

Table of Contents

Agenda	2
Consent No. 2a - Minutes	
Coversheet revised	5
Workshop	6
Regular	11
Consent No. 2b - Annual purchase of EMS supplies	
Coversheet revised	18
Bid Summary 12-067	19
Resolution.	20
Consent No. 2c - Annual Purchase Agreement for the Installation of Hot Mix Asphalt Concrete	
Coversheet revised	22
Bid Tabulation.	23
Resolution.	24
Consent No. 2d - Contract for Transmission Operations with Bryan Texas Utilities	
Coversheet revised	25
Consent No. 2e - Interlocal Agreement with the College Station Independent School District for School Resource Officers	
Coversheet revised	26
Interlocal Agreement	27
Regular No. 1 - Public Hearing on Charter Amendments	
Coversheet revised	36
Final Report.	37



Mayor
Nancy Berry
Mayor Pro Tem
Dave Ruesink
City Manager
David Neeley

Council members
Blanche Brick
Jess Fields
Karl Mooney
Katy-Marie Lyles
Julie M. Schultz

Amended Agenda
College Station City Council
Regular Meeting
Thursday, July 26, 2012 at 7:00 PM
City Hall Council Chamber, 1101 Texas Avenue
College Station, Texas

1. Pledge of Allegiance, Invocation, Consider absence request.

Presentation:

- Special Presentation by the Museum of the American GI.

Hear Visitors: A citizen may address the City Council on any item which does not appear on the posted Agenda. Registration forms are available in the lobby and at the desk of the City Secretary. This form should be completed and delivered to the City Secretary by 5:30 pm. Please limit remarks to three minutes. A timer alarm will sound after 2 1/2 minutes to signal thirty seconds remaining to conclude your remarks. The City Council will receive the information, ask staff to look into the matter, or place the issue on a future agenda. Topics of operational concerns shall be directed to the City Manager. Comments should not personally attack other speakers, Council or staff.

Consent Agenda

Individuals who wish to address the City Council on a consent or regular agenda item not posted as a public hearing shall register with the City Secretary prior to the Mayor's reading of the agenda item. Registration forms are available in the lobby and at the desk of the City Secretary. The Mayor will recognize individuals who wish to come forward to speak for or against the item. The speaker will state their name and address for the record and allowed three minutes. A timer will sound at 2 1/2 minutes to signal thirty seconds remaining for remarks.

2. Presentation, possible action and discussion of consent agenda items which consists of ministerial or "housekeeping" items required by law. Items may be removed from the consent agenda by majority vote of the Council.

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

- July 12, 2012 Workshop
- July 12, 2012 Regular Council Meeting

b. Presentation, possible action, and discussion regarding an annual blanket purchase order with Boundtree Medical L.L.C. for \$65,000.00 for EMS supplies.

- c. Presentation, possible action, and discussion regarding the award of bid 12-073 Brazos Paving, Inc. to provide an annual contract for the excavation of the depleted asphalt, and installation of emulsified asphalt and Type D hot mix asphalt for the maintenance of streets in an amount not to exceed \$923,200.00, and authorizing the City Manager to execute the renewal agreement on behalf of the City Council.
- d. Presentation, possible action, and discussion regarding approval of a contract between the City of College Station and Bryan Texas Utilities in the amount of \$60,000 for the purposes of BTU temporarily operating College Station's electric transmission system and authorizing the City Manager to execute the contract on behalf of the City Council.
- e. Presentation, possible action, and discussion regarding the Inter-Local Agreement (ILA) with the College Station Independent School District (CSISD) regarding School Resource Officers (SRO).

Regular Agenda

Individuals who wish to address the City Council **on a regular agenda item not posted as a public hearing** shall register with the City Secretary prior to the Mayor's reading of the agenda item. The Mayor will recognize you to come forward to speak for or against the item. The speaker will state their name and address for the record and allowed three minutes. A timer will sound at 2 1/2 minutes to signal thirty seconds remaining for remarks.

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

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

1. Public Hearing, presentation and discussion to receive comments regarding the proposed amendments to the City Charter. A quorum of the Citizens' Charter Review Commission may be present.
2. 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 Amended Regular Meeting of the City Council of the City of College Station, Texas will be held on the Thursday, July 26, 2012 at 7:00 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 23rd day of July, 2012 at 5:00 p.m.


City Secretary

I, the undersigned, do hereby certify that the above Notice of Meeting of the Governing Body of the City of College Station, Texas, is a true and correct copy of said Notice and that I posted a true and correct copy of said notice on the bulletin board at City Hall, 1101 Texas Avenue, in College Station, Texas, and the City's website, www.cstx.gov . The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on July 23, 2012 at 5:00 p.m. 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 _____, 2012 By _____

Subscribed and sworn to before me on this the _____ day of _____, 2012.

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.

July 26, 2012
City Council Consent Agenda Item No. 2a
City Council Minutes

To: David Neeley, City Manager

From: Sherry Mashburn, City Secretary

Agenda Caption: Presentation, possible action, and discussion of minutes for:

- July 12, 2012 Workshop
- July 12, 2012 Regular Council Meeting

Attachments:

- July 12, 2012 Workshop
- July 12, 2012 Regular Council Meeting

MINUTES OF THE CITY COUNCIL WORKSHOP
CITY OF COLLEGE STATION
JULY 12, 2012

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry, Mayor

Council:

Blanche Brick
Jess Fields
Karl Mooney
Katy-Marie Lyles
Julie Schultz
Dave Ruesink

City Staff:

Kathy Merrill, Deputy City Manager
Frank Simpson, Deputy City Manager
Carla Robinson, City Attorney
Sherry Mashburn, City Secretary
Tanya McNutt, Deputy City Secretary

1. Call to Order and Announce a Quorum is Present

With a quorum present, the Workshop of the College Station City Council was called to order by Mayor Nancy Berry at 4:30 p.m. on Thursday, July 12, 2012 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77842.

2. Executive Session

In accordance with the Texas Government Code §551.071-Consultation with Attorney, §551.072-Real Estate, and §551.074-Personnel, the College Station City Council convened into Executive Session at 4:30 p.m. on Thursday, July 12, 2012 in order to continue discussing matters pertaining to:

A. Consultation with Attorney to seek advice regarding pending or contemplated litigation; to wit:

- 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
- Chavers et al v. Tyrone Morrow et al, No. 10-20792; Chavers v. Randall Hall et al, Case No. 10 CV-3922
- College Station v. Star Insurance Co., Civil Action No. 4:11-CV-02023
- Shirley Maguire and Holly Maguire vs. City of College Station, Cause No. 11-0025 16-CV-272, in the 272nd District Court of Brazos County, Texas
- Patricia Kahlden, individ. and as rep. of the Estate of Lillie May Williams Bayless v. Laura Sue Streigler, City of College Station and James Steven Elkins, No. 1 1-003172-CV-272, in the 272nd District Court of Brazos County, Tx.
- Claim and potential litigation related to a June 24, 2011 collision with a city vehicle.

B. Consultation with Attorney to seek legal advice; to wit:

- Legal issues relating to the Brazos Valley Groundwater Conservation District.
- Restitution issues related to State v. P. David Romei
- Legal issues related to the College Station Conference Center

C. Deliberation on the purchase, exchange, lease or value of real property; to wit:

- Property located at or near University Drive and Tarrow/East Tarrow Streets in College Station

D. Deliberation on the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer; to wit:

- Parks and Recreation
- Planning and Development
- Zoning Board of Adjustments

The Executive Session adjourned at 5:52 p.m. on Thursday, July 12, 2012.

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

No action was required from Executive Session.

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

No items were pulled.

5. Presentation, possible action, and discussion on a scheduled public meeting concerning a proposed permit to operate the Brazos Valley Disposal Facility, a Municipal Solid Waste Type IV disposal facility.

Chuck Gilman, Director of Capital Projects, provided an informational presentation on a scheduled TCEQ public meeting on July 19 for the Brazos Valley Disposal Facility. The proposed Brazos Valley Disposal Facility is proposed to be located approximately a quarter mile north of Raymond Stotzer Parkway or FM 60, and about a mile and a half west of the College

Station City limits. The proposed facility is being permitted as a type four landfill and is restricted to accepting only construction and demolition wastes. Local land use around the facility is primarily industrial, with some adjacent single family residential.

The permit application was submitted to the TCEQ by Brazos Valley Recycling and was under technical review for nine months. The SWAC unanimously found the application to be in non-conformance with the Regional Solid Waste Management Plan due to lack of screening for adjacent properties and the highway. This is non-binding. The TCEQ Executive Director confirmed and scheduled a public meeting on July 19, 2012 for the proposed Brazos Valley Disposal Facility permit application. The meeting will take place at the Brazos County Expo Complex Ballroom Building and will start at 7:00 PM.

Representatives from TCEQ and the applicant will be present for a two-part public meeting consisting of an informal discussion segment and a formal comment period. During the informal discussion period, the public will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The formal comment period at the meeting will be the last opportunity for public comments to be accepted by the TCEQ for determining if the application will be subject to a contested case hearing. Only relevant and material issues raised during the Formal Comment Period can be considered if a contested case hearing is granted on this permit application. As of today the application has received four comments in opposition to the facility. As opposed to the proposed pintail facility in Waller County on Highway 6, outside of Hempstead, which received over 4,883 comments.

6. Presentation and discussion on a report from Keep Brazos Beautiful regarding activities of the organization.

Sam White, President, and Amy Reed, Executive Director, reported on the activities of Keep Brazos Beautiful.

- Youth Leadership Workshop
- KBB Enviro Club, an after school program at area elementary schools
- Annual Crepe Myrtle and Shade Tree Sale
- Girl Scouts are Treemendous
- Texas Trash Off
- Brazos Valley Earth Day
- TAMU Earth Day Celebration
- Adopt a Greenway Kickoff Event
- Arbor Day Season Celebration with the Memorial Tree Ceremony and Tree City USA Recognition
- Get Wild about KBB Annual Awards Gala, celebrating local environmental heroes
- Great American Campus Cleanups, with 1,022 students and 99 counselors/teachers/staff participating
- CSISD Summer Shadow Students with 64 volunteer hours served by four Junior High students

The KBB has received recognition as the Gold Star Affiliate for Keep Texas Beautiful and the Presidential Circle Affiliate for Keep America Beautiful.

Current Projects include:

- Community Demonstration Garden – George Bush and Texas Avenue
- Cigarette Litter Prevention Program
- Member’s Summer Soiree’
- Board/Organization Development
- Additions/Improvements to Education Program

7. Council Calendar

- July 18 BSWMA Board Meeting at Twins Oaks Facility - 2690 SH30 (Anderson, Texas), 11:00 a.m.
- July 18 RVP Board Meeting at RVP, 3:00 p.m.
- July 18 CAPRA BBQ Dinner at Southwood Community Center, 6:30 p.m.
- July 19 P&Z Workshop/Meeting in Council Chambers at 6:00 p.m. (Julie Schultz, Liaison)
- July 20 Texas Hospitality Social - Honoring CAPRA Team at WPC Green Room - 1015 Colgate Drive, 6:30 p.m.
- July 25 Special Council Meeting at WPC Green Room - 1015 Colgate Drive, 3:00 p.m.
- July 26 City Council Executive/Workshop/Regular Meeting at 5:00, 6:00 and 7:00 p.m.
- July 27 Scott & White Hospital Tour at Rock Prairie Medical Center (Hospital), 9:00 a.m.

Council reviewed the Council calendar.

8. 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.

There were no requests.

9. Discussion, review and possible action regarding the following meetings: Animal Shelter Board, Arts Council of the Brazos Valley, Arts Council Sub-committee, Audit Committee, Bicycle, Pedestrian, and Greenways Advisory Board, Brazos County Health Dept., Brazos Valley Council of Governments, Brazos Valley Wide Area Communications Task Force, BSWMA, BVWACS, Code Review Committee, Convention & Visitors Bureau, Design Review Board, Historic Preservation Committee, Interfaith Dialogue Association, Intergovernmental Committee, Joint Neighborhood Parking Taskforce, Joint Relief Funding Review Committee, Landmark Commission, Library Board, 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, Zoning Board of Adjustments.

Mayor Berry reported on the Brazos Valley Council of Governments and the Metropolitan Planning Organization.

Councilmember Mooney reported on the Convention and Visitors Bureau.

Councilmember Ruesink reported on the Sister Cities.

Councilmember Brick thanked the Police and Fire departments for their assistance with the Foxfire Fourth of July celebration. Councilmember Ruesink added his thanks for their participation in his neighborhood.

Councilmember Fields reported on the Tisdale funeral he attended.

Councilmember Schultz reported on the 75th Anniversary Committee (sub-committee of the Historic Preservation Committee) meeting.

10. Adjournment

MOTION: There being no further business, Mayor Berry adjourned the workshop of the College Station City Council at 6:45 p.m. on Thursday, July 12, 2012.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF COLLEGE STATION
JULY 12, 2012

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry

Council:

Blanche Brick
Jess Fields
Karl Mooney
Katy-Marie Lyles
Julie Schultz
Dave Ruesink

City Staff:

David Neeley, City Manager
Kathy Merrill, Deputy City Manager
Frank Simpson, Deputy City Manager
Carla Robinson, City Attorney
Sherry Mashburn, City Secretary
Tanya McNutt, Deputy City Secretary

Call to Order and Announce a Quorum is Present

With a quorum present, the Regular Meeting of the College Station City Council was called to order by Mayor Nancy Berry at 7:04 p.m. on Thursday, July 12, 2012 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77842.

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

Citizen Comments

Gary Ives, 3943 Blue Jay Court, President of the Springbrook HOA, spoke on behalf of the board. He thanked the Council for the postponement of the Public Hearing about the Lick Creek Trail project. They wish to reconcile the conflicting viewpoints within the HOA before the Council considers this. The board found the proposal from the Concerned Springbrook Homeowners to be inadequate to protect the interests of the neighborhood and to be divisive. The board's response was to unanimously reject the settlement proposal. They believe the trail

project proposed by the City to offer a greater overall benefit to all members of the association. Also, the board does not feel they can entrust the maintenance of the creek area to eleven lot owners. He provided to the Council a copy of the board's mailout to the membership. They are currently preparing their final report and anticipate delivering it prior to the sixty-day postponement. He stated the accusation border on the libelous and their basis for litigation to be frivolous. He expressed the board's commitment to be faithful to the mandate of the majority of the membership.

Jerry Brown, 3802 Gold Finch Circle, reported that he has acted as a legal advisor to the Springbrook board. He came to refute the statement made by Brian Leschber at the June 28 meeting where he stated the board did not go into the mediation process in good faith. At the June 4 meeting, the 11 Concerned Homeowners group did not provide a written proposal and only gave a single settlement offer despite saying they had other ideas. The group wanted the board to accept an offer of \$5,000 as fair compensation to give up a \$1.1 million recreation trail. On June 25, the group submitted a written offer that only repeated what had been discussed three weeks prior. Also, they neglected to fully address the key issues identified by the board. The board responded on June 27, giving specific reasons why the offer was inadequate. To date, the group has not attempted to address the reasons the offer was rejected, nor has it submitted another proposal.

Felix Munguia III, 1743 Purple Martin, chair of the Architecture Committee for Springbrook, stated there are only two facts: 1) countless hours of information have been provided to association members; and 2) the HOA membership voted for the nature trail, with 58.8% in favor.

Marcy Halterman-Cox, 1807 Springbrook Estates, stated she was one of the group that sought to keep the HOA from giving away the property. The group has hired an attorney. They believe there are problems with the vote that violated state law. Additionally, the bylaws have two conflicting terms. One is to keep the creek natural, and secondly, the HOA has the authority to dispose of property as they deem necessary.

CONSENT AGENDA

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

- **June 28, 2012 Workshop**
- **June 28, 2012 Regular Council Meeting**

2b. Presentation, possible action, and discussion on consideration of Ordinance 2012-3424, amending Chapter 10, Section 2F, of the College Station Code of Ordinances regarding the Traffic Control Device Inventory, Schedule V (School Zones).

2c. Presentation, possible action, and discussion on the consideration of Ordinance 2012-3425, amending Chapter 10, "Traffic Code," Section 2.C of the Code of Ordinances of the City of College Station changing the traffic control at the intersection of Southern Plantation and Newport from one-way stop controlled operation to three-way stop controlled.

2d. Presentation, possible action, and discussion regarding ratification of Contract Amendment 2 to Contract 11-350 between the City of College Station and Bryan Texas Utilities (BTU) extending the term of the contract to allow BTU to continue its temporary operation of College Station's electric transmission system until July 31, 2012.

2e. Presentation, possible action, and discussion on Resolution 07-12-12-2e, regarding the application and acceptance of an Office of the Governor, Criminal Justice Division (CJD) Grant.

2f. Presentation, possible action and discussion regarding Resolution 07-12-12-2f, approving an Interlocal Agreement and resolution accepting from Texas A&M University the sum of \$196,200 for providing Fire Protection to Easterwood Airport.

2g. Presentation, possible action, and discussion regarding Resolution 07-12-12-2g, approving the construction contract (Contract 12-240) with Kieschnick General Contractors in the amount of \$899,122.00, for the construction of the Wolf Pen Creek Festival Area project (WP 0901).

Marc Chaloupka, 7805 Stonewall, spoke on item 2g. He has been involved with the project for a number of years. The goal was to deal with drainage issues and to create a cultural area and draw visitors. The vision led to a master plan which had a list of top ten items. A festival site was one of those top ten items from the very beginning. He recommended Council approve this contract to complete what was put in place in 1987.

No items were pulled for a separate vote.

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

REGULAR AGENDA

1. Public Hearing, presentation and discussion to receive comments regarding the proposed amendments to the City Charter.

At approximately 7:18 p.m., Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 7:18 p.m.

2. Public Hearing, presentation, possible action, and discussion regarding Ordinance 2012-3426, amending Chapter 12, "Unified Development Ordinance", Section 4.2, "Official Zoning Map" of the Code of Ordinances of the City of College Station, Texas by rezoning of approximately 1.2 acres from A-0 Agricultural Open with OV Corridor Overlay to C-1 General Commercial with OV Corridor Overlay located at 950 William D Fitch Parkway, generally located at the corner of William D Fitch Parkway and State Highway 6 South.

Councilmember Schultz recused herself.

At approximately 7:23 p.m., Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 7:23 p.m.

MOTION: Upon a motion made by Councilmember Lyles and a second by Councilmember Ruesink, the City Council voted six (6) for and none (0) opposed, with Councilmember Schultz having recused herself, to adopt Ordinance 2012-3426, amending Chapter 12, "Unified Development Ordinance", Section 4.2, "Official Zoning Map" of the Code of Ordinances of the City of College Station, Texas by rezoning of approximately 1.2 acres from A-0 Agricultural Open with OV Corridor Overlay to C-1 General Commercial with OV Corridor Overlay located at 950 William D Fitch Parkway, generally located at the corner of William D Fitch Parkway and State Highway 6 South. The motion carried unanimously.

3. Public Hearing, presentation, possible action, and discussion regarding Ordinance 2012-3427, amending Chapter 12, "Unified Development Ordinance", Section 4.2, "Official Zoning Map" of the Code of Ordinances of the City of College Station, Texas by rezoning approximately 7.547 acres located at 4080 State Highway 6 S, generally located south of the SecurCare Self Storage on the frontage road, from A-0 Agricultural Open to PDD Planned Development District.

Councilmember Schultz recused herself.

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

Joe Schultz, 2730 Longmire, asked the Council to approve the P&Z's recommendations.

Kyle J. Incardona, 2301 E. 29th, said Hillier Funeral Home has been around since 1918. They are ready to come into College Station.

John Clark, 504 Crescent, stated it is a great project.

There being no further comments, the Public Hearing was closed at 7:30 p.m.

MOTION: Upon a motion made by Councilmember Fields and a second by Councilmember Ruesink, the City Council voted six (6) for and none (0) opposed, with Councilmember Schultz having recused herself, to adopt Ordinance 2012-3427, amending Chapter 12, "Unified Development Ordinance", Section 4.2, "Official Zoning Map" of the Code of Ordinances of the City of College Station, Texas by rezoning approximately 7.547 acres located at 4080 State Highway 6 S, generally located south of the SecurCare Self Storage on the frontage road, from A-0 Agricultural Open to PDD Planned Development District. The motion carried unanimously.

4. Public Hearing, presentation, possible action, and discussion regarding Ordinance 2012-3428, approving a conditional use permit pursuant to Chapter 12, "Unified Development

Ordinance", Section 3.15, "Development Review Procedures, Conditional Use Permit", of the Code of Ordinances of the City of College Station, Texas, for the property located at 1915 Dartmouth Street on 4.06 acres zoned Wolf Pen Creek to permit multi-family residential development on the ground floor.

At approximately 7:32 p.m., Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 7:32 p.m.

MOTION: Upon a motion made by Councilmember Fields and a second by Councilmember Schultz, the City Council voted seven (7) for and none (0) opposed, to adopt Ordinance 2012-3428, approving a conditional use permit pursuant to Chapter 12, "Unified Development Ordinance", Section 3.15, "Development Review Procedures, Conditional Use Permit", of the Code of Ordinances of the City of College Station, Texas, for the property located at 1915 Dartmouth Street on 4.06 acres zoned Wolf Pen Creek to permit multi-family residential development on the ground floor. The motion carried unanimously.

5. Public Hearing, presentation, possible action, and discussion regarding Ordinance 2012-3429, amending Chapter 12, "Unified Development Ordinance", Section 5.6 "Design Districts, B "Northgate Districts", 2 "Additional Use Standards", c "NG-3 Residential Northgate" and Section 5.7 "Design District Dimensional Standards" of the Code of Ordinance of the City of College Station, Texas.

At approximately 7:35 p.m., Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 7:35 p.m.

MOTION: Upon a motion made by Councilmember Lyles and a second by Councilmember Schultz, the City Council voted seven (7) for and none (0) opposed, to adopt Ordinance 2012-3429, amending Chapter 12, "Unified Development Ordinance", Section 5.6 "Design Districts, B "Northgate Districts", 2 "Additional Use Standards", c "NG-3 Residential Northgate" and Section 5.7 "Design District Dimensional Standards" of the Code of Ordinance of the City of College Station, Texas. The motion carried unanimously.

6. Public Hearing, presentation, possible action, and discussion regarding Ordinance 2012-3430, amending Chapter 7, Health and Sanitation, of the Code of Ordinances, adding a new Section 13 "Stormwater Protection" to regulate discharges into the City stormwater system and to provide for associated enforcement and penalties procedures; and Ordinance 2012-3431, amending Chapter 12, Unified Development Ordinance (UDO), of the Code of Ordinances renaming Article 7, General Development Standards, Section 7.8 as "Flood Hazard Protection" to be consistent with other Code provisions; adding a new Section 7.13 "Drainage and Stormwater Management" to regulate discharges into the stormwater system associated with construction or industrial activity; and adding a new Section 10.6 "Specific Enforcement and Penalties for Drainage and Stormwater Management" to regulate discharges into the City stormwater system.

At approximately 7:44 p.m., Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 7:44 p.m.

MOTION: Upon a motion made by Councilmember Schultz and a second by Councilmember Brick, the City Council voted six (6) for and one (1) opposed, with Councilmember Fields voting against, to adopt Ordinance 2012-3430, amending Chapter 7, Health and Sanitation, of the Code of Ordinances, adding a new Section 13 "Stormwater Protection" to regulate discharges into the City stormwater system and to provide for associated enforcement and penalties procedures; and Ordinance 2012-3431, amending Chapter 12, Unified Development Ordinance (UDO), of the Code of Ordinances renaming Article 7, General Development Standards, Section 7.8 as "Flood Hazard Protection" to be consistent with other Code provisions; adding a new Section 7.13 "Drainage and Stormwater Management" to regulate discharges into the stormwater system associated with construction or industrial activity; and adding a new Section 10.6 "Specific Enforcement and Penalties for Drainage and Stormwater Management" to regulate discharges into the City stormwater system. The motion carried.

7. Presentation, possible action, and discussion of a Contract for Sale of Real Estate, for the sale of real property located at North Harvey Mitchell Parkway (FM 2818), to Ashraf Lakhani in the amount of \$211,000.00.

MOTION: Upon a motion made by Councilmember Fields and a second by Councilmember Lyles, the City Council voted seven (7) for and none (0) opposed, to approve a Contract for Sale of Real Estate, for the sale of real property located at North Harvey Mitchell Parkway (FM 2818), to Ashraf Lakhani in the amount of \$211,000.00. The motion carried unanimously.

8. Presentation, possible action, and discussion on regarding appointments to the following Boards and Commissions:

- **B/CS Library Committee**
- **Bicycle, Pedestrian & Greenways Advisory Board**
- **Construction Board of Adjustments**
- **Design Review Board**
- **Historic Preservation Committee**
- **Landmark Commission**
- **Parks & Recreation Board**
- **Planning & Zoning Commission**
- **Zoning Board of Adjustments**

MOTION: Upon a motion made by Councilmember Fields and a second by Councilmember Lyles, the City Council voted seven (7) for and none (0) opposed, to approve the names as read by the City Secretary. The motion carried unanimously.

- B/CS Library Committee: Don Hellriegel; Diane Rektorik
- Bicycle, Pedestrian & Greenways Advisory Board: Jean Gould (F); Philip Lasley (D)
- Construction Board of Adjustments: Regular members: Marc Chaloupka; Oran Mikael; Arthur Pinto. Alternates: Johnny Burns; Rene Ramirez

- Design Review Board: Hunter Goodwin (B); Don Hellriegel (A)
- Historic Preservation Committee: Kelly Bunch; E.E. Burns; Patricia Cleere; Joel Mitchell; Libby Vastano. Linda Harvell was named Chair.
- Landmark Commission: Linda Harvell; Gail MacMillan; Robert McGeachin
- Parks & Recreation Board: Sherry Ellison; Louis Hodges; David Ohendalski; Debe Shafer
- Planning & Zoning Commission: Craig Hall; Bo Miles; Jodi Warner
- Zoning Board of Adjustments: Regular members: Jim Davis; Hunter Goodwin; Marsha Sanford. Alternates: Gary Erwin; Scott Simpson. Hunter Goodwin was named Chair.

9. Presentation, possible action and discussion regarding the citizen appointment to the Research Valley Partnership Board of Directors.

MOTION: Upon a motion made by Councilmember Lyles and a second by Councilmember Schultz, the City Council voted seven (7) for and none (0) opposed, to appoint Tedi Ellison to the Research Valley Partnership Board of Directors. The motion carried unanimously.

10. Presentation, possible action and discussion regarding the approval of a City of College Station Councilmember to be appointed to the CEOC Policy Advisory Board.

Mayor Berry expressed her desire to serve on the CEOC Policy Advisory Board. Council consensus was to appoint her.

11. Adjournment.

MOTION: There being no further business, Mayor Berry adjourned the Regular Meeting of the City Council at 8:48 p.m. on Thursday, July 12, 2012.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

July 26, 2012
Consent Agenda Item No. 2b
Annual purchase of EMS supplies

To: David Neeley, City Manager

From: R. B Alley III, Fire Chief

Agenda Caption: Presentation, possible action, and discussion regarding an annual blanket purchase order with Boundtree Medical L.L.C. for \$65,000.00 for EMS supplies.

Recommendation(s): Recommend award to lowest responsible bidder meeting specifications.

Relationship to Strategic goal: To provide advanced medical care to our community.

Summary: Seven (7) sealed bids were received and evaluated on bid 12-067. Bid items were divided into six (6) groups. Bidders were not required to bid on every group. Of the seven (7) bids received, two (2) companies submitted bids that included bid pricing for every item in every category.

Per the bid specifications, the City has the right to award on the basis of individual group, combination of groups or overall best bid for all groups.

It was determined that Boundtree Medical LLC offered the best value as they submitted the most complete bid, shortest delivery time and 18% off of items not specified on bid.

Bound Tree Medical LLC has satisfactorily supplied the City of College Station with EMS supplies for more than six years.

Budget & Financial Summary: Funds are budgeted in the fire department budget for this expenditure. This purchase order should provide for adequate purchasing of supplies for our department's current and future needs.

Attachments:

1. City bid tabulation
2. Resolution

ITB No. 12-067 Annual EMS Supplies
 Bid Summary
 Open Date: Thursday, June 7, 2012 @ 2:00

	Bound Tree Medical, LLC (Dublin, OH)	Midwest Medical (Earth City, MO)	QuadMed, Inc. (Jacksonville, FL)	Moore Medical (Farmington, CT)	Southeastern Emergency Equipment (Youngsville, NC)	Henry Schein, Inc (Irmo, SC)	E-Med Medical Company (Bridgeton, MO)
Group 1: Cardiac Supplies	\$4,017.93	\$2,435.69	\$2,413.52	\$3,388.56	\$3,868.97	\$3,764.80	NO BID
Group 2: Infection Control	\$7,355.34	\$8,297.14	\$9,541.38	\$7,825.91	\$8,862.83	\$7,150.39	\$11,579.05
Group 3: Bandages/Dressings	\$3,104.21	\$3,036.30	\$2,151.50	\$2,433.98	\$3,003.53	\$2,798.96	\$7,461.59
Group 4: IV Supplies	\$25,109.18	\$27,582.84	\$15,162.91	\$21,290.27	\$29,221.92	\$29,159.04	NO BID
Group 5: Airway Supplies	\$9,269.71	\$6,554.62	\$8,694.60	\$5,929.11	\$11,443.66	\$8,871.26	NO BID
Group 6: Miscellaneous	\$11,948.37	\$13,915.89	\$13,649.19	\$14,988.89	\$15,508.09	\$13,745.79	NO BID
Grand Total	\$60,804.74	\$61,822.47	\$51,613.10	\$55,856.72	\$71,909.00	\$65,490.24	\$19,040.64
% Discount off items not specified in the bid	18%	15%	15%	18% off current web pricing	10%	15.1%	0% - 30%
Delivery:	1-2 days for in-stock items	2 days	2 days	4-6 Business Days	3-10 days	2-5 days	7 days
Bid Every Group/Item?	Yes/Yes	Bid every group. NB's listed below.	Yes/Yes	Did not bid every group. NB's listed below.			

Notes:

Bound Tree Medical

»Bidder miscalculated Group 5 subtotal and the Grand Total. The totals above are correct.
 »No prompt payment discount

Midwest Medical

»Bidder miscalculated Group 6 subtotal and the Grand Total. The totals above are correct.

»No prompt payment discount
 »No Bid 2 items in Group 2
 »No Bid 4 items in Group 5

QuadMed, Inc.

»Numerous calculation errors within each Group, including subtotals. Bidder miscalculated the Grand Total. The totals above are correct.

»No prompt payment discount
 »No Bid 1 item in Group 2
 »No Bid 3 items in Group 3
 »No Bid 7 items in Group 4
 »No Bid 3 items in Group 5

Moore Medical

»Bidder miscalculated the subtotal for all groups and the Grand total. The totals above are correct.

»No prompt payment discount
 »No Bid 1 item in Group 3
 »No Bid 2 items in Group 4
 »No Bid 17 items in Group 5
 »No Bid 2 items in Group 6
 »Ship On Ice fees (\$6.95) may apply to items that must be refrigerated
 »Hazard fees (\$27.50) may apply to items the DOT has determined as needing special handling

Lowest overall bid for the corresponding category.
 (Bid all items)

Southeastern Emergency Equipment

»Bidder miscalculated subtotals for Groups 1, 4 & 6 and the Grand Total. The totals above are correct.

»No prompt payment discount
 »No Bid 2 items in Group 5
 »No Bid 1 item in Group 6

Henry Schein, Inc

»Bidder miscalculated subtotals for Groups 1-6 and the Grand Total. The totals above are correct.

»No prompt payment discount

E-med Medical Company

»Numerous calculation errors within Groups & 3, including subtotals. Bidder miscalculated the Grand Total. The totals above are correct.

»No prompt payment discount
 »No Bid Groups 1, 4-6

EVALUATION NOTES:

»Of the (7) bids received, Bound Tree Medical and Henry Schein, Inc. were the only two companies that bid every bid item in all (6) categories. Of the two, Bound Tree Medical submitted the lowest overall bid, the highest discount off items not specifically listed in the bid and offers the best delivery terms. Award amount if awarded to a single bidder: \$60,804.74

»Based on individual categories where bids were received for every item within the category, QuadMed, Inc. submitted the lowest overall bid for Category 1, Henry Schein, Inc. submitted the lowest overall bid for Categories 2, 3 and 5, and Bound Tree Medical submitted the lowest overall bid for Categories 4 and 16. Award amount if multiple awards are made: \$58,291.68. Difference from single award: \$2,513.06.

RESOLUTION _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING THE AWARD OF THE ANNUAL PRICE AGREEMENT FOR THE PURCHASE OF EMERGENCY MEDICAL SUPPLIES FROM BOUNDTREE MEDICAL L.L.C.; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of College Station, Texas is obligated to protect the health, safety and welfare of the population with its emergency response personnel; and

WHEREAS, Boundtree Medical L.L.C. is authorized to perform the functions and/or services covered by its agreement with the City of College Station; and

WHEREAS, the City Council previously approved the FY 2012 annual budget and an annual blanket purchase order for the purchase of emergency medical supplies; and

WHEREAS, to meet its requirements for emergency medical supplies, the City solicited responses to Bid # 12-067 and seven (7) sealed bids were received and evaluated; and

WHEREAS, Staff recommends award of the annual price agreement to Boundtree Medical L.L.C. as the lowest responsible bidder pursuant to City specifications, with the option to renew said price agreement for up to two additional terms with the consent of both parties; now, therefore,

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

- PART 1:** That the facts and recitations set forth in the preamble of this resolution are hereby found and declared to be true and correct, and are incorporated by reference herein and expressly made a part hereof.
- PART 2:** That the City Council hereby approves the annual price agreement for the purchase of emergency medical supplies from Boundtree Medical L.L.C. for a total amount not to exceed \$65,000.00.
- PART 3:** That the City Council hereby recognizes that by entering into said agreement it is protecting the health, safety and welfare of the population.
- PART 4:** That all previous resolutions in direct conflict with this resolution are hereby superseded and repealed, but only to the extent of such conflict.
- PART 5:** That this resolution shall take effect immediately from and after its passage.

ADOPTED this _____ day of _____, A.D. 2012.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:



City Attorney

July 26, 2012
Consent Agenda Item No. 2c
Annual Purchase Agreement for the Installation of Hot Mix Asphalt Concrete

To: David Neeley, City Manager

From: Chuck Gilman, PE, PMP, Public Works Director

Agenda Caption: Presentation, possible action, and discussion regarding the award of bid 12-073 Brazos Paving, Inc. to provide an annual contract for the excavation of the depleted asphalt, and installation of emulsified asphalt and Type D hot mix asphalt for the maintenance of streets in an amount not to exceed \$923,200.00, and authorizing the City Manager to execute the renewal agreement on behalf of the City Council.

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

Recommendation(s): Staff recommends approval of the bid award to Brazos Paving, Inc. and authorization for the City Manager to execute the renewal agreement.

Summary: Four bids were received for an annual price agreement to install Hot Mix Asphalt and Emulsified Asphalt for the maintenance and renewal of the pavement surface of asphalt streets in the City. Brazos Paving, Inc., Knife River, A-1 Construction and Larry Young Paving submitted bids. Brazos Paving, Inc. was the lowest bidder. Three of the four bid items (Items 1, 2, & 3B) included in the bid proposal are being accepted for a total contract price of \$923,200.00.

This contract is used for placing a mat of 1.5 to 2 inches of hot mix asphalt for the renewal of the pavement surface of an asphalt street. In cases where several base failure repairs have been made on a street, the depleted asphalt is removed, emulsified asphalt is used as a tack coat to seal the surface and a mat of hot mix asphalt is used to seal the street and improve the driving surface of the street. Milling and excavation of existing, depleted asphalt will be used on an as needed basis. The City will advise the contractor of the need to mill existing asphalt prior to mobilization for a specific product. Depending on scheduling, the City also has the capability to provide in-house milling and excavation on a given project.

Budget & Financial Summary: Funding is available in the operating budget of the Street Maintenance Division.

Attachments:

1. Bid tabulation of Bid No. 12-073
2. Resolution

ITB 12-073 Annual Price Agreement for Installation of Type D Hot Mix and Emulsion

Item	Qty	Unit	Description	Brazos Paving		Knife River		A-1 Construction		Larry Young Paving	
				Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	10,000	Tons	Asphalt Concrete, Hot Mix, Type D, Installed, 1 1/2" thick, (including tack coat) in accordance with TSDHPT 1993 Standard Specs, Item 340 and Section 32 12 16 of the "Bryan/College Station Unified Design Specifications"	\$79.70	\$797,000.00	\$80.00	\$800,000.00	\$123.95	\$1,239,500.00	\$82.00	\$820,000.00
2	2,500	Gallons	Emulsion, (MC-30) Installed	\$3.50	\$8,750.00	\$2.75	\$6,875.00	\$7.00	\$17,500.00	\$4.75	\$11,875.00
TOTAL				\$805,750.00		\$806,875.00		\$1,257,000.00		\$831,875.00	
3A	81000	sqyds	When required by City, mill and excavate the deplete asphalt up to 2 inches in depth. Contractor will retain asphalt millings	\$0.95	\$76,950.00	\$1.65	\$133,650.00	\$0.10	\$8,100.00	\$2.10	\$170,100.00
3B	81000	sqyds	When required by City, mill and excavate the deplete asphalt up to 2 inches in depth. Contractor will deliver the asphalt millings to the City's stockpile area at 2613 Texas Ave.	\$1.45	\$117,450.00	\$2.15	\$174,150.00	\$1.42	\$115,020.00	\$2.90	\$234,900.00
GRAND TOTAL				\$923,200.00		\$981,025.00		\$1,372,020.00		\$1,066,775.00	
Certification				Y		Y		Y		Y	
Addendum				1		1		1		1	

Award is based on the total of Line Items 1 and 2. Award amount is the Grand Total of Line Items 1, 2 and the higher of 3A or 3B.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING A CONSTRUCTION CONTRACT FOR THE ANNUAL PRICE AGREEMENT FOR INSTALLATION OF HOT MIX ASPHALT AND MILLING PROJECT AND AUTHORIZING THE EXPENDITURE OF FUNDS.

WHEREAS, the City of College Station, Texas, solicited bids for the construction phase of the Annual Price Agreement for Installation of Hot Mix Asphalt and Milling Project; and

WHEREAS, the selection of Brazos Paving, Inc. is being recommended as the lowest responsible bidder for the construction services related to Annual Price Agreement for Installation of Hot Mix Asphalt and Milling; 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 Brazos Paving, Inc. is the lowest responsible bidder.

PART 2: That the City Council hereby approves the contract with Brazos Paving, Inc. for \$923,200.00 for Items 1, 2 and 3B for the labor, materials and equipment required for the improvements related the Annual Price Agreement for Installation of Hot Mix Asphalt and Milling Project.

PART 3: That the funding for this Contract shall be as budgeted from the General Fund, Street Maintenance Division, in the amount of \$923,200.00.

PART 4: That the City Council hereby authorizes the City Manager to execute this Contract.

PART 5: That this resolution shall take effect immediately from and after its passage.

ADOPTED this 26th day of July, 2012.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:



City Attorney

July 26, 2012
Consent Agenda Item No. 2d
Contract for Transmission Operations with Bryan Texas Utilities

To: David Neeley, City Manager

From: David Massey, Director of Electric Utilities

Agenda Caption: Presentation, possible action, and discussion regarding approval of a contract between the City of College Station and Bryan Texas Utilities in the amount of \$60,000 for the purposes of BTU temporarily operating College Station's electric transmission system and authorizing the City Manager to execute the contract on behalf of the City Council.

Relationship to Strategic Goals: Core Services and Infrastructure – Meet or exceed all state/federal standards.

Recommendation: Staff recommends approval of the contract and authorization for the City Manager to execute the contract.

Summary: Due to staff turnover, College Station does not currently have an adequate number of NERC certified system operators on staff. Federal and State regulations require all Transmission Operators have at least one NERC certified operator on duty during every shift in Dispatch Operations.

In order to be compliant with NERC regulations, BTU began operating the CSU transmission system on September 1, 2011. This agreement is to continue that service for the period of August 1, 2012 through July 31, 2013 at a cost of \$5,000 per month, or until such time as College Station has an adequate number of NERC certified operators.

Budget & Financial Summary: Funds for this contract were not included in the FY12 budget as the need was not known when the budget was developed. It is anticipated that budget can be transferred from other areas in the Electric budget to cover the estimated FY12 expenditure (\$10,000) related to this contract. Funds in the amount of \$50,000 will be included in the FY13 proposed budget for the portion of this expenditure anticipated to occur in FY13.

Attachment:
Contract in City Secretary's Office

July 26, 2012
Consent Agenda Item No. 2e
Interlocal Agreement with the College Station Independent School District for
School Resource Officers

To: David Neeley, City Manager

From: Jeff Capps, Chief of Police

Agenda Caption: Presentation, possible action, and discussion regarding the Inter-Local Agreement (ILA) with the College Station Independent School District (CSISD) regarding School Resource Officers (SRO).

Relationship to Strategic Goals: Goal 1.8 Evaluating Public Safety Needs. Goal 1.1 Spending tax payer money efficiently.

Recommendation(s): Staff recommends approval of the amended ILA.

Summary: The ILA is for a one year agreement between CSISD and the City. The ILA states three officers will be assigned full time to the schools for the Fall and Spring semesters with one being at A&M Consolidated High School full time, one splitting time between A&M Consolidated Middle School and the Center for Alternative Learning, and one splitting time between College Station High School and College Station Middle School.

The ILA is currently scheduled to be presented to the School Board for approval at their scheduled meeting on August 21, unless an earlier meeting is scheduled.

Budget & Financial Summary: CSISD will reimburse the city for 50% of the salaries and benefits for all three School Resource Officers near the end of the school year. The total amount that the school district will be billed will be approximately \$133,647.

Attachments:

Interlocal Agreement with CSISD.

SCHOOL RESOURCE OFFICER INTERLOCAL AGREEMENT

THIS INTERLOCAL AGREEMENT is hereby made and entered into by and between the **CITY OF COLLEGE STATION, TEXAS**, A Texas Home Rule Municipal Corporation (hereinafter "City"), and the **COLLEGE STATION INDEPENDENT SCHOOL DISTRICT**, a Texas Local Government (hereinafter "CSISD") each acting by and through its duly authorized agents (referred to collectively as the "Parties").

WHEREAS, Chapter 791 of the **TEXAS GOVERNMENT CODE**, also known as the **INTERLOCAL COOPERATION ACT**, authorizes all local governments to contract with each other to provide a governmental function or service that each party to the contract is authorized to perform individually and in which the contracting parties are mutually interested; and

WHEREAS, the Parties have sufficient funds available from current revenues to perform the functions contemplated by this agreement; and

WHEREAS, the City has established a School Resource Officer Program (hereinafter "SRO"), with law enforcement officers from College Station Police Department (hereinafter "CSPD") and

WHEREAS, the Parties recognize the outstanding benefits of the SRO Program to the citizens of the City and to the students of CSISD; and

WHEREAS, it is in the best interest of the Parties and the citizens of the City and students of CSISD to continue the SRO Program;

NOW, THEREFORE IN CONSIDERATION of the recitals and mutual covenants made herein by the City and CSISD to be respectively kept and performed, the Parties hereby mutually agree as follows:

ARTICLE I DEFINITIONS

The following terms shall have the following meanings when used in this Agreement:

1.1 The term "Chief of Police" means the Chief of Police of the City of College Station. This term also applies to any person designated by the Chief of Police to act on their behalf in regards to this Agreement.

1.2 The term "School Superintendent" means the School Superintendent of CSISD. This term also applies to any person designated by the Superintendent to act on their behalf in regards to this Agreement.

1.3 The term "Law Enforcement Officer" means any City of College Station Peace Officer who has been commissioned under the laws of this state.

1.4 The term “Law Enforcement Duties” means any duties performed by any Law Enforcement Officer.

1.5 The term “School Resource Officer” (“SRO”) means any Law Enforcement Officer who works with and aids the administration and student bodies of A&M Consolidated Middle School, College Station Middle School, A&M Consolidated High School, College Station High School, and Center for Alternative Learning as part of the SRO Program. The SRO meets with students in a non-confrontational setting, and interacts with them as mentors, and resource persons.

ARTICLE II
MISSION AND PURPOSE

2.1 The mission of the SRO program is the reduction and prevention of school-related violence and crime committed by juveniles and young adults, the reduction of the fear of crime on school campuses, and building effective partnerships with the faculty and staff of CSISD. This is accomplished by assigning Law Enforcement Officers to school facilities. The SRO Program accomplishes this mission by creating and maintaining safe, secure and orderly learning environments for students, teachers, and staff.

2.2 The SRO’s will establish a trusting channel of communication with students, parents, and teachers. SRO’s will serve as a positive role model to instill in students good moral standards, good judgment and discretion, respect for other students, and a sincere concern for the school community. SRO’s will promote citizen awareness of the law to enable students to become better informed and effective citizens, while empowering students with the knowledge of law enforcement efforts and obligations regarding enforcement as well as consequences for violations of the law.

2.3 SRO’s will serve as a confidential source of counseling for students and parents concerning problems they face as well as providing information on community resources available to them. Goals and objectives are designed to develop and enhance rapport between youth, police officers, and school administrators.

ARTICLE III
TERM AND TERMINATION

3.1 The term of this agreement is for one (1) year. The Parties agree to assign Law Enforcement Officers to perform Law Enforcement duties at A&M Consolidated High School, College Station High School, Center for Alternative Learning, A&M Consolidated Middle School, and College Station Middle School during the term of the Agreement.

3.2 Any Party to this agreement may terminate its participation in this agreement by providing ninety (90) days written notice. In the event of termination of this agreement, compensation will be made to the City for all SRO services performed to the date of termination. CSISD shall be entitled to a pro-rated refund for that period of time when SRO services are not provided because of termination of this agreement.

ARTICLE IV
SCHOOL ASSIGNMENTS

4.1 The Chief of Police shall assign SRO's to the following school campuses on a full time basis during Fall and Spring Semesters.

- a.** One (1) SRO at A&M Consolidated High School to primarily act as a law enforcement presence, mentor, problem-solver, and provide positive police-student relations.
- b.** One (1) SRO to split time between College Station High School and College Station Middle School, to primarily act as a law enforcement presence, mentor, problem-solver, and provide positive police-student relations.
- c.** One (1) SRO to split time between A&M Consolidated Middle School and the Center for Alternative Learning, to primarily act as a law enforcement presence, mentor, problem-solver, and provide positive police-student relations.

4.2 After receiving significant input from the campus principals who will be sharing SRO's, the Chief of Police will determine the amount of time an SRO spends at any particular school campus.

ARTICLE V
SCHOOL RESOURCE OFFICER DUTIES AND RESPONSIBILITIES

5.1 Administrative Duties

- a.** SRO's will check in with designated school staff upon arriving on campus and will report with school staff prior to leaving campus, unless circumstances prevent the SRO from checking in or out.
- b.** The day-to-day operation and administrative control of the SRO Program will be the responsibility of the CSPD. Responsibility for the conduct of SRO personnel, both personally and professionally, shall remain with the CSPD. The College Station Police department will assign supervisory personnel to oversee the program. SRO's shall remain employees of the CSPD and shall not be employees of the CSISD.
- c.** All acts of commission shall conform to the guidelines of the CSPD's Policy and Procedure Manual.
- d.** SRO's will not enforce "school or house rules" SRO's are not school disciplinarians and will not assume that role. However, if the principal or other staff believes an incident involves a violation of the law, the principal or staff member may contact the SRO and the SRO will determine whether law enforcement action is appropriate.

5.2 Regular Hours, Vacation, Personal Leave, and Training Responsibilities

- a.** Each SRO shall be assigned on a full-time basis for eight (8) hours, on those days and during those hours that the school is in regular session
- b.** The SRO hours and days of work are to be considered flexible and may be changed to meet the needs of the CSPD or at the direction of the Chief of Police.
- c.** Prior to taking any personal leave time, the school principal must be made aware of the SRO's absence. Each SRO will follow the CSPD leave policy; however, no officer may take personal leave/vacation time during the school year without prior approval from their CSPD supervisor.
- d.** When a SRO is temporarily absent from his or her assigned campus for training or other reasons on a day that the school is in session, the CSPD will make reasonable efforts to provide a police presence for that campus by assigning other SRO's or police officers. When a police officer is needed on campus at times when the SRO or other officer is not on campus, school personnel should call the CSPD dispatch at the non-emergency number 979-764-3600 or dial 9-1-1 in case of an emergency.
- e.** SRO's are subject to current policy and procedures that are in effect for all CSPD officers, including attendance at all mandated training and testing to maintain state peace officer licensing and certification. This training and certification takes place throughout the year and may necessitate the temporary absence of the SRO from his or her assigned campus.

5.3 Law Enforcement Duties

- a.** Assist CSISD in maintaining lawful order on school property while in full CSPD uniform at all times or other apparel approved by the CSPD.
- b.** Enforce the laws of the State of Texas and City Ordinances of College Station and protect the students, teachers, staff, and public against criminal activity.
- c.** Take enforcement action on criminal matters according to CSPD policy. As soon as practical, the SRO shall make the principal of the school aware of such action. At the principal's request, the SRO shall take appropriate law enforcement action against intruders and unwanted guests who may appear at the school and school functions, to the extent that the SRO may do so under the authority of law.
- d.** Gather information regarding potential problems such as gang activity, criminal activity, and student unrest and handle initial police reports of crimes committed on campus.
- e.** Coordinate investigative procedures between police and school administrators that follow CSPD Policy.

5.4 Educational and Counseling Duties and Responsibilities

- a. Provide information about law enforcement topics to students and staff.
- b. Provide informational programs for CSISD staff, students, and parents on a variety of topics including, but not limited to issues related to alcohol and other drugs, criminal law, violence, gangs, safety and security.
- c. Refer students and their families to the appropriate agencies for assistance when the need is determined.
- d. Maintain good communication between CSPD and CSISD administration, principals, and staff.
- e. SRO's will not replace any school counselor nor are they to conduct or offer any formal psychological testing or counseling.
- f. SRO's will give advice to help resolve issues between students that involve matters that may result in a criminal violation, disturbances, and disruptions.
- g. SRO's should not go to the home of a student without another officer or school administrator. When a visit is warranted, it should be reported to the SRO supervisor as soon as practical.
- h. Student confidentiality should be maintained, unless the gravity of the situation dictates otherwise to the extent permitted under law.

ARTICLE VI **SELECTION, TRANSFER AND REMOVAL OF SRO**

6.1 Notice of SRO job openings will be made to all Law Enforcement Officers at CSPD through regular postings. CSPD policy at the time of the opening will be followed during the selection process for SRO's. The officer(s) will be interviewed by a board consisting of CSPD representatives as determined by the Chief of Police and representatives of the school for which the SRO will be assigned as determined by the school principal. The Chief of Police or his appointed designee will make the final decision on all appointments or assignments related to the SRO program.

6.2 The CSPD will maintain the responsibility, while receiving significant input from the CSISD, for the recruitment, interviewing, and overall evaluation of the SRO's.

6.3 A SRO may request to transfer to another school if the request meets the approval of the principals of each affected school and the Chief of Police or his appointed designee.

6.4 If the CSISD is dissatisfied with the performance of a SRO, the district will notify the SRO supervisor who will attempt to resolve the issue to the satisfaction of both the school district and the police department. If the SRO supervisor cannot resolve the issue, he/she will

refer the issue with a recommended course of action to the Chief of Police or his appointed designee.

6.5 The CSPD may take appropriate corrective or disciplinary action regarding any allegation of misconduct on the part of a SRO in accordance with CSPD policy and procedures.

6.6 The Chief of Police or his appointed designee may dismiss or reassign a SRO when it is in the best interest of the City or CSISD.

6.7 In the event of a resignation, retirement, dismissal, or reassignment of a SRO, or in case of long-term absences by a SRO, CSPD will provide a temporary replacement for the SRO within thirty (30) school days of receiving notice of such absence, dismissal, resignation, retirement, reassignment. As soon as practicable, an interview board shall convene and recommend a permanent replacement for the SRO position.

ARTICLE VII
SCHOOL DISTRICT RESPONSIBILITIES

7.1 CSISD will provide the SRO with a portable two-way radio or program an existing radio to enable SRO's to communicate directly with the school administration.

7.2 CSISD will provide the SRO's with access to an office that allows for security and privacy. The office must include, but is not limited to, a telephone, desk with lockable drawers, chair, office supplies, filing cabinet, which can be properly locked and secured, and computer.

7.3 The opportunity for SRO's to address teachers and school administrators about the SRO program's goals and objectives and provide SRO's the opportunity to address teachers and school administrators about criminal justice problems relating to students during in-service workdays.

7.5 Seek input from SRO's regarding criminal justice problems relating to students.

7.6 Police Vehicle

a. The City will keep at A&M Consolidated High School one fully equipped CSPD Patrol Vehicle for SRO use in their duties at the high school and for emergency calls as needed. This vehicle will be used by SRO's for the safety and security of the faculty and students of the high school.

b. The City will own the Patrol Vehicle(s) and it will not be property of CSISD nor will CSISD have a special right of access to the Patrol Vehicle(s).

c. The City will pay for all repairs, upkeep and other associated costs for the life of the Patrol Vehicle(s). The Patrol Vehicle(s) will be on a six (6) year replacement schedule.

- d. CSISD and the City will each pay for one half of the purchase price of each fully equipped Patrol Vehicle.

ARTICLE VIII
SALARY AND BENEFITS OF SRO

- 8.1** CSISD agrees to reimburse the City for 50% of the annual salaries, fringe benefits, overtime, and travel expenses of the SRO's.
- 8.2** CSISD shall pay all expenses related to off-duty security performed by CSPD personnel including those off-duty securities performed by SRO's.
- 8.3** The City and CSISD will evenly share the cost of all SRO related training.
- 8.4** The City will invoice CSISD in April of each year for the total costs of CSISD's portion of the SRO's salaries, benefits, overtime, and travel costs.
- 8.5** Salaries and benefits package includes: Total Wages, Certification Pay/Work, Longevity Pay, Training Specialist Pay, and Uniform Cleaning Allowance.
- 8.6** Total Additional Pays: Travel Costs, Accidental. Death & Dismemberment, Group Insurance – Employer Paid, Group Life Insurance (WB), Long Term Disability, Medicare Portion/Social Security, Social Security - Employer Paid, TMRS, Unemployment Compensation, and Worker's Compensation Insurance

ARTICLE IX
MISCELLANEOUS TERMS

- 9.1 Interlocal Cooperation Act.** The Parties expressly acknowledge that each Party to this agreement is a local government as that term is defined in the Interlocal Cooperation Act. Nothing in this Agreement will be construed as a waiver or relinquished by either Party of its right to claim such exemptions, privileges and immunities as may be provided by law.
- 9.2 Amendment.** The terms and conditions of this agreement may be amended upon mutual consent of all Parties. Mutual consent will be demonstrated by approval of each governing body of each Party hereto. No amendment to this agreement shall be effective and binding unless and until it is reduced to writing and signed by duly authorized representatives of all Parties.
- 9.3 Effective.** This agreement shall become effective immediately upon execution by all Parties and shall continue in effect until terminated as provided herein.
- 9.4 Indemnification.** Subject to the limitations as to damages and liability under the Texas Tort Claims Act, and without waiving its governmental immunity, each Party to this agreement agrees to hold harmless each other, its governing board, officers, agents, and employees for any liability, loss, damages, claims, or causes of action caused, or asserted to

be caused, directly or indirectly by any other Party to this agreement, or any of its officers, agents or employees as a result of its performance under this agreement.

9.5 Consent to Suit. Nothing in this agreement will be construed as a waiver or relinquishment by any Party of its right to claim such exemptions, privileges and immunities as may be provided by law.

9.6 Invalidity. If any provision of this agreement shall be held invalid, illegal, or unenforceable by a court or other tribunal of competent jurisdiction, the validity, legality and enforceability of the remaining provisions shall not in any way be affected or impaired thereby. The Parties shall use their best efforts to replace the respective provision or provisions of the agreement with legal terms and conditions approximating the original intent of the Parties.

9.7 Notices. Any notices, approval, consent, or communications by one Party to another must be in writing and be personally delivered or sent by registered or certified United States Mail, properly addressed to the respective Parties as follows:

COLLEGE STATION:

City Manager
1101 Texas Avenue South
College Station, TX 77840

Additional Contact Information:

Tel: (979) 764-2510
Fax: (979) 764-6377

CSISD:

Superintendent
1812 Welsh Street
College Station, TX 77840

Tel: (979) 764-5455
Fax: (979) 764-5492

9.8 Entire Agreement. It is understood that this agreement contains the entire agreement between the parties and supersedes any and all prior agreements, arrangements, or understandings between the Parties relating to the subject matter. No oral understandings, statements, promises, or inducements contrary to the terms of this agreement exist. This agreement cannot be changed or terminated orally. No verbal agreement or conversation with any officer, agent, or employee of any Party before or after the execution of this agreement shall affect or modify any of the terms or obligations hereunder.

9.9 Texas Law. This agreement has been made under and shall be governed by the laws of the State of Texas.

9.10 Venue. Performance and all matters related thereto shall be in Brazos County, Texas, United States of America.

9.11 Authority to Contract. Each Party has the full power and authority to enter into and perform this agreement and the person signing this agreement on behalf of each Party has been properly authorized and empowered to enter into this agreement. The persons executing this agreement hereby represent that they have authorization to sign on behalf of their respective Governmental Bodies.

9.11 Waiver. Failure of any Party, at any time, to enforce the provision of this agreement, shall in no way constitute a waiver of that provision, nor in any way affect the validity of this agreement, any part hereof, or the right of either Party thereafter to enforce each and every provision hereof. No term of this agreement shall be deemed waived or breach excused unless the waiver shall be in writing and signed by the party claimed to have waived. Furthermore, any consent to or waiver of a breach will not constitute consent to or waiver of or excuse of any other different or subsequent breach.

9.12 Agreement Read. The Parties acknowledge that they have read, understand, and intend to be bound by the terms and conditions of this agreement.

9.13 Assignment. This agreement and the rights and obligations contained herein may not be assigned by any Party without prior written approval of the other Party to this agreement.

9.14 Multiple Originals. It is understood and agreed that this agreement may be executed in a number of identical counterparts, each of which shall be deemed an original for all purposes.

**COLLEGE STATION INDEPENDENT
SCHOOL DISTRICT**

CITY OF COLLEGE STATION

By: _____
School Board President
Date: _____

By: _____
Mayor
Date: _____

ATTEST:

City Secretary
Date: _____

APPROVED:

City Manager
Date: _____



City Attorney
Date: _____

Executive Director Business Services
Date: _____

July 26, 2012
City Council Regular Agenda Item No. 1
Charter Amendment Public Hearing

To: David Neeley, City Manager

From: Sherry Mashburn, City Secretary

Agenda Caption: Public Hearing, presentation and discussion to receive comments regarding the proposed amendments to the City Charter. *A quorum of the Citizens' Charter Review Commission may be present.*

Background & Summary: The Council received the Final Report from the Citizen's Charter Review Advisory Commission at the June 6 meeting. This is the second of two Public Hearings to receive comments regarding the proposed amendments.

Attachments:

- Final Report



CITIZENS CHARTER REVIEW ADVISORY COMMISSION FINAL REPORT

May 14, 2012

To: Mayor Berry and City Council
From: Citizens Charter Review Advisory Commission
cc: David Neeley, City Manager
Re: Final Report and Recommendations

Dear Mayor and City Council,

On February 24, 2011, City Council approved Ordinance 2011-3318, creating the Citizens Charter Review Advisory Commission. Ten members were appointed (Jim Maness later resigned) and were directed to review the Charter in its entirety for compliance with state law and to research certain issues, such as: Council compensation; the number of Councilmembers required to place items on an agenda; terms of office; and term limits. The Commission was also charged with reviewing specific Charter provisions:

- Article III, Section 21, Vacancies
- Article IX, Nominations and Elections
- Article X, Initiative, Referendum, and Recall
- Article XI, Franchises and Public Utilities

The Commission has been meeting twice a month since their appointment, with the exception of a brief hiatus from October 5, 2011 to January 18, 2012. At their first meeting on May 4, 2011, the Commission adopted a Mission Statement: "Review the City Charter and make charter amendment recommendations, where appropriate, that will help protect the rights, powers, and benefits of all College Station residents". In addition to the items directed by Council, the Commission added to their scope three items: gender neutrality, personal interest, and clarification on whether "days" are calendar or business days. A Public Hearing was held on June 1, 2011 to solicit input from the public regarding the public's general concerns. In the course of their research, the Commission also utilized the charters from peer cities such as Bryan, Denton, Frisco, Lubbock, McKinney, Pearland, Plano, San Marcos, and Sugar Land.

With the passage of Senate Bill 100, the Commission narrowed their focus to consider an amendment to the charter that would change terms of office to four-year staggered terms for elections in May of odd-numbered years, with a limit of two consecutive terms. This recommendation was presented to the City Council, who accepted the recommendation and approved the ballot language. The Charter amendment was presented to the voters on November 8, 2011 and failed.

Since the proposition to amend the charter failed, the Council directed the Commission to continue with the original Plan of Work, working toward a November 2012 election date, with Public Hearings at the Council level, and with the proviso that if the Commission should determine they could not work within the necessary timeline, the Council would reconsider the election date. The Commission began their work in earnest in January 2012, meeting the first and third Wednesday of each month, and the fifth Wednesday as needed.



CITIZENS CHARTER REVIEW ADVISORY COMMISSION FINAL REPORT

Citizens Charter Review Advisory Commission Recommendations

1. The Commission strongly recommends that the Commission be involved in all Public Hearings held by the Council on the proposed amendments. The Commission believes they are better suited to answer the public's questions about the recommendations since it has been the Commission who has been working on this all year.
2. The Commission recommends that they be involved in the education process; e.g. appearing at HOA and civic group meetings. This would be a coordinated effort between the Commission and the Public Communications Office.
3. The Commission recommends the Council approve the proposed changes to the Charter as indicated in the attached redline draft.
4. The Commission recommends the Council approve the attached ballot language for the eight proposed propositions, and that the propositions be placed on the November 6, 2012 ballot.

Respectfully submitted,

Lynn McIlhaney, Chair
Citizens Charter Review Advisory Commission

Membership

Lynn McIlhaney, Chair
Terry Childers, Vice Chair
Brian Bochner
Chuck Ellison
Patrick Gendron
Paul Greer
Gary Halter
Tony Jones
Buck Prewitt

PROPOSITION NO. 1

Shall Article X (Initiative, Referendum, Recall), Sections 94 (Recall; General), 95 (Recall Procedure), 96 (Recall Petitions), and 97 (Recall Election) of the College Station City Charter be amended to require grounds for removal of Council Members by recall; provide that such grounds be included in the recall affidavit and in the recall petitions; allow the City Secretary a reasonable time to deliver the recall petition blanks; require that recall petitions be signed by qualified electors who actually voted in the election in which the person being proposed for recall was elected; clarify the City Secretary's role in examining the recall petitions; and amend the number of days allowed for an officer whose removal is sought to resign?

PROPOSITION NO. 2

Shall Article III (The City Council), Section 21 (Vacancies) of the College Station City Charter be amended to authorize a process to be followed to call an election in the event of a vacancy in the office of Mayor and in the event of a vacancy in the office of Mayor and all Council Members?

PROPOSITION NO. 3

Shall Article X (Initiative, Referendum, Recall), Section 83 (Power of Initiative) and Section 84 (Power of Referendum) be amended to clarify exceptions to the power of initiative and exceptions to the power of referendum, to extend the number of days in which an ordinance is subject to referendum from twenty (20) days to thirty (30) days, to extend the number of days allowed the City Secretary to examine the petitions from ten (10) days to fifteen (15) days, and to provide that the number of days specified to examine the petitions are business days?

PROPOSITION NO. 4

Shall Article XII (General Provisions), Section 118 (Oath of Office) of the College Station City Charter be repealed and a new section added to Article IX (Nominations & Elections), providing for an oath of office?

PROPOSITION NO. 5

Shall a provision be added to Article XII (General Provisions) of the College Station City Charter to define business day and calendar day and the charter amended throughout to specify when business day applies and when calendar day applies?

PROPOSITION NO. 6

Shall Article X (Franchises & Public Utilities), Section 104 (Procedure) of the College Station City Charter be amended to require two (2) readings of the franchise ordinance to be read for passage?

PROPOSITION NO. 7

Shall the College Station City Charter be amended to provide for the update and modernization of Article XI (Franchises & Public Utilities)?

PROPOSITION NO. 8

Shall the College Station City Charter be amended to add a provision to Article XII (General Provisions) of the charter providing that the charter is to be gender neutral and amended throughout to make the charter language gender neutral; to correct non-substantive errors such as misspellings, punctuation, grammar and sentence structure; to make non-substantive changes to clarify the meaning of various charter provisions; to conform to requirements and/or provisions of current state law and/or federal law; and to remove charter language that is obsolete?

PROPOSITION NO. 1

Shall Article X (Initiative, Referendum, Recall), Sections 94 (Recall; General), 95 (Recall Procedure), 96 (Recall Petitions), and 97 (Recall Election) of the College Station City Charter be amended to require grounds for removal of Council Members by recall; provide that such grounds be included in the recall affidavit and in the recall petitions; allow the City Secretary a reasonable time to deliver the recall petition blanks; require that recall petitions be signed by qualified electors who actually voted in the election in which the person being proposed for recall was elected; clarify the City Secretary's role in examining the recall petitions; and amend the number of days allowed for an officer whose removal is sought to resign?

Recall; General

Section 94. Any member of the City Council may be removed from office by recall on grounds of incompetency, official misconduct or malfeasance in office.

Recall Procedure

Section 95. Any elector of the City of College Station may make and file with the City Secretary an affidavit containing the name or names of the officer or officers whose removal is sought and a statement of the grounds for removal setting out distinctly and specifically the ground or grounds upon which such removal is sought with such certainty as to give each officer sought to be removed notice of the matters and things with which the officer is charged. The City Secretary shall thereupon as soon as reasonable deliver to the elector making such affidavit copies of petition blanks demanding such removal. The City Secretary shall keep a sufficient number of such printed petition blanks on hand for distribution. Such blanks when issued by the City Secretary shall bear the signature of that officer and be addressed to the city council, and shall be numbered, dated and indicate the name of the person to whom issued. The petition blanks when issued shall also indicate the number of such blanks issued and the name of the officer whose removal is sought. The City Secretary shall enter in a record to be kept in his office the name of the elector to whom the petition blanks were issued and the number issued to said person.

Recall Petitions

Section 96. The recall petition to be effective must be returned and filed with the City Secretary within thirty (30) days after the filing of the affidavit required in Section 95 of this Article. Each separate petition paper must set out distinctly and specifically the ground or grounds upon which removal is sought and the matters and things with which the officer is charged. The petition must be signed by qualified electors of the City who actually voted in the election in which the person being proposed for recall was elected equal in number to at least forty (40) percent of the total number of votes cast for the office in question at the last regular municipal election at which the office in question was filled and must conform to the provisions of Section 85 of this Article. No petition papers shall be accepted as part of the petition unless they bear the signature of the City Secretary as required in Section 95 of this Article.

Recall Election

Section 97. The City Secretary shall ~~at one~~within fifteen (15) business days from the date of its filing, examine the recall petition to determine that the petition: sets out distinctly and specifically the ground or grounds upon which removal is sought and the matters and things with which the officer is charged, is signed by a sufficient number of electors, and is ~~and if he finds it sufficient and~~ in compliance with the ~~provisions~~procedural requirements of this article of the charter, and if finding the petition sufficient he shall ~~within five (5) days~~ submit it to the city council at the next regularly scheduled meeting with his certificate to that effect and notify the officer sought to be recalled of such action. If the officer whose removal is sought does not resign within ~~five (5)~~seven (7) calendar days after such notice the city council shall thereupon order and fix a date for holding a recall election. Any such election shall be held not less than thirty (30) nor more than sixty (60) days after the petition has been presented to the city council, however, such election may be held at the same time as any municipal election held within such period.

PROPOSITION NO. 2

Shall Article III (The City Council), Section 21 (Vacancies) of the College Station City Charter be amended to authorize a process to be followed to call an election in the event of a vacancy in the office of Mayor and in the event of a vacancy in the office of Mayor and all Council Members?

Vacancies

Section 21. A vacancy in the City Council shall be filled by a special election which shall be called within thirty (30) days of the occurrence of such vacancy. If any such vacancy shall occur within ninety (90) days preceding a general election, then no special election shall be called; provided, however, that the unexpired term shall be filled at the next general election. In the event the Mayor is unable to order the election for any reason, the remaining members of the City Council are authorized and directed to order the election and perform all other required actions incident to the election. In the event of vacancies in the offices of Mayor and all members of the City Council for any reason, the following persons, in the order prescribed, are authorized and directed to order the election and perform all other required actions incident to the election:

1. City Manager
2. City Secretary
3. City Attorney
4. Presiding Judge of the Municipal Court

PROPOSITION NO. 3

Shall Article X (Initiative, Referendum, Recall), Section 83 (Power of Initiative) and Section 84 (Power of Referendum) be amended to clarify exceptions to the power of initiative and exceptions to the power of referendum, to extend the number of days in which an ordinance is subject to referendum from twenty (20) days to thirty (30) days, to extend the number of days allowed the City Secretary to examine the petitions from ten (10) days to fifteen (15) days, and to provide that the number of days specified to examine the petitions are business days?

Power of Initiative

Section 83. The electors shall have power to propose any ordinance, except ~~an~~ land use ordinances including but not limited to zoning or rezoning property; or ordinances appropriating money, authorizing the issuance of bonds, or authorizing the levy of taxes, and to adopt or reject the same at the polls, such power being known as the initiative. Any initiative ordinance may be submitted to the City Council by a petition signed by qualified electors of the City equal in number to at least twenty-five (25) percent of the number of votes cast at the last regular municipal election.

Power of Referendum

Section 84. The electors shall have power to approve or reject at the polls any ordinance passed by the City Council, or submitted by the City Council to a vote of the electors, such power being known as the referendum, except in the case of land use ordinances including but not limited to zoning or rezoning property; or ordinances appropriating money, authorizing the issuance of bonds, or making the annual tax levy. Ordinances submitted to the City Council by initiative petition and passed by the City Council without charge shall be subject to the referendum in the same manner as other ordinances. Within ~~twenty (20)~~thirty (30) days after the enactment by the City Council of any ordinance which is subject to a referendum, a petition signed by qualified electors of the city equal in number to at least twenty-five (25) percent of the number of votes cast at the last preceding regular municipal election may be filed with the City Secretary requesting that any such ordinance be either repealed or submitted to a vote of the electors.

Amendment of Petitions

Section 87. An initiative or referendum petition may be amended at any time within ~~ten~~ (10) fifteen (15) business days after the notification of insufficiency has been sent by the City Secretary, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The City Secretary shall, within five (5) days after such an amendment is filed, make examination of the amended petition and, if the petition be still insufficient, he shall file his certificate to that effect in his office and notify the committee of petitioners of his findings, and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

PROPOSITION NO. 4

Shall Article XII (General Provisions), Section 118 (Oath of Office) of the College Station City Charter be repealed and a new section added to Article IX (Nominations & Elections), providing for an oath of office?

Oath of Office

~~Section 118. Every officer of the City shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the City Secretary:~~

~~“I, _____, do solemnly swear (or affirm) that I will faithfully execute the duties of the office of _____, of the City of College Station, State of Texas, and will to the best of my ability preserve, protect and defend the constitution and laws of the United States and of this state and the charter and ordinances of this City; and I furthermore solemnly swear (or affirm) that I have not directly or indirectly paid, offered, or promised to pay, contributed or promised to contribute any money or valuable thing, or promised any public office or employment as a reward for the giving or withholding a vote at the election at which I was elected, or if the office is one of appointment, to secure my appointment. So help me God.”~~

Oath of Office

Every officer of the City shall, before entering upon the duties of their office, take and subscribe to an oath or affirmation, similar to that required by the Texas Constitution for state officers, before entering upon the duties of the office.

The oath or affirmation shall be in a form provided by the City Secretary, shall be given before a person authorized to administer oaths, and shall be filed and kept in the office of the City Secretary.

PROPOSITION NO. 5

Shall a provision be added to Article XII (General Provisions) of the College Station City Charter to define business day and calendar day and the charter amended throughout to specify when business day applies and when calendar day applies?

Calendar Day and Business Day

“Business day” as used in this Charter means Monday through Friday, except for federal or State of Texas holidays. “Calendar day” as used in this Charter means a 24-hour period (midnight to midnight) as denoted on the calendar. Any reference in the Charter to “day” without specifying calendar day or business day shall mean calendar day unless otherwise expressly provided in this charter.

Estimated Expenditures Shall Not Exceed Estimated Resources

Section 59. The total estimated expenditures of the general fund and debt fund shall not exceed the total estimated resources of each fund.

The City Council may by ordinance amend the budget during a fiscal year if one of the following conditions exists:

1. If during the fiscal year the City Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the City Council, by ordinance, may make supplemental appropriations for the year up to the amount of such excess. Before approval, the Council shall hold a public hearing on the proposed budget amendment. A notice of the time and place of a public hearing on the supplemental appropriation shall be published in the official newspaper of the City of College Station. The notice shall be placed in the newspaper at least five (5) working-business days before the date of the hearing.
2. To meet a public emergency affecting life, health and property of the public peace, the City Council may make emergency appropriations. Such appropriations may be made by emergency ordinance. To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet such appropriations, the Council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any such notes made during a fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.
3. If at any time during the fiscal year it appears probable to the City Manager that the revenues or fund balances available will be insufficient to meet the amounts appropriated, he shall report to the City Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or reduce any deficit and for that purpose it may by ordinance reduce one or more appropriations.

Power of Referendum

Section 84. The electors shall have power to approve or reject at the polls any ordinance passed by the City Council, or submitted by the City Council to a vote of the electors, such power being known as the referendum, except in the case of ordinances zoning or rezoning property, authorizing the issuance of bonds, or making the annual tax levy. Ordinances submitted to the City Council by initiative petition and passed by the City Council without charge shall be subject to the referendum in the same manner as other ordinances. Within twenty (20) calendar days after the enactment by the City Council of any ordinance which is subject to a referendum, a petition signed by qualified electors of the city equal in number to at least twenty-five (25) percent of the number of votes cast at the last preceding regular municipal election may be filed with the City Secretary requesting that any such ordinance be either repealed or submitted to a vote of the electors.

Filing; Examination and Certification of Petitions

Section 86. All petition papers comprising an initiative or referendum petition shall be assembled and filed with the City Secretary as one instrument. Within ten (10) business days after the petition is filed, the City Secretary shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified electors. The City Secretary shall declare any petition paper entirely invalid which does not have attached thereto an affidavit signed by the circulator thereof. If a petition paper is found to be signed by more persons than the number of signatures certified by the circulator, the last signatures in excess of the number certified shall be disregarded. If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted unless void on other grounds. After completing his examination of the petition, the City Secretary shall certify the result thereof to the city council at its next regular meeting. If he shall certify that the petition is insufficient, he shall set forth in his certificate the particulars in which it is defective and shall at once notify the committee of the petitioners of his findings.

Amendment of Petitions

Section 87. An initiative or referendum petition may be amended at any time within ten (10) days after the notification of insufficiency has been sent by the City Secretary, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The City Secretary shall, within five (5) business days after such an amendment is filed, make examination of the amended petition and, if the petition be still insufficient, he shall file his certificate to that effect in his office and notify the committee of petitioners of his findings, and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

Consideration by City Council

Section 89. Whenever the City Council receives a certified initiative or referendum petition from the City Secretary, it shall proceed at once to consider such petition. A proposed initiative ordinance shall be read and provision shall be made for a public hearing upon the proposed ordinance. The City Council shall take final action on the ordinance not later than sixty (60) calendar days after the date on which such ordinance was submitted by the City Secretary. A referred ordinance shall be reconsidered by the City Council and its final vote upon such

reconsideration shall be upon the question. “Shall the ordinance specified in the referendum petition be repealed?”

Recall Petitions

Section 96. The recall petition to be effective must be returned and filed with the City Secretary within thirty (30) calendar days after the filing of the affidavit required in Section 95 of this Article. The petition must be signed by qualified electors of the City equal in number to at least forty (40) percent of the total number of votes cast for the office in question at the last regular municipal election at which the office in question was filled and must conform to the provisions of Section 85 of this Article. No petition papers shall be accepted as part of the petition unless they bear the signature of the City Secretary as required in Section 95 of this Article.

PROPOSITION NO. 6

Shall Article X (Franchises & Public Utilities), Section 104 (Procedure) of the College Station City Charter be amended to require two (2) readings of the franchise ordinance to be read for passage?

Procedure

Section 104. The City of College Station shall have the power by ordinance to grant any franchise or right mentioned in the preceding sections hereof, which ordinance, however, shall not be passed finally until it shall have been read at ~~three (3)~~two (2) separate regular meetings of the City Council. No ordinance granting a franchise shall pass any reading except by a vote of the majority of the City Council, and such ordinance shall not take effect until sixty (60) days after its adoption on its ~~third~~second and final reading; provided, however, that if at any time before such ordinance shall finally take effect a petition shall be presented to the City Council signed by not less than forty (40) percent of the bona fide qualified voters of the City, then the City Council shall submit the question of the granting of such franchise to a vote of the qualified voters of the City at the next succeeding general election to be held in the City, provided that notice thereof shall be published in at least ten (10) successive issues of the official newspaper of the City of College Station prior to the holding of such election. Ballots shall be used briefly describing the franchise to be voted on and the terms thereof and containing the words, "For the granting of a franchise", and "Against the granting of a franchise". The vote shall be canvassed by the city council, and should it result that a majority of those voting thereon cast their votes "For the granting of a franchise", then by order entered in its minutes, the city council shall so declare and such franchise shall at once take effect. But should a majority of the votes be cast "Against granting a franchise", then the City Council by order entered in its minutes shall so declare and such franchise shall not take effect. In case a franchise is refused by the City Council, then the matter may be submitted to the qualified voters on petition, as hereinbefore provided, and a failure to finally pass on an application within six (6) months after the filing of such application shall be construed as a refusal. The City Council in passing an ordinance granting a franchise may provide therein that it shall not take effect until the same shall have been submitted to and approved by a majority of the qualified voters voting therein at a general election. All expenses of publication shall be borne by the applicant for the franchise, who shall make a deposit in advance to cover the estimated cost of publication, the amount of the deposit to be determined by the City Manager.

PROPOSITION NO. 7

Shall the College Station City Charter be amended to provide for the update and modernization of Article XI (Franchises & Public Utilities)?

Control Over and Powers With Reference to City Property

Section 102. The ownership, right of control and use of streets, highways, alleys, parks, public places and all other real property of the City of College Station is hereby declared to be inalienable to the city, except by ordinances passed by vote of the majority of the governing body of the City, as hereinafter provided; and no franchise or easement involving the right to use same, either along, across, over or under the same, shall ever be valid, unless expressly granted and exercised in compliance with the terms hereof, and of the ordinances granting the same. No act or omission of the City, its governing body, officers or agents shall be construed to confer or extend by estoppel or indirection, any right, franchise or easement not expressly granted by ordinance.

The City of College Station shall have the power, subject to the terms and provisions hereof, by ordinance to confer upon any person or corporation, the franchise or right to use the property of the city, as defined in the preceding paragraph, for the purpose of furnishing to the public any general public service, ~~including heat, water, light, power, telephone service, refrigeration, steam, manufacture and distribution of ice, and the carriage of passengers or freight, within the city and its suburbs, over the streets, highways, and property of the City, or for any other purposes~~ whereby a general service is to be furnished to the public for compensation or hire, to be paid to the franchise holder, whereby a right to use the streets, highways or other property of the City is necessary or proper; and generally to fix and regulate the rates, tolls and charges of all public utilities of every kind operating within the corporate limits of the City of College Station consistent with state law.

Limitations

Section 103. No exclusive franchise or privilege shall ever be granted; nor a franchise, nor a privilege to commence at any time after six (6) months subsequent to the taking effect of the ordinance granting the same; and no franchise shall be directly or indirectly extended beyond the term originally fixed by the ordinance granting the same, except as provided by the terms of this charter; ~~nor, except as hereinafter provided, shall any franchise be granted to any person, firm or corporation, their associates, assignees or successors, to acquire the physical property, rights or franchise of another person, firm or corporation to whom or which a franchise has already been granted by the city, whereby the rights and properties held and used under such franchise are assigned to any other person, firm or corporation which holds a franchise from the city extending beyond the time of the expiration of the franchise of the person, firm or corporation selling such physical properties, rights or franchises; provided, however, that when it shall appear that the public welfare will be promoted by permitting or requiring the properties of two or more companies doing the same character of business to be under one common ownership the city may, in granting a franchise for such properties, allow or require the ownership of such properties to become vested in one ownership or one corporation, provided that no debts or obligations of any of the companies so consolidated shall be assumed by the corporation, person or association of persons acquiring the ownership of such properties except such debts and obligations of said companies, or either of them as could at the time of the creation of such~~

~~indebtedness, lawfully be created under the Constitution and laws of the State of Texas; and only to the extent that the assumption of such indebtedness is permitted under the provisions of the ordinance granting such franchise and the amount of such indebtedness shall be fixed or limited in such ordinance and the same shall not thereafter be increased except by such actual moneys as may hereafter be expended pursuant to the rules and regulations to be formulated by the city council from time to time.~~

Term and Conditions

Section 105. No determinate or fixed-term franchise shall ever be granted for a longer term than twenty-five (25) years; nor shall any right, privilege or franchise now in existence be extended beyond the period now fixed for its termination, directly or indirectly, or through any means whatsoever, and any ordinance in violation or evasion of this prohibition shall be absolutely void; provided, however, that any corporation, person or association of persons now holding any franchise under any charter, charters or ordinances of the City of College Station may, with the consent of the city council surrender such franchise or franchises, subject to the provisions of the City Charter then in force, ~~and take a new franchise under such charter, or a new franchise may be granted to a new company or another person with the privilege of acquiring the properties of such franchise holder upon the surrender of the franchise rights then held. No subsidiary franchise or franchises of any character appertaining or relating to any other franchise holder, or to any person, firm or corporation acting directly or indirectly for such franchise holder, shall be granted, and any such grant in violation of this prohibition shall be absolutely void to the extent of the excess in time beyond the life of such main franchise. No franchise, privilege or easement shall ever be used or operated so as to extend or enlarge any other franchise or privilege granted by the City except upon surrender of such original franchise as herein provided, and any violation of this prohibition shall operate as a forfeiture of each and all such franchise privileges or easements.~~ No holder of a franchise heretofore or hereafter granted shall have a right (unless such right is granted in the franchise) to transfer or assign its properties and franchise to any other person, firm or corporation without the consent of the city council by ordinance, and such consent when given shall not operate as the granting of a franchise or as a new franchise.

The City Council shall have the power to compel all persons, firms or corporations operating any public utilities in the city, whether operating under existing franchises, or franchises that may be hereafter granted, to extend their service, lines, pipes, etc., if the person to be benefited by such extension will pay the cost thereof, or if it can be shown that the revenue resulting from such extension will, within a reasonable time after same is made, pay a reasonable return on the investment, after making the customary allowance for depreciation.

All public utility franchises in the City of College Station shall be held whether expressed in the ordinance or not, subject to the right of the city, each of the following being a condition:

- (1) To repeal the same by ordinance at any time for failure to begin construction or operation within the time prescribed or otherwise to comply with the terms of the franchise, such power to be exercised only after due notice and hearing.
- (2) To require an adequate extension of plant and service, and the maintenance of the plant and fixtures at the highest reasonable standard of efficiency.

- (3) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.
- (4) To prescribe the form of accounts kept by such utility; provided, that if the utility shall keep its accounts in accordance with the uniform system of accounts for said utility prescribed by the National Association of Railroad and Public Utility Commissioners, the Federal Power Commission, the Federal Communications Commission, the Railroad Commission of Texas, their successor or successors, this shall be deemed sufficient compliance with this paragraph.
- (5) At any time to examine and audit the accounts and other records of any such utility and to require annual and other reports, including reports on local operations by each such public utility.
- (6) To impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare and accommodation of the public.
- (7) To fix and regulate the price and rates for the service to be performed under the franchise as may be permitted by state law.
- (8) To require such compensation and rental as may be permitted by the laws of the State of Texas.

Every public utility franchise hereafter granted shall be subject to the terms and conditions of this charter, whether such terms and conditions are specifically mentioned in the franchise or not.

Utility Rates and Charges

Section 106. Consistent with state law, ~~The City Council shall have the power by ordinance to fix and regulate the price, of water, gas, electric lights, electric power and steam heat, and to regulate and fix the fares, tolls and charges of local telephone service and charge of all public buses, carriages, hacks and vehicles of every kind, whether transporting passengers, freight or baggage; and generally to fix and regulate the~~ rates, tolls and charges of all public utilities of every kind operating within the corporate limits of the City of College Station that are subject to this Article.

Franchise Records

Section 113. ~~Within six (6) months after this charter takes effect every public utility and every owner of a public utility franchise shall file with the City Council, as may be prescribed by ordinance, certified copies of all franchises owned or claimed, or under which such utility is operated in the City of College Station.~~ The City shall ~~compile and~~ maintain a public record of public utility franchises.

PROPOSITION NO. 8

Shall the College Station City Charter be amended to add a provision to Article XII (General Provisions) of the charter providing that the charter is to be gender neutral and amended throughout to make the charter language gender neutral; to correct non-substantive errors such as misspellings, punctuation, grammar and sentence structure; to make non-substantive changes to clarify the meaning of various charter provisions; to conform to requirements and/or provisions of current state law and/or federal law; and to remove charter language that is obsolete?

Gender Neutrality

Whenever used in this Charter, a word referring to the masculine gender only shall extend and be applied to females, and where applicable, to firms, partnerships and corporations, unless otherwise expressly provided in this Charter.

Extension of City Limits by the City Council

Section 7. The City Council shall have the power to fix, by ordinance, the boundary limits of the City of College Station, and to provide for the extension of such boundary limits and the annexation of additional territory lying adjacent to the City, with or without the consent of the inhabitants of such area to be annexed, in accordance with applicable state annexation laws. The City Council shall have the power to detach, by ordinance, any territory, with or without the consent of the inhabitants of such area to be detached, in accordance with applicable state annexation laws. When any territory shall be so annexed, the same shall be a part of the City and the inhabitants thereof shall be entitled to all the rights and privileges of all the citizens and shall be bound by the acts, ordinances, resolutions and regulations of the City. When territory has been detached, the same shall no longer be a part of the City.

Eminent Domain

Section 8. The City shall have the full right, power and authority to exercise the power of eminent domain when necessary or desirable to carry out any of the power conferred upon it by this charter or by the constitution or laws of the State of Texas. ~~In all cases where the City seeks to exercise the power of eminent domain, it may be controlled, as nearly as practicable, by the laws governing the condemnation of property of railroad corporations in this state, the City taking the position of the railroad corporation in any such case.~~ The City may also exercise the power of eminent domain in any other manner now or hereafter authorized or permitted by the constitution and laws of this state, or in the manner and form that may be provided by ordinance of the governing body of the City. The power of eminent domain hereby conferred shall include the right of the City to take the fee in the lands so condemned and such power and authority shall include the right to condemn public property for such purposes. The City shall have and possess this power of condemnation of property within or without the corporate limits for any municipal or public purpose, even though not specifically enumerated herein or in this charter.

Number, Selection, Term

Section 17. The City Council shall be composed of the Mayor and six (6) Councilmen-Council Members and be known as the "City Council of the City of College Station."

(a) The Mayor and other members of the City Council shall be elected from the City at large.

(b) The Mayor shall be the presiding officer of the City Council and shall be recognized as the head of the City government for all ceremonial purposes and by the Governor for purposes of military law, but shall have no regular administrative duties. The Mayor shall be entitled to vote on all matters under consideration by the City Council.

(c) Each ~~Councilman~~ Council Member, unless sooner removed under the provisions of this Charter, shall serve for a term of three (3) years, beginning with the first meeting of the Council following ~~their~~his election, and ending with the first meeting of the Council three (3) years later, or until ~~their~~his successor has been elected and duly qualified. The Mayor, unless sooner removed under the provisions of this Charter, shall serve for a term of three (3) years, beginning with the first meeting of the Council following ~~their~~his election and ending with the first meeting of the Council three (3) years later, or until ~~their~~his successor has been elected and duly qualified.

(d) No person shall be deemed elected to an office unless that person receives a majority of all the votes cast for such office. The Council shall, upon declaring the official results of the election, order a run-off election for each office to which no one was elected. In the run-off election, the two candidates who received, in the preceding election, the highest number of votes for each office to which no one was elected, shall be voted on again by the qualified voters, and the candidate who receives the majority of the votes cast for such office in the run-off election shall be elected to such office.

~~(e) In 2004, the regular elections for Places 4 and 6 shall continue to have two (2) year terms. In 2006, and subsequent years, the regular elections for Places 4 and 6 shall be for three (3) year terms. In 2004, and subsequent years, the regular elections for the Mayor and Places 1, 2, 3, and 5 shall be for (3) three year terms.~~

~~(e)~~(e) Beginning in 1999, there shall be no limit to the total number of terms served by the Mayor or ~~Councilmen~~ Council Members; however, no person shall be eligible to be elected to serve in the capacity of the ~~Councilman~~ Council Members for consecutive regular terms totaling more than six (6) years; nor shall any person be eligible to be elected to serve in the capacity of Mayor for consecutive regular terms totaling more than six (6) years.

Qualifications

Section 18. The Mayor and ~~Councilmen~~ Council Members shall be citizens of the United States and qualified voters of the State of Texas; shall have resided for at least one (1) year next preceding the election, at which they are candidates, within the corporate limits of the City of College Station; and shall not be disqualified by reason of any provision of any other section of this Charter. A member of the City Council ceasing to possess any of the qualifications specified in this section, or any other section of this Charter, or convicted of a felony while in office, or who absents ~~himself~~ themselves from three (3) consecutive regular Council meetings without consent of the Council, shall immediately forfeit ~~his~~their office.

Presiding Officer; Mayor

Section 20. The Mayor shall preside at meetings of the City Council and shall be recognized as head of the City government for all ceremonial purposes and by the governor for purposes of military law, but shall have no regular administrative duties. He or she shall be entitled to vote upon all matters considered by the City Council, but ~~he~~ shall have no veto power. The City Council shall elect a Mayor Pro Tem from its membership who shall act as Mayor during the absence or disability of the Mayor.

Vacancies

Section 21. A vacancy in the City Council shall be filled by a special election which shall be called ~~within thirty (30) days of the occurrence of such vacancy in accordance with state law~~. If any such vacancy shall occur within ninety (90) days preceding a general election, then no special election shall be called; provided, however, that the unexpired term shall be filled at the next general election. No such election shall be held sooner than thirty (30) days from the date it is called.

Appointment and Removal of City Manager

Section 23. The City Council shall appoint an officer of the City who shall have the title of City Manager and who shall have the powers and perform the duties set forth in this charter. No ~~Councilman~~ Council Members shall receive such appointment during the term for which ~~they~~ he shall have been elected, nor within one year after the expiration of ~~their~~ his term.

The salary of the City Manager shall be fixed by the City Council, and ~~the City Manager~~ he shall hold office at its pleasure; but if ~~the City Manager~~ he is removed at any time after six (6) months following his or her appointment, he or she may demand written charges and a public hearing thereon before the City Council prior to the date on which ~~the~~ his final removal shall take effect, but pending such hearing the City Council may suspend ~~the City Manager~~ him from office. The action of the City Council in suspending or removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the City Council.

Council Not to Interfere In Appointments or Removals

Section 24. Neither the City Council nor any of its members shall direct the appointment or removal of any person ~~to or his removal~~ from office by the City Manager or by any of ~~the City Manager's~~ his subordinates; provided, however, that the appointment or dismissal of department heads shall be subject to the approval of the City Council. Except for the purpose of inquiry in accordance with Section 36 of this charter, the City Council and its members shall deal with the administrative service solely through the City Manager, and neither the City Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately.

Administrative Departments

Section 26. There are hereby created the following administrative departments: Finance, Police, Fire and Public Works. The City Council may, ~~if it deems it advisable~~ upon the advice of the City Manager, consolidate into one department not more than two of the departments hereby established; and by ordinance may create, change and abolish offices, departments or agencies other than the offices, departments and agencies established by this Charter.

City Secretary

Section 27. The City Council shall appoint an officer of the City who shall be the City Secretary, who may be removed from office by the Council. The City Secretary or Assistant City Secretary shall give notice of Council meetings, shall keep a journal of its proceedings, shall authenticate by ~~their~~his signature and record in full in a book or books kept and indexed for that purpose all ordinances and resolutions, and shall perform such other duties as the City Council shall assign to ~~the City Secretary~~him and those elsewhere provided for in the Charter.

The City Secretary shall have the power to appoint an assistant or assistants, if ~~they~~ deemed necessary ~~by him~~, subject to the approval of and at such compensation as may be fixed by the City Council and such assistant or assistants may be removed from office by the City Secretary.

City Attorney

Section 29. The City Council shall appoint an officer of the City who shall be the City Attorney, who may be removed from office by the Council. The City Attorney shall be a competent and duly licensed attorney, who shall reside in the City of College Station.

The City Attorney shall represent the City in all litigation. ~~The City Attorney~~He shall be the legal advisor of and attorney and counsel for the City and all officers and departments thereof.

The City Attorney shall have power to appoint an assistant or assistants, if ~~the City Attorney~~ deemed necessary ~~by him~~, subject to the approval of and at such compensation as may be fixed by the City Council; and such assistant or assistants may be removed from office by the City Attorney.

City Internal Auditor

Section 30. The City Council may appoint an officer of the City to be the City Internal Auditor, who may be removed from office by the Council. The City Internal Auditor shall carry out the audit functions and shall perform such other duties ~~as assigned by~~ the City Council ~~shall assign to him~~. The City Council may also enter into a contract for the duties of City Internal Auditor, to be carried out by an outside firm, if it so chooses.

The City Internal Auditor shall have the power to appoint an assistant or assistants, if ~~they~~ deemed necessary ~~by him~~, subject to the approval of and at such compensation as may be fixed by the City Council; and such assistant or assistants may be removed from office by the City Internal Auditor. ~~—New Section created by the approval of voters at Charter amendment election held on May 13, 2006.~~

Procedure for Passage of Ordinances

Section 35. Every ordinance shall be introduced in written or printed form and, upon passage, shall take effect at the time indicated therein; provided, however, that any ordinance imposing a penalty, fine or forfeiture for a violation of its provisions shall become effective not less than ten (10) days from the date of its passage. The City Secretary shall give notice of the passage of every ordinance imposing a penalty, fine or forfeiture for a violation of the provisions thereof, by causing the caption or title, including the penalty, of any such ordinance imposing a penalty, fine

or forfeiture for a violation of the provisions thereof, to be published in the official newspaper of the City of College Station at least twice within ten (10) days after the passage of such ordinance. The City SecretaryHe shall note on every ordinance, the caption of which is hereby required to be published, and on the record thereof, the fact that same has been published as required by the charter, and the date of such publication, which shall be prima facie evidence of the legal publication and promulgation of such ordinance; provided, however, that the provisions of this section shall not apply to the correction, amendment, revision and codification of the ordinances of the City for publication in book or pamphlet form. Except as may be otherwise provided by this charter, it shall not be necessary to the validity of any ordinance that it shall be read more than one time or considered at more than one session of the City Council. Every ordinance shall be authenticated by the signature of the Mayor and City Secretary and shall be systematically recorded and indexed in an ordinance book in a manner approved by the City Council, but it shall only be necessary to record the caption or title of ordinances in the minutes or journal of council meetings. The City Council shall have power to cause the ordinances of the City to be corrected, amended, revised, codified and printed in code form as often as it deems advisable, and such printed code, when adopted, shall be in full force and effect without the necessity of publishing the same or any part thereof in a newspaper. Such printed code shall be admitted in evidence in all courts and places without further proof.

Housing Authority

Section 38. The City Council may create a housing authority of such number, and terms and compensation of members as it may determine and may delegate to that authority such powers relating to the planning, construction, reconstruction, alteration, repair, maintenance or operation of housing projects and housing accommodations as it may deem wiseconsistent with state law.

Qualifications

Section 40. The City Manager shall be chosen by the City Council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of thehis office as hereinafter set forth. At the time of theirhis appointment the City Managerhe need not be a resident of the City or State, but during theirhis tenure of office theyhe shall reside within the City.

Powers and Duties

Section 41. The City Manager shall be the chief executive officer and the head of the administrative branch of the city government. The City ManagerHe shall be responsible to the City Council for the proper administration of all affairs of the City, and to that end he shall have power and shall be required to:

- (1) Appoint and, when necessary for the good of the service, remove all officers and employees of the City except as otherwise provided by this Charter and except as the City Managerhe may authorize the head of a department to appoint and remove subordinates in such department.
- (2) Prepare the budget annually and submit it to the City Council and be responsible for its administration after adoption.

- (3) Prepare and submit to the City Council at the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year.
- (4) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him desirable and proper.
- (5) Perform such other duties as may be prescribed by this charter or required ~~of him~~ by the City Council.

Absence of City Manager

Section 42. To perform the City Manager's duties during ~~his~~ temporary leave of absence or disability, the Mayor may designate by letter filed with the City Secretary a qualified administrative officer of the City to serve for the City Manager. Concerning out of town business, illness, or vacation the City Manager may be delegated authority to designate an individual to serve in the absence of the City Manager.

Director of Departments

Section 43. At the head of each administrative department there shall be a director ~~who.~~ He shall be an officer of the City and shall have supervision and control of the department subject to the City Manager.

Two or more departments may be headed by the same individual; the City Manager may head one or more departments, and directors of departments may also serve as chiefs of divisions.

Effective Date of Budget; Certification; Copies Made Available

Section 55. Upon final adoption, the budget shall be filed with the City Secretary and such other officials as may be designated by state law. The final budget shall be printed, or otherwise reproduced, and a reasonable number of copies shall be made available for the use of all offices, departments and agencies, and for the use of interested persons and civic organizations.

Contingent Appropriation

Section 58. Provision shall be made in the annual budget and in the appropriation ordinance for a contingent appropriation in an amount not more than three (3) percent of the total budget expenditure, to be used in case of unforeseen items of expenditures. Such contingent appropriation shall be under the control of, and distributed by, the City Manager ~~and distributed by him,~~ after approval by the City Council. Expenditures from this appropriation shall be made only in case of established emergencies and a detailed account of such expenditures shall be recorded and reported. The proceeds of the contingent appropriation shall be disbursed only by transfer to other departmental appropriation, the spending of which shall be charged to the departments or activities for which the appropriations are made.

Estimated Expenditures Shall Not Exceed Estimated Resources

Section 59. The total estimated expenditures of the general fund and debt fund shall not exceed the total estimated resources of each fund.

The City Council may by ordinance amend the budget during a fiscal year if one of the following conditions exists:

1. If during the fiscal year the City Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the City Council, by ordinance, may make supplemental appropriations for the year up to the amount of such excess. Before approval, the Council shall hold a public hearing on the proposed budget amendment. A notice of the time and place of a public hearing on the supplemental appropriation shall be published in the official newspaper of the City of College Station. The notice shall be placed in the newspaper at least five (5) working days before the date of the hearing.
2. To meet a public emergency affecting life, health and property of the public peace, the City Council may make emergency appropriations. Such appropriations may be made by emergency ordinance. To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet such appropriations, the Council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any such notes made during a fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.
3. If at any time during the fiscal year it appears probable to the City Manager that the revenues or fund balances available will be insufficient to meet the amounts appropriated, ~~the City Manager~~ shall report to the City Council without delay, indicating the estimated amount of the deficit, any remedial action taken ~~by him~~ and ~~his~~ recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or reduce any deficit and for that purpose it may by ordinance reduce one or more appropriations.

Municipal Elections

~~Section 77. The regular city election shall be held on an annual date set by ordinance by the City Council, or as otherwise provided by law, at which time members of the Council shall be elected to fill those offices that become vacant that year. The City Council shall fix the hours and the place for holding such special election. The City Council may by resolution, order a special election, fix the time and place for holding same, and provide all means for holding such special election. In the order, ordinance, or resolution of the City Council calling any election at which more than one Councilman shall be elected, the City Council shall in calling such election provide for a separate place on the ballot for each vacant seat to be filled at such election, designating the Mayor, and such Places as Place No. 1, 2, 3, 4, 5, or 6. If an unexpired term is to be filled at such election, the Place for the unexpired term shall be so designated. Regular municipal elections shall be held on a uniform election date set out in state law. Special elections shall be ordered in compliance with applicable state law.~~

How to Get Name on Ballot

~~Section 79. Any qualified person may have his name placed on the official ballot as a candidate for Councilman or Mayor at any election held for the purpose of electing Councilmen or Mayor by filing with the City Secretary at least forty-five (45) days prior to the date of election a sworn application in substantially the following form:~~

~~“I, _____, do hereby certify that I am a candidate for the office of _____, and request that my name be printed upon the official ballot for that particular office in the next city election. I am a qualified voter of the State of Texas and am and have been a bona fide resident of the City of College Station, Texas, for at least one (1) year. I am not disqualified or ineligible to serve on the City Council if elected.~~

~~I reside at _____, Precinct _____, College Station, Texas. Signed _____.”~~ Any qualified person who desires to become a candidate in a general election to a place on the City Council, shall file with the City Secretary an application for his or her name to appear on the ballot in accordance with the Texas Election Code. Such application shall clearly designate the place on the Council to which the candidate seeks election and shall contain the candidate’s sworn statement of compliance with the qualifications for holding the office sought under the laws of Texas and the provisions of the Charter.

Council Official Ballots

Section 80. The full names of all candidates for the city council as hereinbefore provided, except such as may have withdrawn, died or become ineligible, shall be printed on the official ballot without party designation. If two candidates with the same surnames, or with names so similar as to be likely to cause confusion, are nominated, the addresses of their places of residence shall be placed with their names on the ballot. The order of the names on the ballot shall be determined by lot. ~~The official ballot shall be printed not less than twenty (20) days before the date of election.~~

Laws Governing City Elections

Section 81. ~~All City elections shall be governed, except as otherwise provided by this charter, by the laws of the State of Texas governing general and municipal elections, so far as same may be applicable thereto; and in the event there should be any failure of the general laws or of this charter to provide for some feature of the city elections, then the City Council shall have the power to provide for such deficiency; and no informalities in conducting a City election shall invalidate the same, if it be conducted fairly and in substantial compliance with the general laws, where applicable and the Charter and ordinances of the City.~~ All City elections shall be governed by the constitution of the State of Texas, general laws of the state, this charter, and ordinances of the City, in the order named

Canvassing Election

Section 82. Returns of elections, general and special, shall be made by the election officers to the City Council ~~not later than the second Wednesday next following such election, when on any date permitted by the Texas Election Code, at which time~~ the City Council shall canvass the returns and declare the results of the election.

Power of Initiative

Section 83. The electors shall have power to propose any ordinance, except an ordinance zoning or rezoning property, appropriating money, authorizing the issuance of bonds, or authorizing the levy of taxes, and to adopt or reject the same at the polls, such power being known as the initiative. Any initiative ordinance may be submitted to the City Council by a petition signed by

qualified electors of the City equal in number to at least twenty-five (25) percent of the number of ~~votes east~~voters voting at the last regular municipal election.

Power of Referendum

Section 84. The electors shall have power to approve or reject at the polls any ordinance passed by the City Council, or submitted by the City Council to a vote of the electors, such power being known as the referendum, except in the case of ordinances zoning or rezoning property, authorizing the issuance of bonds, or making the annual tax levy. Ordinances submitted to the City Council by initiative petition and passed by the City Council without charge shall be subject to the referendum in the same manner as other ordinances. Within twenty (20) days after the enactment by the City Council of any ordinance which is subject to a referendum, a petition signed by qualified electors of the city equal in number to at least twenty-five (25) percent of the number of ~~votes east~~voters voting at the last preceding regular municipal election may be filed with the City Secretary requesting that any such ordinance be either repealed or submitted to a vote of the electors.

Form of Petitions; Committee of Petitioners

Section 85. Initiative petition papers shall contain the full text of the proposed ordinance. The signatures to initiative or referendum petitions need not all be appended to one paper, but to each separate petition there shall be attached a statement of the circulator thereof as provided by this section. Each signer of any petition paper shall sign his name in ink or indelible pencil and shall indicate after his name his place of residence by street and number, or other description sufficient to identify the place. There shall appear on each petition the names and addresses of five electors, who, as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition. Attached to each separate petition paper there shall be an affidavit of the circulator thereof that ~~they~~he, and ~~he~~they only, personally circulated the foregoing paper, that it bears a stated number of signatures, that all signatures appended thereto were made in ~~his~~their presence, and that ~~he~~they believes them to be the genuine signatures of the persons whose names they purport to be.

Filing; Examination and Certification of Petitions

Section 86. All petition papers comprising an initiative or referendum petition shall be assembled and filed with the City Secretary as one instrument. Within ten (10) days after the petition is filed, the City Secretary shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified electors. The City Secretary shall declare any petition paper entirely invalid which does not have attached thereto an affidavit signed by the circulator thereof. If a petition paper is found to be signed by more persons than the number of signatures certified by the circulator, the last signatures in excess of the number certified shall be disregarded. If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted unless void on other grounds. After completing ~~the~~his examination of the petition, the City Secretary shall certify the result thereof to the city council at its next regular meeting. If ~~the City Secretary~~he shall certify that the petition is insufficient, ~~he~~or she shall set forth ~~in his~~by certificate the particulars in which it is defective and shall at once notify the committee of the petitioners of ~~the~~his findings.

Amendment of Petitions

Section 87. An initiative or referendum petition may be amended at any time within ten (10) days after the notification of insufficiency has been sent by the City Secretary, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The City Secretary shall, within five (5) days after such an amendment is filed, make examination of the amended petition and, if the petition be still insufficient, ~~he~~ shall file ahis certificate to that effect ~~in his office~~ as City Secretary and notify the committee of petitioners of ~~the~~ his findings, and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

Submission to Electors

Section 90. If the City Council shall fail to pass an ordinance proposed by the initiative petition, or shall pass it in a form different from that set forth in the petition therefor; or if the City Council fails to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the electors ~~not less than thirty (30) days nor more than sixty (60) days from the date the city council takes its final vote thereon. The City Council may, if no regular election is to be held within such period, provide for a special election~~ at an election to be held on the next uniform election date authorized by state law for municipal elections.

Form of Ballot for Initiated and Referred Ordinances

Section 91. Ordinances submitted to vote of the electors in accordance with the initiative and referendum provisions of this charter shall be submitted by ballot title, which shall be prepared in all cases by the City Attorney. The ballot title may be different from the legal title of any such initiated or referred ordinance and shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance; and if a paper ballot, shall have ~~below~~ to the left of the ballot title the following propositions, one above the other in the order indicated: “FOR ~~THE ORDINANCE~~” and “AGAINST ~~THE ORDINANCE~~” and shall otherwise comply with state law. Any number of ordinances may be voted on at the same election and may be submitted on the same ballot, but any paper ballot used for voting thereon shall be for that purpose only. If voting machines are used, the ballot title of any ordinance shall have to the left of below it the same two propositions, one above the other or one preceding the other in the order indicated, and the elector shall be given an opportunity to vote for either of the two propositions and thereby to vote for or against the ordinance.

Recall Procedure

Section 95. Any elector of the City of College Station may make and file with the City Secretary an affidavit containing the name or names of the officer or officers whose removal is sought and a statement of the grounds for removal. The City Secretary shall thereupon deliver to the elector making such affidavit copies of petition blanks demanding such removal. The City Secretary shall keep a sufficient number of such printed petition blanks on hand for distribution. Such blanks when issued by the City Secretary shall bear the signature of that officer and be addressed to the city council, and shall be numbered, dated and indicate the name of the person to whom issued. The petition blanks when issued shall also indicate the number of such blanks issued and the name of the officer whose removal is sought. The City Secretary shall enter in a record to be

kept in the City Secretary's office the name of the elector to whom the petition blanks were issued and the number issued to said person.

Recall Election

Section 97. The City Secretary shall at once examine the recall petition and if he finds it sufficient and in compliance with the provisions of this article of the charter, the City Secretary shall within five (5) days submit it to the city council with the City Secretary's certificate to that effect and notify the officer sought to be recalled of such action. If the officer whose removal is sought does not resign within five (5) days after such notice the city council shall thereupon order and fix a date for holding a recall election to be held on the next uniform election date authorized by state law for municipal elections. ~~Any such election shall be held not less than thirty (30) nor more than sixty (60) days after the petition has been presented to the city council, however, such election may be held at the same time as any municipal election held within such period.~~

Ballots in Recall Election

Section 98. Ballots used at recall elections shall conform to the following requirements.

(1) With respect to each person whose removal is sought the question shall be submitted "Shall (name of person) be removed from the office of councilman by recall?"

(2) Immediately ~~below to the left of each~~ such question there shall be printed the two following ~~propositions~~responses, one above the other, in the order indicated:

~~"FOR~~For the recall of (name of person)"

~~"Against the recall of (name of person)~~AGAINST"

Results of Recall Election

Section 99. If a majority of the votes cast at a recall election shall be against the recall of the officer named on the ballot, that officer shall continue in office for the remainder of his unexpired term, subject to recall as before. If a majority of the votes cast at such an election be for the recall of the officer named on the ballot, that officer shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy shall be filled as in other vacancies.

Limitations on Recalls

Section 100. No recall petition shall be filed against a ~~Councilman~~Council Member within six (6) months after they takes office, nor in respect to an officer subjected to a recall election and not removed thereby, until at least six (6) months after such election.

Procedure

Section 104. The City of College Station shall have the power by ordinance to grant any franchise or right mentioned in the preceding sections hereof, which ordinance, however, shall not be passed finally until it shall have been read at three (3) separate regular meetings of the City Council. No ordinance granting a franchise shall pass any reading except by a vote of the majority of the City Council, and such ordinance shall not take effect until sixty (60) days after

its adoption on its third and final reading; provided, however, that if at any time before such ordinance shall finally take effect a petition shall be presented to the City Council signed by not less than ~~forty (40)~~ten (10) percent of the ~~bona fide qualified registered~~ voters of the City, then the City Council shall submit the question of the granting of such franchise to a vote of the qualified voters of the City at the ~~next succeeding general election to be held in the City~~next uniform election date prescribed by state law that allows sufficient time to comply with other requirements of law, provided that notice thereof shall be published in at least ~~ten (10)~~twenty (20) successive issues of the official newspaper of the City of College Station prior to the holding of such election. ~~Ballots shall be used~~The ballot shall briefly describing the franchise to be voted on and the terms thereof and containing the words, “For ~~the granting of a franchise~~”, and “Against ~~the granting of a franchise~~” to the left of the language and shall otherwise comply with state law. The vote shall be canvassed by the city council, and should it result that a majority of those voting thereon cast their votes “For” the granting of a franchise”, then by order entered in its minutes, the city council shall so declare and such franchise shall at once take effect. But should a majority of the votes be cast “Against” granting a franchise”, then the City Council by order entered in its minutes shall so declare and such franchise shall not take effect. In case a franchise is refused by the City Council, then the matter may be submitted to the qualified voters on petition and an election held under the procedures, as hereinbefore provided, ~~and a~~ failure of the City Council to finally pass on an application within six (6) months after the filing of such application shall be construed as a refusal. The City Council in passing an ordinance granting a franchise may provide therein that it shall not take effect until the same shall have been submitted to and approved by a majority of the qualified voters voting therein at a general election. All expenses of publication shall as it relates to this section be borne by the ~~applicant for the franchise~~petitioner, who shall make a deposit in advance to cover the estimated cost of publication, the amount of the deposit to be determined by the City Manager.

Personal Interest

Section 115. No member of the City Council or any officer or employee of the City shall have a financial interest direct or indirect or by reason of ownership of stock in any corporation, in any contract with the City, or be financially interested directly or indirectly in the sale to the City of any land, materials, supplies or services except on behalf of the City as an officer or employee; provided, however, that the provisions of this section shall only be applicable when the stock owned by the officer or employee exceeds one (1) percent of the total capital stock of the corporation. Any willful violation of this section shall constitute malfeasance in office and any officer or employee guilty thereof shall thereby forfeit his office or position. Any violation of this section with the knowledge expressed or implied of the person or corporation contracting with the City shall render the contract voidable by the City Council or City Manager. The prohibitions of this section shall not be applicable to city employee who applies for and or receives housing assistance or any other assistance that is offered to the general public under the same terms and conditions that the assistance is offered to other citizens. ~~Approved by voters 11-04-2008~~

Relatives of Officers Shall Not be Appointed or Employed

Section 117. No person related within the second degree of affinity, or within the third degree of consanguinity, to members of the City Council or the City Manager shall be appointed or employed to any office, position or service in the City.

Notice of Injury or Damage

Section 119. The City shall never be liable for any personal injury, whether resulting in death or not, unless the person injured, or someone in theirhis behalf, or in the event the injury results in death, the person or persons who may have a cause of action under the law by reason of such death or injury, shall file a notice in writing with the City Secretary within ninety (90) days after the same has occurred, stating specifically in such notice when, where and how the exact injury occurred, the full extent of the injury, the amount of damages claimed or asserted, and a list of persons, if known, who witnessed the injury. The City shall never be liable for any claim for damage or injury to personal property unless the person whose personal property has been injured or damaged, or someone in theirhis behalf, shall file a claim in writing with the City Secretary within ninety (90) days after said damage or injury occurred, stating specifically when, where and how the damage or injury was sustained. The person giving notice under this Section shall subscribe theirhis name to the notice under oath that the statements and facts contained in said notice are true and correct.