

MINUTES OF THE JOINT MEETING WITH
BVSWMA, INC. BOARD OF DIRECTORS, CITY OF BRYAN CITY COUNCIL AND
CITY OF COLLEGE STATION CITY COUNCIL
SEPTEMBER 13, 2010

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry

Council:

John Crompton
Jess Fields
Dennis Maloney
Katy-Marie Lyles
Dave Ruesink

City Staff:

Glenn Brown, City Manager
David Neeley, Assistant City Manager
Sherry Mashburn, City Clerk

1. Call to Order and Announce a Quorum is Present

With a quorum present, the Joint Meeting with BVSWMA, Inc. Board of Directors, City of Bryan City Council, and the College Station City Council was called to order by Mayor Nancy Berry at 4:35 p.m. on Monday, September 13, 2010 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77842.

2. Presentation, possible action, and discussion of a Borrowed Employee Agreement between the City of College Station and the Brazos Valley Solid Waste Management Agency Inc.

MOTION: Upon a motion made and seconded, with Councilmember Maloney abstaining, the City Council voted five (5) for and none (0) opposed, with Councilmember Maloney abstaining, to approve a Borrowed Employee Agreement between the City of College Station and the Brazos Valley Solid Waste Management Agency Inc. The motion carried.

3. Presentation, possible action, and discussion regarding the Asset Transfer and Debt Reimbursement Agreement between BVSWMA Inc., the City of College Station and the City of Bryan.

MOTION: Upon a motion made and seconded, the BVSWMA Board of Directors, voted seven (7) for and none (0) opposed, to approve the Asset Transfer and Debt Reimbursement Agreement between BVSWMA Inc., the City of College Station and the City of Bryan. The motion carried unanimously.

MOTION: Upon a motion made and seconded, the Bryan City Council voted seven (7) for and none (0) opposed, to approve the Asset Transfer and Debt Reimbursement Agreement between BVSWMA Inc., the City of College Station and the City of Bryan. The motion carried unanimously.

MOTION: Upon a motion made and seconded, the College Station City Council voted five (5) for and none (0) opposed, with Councilmember Maloney abstaining, to approve the Asset Transfer and Debt Reimbursement Agreement between BVSWMA Inc., the City of College Station and the City of Bryan. The motion carried.

4. Presentation, possible action, and discussion of an Agreement between the City of College Station, the City of Bryan and the Brazos Valley Solid Waste Management Agency Inc. regarding the Assignment and Assumption of Contracts and Payables.

MOTION: Upon a motion made and seconded, the BVSWMA Board of Directors, voted seven (7) for and none (0) opposed, to approve an Agreement between the City of College Station, the City of Bryan and the Brazos Valley Solid Waste Management Agency Inc. regarding the Assignment and Assumption of Contracts and Payables. The motion carried unanimously.

MOTION: Upon a motion made and seconded, the Bryan City Council voted seven (7) for and none (0) opposed, to approve an Agreement between the City of College Station, the City of Bryan and the Brazos Valley Solid Waste Management Agency Inc. regarding the Assignment and Assumption of Contracts and Payables. The motion carried unanimously.

MOTION: Upon a motion made and seconded, the City Council voted five (5) for and none (0) opposed, with Councilmember Maloney abstaining, to approve an Agreement between the City of College Station, the City of Bryan and the Brazos Valley Solid Waste Management Agency Inc. regarding the Assignment and Assumption of Contracts and Payables. The motion carried.

5. Presentation, possible action, and discussion regarding a Final Settlement Agreement and Release related to the final settlement and dismissal of the certain lawsuit referred to as City of Bryan, Texas v. City of College Station, Texas, Cause No. 08-001626-CV-272 in the 272nd District Court of Brazos County, Texas, (“the Lawsuit”); consider the Agreed Motion to Dismiss; and, consider the Agreed Order of Dismissal.

MOTION: Upon a motion made and seconded, the Bryan City Council voted seven (7) for and none (0) opposed, to approve a Final Settlement Agreement and Release related to the final settlement and dismissal of the certain lawsuit referred to as City of Bryan, Texas v. City of College Station, Texas, Cause No. 08-001626-CV-272 in the 272nd District Court of Brazos

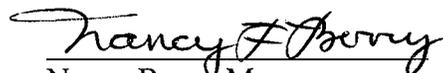
County, Texas, (“the Lawsuit”); consider the Agreed Motion to Dismiss; and, consider the Agreed Order of Dismissal. The motion carried unanimously.

MOTION: Upon a motion made and seconded, the City Council voted five (5) for and none (0) opposed, with Councilmember Maloney abstaining, to approve the final settlement and dismissal of the certain lawsuit referred to as City of Bryan, Texas v. City of College Station, Texas, Cause No. 08-001626-CV-272 in the 272nd District Court of Brazos County, Texas, (“the Lawsuit”); consider the Agreed Motion to Dismiss; and, consider the Agreed Order of Dismissal. The motion carried.

Judge Zimmerman paid tribute to the Cities of Bryan and College Station and remarked that the citizens of this area should be very proud of everyone’s efforts in this regard. He noted these are two very strong-minded cities that remained independent but came together on this remarkable journey over a long time period that will serve this community very well, and he wished this community really knew the difficulty of the endeavor that everybody participated in. The legal counsel in each city was excellent and the efforts of all involved culminated in the marriage of this incredible project. He thanked everyone for permitting him to take part in this remarkable journey.

6. Adjournment

MOTION: There being no objection, Mayor Berry adjourned the Joint Meeting with BVSWMMA, Inc. Board of Directors, City of Bryan City Council, and the College Station City Council at 4:50 p.m. on Monday, September 13, 2010. The motion carried unanimously.


Nancy Berry, Mayor

ATTEST:


Sherry Maskburn, City Secretary