



Minutes
College Station City Council
Workshop and Regular Meetings
Tuesday, November 23, 2004 at 3:00 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, Council members 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 Silvia called the meeting to order at 3:05 p.m.

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

11.8 – Presentation, 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 affect the purchase of real property needed for the relocation of Fire Station No 3 to Barron Road.

City Manager Tom Brymer recommended removing this item from the agenda due to miscommunication with the resident's regarding the relocation of Fire Station No. 3.

11.4 – Presentation, discussion and possible action on renewal of contract for employee health and dental insurance, employee prescription drug plan, and employee assistance program.

Director of Human Resources Julie O'Connell explained the contract process and noted that the contract for employee health and dental insurance and employee prescription drug plan was finalized on Friday, November 19, 2004.

Workshop Agenda Item No. 2 – Presentation, discussion and possible action regarding the City Center Committee recommendations on a conceptual site plan and building concept for the City Center.

Dr. P. David Romei introduced this item and the staff of Bottino Grund Architects. Mr. Nestor Bottino of Bottino Grund Architects described the process to develop a series of options and elements for the conceptual site plan and building concepts for the City Center. Mr. Bottino presented the following three schemes:

- Lake Front Scheme
- Promenade Scheme
- Traditional Public Square Scheme

In the proposal, a promenade is featured around the north side of the lake. The round-about on Dartmouth is pushed north, to establish a contained space in the center of the development. The government buildings will exist around the promenade and the Performing Arts Center will be located at the round-about. As commercial development comes into the area, it will develop east and west along King Cole or the south side of Krenek Tap. Dr. Romei concluded his presentation.

Council recessed for a break at 3:38 p.m. The City Council viewed a scale model of the conceptual site plan, building concept and viewed samples of potential building materials during the break. Council returned to the workshop meeting at 3: 50 p.m.

Council expressed particular concerns regarding traffic patterns, viability and size of the lake. Also, they inquired about any additional cost that would be incurred to create the bridge from Harvey Mitchell Parkway to the City Center, the contour of the parking garages and the round about in the Promenade area.

Council member Wareing moved to approve the City Center Master Concept Plan. Council Member Lancaster seconded the motion, which carried unanimously, 6-0.

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

AGAINST: None

ABSENT: Maloney

Workshop Agenda Item No. 4 – Presentation, discussion, and possible action regarding the activities of the Bike and Hike Task Force as it relates to their prioritization of future CIP trail projects.

Kristan Clann, Greenway Program Manager provided a brief overview of the greenway activities that the staff is focused on. The Bike and Hike Task Force has categorized trail projects into high, medium, and low priorities. Ms. Clann presented the following projects list with priority rating:

Project	Priority	Ranking
Brison Park Connection	High	01
Bee Creek Trail West South	High	02
Lick Creek Trail West	High	03
Bee Creek Bridge	High	04
Gulf States Utilities ROW Trail	High	05
Bee Creek Trail West North	High	06
Wolf Pen Creek Upper Trail Phase III	Medium	07
Bee Creek Trail East	Medium	07
Wolf Pen Creek Upper Trail Phase II	Medium	08
Wolf Pen Creek Trail West	Medium	09
Lick Creek Trail East	Medium	10
Bike Loop Continuation	Medium	11
Wolf Pen Creek Trail Lower Phase II	Medium	12
Spring Creek Trail East	Low	13
Spring Creek Trail West	Low	14
Hensel Park Trail	Low	15
I&GN Trail	Low	16
TCWC Trail	Low	17
Alum Creek Trail	Low	18

Council member Berry moved to approve the proposed project list as recommended by the Bike and Hike Task Force. Council member Massey seconded the motion.

After a series of specific questions, Council member Massey moved to approve the bike plan, modifying the priority of the Bee Creek Bridge from high to medium priority. Council member Berry seconded the motion. Motion failed by a vote of 5-1

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

Council member Happ moved to approve the proposed project list and expand the scope of the Bee Creek Project to include improving Bicycle and Pedestrian access along Longmire Drive across FM 2818. Council member Wareing seconded the motion, which carried unanimously, 6-0.

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

Workshop Agenda Item No. 3 – Presentation, discussion and possible action regarding connectivity survey results.

Ken Fogle Transportation Planner remarked that the Planning and Development Services has investigated the benefits of connectivity as well as ways to improve connectivity within the City of College Station. As part of the investigation, staff determined that a survey should be conducted to identify citizen's preferences on different design elements of connectivity.

Mayor Silvia left the workshop meeting at 5:20 p.m.

Mr. Fogle explained the survey questions and results. Also, he presented specific techniques that can be used to address the different aspects of connectivity that are highlighted in the survey.

Council member Berry directed staff to engage the development community to determine if they would be favorable to a higher connectivity index number based on new parameters.

Workshop Agenda Item No. 5 -- 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.

No items were requested.

Workshop Agenda Item No. 6 -- Council Calendars

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Agenda Planning Calendar

November 25-26	Thanksgiving Holiday – Office closed
November 29	Keep Brazos Beautiful Banquet – Hilton – 6:00 p.m.
November 30	George Bush Award in Excellence – Rudder – 6:30 p.m.
November 30 – Dec. 3	National League of Cities Conference – Indianapolis
December 1	Brazos Animal Shelter Meeting – Noon
December 3	Holiday in the Park – 6:00 p.m.
December 6	Dr. Gary Halter Reception – 3:00-5:00 p.m.
December 7	Transportation Committee – 5:00 p.m.
December 8	Christmas Open House 2:00 – 5:00 p.m. Council Chambers
December 9	City Council Workshop and Regular Meeting – 2:00 p.m.
December 15	Research Valley Partnership – 3:00 p.m.
December 20	Intergovernmental Meeting – Noon
December 21	Chamber of Commerce Meeting – 8:00 a.m.
December 21	City Council Workshop and Regular Meeting 3:00 p.m.
December 24-27	Christmas Holiday – Office closed
January 3	New Year Holiday – Office closed

Workshop Agenda Item No. 7 -- 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 Berry presented highlights of the Brazos County Health Department Meeting.
Council member Massey conveyed comments from the Intergovernmental Committee Meeting.

Workshop Agenda Item No. 8 – Executive Session

At 5:46 p.m., Council member Massey announced in open session that the City Council would convene into executive session pursuant to Sections 551.071, 551.072, 551.074, and 551.087 of the Open Meetings Act, to seek the advice of the city attorney with respect to pending and contemplated litigation, to consider the purchase of real property, the evaluation of public officers and economic development negotiations.

Cause No. 52,434-361, Brazos County – College Station v. Wolf Pen Creek, Ltd., et al.
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

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:

1. Acquisition of Land Fronting FM 2818 and South Highway 6
2. Olden property located at the intersection of Rock Prairie and Greens Prairie Roads.
3. Ritchey property located south of Rock Prairie Road, east of SH6 Bypass and adjacent to College Station Spring Creek Corporate Campus.
4. Fire Station Land purchase
5. Aggie Field of Honor
6. Block 9, College Hills Estates, Second Installment, College Station, Brazos County, Texas
7. Francisco Ruiz Survey, Abstract No. 48, J. B. Root Survey, Abstract No. 203, John Smith Survey, Abstract No. 209, Robert Henry Survey, Abstract No. 138, Moses Hughes Survey, Abstract No. 135, Wright Cooley Survey, Abstract No. 253 Brazos County, Texas

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:

1. The proposed city conference center and associated privately developed hotel.
 - a. Amendment to infrastructure agreement

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:

1. City Attorney evaluation
2. City Secretary evaluation
3. Council self evaluation

Final Action on Executive Session, if necessary.

Council returned at 6:55 p.m. No action was taken

Regular Meeting

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

Hear Visitors

John Hamilton, 3100 Briarcrest, addressed the city council regarding Crescent Pointe development.

Jim Jett, 50004 Congressional, thanked the City Council for recognizing the soldiers in Iraq during a moment of silence at the beginning of each meeting.

Consent Agenda

- 11.1 Approved by common consent Change Order #5 to the HDR Engineering, Inc., BVSWMA Landfill Siting Contract, in the amount of \$55,000.
- 11.2 Approved by common consent an amendment of Professional Engineering Services Contract 01-127 to Malcolm Pirnie, Inc. for engineering services associated with water system improvements.
- 11.3 Approved by common consent an amendment of Professional Services Contract 04-062 to Malcolm Pirnie, Inc. for water system security improvements.
- 11.4 Approved by common consent the renewal of contract for employee health and dental insurance, employee prescription drug plan, and employee assistance program.
- 11.5 Approved by common consent a contract for employee life, accidental death and dismemberment (AD&D), voluntary life and AD&D, and dependent life insurance.
- 11.6 Approved by common consent a contract for employee long term disability (LTD) insurance.
- 11.7 Approved by common consent the exemption from competitive bidding for professional legal services as allowed in LGC 252.022 (a)(4) for professional services related to utility litigation for Bickerstaff, Heath, Smiley, Pollan, Kever and McDaniel, L.L.P., for an additional \$53,795.03 for additional bills incurred for fiscal year 2004.
- 11.8 Presentation, 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 affect the purchase of real property needed for the relocation of Fire Station No. 3 to Barron Road. This item was removed from the agenda by staff.

Regular Agenda

Regular Agenda Item No. 12.4 -- Presentation, discussion and possible action on an amendment to the Infrastructure Agreement between the City of College Station, and Crescent Pointe Ltd. (formerly College Main Apartments Ltd.) for the Phase II Highway 30/60 corridor infrastructure project.

Council member Happ moved to table this item with the option to ask questions. Council member Happ withdrew his motion.

Council member Wareing abstained from the discussion and/or vote.

City Manager Brymer recommended pulling items 12.4 and 12.5 from the regular agenda. He asked the Council to consider a special meeting on Monday, November 29, 2004 to consider the two items.

Council member Berry moved to table regular agenda items 12.4 and 12.5 until the Special Meeting on Monday, November 29, 2005 at 12:00 p.m. Council member Happ seconded the motion, which carried unanimously, 5-0-1.

FOR: Silvia, Massey, Happ, Lancaster, Berry

AGAINST: None

ABSENT: Maloney

ABSTAINED: Wareing

Regular Agenda Item No. 12.1 -- Public hearing, discussion and possible action on an ordinance rezoning for 104 University Drive East "Former Sonic Building" from C-2 commercial industrial to C-1 general commercial, consisting of portions of lots 2 and 17 of the Visoski Subdivision on 0.046 acre tract, generally located at University Drive and Texas Avenue.

Director of Planning and Development Services Joey Dunn remarked that the applicant is requesting rezoning for possible redevelopment of the former Sonic restaurant site. A small portion on the southwest side of the subject property is currently zoned C-2 Commercial Industrial. The Sonic business was developed on portions of Lots 2, 3, 4, 15, 16 and 17. The rezoning would bring the entire site into a C-1, General Commercial zone.

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

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

Council member Berry moved to approve **Ordinance 2770** rezoning 104 University Drive East "Former Sonic building" from C-2 Commercial Industrial to C-1 General Commercial, consisting of portions of lots 2 and 17 of the Visoski Subdivision on 0.046 acre tract. Council member Massey seconded the motion which carried unanimously, 6-0.

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

AGAINST: None

ABSENT: Maloney

Regular Agenda Item No. 12.2 -- Presentation, discussion and possible action on an ordinance granting the petition for annexation of property in the 3800 Block of F&B Road, between FM 2818 and Turkey Creek Road.

Director of Planning and Development Services Joey Dunn noted that the two property owners, Patricia Jones and Mary Futrell, have submitted a petition for annexation for 6.843 acres to the City of College Station as provided by Section 43.028 of the Texas Local Government Code. The statute requires that the governing body hear the petition and the arguments for and against the annexation and grant or refuse the petition as appropriate. If the petition is granted, the Council by ordinance may annex the area. The parcels are located on F&B area.

A rezoning request for C-1, General Commercial has already been submitted for both tracts. If the annexation petition is granted, the rezoning will be considered by the Planning and Zoning Commission and City Council in December.

Mayor Silvia opened this item for public comments. Jim Jett, 54 Congressional, spoke in favor of the annexation. Mayor closed the public hearing.

Council member Massey moved to approve **Ordinance 2771** granting the petition for annexation of property in the 3800 block of F&B Road. Council member Berry seconded the motion, which carried unanimously, 6-0.

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

Mayor Pro Tem Maloney arrived at the regular meeting by 7:25 p.m.

Regular Agenda Item No. 12.3 -- Presentation, discussion and possible action to award a construction contract to Gulf States Protective Coatings in the amount of \$230,000.00.

Council member Wareing abstained from this item.

Purchasing Services Manager Cheryl Turney remarked that the Greens Prairie Elevated Storage Tank's Interior coating has exceeded its service life and will be replaced. In addition, Greens Prairie Elevated Storage Tank, the 5 million gallon Ground Storage Tank and the 3 million gallon ground storage tank, located at Dowling Road Pump Station, will have their ladders and handrails upgraded to meet OSHA standards. Eight bids were received, seven of which complied with bid requirements. Our consultant, Dunham Engineering, and City staff recommended award of contract to the lowest responsible bidder conforming to bidding requirements, Gulf States Protective Coatings. The non-conforming bid did not acknowledge the following:

- Addendum 1 shortening the construction time from 120 day to 90 days
- Comply with bid requirements for prior approval of alternate coatings
- List the required experience painting elevated storage tanks of this size and type.

Staff recommended approval of the resolution to award this construction contract to Gulf States Protective Coatings.

Fred Surovik addressed the Council regarding the rehabilitation of the water tanks.

Mr. Sherman Williams P.O. Box 256, Flent, Texas addressed the City Council regarding the City of College Stations' bid process.

Jimmy Dunham, consulting engineer for the City of College Station, made comments regarding the materials used in the rehabilitation of storage tanks.

Council member Berry moved to approve **Resolution No. 11-23-2004-12.03** awarding the construction contract to Gulf States Protective Coatings. Council member Lancaster seconded the motion, which carried unanimously, 6-0.

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

Regular Agenda Item No. 12.5 -- Bid No. 04-72 Contract 04-187. Presentation, discussion and possible action on a resolution approving the contract with Dudley Construction, Ltd. For \$1,404,004.52 for improvements related to the Highway 30/60 Infrastructure Phase II.

This item was postponed until Monday, November 29, 2004.

Regular Agenda Item No. 13 -- The City Council may convene the executive session following the regular meeting to discuss matters posted on the executive session agenda for November 23, 2004.

At 8:11 p.m., Mayor Silvia announced in open session that the City Council would reconvene into executive session pursuant to Sections 551.071, 551.072, 551.074, and 551.087 of the Open Meetings Act, to seek the advice of the city attorney with respect to pending and contemplated litigation, to consider the purchase of real property, the evaluation of public officers and economic development negotiations.

Regular Agenda Item No. 14 -- Final action on executive session, if necessary.

Council returned to the regular meeting at 9:42 p.m. No action was taken.

Regular Agenda Item No. 15 --Adjourn.

Hearing no objections, the meeting adjourned at 9:43 p.m. on Tuesday, November 23, 2004.

PASSED AND APPROVED this 10th day of February, 2005.

APPROVED:

Mayor Ron Silvia

ATTEST:

City Secretary Connie Hooks