

MINUTES OF THE CITY COUNCIL WORKSHOP  
CITY OF COLLEGE STATION  
NOVEMBER 10, 2010

STATE OF TEXAS           §  
  §  
COUNTY OF BRAZOS       §

**Present:**

Nancy Berry

**Council:**

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

**City Staff:**

Glenn Brown, City Manager  
David Neeley, Assistant City Manager  
Kathy Merrill, Assistant City Manager  
Carla Robinson, Interim 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 Workshop of the College Station City Council was called to order by Mayor Nancy Berry at 2:00 p.m. on Wednesday, November 10, 2010 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77842.

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

Item 2e was pulled from the Consent Agenda.

*Item 2e:* David Schmitz, Assistant Director of Parks and Recreation, explained that playground equipment was being installed in Zone 7 because it was the only facility into which improvements can be placed. It is also the only park in the area that does not have a play unit. The play unit has a 15-20 year life span. The money comes from the parkland funds for Zone 7.

**2. Presentation, possible action, and discussion approving a resolution to canvass the results of the Special Election held on November 2, 2010.**

**MOTION:** Upon a motion made by Councilmember Maloney and a second by Councilmember Lyles, the City Council voted six (6) for and none (0) opposed, to adopt the resolution canvassing the Special Election. The motion carried unanimously.

**3. Oath of Office administered to newly elected Councilmember, with presentation of Certificate of Election.**

Judge Spillane administered the oath of office to Jana McMillan, newly elected Councilmember, Place 5.

**4. Presentation, possible action, and discussion concerning approval to solicit construction bids for the Wolf Pen Creek Water Feature and Festival Area Project, and the role of the Wolf Pen Creek Oversight Committee after the construction of these improvements are complete.**

James Massey, chair of the Wolf Pen Creek Oversight Committee, reported on the Wolf Pen Creek Park expansion. He presented the 1998 master plan for historical perspective, and stated the committee is trying to stay true to citizen input.

Chuck Gilman, Director of Capital Projects, reminded the Council about the TIF that was used for redevelopment and community infrastructure. The TIF is bounded by Harvey Road, State Highway 6, Colgate and Texas. Participants with College Station in the TIF included Brazos County and CSISD. The TIF was modified and some area was removed. He reported the 1989 adjusted base value was \$18.5 million. The 2010 property value in the corridor is \$129 million, resulting in \$579,000 in property taxes. The project goals include: 1) finalize the concept of the water feature; 2) identify facilities and amenities to be included in the festival area; 3) ensure that the festival area and water feature fit cohesively into the existing attractions and facilities; 4) provide pedestrian connectivity; and 5) ensure that the parking and vehicular circulation is complementary to the events.

James Massey presented site plan illustrating the plaza with an interactive water feature, a shade arbor and seating. He reiterated that the quality of life has improved and the drainage has maintained.

Chuck Gilman stated the project budget was \$3.5 million, including a construction estimate of \$2.9 million. They have pared this down somewhat to a base budget of \$2.78 million. Operating and maintenance expenses are estimated at \$170,000 per year, with \$105,000 for the general operations of the festival area and \$64,500 for the water feature. Scheduled interactive use for the water feature is expected to be March – October. The show mode schedule is two weekends per month and TAMU football game weekends. The project schedule has the bid advertisement in December; awarding the contract in January 2011; beginning construction in March; and completing construction in October 2011.

**MOTION:** Upon a motion made by Councilmember Crompton and a second by Councilmember Maloney, the City Council voted five (5) for and two (2) opposed, with Councilmembers Fields and McMillan voting against, to proceed with soliciting construction bids. The motion carried.

**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 continue the committee, meeting quarterly and recruiting new members as needed. The motion carried unanimously.

**5. Presentation, possible action, and discussion regarding basic public purchasing policies, procedures and statutes.**

Cheryl Turney, Assistant Finance Director, explained the purchasing policy which is an intricate web of state law, local law and internal procedures. Statutory requirements are found in Local Government Code (LGC) Chapter 252 Contracting for Cities, LGC Chapter 271 Alternative Procurement Methods, Government Code (GC) Chapter 791 Interlocal Cooperation Act, GC Chapter 2251 Prompt Payment Act, GC Chapter 2253 Bonding Requirement, and GC Chapter 2254 Professional Services Procurement Act. An invitation to bid is a formal written document that requests from bidders a firm price and delivery in response to the City's specifications, terms and conditions. A Request for Proposal (RFP) is a formal written document requesting firms to make an offer for services to the City. A Request for Qualification (RFQ) is a formal written document used when soliciting providers of architectural, engineering or land surveying services. A quote is an informal written or verbal solicitation, and a change order occurs when changes in specifications are necessary after the performance of work has begun.

The City has several interlocal agreements for cooperative purchasing with TAMU, Bryan, Brazos County, Buy Board, HGAC, etc. A RFP is used for high tech procurement, personal services, consulting services, etc. A RFQ is used primarily for architect and engineering services.

The bid process includes the bid package, advertisement, posting, a pre-bid conference, and any possible addendums. The approval process includes the receipt of bids, preparation of contract documents, City Manager approval for contracts of a certain amount, and Council approval for contract over a certain amount. Change orders for administrative changes (changes less than \$3,000) can be approved by the City Manager. Changes over \$3,000 and less than \$25,000 require additional administrative approval. Council approval is required for changes greater than \$25,000 or changes of 5% for professional services.

Ms. Turney stated she was seeking direction from the Council to: 1) authorize the City Manager to execute the contract for contracts greater than \$50,000 that have been approved by the Council when it is a standard form of agreement; 2) allowing the City Manager to authorize changes in professional services that do not cause the contract to exceed \$50,000; 3) change the payment bond threshold to \$50,000; and 4) authorize the City Manager to determine alternative procurement methods.

**MOTION:** Upon a motion made by Councilmember Maloney and a second by Councilmember Lyles, the City Council voted seven (7) for and none (0) opposed, to authorize the City Manager to execute the contract (when it is a standard form of agreement) for contracts greater than \$50,000 that have been approved by the Council. The motion carried unanimously.

**MOTION:** Upon a motion made by Councilmember Maloney and a second by Mayor Berry, the City Council voted seven (7) for and none (0) opposed, allowing the City Manager to authorize changes in professional services that do not cause the contract to exceed \$50,000. The motion carried unanimously.

**MOTION:** Upon a motion made by Councilmember Lyles and a second by Councilmember Ruesink, the City Council voted seven (7) for and none (0) opposed, to change the payment bond threshold to \$50,000. The motion carried unanimously.

**MOTION:** Upon a motion made by Councilmember Ruesink and a second by Councilmember Lyles, the City Council voted seven (7) for and none (0) opposed, authorizing the City Manager to determine alternative procurement methods. The motion carried unanimously.

**6. Presentation, possible action, and discussion regarding the general roles of the Research Valley Partnership and the City in economic development activities.**

This item was postponed to another meeting.

**7. Council Calendar**

- **November 11 Lecture: The Korean War and 60 Year ROK/USA Alliance at George Bush Library-Auditorium, 1000 George Bush Drive at 12:00 p.m.**
- **November 11 Dedication of the Korean War Memorial on the Lynn Stuart Pathway, Veterans Park, 4:00 p.m.**
- **November 11 Reading of the Names at the Veterans Memorial, Adams Plaza, Veterans Park, 6:00 p.m.**
- **November 11 Veterans Memorial Day Ceremony at the American Pavilion, Veterans Park, 7:00 p.m.**
- **November 13 Brazos Valley Worldfest at the Wolf Pen Creek Amphitheater at 10:00 a.m.**
- **November 16 Economic Outlook Luncheon at Miramont Country Club-Bryan, 11:30 a.m.**
- **November 16 Council Transportation Committee Meeting in Council Chambers at 4:30 p.m.**
- **November 17 BVSWMA Inc. Board Meeting at COB Municipal Building - Room 305, 11:00 a.m.**
- **November 17 2010 Exploring History Lunch Lecture Series at CS Conference Center, 11:30 a.m.**
- **November 18 Business After Hours - Holiday Lighting - City of Bryan at 5:30 p.m.**
- **November 18 Planning & Zoning Meeting in Council Chambers at 6:00 p.m.**

- November 22 Council Workshop/Regular Meeting in Council Chambers at 3:00 and 7:00 p.m.
- November 23 B/CS Chamber-Annual Ag Breakfast at Brazos County Expo Center, 7:00 a.m.
- November 25 City Offices Closed – HOLIDAY
- November 26 City Offices Closed - HOLIDAY

There was no discussion on 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.**

Mayor Berry proposed an item to set a date for a mid-year retreat to review the strategic plan.

Councilmember Lyles requested an item about a student representative from the Student Senate.

Councilmember Fields requested an item on road maintenance since the transportation user fee failed.

Mayor Berry requested a future agenda item on a sunset provision for committees.

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

There were no meeting reports.

#### **10. Executive Session**

In accordance with the Texas Government Code §551.071-Consultation with Attorney, §551.072-Deliberation Regarding Real Property, and §551.074-Personnel, the College Station City Council convened into Executive Session at 5:00 p.m. on Wednesday, November 10, 2010 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
- City of Bryan suit filed against College Station, Legal issues and advise on Brazos Valley Solid Waste Management Agency contract, on proposed methane gas contract
- Water CCN / 2002 Annexation / Wellborn Water Supply Corporation
- Weingarten Realty Investors v. College Station, Ron Silvia, David Ruesink, Lynn McIlhane, and Ben White
- Chavers et al v. Tyrone Morrow, Michael Ikner, City of Bryan, City of College Station, et al
- Clancey v. College Station, Glenn Brown, and Kathy Merrill

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

- Discussion of Legal Issues Regarding: Wellborn Incorporation Request
- Contemplated Litigation, Legal remedies available to abate weeds, rubbish, brush and other unsanitary matter from a lot in the College Hills residential area.
- Legal issues of purchase and lease back to Arts Council

C. Deliberation Regarding Real Property: to wit:

- Shake's lease at Chimney Hill property

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

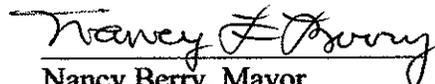
- City Manager

The Executive Session adjourned at 7:05 p.m. on Wednesday, November 10, 2010.

No action was required from Executive Session.

## **11. Adjournment**

**MOTION:** There being no objection, Mayor Berry adjourned the workshop of the College Station City Council at 7:05 p.m. on Wednesday, November 10, 2010.

  
Nancy Berry, Mayor

ATTEST:

  
Sherry Mashburn, City Secretary