

**DRAFT MINUTES  
COLLEGE STATION CITY COUNCIL  
Regular Meeting  
City Hall Council Chamber s  
Tuesday, December 21, 2004 at 7:00 p.m.**

**COUNCILMEMBERS PRESENT:** Mayor Silvia, Mayor Pro Tem Maloney, Councilmembers Happ, Massey, Berry, Lancaster, Wareing

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

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

**Agenda Item No. 10 -- Presentations**

Mayor Silvia presented a 2004 Achievement of Excellence and Procurement Award to the Purchasing Division staff of the City of College Station.

Risk Management Director Bill Cody, Assistant City Attorney Angela DeLuca, Safety and Training Coordinator Dennis Ecklund, and EMS Training Coordinator Billy Bradshaw received a State award from the National Risk Management Association at a recent conference in Galveston. Mayor Silvia applauded the staff for their award in developing a bloodborne pathogen exposure plan.

Risk Management Director Bill Cody and Mayor Ron Silvia presented fleet safety awards to three department of the city for their efforts in reduction of incidents. Recognition was given to the following departments: Honorable Mention, College Station Police Dept., Parks and Recreation, and Development Services. Third place, Fire Department; Second Place Public Works, First Place Public Utilities.

**Agenda Item No. 11 - Hear Visitors.**

Mike McMichen spoke about the recent passing of Citizen Norma Miller. He asked the Council to consider at a future meeting, the idea of establishing an endowment fund toward the purchase of the public lectern in the new city hall council chambers in her memory.

**Consent Agenda**

- 12.1 Bid #05-16. Approved award for Bid #05-16 switched transmission capacitor banks to WESCO Electrical Distributors in the amount of \$485,420.00.

- 12.2 Rejected Bid #04-95 for the purchase of five (5) diesel powered electric generators for the amount of \$489,011.00 from Cummins Southern Plains Power.
- 12.3 Approved purchase of Emergency Electrical Generators, Bid #05-17, for the amount of \$448,739.00 from Mustang CAT.
- 12.4 Approved renewal of contract for stop loss insurance with Blue Cross Blue Shield for our self-funded employee medical plan in the amount of \$209,004.
- 12.5 Approved purchase order in the amount of \$113,690.00 to the Brazos Valley Softball Umpires Association for officiating services for Parks and Recreation athletic programs for calendar year 2005 in accordance with contract 02-185 as amended.
- 12.6 Approved renewal of Collection Agreements for delinquent accounts for Utilities, Municipal Ambulance Services and other miscellaneous revenue; and Municipal Court Fines/Fees for an estimated expenditure of \$100,000.
- 12.7 Approved **Ordinance 2772** amending Chapter 10, "Traffic Code," Section 4E(3)(b) and Section 4E(3)(c) of the Code of Ordinances of the City of College Station. Section 4E(3)(b) will restrict parking 50 feet either side of the three driveways into the high school parking lots and Section 4E(3)(c) will restrict parking on the north/east side of Nueces Drive between Guadalupe Drive and Welsh Avenue to 2 hours between 8:00 a.m. to 5:00 p.m. Monday through Friday.
- 12.8 Contract 04-047. Approved a professional services contract with Mitchell & Morgan, L.L.P., to provide engineering and design services for the Spring Creek Corporate Campus Project, DE-0300 in the amount of \$379,500.00.
- 12.9 Approved the assignment and assumption of a Grant Agreement between the City of College Station and Lane College Station, L.P. to JER College Station Hotel, L.P.
- 12.10 Approved contract(s) for the replacement of the AS400 Computer, the services to install, test and train city personnel on operations of the new computer and software, and the purchase of Vision Solutions Inc. High Availability software to THE VAR L.L.C. for an amount not to exceed \$222,600.00.
- 12.11 Adopted Resolution No. 12-21-2004-12.11 approving a professional service contract for aerial/topographic mapping services within the City of College Station city limits and the ETJ to Kucera International Inc. in an amount not to exceed \$275,555.00.

Councilmember Lancaster moved approval of the consent agenda items as presented. Motion seconded by Councilmember Wareing which carried unanimously, 7-0.

## Regular Agenda

- 13.1 Public hearing, discussion and possible action approving Amendment #1 to the Real Estate Contract previously approved by Council and authorizing the Mayor to sign same, which will finalize the purchase of real property needed for the relocation of Fire Station No. 3 to Barron Road.

Fire Chief Dave Giordano introduced this item. Mayor Silvia opened the public hearing. Several members of the audience expressed comments in support and opposition to the location of Fire Station No.3 in relation to their properties along Barron Road.

Kent Knudsen, 1112 Mallory Ct.  
Jen Nixon, 1213 Skyline Ct.  
Jason Fikes, 1309 Danville Ct.  
Tony Casper, 1216 Norfolk  
Michelle Strickland, 1104 Mallory Ct.  
Joan Ghani, 1110 Coeburn Ct.  
Damon Pfaltzgraff, 1217 Skyline Ct.  
David Rudd, 1203 Skyline Ct.  
Kari Griggs-Martin, 1217 Baywood Ct.  
Julia Vasilyev, 1312 Baywood Ct.

Mayor Silvia closed the public hearing. Fire Chief Dave Giordano explained that the new fire station is needed in order for the Fire Department to meet the recommended response criteria of five minutes to 90% of the resident population. With the addition of Fire Station No. 5 on Greens Prairie Road, coupled with the change to one-way traffic on the SH-6 frontage roads, the station needs to be relocated to Barron Road. Considering its location and physical attributes, staff believes this is the best site for Fire Station #3. He also noted that several changes in procedure will occur to limit noise level for the neighbors.

Mayor Pro Tem Maloney made a motion to approve Amendment #1 to the Real Estate Contract previously approved by Council and authorizing the Mayor to sign same, which will finalize the purchase of real property needed for the relocation of Fire Station No. 3 to Barron Road. Motion seconded by Councilmember Massey. Motion carried by a vote of 4-3.

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

**13.2 Presentation, discussion and possible action on an agreement with Kenny Cotten's, LLC providing for the City to pay \$52,912.50 for additional right-of-way required to build a section of Dartmouth Street South of FM 2818.**

Director of Public Works Mark Smith explained that this is an agreement for the City's participation for the development of a Minor Arterial in the Cotten Subdivision. The

developer requested that the City pay for the cost of the additional right-of-way requirement. Staff recommended approval.

Joel Mitchell, 511 University Drive, came forward to answer any questions. No questions were asked.

Councilmember Massey moved approval of the agreement as presented. Councilmember Wareing seconded the motion which carried unanimously, 7-0.

Mayor Silvia thanked The Eagle City Hall Reporter, Summer Hamilton for the coverage and attention she provided to the City of College Station. Summer was leaving her position at the Eagle.

**13.3 Public hearing, discussion, and possible action on a Rezoning consisting of two (2) lots on 14.57 acres generally located in the 3800 Block of F&B Road from a combination of R-1, Single-family Residential, C-1, General Commercial, and A-O, Agricultural-Open to C-1, General Commercial.**

Joey Dunn, Director of Development and Planning Services presented a brief staff report. Staff recommended approval of the rezoning. The Planning & Zoning Commission voted unanimously to recommend approval on December 2, 2004.

The applicants requested both parcels be zoned C-1, General Commercial in compliance with the Comprehensive Plan. A substantial portion of Tract 2 is already zoned C-1 (1999). Most of Tract 1 and a small portion of Tract 2 were granted annexation by petition by the City Council last month. The purpose of the request was to bring the balance of this parcel and the adjacent parcel into compliance with the Plan. Both property owners are under contract to sell the property. A developer plans to build a mini-storage warehouse facility in two phases on both parcels. Both parcels are shown as Regional Retail on the Land Use Plan.

Mayor Silvia opened the public hearing. No one spoke. He closed the public hearing.

Councilmember Berry moved approval of **Ordinance No. 2773** rezoning two (2) lots on 14.57 acres generally located in the 3800 Block of F&B Road from a combination of R-1, Single-family Residential, C-1, General Commercial, and A-O, Agricultural-Open to C-1, General Commercial. Seconded by Councilmember Lancaster, which carried unanimously 7-0.

**13.4 Public hearing, discussion, and possible action on a rezoning for the Putz-Meyer property, consisting of 0.87 acres, located at 800 University Drive, more generally located near the southeast corner of Tarrow Street East and University Drive, from R-1 Single-Family Residential to C-1 General Commercial.**

Joey Dunn presented a staff report. The rezoning was requested to adjust the current zoning line to conform to the lot lines recently proposed with the Preliminary Plat of this property. Lot 1 is 8.133 acres, with 0.87 acres zoned R-1 Single-Family Residential and the remaining acreage already zoned C-1 General Commercial. The OV Overlay District is also applied to the front 500' of this property along University Drive.

The Land Use Plan designates this property as Retail Regional. C-1 General Commercial is in compliance with the Comprehensive Plan. University Drive is designated as a Major Arterial and Lincoln Avenue is designated as a Major Collector on the Thoroughfare Plan.

Planning and Zoning Commission unanimously recommended approval of this rezoning request. Staff recommended approval as well.

Mayor Silvia opened the public hearing. No one spoke. He closed the public hearing.

Councilmember Nancy Berry moved approval of **Ordinance No. 2774** rezoning Putz-Meyer property, consisting of 0.87 acres, located at 800 University Drive, more generally located near the southeast corner of Tarrow Street East and University Drive, from R-1 Single-Family Residential to C-1 General Commercial. Seconded by Councilmember Massey, motion carried unanimously, 7-0.

**13.5 Presentation, discussion and possible action on an ordinance amending Chapter 3, "Building Regulations", of the Code of Ordinances of the City of College Station, Texas by amending certain sections as set out, adopting the 2003 International Building, Plumbing, Mechanical, Fuel Gas, Residential, Property Maintenance and Energy Conservation Codes with related amendments.**

Building Official Lance Simms presented a summary of the changes to the various Codes located in Chapter 3, Building Regulations of the Code of Ordinance.

Mayor Pro Tem Maloney moved approval of **Ordinance No. 2775** amending Chapter . Chapter 3, "Building Regulations", of the Code of Ordinances of the City of College Station, Texas by amending certain sections as set out, adopting the 2003 International Building, Plumbing, Mechanical, Fuel Gas, Residential, Property Maintenance and Energy Conservation Codes with related amendments.

Councilmember Happ seconded the motion which carried unanimously, 7-0.

**13.6 Presentation, discussion and possible action on an ordinance amending Chapter 6, "Fire Protection", of the Code of Ordinances of the City of College Station, Texas by amending certain sections as set out, adopting the 2003 International Fire Code with related amendments and the 2003 NFPA Life Safety Code.**

Assistant Fire Chief Eric Hurt presented a staff report and highlighted the significant changes in the 2003 International Fire Code, most of which were merely housekeeping changes to provide better clarification of the Codes.

Mayor Pro Tem Maloney moved to approve **Ordinance No. 2776** amending Chapter 6, “Fire Protection”, of the Code of Ordinances of the City of College Station, Texas by amending certain sections as set out, adopting the 2003 International Fire Code with related amendments and the 2003 NFPA Life Safety Code. Motion seconded by Councilmember Berry, which carried unanimously, 7-0.

**13.7 Presentation, discussion and possible action regarding a contract in the amount of \$300,000 for transportation consulting service between Dean International, Inc. and the City of College Station.**

Assistant City Manager Glenn Brown stated that Dean International requested an increase in their contract with the City of College Station from \$240,000 to \$300,000 annually. The proposed contract increase is for an expanded role in the Regional Transportation Summit, and time spent on Regional Mobility Authority (RMA) issues on the City’s behalf. He explained options for Council to consider.

1) Contract with Dean International for the expanded levels of service as proposed regarding the Transportation Summit and RMA considerations. Funding for the existing contract is paid from the Streets Capital Project Fund (interest revenue). The additional funding needed for the expanded service in the amount of \$60,000 would need to come from the General Fund.

2) Contract with Dean International for expanded services as mentioned above, except make a request to other local entities to pay the additional cost of the increased service. This option could be approached through the Intergovernmental Committee, by placing an item on their next agenda for January to begin discussions

3) Another option is to continue the contract with Dean International at the existing service level and contract fee of \$240,000, paid from interest revenue from the Streets Capital Project Fund. If the Council would like to pursue an expanded role for Dean International with the Summit, and pursue RMA considerations; ask Dean for a proposal to reduce other services within the existing contract to monetarily offset the proposed increase.

4) Decline to renew the contract with Dean International when it expires the end of this calendar year. Initiatives started by Dean could be pursued by existing City staff as time permits.

Councilmember Massey made a motion to approve the contract of \$240,000 and not pursue regional mobility authority in 2005. Continue with intergovernmental relations related to surface transportation and projects such as the widening of Highway 60 and Barron Road interchange. City could identify the third project. Seconded by Councilmember Berry. No vote was taken.

Councilmember Wareing made an amended motion to table this item Motion seconded by Councilmember Lancaster, which failed by a vote of 2-5.

FOR: Wareing, Lancaster

AGAINST: Silvia, Massey, Happ, Berry, Maloney

Following a lengthy discussion about the provisions of the contract, Council took a short break. The Council returned at 10:30 p.m. and continued discussion about the Dean contract.

Mayor Silvia made a motion to negotiate a three month contract with Dean International to allow time for Council to look at the transportation issues. Transportation Committee would work on the scope of services. Councilmember Wareing seconded the motion.

Motion passed by a vote of 4-2-1.

FOR: Silvia, Lancaster, Wareing, Maloney

AGAINST: Happ and Massey

ABSTAIN: Berry

14. The City Council may convene the executive session following the regular meeting to discuss matters posted on the executive session agenda for December 21, 2004.

Mayor Silvia announced that the City Council would reconvene into the executive session to Consultation with Attorney (Gov't Code Section 551.071); possible action The City Council may seek advice from its attorney regarding a pending and contemplated litigation subject or settlement offer or attorney-client privileged information. Litigation is an ongoing process and questions may arise as to a litigation tactic or settlement offer, which needs to be discussed with the City Council. Upon occasion the City Council may need information from its attorney as to the status of a pending or contemplated litigation subject or settlement offer or an attorney-client privileged information. After executive session discussion, any final action or vote taken will be in public. The following subject(s) may be discussed:

- a) Cause No. 52,434-361, Brazos County – College Station v. Wolf Pen Creek, Ltd., et al.
- b) TCEQ Docket No. 2002-1147-UCR; Applications of Brushy Water Supply and College Station (Westside/Highway 60)
- c) TCEQ Docket No. 2003-0544MWD; Application of Nantucket, Ltd.
- d) TXU Lone Star Gas Rate Request
- e) Cause No. 03-002098-CV-85, Brazos County – College Station v Wellborn Special Utility District
- f) Cause No. 04-002379-CV-272, Brazos County – JK Development v. College Station

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:

- a) Olden property located at the intersection of Rock Prairie and Greens Prairie Roads.

- b) Aggie Field of Honor
- c) Land acquisition on Wellborn Road for proposed cemetery
- d) Proposed site for Fire Station #3 on Barron Road

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:

- a) Municipal Judge evaluation
- b) Council self evaluation

Economic Incentive Negotiations {Gov't Code Section 551.087}; possible action

The City Council may deliberate on commercial or financial information that the City Council has received from a business prospect that the City Council seeks to have locate, stay or expand in or near the city with which the City Council in conducting economic development negotiations may deliberate on an offer of financial or other incentives for a business prospect. After executive session discussion, any final action or vote taken will be in public. The following subject(s) may be discussed:

- a) Conveyance of expanded business park property to Heat Transfer Research Inc.
- b) Incentives Plan for development in the Wolf Pen Creek district

The City Council returned to the executive session at 10:55 p.m. At 11:40 p.m. they returned to the regular meeting and took the following action.

Mayor Pro Tem Maloney made a motion to increase the salary of the Municipal Court Judge five percent effective October 1, 2005. Seconded by Councilmember Wareing which carried by a vote of 4-0.

The meeting adjourned at 11:41 p.m.

PASSED AND APPROVED this 28<sup>th</sup> day of April, 2005.

APPROVED:

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Mayor Ron Silvia

ATTEST:

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City Secretary Connie Hooks