

MINUTES OF THE CITY COUNCIL WORKSHOP
CITY OF COLLEGE STATION
MAY 26, 2011

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:

David Neeley, City Manager
Kathy Merrill, Assistant 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 Workshop of the College Station City Council was called to order by Mayor Nancy Berry at 3:03 p.m. on Thursday, May 26, 2011 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.

No items were pulled.

2. Presentation, possible action, and discussion of City Council appointments to various Boards, Committees, and Commissions.

Shelley Major, Records Management Coordinator, briefed the Council on the application process for Boards and Commissions. Openings, as well as the new application, are located on the City website. Applicants must be College Station residents and registered voters. Some boards have additional specific requirements. Board members eligible for re-appointment are required to re-

apply if they wish to remain on the Board. Board appointments will be made once a year. In the past, appointments have been made when terms expire, and the expectation is to get all boards on the same schedule. This new process will be more efficient and will help us get information out to the public faster. The key word with this new process is consistency.

Council directed staff to proceed with Board appointments to be brought back to Council at the second meeting in July.

3. Presentation, possible action, and discussion of appointments to the Citizens' Charter Review Advisory Commission.

Mayor Berry announced that Jim Maness submitted his Letter of Resignation, which she has accepted. He does not live within the city limits. Council consensus was that Lynn McIlhane be moved from Vice Chair to Chair, with the Commission appointing a Vice Chair.

4. Presentation, possible action, and discussion regarding update to the existing ordinance regulating taxicabs operating within the city limits of College Station.

This item was pulled from the agenda.

5. Presentation, possible action, and discussion on the FY 12 Budget process.

Jeff Kersten, Chief Financial Officer, updated the Council on the FY 12 budget process. Budget objectives include: 1) prepare a balanced budget that meets basic service levels, within available resources; and 2) position city to meet future needs with limited resources. He briefly reviewed the budget calendar with the proposed budget presented to the Council in late July or early August. He expects a Budget Public Hearing on August 25; however, additional Public Hearings may be required for the tax rate. The budget and the tax rate will be adopted either September 8 or 22. The budget must be adopted by September 27, per our City Charter. If Council does not meet that deadline, the City Manager's budget is adopted by default. The new fiscal year begins on October 1. Current conditions that will impact our budget include the state legislative session, with it impacts on education; modest economic growth; slow growth in sales tax; and property value growth projected to be minimal (1% - 2%). Key General Fund revenue streams include: 1) sales tax at 35%; 2) property tax at 23%; 3) Return on Investments (utility transfers) at 22%; and 4) all other revenues at 19%. Sales tax for FY 11 to date is slightly above estimate. The FY 12 forecast has slow to moderate growth. The City has reduced its budget \$5.3 million from FY 09 – FY11. In FY 11, fifteen vacant positions were eliminated, and four positions were held vacant for part of FY 11. Mowing services were also contracted out. Other reductions include travel and training, overtime, employee benefits (long term disability), etc. FY 11 budget additions include four additional police positions and the first phase of Fire Station #6 operations and maintenance (nine positions added to the budget, and positions to remain vacant until April 2012).

The budget policies provide parameters for the budget preparation. Key policies include Revenue Policies for the tax rate and enterprise rates; capital maintenance and replacements; and Fund Balance policies. The budget is prepared using the existing tax rate. As for Enterprise

Rates, the Return on Investment Policy has the Electric Fund at 10.5% and the Water/Wastewater and Sanitation Fund at 10%. Staff is considering changing the policy to reduce the transfer in one or more funds. Capital Maintenance and Replacement is for funds set aside for street maintenance, parking lots, technology, etc. These are significant investments of the City. Our Fund Balance is our reserve for emergency types of situations. Currently, we have 15% in the General Fund, as well as the Utility Funds. The Council may wish to make some changes in these policies.

FY 12 budget issues include: 1) minimal revenue increases; 2) Return on Investment Policy (reduction in the Electric ROI over the next two years - the Electric Fund cannot sustain the current levels); consider further reductions in budgets to address further economic slowdown. Staff is looking at the impacts on services. The demand for services continues, and staff is looking at permanent reductions in the General Fund of \$1.5 million to stay balanced. While identifying potential budget reductions, staff will be evaluating service level impacts, and proposals will be made in the FY 12 proposed budget. Budget reductions can be realized through reorganization, outsourcing, program reductions/eliminations, and staffing considerations.

Beyond FY 12, the financial forecast impacts the General Fund with moderate revenue increases, reductions in the ROI, in public safety, and additional service level demands. Additional revenue and/or reductions will be needed in FY 13 and future years. Our next steps will be to monitor the economic conditions, monitor revenues, identify service priorities, and reduce expenditures as necessary.

Consensus was to have the budget workshops close together instead of spread out over several weeks.

6. Council Calendar

- **May 30 City Offices Closed – HOLIDAY**
- **June 2 Planning & Zoning Commission Meeting in Council Chambers at 6:00 p.m.**
- **June 8 Council Orientation at 8:30 a.m.**
- **June 9 City Council Workshop/Regular Meeting at 3:00 p.m. & 7:00 p.m.**

There was no discussion.

7. Presentation, possible action, and discussion on future agenda items: a Council Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.

Council requested items for the retreat and future workshops and meetings.

Councilmember Lyles wants to address political material on City property and in City Hall and formalizing the policy.

Councilmember Mooney asked to have the Comprehensive Plan and the Unified Design Ordinance.

Councilmember Fields wants to discuss the possibility of ETJ residents and other non-citizen appointees to boards and commissions. He also wants an update on a rental property specific code enforcement program and a review of recent economic development programs and events such as Duck Jam. Another agenda item is an update on staffing levels for the police and fire. He also asked for a discussion on form-based zoning and incorporating that into the comprehensive plan.

Councilmember Brick asked for a discussion on the Biocorridor.

8. Discussion, review and possible action regarding the following meetings: Animal Shelter Board, Arts Council of the Brazos Valley, Audit Committee, Bicycle, Pedestrian, and Greenways Advisory Board, Brazos County Health Dept., Brazos Valley Council of Governments, Brazos Valley Wide Area Communications Task Force, BSWMA, 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.

Mayor Berry reported that the BSWMA grand opening will be June 24. They also discussed the conversion of methane gas. She also reported on the meeting with the Health Department and noted they received a clean audit. Funding will be reduced by \$25,000 for the City. The RVP discussed various prospective companies and the recruiting process.

Councilmember Ruesink reported that the Salamanca delegation was unable to come as scheduled. Also, the CVB Retreat was yesterday. They are expecting the report on the most effective use of HOT tax at the end of June. They also want the affiliates to have better and more restrictive guidelines for use of the HOT tax. The Intergovernmental Committee also discussed the best use of HOT tax.

Councilmember Lyles provided an update on the Arts Council and noted two upcoming events, one being an Art Camp.

9. 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 5:15 p.m. on Thursday, May 26, 2011 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
- Clancey v. College Station, Glenn Brown, and Kathy Merrill
- Rachel Rahn v. Alma Martinez, The Arkitex Studio, Inc. et al, cause No. 09-000656-CV361
- Chavers et al v. Tyrone Morrow, Michael Ikner, City of Bryan, City of College Station, et al

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

- Legal issues regarding the interlocal agreement related to the bio-corridor.

C. Deliberation Regarding Real Property; to wit:

- 701 University Drive
- Holleman Tract - which includes 204, 206, 208, 210, 212, 214, 216, 218 and 220 Holleman
- 6810 Appomattox
- 1123 Phoenix

D. Deliberation Regarding Personnel; to wit:

- Council Self Evaluation

The Council recessed at 7:00 p.m. and reconvened at 7:30 p.m.

The Executive Session adjourned at 9:29 p.m. on Thursday, May 26, 2011.

No action was required from Executive Session.

10. Adjournment

There being no further business, Mayor Berry adjourned the workshop of the College Station City Council at 9:30 p.m. on Thursday, May 26, 2011.


Nancy Berry, Mayor

ATTEST:


Sherry Maskburn, City Secretary

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF COLLEGE STATION
MAY 26, 2011

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 Neely, City Manager
Kathy Merrill, Assistant 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 7:08 p.m. on Thursday, May 26, 2011 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**

Jeremy Lewis, 210 Landsburg, provided written comments, attached.

CONSENT AGENDA

2a. Presentation, possible action, and discussion of minutes for May 12, 2011 Workshop and Regular Council Meeting, and May 19, 2011 Special Meeting.

2b. Presentation, possible action, and discussion regarding the approval of a change order to the construction contract (11-013) with Brazos Paving in the amount of \$25,539.25 for the Barron Road Widening Phase 2 Project.

2c. Presentation, possible action, and discussion regarding Resolution 05-26-11-2c, approving a construction contract (11-216) with Marek Brothers Construction, Inc. in the amount of \$96,121.60 for the Electrical Substation Driveway Project, and approval of Resolution 05-26-11-2c-a, declaring intention to reimburse certain expenditures with proceeds from debt.

2d. Presentation, possible action, and discussion regarding the ratification of the release of a paving assessment lien against a portion of the property with frontage along Holleman Drive South in the amount of \$55,790.46.

2e. Presentation, possible action, and discussion on obtaining approval for the medical, dental and prescription drug plan Administrative Services Agreement contract renewal with Blue Cross and Blue Shield of Texas for claims administration for calendar year 2011, in the amount of \$434,189.

2f. Presentation, possible action and discussion on the first reading of a non-exclusive franchise agreement with Stericycle, Inc. for the purpose of collecting and disposing treated and untreated medical waste from various health care related facilities.

2g. Presentation, possible action, and discussion to approve a City Portal Use Agreement with Texas Municipal Retirement System (TMRS).

2h. Presentation, possible action and discussion on the first reading of a non-exclusive franchise agreement with CCA, LLC d/b/a BCS Stop 'N Go Potties for the purpose of collecting demolition and construction debris from residential sites.

2i. Presentation, possible action, and discussion regarding Resolution 05-26-11-2i, awarding the bid and approval of a construction contract (Contract # 11-199) with Follis-Cole Construction, LLC in the amount of \$57,132.50 for new sidewalks, drinking fountain, pea gravel for playground, earthwork, sodding, and resurfacing of existing basketball court at Woodcreek Park.

2j. Presentation, possible action, and discussion regarding Ordinance 2011-3346, amending Chapter 4, section F (1), "Business Regulations", of the code of ordinances of the City of College Station, which would exempt the City of College Station for the purpose of distributing public safety handbills.

MOTION: Upon a motion made by Councilmember Fields and a second by Councilmember Mooney, 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, possible action, and discussion regarding Ordinance 2011-3347, 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 1.3 acres located at 1301 University Drive East from A-P Administrative Professional and OV Overlay District to C-1 General Commercial, A-O Agricultural- Open, and OV Overlay District.

At approximately 7:20 p.m. Mayor Berry opened the Public Hearing.

Fred Paine, 4101 S. Texas, Bryan, engineer for the applicant, said he is in favor of the project and is available for questions.

There being no further comments, the Public Hearing was closed at 7:21 p.m.

MOTION: Upon a motion made by Councilmember Lyles and a second by Councilmember Fields, the City Council voted seven (7) for and none (0) opposed, to adopt Ordinance 2011-3347, 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 1.3 acres located at 1301 University Drive East from A-P Administrative Professional and OV Overlay District to C-1 General Commercial, A-O Agricultural- Open, and OV Overlay District. The motion carried unanimously.

2. Public Hearing, presentation, possible action, and discussion on Ordinance 2011-3348, amending Chapter 12 “Unified Development Ordinance,” Section 7.4 “Signs” and Section 11.2 “Defined Terms” specifically related to sign requirements.

At approximately 7:24 p.m. Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 7:24 p.m.

MOTION: Upon a motion made by Councilmember Mooney and a second by Councilmember Brick, the City Council voted seven (7) for and none (0) opposed, to adopt Ordinance 2011-3348, amending Chapter 12 “Unified Development Ordinance,” Section 7.4 “Signs” and Section 11.2 “Defined Terms” specifically related to sign requirements. The motion carried unanimously.

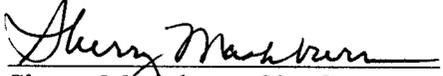
In accordance with the Texas Government Code §551.071-Consultation with Attorney, §551.072-Deliberation Regarding Real Property, and §551.074-Personnel, the College Station City Council reconvened into Executive Session at 7:30 p.m.

3. Adjournment.

There being no further business, the Mayor adjourned the Regular Meeting of the City Council at 9:30 p.m. on Thursday, May 26, 2011.


Nancy Berry, Mayor

ATTEST:


Sherry Mashburn, City Secretary

RESOLUTION NO. 05-26-11-2C

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING A CONSTRUCTION CONTRACT FOR THE ELECTRICAL SUBSTATION DRIVEWAY PROJECT AND AUTHORIZING THE EXPENDITURE OF FUNDS.

WHEREAS, the City of College Station, Texas, solicited bids for the construction phase of the Electrical Substation Driveway Project; and

WHEREAS, the selection of Marek Brothers Construction, Inc. is being recommended as the lowest responsible bidder for the construction services related to the Electrical Substation Driveway; 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 Marek Brothers Construction, Inc. is the lowest responsible bidder.

PART 2: That the City Council hereby approves the contract with Marek Brothers Construction, Inc. for \$96,121.60 for the labor, materials and equipment required for the improvements related the Electrical Substation Driveway Project.

PART 3: That the funding for this Contract shall be as budgeted from the Electric Capital Improvement Projects Fund, in the amount of \$ 96,121.60.

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

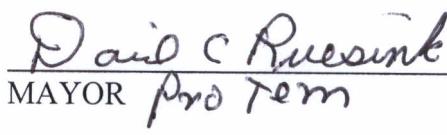
ADOPTED this 26th day of May, A.D. 2011.

ATTEST:

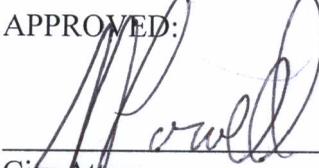
APPROVED:



City Secretary *Deputy*



MAYOR *Pro Tem*

APPROVED:


City Attorney

RESOLUTION NO. 05-26-11-2C-A

RESOLUTION DECLARING INTENTION TO REIMBURSE CERTAIN EXPENDITURES WITH
PROCEEDS FROM DEBT

WHEREAS, the City of College Station, Texas (the "City") is a home-rule municipality and political subdivision of the State of Texas;

WHEREAS, the City expects to pay expenditures in connection with the design, planning, acquisition and construction of the projects described on Exhibit "A" hereto (collectively, the "Project") prior to the issuance of obligations by the City in connection with the financing of the Project from available funds;

WHEREAS, the City finds, considers, and declares that the reimbursement of the City for the payment of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the Treasury Regulations, to reimburse itself for such payments at such time as it issues obligations to finance the Project;

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

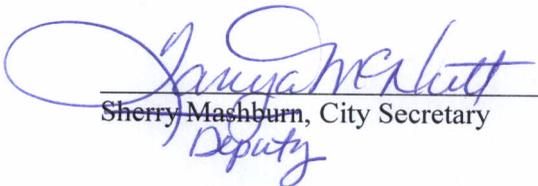
Section 1. The City reasonably expects it will incur debt, as one or more series of obligations, with an aggregate maximum principal amount not to exceed \$100,000, for the purpose of paying the aggregate costs of the Project.

Section 2. All costs to be reimbursed pursuant hereto will be capital expenditures. No tax-exempt obligations will be issued by the City in furtherance of this Statement after a date which is later than 18 months after the later of (1) the date the expenditures are paid or (2) the date on which the property, with respect to which such expenditures were made, is placed in service.

Section 3. The foregoing notwithstanding, no tax-exempt obligation will be issued pursuant to this Statement more than three years after the date any expenditure which is to be reimbursed is paid.

PASSED AND APPROVED THIS 26th DAY OF MAY, 2011.

ATTEST:

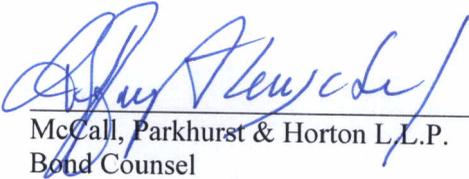

Sherry Mashburn, City Secretary
Deputy


Nancy Berry, Mayor *pro tem*
David Ruesink

(Seal)

RESOLUTION NO. 05-26-11-2C-A

APPROVED:



McCall, Parkhurst & Horton L.L.P.
Bond Counsel

RESOLUTION NO. 05-26-11-2C-A

Exhibit "A"

The projects to be financed that are the subject of this Statement are:

Construction of a driveway at the Dowling Road Electrical Substation.

LAW OFFICES

McCALL, PARKHURST & HORTON L.L.P.

600 CONGRESS AVENUE
SUITE 1800
AUSTIN, TEXAS 78701-3248

TELEPHONE: 512 478-3805

FACSIMILE: 512 472-0871

717 NORTH HARWOOD
SUITE 900
DALLAS, TEXAS 75201-6587

TELEPHONE: 214 754-9200

FACSIMILE: 214 754-9250

700 N. ST. MARY'S STREET
SUITE 1525
SAN ANTONIO, TEXAS 78205-3503

TELEPHONE: 210 225-2800

FACSIMILE: 210 225-2984

May 11, 2011

Ms. Courtney Kennedy
Budget/Management Analyst
City of College Station, Texas
1101 Texas Avenue
College Station, Texas 77840-2499

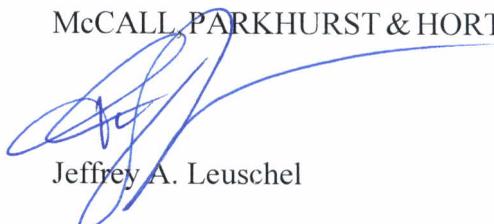
Re: City of College Station, Texas - Reimbursement Resolution

Dear Courtney:

Enclosed please find the executed reimbursement resolution, to be considered by the City Council at its May 26, 2011 meeting.

Very truly yours,

McCALL, PARKHURST & HORTON L.L.P.



Jeffrey A. Leuschel

Enclosures

RESOLUTION NO. 05-26-11-2i

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING A CONSTRUCTION AGREEMENT WITH FOLLIS-COLE CONSTRUCTION, LLC, WITH CONTRACT #11-199, FOR SITE IMPROVEMENTS AT WOODCREEK PARK, PROJECT NUMBER PK-1114, AND AUTHORIZING EXPENDITURE OF FUNDS.

WHEREAS, the City of College Station, Texas, solicited bids for construction of site improvements in Woodcreek Park, now therefore,

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

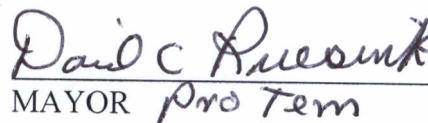
- PART 1: That the City Council hereby finds that Follis-Cole Construction, LLC is the lowest, responsible bidder.
- PART 2: That the City Council hereby approves the contract with Follis-Cole Construction, LLC in the amount of \$57,132.50 and forty (40) calendar days for the labor, materials, and equipment required for the construction of site improvements at Woodcreek Park.
- PART 3: That the funding for this contract shall be budgeted from the 2008 Neighborhood Bond Fund in the amount of \$57,132.50.
- PART 4: That this resolution shall take effect immediately.

ADOPTED this the 26th day of May , 2011.

ATTEST:

APPROVED:


CITY SECRETARY Deputy


MAYOR Pro Tem

APPROVED:


CITY ATTORNEY