERSON				
1. Swim Lessons 25-Minute Lesson / 45-Minute Lesson*	\$35	\$40	\$40	\$35 / \$45
2. Stroke Clinic	\$40	\$45	\$45	\$45
3. Swim Team	\$85 / 75	\$100 / \$90	\$100 / \$90	\$100 / \$90
4. USTA Tennis League	\$85	\$90	\$90	\$90
5. Tennis Lessons	\$45	\$50	\$65	\$65
6. Water Fitness Pass ~ Fall, Spring, Summer Passes	\$80 / \$60	\$80 / \$60	\$80 / \$60	\$80 / \$60
Winter Pass (Morning & Evening / Evening Only)			\$60 / \$45	\$60 / \$45
7. Instruction Transfer/Cancellation Fee	\$10	\$10	\$10	\$10
<i>* Children ages 5 and under attend only a 25-minute lesson. All other lessons are 45 minutes in length.</i>				

PAVILION RENTALS PER DAY				
<i>~ Deposits are refundable if the facility is left clean and damage-free, and keys are returned.</i>				
<i>~ Deposits are refundable if reservation is cancelled seven (7) days prior to rental date.</i>				
1. Bee Creek / Oaks / W.A. Tarrow Park Pavilions				
Monday – Thursday	\$75 / \$75 / \$75	\$75	\$75	\$75
Friday – Sunday & Holidays	\$100 / NA / NA	\$100	\$100	\$100
Deposit	\$0 / \$50/ \$0	\$100	\$150	\$150
2. Central / Southwood Pavilions				
Monday - Thursday	\$100	\$125	\$125	\$125
Friday – Sunday, and Holidays	\$175	\$200	\$200	\$200
Deposit	\$100	\$100	\$150	\$150
3. John Crompton Park Pavilion				
Monday - Thursday	N/A	\$100	\$100	\$100
Friday – Sunday, and Holidays	N/A	\$150	\$150	\$150
Deposit	N/A	\$100	\$150	\$150
4. American Pavilion in Veterans Park				
Monday - Thursday	N/A	N/A	\$200	\$200
Friday – Sunday, and Holidays	N/A	N/A	\$300	\$300
Deposit	N/A	N/A	\$300	\$300
5. Pavilion Transfer/Cancellation Fee	N/A	\$10	\$10	\$10
No increase in rental fees are proposed for 2008, due to the drop in rentals by approximately 90 in 2007.				

CONFERENCE CENTER

- ~ The room deposit is \$100 on Room 127 and \$50 each on all other rooms including the kitchen.
- ~ Deposits are refundable upon compliance with all rules, regulations, and clean-up requirements by client and caterer.
- ~ Deposits are refunded less the cancellation fee of \$10, if the reservation is cancelled sixty (60) days prior to the event.
- ~ An additional fee of \$25 is charged if additional time is needed between the hour of 5 p.m. and 6 p.m., and is based upon availability.

1. Commercial Rental Rates (Companies or Businesses)					
Room 101:					
Monday - Thursday:	4 Hours or Less	\$45	\$55	\$55	\$55
	8 am - 5 pm	\$52	\$65	\$65	\$65
	6 pm - Close	\$65	\$70	\$70	\$70
Friday Rate:	8 am - Close	\$150	\$75	\$75	\$75
Saturday Rate:	8 am - Close	\$150	\$150	\$150	\$150
Room 102*, 103, 104, 106*, 107*:					
Monday - Sunday:	4 Hours or Less	\$29 / *\$34	\$45	\$45	\$45
	8 am - 5 pm	\$39 / *\$46	\$55	\$55	\$55
	6 pm - Close	\$42 / *\$48	\$60	\$60	\$60
Room 105:					
Monday - Sunday:	4 Hours or Less	\$45	\$55	\$55	\$55
	8 am - 5 pm	\$52	\$65	\$65	\$65
	6 pm - Close	\$65	\$70	\$70	\$70
Room 127:					
Monday - Thursday:	4 Hours or Less	\$105	\$125	\$125	\$125
	8 am - 5 pm	\$145	\$165	\$165	\$165
	6 pm - Close	\$155	\$175	\$175	\$175
Friday Rate:	8 am - Close	\$450	\$225	\$225	\$225
Saturday Rate:	8 am - Close	\$450	\$450	\$450	\$450
2. Non-Commercial Rental Rates (Individuals or groups / not companies or businesses.)					
Room 101:					
Monday - Thursday:	4 Hours or Less	\$22	\$25	\$25	\$25
	8 am - 5 pm	\$38	\$40	\$40	\$40
	6 pm - Close	\$25	\$35	\$35	\$35
Friday Rate:	8 am - Close	\$150	\$75	\$75	\$75
Saturday Rate:	8 am - Close	\$150	\$150	\$150	\$150
Room 102*, 103, 104, 106*, 107*:					
Monday - Sunday:	4 Hours or Less	\$16 / *\$18	\$20	\$20	\$20
	8 am - 5 pm	\$27 / *\$32	\$35	\$35	\$35
	6 pm - Close	\$18 / *\$22	\$30	\$30	\$30
Room 105:					
Monday - Sunday:	4 Hours or Less	\$22	\$25	\$25	\$25
	8 am - 5 pm	\$38	\$40	\$40	\$40
	6 pm - Close	\$25	\$35	\$35	\$35
Room 127:					
Monday - Thursday:	4 Hours or Less	\$55	\$60	\$60	\$60
	8 am - 5 pm	\$105	\$110	\$110	\$110
	6 pm - Close	\$72	\$80	\$80	\$80
Friday Rate:	8 am - Close	\$450	\$225	\$225	\$225
Saturday Rate:	8 am - Close	\$450	\$450	\$450	\$450
3. Kitchen Rental			\$20	\$20	\$20
4. Sunday Surcharge					
1-5 Consecutive Hours		\$60	\$60	\$60	\$60
1-5 Hours Split, or over 5 Consecutive Hours		\$85	\$85	\$85	\$85
5. Transfer/Cancellation, Set-up Change Fee		\$20	\$10	\$10	\$10
6. Alcohol Deposit (If alcohol is served)		N/A	\$50	\$50	\$50
7. Catering Deposit		\$50	\$50	\$50	\$50

8. Multi-media Projector Deposit	\$50	\$50	\$50	\$50
9. Vendor or Exhibitors Tables	\$10	\$10	\$10	\$10
10. Miscellaneous Charges				
Copies (Per Copy)			\$.10*	\$.10*
Faxes ~ Local (Per Page)	\$2.00	\$2.00	\$1.00	\$1.00
~ Long Distance (Per Page)			\$2 First pg / \$1 Addt'l pgs	\$2 First pg / \$1 Addt'l pgs
*Per Section 111.61 of the Texas Administrative Code				

LINCOLN CENTER

~ All rooms are subject to an after-hour charge of \$20 per hour. The after-hour charge is based on any request to use facilities beyond the Center's normal operating hours.

~ Special Event fee includes the rental of the gym, Community Room, sound system, and 450 chairs.

1. School Year Membership Pass:				
Youth (17 & Under)	\$10	\$10	\$20	\$20
Low Income Eligible	\$5	\$5	\$10	\$10
2. Summer Membership Pass				
Resident - Brazos Valley	\$30	\$30	\$50	\$50
Non-Resident			\$100	\$100
3. Late Pick-up Fee				
1st Fifteen Minutes				\$5.00
Each Additional Minute Thereafter				\$1.00
4. Adult (18 & Over) Annual (12 Month) Membership Pass	\$15	\$15	\$25	\$40
5. Non-Member Guest Pass Per Day (Youth or Adult)	\$1	\$1	\$2	\$2
6. Fitness Pass Do away with - Remove Line	\$25	\$25	\$40	\$40
7. Gym Deposit Per Day (8 hour block)	\$250	\$250	\$250	\$250
Half Court Rental Per Hour (4 hour maximum)	\$20	\$20	\$20	\$25
Full Court Rental Per Hour (4 hour maximum)	\$25	\$25	\$30	\$35
Gym Event	\$.30/Chair	\$.30/Chair	\$.35/Chair	\$.35/Chair
All Day Usage (More than 4 hours)	\$175	\$175	\$200	\$225
Concession Usage	\$20	\$20	\$20	\$20
8. Game Room / Multi-purpose Room Rental Per Hour (4 hour minimum)	\$20	\$10/hour	\$15/hour	\$20/hour
Deposit	\$50	\$50	\$75	\$75
9. Community Room Rental Per Hour (3 hour maximum)	\$50	\$20/hour	\$25/hour	\$25/hour
Deposit	\$75	\$75	\$100	\$100
Kitchen Fee	\$20	\$20	\$20	\$20
10. Special Event Fee (Funerals, weddings, parties)	\$150	\$150	\$150	\$250
11. Miscellaneous Charges				
Copies (Per Copy)	\$.10	\$.10	\$.10*	\$.10*
Faxes ~ Local (Per Page)	\$2.00	\$2.00	\$1.00	\$1.00
~ Long Distance (Per Page)			\$2 First pg / \$1 Addt'l pgs	\$2 First pg / \$1 Addt'l pgs
*Per Section 111.61 of the Texas Administrative Code				

ATHLETIC FIELDS

~ In addition to the rental fees, a deposit will be charged and paid by the renter in advance of any tournament. The deposit will vary depending on the type and size of the tournament.

~ In addition to the rental and deposit fees, additional fees may be assessed to the renter depending on the length and type of tournament in order to cover expenses incurred by the City for personnel and supplies needed to facilitate the tournament.

~ Game field prep and light fees are included in the daily rental fee, but not in hourly rental fees.

1. Athletic Field Rentals				
One (1) Field: Per Day / Per Weekend	\$60 / \$100	\$100 per day	\$100 per day	\$100 per day
One (1) Field: Per Hour up to 10 Hours	\$10 / \$15 / \$20	\$10 per hour	\$10 per hour	\$10 per hour
2. Athletic Field Rental Deposit	Varies	Varies	Varies	Varies
3. Lights for Field Rentals (Per hour/Per field)	\$5	\$10 per hour	\$10 per hour	\$10 per hour
4. Game Field Prep Fee per Field	N/A	\$45 per field	\$45 per field	\$45 per field

5. Bee Creek Batting Cage Rental: Per Hour	N/A	N/A	\$10 per hour	\$10 per hour
6. Veterans Park "Package" Day Rental – All 9 Soccer Fields and the American Pavilion	N/A	N/A	N/A	\$1,000

RACE EQUIPMENT RENTALS				
1. Printing Stop Watch / Non-printing Stop Watch	\$10 / \$5	\$10 / \$5	\$10 / \$5	\$10 / \$5
2. Cones (10)	\$10	\$10	\$10	\$10
3. Bases, Poles, and Flagging (10)	\$10	\$10	\$10	\$10
4. Big Time Clock	\$50	\$50	\$50	\$50
5. Water Cooler / Ice Chest	\$5 / \$5	\$5 / \$5	\$5 / \$5	\$5 / \$5
6. Tables	\$10	\$10	\$10	\$10
7. Traffic Flags and Vests (10)	\$5	\$5	\$5	\$5
8. Rental Package #1: Big time clock, 1 printing stopwatch, 10 cones, 10 bases/poles and flagging, 2 water coolers, 2 tables, 10 traffic flags and vests.	\$75	\$75	\$75	\$75
9. Rental Package #2: Big time clock, 2 printing stopwatches, 30 cones, 20 bases/poles and flagging, 6 water coolers, 4 tables, 15 traffic flags and vests.	\$100	\$100	\$100	\$100
10. Rental Package #3: Big time clock, 4 printing stopwatches, 60 cones, 30 bases/poles and flagging, 12 water coolers, 6 tables, 20 traffic flags and vests.	\$125	\$125	\$125	\$125

SWIMMING POOLS				
*Adamson passes are also valid at Southwood Hallaran and Thomas pools, excluding the CSISD Natatorium. All discount passes are priced for 25 swims.				
1. General Admission Per Person (Ages 3 and up)				
Hallaran/Thomas	\$2.50	\$2.50	\$2.50	\$2.50
Natatorium	\$2.00	\$2.00	\$2.00	\$2.00
Adamson	\$4.00	\$5.00	\$5.00	\$5.00
2. Discount Pass – 25 Swims				
Hallaran/Thomas	\$50	\$50	\$50	\$50
Natatorium	\$40	\$40	\$40	\$40
*Adamson	\$85	\$85	\$85	\$85
3. Family Season Pass				
Hallaran/Thomas Pass or Natatorium Pass	\$125 / \$125	\$125 / \$125	\$125 / \$125	\$125 / \$125
*Adamson	\$200	\$200	\$200	\$200
4. Individual Season Pass				
Hallaran/Thomas	\$60	\$60	\$60	\$60
*Adamson	\$80	\$80	\$80	\$80
5. Babysitter Season Pass				
Hallaran/Thomas	\$30	\$30	\$30	\$30
*Adamson	\$40	\$40	\$40	\$40
6. Special Day Care Fee @ Adamson Lagoon Per Child	\$2.75	\$2.75	\$2.75	\$2.75
7. Pool Rentals (2 Hour Maximum. Limited weekend availability.)				
Thomas/Hallaran: 25 people or fewer	\$90 / \$100	\$100	\$100	\$100
50 people or fewer	\$100 / \$125	\$125	\$125	\$125
51-76 people	\$125 / \$175	\$175	\$175	\$175
77-102 people	\$150 / \$225	\$225	\$225	\$225
Each hour after initial 2 hours	\$75	\$75	\$75	\$75
Natatorium: 25 people or fewer	\$90	\$90	\$90	\$100
50 people or fewer	\$100	\$100	\$100	\$125
51-76 people	\$125	\$125	\$125	\$175
77-102 people	\$150	\$150	\$150	\$225
Each hour after initial 2 hours	\$75	\$75	\$75	\$75
Adamson: 99 people or fewer	\$275	\$275	\$275	\$275
199 or fewer	\$325	\$325	\$325	\$325

	299 or fewer	\$425	\$425	\$425	\$425
	300+	\$525	\$525	\$525	\$525
	Each hour after initial 2 hours	\$125	\$125	\$125	\$125
8.	Pool Parties Per Person – (2 Hour Maximum.)				
	Theme Party: Southwood and Thomas	\$5.75	\$6.00	\$6.00	\$6.00
	Adamson Lagoon	\$7.50	\$7.75	\$8.00	\$8.00
	General Party: Southwood and Thomas	\$4.75	\$5.00	\$5.00	\$5.00
	Adamson Lagoon	\$6.50	\$6.75	\$7.00	\$7.00
	Catered Theme Party: Southwood and Thomas	\$7.00	\$7.25	\$7.25	\$7.25
	Adamson Lagoon	\$9.25	\$9.50	\$9.50	\$9.50
	General Catered Party: Southwood and Thomas	\$6.25	\$6.50	\$6.50	\$6.50
	Adamson Lagoon	\$8.50	\$8.75	\$8.75	\$8.75
	Pavilion Party (Four-table limit): First table	\$15	\$15	\$15	\$20
	Additional tables (Max of 3)	\$5	\$5	\$5	\$10
9.	Junior Lifeguard Program Per Person Per Session	\$65	\$70	\$70	\$75
10.	Junior Lifeguard Level 2 Guard 2-B Per Person, Per Session	\$65	\$70	\$70	\$25 + Cert. Fees
11.	Lifeguard for a Day, Per Person for 1.0 Hour 1.5 Hour			\$2	No Cost
12.	Other Pool Fees				
	Texas SuperGuard Competition Per Person	\$20	\$20	\$20	\$20
	Swim Diaper Fee Per Diaper	\$1	\$1	\$1	\$1
	Tube Rental Fee	\$1	\$1	\$1	\$1
	Deposit	\$2	\$2	\$2	\$2
	Locker Rental Fee	\$1	\$1	\$1	\$1
	Deposit	\$2	\$2	\$2	\$2
	Duck Derby (Sponsor a duck July 4th) Per Person	\$3	\$2	\$2	\$2
	Itzy Bitzy Tiny Cutie Bathing Beauty & Handsome Boy Contest on July 4th, Per Person	\$3	\$3	\$3	\$3
	“Schools Out Blow Out” at Adamson Lagoon	\$200	\$200	\$200	\$200
	Pool Trout Fish-out Per Person (Ages 3 and up)	\$2.50	\$3	\$3	\$3
	Over the 5-fish limit (Per fish)	\$1.50	\$1.50	\$1.50	\$1.50
13.	Educational Class Rental Per Hour (1 Hour/Non Exclusive)	\$25	\$25	\$25	\$25
14.	Adamson Lagoon Summer Day Camp Use, Per Child	NA	NA	\$2	\$2
15.	Natatorium Team Use Fee, Per Person Per Season	NA	NA	\$10	\$10

TEEN CENTER (THE EXIT)

~ All rental rates are based on a party of 1-25 people. Additional fees are added per hour for over 25 attendees. Any rental expecting more than 100 attendees must have prior Supervisor approval.
 ~ Deposits are refundable if the facility is left clean and damage-free.
 ~ Fees are assessed for special events and field trips.

1.	Annual Membership Pass	\$10	\$10	\$20	\$20
2.	Non-Member Fee Per Day	\$1	\$1	\$2	\$2
3.	Meeting Room Rental, Per Hour	\$15	\$15	\$15	\$15
	Deposit	\$50	\$50	\$50	\$50
4.	Dance/Game Room Rental, Per Hour	\$25	\$25	\$25	\$25
	Deposit	\$50	\$50	\$50	\$50
5.	Whole Facility Rental Per Hour (Excludes Computer Lab)	\$50	\$50	\$50	\$50
	Deposit	\$75	\$75	\$75	\$75
6.	Additional Attendance Fee Per Hour				\$10
	26-50 Attendees Remove Line	\$10	\$10	\$10	\$10
	51-100 Attendees Remove Line	\$15	\$15	\$15	\$15
	100-200 Attendees Remove Line	\$20	\$20	\$20	\$20

VENDOR PERMITS				
1. Standard Vendor Permit	\$50	\$50	\$50	\$50

WOLF PEN CREEK AMPHITHEATER					
~ A percentage of ticketing and fees for service personnel and vending charges will be added accordingly for amphitheater rentals.					
~ A percentage of the gate will be negotiated for commercial events.					
~ Non Commercial defined as: Non profit, student, civic or private.					
~ Security deposits are based upon participants/attendees.					
1. Amphitheater Rentals Per Day:				Mon - Thur	Fri – Sun
Private Rental	\$200 / \$250	\$200 / \$250	\$250	\$300	/ \$400
Non Commercial ~ Benefit Rental	\$425 / \$525	\$425 / \$525	\$600	\$600	/ \$700
Professional/Commercial Rentals	\$800 / \$900	\$800 / \$900	\$1,000	\$1,000	/ \$1,100
2. Green Room Meetings Four Hours or Less					
Non Commercial				\$75	/ \$100
Commercial				\$100	/ \$150
3. Green Room Meetings Up to Twelve Hours					
Non Commercial				\$200	/ \$250
Commercial				\$250	/ \$300
4. Green Room Social Events ~ Four Hours or Less					
Non Commercial				\$100	/ \$125
Commercial				\$125	/ \$175
5. Green Room Social Events ~ Up to Twelve Hours					
Non Commercial				\$250	/ \$300
Commercial				\$300	/ \$350
6. Deposit for all Amphitheater or Green Room Rentals				Varies - \$100 - \$600	
7. The Plaza at Wolf Pen Creek					
Rental (Includes Pavilion and Restrooms)				\$100	/ \$150
Deposit (Security, Damage, Clean-up				\$100	
8. Other Non-typical Events				Rate based on event	
9. Discounts for Three or More Dates Reserved				15%	
10. Alcohol Surcharge for any Function				\$50	

XTRA EDUCATION CLASSES	
~ All Xtra Education class fees will be set according to the individual needs of each class.	

**Fees approved by Parks and Recreation Advisory Board ~
Fees approved by City Council ~**

December 4, 2007
Regular Agenda Item 8
Formalize road project public input process

To: Glenn Brown, City Manager

From: Mark Smith, Director of Public Works

Agenda Caption: Presentation, possible action and discussion of a resolution regarding public input on capital roadway construction.

Recommendation(s): Staff recommends approval of the resolution and requests Council feedback regarding the proposed strategy for increasing public and Council input into the process for capital roadway construction.

Summary: At the workshop meeting on September 13th, Council directed staff to implement a process of notification to citizens and public meetings to insure that all measures are being accomplished; including citizens from the biking community. Staff will propose a process that will add steps to the project process that will address those objectives.

Budget & Financial Summary: Costs may be added to specific projects if the project scope is expanded in response to the public input process. In addition, the input process will increase the length of time required for planning and design.

Attachments:

1. Public Input Process Proposal
2. Resolution



MEMO TO: GLENN BROWN, CITY MANAGER

FROM: Mark Smith, Director of Public Works

SUBJECT: Public Input Process Proposal

DATE: NOVEMBER 20, 2007

On September 13, 2007, staff made a presentation to Council stating our current process for public input in the planning, design and construction of roadway projects in College Station. Council's feedback after that presentation was that a greater level of public participation was desired. The following process is my proposal to the Council for addressing that objective.

The proposed process will apply to all roadway projects built by the City that are included in the Capital Budget approved by the City Council.

Planning and Funding Process

In the planning process, roadway projects are identified and planned to a schematic level. With the exception of some special projects, all new roadway projects are contained within the Comprehensive Plan for the City. These projects would be depicted in the Thoroughfare Plan or the Bicycle and Pedestrian Master Plan. These plans are developed with citizen input and are adopted by the Council after public hearings held by both the Planning and Zoning Commission and the City Council. Project priorities for general obligation bond funding are recommended by staff. Those priorities are discussed by the Council Transportation Committee and a Capital Projects Citizen Advisory Committee. These committees make a recommendation to the City Council who formally adopts the proposed ballot language. The planned projects then go before the voters for funding approval.

Each year Council considers a capital plan for the upcoming fiscal year. This plan itemizes funding for the specific projects that will be done that year. From time to time special projects are identified that need attention outside of the general obligation bond process. These "special projects" might be funded through certificates of obligation or some other funding mechanism. These special projects are presented to Council for approval and inclusion in the budget process.

I do not propose that we change this portion of the roadway development process.



Design

Standards for the design of roadway projects are contained in the *Bryan / College Station Unified Design Guidelines*. These standards were developed by staff with input from local engineering professionals and are reviewed annually. The purpose of this manual is to establish basic guidelines and certain minimum criteria for the design of streets and thoroughfares in the City. It is intended to be used by the city staff and private consulting engineers for all new street construction and improvements to existing streets. Unusual circumstances or special designs requiring exception from the standards in this manual must be approved by the City Engineer. The geometric design policies contained in this manual are intended to provide a reasonable degree of safety to users of the public rights-of-way in normal weather and traffic conditions. The minimum design criteria for pavement structure are intended to produce streets having a useful life expectancy of at least 20 years with reasonable expenditures for maintenance and repair.

If the Council desires, staff will make a workshop presentation regarding these standards. If additional design criteria are identified by Council they can be included in the manual.

Our current process includes Council action on a professional services contract to begin the detailed design of a roadway. It is during this design phase that staff and the design consultant identify and meet with stakeholders and consider environmental impacts and impacts on adjacent properties. These have typically been consent agenda items.

I propose that award of professional services contracts be regular or workshop items. This will give staff the opportunity to discuss the project and the proposed scope of services with the Council. This would also provide an opportunity to present the project timeline to Council.

Our process for widening or upgrading existing roadways follows a similar process. The exception is that there is much more involvement with affected and adjacent citizens. The design process will include neighborhood or focus group meetings.

Our current process for roadway development includes bringing a needs resolution to Council after preliminary design is done. The needs resolution grants staff permission to move forward with right-of-way and easement acquisition.

I propose that we make these a presentation on the regular agenda rather than a consent item. This would provide another opportunity



to brief Council on the project's timeline and status as well as to describe environmental and adjacent property impacts.

Construction

I propose a new step in our project process. Prior to advertising the project for construction bids we will present the project to Council. Staff would present a project description, significant project features and would inform Council about our meetings and discussions with stakeholder groups and adjacent property owners. After a vote of approval from the Council staff would begin the bidding process. The bid award would follow approximately 6 weeks later.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING A PROCESS FOR INPUT REGARDING ROADWAY PROJECTS IN THE CITY OF COLLEGE STATION.

WHEREAS, the City Council of the City of College Station, Texas, desires that the City Council and the public be involved in the planning and development of roadway capital projects; and

WHEREAS, the City Council of the City of College Station, Texas, directed the City staff to prepare a system for ensuring that involvement; now, therefore,

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

PART 1: That the City Council hereby approves a process requiring that design contracts, needs resolutions and construction awards for CIP roadway projects be presented to Council as a part of either Workshop or Regular agendas.

PART 2: That the City Council hereby approves a design process that includes consultation with the general citizenry as well as adjacent property owners and other stakeholders.

PART 3: That the City Council hereby calls for each completed capital roadway project design to be presented to the Council for approval prior to advertising the project for construction bids.

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

ADOPTED this _____ day of _____, A.D. 2007.

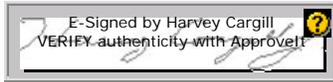
ATTEST:

APPROVED:

City Secretary

MAYOR

APPROVED:



City Attorney

December 4, 2007
Regular Agenda Item 9
Super Freeport Discussion

To: Glenn Brown, City Manager

From: Jeff Kersten, Chief Financial Officer

Agenda Caption: Presentation, possible action, and discussion on the Super Freeport Exemption.

Recommendation(s): Staff recommends Council provide direction to staff to schedule a public hearing and adopt an ordinance to opt out of this exemption.

Summary: During the 2007 legislative session the Legislature passed House Bill 621 codified as Section 11.253 of the Property Tax Code creating an exemption for certain "goods in transit." This means certain inventory temporarily held by companies in warehouses within a city while awaiting shipping to other locations within or outside of Texas will be exempt from ad valorem taxation starting in 2008.

The Super Freeport exemption can be described as a local option property tax exemption of the "opt out" variety. This means the exemption automatically applies to a city unless a city takes action to void the exemption.

The Super Freeport exemption automatically applies to a city unless the City takes two actions by December 31, 2007: (1) holds a public hearing at which members of the public are allowed to speak for or against the taxation of super Freeport goods; and (2) adopts an ordinance stating it wishes to continue taxing super Freeport goods.

If a city elects to opt-out, it can later rescind the action and extend the exemption.

This exemption works in a similar way to the Freeport exemption which exempts goods held temporarily in warehouses within a City that are shipped outside of the State of Texas. The City of College Station has had the Freeport exemption in place since 1990.

The City of Bryan has taken action to hold the public hearing and pass the ordinance to opt out of this exemption in 2008. Brazos County has also indicated they will be considering similar action. College Station ISD has also indicated they will be taking action to hold the public hearing and opt out of the exemption in 2008.

Other cities across the State are also opting out at the current time.

Budget & Financial Summary: The impact of enacting the Super Freeport Exemption is not known at the current time. However, the Freeport exemption resulted in exempting \$15.4 million in property in 2008. This equates to approximately \$68,000.

Attachments: