

MINUTES OF THE CITY COUNCIL WORKSHOP  
CITY OF COLLEGE STATION  
AUGUST 9, 2012

STATE OF TEXAS           §  
  §  
COUNTY OF BRAZOS       §

**Present:**

Nancy Berry, Mayor

**Council:**

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

**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

**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 5:00 p.m. on Thursday, August 9, 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, the College Station City Council convened into Executive Session at 5:00 p.m. on Thursday, August 9, 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.

The Executive Session adjourned at 5:40 p.m. on Thursday, August 9, 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.**

Item 2d was pulled for clarification.

*2d:* Chuck Gilman, Director of Capital Projects, stated this is the first phase of two phases. This is the segment called The Upper Trails and consists mainly of drainage improvements to stabilize the banks near the concrete path. Additional improvements will be implemented in the second phase, as well as having a geomorphologist to report on the future of the creek.

**5. Presentation, possible action, and discussion on the FY 2012-2013 Proposed Budget.**

Jeff Kersten, Executive Director of Fiscal Services, presented Council with the 2012-2013 Proposed Annual Budget and noted that it is available online, in the Ringer Library and the City Secretary's Office. He reminded the Council of their six strategic initiatives. In keeping with those initiatives, he reported that the FY 2012-2013 total budget is \$253,133,611 with \$212,643,409 in Operations and Maintenance, and \$40,490,202 in Capital Projects. There are several key budget points to align our resources and priorities for the long term future of College Station. These include:

- Modest economic recovery resulting in positive property values and sales tax revenue;
- Organization restructuring and streamlining (provide funding for Public Safety and other core services);
- Continuing implementation of reductions in Electric Utility transfer;
- Providing competitive and sustainable pay and benefits;
- Maintaining priority service levels; and
- Continuing to invest in capital infrastructure.

The modest economic recovery was evidenced by a 3.6% increase in property values, with approximately \$120 million added in new property value. The effective tax rate of 43.0687 cents is being proposed, down from the current tax rate of 43.7995 cents. The proposed tax rate breaks down to 19.5635 for debt service and 23.5052 for maintenance and operations.

During the recession, the sales tax revenues slowed somewhat, but the FY 2012 sale tax is projected to be higher than forecast, for a total of \$21.3 million. The FY 2013 growth projection is 2% for an estimated total revenue of \$21.7 million. There is still some uncertainty in the economy.

The past few years have seen organizational restructuring and streamlining. Budget reductions have occurred over the last four years in an amount of \$7.6 million. 53.75 positions were eliminated in FY 2011-FY 2013, with ten of these removed in the proposed FY 2013 budget. Those savings were shifted to the Public Safety side and were increased by 43 positions from FY 2009-FY2013. This includes eight additional police public safety positions in the proposed FY 2013 budget.

In 2011, policy was changed to reduce the transfer from the Electric Fund. It was reduced to a 6% franchise level, with \$2 million reduced in FY 2012 and \$1 million to be reduced in FY 2013, thereby avoiding an electric rate increase in FY 2012 and FY 2013.

The Compensation and Benefits Ad Hoc Committee reviewed compensation and benefit policies, including compensation, retirement, health care, and retiree health. The proposed pay plan includes a 2.5% average performance pay increase and to continue with the Police Step Plan. As for retirement benefits, the proposed budget maintains the core components of a 7% employee contribution and a 2:1 City match. There are two provisions recommended for change: reducing the Updated Service Credits from 100% to 75%, and reducing the COLA (for retirees) from 70% to 50%. As for health insurance, they will review the plan design and attempt to hold down costs. Impacts of health care policy changes are unknown in terms of knowing what our health care costs will be moving forward.

The budget allows for maintaining priority service levels in public safety, streets and transportation, and utilities. It also allows us to continue with investing in our capital infrastructure, such as streets and transportation, parks and recreation, technology, and utility projects (electric, water, wastewater, drainage).

The financial forecast shows the future impact of current decisions, fiscal and budgetary policies, and revenue assumptions. Expenditure assumptions will aid in aligning resources and priorities for the long term future of College Station. The base budget funds current service levels, with service level increases for additional police resources and for streets and transportation.

Proposed budget assumptions include:

- FY 13 budget will be impacted by more positive economic conditions, but remaining cautious;
- Budget reductions;
- Effective tax rate of 43.0687 proposed, which is lower than the current rate of 43.7995;

- Complete electric transfer policy change;
- No electric rate increase proposed;
- No water, sanitation or drainage rate increase; and
- 5% wastewater rate increase.

Key budget decisions will need to be made regarding funding levels for city services, the property tax rate, and utility rates. Budget workshops will be held August 16, 17, and 20. If necessary, August 21 and 22 are on hold for additional workshops. A Public Hearing will be held on August 23, and on September 13, the Council will consider adopting the budget and tax rate.

**6. Presentation, possible action, and discussion on the FY 2012-2013 BVSWMA, Inc Proposed Budget.**

Bryan Griesbach, Executive Director, presented the FY 2012-2013 BVSWMA proposed budget, adopted by the BVSWMA Board at their June meeting. He noted that the Rock Prairie Road closure and thirty-year post-closure care costs are funded with existing reserves. Twin Oaks Landfill operating, construction, closure and thirty-year post-closure costs are funded through tipping fees.

The FY 2013 Landfill Revenue Budget is \$6,452,625. There is \$100,000 less revenue than in the approved FY 2012 budget because landfill revenues are driven primarily by landfill volumes. They have lost customers to lower rates offered in the Austin market. No rate increases are being proposed.

The FY 2013 Operating Budget is \$4,851,160. There is a lower operating expense in the amount of \$638,000 than in the approved FY 2012 budget. They are continuing to make adjustments to operations, when possible, to offset decline in volume.

The Capital Expense Budget is \$4,510,000 and breaks down as:

- \$2,000,000 – Twin Oaks Cell 2A-1
- \$1,525,000 – Rock Prairie Closure & Post Closure
- \$505,000 - Equipment maintenance/replacement
- \$430,000 Debt Service
- \$50,000 – Compost bagger.

The FY 2012 Total Expense Budget is \$9,316,160.

Mr. Griesbach also presented the 2011-2012 Annual Report in accompaniment to the budget. The report outlined performance measures and benchmarks. Revenues came in over projections, and expenses came in under projections. Landfill tonnage also came in under projections. The goals for this budget include retention of the existing customer base and replacement of volume lost to competing facilities. He also provided brief overviews of compaction goals, capacity and life expectancy of the landfill, compost, waste diversion strategies, and household hazardous waste collection.

At 6:58 the Mayor recessed the Workshop in order to begin the Regular meeting on time.

The Workshop re-convened at 10:14 p.m.

## **7. Council Calendar**

- **August 14 Committee Recognition and Orientation Invite in Council Chambers at 5:30 p.m.**
- **August 15 BVSWMA Board Meeting at Twins Oaks Facility - 2690 SH30, 11:00 a.m.**
- **August 15 RVP Board Meeting at RVP, 3:00 p.m.**
- **August 16 Budget Workshop Meeting at Carters Creek Wastewater Training Facility - 2200 North Forest Parkway, 2:00 p.m.**
- **August 16 P&Z Workshop/Meeting in Council Chambers at 6:00 p.m. (Julie Schultz, Liaison)**
- **August 17 Budget Workshop Meeting at Carters Creek Wastewater Training Facility - 2200 North Forest Parkway, 2:00 p.m.**
- **August 20 Budget Workshop Meeting at Carters Creek Wastewater Training Facility - 2200 North Forest Parkway, 4:00 p.m.**
- **August 21 Budget Workshop Meeting at Carters Creek Wastewater Training Facility - 2200 North Forest Parkway, 4:00 p.m.**
- **August 22 Budget Workshop Meeting at Carters Creek Wastewater Training Facility - 2200 North Forest Parkway, 4:00 p.m.**
- **August 23 City Council Executive/Workshop/Regular Meeting at 5:00, 6:00 and 7:00 p.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.**

Councilmember Mooney requested an item about foot paths.

**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, Blinn College Brazos Valley Advisory Committee, Brazos County Health Dept., Brazos Valley Council of Governments, Bryan/College Station Chamber of Commerce, BVSWMA, BVWACS, 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, Parks and Recreation Board, Planning and Zoning Commission, Research Valley Partnership, Regional Transportation Committee for Council of Governments, Sister City Association,**

**TAMU Student Senate, Texas Municipal League, Youth Advisory Council, Zoning Board of Adjustments.**

Mayor Berry reported on the MPO and COG.

Councilmember Mooney reported he will be meeting with the CVB.

**10. Adjournment**

**MOTION:** There being no further business, Mayor Berry adjourned the workshop of the College Station City Council at 10:18 p.m. on Thursday, August 9, 2012.

  
Nancy Berry, Mayor

ATTEST:

  
Sherry Mashburn, City Secretary

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
CITY OF COLLEGE STATION  
AUGUST 9, 2012

STATE OF TEXAS           §  
  §  
COUNTY OF BRAZOS       §

**Present:**

Nancy Berry

**Council:**

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

**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, August 9, 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.**

**MOTION:** Upon a motion made by Councilmember Mooney and a second by Councilmember Lyles, the City Council voted five (5) for and none (0) opposed, to approve the absence request from Jess Fields and Dave Ruesink. The motion carried unanimously.

The Mayor made a presentation to Matthew Watkins to wish him well in his new position.

**Citizen Comments**

Linda Harvell, 504 Guernsey, stated she was distressed to see the abrupt closing of the Conference Center. This is an important piece of College Station history. She would like to see the Council consider restoring the Conference Center back to a building of integrity, and invest in the City's future.

Libby Vastano, 2756 Cloisters Drive, said we are a young city and without a lot of history. There are so many buildings being demolished, private buildings we cannot do anything about, but we can do something about this public building. She also addressed the water aerobics program. The season has been shortened at the Halloran pool, and the pool temperature at the Natatorium was lowered and is simply too low for their joints and muscles. As a result of the temperature drop, attendance has decreased drastically. The pool at the Med is too small for the numbers who would like to be in water aerobics. More and more senior citizens are moving here, and it seems sad to cut back on programs like this. She would like to see the Halloran pool kept open this fall until the time when it would be necessary to provide supplemental heat. She presented a letter with 25 signatures in support (attached).

Jerry Cooper, 602 Bell, said the Conference Center has been one of the busiest buildings in town for the past ten years, and it is an important facility. Hundreds, if not thousands, use this facility. Even if something is built elsewhere, he asked Council consider keeping a facility open on this side of town. The importance of preserving historic buildings is something we need to pay attention to. He asked the Council to consider either renovation or replacing it with another conference facility. This brings a lot of people together for a lot of purposes.

## **CONSENT AGENDA**

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

- **July 25, 2012 Special Workshop**
- **July 26, 2012 Workshop**
- **July 26, 2012 Regular Council Meeting**

**2b. Presentation, possible action, and discussion regarding Ordinance 2012-3432, amending Chapter 1, General Provisions, Section 29 of the Code of Ordinances of the City of College Station, Texas as set out in Exhibit "A", removing references to the City Cemetery Committee and its duties, and transferring those duties and responsibilities to the City Manager or his delegate.**

**2c. Presentation, possible action, and discussion regarding the approval of Resolution 08-09-12-2c, adopting the Community Development PY 2012 (FY 2013) Action Plan and Budget.**

**2d. Presentation, possible action, and discussion on Resolution 08-09-12-2d, awarding the construction contract for the Wolf Pen Creek Erosion Control Project (SD-1102) to Dudley Construction, Ltd. in the amount of \$194,298.40.**

**2e. Presentation, possible action and discussion on calling a public hearing on the City of College Station 2012-2013 Proposed Budget for Thursday August 23, 2012 at 7:00 PM in the City Hall Council Chambers.**

**2f. Presentation, possible action, and discussion for a change order to Contract #09-153 with Bleyl & Associates for the Southwood 5-7 Utility Rehabilitation Project in the form of a deduction of \$5 1.271.54.**

**2g. Presentation, possible action, and discussion regarding the renewal of a service contract with Cal's Body Shop for annual automobile and truck paint and body repairs in an amount not to exceed \$60,000.00.**

**2h. Presentation, possible action, and discussion regarding Street Sweeping Services and the rejection of Request for Proposal No. 12-071.**

**MOTION:** Upon a motion made by Councilmember Schultz and a second by Councilmember Mooney, the City Council voted five (5) for and none (0) opposed, to approve the Consent Agenda, with item 2b amended to reflect a fine of not more than \$500. The motion carried unanimously.

#### **REGULAR AGENDA**

**1. Presentation, possible action and discussion regarding the Lick Creek Greenway Trail Project.**

Gary Ives, 3943 Blue Jay, read a prepared statement (attached).

Steven O'Neal, 3917 Hawk Owl cove, representing the Concerned Lick Creek Backers, thanked City staff for their assistance. He stated their concern has never been with City staff or Council. The concern is later down the road if the property is given to the City, then a different City staff and Council might have different issues. He personally rides his bike with his children to school. If he thought it was not safe, he wouldn't do it. He has been involved throughout the process. They tried to offer an alternative, and never received any option from their side. He agrees with staff's recommendation regarding segment A, and looks forward to seeing B and C. Improvements to the existing infrastructure will result in a better project. This is a win-win for College Station taxpayers. They will save money by building along the street and long-term maintenance. This is a matter of Need versus Want. Let's address needs. He reiterated his appreciation for staff and the Council's patience and for listening.

**MOTION:** Upon a motion made by Councilmember Mooney and a second by Councilmember Schultz, the City Council voted none (0) for and five (5) opposed, to go forward with the staff recommendation for segment A, and charge staff to work with the HOA and homeowners to develop a green trail that will go through the area previously identified. The motion failed.

**MOTION:** Upon a motion made by Councilmember Mooney and a second by Councilmember Brick, the City Council voted five (5) for and none (0) opposed, to go forward with the staff recommendation for segment A. The motion carried unanimously.

**MOTION:** Upon a motion made by Councilmember Brick and a second by Councilmember Mooney, the City Council voted five (5) for and none (0) opposed, to charge staff to work with the HOA and homeowners to grant an easement to the City for a footpath for an alternative green path. The motion carried unanimously.

**MOTION:** Upon a motion made by Mayor Berry and a second by Councilmember Mooney, the City Council voted five (5) for and none (0) opposed, to go forward with the staff recommendation for segments B and C. The motion carried unanimously.

**2. Presentation, possible action, and discussion on a report related to the Conference Center provided by Hawkins Architecture under Professional Service Contract 12-232.**

Chuck Gilman, Director of Capital Projects, presented the Facility Evaluation Report and Proposed Renovations for the Conference Center and Annex. Staff will return with recommendations at a later date.

No action was taken.

**3. Presentation, possible action, and discussion on Ordinance 2012-3433, ordering a General and Special Election to be held on November 6, 2012 for the purpose of electing a City Council Member, Place 4, a City Council Member, Place 6, and to submit proposed amendments to the City Charter to the voters; establishing early voting locations and polling places for this election; and making provisions for conducting the election. (Presentacion, posible acción y discusión acerca de ordenanza 2012-3433, que ordene Elecciones Generales y Especiales a celebrarse el 6 de noviembre de 2012 con el propósito de elegir un Miembro del Consejo de la Ciudad, Puesto Numero 4, un Miembro del Consejo de la Ciudad, Puesto Numero 6, y para presentarles a los votantes las enmiendas propuestas a los Estatutos de la Ciudad; estableciendo los sitios de votaciones anticipadas y los centros de votaciones para estas elecciones; y elaborando las provisiones para llevar a cabo las elecciones.)**

**MOTION:** Upon a motion made by Councilmember Lyles and a second by Councilmember Mooney, the City Council voted five (5) for and none (0) opposed, to adopt Ordinance 2012-3433, ordering a General and Special Election to be held on November 6, 2012 for the purpose of electing a City Council Member, Place 4, a City Council Member, Place 6, and to submit proposed amendments to the City Charter to the voters; establishing early voting locations and polling places for this election; and making provisions for conducting the election. The motion carried unanimously.

**4. Public Hearing, presentation, possible action, and discussion regarding Ordinance 2012-3434, amending Chapter 12, "Unified Development Ordinance", Section 8.7, Appendix I**

**"Park Land Dedication and Development Fees" of the Code of Ordinance of the City of College Station, Texas.**

At approximately 9:05 p.m., Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 9:05 p.m.

**MOTION:** Upon a motion made by Councilmember Mooney and a second by Councilmember Brick, the City Council voted five (5) for and none (0) opposed, to adopt Ordinance 2012-3434, amending Chapter 12, "Unified Development Ordinance", Section 8.7, Appendix I "Park Land Dedication and Development Fees" of the Code of Ordinance of the City of College Station, Texas. The motion carried unanimously.

**5. Public Hearing, presentation, possible action, and discussion regarding Ordinance 2012-3435, amending Chapter 12, "Unified Development Ordinance", Section 8.2.K "Sidewalks" of the Code of Ordinance of the City of College Station, Texas.**

At approximately 9:29 p.m., Mayor Berry opened the Public Hearing.

Sherry Ellison, 2705 Brookway Drive, spoke in support of the staff's recommendations. She reported that her subdivision, Windwood, has ten cul-de-sac and a couple of long. Because of the hours they work, some neighbors walk in the dark, and they talk about it not being real safe walking in the street. In the evening, neighbors walk their dogs at 11:30 at night. Others walk for rehabilitation purposes. It doesn't matter what side of the street the sidewalk is on, you need a sidewalk. It is important to have sidewalks on both sides. They also need more than four feet in width.

Scott Shafer, 117 Pershing, expressed his support for the staff recommendations wholeheartedly. Personally, he would like to see them stay the same, but staff did well in not backing off too much. Sidewalks will help people be more active, and a good solid multi-modal method of transportation is needed for that. A five foot is absolutely necessary. ADA requirements says that at some basic level, sidewalks have to have that width. It is not worth it to give up that foot and lose useable space. These are the things that encourage people to come to the community.

There being no further comments, the Public Hearing was closed at 9:36 p.m.

**MOTION:** Upon a motion made by Councilmember Lyles and a second by Councilmember Brick, the City Council voted five (5) for and none (0) opposed, to adopt Ordinance 2012-3435, amending Chapter 12, "Unified Development Ordinance", Section 8.2.K "Sidewalks" of the Code of Ordinance of the City of College Station, Texas. The motion carried unanimously.

**6. Public Hearing, presentation, possible action, and discussion approving Ordinance 2012-3436, vacating and abandoning a 995.6 square foot, 5-foot wide public utility easement, which is located on Lots 9, 10 & 11 of Block 3 of the Redmond Terrace, First Installment Subdivision, according to the plat recorded in Volume 188, Page 295 of the Deed Records of Brazos County, Texas.**

At approximately 9:54 p.m., Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 9:54 p.m.

**MOTION:** Upon a motion made by Councilmember Mooney and a second by Councilmember Schultz, the City Council voted five (5) for and none (0) opposed, to adopt Ordinance 2012-3436, vacating and abandoning a 995.6 square foot, 5-foot wide public utility easement, which is located on Lots 9, 10 & 11 of Block 3 of the Redmond Terrace, First Installment Subdivision, according to the plat recorded in Volume 188, Page 295 of the Deed Records of Brazos County, Texas. The motion carried unanimously.

**7. Presentation, possible action, and discussion regarding a report from the City Council Ad Hoc Committee for Compensation and Benefits.**

Jeff Kersten, Executive Director of Fiscal Services, presented the report and committee recommendations to the City Council.

No action was taken.

**8. Adjournment.**

**MOTION:** There being no further business, Mayor Berry adjourned the Regular Meeting of the City Council at 10:14 p.m. on Thursday, August 9, 2012.

  
Nancy Berry, Mayor

ATTEST:

  
Sherry Mashburn, City Secretary

RESOLUTION NO. 08-09-12-2C

**A RESOLUTION OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING THE PROGRAM YEAR 2012 ACTION PLAN AND BUDGET ALLOCATING COMMUNITY DEVELOPMENT BLOCK GRANT (CDBG) AND HOME INVESTMENT PARTNERSHIP (HOME) PROGRAM FUNDS.**

**WHEREAS**, the City of College Station is entitled to receive \$978,155 in Community Development Block Grant (CDBG) funds and \$408,875 in Home Investment Partnership Program (HOME) funds from the United States Department of Housing and Urban Development (HUD) in fiscal year 2013 and has prepared a Program Year 2012 Action Plan and Community Development Budget as required to secure these funds; and

**WHEREAS**, the City of College Station, Texas, has a Five-Year Consolidated Plan that has been approved by both HUD and the City that guides the development of each year's Action Plan and Budget; and

**WHEREAS**, the City of College Station, Texas, has an established Community Development Program under Chapter 373 of the Texas Local Government Code that (1) identifies areas of the City with concentrations of low and moderate income persons; (2) establishes areas in which program activities are proposed; (3) provides a plan under which citizens may publicly comment on activities; and (4) requires public hearings on program activities; and

**WHEREAS**, the City of College Station has provided adequate information to the citizens and an opportunity to participate in the development of the City's Program Year 2012 Action Plan and Community Development Budget; and

**WHEREAS**, the City Council acknowledges that the adoption of the Program Year 2012 Action Plan and Community Development Budget is in the best interest of the City and is for the purpose of securing additional community development resources for the primary benefit of low and moderate income citizens; now, therefore,

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

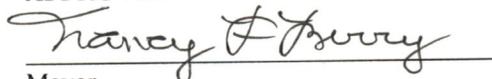
**PART 1:** That the City Council hereby approves the Program Year 2012 Action Plan and Community Development Budget which serves as the City's application to HUD for CDBG and HOME funds;

**PART 2:** That the City Council hereby authorizes and designates the Executive Director of Planning and Development Services to sign all required applications, certifications, evaluations and other forms required by HUD for the Program Year 2012 Action Plan and Community Development Budget on behalf of the City of College Station.

**PART 3:** That this resolution shall take effect immediately from and after its passage.

ADOPTED this 9<sup>th</sup> day of August, 2012

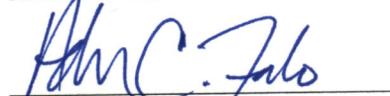
APPROVED

  
\_\_\_\_\_  
Mayor

ATTEST:

  
\_\_\_\_\_  
City Secretary

APPROVED:

  
\_\_\_\_\_  
City Attorney

RESOLUTION NO. 08-09-12-2d

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING A CONSTRUCTION CONTRACT FOR THE WOLF PEN CREEK EROSION CONTROL PROJECT AND AUTHORIZING THE EXPENDITURE OF FUNDS.**

**WHEREAS**, the City of College Station, Texas, solicited bids for the construction phase of the Wolf Pen Creek Erosion Control Project; and

**WHEREAS**, the selection of Dudley Construction, Ltd. is being recommended as the lowest responsible bidder for the construction services related to the Wolf Pen Creek Erosion Control 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 Dudley Construction, Ltd. as the lowest responsible bidder.

**PART 2:** That the City Council hereby approves the construction contract with Dudley Construction, Ltd. for \$194,298.40 for the labor, materials, and equipment required for the improvements related the Wolf Pen Creek Erosion Control Project.

**PART 3:** That the funding for this construction contract will be budgeted from the Drainage Utility Fund in the amount of \$194,298.40.

**PART 4:** That the City Council hereby authorizes the City Manager to execute the construction contract.

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

ADOPTED this 9<sup>th</sup> day of August, 2012.

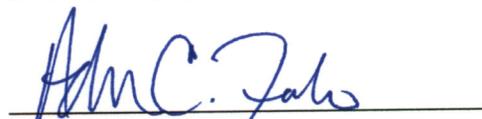
**ATTEST:**

  
City Secretary

**APPROVED:**

  
Mayor

**APPROVED:**

  
City Attorney



**College Station City Council Workshop Agenda**  
**Sign In Sheet**  
 Thursday, August 9, 2012 at 5:00 p.m.  
 City Hall Council Chamber

**Mayor**  
 Nancy Berry  
**Mayor Pro Tem**  
 David Ruessink  
**City Manager**  
 David Neeley

**Council Members**  
 Blanche Brick  
 Jess Fields  
 Karl Mooney  
 Katy-Marie Lyles  
 Julie Schultz

	Name	Address	Email or Phone No.
1.	Sherry Ellison	2705 Brookaway Dr	elison@tkyber.com
2.	Sarah Sengay	3915 Puffin Way	737-3842
3.	MIKE TERI GERST	3923 Hawk Owl Cove	tgerst@suddenlink.net
4.	Kay McCulloch	3910 Puffin Way	kaymcculloch@verizon.net
5.	Skip & Melanie Landis	3925 Hawk Owl Cir.	slandis@cvm.tamu.edu
6.	Ned C Bauman	1734 Apple Martin Cove	575-8741
7.	Carrol Blaycamp	300 Lee Ave.	
8.	Carmen O'Neal	3917 Hawk Owl Cove	219-4309
9.	Steve O'Neal	" "	" "
10.	LAUREN HOUTMAN		FOX UP
11.	Jerry & Ann Steady	1720 Starling Bl.	agsteady@verizon.net
12.	Alan Wortman	406 Walton Dr.	
13.	John Wortman	406 WALTON DR.	
14.	FRANK COX	1728 STARLING DR	fzcox@suddenlink.net
15.	LINDA HARVELL	504 GUEENSEY	fortli@aol.com

\*\*\*Note this not a Hear Visitors form\*\*\* To speak on a particular item please file out the Citizen  
 Speakers Form next to sign in sheet.



**College Station City Council Workshop Agenda**  
**Sign In Sheet**  
**Thursday, August 9, 2012 at 5:00 p.m.**  
**City Hall Council Chamber**

<b>Mayor</b>	Nancy Berry	<b>Council Members</b>	Blanche Brick
<b>Mayor Pro Tem</b>	David Ruessink		Jess Fields
<b>City Manager</b>	David Neeley		Karl Mooney
			Katy-Marie Lyles
			Julie Schultz

	Name	Address	Email or Phone No.
1.	David Stokes	5741 Paint Trail CS, TX 77845	davidstokes71@latemail.com
2.	Libby Vostano	2780 Cloisters Dr CS 77845	lvostano@hotmail.com
3.	MELVIN LANGG	4409 CRAYKE PL CS 77845	CMLANGG2@YAHOO.COM
4.	THOMAS GESSNER	3236 INNSBRUCK CIRCLE, CS 77845	TGESSNER@GFSSENEENGINEERING.COM
5.	Patrick Mahoney	1709 Cardinal Ln 77845	KPatrickMahoney@gmail.com
6.	John Nichols	1317 Angelina 77784	—
7.	Bill Blauvelt	3930 Hawkowl 77845	
8.	Jerry Cooper	602 Bell	
9.	Kathleen Brick		
10.	Scott Stafer	117 Fersting Ave	
11.			
12.			
13.			
14.			
15.			

\*\*\*Note this not a Hear Visitors form\*\*\* To speak on a particular item please file out the Citizen Speakers Form next to sign in sheet.



CITY OF COLLEGE STATION  
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# PUBLIC HEARING SIGN-UP FORM

Regular Meeting Date: 8-9-12  
MM / DD / YY

**\*\* Please PRINT all information \*\***

Name: LINDA HARVELL Phone: 703-5305

Address: 504 GUERNSEY

Email: fortli@aol.com Comments:  WRITTEN  ORAL

Comments will be presented for PUBLIC HEARING AGENDA ITEM # \_\_\_\_\_

## FOR WRITTEN COMMENTS, PLEASE WRITE BELOW:

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COMMENTS CONTINUED ON ATTACHED DOCUMENT OF \_\_\_\_\_ PAGE(S)

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City Secretary's Office – City Hall  
1101 Texas Avenue, College Station, Texas 77840  
Fax: 979-764-6377  
Email: [smashburn@cstx.gov](mailto:smashburn@cstx.gov)

OFFICE USE ONLY:  
(# in which received)

1



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# CITIZEN COMMENT SIGN-UP FORM

Regular Meeting Date: 08-09-12  
MM / DD / YY

**\*\* Please PRINT all information \*\***

Name: Libby Vastano Phone: 690-8348

Address: 2756 Cloisters Dr - CS 77845

Email: lvastano@hotmail.com Comments:  WRITTEN  ORAL

Comments are presented for:  HEAR VISITORS  AGENDA ITEM # \_\_\_\_\_

## FOR WRITTEN COMMENTS, PLEASE WRITE BELOW:

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2

Please read & sign if you wish -

College Station Parks and Recreation has for many years supported water aerobics classes. In the last few years, however, support for the classes has decreased. This year the Hallaran pool didn't open until May and now we have learned that it will close on September 16.

The Natatorium may be open for the nine months that the Hallaran pool will be closed, however, from the time that the pool temperatures at the Natatorium were decreased, attendance for the water aerobic classes dropped drastically. Many of us who are in water aerobics are there because of a physical condition that makes other forms of exercise difficult or unwise. The temperature of the water in the Natatorium is simply too low for our joints and muscles.

For the last two years, the Med has allowed us to use their pool. We have had volunteer instructors. However, the pool is quite small - it's simply not large enough to handle the numbers who would like to be in water aerobics.

The Bryan Aquatic Center does have a pool that is available year round. It is heated during cool and cold weather. However, we would like to have water aerobic facilities available to us in our own town. College Station has long been known for the excellence of all its parks and recreation programs. At a time when we have more and more senior citizens moving to our area because of all that is offered here, it seems sad to be cutting back on those offerings.

We would like to see the Hallaran pool kept open this fall until the approximate time when it would be necessary to provide supplemental heat for it. We would also like to see if a plan could be formulated so that in future years, College Station could offer a year-round program for both water aerobics and lap swimming.

Thank you.

R. Almond (on favor)  
B. Trout  
Deane Ellis  
Ann Brown  
Mary Handlin  
Ernestine Arlla  
Jan Hunter  
Eunice B. Sosa  
Mary Maynard

Julene Caudia  
Lynn Thurston  
Vinnie Uoye  
June Huff  
Joe Donalds  
Becky Burch  
Molly Heclust  
Jedell Hamlin  
Carol Tatum  
Gene Lee

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Thank you.

Patricia G. Buck  
Dean Chester

24 signs

Debra Mullet

Anne Luedycka

Kibby Votaw



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# CITIZEN COMMENT SIGN-UP FORM

Regular Meeting Date: \_\_\_\_\_  
MM / DD / YY

**\*\* Please PRINT all information \*\***

Name: Jerry Cooper Phone: 696-3867

Address: 602 Bell C.S.

Email: cooperj@cellum.org Comments:  WRITTEN  ORAL

Comments are presented for:  HEAR VISITORS  AGENDA ITEM # \_\_\_\_\_

**FOR WRITTEN COMMENTS, PLEASE WRITE BELOW:**

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# PUBLIC HEARING SIGN-UP FORM

Regular Meeting Date: 8/9/12  
MM / DD / YY

**\*\* Please PRINT all information \*\***

Name: Gary In Phone: 690-7870 7870

Address: 3943 Blue Jay CT CS TX 77845

Email: \_\_\_\_\_ Comments:  WRITTEN  ORAL

Comments will be presented for PUBLIC HEARING AGENDA ITEM # 1

## FOR WRITTEN COMMENTS, PLEASE WRITE BELOW:

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## SHOA President's Comments to College Station City Council

August 9, 2012

Thank you, Mayor and Council, for this time. My name is Gary Ives, President of the SpringBrook Homeowner's Association, and I live at 3943 Blue Jay Court, College Station.

When Noel Bauman and I were elected to the Board two years ago, it was with the almost certain knowledge that the issue of the Lick Creek Greenway Trail would come to the fore during our service. Our core commitment was to bring the question to our Membership for a vote after providing our homeowners with "...objective, relevant, factual and complete information on any issues related to the Lick Creek common area." (Quote taken from the Board charge to the Lick Creek Committee, see attached.) To that end, we established an advisory committee composed of two co-chairs and six members. We thus seated an 8 member advisory committee, with equal representation comprised of the strongest voices in the community on each side of the question.

From January 2011 until the membership balloting in April, the committee met over a dozen times, either as a committee, as participating guests of Board meetings, or meetings with the City. The culmination of our work was the **Information Packet and Ballot Information** that we mailed out to membership, and which I shared with you several weeks ago.

In my cover letter to the packet (see attached), I stated in part:

"The information you will find enclosed is the product of over a year of dedicated work by the members of the SHOA Lick Creek Committee and the SHOA Board. We now turn to you to decide the question of whether the Lick Creek Greenway Trail will go through our greenbelt along Lick Creek, or whether it will go along our neighborhood streets."

The information packet was received by membership on Monday, April 2, marking the beginning of the balloting period. That evening, the Board hosted an informational meeting for membership, which was attended by Council members Brick and Ruesink. In my address to the membership that evening, I stated in part:

"The Board has often heard me say, by email or in meeting, remember, these are our neighbors. As we open the floor to your questions and to your comments, I would ask you to please remember, these are our neighbors. Please be respectful of their concerns. Please be civil in the expression of your own. In the end, please vote. Vote your own self-interest...there's nothing wrong with that. Vote what you believe to be in the best interests of the neighborhood. The two are not mutually exclusive. But in any case, vote. We need to have this question settled and to move on. I believe the long-term health of community in our neighborhood is at stake."

People indeed voted. We had 86.7% of our membership vote, a rare level of participation for an HOA. 58.8% voted for the route through the greenbelt, while 41.2% voted for the street route, a margin of 17.6%, which would be considered a landslide in any other contested election.

Since word came to us on Monday of the City Staff's recommendation to use a street route through our neighborhood, I have received a number of comments from homeowners which I'd like to share.

One states in part:

"Although I do feel for those opposed to the trail, I support it for 2 reasons. The primary one for me is that College Station is extremely lacking in off-road bike trails." ... "Biking was a fun activity when I was a kid but between Eagle and Longmire, there is no place for my kids to go safely." ... "We are also one of the few neighborhoods where there is no park within a safe walking distance." ... "A nice bike trail would help make up for that."

From a creek-backer:

"Our lot...backs up to the creek. We are IN FAVOR of the trail. I think there are many others who back up to the creek who are indifferent to it or in favor of it. Yet we are often grouped with "those residents whose yards back up to the creek and are opposed to the trail."

Another states:

"I'm just a little frustrated that the minority seems to be getting their way regardless of the outcome of the vote."

Another even more bluntly:

"Gary, This is what is wrong with this country. Don't get what you want, just SCREAM a little louder."

And another:

"In the statement that is being prepared, I do hope that the subject of multiple accidents at the intersection of Eagle/Longmire be brought up."

Another:

"I was sick when I heard the news yesterday... ."

And another:

"...one additional thought is that on the media they [the City] keep saying that they don't want to upset our neighborhood. Well not going through the creek will upset many times more people than the 11 or so."

One more:

“They lost! We held a very fair, open and democratic process to try and resolve this issue and they lost. Then they trashed our president and sued. Then they lost again”

And finally:

“...they [the City] are choosing to dismiss all the hard work of the neighborhood and bow to the whims of a special interest minority. They are knowingly giving up their "preferred" solution... . They are also knowingly disenfranchising the HOA neighbors who voted to do what was best for College Station as a whole.”

Tonight you will be voting. It seems to me that you are faced with Solomon's choice. The SHOA Board remains committed to be faithful to the mandate of a majority of our membership for a trail route through the Lick Creek drainage area. Simultaneously, we remain just as committed to advocate for those who may be adversely affected. To hold any other position would, in my view, be the highest ethical violation this Board, or I, could commit.



## Lick Creek Committee

### Board Charge to the Committee

#### Background:

The Lick Creek Common Area presents the most significant challenge to the SHOA Board and Membership due to ever-present concerns such as, but not limited to, the following: safety, flood protection, liability cost of maintenance, preservation of the natural surroundings, and the possible role (if any) of the City in the future management of the area.

To better understand these issues, the SHOA board believes it is critical that an **advisory** Committee be formed to gather objective, relevant, factual, and complete information on any issues related to the Lick Creek common area. The Board will use the information provided to update the entire Membership and gather consensus, as needed.

The Board also believes that the mission of this Committee would be impossible to meet if it is dominated by either those who live next to the creek (about 25% of the membership), or those that live away from the creek (about 75% of the membership). Thus, a balanced Committee, with equal representation from both constituencies, is considered vital to its success.

#### Committee Makeup:

- The Committee shall consist of 2 Co-chairs (1 Creek homeowner and 1 Non-Creek homeowner), who will organize and plan all Committee meetings, and provide reports and meeting minutes to the Board.
- Each Co-Chair shall nominate three SHOA members, in good standing, to establish and maintain the Committee's voting membership.
- The Committee membership shall be limited to 8 voting members, including the Co-Chairs. However, other Members can participate in Committee activities as needed.
- The SHOA Vice-President shall be Board Liaison to the Committee, and shall be a non-voting participant.

#### The Lick Creek Committee shall:

- Identify, organize, prioritize, research, and discuss issues related the SHOA Lick Creek corridor.
- Hold frequent (e.g. quarterly) meetings to discuss creek issues and possible solutions and/or alternatives, record and maintain meeting minutes, and vote on recommendations to the SHOA Board.
- Plan and organize events (approved by the Board) related to the creek (I.e. maintenance, cleanups, etc.), including use of contractors and proposed budgets, etc.
- Act in the best interest of ALL SHOA members; being sensitive to the needs and concerns of Creek homeowners, while being mindful of the impact of any recommendations on Non-Creek homeowners.

#### Interaction with the City of College Station:

- All meetings with the City must receive prior approval from the SHOA President, so that consideration can be given as to who should be in attendance (I.e. committee/Board members and/or general membership)



March 24, 2012

Dear fellow SpringBrook Homeowner,

The information you will find enclosed is the product of over a year of dedicated work by the members of the SHOA Lick Creek Committee and the SHOA Board. We now turn to you to decide the question of whether the **Lick Creek Greenway Trail** will go through our greenbelt along Lick Creek, or whether it will go along our neighborhood streets. Please give this question fair and considered attention, weighing the long term implications of each against the other for our neighborhood and for our Homeowners Association.

After a thorough review and discussion of all the known issues related to the proposed Lick Creek Hike/Bike Trail project, the SHOA Board has voted unanimously to recommend a vote in favor of:

“Through the Lick Creek drainage area by dedication of the 18 acre property to the City.”

We believe this choice represents the best option for the SHOA membership as a whole, given that it would eliminate the SHOA responsibility for liability and maintenance in the creek Common Area.

Voting is now open, and you will find a green ballot enclosed. Please remember that each household is entitled to only one vote. If multiple ballots are returned from a single household, the first one received will be the one counted.

You may cast your vote in any one of four ways:

1. You may deliver your ballot to, or ask that it be picked up by, either the SHOA President (Gary Ives, 690-7870) or the Secretary (Paige Martin, 690-0930).
2. If you have an email address on file with the SHOA, you will receive an invitation to vote electronically via Survey Monkey, with easy instructions.
3. You may submit your ballot at the Special Board Meeting, Monday evening, 6:30pm, April 2, 2012. At this meeting, we will be presenting a summary of the information, and opening the floor to questions and comments.
4. You may assign your proxy to another SHOA Member, who will cast a vote on your behalf at the Special Board Meeting. The proxy form may be found on the HOA homepage for download, or we'd be happy to deliver a copy to you by request.

Voting will end as of 10:00pm, Wednesday, April 4, 2012. The ballots will be tallied and certified at a Special Board Meeting to be held on Thursday, April 5, 2012. The results will be announced via the SHOA Email List as soon as they are known, and will be announced immediately by letter via USPS to the Membership.

Thank you for your involvement and your attention to this important issue. Again remember, whatever the decision we collectively make, we will each individually live with its outcome for as long as we are SpringBrook Homeowners.

Warm regards,

Gary Ives, President  
SpringBrook Homeowner's Association

\* would like to speak after Gary Ives \*



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# PUBLIC HEARING SIGN-UP FORM

Regular Meeting Date: 08/09/12  
MM / DD / YY

**\*\* Please PRINT all information \*\***

Name: Steven O'Neal Phone: 979-229-8945

Address: 3917 Hawk Owl Cove

Email: onealste@gmail.com Comments:  WRITTEN  ORAL

Comments will be presented for PUBLIC HEARING AGENDA ITEM # 1 *Lick Creek Greenway Trail*

## FOR WRITTEN COMMENTS, PLEASE WRITE BELOW:

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**\*\* Please PRINT all information \*\***

Name: David Poling Phone: (979)595-5474  
 Address: 9226 Shadowcrest Dr  
 Email: david@polinglawfirm.com Comments:  WRITTEN  ORAL  
 Comments will be presented for PUBLIC HEARING AGENDA ITEM # 1

**FOR WRITTEN COMMENTS, PLEASE WRITE BELOW:**

Counsel for group represented by  
Steve O'neal. Available for questions.

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# PUBLIC HEARING SIGN-UP FORM

Regular Meeting Date: 8/9/12  
MM/DD/YY

**\*\* Please PRINT all information \*\***

Name: Sherry Ellison Phone: 696-6793

Address: 2705 Brookway Dr. C.S.

Email: ellison@txuiber.com Comments:  WRITTEN  ORAL

Comments will be presented for PUBLIC HEARING AGENDA ITEM # 5

## FOR WRITTEN COMMENTS, PLEASE WRITE BELOW:

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COMMENTS CONTINUED ON ATTACHED DOCUMENT OF \_\_\_\_\_ PAGE(S)

## FOR ORAL COMMENTS:

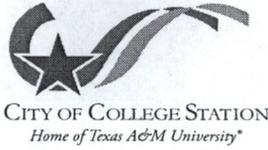
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## Absence Request Form For Elected and Appointed Officers

Name David Ruesink

Request Submitted on 8/23/12

I <sup>was</sup> ~~will~~ not be in attendance at the meeting of 8/9/12 (Date)

for the reason(s) specified:

out of town

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David Ruesink  
Signature

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