

## Table of Contents

Agenda . . . . .	2
No. 2 - Update on City's FY 2011 Capital Plan	
Coversheet revised . . . . .	5
No. 3 - City Wide Landscape Maintenance Contracts	
Coversheet revised . . . . .	6
Resolution - Green Teams . . . . .	8
Resolution - Landscape USA . . . . .	9
Resolution - Rainbow Gardens . . . . .	10
Resolution - Jones Lawn Care . . . . .	11
Resolution - Pro-Green . . . . .	12
Budget Summary . . . . .	13
No. 4 - Charter Review	
Coversheet revised . . . . .	14
No. 5 - Location of Wireless Facility (Cellular Tower) on City Property	
Coversheet revised . . . . .	15
Council Adopted Policy and Procedures for Locating Wireless Facility. . . . .	16



**Mayor**  
Nancy Berry  
**Mayor Pro Tem**  
John Crompton  
**City Manager**  
David Neeley

**Council members**  
Jess Fields  
Dennis Maloney  
Katy-Marie Lyles  
Dave Ruesink  
Jana McMillan

**Agenda**  
**College Station City Council**  
**Workshop Meeting**  
**Thursday, April 14, 2011 3:00 p.m.**  
**City Hall Council Chambers, 1101 Texas Avenue**  
**College Station, Texas**

1. Presentation, possible action, and discussion on items listed on the consent agenda.
2. Presentation, possible action, and discussion regarding a summary of the current status of the capital projects included in the City's FY 2011 Capital Plan. Staff is seeking direction on two projects included in the FY 2011 Capital Plan – Lick Creek Nature Center and East District Maintenance Shop.
3. Presentation, possible action, and discussion regarding approval of resolutions awarding landscape maintenance contracts to multiple vendors in a total amount of \$453,254, and approval of a budget transfer from the Parks and Recreation Department to the Public Works Department of \$26,350 and the transfer of three positions from the Parks and Recreation Department to the Public Works Department including salary and benefits for half a year totaling \$57,392.
4. Presentation, possible action, and discussion on the scope of the Citizens Charter Review Commission and provide direction regarding the charter revisions to be reviewed.
5. Presentation, possible action, and discussion of city procedures and requirements for locating a cellular tower on city property.
6. Council Calendar
  - April 15 Ribbon Cutting-New Whataburger-Hwy. 6/Wm. D. Fitch at 10:00 a.m.
  - April 18 IGC Meeting at BVCOG, 12:00 p.m.
  - April 21 Planning & Zoning Commission Meeting in Council Chambers at 4:00 p.m.
  - April 21 Joint Meeting-City Council and Planning and Zoning Commission in Council Chambers at 4:00 p.m.
  - April 22 City Offices Closed – HOLIDAY
  - April 28 City Council Workshop/Regular Meeting at 3:00p.m. and 7:00 p.m.
7. Presentation, possible action, and discussion on future agenda items: A Council Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.

## City Council Workshop Meeting

Thursday, April 14, 2011

8. Discussion, review and possible action regarding the following meetings: Animal Shelter Board, Arts Council of the Brazos Valley, Audit Committee, Bicycle, Pedestrian, and Greenways Advisory Board, Brazos County Health Dept., Brazos Valley Council of Governments, Brazos Valley Wide Area Communications Task Force, BVSWMA, BVWACS. Cemetery Committee, Code Review Committee, Review Board, Historic Preservation Committee, Interfaith Dialogue Association, Intergovernmental Committee, Joint Relief Funding Review Committee, Landmark Commission, Library Board, Mayor's Council on Physical Fitness, Mayor's Development Forum, Metropolitan Planning Organization, National League of Cities, Outside Agency Funding Review, Parks and Recreation Board, Planning and Zoning Commission, Research Valley Partnership, Regional Transportation Committee for Council of Governments, Signature Event Task Force, Sister City Association, TAMU Student Senate, Texas Municipal League, Transportation Committee, Wolf Pen Creek Oversight Committee, Zoning Board of Adjustments, (Notice of Agendas posted on City Hall bulletin board).

9. Executive Session will immediately follow the workshop meeting in the Administrative Conference Room.

Consultation with Attorney {Gov't Code Section 551.071}; possible action. The City Council may seek advice from its attorney regarding a pending or contemplated litigation subject or settlement offer or attorney-client privileged information. Litigation is an ongoing process and questions may arise as to a litigation tactic or settlement offer, which needs to be discussed with the City Council. Upon occasion the City Council may need information from its attorney as to the status of a pending or contemplated litigation subject or settlement offer or attorney-client privileged information. After executive session discussion, any final action or vote taken will be in public. The following subject(s) may be discussed:

Litigation

- a. City of Bryan's application with TCEQ for water & sewer permits in Westside/Highway 60 area, near Brushy Water Supply Corporation to decertify City of College Station and certify City of Bryan
- b. Clancey v. College Station, Glenn Brown, and Kathy Merrill
- c. Rachel Rahn v. Alma Martinez, The Arkitex Studio, Inc. et al, cause No. 09-000656-CV361
- d. Weingarten Realty Investors v. College Station, Ron Silvia, David Ruesink, Lynn McIlhaney, and Ben White
- e. Chavers et al v. Tyrone Morrow, Michael Ikner, City of Bryan, City of College Station, et al
- f. Water CCN / 2002 Annexation / Wellborn Water Supply Corporation

Legal Advice

- a. Legal issues regarding possible revenue sharing and legislation in bio-corridor
- b. Legal Issues Related to Wellborn Annexation

Economic Incentive Negotiations {Gov't Code Section 551.087}; possible action The City Council may deliberate on commercial or financial information that the City Council has received from a business prospect that the City Council seeks to have locate, stay or expand in or near the city with which the City Council in conducting economic development negotiations may deliberate on an offer of financial or other incentives for a business prospect. After executive session discussion, any final action or vote taken will be in public. The following subject(s) may be discussed:

- a. Blinn College

10. Adjourn.

City Council Workshop Meeting

Thursday, April 14, 2011

APPROVED:

\_\_\_\_\_  
City Manager

Notice is hereby given that a Workshop Meeting of the City Council of the City of College Station, Texas will be held on the 14th day of April, 2011 at 3:00 pm in the City Hall Council Chambers, 1101 Texas Avenue, College Station, Texas. The following subjects will be discussed, to wit: See Agenda

Posted this 8th day of April, 2011 at 5:00 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](http://www.cstx.gov) . The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on April 8, 2011 at 5:00 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 board at the College Station City Hall on the following date and time: \_\_\_\_\_ by \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2011.

CITY OF COLLEGE STATION, TEXAS

By \_\_\_\_\_

Subscribed and sworn to before me on this the \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
Notary Public – Brazos County, Texas My commission expires: \_\_\_\_\_

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

**April 14, 2011**  
**Work Shop Agenda Item No. 2**  
**Update on City's FY 2011 Capital Plan**

**To:** David Neeley, City Manager

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

**Agenda Caption:** Presentation, possible action, and discussion regarding a summary of the current status of the capital projects included in the City's FY 2011 Capital Plan. Staff is seeking direction on two projects included in the FY 2011 Capital Plan – Lick Creek Nature Center and East District Maintenance Shop.

**Relationship to Strategic Goals:** Goal I, Financially Sustainable City Providing Response to Core Services and Infrastructure.

**Recommendation(s):** This item is intended to be an update to the Council, so a recommendation is not provided.

**Summary:** At City Council Retreat on June 17, 2010, staff provided a brief overview of the schedule for the projects included in the 2008 Bond Authorization to get input and direction on several capital projects and to assist staff in developing the FY 2011 Capital Plan. On August 16, 2010 and August 17, 2010, the draft FY 2011 Capital Plan was presented to the City Council during the Council Budget Workshops and the 2011 Capital Plan was subsequently approved as part of the FY 2011 Approved Budget. Staff has continued to work diligently to keep the projects in the adopted Capital Plan on schedule. In doing so, staff issued a Request for Qualification for the Lick Creek Nature Center and East District Maintenance Shop and has received numerous Statements of Qualifications from interested design firms.

Staff presented a debt reimbursement resolution for City Council consideration at the February 24, 2011 Council meeting that included several capital projects. During that meeting, the Council voted to exclude the Lick Creek Nature Center and East District Maintenance Shop from the debt reimbursement resolution. Both of these projects were included in the FY 2011 Capital Plan and scheduled to begin this fiscal year.

Staff is seeking direction on the Lick Creek Nature Center and East District Maintenance Shop.

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

**Attachments:**

1. None

**April 14, 2011**  
**Work Shop Agenda Item No. 3**  
**City Wide Landscape Maintenance Contracts**

**To:** David Neeley, City Manager

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

**Agenda Caption:** Presentation, possible action, and discussion regarding approval of resolutions awarding landscape maintenance contracts to multiple vendors in a total amount of \$453,254, and approval of a budget transfer from the Parks and Recreation Department to the Public Works Department of \$26,350 and the transfer of three positions from the Parks and Recreation Department to the Public Works Department including salary and benefits for half a year totaling \$57,392.

**Relationship to Strategic Goals:** Financially Sustainable City Providing Response to Core Services and Infrastructure – Spending taxpayer money efficiently.

**Recommendation(s):** Approval of the resolution and budget transfers.

**Summary:** In order to take advantage of economies of scale the management of all landscape maintenance of City properties, except regional parks and athletic facilities, has been consolidated in the Department of Public Works.

In 2009, the sum of all of the landscape maintenance contracts was \$497,581. In an effort to reduce the City's operating budget in 2010, staff met with the contractors providing landscape maintenance services and renegotiated the scope of services to be provided and the fee. The sum of all of the contracts for landscape maintenance in 2010 was \$443,301.

Three vacant landscape maintenance positions in Public Works and three vacant landscape maintenance positions in Parks and Recreation were intentionally left vacant in 2010 in an effort to reduce operating expenses in 2010, During the development of the FY 2011 Budget, the decision was made to eliminate the six (6) vacant positions budgeted at \$212,565 and transfer \$162,565 to the landscape maintenance budget, resulting in an overall budget reduction of \$50,000. After other adjustments during the budget process, the landscape maintenance budget for FY 2011 was set at \$578,223.

In 2011 staff took a holistic look at the City's landscape maintenance and made some changes to our approach. Staff solicited proposals for all of the City's landscape maintenance needs (except regional parks and athletic fields) so the contractor's proposals could be compared to the City's cost to perform the same work. This includes right-of-way mowing and right-of-way shredding which has historically been completed by city employees in Public Works. Request for Proposals solicited from contractors for landscape maintenance were divided into seven (7) categories:

- 1) Neighborhood Parks – includes neighborhood parks and Wolf Pen Creek Park
- 2) Facilities – city buildings and Northgate District
- 3) Electric – CSU electric substations
- 4) Water/Wastewater – CSU water and wastewater sites

- 5) Economic and Community Development – E&CD residential sites
- 6) Finish mowing – primarily street right of ways and medians
- 7) Rough cut mowing – primarily shredding of right of ways

Eight (8) vendors submitted bids on all, or some, of the categories in the Request for Proposal. After thorough evaluation it was determined the Department of Public Works could provide mowing service for part of Category 6 and all of Category 7 at a lower cost than the proposals received from the landscape maintenance contractors. Further, staff concluded that the other services that were in the proposal could be completed more cost effectively by a landscape maintenance contractor. The following is a summary of the award recommendation:

CATEGORY	VENDOR	AMOUNT
1) Neighborhood Parks	Green Teams	\$240,974
2) Facilities	Rainbow Gardens	\$84,342
3) Electric	Jones Lawn Care	\$12,240
4) W/WW	Landscape USA	\$50,205
5) E&CD sites	Pro-Green Landscape	\$6,728
6) Finish Cuts (ROW finish mowing and median mowing)	Pro-Green Landscape	\$58,765
		\$453,254

It should be noted that the increase in contract landscape maintenance costs from 2010 to 2011 is due to the increased number of neighborhood park sites added to the maintenance schedule for the contractor. In 2011, the landscape maintenance contractor will service an additional 26 neighborhood parks. Overall, the cost to the City for landscape maintenance is significantly lower in 2011 than 2010, and is approximately \$125,000 under budget.

To assist with the rough cut mowing by the Department of Public Works three vacant positions in the Parks and Recreation Department will be transferred to Public Works.

**Budget & Financial Summary:** Overall, this Landscape Maintenance Contract will result in the need for approximately \$125,000 less appropriation than originally budgeted for landscaping and mowing. Budget transfers will be made within the various funds to move this additional budget appropriation from the Grounds Maintenance category to the contingency accounts within each fund to potentially be used for future shortfalls in other expenditure categories this year. Also included is a transfer of three vacant positions from the Parks and Recreation Department to the Public Works Department, along with related expenses. All transfers of positions and budgeted appropriations between departments in the General Fund require approval of the City Council.

**Attachments:**

1. Resolution – Green Teams
2. Resolution – Landscape USA
3. Resolution – Rainbow Gardens
4. Resolution – Jones Lawn Care
5. Resolution – Pro-Green Landscape
6. Budget summary with task list

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING A CONTRACT AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR LANDSCAPE MAINTENANCE OF CITY FACILITIES.

WHEREAS, the City of College Station, Texas, solicited proposals for landscape maintenance of city facilities; and

WHEREAS, the selection of Green Teams is recommended for landscape maintenance of neighborhood parks; now, therefore,

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

- PART 1: That the City Council hereby finds that Green Teams provided the lowest cost proposal for landscape maintenance of neighborhood parks.
- PART 2: That the City Council hereby approves a contract with Green Teams in an amount not to exceed \$240,974.00.
- PART 3: That the funding for this landscape maintenance contract will come from the Parks and Recreation Department.
- PART 4: That this resolution shall take effect immediately from and after its passage.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2011.

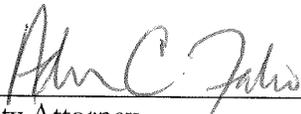
ATTEST:

APPROVED:

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

\_\_\_\_\_  
MAYOR

APPROVED:

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

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING A CONTRACT AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR LANDSCAPE MAINTENANCE OF CITY FACILITIES.

WHEREAS, the City of College Station, Texas, solicited proposals for landscape maintenance of city facilities; and

WHEREAS, the selection of Landscape USA is recommended for landscape maintenance of College Station Utilities Water and Wastewater sites; now, therefore,

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

- PART 1: That the City Council hereby finds that Landscape USA provided the lowest cost proposal for landscape maintenance of College Station Utilities Water and Wastewater sites.
- PART 2: That the City Council hereby approves a contract with Landscape USA in an amount not to exceed \$50,205.00.
- PART 3: That the funding for this landscape maintenance contract will come from the College Station Utilities Water and Wastewater Department.
- PART 4: That this resolution shall take effect immediately from and after its passage.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2011.

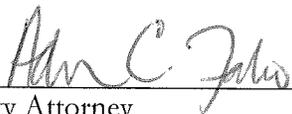
ATTEST:

APPROVED:

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

\_\_\_\_\_  
MAYOR

APPROVED:

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

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING A CONTRACT AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR LANDSCAPE MAINTENANCE OF CITY FACILITIES.

WHEREAS, the City of College Station, Texas, solicited proposals for landscape maintenance of city facilities; and

WHEREAS, the selection of Rainbow Gardens is recommended for landscape maintenance of city buildings and the Northgate District; now, therefore,

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

PART 1: That the City Council hereby finds that Rainbow Gardens provided the lowest cost proposal for landscape maintenance of city buildings and the Northgate District.

PART 2: That the City Council hereby approves a contract with Rainbow Gardens in an amount not to exceed \$84,342.00.

PART 3: That the funding for this landscape maintenance contract will come from the departments requiring the service.

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

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2011.

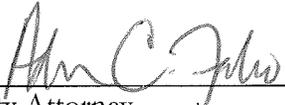
ATTEST:

APPROVED:

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

\_\_\_\_\_  
MAYOR

APPROVED:

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

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING A CONTRACT AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR LANDSCAPE MAINTENANCE OF CITY FACILITIES.

WHEREAS, the City of College Station, Texas, solicited proposals for landscape maintenance of city facilities; and

WHEREAS, the selection of Jones Lawn Care is recommended for landscape maintenance of College Station Utilities Electric Department sites; now, therefore,

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

PART 1: That the City Council hereby finds that Jones Lawn Care provided the lowest cost proposal for landscape maintenance of College Station Utilities Electric Department sites.

PART 2: That the City Council hereby approves a contract with Jones Lawn Care in an amount not to exceed \$12,240.00.

PART 3: That the funding for this landscape maintenance contract will come from the College Station Utilities Electric Department.

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

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2011.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
MAYOR

APPROVED:

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

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING A CONTRACT AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR LANDSCAPE MAINTENANCE OF CITY FACILITIES.

WHEREAS, the City of College Station, Texas, solicited proposals for landscape maintenance of city facilities; and

WHEREAS, the selection of Pro-Green Landscape is recommended for landscape maintenance of Economic and Community Development sites and finish mowing of medians and right-of-way; now, therefore,

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

- PART 1: That the City Council hereby finds that Pro-Green Landscape provided the lowest cost proposal for landscape maintenance of Economic and Community Development sites and finish mowing of medians and rights-of-way.
- PART 2: That the City Council hereby approves a contract with Pro-Green Landscape in an amount not to exceed \$65,493.00.
- PART 3: That the funding for this landscape maintenance contract will come from the departments requiring the service.
- PART 4: That this resolution shall take effect immediately from and after its passage.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2011.

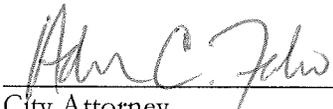
ATTEST:

APPROVED:

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

\_\_\_\_\_  
MAYOR

APPROVED:

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

Budget summary  
with Task List

Sec 1	Neighborhood Parks									
	<b>Green Teams</b>	<b>Base Mow</b>	<b>Addl mow</b>	<b>Ants</b>	<b>Beds</b>	<b>Color</b>	<b>Weeds</b>	<b>Existing trees</b>	<b>New trees</b>	<b>TOTAL</b>
		<b>110,268.00</b>	<b>61,260.00</b>	<b>14,276.00</b>	<b>39,396.00</b>	<b>4,172.00</b>	<b>1,512.00</b>	<b>9,070.00</b>	<b>1,020.00</b>	<b>240,974.00</b>
Sec 2	City Facilities									
	<b>Rainbow Gardens</b>	<b>Base Mow</b>	<b>Addl mow</b>	<b>Ants</b>	<b>Beds</b>	<b>Color</b>	<b>Weeds</b>	<b>Existing trees</b>	<b>New trees</b>	<b>TOTAL</b>
		<b>27,774.00</b>	<b>15,430.00</b>	<b>1,815.00</b>	<b>28,990.00</b>	<b>4,082.00</b>	<b>3,516.00</b>	<b>2,600.00</b>	<b>135.00</b>	<b>84,342.00</b>
Sec 3	Electric Sites									
	<b>Jones Lawn Care</b>	<b>Base Mow</b>	<b>Addl mow</b>	<b>Ants</b>	<b>Beds</b>	<b>Color</b>	<b>Weeds</b>	<b>Est trees</b>	<b>New trees</b>	<b>TOTAL</b>
		<b>12,240.00</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>12,240.00</b>
Sec 4	W/WW Sites									
	<b>Landscapes USA</b>	<b>Base Mow</b>	<b>Addl mow</b>	<b>Ants</b>	<b>Beds</b>	<b>Color</b>	<b>Weeds</b>	<b>Existing trees</b>	<b>New trees</b>	<b>TOTAL</b>
		<b>43,200.00</b>	<b>2,800.00</b>	<b>1,575.00</b>	<b>2,040.00</b>	<b>-</b>	<b>420.00</b>	<b>170.00</b>	<b>-</b>	<b>50,205.00</b>
			(Dowling Rd)							
			(Carter Creek WWTP)							
Sec 5	Econ/Com Dev Sites									
	<b>Progreen</b>	<b>Base Mow</b>	<b>Addl mow</b>	<b>Ants</b>	<b>Beds</b>	<b>Color</b>	<b>Weeds</b>	<b>Est trees</b>	<b>New trees</b>	<b>TOTAL</b>
		<b>4,248.00</b>	<b>2,360.00</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>-</b>	<b>120.00</b>	<b>-</b>	<b>6,728.00</b>
Sec 6	Medians									
	<b>Progreen</b>	<b>Base Mow</b>	<b>Addl mow</b>	<b>Ants</b>	<b>Beds</b>	<b>Color</b>	<b>Weeds</b>	<b>Est trees</b>	<b>New trees</b>	<b>TOTAL</b>
		<b>29,070.00</b>	<b>16,150.00</b>	<b>1,275.00</b>	<b>7,405.00</b>	<b>2,000.00</b>	<b>1,555.00</b>	<b>-</b>	<b>1,310.00</b>	<b>58,765.00</b>
	<b>TOTAL Progreen</b>	<b>33,318.00</b>	<b>18,510.00</b>	<b>1,275.00</b>	<b>7,405.00</b>	<b>2,000.00</b>	<b>1,555.00</b>	<b>120.00</b>	<b>1,310.00</b>	<b>65,493.00</b>
									<b>TOTAL</b>	<b>\$ 453,254</b>

**April 14, 2011**  
**Workshop Agenda Item No. 4**  
**Charter Review**

**To:** Mayor and Council

**cc:** David Neeley, City Manager

**From:** Sherry Mashburn, City Secretary

**Agenda Caption:** Presentation, possible action, and discussion on the scope of the Citizens Charter Review Commission and provide direction regarding the charter revisions to be reviewed.

**Recommendation:** Staff requests guidance and direction from the City Council on areas of the City Charter that need to be addressed by the Citizens Charter Review Commission.

**Summary:** The City Council appointed a ten-member board at their February 24 Regular meeting. The Commission will begin their review process this month; however, the City Council needs to provide direction to the Citizens' Charter Review Advisory Commission as to the charter provisions to be reviewed.

**Financial Summary:** There is no fiscal impact at this time.

**Attachments:**

None

**April 14, 2011**  
**Workshop Agenda Item No. 5**  
**Location of Wireless Facility (Cellular Tower) on City Property**

**To:** David Neeley, City Manager

**From:** Ben Roper, IT Director

**Agenda Caption:** Presentation, possible action, and discussion of city procedures and requirements for locating a cellular tower on city property.

**Relationship to Strategic Goals:** Goal I.5 Develop revenue streams independent of the General Fund

**Recommendation(s):** N/A - Information only

**Summary:** In June of 2007 Council adopted policy that provided the procedures for the placement of cellular communications facilities on city property. In anticipation of an application by a major carrier to locate a cell tower on city property in the near future, this item will review the city policy.

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

**Attachments:**

Policy and Procedures for Locating Wireless Facility on City Property

RESOLUTION NO. 6-14-2007-21

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, ADOPTING POLICIES AND PROCEDURES FOR LOCATION OF TELECOMMUNICATIONS FACILITIES ON CITY PROPERTY.**

WHEREAS, the City of College Station, Texas, may be approached from time to time by telecommunications providers desiring to locate telecommunications facilities on City property; and

WHEREAS, the City desires to establish policies and procedures regarding the potential location of telecommunications facilities on City property; now, therefore,

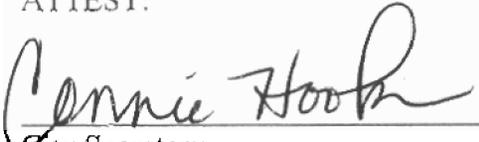
BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That the City Council hereby adopts the proposed policies and procedures for location of telecommunications facilities on City property as set out in the attached Exhibit "A".

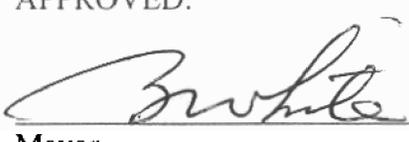
PART 2: That this resolution shall take effect immediately from and after its passage.

ADOPTED this 14<sup>th</sup> day of June, A.D. 2007.

ATTEST:

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

APPROVED:

  
\_\_\_\_\_  
Mayor

APPROVED:



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

**EXHIBIT "A"**

**TELECOMMUNICATION FACILIT(IES)  
POLICY AND PROCEDURES FOR LOCATING ON CITY PROPERTY**

**I. INTRODUCTION**

The telecommunications industry will continue to need facilities to support the growing cell phone demands in College Station. In August, 2002 a City staff committee was created to consider how to address what will become an increasing demand for a greater number of towers. In October, 2002 the Planning & Zoning Committee and City Council provided direction for these policies and procedures. Initial policy was adopted in February 2003.

**II. PURPOSE:**

In siting cellular facilities the City has two distinct roles - one of regulator and one of lessor for cell tower facilities on City property. The purpose of this policy is to establish procedures for the leasing of City property and facilities to cellular communications providers which requires co-location of telecommunication facilities if feasible.

**III. POLICY**

The City may lease City property or facilities under certain terms and conditions. All leases shall be non-exclusive as required by FCC regulations, 47 CFR, Ch. I (10-1-05 Edition), Part 59-Infrastructure Sharing. Telecommunication installations must meet all permitting requirements, as well as, all applicable federal, state or local laws and ordinances.

Planning and Development Services shall be responsible for the (1) zoning and permitting process as provided under the Unified Development Code and any other applicable codes and ordinances and (2) maintaining a list of potential siting locations including City premises.

The Department of Information Technology (IT) shall be responsible for the lease of City facilities to cellular communication providers. All leases are subject to City Council approval on a case-by-case basis.

- a) Lessee Rent will be determined with the coordination of the Department of Fiscal Services using the following evaluation factors that apply to the telecommunication installation:
  - fair market value of the telecommunication facility
  - land costs of the proposed City premises as determined by the City's Land Agent
  - value of City asset should the equipment be placed on a City facility
  - fees paid to other governmental agencies for similar installations
  - fees paid to private lessors
  - costs of installation
  - costs to City for providing staff to allow provider access to secure areas for on-going maintenance or emergency repairs

- whether the facility would enhance or deteriorate value of City facility or property
- design of the telecommunication equipment
- b) IT will coordinate the selection of a City property or facility for the telecommunication infrastructure with the appropriate department.
- c) The City's Parks and Recreation Advisory Board will review telecommunication facilities proposed to be installed in City Parks prior to City Council consideration.
- d) IT will coordinate problem resolution subsequent to the installation of the telecommunication facility.
- e) All lease revenues from telecommunication facilit(ies) on public property will be placed in the appropriate fund. First priority for use of these funds will be to maintain and improve the site location where the telecommunication facility was installed.
- f) During years or partial years in which lease payments are received for telecommunications facilit(ies) covered under this policy, an annual report shall be made to Council.

The City may restrict the number of cell towers, antennae, or telecommunication equipment on City premises for any reason including but not limited to aesthetics, the proliferation of telecommunication equipment at a particular site, radio interference, structural integrity, or public safety. Submittal of a telecommunication proposal does not bind the City to any provisions of the proposal.

#### **IV. PROCEDURES:**

- a) A request to lease City property or facilities:
  - 1) Shall be submitted to the Department of Information Technology in writing.
  - 2) Must include, but is not limited to, the provider's legal name and status, corporate as well as local contact information, description of the site requested, proposed rental fee, description of proposed telecommunication facility, site lay-out, representative drawings of proposed telecommunication facility and any other information reasonably necessary for the City to make a decision on whether or not to lease the property or facility.
- b) Provider must sign the City's lease agreement and provide associated documents prior to the agreement being submitted to the City Council for consideration.
- c) Provider must design and construct the telecommunications facility to accommodate other telecommunication providers. If it is not feasible to design a co-location facility, provider must explain the reasons why it is unable to do so.
- d) Provider must disclose whether it intends to sublease or lease any space on the facility to secondary telecommunications providers.
- e) All subleases will be subject to an additional lease fee.
- f) IT, working with other City Departments, will determine if provider's proposal is feasible or if the City has the legal right to lease the proposed City property.

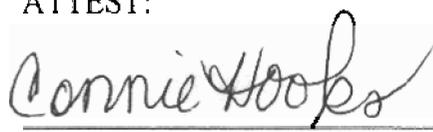
- g) IT will negotiate a lease agreement, and coordinate the submission of the lease to the City Council for consideration.

APPROVED:

  
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Mayor

Date: 6-15-07

ATTEST:

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