

MINUTES OF THE CITY COUNCIL WORKSHOP
CITY OF COLLEGE STATION
OCTOBER 13, 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, absent

City Staff:

David Neeley, City Manager
Kathy Merrill, Assistant City Manager
Frank Simpson, Assistant City Manager
Mary Ann Powell, First Assistant City Attorney
Tanya McNutt, Deputy City Secretary
Shelley Major, Records Management Coordinator

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 3:39 p.m. on Thursday, October 13, 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.

Council requested items 2c, 2d and 2g to be pulled for additional information.

2c & 2d: Chris Dyer, Executive Director, Arts Council Brazos Valley, updated Council on fundraising goals this year and for upcoming years. His estimate is that this year's fundraising will more than match the funding received from the city, adding that it will be approximately a fifty percent increase from last year. He also stated that he did not have the exact numbers for the Celebrating the Arts event, but he estimates that it doubled, this year from last.

Mayor Berry recognized the Brazos Valley Symphony for their 30th Anniversary.

2g: Jeff Kersten, Executive Director, Fiscal Services, was asked to provide a report for Council at a later date regarding the Research Valley Partnership budget breakdown.

2. Presentation, possible action, and discussion regarding the future direction of the City's affordable housing activities.

Bob Cowell, Executive Director of Planning and Development Services, presented the City's affordable housing program. Mr. Cowell outlined the history of the program and stated that since the mid-1970's, the City of College Station has partnered with the U.S. Department of Housing and Urban Development (HUD) to address quality of life, neighborhood stability and safe and decent housing for low-income residents living in the City. In total, the City has received more than \$43 million, which has been used for activities such as affordable housing programs. Funds used for this program have significant guidelines. The use of these funds is guided by the City-developed five-year Consolidated Plan and the annual Action Plan.

City staff recommended three changes to this program. First, to revise current owner-occupied housing rehabilitation program to a streamline program, increasing the amount available to each owner-occupant and adjusting the loan-type portfolio. Staff also recommended revising the current owner-occupied minor housing repair program to eliminate minimum credit score requirements and increase the amount available to each owner-occupant. Lastly, staff recommended establishing an owner-occupied reconstruction program. There is no requirement for the City to match funds regarding the above program. The City monitors work of projects, and the City oversees the whole project. Staff made these recommendations for the guidelines to be changed to encompass home owners that do not currently qualify for the program, but would benefit greatly from the program. Mr. Cowell has offered to provide studies for Council from independent groups regarding the impacts to similar cities from this type of housing program.

Debbie Eller, Community Development Manager, Planning and Development Services, stated that the City has referred home owners to other programs, but the City has not collaborated on any projects. In addition to normal marketing done for these programs, neighborhood integrity is considered and dialogue with the specific neighborhood is also part of the process.

Council consensus was to approve the guidelines to amend this program, to be presented formally as a consent agenda item at a later date.

Staff also recommended establishing a renter-occupied rehabilitation program. This program will benefit low income households, increase quality of affordable units, preserve affordability of rental housing, promote public and private partnerships, and sustainable redevelopment. The program will also increase energy efficiency and the tax base. After improvements are made through this program, periods of affordability are regulated over a certain amounts of years.

Mayor Berry used the pause in business to introduce and welcome Amy Atkins, New Assistant Director, Parks and Recreation Department.

3. Council Calendar

- October 11 - 14 TML Annual Conference in Houston at 8:00 pm
- October 18 Kids Klub Light on Afterschool Rally at Veteran's Park & Athletic Complex, 6:00 pm
- October 19 BSWMA Board Meeting at Twin Oaks Facility - 2690 SH30 Anderson, Texas, 11:00 am
- October 19 Exploring History Lunch Lecture at CS Conference Center, 11:30 a.m.
- October 20 Planning & Zoning Commission Meeting in Council Chambers, 6:00 pm
- October 25 Medical Corridor Advisory Committee in Council Chambers, 3:00 pm
- October 27 City Council Workshop/Regular Meeting at 3:00 and 6:00 p.m.

Council reviewed the Council calendar.

4. 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.

Councilmember Fields requested an item regarding the review of gas station codes.

Councilmember Mooney requested an item regarding the changes occurring within the Brazos Animal Shelter, specifically, a review of board appointees.

5 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, 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, Zoning Board of Adjustments.

Councilmember Schultz attended the Research Valley Partnership meeting.

Councilmember Lyles, reported on the Brazos County Health Board meeting. New board members and re-appointed members Jess Fields and Katy-Marie Lyles were recognized and a donation was given to the Boys & Girls Club in honor of Mayor Berry's service on the board. The board also viewed a presentation on a chemical detection machine from Emergency

Preparedness Response. The budget was reviewed, and it was noted that there was an overall seven percent reduction. Kenny Mallard was also elected as Chair.

Councilmember Brick reported on the Bicycle, Pedestrian & Greenways Advisory Board. The board is planning a tour of the greenways and bike trails in College Station. Councilmember Brick invited council members who were interested to contact the staff liaison for this board.

6. Executive Session

In accordance with the Texas Government Code §551.071-Consultation with Attorney, and §551.074-Personnel, the College Station City Council convened into Executive Session at 5:15 p.m. on Thursday, October 13, 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, Civil Action No. 09-CV-01480
- Rachel Rahn v. Alma Martinez, The Arkitex Studio, Inc. et al, cause No. 09-000656-CV361
- 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
- Woodruff v. College Station, Cause No. 10-000515-CV-272
- Ongoing criminal investigation of municipal court missing funds

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

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

C. Deliberation Regarding Personnel; to wit:

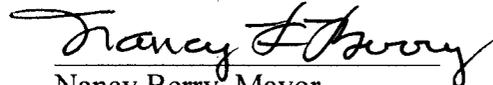
- Municipal Court Judge

The Executive Session adjourned at 7:00 p.m. on Thursday, October 13, 2011.

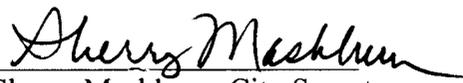
No action was required from Executive Session.

7. Adjournment

MOTION: There being no further business, Mayor Berry adjourned the workshop of the College Station City Council at 8:46 p.m. on Thursday, October 13, 2011.


Nancy Berry, Mayor

ATTEST:


Sherry Mashburn, City Secretary

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF COLLEGE STATION
OCTOBER 13, 2011

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry

Council:

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

City Staff:

David Neely, City Manager
Kathy Merrill, Assistant City Manager
Frank Simpson, Assistant City Manager
Mary Anne Powell, First Assistant City Attorney
Tanya McNutt, Deputy City Secretary
Shelley Major, Records Management Coordinator

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 7:16 p.m. on Thursday, October 13, 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.

Presentations and Recognitions:

- **Proclamation recognizing Chef Tai Lee's national recognition and award**
Mayor Berry presented a proclamation to Chef Tai Lee and Veritas Wine and Bistro, to congratulate winning Food Network's , America's Favorite Food Truck and a \$10,000 cash award. Chef Tai has promised a portion of his prize money will be donated to a Texas Wildfire relief charity in response to Bastrop's recent fires.

- **APA Certificate of Achievement for Planning Excellence**
- **The Texas APA Project Plan of the Year for the Bicycle, Pedestrian, and Greenways Master Plan**
- **The Honorable Mention - Bicycle Friendly Community from the League of American Bicyclists**

Bob Cowell accepted these awards on behalf of City staff and recognized the Planning and Development Services Staff and the Bicycle, Pedestrian and Greenway Advisory Committee for their hard work and dedication.

Citizen Comments

Larry Koeninger with the BCS Public Library System, introduced Kathy Nixie, the new Branch Manager of the Larry J. Ringer Library. Ms. Nixie thanked Council for the opportunity to serve here in College Station. There will be a reception welcoming Ms. Nixie on Wed, Oct. 19th from 6:00 to 7:00 p.m. at Larry J. Ringer Library.

Katie Miller, 507 Old Jersey, spoke concerning the jurisdiction of a tree on her property line. Branches from the tree have fallen on high wires, and she has repeatedly contacted the City for verification on who owns the tree. After two weeks, the tree branch is still on the utility lines, and she is concerned about the fire hazard.

CONSENT AGENDA

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

- **September 22, 2011 Workshop and Regular Council Meeting**

2b. Presentation, possible action, and discussion regarding Resolution 10-13-11-2b, approving a construction contract with Elliott Construction, LLC for the Wellborn Widening Waterline Project and authorizing the expenditure of funds, in an amount not to exceed \$546,028.50.

2c. Presentation, possible action and discussion on approving the budget of the Arts Council of Brazos Valley; and presentation, possible action and discussion on approving the finding agreement between the City of College Station and the Arts Council of Brazos Valley for FY 12 in the amount of \$200,000 for Affiliate funding.

2d. Presentation, possible action and discussion on approving the operations and maintenance funding agreement between the City of College Station and the Arts Council of the Brazos Valley for FY 12 totaling \$100,550.

2e. Presentation, possible action and discussion on a letter agreement for year 3 of the Professional Auditing Services engagement with Ingram, Wallis & Co., P.C. for the fiscal year ending September 30, 2011 with expenditures totaling \$86,000 from the City of College Station.

2f. Presentation, possible action and discussion on approving the budget of the Brazos Valley Convention and Visitors Bureau (CVB); and presentation, possible action and discussion on a funding agreement between the City of College Station and the Brazos Valley Convention and Visitors Bureau for FY 12 in the amount of \$1,000,000.

2g. Presentation, possible action and discussion on a funding agreement between the City of College Station and the Research Valley Partnership for FY 12 in the amount of \$325,000.

2h. Presentation, possible action, and discussion authorizing the award of Bid No. 11-1 16 for the purchase of City branded uniforms for Parks athletic programs and for other City departments with CC Creations (\$35,000) and Monograms and More (\$35,000) for a combined annual estimated expenditure of \$70,000. Figures are based on FY 1 1 averages.

2i. Presentation, possible action and discussion to approve Fiscal Year 201 1-2012 expenditures for the Brazos County Health Department in the amount of \$326,500.

2j. Presentation, possible action, and discussion of contract renewals for the installation of roadway traffic markings and traffic control to Highway Technology of Austin, Texas in the amount of \$163,182.50 and, traffic control services to N-Line Traffic Maintenance of Bryan, Texas in the amount of \$18,706.25.

2k. Presentation, possible action and discussion on a purchase contract with associated annual maintenance, with Vermont Systems Inc., in the amount of \$62,466.00, for software; and approval of an interdepartmental transfer.

2l. Presentation, possible action, and discussion regarding approval of the second renewal of a joint-bid contract with the City of Bryan with DXI Industries for the purchase of bulk chlorine. The estimated annual expenditure is \$77,220.

2m. Presentation, possible action, and discussion regarding City of College Station Excess Liability and Workers' Compensation Insurance, Property/Boiler & Machinery, Commercial Crime, EMT Liability, and Auto Property Damage policies for Fiscal Year 2012. FY12 premiums have decreased 4 percent from FY 11 premiums.

2n. Presentation, possible action, and discussion regarding award of Bid #11-125 to Ergon Asphalt & Emulsions to provide emulsified asphalt products for the maintenance of streets in an amount not to exceed \$406,348.00.

Items c, d, f, g were pulled from the Consent Agenda.

MOTION: Upon a motion made by Councilmember Fields and a second by Councilmember Mooney, the City Council voted six (6) for and none (0) opposed, to approve the Consent Agenda, less items c, d, f, g. The motion carried unanimously.

(2d, 2f, 2g)MOTION: Upon a motion made by Councilmember Lyles and a second by Councilmember Schultz, the City Council voted five (5) for and one (1) opposed, with

Councilmember Fields voting against, to approve consent agenda items 2d, 2f, 2g. The motion carried.

(2c)MOTION: Upon a motion made by Councilmember Mooney and a second by Councilmember Schultz, the City Council voted four (4) for and one (1) opposed, with Councilmember Fields voting against and Councilmember Brick abstaining, to approve consent agenda item 2c. The motion carried.

REGULAR AGENDA

1. Public Hearing, presentation, possible action, and discussion regarding Ordinance 2011-3374, 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 8.1 1 acres located at 2672 Horse Haven Lane from R-1 Single-Family Residential and A-0 Agricultural-Open to PDD Planned Development District.

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

There being no comments, the Public Hearing was closed at 7:45 p.m.

MOTION: Upon a motion made by Councilmember Mooney and a second by Councilmember Lyles, the City Council voted six (6) for and none (0) opposed, to adopt Ordinance 2011-3374, 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 8.1 1 acres located at 2672 Horse Haven Lane from R-1 Single-Family Residential and A-0 Agricultural-Open to PDD Planned Development District. The motion carried unanimously.

2. Presentation, possible action, and discussion authorizing the Mayor to sign Resolution 10-13-11-02, declaring support for the NRP Holdings, LLC Joint Housing Tax Credit and HOME Investment application to the Texas Department of Housing and Community Affairs for the Year 2012 and Conditional HOME Investment Partnership Commitment (Funding Commitment Agreement) in support of the application for an affordable senior rental housing development.

Councilmember Schultz recused herself from this item.

MOTION: Upon a motion made by Councilmember Lyles and a second by Councilmember Mooney, the City Council voted four (4) for and one (1) opposed, with Councilmember Fields voting against, to authorize the Mayor to sign Resolution 10-13-11-02, declaring support for the NRP Holdings, LLC Joint Housing Tax Credit and HOME Investment application to the Texas Department of Housing and Community Affairs for the Year 2012 and Conditional HOME Investment Partnership Commitment (Funding Commitment Agreement) in support of the application for an affordable senior rental housing development. The motion carried.

3. Presentation, possible action, and discussion regarding a funding agreement for a grant of HOME Investment Partnership Funds to B/CS Habitat for Humanity, Inc. in the amount of \$320,000.00 for acquisition, demolition, and construction in support of the production of affordable single-family housing.

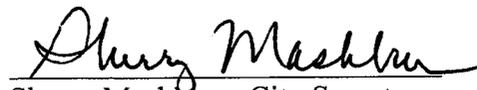
MOTION: Upon a motion made by Councilmember Schultz and a second by Councilmember Brick, the City Council voted five (5) for and one (1) opposed, with Councilmember Fields voting against, to approve a funding agreement for a grant of HOME Investment Partnership Funds to B/CS Habitat for Humanity, Inc. in the amount of \$320,000.00 for acquisition, demolition, and construction in support of the production of affordable single-family housing. The motion carried.

4. Adjournment.

MOTION: There being no further business, Mayor Berry adjourned the Regular Meeting of the City Council at 8:46 p.m. on Thursday, October 13, 2011.


Nancy Berry, Mayor

ATTEST:


Sherry Mashburn, City Secretary



City of College Station
Absence Request Form
For Elected and Appointed Officers

Name David Puentes

Request Submitted on 9/22/11

I will not be in attendance at the meeting of 10/13/11
for the reason(s) specified: (Date)
Attending the Texas Municipal League
Meeting in Houston

David Puentes
Signature

This request shall be submitted to the office of the City Secretary or Board Secretary one week prior to meeting date.

RESOLUTION NO. 10-13-11-2b

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING A CONSTRUCTION CONTRACT FOR THE WELLBORN WIDENING WATERLINE PROJECT AND AUTHORIZING THE EXPENDITURE OF FUNDS.

WHEREAS, the City of College Station, Texas, solicited bids for the construction phase of the Wellborn Widening Waterline Project; and

WHEREAS, the selection of Elliott Construction, LLC is being recommended as the lowest responsible bidder for the construction services related to the Wellborn Widening Waterline Project; 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 Elliott Construction, LLC is the lowest responsible bidder.

PART 2: That the City Council hereby approves the contract with Elliott Construction, LLC for \$546,028.50 for the labor, materials and equipment required for the improvements related the Wellborn Widening Waterline Project.

PART 3: That the funding for this Contract shall be as budgeted from the Utility Revenue Fund, Water Division, in the amount of \$546,028.50.

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

ADOPTED this 13th day of October, A.D. 2011.

ATTEST:

APPROVED:

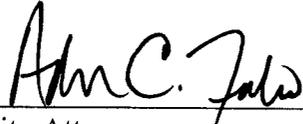


City Secretary



MAYOR

APPROVED:



City Attorney

RESOLUTION NO. 10-13-11-02

A RESOLUTION OF THE CITY OF COLLEGE STATION, TEXAS, DECLARING SUPPORT FOR THE NRP HOLDINGS, LLC “DEVELOPER” JOINT HOUSING TAX CREDIT AND HOME INVESTMENT PARTNERSHIP PROGRAM APPLICATION TO THE TEXAS DEPARTMENT OF HOUSING AND COMMUNITY AFFAIRS FOR THE YEAR 2012.

WHEREAS, the Developer has proposed an affordable senior rental housing development “Development” to be built in the City of College Station, and intends to submit a joint application to Texas Department of Housing and Community Affairs (TDHCA) for 2012 Housing Tax Credits and HOME Investment Partnership (HOME) Program Funds for the Development; and

WHEREAS, Housing Tax Credit points are given for the commitment of development funding by local political subdivisions and states that the TDHCA HOME Program funds will not qualify for points in this category “unless a resolution is submitted with the application from the Local Political Subdivision authorizing that the Applicant act on behalf of the Local Political Subdivision in applying for HOME Program or Housing Trust Funds from TDHCA for the particular application.” Title 10 Part 1§50.9(5) of the Texas Administrative Code, and

WHEREAS, the construction of affordable senior rental housing is in accordance with the City of College Station 2010-2014 Consolidated Plan which demonstrates a need for this type development; now, therefore,

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

- PART 1:** That the City Council hereby declares support of the application for tax credits of the Developer to TDHCA.
- PART 2:** That additional funding in an amount up to \$1,000,000.00 in the form of a low-interest loan, repayable upon completion of the affordability period, may be provided to the Developer from the City's Community Development budget contingent upon:
- (i) satisfactory completion of environmental review and receipt by the City of College Station of release of funds from the U.S. Department of Housing and Urban Development under 24 CFR Part 58,
 - (ii) execution of an acceptable development agreement,
 - (iii) the receipt of an award of Housing Tax Credits by Homestead Development Group, Ltd. from TDHCA, and

(iv) actual receipt and availability of sufficient HOME Investment Partnership grant funds by the City of College Station.

PART 3: This Resolution does not constitute a commitment of funds or site approval, and that such commitment of funds or approval may occur only upon satisfactory completion of environmental review and receipt by the City of College Station of a release of funds from the U.S. Department of Housing and Urban Development under 24 CFR Part 58. The parties further agree that the provision of any funds to the project is conditioned on the City of College Station's determination to proceed with, modify or cancel the project based on the results of a subsequent environmental review.

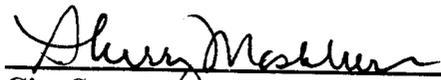
PART 4: That the Development fulfills a need for additional affordable senior rental housing in accordance with the City of College Station 2010-2014 Consolidated Plan.

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

ADOPTED this 13th day of October, 2011.

ATTEST:

APPROVED:

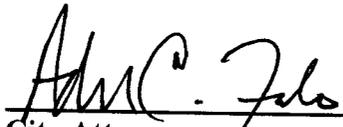


City Secretary



Mayor

APPROVED:



City Attorney