



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
Tuesday, March 22, 2005 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, 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 3:01 p.m.

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

No items were removed for discussion.

Workshop Agenda Item No. 2 -- Presentation, discussion and possible action on the annual contract review and compliance report by the Research Valley Partnership.

Director of Community and Economic Development Kim Foutz described the performance and status of economic development contracts with the Research Valley Partnership and/or the City of College Station. Ms. Foutz introduced Mr. Bob Malaise from the Research Valley Partnership.

Mr. Malaise presented a summary of the companies' contractual commitments, success and shortfalls, and the overall performance of the Research Valley Partnership economic development program for the 2004 year.

No formal action was taken.

Workshop Agenda Item No. 3 -- Presentation, discussion and possible action on a proposed ordinance to regulate open containers and public consumption in the Northgate Central Business District in order to address multiple public safety issues in the area.

Chief of Police Michael Clancey noted that the City of College Station performed an outstanding job of developing the Northgate area to be an attractive meeting place for many within and from outside of our community. While Northgate is thriving, negative external problems have accompanied that success. Such as:

- Increase in crowds and traffic
- Large quantities of alcohol being brought to the promenade
- Unregulated drinking
- Increased health and sanitation concerns
- Increased number of violations

The College Station Police Department's primary goal was to maintain public safety in the Northgate area by: 1) discouraging unregulated consumption of alcohol, 2) addressing health and sanitation issues, and 3) addressing increased pedestrian and vehicular traffic

Staff recommended pursuing passage of an ordinance which prohibits open containers and public consumption of alcohol in the predefined central business district but allows for provisions during special events. Additionally, enter into discussions with Northgate District Association on possible funding options to establish a perimeter for special events.

City Attorney Harvey Cargill addressed questions of the City Council and described liability issues.

Council member Happ arrived at 4:05 p.m.

Council discussed at length a variety of concerns, questions, and options.

No formal action was taken.

At 4:46 p.m. Council recessed the workshop meeting for a short break and reconvened at 5:10 p.m.

Workshop Agenda Item No. 4 -- 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 Lancaster requested a workshop item to consider opening the City Council meeting with an invocation. Council member Wareing seconded the motion to place this item on a future agenda. Motion carried unanimously, 7-0.

Council member Happ requested a retreat agenda item pertaining to “hear visitors” on the City Council agenda.

Council member Lancaster inquired about traffic calming on Munson Avenue.

Workshop Agenda Item No. 5 – Council Calendars

Agenda Planning Calendar

March 21 Jr. Leadership Brazos – Clayton Wms. Alumni Center -7pm

March 21 Intergovernmental Committee – noon – College Station Admin Conference Room

March 22 Workshop and Regular Council Meeting – 3:00 p.m.

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March 23 – 24th Annual Brazos Valley Transportation Summit – Annenberg Presidential Conference Center

March 25 Holiday – Good Friday – Office Closed

March 30 BBB 35th Anniversary – Christopher’s World Grille – 11:30 a.m. – 1:30 p.m.

April 5 Arctic Wolf Ice Center Appreciation – 5:00 p.m.

April 5 Transportation Committee – 5:00 p.m.

April 7 Homeland Security Awareness Luncheon – CS Conference Center 11:00 a.m. – 2:00

April 19 Chamber of Commerce Board Meeting – 8:00 a.m.

April 20 Research Valley Partnership – 3:00 p.m.

April 22 Citizens Committee Recognition Banquet – Hilton – 6:00

Workshop Agenda Item No. 6 -- 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

Council member Massey presented highlights of the Intergovernmental Committee meeting.

Mayor Pro Tem Maloney expressed comments of the Sister Cities Committee and Fraternal Partnership meeting.

Council member Happ conveyed comments from the High Speed Rail Executive conference call and the 4th Annual Transportation Summit.

Workshop Agenda Item No. 7 -- Executive Session

No executive session was held.

Consultation with Attorney (Gov’t Code Section 551.071)

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 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:

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-04-4558, U.S. District Court, Southern District of Texas, Houston Division

College Station v. U.S. Dept. of Agriculture, etc., and Wellborn Special Utility District

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TCEQ Docket No. 582-04-2840, Application of Wellborn Special Utility District

Civil Action No. H-04-3876, U.S. District Court, Southern District of Texas, Houston Division

JK Development v. College Station

GUD No. 9530 – Gas Cost Prudence Review, Atmos Energy Corporation

GUD No. 9560 – Gas Reliability Infrastructure Program (GRIP) rate increases, Atmos Energy Corporation

Real Estate (Gov't Code Section 551.072)

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:

Land acquisition at 2818 and Villa Maria

Acquisition of Southland, Block 1, Lot 20

Workshop Agenda Item No. 8 -- Final action on Executive Session, if necessary.

No executive session was held, therefore no action was taken.

Regular Meeting

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.

Mayor Silvia and City Manager Tom Brymer recognized Debbie Eller, Julie Caler and Susan Manna for their United Way Awards.

Mayor Silvia and City Manager Tom Brymer recognized Jana Wood for the Voices for Children Award.

Mayor Silvia and City Manager Tom Brymer recognized Eric Hurt for receiving the Certificate of Completion from the Executive Fire Officer Program.

Mayor Silvia presented a proclamation for Sexual Assault Awareness Month to Laurie Kowaiski.

10. Hear Visitors

Nate Evans, a TAMU student spoke about the upcoming MSC Lecture Series.

Justin Whitworth, 705 Fairview, inquired about the removal of the Christmas nativity scene in the City Secretary office during the Christmas of 2003, and the removal of prayer before each City Council meeting in 2004.

Aaron Gray, 1401 Athens Drive, conveyed comments about the removal of prayer before City Council meetings.

Casey Heimer, 4108 Windswept, expressed comments on conflicts of interest of the City Council members serving on outside agency boards.

Consent Agenda

- 11.1 Approved by common consent **Resolution No. 3-22-2005-11.01** of the City Council of the City of College Station, Texas, approving a construction contract, Bid No. 0555, Contract No. 05-109, with Marek Brothers Construction, Inc., in the amount of \$86,706.00 for the replacement of the Thomas Park Jogging Track with a concrete walk and rubber cushioning.
- 11.2 Bid #05-58. Approved by common consent a bid award for various electrical distribution materials maintained in inventory. Total annual estimated expenditures to KBS Electric Distributors, Techline, Inc., Priester Supply Co. and Hughes Supply are \$424,821.24.
- 11.3 Approved by common consent Amendment #1 to the contract for Municipal Advertising with The Eagle amending the daily/Sunday rates and adding a provision for a total not to exceed amount of \$280,000.
- 11.4 Approved by common consent a real estate contract 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. The property is located at FM 2818 and Villa Maria, and the purchase price is \$160,322.
- 11.5 Approved by common consent increasing the amount of Real Estate Contract 05-133M by \$6,065.59 to bring the total amount of the acquisition of Southland, Block 1, Lot 20 for the greenways program to \$66,265.59.
- 11.6 Approved by common consent **Resolution No. 3-22-2005-11.06** awarding Contract No. 05-147 for the College Park/Breezy Heights Rehabilitation Project, for infrastructure improvements, to Goodwin Lasiter, Inc. in the amount of \$433,600.00.
- 11.7 Approved by common consent **Resolution No. 3-22-2005-11.07** by the City Council of the City of College Station, Texas, directing publication of notice of intention to issue certificates of obligation, series 2005 in an amount not to exceed \$8,000,000; and providing an effective date. Council member Wareing abstained from this item.
- 11.8 Approved by common consent an interlocal agreement (ILA) with the City of Bryan and Brazos County accepting a Justice Assistance Grant (JAG).
- 11.9 Approved by common consent authorizing the Mayor to execute the renewal of a utility easement located on the Texas A&M University System property.

Regular Agenda

Regular Agenda Item No. 12.01 -- Public hearing, discussion and possible action by the City Council on the adoption of an ordinance to regulate open containers and public

consumption in the Northgate Central Business District in order to address multiple public safety issues in the area.

Police Chief Michael Clancey presented an outline on the staff's development of the proposed ordinance. He restated earlier comments made at the workshop meeting, 3/22/2005.

Mayor Silvia opened the public hearing.

The following citizens addressed the city council:

Jessica Jimmerson, Executive Director of the Northgate District Association,
Ron Musser 200 Karten Lane
Jessie Wright, 301 Krenak Tap Road
Marcos Rosales, 2723 Jennifer Circle
Robert Forest, Westwood Main

Mayor Silvia closed the public hearing.

Mayor Pro Tem Maloney moved to approve an ordinance to prohibit open containers in the Northgate Business District, except for the designated promenade area in which open containers are allowed daily from 9:00 a.m. to 6:15 p.m. Prohibition extended to exclude all kegs, coolers in the area as well as allowing an exception to the ordinance for special events. Motion failed due to lack of a second.

Council member Wareing moved to approve **Ordinance No. 2791**, to streamline the special event permit process. Before fencing is installed, staff will hold discussion with the Northgate Merchants and if it is the staff recommendation to seek fencing around the parameter, the City of College Station shall look into funding the fencing, not the Northgate Merchants. Council member Massey seconded the motion, which carried unanimously, 7-0.

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

Council recessed for a short break at 8:13 p.m. and reconvened the regular meeting at 8:23 p.m.

Regular Agenda Item No. 12.02 -- Public hearing, discussion and possible action on a rezoning from A-O Agricultural Open to R-1 Single Family for a portion of Renee Lane right-of-way, and for lots 4 and 5 of the Bald Prairie Subdivision, consisting of approximately 7.7 acres located at the north end of Renee Lane.

Senior Planner Trey Fletcher explained that the rezoning request was for the future Phase 7 of the Edelweiss Gartens Subdivision. The request would rezone two A-O Agricultural Open rural tracts and a portion of the right-of-way for Renee Lane into R-1 Single Family residential zoning. The rezoning of Renee Lane Right-of-Way was initiated by the Administrator and included as part of this request; it does not presume approval of a right-of-way abandonment request, which will be scheduled for consideration on a future council agenda. Mr. Fletcher stated that Renee Lane will terminate at the zoning boundary with a cul-de-sac. The cul-de-sac will be a couple of lots short at the end to give a more circuitous route to Mountain Breezeway.

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

Council member Happ moved to approve **Ordinance No. 2792** rezoning a portion of Renee Lane right-of-way and Lots 4 & 5 of the Bald Prairie Subdivision, consisting of approximately 7.7 acres from A-0 Agricultural Open to R-1 Single Family. Council member Berry seconded the motion, which carried unanimously, 7-0.

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

Regular Agenda Item No. 12.03 -- Public hearing, discussion and possible action on a Rezoning from A-P, Administrative Professional to R-4, Multi-family District for a 4.7 acre tract generally located at 1000 Spring Loop.

Senior Planner Trey Fletcher noted that the rezoning was requested for multi-family residential in-fill development along a vacant portion of Spring Loop, surrounded by existing multifamily residential development. The requested R-4 zone allows a maximum of 20 dwelling units per acre. A number of easements affect this property, including access easements to commercial uses along University Drive. Due to the difference inland uses, these easements should be removed and all access should be via Spring Loop.

The Planning and Zoning Commission and staff recommended approval of the rezoning with the condition that access between the commercial uses fronting University Drive and the proposed multi-family residential use be eliminated.

Mayor Silvia opened the public hearing.

Greg Taggart, Municipal Development Group, spoke in favor of the rezoning and addressed questions and concerns of the City Council.

Mayor Silvia closed the public hearing.

Council member Massey moved to deny the rezoning of a 4.7 acre tract generally located at 1000 Spring Loop from A-P Administrative-Professional to R-4 Multi-Family District. Mayor Pro Tem Maloney seconded the motion which carried unanimously, 7-0.

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

Regular Agenda Item No. 12.04 -- Public hearing, discussion and possible action by City Council on adoption of an ordinance requiring a rental registration program for duplex and single family rentals.

Fire Marshall Eric Hurt remarked that the Neighborhood Issues Ad Hoc Task Force made recommendations to the City Council, in the final report, suggesting a rental registration program be implemented in the City of College Station for single family and duplex rental units. Staff has researched rental registration programs and received Council's direction to draft an ordinance for

a rental registration program for the City of College Station. The rental registration program will allow for immediate code enforcement capabilities. It would provide a database of owners of rental properties to assist Fire and Police crews with ability to make expeditious contact with the property owner during emergency response.

Staff recommended approval of the rental registration ordinance with an effective date of October 1, 2005.

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

Mayor Pro Tem Maloney moved to approve **Ordinance No. 2793** implementing a rental registration program for duplex and single family rentals. The motion also included an initial rental registration fee of Twenty-five Dollars (\$25.00) for each single family or duplex property that is registered and Fifteen Dollars (\$15.00) for each subsequent year. Council member Massey seconded the motion, which carried by a vote of 4-2-1.

FOR: Silvia, Maloney, Massey, Berry

AGAINST: Lancaster, Wareing

ABSTAINED: Happ

Regular Agenda Item No. 12.05 -- Presentation, discussion and possible action on a resolution authorizing the Fire Chief to coordinate with the Office of Domestic Preparedness of the Department of Homeland Security in cooperation with the U.S. Fire Administration in application for a matching funds grants under the Assistance to Firefighters Grant Program for the purpose of initiating a full spectrum, mandatory, firefighter wellness and fitness program for 96 uniformed employees.

Assistant Fire Chief Jon Mies remarked that this is the fifth year of funding for the Assistance to Firefighters Grant Program. The City of College Station Fire Department was successful in obtaining grants under this program for the past four years. The combined value of these grants has exceeded \$420,000. The proposed grant was a full spectrum mandatory wellness and fitness program for 96 uniformed employees. Chief Mies described the program components and benefits to the City of College Station.

Council member Berry moved to approve **Resolution No. 3-22-2005-12.05** authorizing the fire Chief to coordinate with the Office of Domestic Preparedness of the Department of Homeland Security in cooperation with the U.S. Fire Administration in application for a matching funds grants under the Assistance to Firefighters Grant program for the purpose of initiating a full spectrum, mandatory, firefighter wellness and fitness program for 96 uniformed employees. Council member Wareing seconded the motion, which carried unanimously, 7-0.

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

AGAINST: None

Regular Agenda Item No. 12.06 – Presentation, discussion and possible action on revision #7 to the Economic Development Incentive Guidelines, Section I.

Director of Community and Economic Development Kim Foutz remarked that Revision No. 7 of the Economic Development Incentive Guidelines was adopted by the Research Valley Partnership. Discussions were held on Section III, Qualifying Statements and the RVP ruled does not completely define what constitutes competition in the local market. The current guidelines read as follows:

“Community incentives will not be offered to businesses that would create product competition within Brazos County where Brazos County is the primary sales territory”.

The proposed new language would adopt the State of Texas definition for “primary jobs” as the criteria to offer incentives as it relates to competition in the local business community. In addition, it raises the threshold by changing “the majority” (State of Texas definition) to 70% of the products and services that are exported from the local market.

There were no proposed changes to Section II of the guidelines which addressed non-industrial/non-manufacturing incentives.

The guideline changes were approved by the City of Bryan City Council and Brazos County Commissioners.

Council member Massey moved to approve Revision No. 7 to the Economic Development Incentive Guidelines, Section 1 as presented. 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. 13 – The City Council may convene the executive session following the regular meeting to discuss matters posted on the executive session agenda for March 22, 2005.

An executive session was not held.

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

No action was taken.

Regular Agenda Item No. 15 – Adjourn.

Hearing no objections, the meeting adjourned at 9:50 p.m. on Thursday, March 22, 2005.

ATTEST:

APPROVED:

City Secretary Connie Hooks

Mayor Ron Silvia