



CITY OF COLLEGE STATION

*College Station, Traditional Values,
Progressive Thinking in the Research Valley*

Mayor
Ron Silvia
Mayor Pro Tempore
Dennis Maloney
City Manager
Thomas E. Brymer

City Council
James Massey
John Happ
Robert Wareing
Susan Lancaster
Nancy Berry

Draft Minutes
College Station City Council
Workshop and Regular Meeting
Thursday, January 13, 2005 at 2:00 p.m. and 7:00 p.m.
City Hall Council Chambers, 1101 Texas Avenue
College Station, Texas

COUNCIL MEMBERS PRESENT: Mayor Silvia, Mayor Pro Tem Maloney, Massey, Happ, Wareing, Lancaster, Berry

STAFF PRESENT: City Manager Brymer, Assistant City Manager Brown, City Attorney Cargill Jr., City Secretary Hooks, Assistant City Secretary Casares

Mayor Pro Tem Maloney called the meeting to order at 2:02 p.m.

Workshop Agenda Item No. 1 -- Discussion of consent agenda items listed for Regular Council Meeting.

14.2 – Presentation, discussion and possible action on the purchase of seven (7) police motorcycles for a total amount of \$103,565.00.

Purchasing Services Manager Cheryl Turney remarked that Russ Welch Harley-Davidson sold their business one day before the scheduled bid opening. Staff was in the process of obtaining the necessary paperwork to get the new owners (Independence Harley-Davidson) to accept the bid obligations of Russ Welch. Independence Harley-Davidson discovered a material mistake in the bid submitted by Russ Welch and has since respectfully requested that they be allowed to withdraw their bid. Staff recommended the next low bidder, Renegade Harley-Davidson's, in the purchase amount of \$121,800.00.

Council member Berry moved to accept staff recommendations for the purchase of seven motorcycles awarded the bid to Renegade Harley-Davidson's using the two year buy-back option. Mayor Pro Tem Maloney seconded the motion, which carried unanimously, 6-0.

FOR: Maloney Massey, Happ, Wareing, Lancaster, Berry

AGAINST: None

ABSENT: Mayor

14.10 – Discussion and possible action on the purchase of one (1) Track-type Tractor for use by the Brazos Valley Solid Waste Management Agency at the Rock Prairie Road Landfill in the amount not to exceed \$224,215.00.

Sanitary Landfill Manager, Samantha Best described the difference of equipment between Consent Agenda Items 12.10 and 12.12.

14.13 – Presentation, discussion and possible action on consideration of an ordinance amending Chapter 10, “Traffic Code,” Section 4E(3)(b) of the Code of Ordinances of the City of College Station prohibiting parking on a section of South Dexter Street as part of the South Side Traffic Calming Project.

City Manager Brymer explained Council will receive an update on this item during the workshop meeting.

Workshop Agenda Item No. 2 -- Presentation, discussion and possible action by City Council on staff recommendations for implementation of a rental registration program for duplex and single family rentals.

Fire Marshal Eric Hurt remarked that the proposed City of College Station Rental Registration Program is designed to allow the City of College Station the ability to serve the citizens in a timely manner. The purpose of the program can be broken down into three key elements:

- Provide a local contact for single family and duplex rental properties.
- Code Enforcement issues can be resolved in a timely manner by developing a database of rental properties and their owners.
- Provide a database of owners of rental properties to assist Fire and Police crews with the ability to make quick contact with the property owner if the property is damaged by fire, man made or natural disasters, burglaries or other crimes.

The proposed program would require each owner of rented single family and duplex residential property to annually register the property with the City of College Station Fire Department Community Enhancement Division. The City will be divided into twelve sections with each section required to register during a certain month. The information required to register the property will be as follows:

- Address of the rental property.
- Owner and contact information for the owner.
- Type of property such as single family or duplex.
- Local contact person with contact information. In the case of an absentee owner. Local contact must reside in Brazos County.

Mr. Hurt noted that staff is making a change to the Local contact information. In the case of an absentee owner, local contact must reside within 30 minutes drive time of College Station

First time property registrations will be charged \$25.00 for initial registration fee. Each year thereafter the property owner will be charged \$15.00 annually. The second year of the rental registration program, the property owners will be mailed a rental registration form for each rental property they have registered annually along with an invoice for the total owed to the city for the registration.

The estimated program costs are:

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- First Year \$83,599
- Second Year \$66,239

Staff recommended Council's direction in preparing an ordinance requiring registration of single family and duplex rental units beginning October 2005, charge a registration fee of \$25.00 for each rental property owned and requires a local contact for absentee owners of rental property.

After a series of specific questions were asked, Council member Massey moved to approve staff recommendations for implementation of a rental registration program for duplex and single family rentals. Mayor Pro Tem Maloney seconded the motion, motion failed by a vote of 2-3.

Council member Happ abstained from the vote.

FOR: Maloney, Massey

AGAINST: Wareing, Lancaster Berry

ABSTAINED: Happ

Mayor Pro Tem Maloney moved to approve staff recommendations for the implementation of a rental registration program for duplex and single family rental units beginning October 2005, remove the fee for the registration for each rental property owned and require a local contact for absentee owners of rental property. Council member Wareing seconded the motion, which carried by a vote of 4-1-1.

FOR: Maloney, Lancaster, Wareing, Berry

AGAINST: Massey

ABSTAINED: Happ

ABSENT: Silvia

Workshop Agenda Item No. 3 -- Presentation, discussion and possible action regarding the proposed draft agenda for the Brazos Valley Transportation Summit in March and TEA-21 reauthorization project evaluation criteria form for earmarked projects.

Assistant City Manager Glenn Brown, Manager of Special Projects and Legal Affairs Don Fazzino and Transportation Planner Ken Fogle presented an overview of the proposed draft agenda for the Brazos Valley Transportation Summit which is scheduled for March 23-24, 2005. Also, the Council Transportation Committee requested consideration and authorization by the City Council to submit the FM 60 (University Drive East) Project and the SH 6 at Barron Road Interchange Project for consideration by the U.S. House Committee on Transportation and Infrastructure.

Council concurred with the draft agenda for the Brazos Valley Transportation Summit.

Stan Lynch, with Dean International, described the process to resubmit the FM 60 (University Drive East) Project and the SH 6 at Barron Road Interchange Project for consideration by the U.S. House Committee on Transportation and Infrastructure. Mr. Lynch requested direction from the City Council whether the City should continue seeking earmarks for either projects or only one of the projects.

Council directed Mr. Lynch to resubmit the FM 60 (University Drive East) Project and the SH 6 at Barron Road Interchange Project for consideration by the U.S. House Committee on Transportation and Infrastructure.

Council recessed at 3:10 p.m. for a short break and returned to the workshop meeting at 3:20 p.m.

Workshop Agenda Item No. 4 -- Presentation, discussion and possible action on revisions to the annual citizen survey.

Finance and Strategic Planning Director Jeff Kersten remarked that each year from 1997 to 2004 the City has conducted a citizen survey. The purpose of the survey was to gather information on citizen satisfaction with various city services, and to determine overall levels of satisfaction with the City of College Station. The survey is an important part of the City's performance measure system currently in place. It is one mechanism used to show satisfaction with services provided by the city. Many of the performance measures use citizens and customer satisfaction levels to determine the success of programs, and this survey provides the results for these measures.

The areas included in the citizen survey are public safety, streets and transportation, parks and recreation, information services including the library, internet, and television, sanitation, and electric and water services

The survey was not conducted in 2004 in order to provide an opportunity to review the survey and consider ways to improve it.

The following are the proposed changes recommended to the citizen survey:

1. Conduct a citizen satisfaction survey every other year.
2. Conduct a more detailed survey on specific areas the year when the citizen satisfaction survey is not conducted. The more detailed survey could focus on transportation issues, public safety issues, parks and recreation issues, and other areas. Council concurred with staff changes to the citizen survey.

Mayor Silvia arrived at the workshop meeting at 3:25 p.m.

Workshop Agenda Item – Presentation, discussion and possible action regarding allocating \$50,000 to the Research Valley Partnership for Easterwood Airport to support regional jet service.

Council member Happ abstained from this item.

City Manager Brymer noted that this item was to begin the process to allocate funding for equipment for Easterwood Airport. He introduced Mr. Roland Mower, President and CEO of the Research Valley Partnership.

Mr. Mower remarked that the Research Valley Partnership has an interest in commercial air transportation for this region. He described the air service study for this region, in particular the areas of concern noted below:

- Regional demand for service
- To better understand leakage
- Look at other air services potential for the future.

Mr. Mower solicited the City of College Station to allocate \$50,000 to the Research Valley Partnership for Easterwood Airport to support regional jet services.

Mayor Pro Tem Maloney moved to approve allocating \$50,000 to the Research Valley Partnership to support regional jet services at the Easterwood Airport. Council member Berry seconded the motion, which carried unanimously, 6-0.

FOR: Silvia, Maloney, Massey, Wareing, Lancaster, Berry

AGAINST: None

ABSTAINED: Happ

Workshop Agenda Item No. 5 -- Presentation, discussion and possible action on the Stewardship Enhancement Plan.

Finance and Strategic Planning Director Jeff Kersten remarked that staff has prepared a Stewardship Enhancement Plan that is designed to outline areas to prevent, mitigate, and reduce fraud in the organization. In the management letter for the Fiscal Year 2003 audit, the City's external auditors recommended that the City develop a heightened fraud awareness" and an appropriate fraud risk management program, with oversight from the City Council". The document complies with the recommendation and communicates the steps the City has already taken to prevent, deter, and detect fraud.

Council member Happ moved to approve the Stewardship Enhancement Plan. Council member Berry seconded the motion, which carried unanimously, 7-0.

FOR: Silvia, Maloney, Massey, Happ, Wareing, Lancaster, Berry

AGAINST: None

Workshop Agenda Item No. 6 -- Presentation, discussion and possible action on the Southside Traffic Calming Project.

Public Works Director Mark Smith and Assistant City Engineer Troy Rother described the Southside Traffic Calming Project.

Mr. Rother described the purpose, use, specification and location of the Southside Traffic Calming Project.

Mr. Rother pointed out that the no-parking ordinance on the consent agenda, if approved, would prohibit parking on both sides of South Dexter Street north of its intersection with Thomas Street. On the east side of South Dexter, the "No Parking Zone" begins 200 feet north of the

intersection of South Dexter Street and Thomas Street and extends north 150 feet. On the west side of South Dexter Street, the “No Parking Zone” begins at the intersection with Thomas Street and extends north 250 feet.

The proposed “No Parking Zones” will prohibit motorists from parking near the newly constructed medians on South Dexter Street. Vehicles parking near these medians create hazards for motorists to navigate around and restrict the ability of motorists to see approaching vehicles, pedestrians or other obstacles.

No formal action was taken.

Council recessed at 4:25 p.m. for a short break and returned to the workshop meeting at 4:45 p.m.

Workshop Agenda Item No. 7 -- Discussion and possible action 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 member Happ requested a workshop session on the proposed Hotel/Conference Center.

Workshop Agenda Item No. 8 -- Council Calendars

Agenda Planning Calendar

2005 Council Meeting Calendar

January 10 Intergovernmental Committee Meeting – noon, City of Bryan Municipal Bldg., Rm 305

January 11 Neighborhood Services Recognition Dinner – Pebble Creek Country Club – 6:00 p.m. to 8:30 p.m.

January 18 Chamber of Commerce Meeting – 8:00 a.m.

January 18 Chancellor McTeer Dinner – Hilton – 6:00 to 9:00 p.m.

January 19 Research Valley Partnership – 3:00 p.m., Chamber

January 19 Economic Outlook Conference 7:45 a.m. – 1:30 p.m., Chamber

January 31 Police Chief Ed Feldman Retirement Reception

February 3 or 4 Council Retreat (date to be decided)

February 12, 13 AMCC Conference – Austin

February 14 TML Legislative Briefing – Austin

February 15 Chamber of Commerce Meeting 8:00 a.m.

February 16 Research Valley Partnership – 3:00 p.m.

February 18 Fire Department Recognition Banquet – Pebble Creek – 6:00 p.m.

February 21 Intergovernmental Meeting - noon

Workshop Agenda Item 9 -- Discussion, review and possible action regarding the following meetings: Brazos County Health Department, Brazos Animal Shelter, Brazos Valley Council of Governments, Cemetery committee, City Center, Design Review Board, Façade Improvement Program Advisory Committee, Fraternal Partnership, Historic Preservation committee, Intergovernmental committee and School District, Joint Relief Funding Review Committee, Library Committee, Metropolitan Planning Organization, Parks and Recreation Board, Planning and Zoning Commission, Sister City Association, TAMU Student Senate, The Research Valley Partnership, Transportation Committee, Wolf Pen Creek Oversight Committee, Zoning Board of Adjustments, (see attached posted notices for subject matters).

Council member Happ presented highlights of the Transportation Committee meeting. Council member Massey announced that the Texas A&M Student Senate will meet on February 9, 2005 at 7:00 p.m.

Workshop Agenda Item No. 10 - Executive Session

At 5:09 p.m., Mayor Silvia announced in open session that the City Council would convene into executive session pursuant to Sections 551.071, 551.072, 551.074 and 551.086 of the open meetings act, to seek the advice of our attorney, to consider the purchase of real property, the appointment and evaluation of public officer and competitive matters.

Consultation with Attorney (Gov't Code Section 551.071)

TCEQ Docket No. 2002-1147-UCR; Applications of Brushy Water Supply and College Station (Westside/Highway 60)

TCEQ Docket No. 2003-0544MWD; Application of Nantucket, Ltd.

TXU Lone Star Gas Rate Request.

Cause No. 03-002098-CV-85, Brazos County – College Station v. Wellborn Special Utility District Civil Action No. H-04-1921, U.S. District Court (Houston) – Blue Dolphin, Inc. v. College Station

Cause No. 04-002379-CV-272, Brazos County - JK Development v. College Station

Atmos Energy Corporation – Prudence Review

Atmos Energy Corporation – Gas Reliability Infrastructure Program (GRIP) Rate Adjustment

Real Estate {Gov't Code Section 551.072}; possible action

The City Council may deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. After executive session discussion, any final action or vote taken will be in public. The following subject(s) may be discussed:

Aggie Field of Honor

Property purchase in the vicinity of FM 2818 and Rockhollow Loop in Bryan, Texas for a parallel water transmission line

Personnel {Gov't Code Section 551.074}; possible action

The City Council may deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer. After executive session discussion, any final action or vote taken will be in public. The following public officer(s) may be discussed:

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Council evaluation

Competitive Matters {Gov't Code Section 551.086}; possible action

The City Council may deliberate vote, or take final action on a competitive matter in closed session. The City Council must make a good faith determination, by majority vote of the City Council, that the matter is a Competitive Matter. A "Competitive Matter" is a utility-related matter that the City Council determines is related to the City of College Station's Electric Utility Competitive Activity, including commercial information, which if disclosed would give an advantage to competitors or prospective competitors. The following is a general representation of the subject(s) to be considered as a competitive matter.

Electric Fund – Financial Forecast

Workshop Agenda Item No. 11 - Final action on Executive Session, if necessary.

Council returned from executive session at 6:50 p.m. No action was taken.

Regular Agenda

Mayor Silvia called the regular meeting to order at 7:00 p.m. with all council members present. He led the audience in the pledge of allegiance.

City Manager Brymer introduced the new College Station Police Chief Michael Clancy.

Sergeant Lesley Hicks informed the City Council about the local law enforcement attending the Presidential Inauguration.

Regular Agenda Item No. 13 -- Hear Visitors

Mr. Jim Morgan, 700 South Dexter, addressed the City Council on the Traffic Calming Project on Dexter Street.

Consent Agenda

- 14.1 Approved by common consent the minutes for City Council Workshop and Regular Meeting October 21, 2004 and Special Meeting October 25, 2004.
- 14.2 Bid # 05-26. Approved by common consent the purchase of seven (7) police motorcycles for a total amount of \$103,565.00. Refer to Workshop Agenda Item No. 1 for explanation of second bidder.
- 14.3 Bid #04-11. Approved by common consent the renewal agreement for contract #04-013 traffic marking services to N-Line Traffic Maintenance for an annual expenditure of \$148,016.40.

- 14.4 Contract 05-057. Approved by common consent a three year professional services contract with McCord Engineering, Inc. for \$1,800,000.00 for electrical engineering services.
- 14.5 Bid #5-21. Approved by common consent the award of an annual price agreement for the purchase of tires to Grays Wholesale Tires with annual estimated expenditures of \$68,357.
- 14.6 Approved by common consent a real estate contract, in the amount of \$341,981.00 that will authorize the purchase of real property needed for public utility easements and temporary construction easements in order to develop the Water Transmission Line Project.
- 14.7 Approved by common consent an expenditure of funds with Boise Office Solutions for the purchase of office supplies and equipment by all City Departments. Estimated annual expenditures for office supplies and equipment are \$125,000.
- 14.8 Approved by common consent an Interlocal Agreement with Texas Forest Service to authorize the Texas Forest Service to utilize the City of College Station's existing contract with SWICO Auctions.
- 14.9 Approved by common consent the purchase of wireless data access services, cellular phone services and related equipment from Cingular Wireless LLC available through the State of Texas Department of Information Resources (DIR) contract, estimated annual expenditure of \$70,000.
- 14.10 Approved by common consent the purchase of one (1) Track-Type Tractor for use by the Brazos Valley Solid Waste Management Agency at the Rock Prairie Road Landfill in the amount not to exceed \$224,215.00.
- 14.11 Approved by common consent on the Lease Amendment #1 to the Texas Commercial Waste, Sanitation Container Lease Agreement, increasing the amount for each new eight (8) cubic yard front end loading container by \$4.40 to \$15.40 per unit per month.
- 14.12 Approved by common consent the purchase of one (1) Track Loader for use by the Brazos Valley Solid Waste Management Agency at the Rock Prairie Road Landfill in the amount not to exceed \$311,760.00.
- 14.13 Approved by common consent **Ordinance No. 2777** amending Chapter 10, "Traffic Code," Section 4E(3)(b) of the Code of Ordinances of the City of College Station prohibiting parking on a section of South Dexter Street as part of the South Side Traffic Calming Project.
- 14.14 Approved by common consent **Resolution No. 1-13-2005-14.14** to intervene in the compliance filing Atmos Energy Corporation made with the Railroad Commission on September 24, 2004 regarding a three-year gas cost prudence review.

- 14.15 Approved by common consent **Resolution No. 1-13-2005-14.15** suspending the proposal by Atmos Energy Corp. to implement interim (GRIP) Gas Reliability Infrastructure Program rates adjustments of gas utility investment in 2003; and authorizing intervention in any proceedings related to the proposed rate increase.
- 14.16 Approved by common consent the 2005 City Council Meeting dates.
- 14.17 Approved by common consent the second amendment to the Economic Development Agreement between the City of College Station, the Research Valley Partnership, and STATACORP, LP.
- 14.18 Approved by common consent **Resolution No. 1-13-2005-14.18** of the City Council of the City of College Station, Texas, approving and setting fees for Parks and Recreation Activities.
- 14.19 Approved by common consent **Resolution No. 1-13-2005-14.19** approving a construction contract, Bid #05-24, Contract #05-24, with Liteco Electric, Inc. in the amount of \$494,644.00 for the installation of athletic field lighting for three (3) soccer fields at Central Park and for four (4) soccer fields at Veterans Park and Athletic Complex (VPAC).
- 14.20 Approved by common consent authorization of the City's third party administrator to pay \$93,940.05 to Texas Department of Transportation for Highway 6 bridge damages from the October 8, 2004 accident.
- 14.21 Presentation, discussion and possible action on the award of bid #05-35, an annual price agreement to Brazos Site Works in an amount not to exceed \$252,640.00 for crushed stone to be used at the Rock Prairie Road Landfill.

Regular Agenda

Regular Agenda Item No. 15.1 -- Public hearing, discussion and possible action on an ordinance rezoning a 44.15 acre tract located at the southeast corner of Greens Prairie Road and State Highway 6 from C-1 General Commercial; A-P Administrative-Professional and M-1, Light Industrial to C-1 General Commercial.

Director of the Planning and Development Services Joey Dunn remarked that the applicant is requesting the zoning change to bring the entire parcel into compliance with the Comprehensive Plan, and in support of future development of the parcel. Pebble Creek Elementary School and a single-family residential area are to the east of this parcel, however separated by Lakeway Drive. A traffic calming study is underway to improve congestion and circulation in the vicinity of the school during peak hours.

The Planning and Zoning Commission and staff recommended approval the rezoning request.

Mayor Silvia opened the public hearing.

Jessica Jimmerson spoke in favor of the request.

Mayor Silvia closed the public hearing.

Council member Wareing moved to approve **Ordinance No. 2778** rezoning 44.15 acre tract located at the southeast corner of Greens Prairie Road and State Highway 6 from C-1, General Commercial; A-P, Administrative-Professional and M-1, Light Industrial to C-1, General Commercial. Council member Happ seconded the motion, which carried unanimously, 7-0.

FOR: Silvia, Maloney, Massey, Happ, Wareing, Lancaster, Berry
AGAINST: None

Regular Agenda Item No. 15.2 -- Public hearing, discussion and possible action on a Rezoning consisting of a 13.1 acre tract located at the southwest corner of Pebble Creek Parkway and Royal Adelaide Drive from A-O, Agricultural-Open to PDD, Planned Development District.

Director of the Planning and Development Services Joey Dunn noted that the applicant is requesting the zoning change to PDD, Planned Development District in order to develop a garden style single-family residential development with common areas in a manner that, according to the application, “is sensitive to surrounding land uses and to the natural environment”.

The Planning and Zoning Commission and staff recommended approval of the rezoning request.

Mayor Silvia opened the public hearing.

Jessica Jimmerson, spoke in favor of the request.

Mayor closed the public hearing.

Council member Wareing moved to approve **Ordinance No. 2779** approving 13.1 acre tract located at the southwest corner of Pebble Creek Parkway and Royal Adelaide Drive from A-O, Agricultural-Open to PDD, Planned Development District. Council member Lancaster seconded the motion, which carried unanimously, 7-0.

FOR: Silvia, Maloney, Massey, Happ, Wareing, Lancaster, Berry
AGAINST: None

Regular Agenda Item No. 16 -- The City Council may convene the executive session following the regular meeting to discuss matter posted on the executive session agenda for January 13, 2005.

At 7:30 p.m., Mayor Silvia announced in open session in open session that the City Council would reconvene into executive session pursuant to Sections 551.071, 551.072, 551.074 and 551.086 of the Open Meetings Act, to seek the advice of our attorney, to consider the purchase of real property, the appointment and evaluation of public officer and competitive matters.

Regular Agenda Item No. 17 -- Final action on executive session, if necessary.

Council returned to the regular meeting. No action was taken.

Regular Agenda Item No. 18 – Adjourn.

Hearing no objections, Mayor Silvia adjourned the meeting.

APPROVED:

Mayor Ron Silvia

ATTEST:

City Secretary Connie Hooks