



**Council Questions and Staff Responses for Items
on the September 23, 2021, City Council Meeting**

Item 7.11 – Presentation, discussion, and possible action on a funding agreement between the City of College Station and the College Station Noon Lions Club for FY22 in the amount of \$16,500.

Sponsor: Mary Ellen Leonard

Question: Is there anything in the contract that obligates Lions Club to spend the money on the 4th of July celebration specifically?

Response: The funding agreement states the Agency shall provide a local community celebration. In the event that the Agreement is terminated, the Agency agrees to refund any and all unused funds, or funds determined by City to have been used improperly.

Question: Is there a scope of work?

Response: A proposed budget for FY22 activity is provided in Exhibit A. A Summary of the 2020 Activity during COVID is included as Exhibit B.

Item 7.16 – Presentation, discussion, and possible action regarding the approval of a contract with Jaco Roofing & Construction, Inc. for the roof replacement at 2611 Texas Ave. in the amount of \$117,970.

Sponsor: Pete Caler

Question: Which building is having the roof replaced. Is it the ILT High School building or one of the public works maintenance buildings?

Response: This agenda item is for the replacement of the entire roof at the old Police Department building, currently being leased to the International Leadership of Texas Aggieland High School. The lease was approved by Council May 28, 2020, with an initial lease term of August 1, 2020, through September 30, 2023, with an option of two additional one-year renewals. The total value of the lease agreement is \$1,015,579.06.



Item 7.17 – Presentation, discussion, and possible action on the first reading of a ten (10) year franchise agreement with the City of Bryan for retail sale of electricity within the City of College Station as certificated to Bryan by the Public Utility Commission of Texas.

Sponsor: Brian Piscacek

Question: What is the basis for the 5% number? Is this a legacy number or based on a comparable set of some kind?

Response: The first iteration of this agreement included a five percent (5%) franchise fee, and it remains unchanged in this most recent version. Electric, Legal, and CMO staff have been working with City of Bryan and BTU staff over the last year to renew this agreement.

Except for state franchises, such as the cable tv and telecom franchises, local franchises granted by the City are governed under the City's home rule authority and City Charter unless otherwise preempted by state law. The City's Charter in Section 106 provides, among other things, that City Council shall have the right to impose certain conditions on franchises, including, but not limited to, the ability "[t]o require such compensation and rental as may be permitted by the laws of the State of Texas."

The Charter does not specify a certain percentage that must be charged, and apart from certain state franchises, neither does state statute. The City has historically charged a 5% franchise fee for most City-granted franchises, including franchises with Atmos, various waste/medical waste/roll-off container haulers, and BTU. Council may take action to adjust up or down the franchise fee in granting future franchises.