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Mayor

Nancy Berry

Mayor Pro Tem

Dave Ruesink

City Manager

David Neeley

Council members

Blanche Brick

Jess Fields

Karl Mooney

Katy-Marie Lyles

Julie Schultz

Agenda

College Station City Council

Workshop Meeting

Thursday, June 09, 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 the City's community development activities.
3. Presentation, possible action, and discussion regarding the Eastgate Neighborhood Plan.
4. Presentation, possible action, and discussion of a proposed first amendment to the Solid Waste Facilities Operations Agreement among the City of Bryan, Texas, the City of College Station, Texas, and Brazos Valley Solid Waste Management Agency, Inc.
5. Presentation, possible action, and discussion of a proposed Rate Schedule for the Brazos Valley Solid Waste Management Agency, Inc.
6. Council Calendar
 - June 16 Planning & Zoning Commission Meeting in Council Chambers at 6:00 p.m.
 - June 20 IGC Meeting at BVCOG at 12:00 p.m.
 - June 23 City Council Workshop/Regular Meeting at 3:00 p.m. & 7:00 p.m.
 - June 24 Twin Oaks Landfill Grand Opening at Twin Oaks Landfill at 11:30 a.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.
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

City Council Workshop Meeting

Thursday, June 9, 2011

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. Chavers et al v. Tyrone Morrow, Michael Ikner, City of Bryan, City of College Station, et al
- e. Ongoing criminal investigation of municipal court missing funds

Legal Advice

- a. Legal issues regarding possible revenue sharing and legislation in bio-corridor

Real Estate {Gov't Code Section 551.072}; possible action The City Council may deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. After executive session discussion, any final action or vote taken will be in public. The following subject(s) may be discussed:

- a. 701 University Drive
- b. Holleman Tract - which includes 204, 206, 208, 210, 212, 214, 216, 218 and 220 Holleman

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.

APPROVED:

City Council Workshop Meeting
Thursday, June 9, 2011
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 9th day of June, 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 3rd day of June, 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 . The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on June 3, 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. Council meetings are broadcast live on Cable Access Channel 19.

June 9, 2011
Workshop Agenda Item No. 2
Community Development Programming Discussion

To: David Neeley, City Manager

From: David Gwin, Director of Economic and Community Development

Agenda Caption: Presentation, possible action, and discussion regarding the City's community development activities.

Relationship to Strategic Goals: Goal I.5 Develop revenue streams independent of the General Fund; Goal II. 1 Preserving and restoring older neighborhoods; Goal III. 3. Expand and retain existing businesses; Goal III. 12 Housing affordability

Recommendation(s): Staff requests that the City Council receive a presentation on the City's current and future community development programming and provide input on the direction of these efforts.

Summary: Each year the City is required to submit to the U.S. Department of Housing and Urban Development (HUD) a one year Action Plan describing projects and activities to be funded with the community development grants received. Action Plan activities must correspond to the 5-Year Consolidated Plan.

Staff is currently gathering information for the FY 2011 Community Development Action Plan and Budget and will present the proposed Plan at an upcoming Council Meeting. The total amount available next year includes \$1,029,301 in Community Development Block Grant (CDBG) funds and \$631,793 in HOME Investment Partnership Grant (HOME) funds.

CDBG and HOME funds may only be used to: (1) benefit low- and moderate-income persons; (2) aid in the elimination of slum and blighting influences, and/or; (3) meet a particular urgent need. Further, CDBG funds may be used to meet local needs through a wide range of community development activities, while HOME funds may only be used for affordable housing activities.

Historically, the City has utilized these funds for a variety of programs and activities, including: affordable housing programs (homebuyer assistance, security deposit assistance, rehabilitation, new construction, and minor repairs); funding of direct services to low-income families; demolition; and park, street, infrastructure and public facility improvement in low-income areas of the city.

This presentation will review current community development activities, summarize eligible activities, and seek any desired direction from Council regarding current and future community development activities.

Budget & Financial Summary: To date, the City has received over \$41 million in federal community development resources. These resources were realized under HUD's Community Development Block Grant (CDBG), HOME Investment Partnership (HOME), HOPE, and CDBG-R programs.

Attachments:

Attachment 1: Community Development Activities

Attachment 2: 2010-2014 Consolidated Plan Goals and Objectives

Attachment 1: Community Development Activities

New funding allocations proposed for the following projects in 2011-2012

Public Services

CDBG funds will be used to fund non-profit social service agencies in College Station. Joint Relief Funding Review Committee recommendations include funding for Twin City Mission, Brazos Valley Rehabilitation Center, Project Unity, Mental Health Mental Retardation Authority of the Brazos Valley, Voices for Children, Lincoln Center Unit of the Boys and Girls Club, and College Station ISD - Kids Klub.

Public Facility

Funds will be used to create or rehabilitate streets, sidewalks, or other infrastructure improvements in College Station.

Home-Buyers Assistance

Down payment and closing cost assistance provided to eligible, qualified homebuyers through deferred no interest loans with HOME funds. Funds will be used for program delivery costs including staff salaries and benefits.

Code Enforcement

CDBG funds will be used for salary and benefits to support code enforcement activities targeted low-moderate income areas in College Station. Two officers in the Planning & Development Services Department focus efforts in targeted areas. Economic & Community Development staff members address code compliance in the Northgate District, an eligible low-income area.

Community Housing Development Organization

HOME funds will be made available to an eligible CHDO for the acquisition, development and construction of affordable housing units or the rehabilitation of existing housing units.

Leveraged Development and Non-Profit Partners - New Construction

HOME funds will be used to facilitate the development of new affordable housing or the renovation of existing housing for low-income residents. Activities may include the acquisition of land, soft costs, or construction of single-family or multi-family units.

Housing Services

CDBG funds will be used for costs associated with processing applicants for all HOME housing assistance programs and marketing efforts. Expenses will include staff salaries and benefits and homebuyer/homeowner counseling program.

Program Administration

HOME and CDBG funds will be used for management, planning and administration of the City's 2011 CDBG, HOME and other eligible grant programs for LMI citizens. Staff will provide capacity building and technical assistance as needed to citizens, builders, developers, and service providers.

Existing projects with no new funding allocation proposed in 2011-2012

Owner-Occupied Housing Assistance

HOME and CDBG funds will be used for housing rehabilitation, minor repairs, weatherization, and home security to low-moderate income homeowners; the removal of architectural barriers; and the inspection, testing and abatement of lead hazards.

Clearance and Demolition

CDBG funds will be used for clearance, demolition and removal of dilapidated structures that have been deemed uninhabitable in accordance with City codes, including the movement of structure to other sites. Funds will also be used for program delivery costs including staff salaries and benefits.

Interim Assistance

In case of a community emergency affecting the health and safety of residents, CDBG funds will be utilized to address immediate threats and for financial and technical assistance to coordinate clean-up efforts to eligible households.

CHDO Operating Expenses

HOME funds are allowable for 5% of grant for operating/administration expenses incurred by eligible CHDO to build capacity to carryout current and future CHDO activities.

Tenant Based Rental Assistance

Using HOME funds ECD staff will administer a security deposit assistance program for low income individuals and families who will reside in housing units located in a HTC property located in College Station. Eligible properties include Terrace Pines, The Haven, The Heritage at Dartmouth, Windsor Pointe, and Santour Court.



2010-2014 Consolidated Plan Goals and Objectives

Housing

Goal: Ensure adequate housing assistance for lower income homeowners.

Strategies:

- Encourage and facilitate maintenance of residential units by L/M income homeowners through residential rehab loans.
- Acquire real property for future development of affordable housing, parks, or other activities that enhance neighborhoods.
- Encourage and facilitate the removal and replacement of dilapidated structures and/or address community emergencies.
- Utilize code enforcement regulations to maintain the integrity of older neighborhoods.

Goal: Retain and expand affordable housing opportunities for low- and moderate-income homebuyers.

Strategies:

- Encourage and support programs and projects that provide financial assistance to L/M income purchasers of existing or new affordable homes.
- Encourage and support programs and projects that provide education and counseling to lower-income home-owners and homebuyers.
- Encourage and support programs and projects that construct new housing units for L/M homebuyers.

Goal: Ensure adequate affordable rental housing opportunities for low- and moderate-income families and individuals.

Strategies:

- Encourage and facilitate the rehabilitation of affordable rental units.
- Encourage and facilitate the construction of new affordable rental units.

Homelessness and Special Needs

Goal: Address the needs of homeless persons to make the transition to permanent housing and independent living and help families avoid becoming homeless.

Strategies:

-Preventing homelessness:

- Provide assistance for low-income households to secure and sustain safe, decent affordable housing.

-Outreach and assessment:

- Foster coordination, collaboration, and increased resources to assess community needs, available services, and service gaps. Use this information to target and improve service provision.

-Emergency and transitional shelter:

- Encourage and support programs and agencies that supply or seek out emergency and/or transitional shelter for families and individuals.

-Transition to permanent housing and independent living:

- Assist homeless persons in meeting various human and health service needs as well as provide training and counseling opportunities to help with the transition to self-sufficiency.

Goal: Ensure adequate affordable housing opportunities and supportive services for the lower income special needs populations.

Strategy:

- Encourage and facilitate organizations that provide social and/or housing services to special needs populations.

Non-Housing

Goal: Encourage and support the delivery of health and human services to assist families in reaching their fullest potential.

Strategies:

- Encourage and support nonprofit providers of health care, dental care, and mental health care to deliver programs to qualified L/M families/persons.
- Encourage continued development and facilitate development of new or enhanced senior citizen programming.
- Facilitate development of affordable childcare and youth programs.
- Ensure that the provision of other health and human services is approached within a comprehensive framework to enable families and individuals in breaking the cycle of poverty.
- Encourage new or enhanced transportation programs that assist L/M income persons to address their mobility needs.

Goal: Provide safe, secure, and healthy environments for families and individuals.

Strategies:

- Improved accessibility to programs serving L/M income individuals and families through rehabilitation or expansion of public or private facilities.
- Rehabilitation and expansion of infrastructure including water and sewer lines, street, and sidewalk, and flood drain improvements.
- Improve or expand park facilities including green space, neighborhood parks, and recreational facilities.
- Improve transportation facilities to increase the accessibility of health and human services and basic needs for L/M income persons.

Goal: Development of a strong and diverse economic environment to break cycle of poverty.

Strategies:

- Rehabilitate and/or develop new spaces for businesses to better realize job creation.
- Support and expand community wide training and employment activities targeting low/mod households.

June 9, 2011
Workshop Agenda Item No. 3
City of College Station
Eastgate Neighborhood Plan

To: David Neeley, City Manager

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

Agenda Caption: Presentation, possible action, and discussion regarding the Eastgate Neighborhood Plan.

Relationship to Strategic Goals: Financially Sustainable City Providing Response to Core Services and Infrastructure, Neighborhood Integrity, Improving Multi-Modal Transportation, and Green Sustainable City.

Recommendation(s): This item is an update for informational purposes only. No action is requested at this time.

Summary: The planning process for the Eastgate Neighborhood Plan, a component of the College Station Comprehensive Plan, began approximately nine months ago and is currently being finalized for adoption. This is the second neighborhood planning effort since the adoption of the Comprehensive Plan in 2009 with the Central College Station Neighborhood Plan adopted in June 2010 for the Southwood Valley and Edelweiss Estates area. The Eastgate Plan process began in late summer 2010 and included an intensive citizen engagement effort starting with a neighborhood-wide kick-off meeting in September and an issues and opportunities meeting in October. A Neighborhood Resource Team, composed of area residents and property owners, was also formed and met several times throughout the process to provide additional guidance to the formation of the plan's goals, strategies, and actions. Two open houses were held in late April to obtain neighborhood feedback on the draft Plan. Through these efforts, Staff has worked with the neighborhood to develop a plan to address community character and land use, neighborhood integrity, mobility, and sustainability.

Staff will provide a draft copy of the Eastgate Neighborhood Plan as well as an overview of the document at the June 9th Workshop. This information is being delivered to the Council in advance of a public hearing, presentation, possible action, and discussion regarding adoption of the Plan scheduled for the June 23rd Council meeting. The Bicycle, Pedestrian, and Greenways Advisory Board will consider the mobility components of the Plan and make a recommendation at their June 6th meeting while the Planning and Zoning Commission will hold a public hearing and make a recommendation regarding the Plan at their June 16th meeting.

Budget & Financial Summary: Details provided in the Plan.

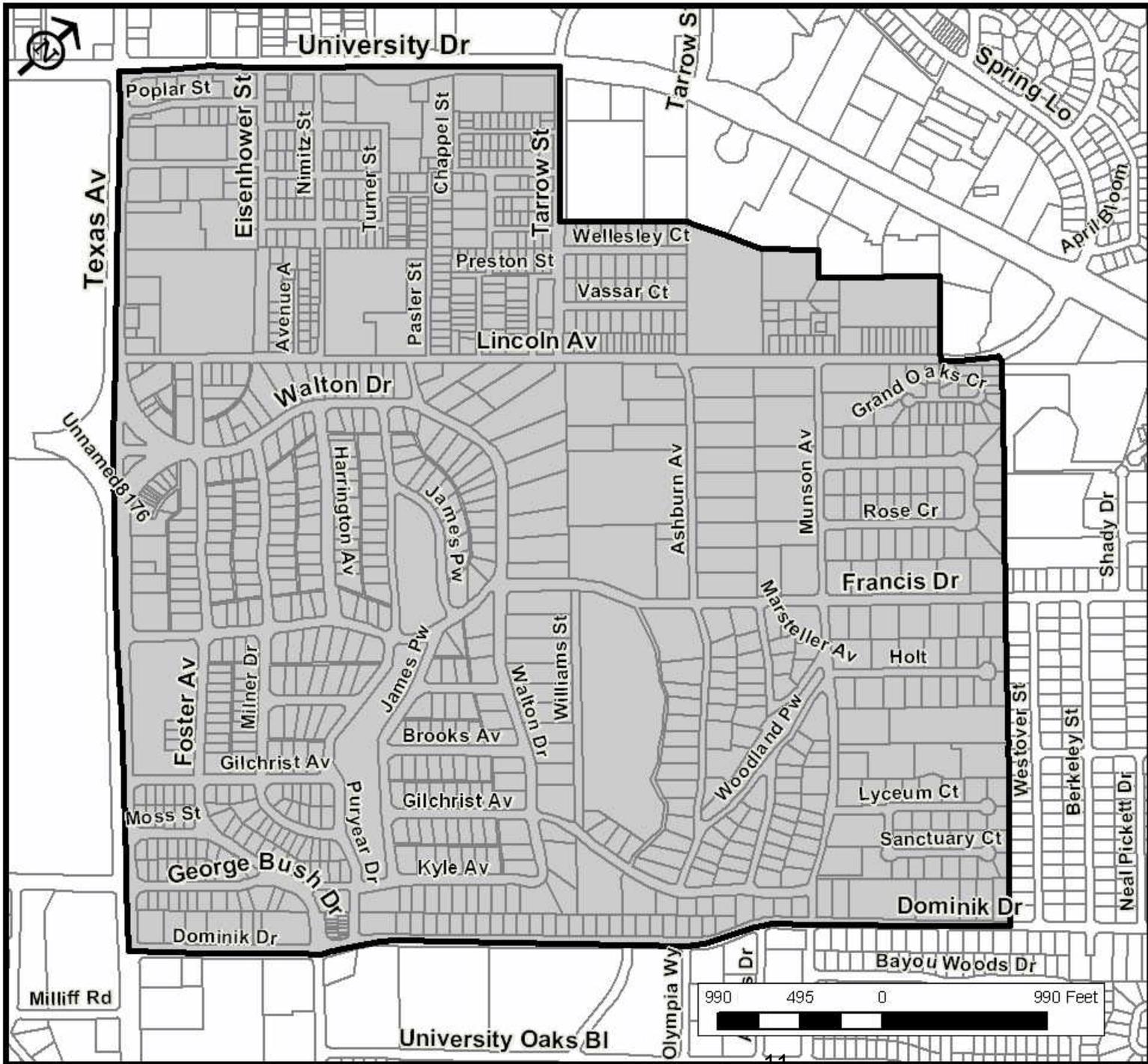
Attachments:

1. Eastgate Planning Area
2. Draft Eastgate Neighborhood Plan (provided at meeting)

Eastgate
Neighborhood Plan

Map E.1

Draft
Planning Boundary



Legend

- Draft Boundary
- Lot Lines

June 9, 2011
Workshop Agenda Item No. 4
BVSWMA - First Amendment to Solid Waste Facilities Operations Agreement

To: David Neeley, City Manager

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

Agenda Caption: Presentation, possible action, and discussion of a proposed first amendment to the Solid Waste Facilities Operations Agreement among the City of Bryan, Texas, the City of College Station, Texas, and Brazos Valley Solid Waste Management Agency, Inc.

Relationship to Strategic Goals: Financially Sustainable City Providing Response to Core Services and Infrastructure.

Recommendation(s): Staff recommends approval of the First Amendment to Solid Waste Facilities Operations Agreement contingent on the Brazos Valley Solid Waste Management Agency, Inc. adopting a policy ensuring that the special discounted rates for “community clean-up events” in section 5.10(b) are uniformly and consistently applied to those situations. (Please include in motion)

Summary: The Operations Agreement approved by the City on June 24, 2010, sets out a relationship between BVSWMA, Inc. and the Cities establishing that the Cities will send their solid waste to the BVSWMA landfill and that BVSWMA will accept and dispose of that waste and operate the landfill in accordance with TCEQ regulations. The agreement describes the method for establishing a rate to charge for waste disposal and that the Cities will pay on a per ton basis for disposal.

After operating the facilities for approximately nine months as a separate entity and reviewing the process as established in the agreement to set rates, the Executive Director of the Agency has determined that potentially, the rates to be charged to the Cities will be required to substantially increase if the rate schedule provisions of the Operations Agreement are followed as written.

The amendment to section 5.12 will provide BVSWMA, Inc. more flexibility in the manner in which it establishes the Rate Schedule for use of the Facilities in a manner that retains the original intent of the Cities but avoid the negative impact the present language will have on the Cities’ solid waste disposal charges. Furthermore the amended language will allow the Agency more flexibility to negotiate rates with entities other than the cities as long as the rates are not lower than the Cities’ disposal fees.

Additionally, BVSWMA, Inc. is requesting a modification in section 5.10(b) to allow the Agency to offer free or discounted charges for disposal of municipal solid waste in limited instances without the requirement to obtain consent of the Cities.

Budget & Financial Summary: Approval of the First Amendment to Solid Waste Facilities Operations Agreement will result in no changes to the current solid waste disposal rates that are charged to the Cities.

Attachments:

1. First Amendment to Solid Waste Facilities Operations Agreement

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

**FIRST AMENDMENT TO
SOLID WASTE FACILITIES OPERATIONS AGREEMENT**

THIS FIRST AMENDMENT TO SOLID WASTE FACILITIES OPERATIONS AGREEMENT (“First Amendment”) is dated and entered into as of the Effective Date by and among the Brazos Valley Solid Waste Management Agency, Inc. (“the Agency”), a Texas non-profit corporation created pursuant to Subchapter D of Chapter 431, Texas Transportation Code, as amended (“Chapter 431”) and Chapter 394, Texas Local Government Code, the City of Bryan, Texas (“Bryan”), and the City of College Station, Texas (“College Station”), each a Texas home rule municipality (Bryan and College Station, individually, a “City” and collectively, the “Cities”).

RECITALS

WHEREAS, on or about June 24, 2010, the Agency and the Cities entered in that certain *Solid Waste Facilities Operations Agreement* (“the Operations Agreement”) setting forth the agreement of the Agency and the Parties regarding the Agency’s operations of various solid waste disposal facilities conveyed by the Cities to the Agency as identified in the Operations Agreement and the manner in which the Cities will pay the Agency for the disposal of municipal solid waste delivered by the Cities to the Agency’s facilities; and

WHEREAS, after almost a year of operations of the Facilities by the Agency, and upon review of the process for establishing the rates and charges for use of the Facilities as set forth in Section 5.12 of the Operations Agreement, the Executive Director of the Agency has determined that the rates to be charged to the Cities will be required to substantially increase if the provisions of the Operations Agreement are followed as written; and

WHEREAS, the Parties desire to amend Section 5.12 of the Operations Agreement in order to provide the Agency more flexibility in the manner in which it establishes the Rate Schedule for use of the Facilities in a manner that retains the original intent of the Parties but avoid the negative impact the present language will have on the Cities’ charges to be paid to the Agency; and

WHEREAS, the Parties further desire to amend Section 5.10 (b) of the Operations Agreement to allow free or discounted charges for disposal of municipal solid waste in limited instances without the requirement to obtain consent of the Cities;

NOW, THEREFORE, for and in consideration of the promises and conditions set forth herein, the Agency and the Cities agree as follows:

1. **Amendments to the Operations Agreement.** The Agency and the Cities hereby agree that the Operations Agreement shall be amended as follows:

A. Section 5.10(b) is hereby amended to read in its entirety as follows:

(b) **Discounted Charge or Free Use**

With the approval of the Agency Board, the Agency may authorize a discounted charge for use of the Facilities, but in no event shall the charge be less than the current rate paid by the Cities. The Agency may offer occasional no-charge services in support of community clean up and/or recycling events in one or both of the Cities and other similar events the purpose of which are to benefit and improve the community where the event occurs. Any no-charge service provided pursuant to this Section 5.10(b) will be accounted for and reported to the Agency Board following the conclusion of the event. Furthermore, the Agency may provide a discounted rate or free disposal of clean fill dirt or other materials that can be used by the Agency in the operation of the Facilities in lieu of purchases that would otherwise be required by the Agency.

B. Section 5.12 is hereby amended to read in its entirety as follows:

5.12. RATE SCHEDULE. The Agency shall by resolution establish the Rate Schedule to include rates, charges, and fees to be charged to and paid by each City and any Person using the Facilities. Without regard to local market rates at similar facilities, the Rate Schedule applicable to the Cities shall be based on unit prices established by taking into consideration the Annual Expense Budget and its various components as defined in Sections 1.01 and 5.02 of this Agreement, the Estimated Contributing Weight (inclusive of all anticipated users of the Facilities), estimated revenues to the Agency from all sources, and current and reasonably projected economic conditions. To the extent establishment of different rates applicable to different classifications of customers are allowed by law, the Rate Schedule applicable to anyone other than the Cities shall be based on the local market rate for services provided by facilities with similar operations and similar TCEQ classifications as the Facilities, but in no case less than the Rate Schedule applicable to the Cities. Upon approval of the Rate Schedule and any amendments to the Rate Schedule by the Agency, the Rate Schedule shall be submitted to the Cities for approval by their respective governing bodies, which approval shall not be unreasonably withheld or delayed. Failure of either City to object to the Rate Schedule or any part thereof on or before the thirtieth (30th) day after submission to the City shall be deemed an approval of the part(s) to which objection is not made. If the rate for a particular service contained in the Rate Schedule and/or the entire Rate Schedule for a Fiscal

Year is not approved by one or the other City, then the rate(s) with respect to the service(s) provided by the Agency for the prior Fiscal Year shall remain in place. Notwithstanding anything herein to the contrary, to the extent allowed by law, the Agency may establish rates for Persons other than the Cities that are higher, but not lower, than those charged to the Cities without the prior approval of the Cities.

2. **Defined Terms.** The words and phrases used in this First Amendment shall have the same meaning given to those words and phrases in the Operations Agreement.
3. **Effective Date.** This First Amendment shall be effective on the date it is signed by representatives of all parties hereto.
4. **Operations Agreement Still in Effect.** Except as otherwise amended by this Amendment, the Agency and the Cities acknowledge and agree that the Operations Agreement remains in full force and effect without change.

(Signatures on Following Page)

IN WITNESS WHEREOF, the parties hereto acting under authority of their respective governing bodies have caused this Agreement to be duly executed in several counterparts, each of which shall constitute an original, all as of the day and year first above written, which is the date of this Agreement.

CITY OF BRYAN

ATTEST:

By: _____
Mayor Jason Bienski

City Secretary, City of Bryan

APPROVED AS TO FORM

Janis Hampton, City Attorney
City of Bryan

CITY OF COLLEGE STATION

ATTEST:

By: _____
Mayor Nancy Berry

City Secretary, City of College Station

APPROVED AS TO FORM

Carla A. Robinson

Carla Robinson, City Attorney
City of College Station

**BRAZOS VALLEY SOLID WASTE
MANAGEMENT AGENCY, INC.**

APPROVED AS TO FORM

By: _____
President Jason Bienski

Peter G. Smith, General Counsel

June 9, 2011
Workshop Agenda Item No. 5
BVSWMA – Rate Schedule

To: David Neeley, City Manager

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

Agenda Caption: Presentation, possible action, and discussion of a proposed Rate Schedule for the Brazos Valley Solid Waste Management Agency, Inc.

Relationship to Strategic Goals: Financially Sustainable City Providing Response to Core Services and Infrastructure.

Recommendation(s): Staff recommends approval of the Brazos Valley Solid Waste Management Agency, Inc. proposed Rate Schedule.

Summary: The Operations Agreement approved by the City on June 24, 2010, describes the method for establishing a rate to charge for waste disposal. Section 5.12 of the BVSWMA, Inc. Operation Agreement states:

Upon approval of the Rate Schedule and any amendments to the Rate Schedule by the Agency the Rate Schedule shall be submitted to the Cities for approval by their respective governing bodies which approval shall not be unreasonably withheld or delayed. Failure of either City to object to the Rate Schedule or any part thereof on or before the thirtieth (30th) day after submission to the City shall be deemed an approval of the part(s) to which objection is not made. If the rate for a particular service contained in the Rate Schedule and/or the entire Rate Schedule for a Fiscal Year is not approved by one or the other City then the rate(s) with respect to the service(s) provided by the Agency for the prior Fiscal Year shall remain in place.

The proposed Rate Schedule amends the existing rates for external customers only; the Cities' rates remain the same. External customers' rates will increase for solid waste and special waste. Unsecured load and pull off/cleanout fees will also be increased.

Budget & Financial Summary: Approval of the BVSWMA, Inc. Rate Schedule will result in no changes to the current solid waste disposal rates that are charged to the Cities.

Attachments:

1. BVSWMA, Inc. Rate Schedule

RESOLUTION NO. 2011-6

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE BRAZOS VALLEY SOLID WASTE MANAGEMENT, INC. ESTABLISHING RATES AND CHARGES FOR SOLID WASTE DISPOSAL AND OTHER SERVICES PROVIDED BY THE CORPORATION AT THE TWIN OAKS LANDFILL; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Brazos Valley Solid Waste Management Agency, Inc. ("BVSWMA, Inc.") owns and operates the Rock Prairie Road Landfill and the Twin Oaks Landfill (the "Landfills") and the compost facility on Pleasant Hill Road (the "Compost Facility"); and

WHEREAS, BVSWMA, Inc. has authority to adopt fees to be charged for solid waste disposal and other services at the Landfills, disposal at the Compost Facility and sales of composted materials provided to customers, and

WHEREAS, with the eminent commencement of operations at the Twin Oaks Landfill, the BVSWMA, Inc. Board of Directors finds it reasonable and necessary to amend the current schedule of rates and charges for use of the Landfills and Compost Facilities and the provision of certain services at the Twin Oaks Landfill;

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE BRAZOS VALLEY SOLID WASTE MANAGEMENT AGENCY, INC.:

SECTION 1. Effective upon the date the Twin Oaks Landfill commences receiving municipal solid waste, the Corporation's Schedule of Rates and Charges for solid waste disposal and other services shall be amended by adding the following rates and charges for the Twin Oaks Landfill:

A. NORMAL MUNICIPAL SOLID WASTE

1. The basic landfill tipping fee for normal municipal solid waste shall be assessed on the basis of \$25.75 per measured ton with a minimum charge of \$2.00.
2. The basic landfill tipping fee for normal municipal solid waste for a customer class consisting of the Cities of Bryan and College Station, Texas shall be assessed on the basis of \$20.25 per measured ton.

B. SPECIAL WASTES

1. The basic landfill tipping fee for special wastes which require special handling and/or documentation, or any item listed as a special waste by the State of Texas in accordance with 30 TAC §330.3 and handled in accordance with 30 TAC §330.171, or other applicable statutes or regulations as amended, shall be assessed on the basis of \$37.50 per measured ton, with a minimum charge equal to one ton.

2. The basic landfill tipping fee for the disposal services described in Paragraph B.1., above, for a customer class consisting of the Cities of Bryan and College Station, Texas shall be assessed on the basis of \$20.25 per measured ton.

C. TIRES

The fee charged for tires brought to the Landfills for disposal shall be:

1. \$3.25 per tire for tires with a diameter less than or equal to 19.5 inches.
2. \$8.65 per tire for tires with a diameter greater than 19.5 inches but less than or equal to 24.5 inches.
3. \$21.60 per tire for tires with a diameter greater than 24.5 inches.

D. WHITE GOODS, APPLIANCES, REFRIGERATION DEVICES.

1. The fee charged to recover Freon from refrigeration devices brought to the Landfills shall be \$10.80 per unit and shall be assessed the basic landfill tipping fee of \$25.75 per measured ton. Refrigeration devices that have undergone Freon removal and have been stamped by a certified Freon extractor prior to arriving at the Landfills will be assessed the basic landfill tipping fee of \$25.75 per measured ton.
2. All other white goods and appliances shall be assessed the basic landfill tipping fee of \$25.75 per measured ton.

E. UNSECURED LOAD FEES

Users of the Landfills who enter the Landfills with waste materials not secured in a manner as to prevent spillage or blowing of waste from the vehicle and/or container used to transport the waste during the transportation of waste shall be assessed a surcharge of \$15.00 per measured ton over the base tipping fee with a minimum charge of \$15.00.

F. PULLOFF/CLEAN-OUT FEES

Upon execution of a waiver of liability and at the discretion of Landfill personnel, users of the Landfills may be allowed to utilize equipment and/or devices provided by the Landfills to assist in the unloading or clean-out of waste for a charge of \$25.00 per load occurrence and/or trip into the Landfills.

G. CONTAMINATED/CLEAN SOILS

1. Disposal of contaminated soils received at the Landfills which have been approved by the Texas Commission on Environmental Quality and the Management Staff of the Landfills for use as daily and/or intermediate cover

material shall be assessed a charge of \$12.00 per measured ton.

2. No charge will be assessed for clean soils that can be utilized as daily and/or intermediate cover material at the Landfills.

H. CHARGES BY CUBIC YARD

In the event it becomes impossible or impractical to assess fees on a per weight basis, the following rates will be assessed based upon the estimated capacity of the vehicle and/or container used to transport waste into the Landfills.

1. A customer class consisting of the Cities of Bryan and College Station shall be charged \$9.20 per cubic yard.
2. All other customers shall be charged \$15.00 per cubic yard.

I. COMPOST FACILITY TIPPING FEE

The tipping fee at the Compost Facility is \$21.50 per measured ton. A minimum charge of \$8.50 shall be charged per vehicle per trip to the Compost Facility.

J. SALES OF COMPOSTED MATERIAL

Sales of composted materials shall be on a per measured ton based on the following scale:

- | | | |
|----|-------------------------------------|-----------------|
| 1. | 0 up to 25 tons | \$28.00 per ton |
| 2. | Greater than 25 tons up to 250 tons | \$20.00 per ton |
| 3. | Greater than 250 tons | \$15.00 per ton |

K. OTHER CHARGES

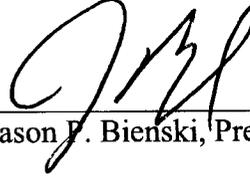
In addition to the fees established above, each customer shall pay any fees, charges, or taxes as required by the State of Texas, in accordance with 30 TAC §330.602, or other applicable statutes or regulations as amended.

SECTION 2. The Schedule of Rates and Charges previously adopted with respect to the Rock Prairie Road Landfill and the Pleasant Hill Road Compost Facility shall remain in full force and effect as previously adopted and are not amended by this resolution.

SECTION 3. This resolution shall become effective from and after its passage in accordance with the terms and conditions of Bylaws of the Brazos Valley Solid Waste Management Agency, Inc.

APPROVED AND ADOPTED BY VOTE OF THE BOARD OF DIRECTORS OF THE BRAZOS VALLEY SOLID WASTE MANAGEMENT AGENCY, INC. AT A REGULAR MEETING HELD ON THE 18TH DAY OF MAY, 2011.

APPROVED:



Jason F. Bienski, President

APPROVED AS TO FORM:



Peter G. Smith, General Counsel
(Reviewed by Kevin Laughlin 5/16/11 49350)