



Mayor
Ron Silvia
Mayor Pro Tempore
John Happ
Interim City Manager
Glenn Brown

Council Members
Ben White
Ron Gay
Susan Lancaster
Chris Scotti
Nancy Berry

Draft Minutes
College Station City Council
Workshop and Regular Meetings
Thursday, October 13, 2005 at 3:00 and 7:00 p.m.
City Hall Council Chambers, 1101 Texas Avenue
College Station, Texas

COUNCIL MEMBERS PRESENT: Mayor Silvia, Mayor Pro Tem Happ, Council members White, Gay, Lancaster, Scotti

COUNCIL MEMBER ABSENT: Berry

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

Mayor Silvia called the meeting to order at 3:07 p.m.

Workshop Agenda Item No. 1 -- Presentation, discussion, and possible action on items listed on the consent agenda.

12.3 - Presentation, discussion and possible action regarding award of a bid to Young Contractors, Inc. for an annual blanket purchase order to provide Type D Hot Mix Asphalt for the maintenance of streets in an amount not to exceed \$458,700.00.

Acting Director of Public Works Charles McLemore described the bid process.

12.5 – Presentation, discussion and possible action on a funding agreement between the City of College Station and the Bryan College Station Convention and Visitors Bureau for FY 2006 in the amount of \$979,875; and presentation, discussion and possible action on approving the budget of the Bryan College Station Convention and Visitors Bureau.

Director of Finance & Strategic Planning Jeff Kersten described the time line of the funding agreement and recommended approving the Bryan College Station Convention and Visitors Bureau budget; and approve an extension to the existing funding agreement for one month, making one month (October) payment to the CVB. The 2006 funding agreement will be approved on October 24, 2005.

After a brief discussion, Council agreed to postpone this item until October 24, 2005 meeting.

12.6 – Presentation, discussion and possible action on a funding agreement between the City of College Station and the Arts Council of Brazos Valley in the amount of \$240,000 for operations and maintenance costs for the Arts Council of Brazos Valley.

Director of Finance & Strategic Planning Jeff Kersten described language modifications in the funding agreement between the City of College Station and the Arts Council of the Brazos Valley.

12.7 – Presentation, discussion and possible action on a funding agreement between the City of College Station and the Research Valley Partnership for FY 2006 in the amount of \$293,287.

Director of Finance & Strategic Planning Jeff Kersten described language modifications in the funding agreement between the City of College Station and Research Valley Partnership for FY 2006.

12.8 – Presentation, discussion and possible action on a resolution acknowledging that the City Council has reviewed the Investment Policy and Investment Strategy for Fiscal Year 2006 and adopting the City’s Investment Policy and Investment Strategy.

Director of Finance and Strategic Planning Jeff Kersten described the objectives in the Investment Policy.

12.11 – Presentation, discussion and possible action approving a resolution determining need for additional sanitary control easement, as required by law to protect the future “shallow” water wells from possible contamination.

Division Manager of Water/Wastewater David Coleman noted that the cost for the easement should be minimal due the City of College Station owning a large portion of the property.

12.12 – Presentation, discussion and possible action on consideration of an ordinance modifying Chapter 10, “Traffic code,” Section 2.C and 2.D of the Code of Ordinances of the City of College Station updating the Traffic Control Device Inventory – Schedules II and III.

Interim City Manager Glenn Brown noted that not all stop signs were incorporated into the schedules and asked staff to explain the process for examining intersections for potential traffic sign or light upgrade.

Assistant City Engineer Troy Rother noted that intersections are examined only if a concern arises. Mr. Brown commented that this could be a future agenda item if it is the desire of the City Council.

Mayor Pro Tem Happ recommended adding this item to the Transportation Committee Agenda.

12.15 – Presentation, discussion and possible action on a resolution for the Comprehensive Selective Traffic Enforcement Program grant contract for fiscal year 2006.

Assistant Chief of Police Larry Johnson presented an overview of the Comprehensive Selective Traffic Enforcement Program grant contract.

Workshop Agenda Item No. 2 -- Presentation, discussion, and possible action on implementation of a Congress of Neighborhoods for the City of College Station.

Joey Dunn, Director of Planning and Development Services described the guide that the City of Chandler, Arizona utilized for its Congress of Neighborhoods Public Forum objectives, sample forum agenda, and the City of College Station Congress of Neighborhoods. The Congress of Neighborhoods main objective is to increase dialogue among homeowners and neighborhood associations. He provided a suggested timeline for the implementation in College Station:

- Initial Saturday Event: February 11, 2006, 9:00 a.m.-3:00 p.m.
- Tuesday, July 11, 2006
- Tuesday, October 3, 2006

Mayor Pro Tem Happ pointed out that not all neighborhoods have homeowners associations and recommended a representative from all the school districts in the homeowners' association area to attend the meetings. Council made positive comments about this concept and agreed to pursue the goal of creating of the Congress of Neighborhoods.

No formal action was taken.

Workshop Agenda Item No. 3 -- Presentation, discussion and possible action regarding the process for appointing the city's representative for the Brazos County Appraisal District Board.

Interim City Manager Glenn Brown remarked that the City Manager's office received a letter from Gerald L. "Buddy" Winn notifying the City that as of December 31, 2005, the terms of the board of directors of the appraisal district expire. Virginia Kettler is currently serving in this capacity and has expressed her willingness to continue for another term.

The Brazos County Appraisal District Board requested the City of College Station provide the name of the City's appointment for the 2006-2006 term by November 15, 2005.

Council members requested staff to obtain the role of the Brazos County Appraisal District member. Also, Council directed staff to advertise for applicants to the Brazos County Appraisal District Board.

Council members requested that Ms. Kettler attend the upcoming meeting and explain her role and give an update of the Board's activities.

At 4: 23 p.m. council recessed for a short break and reconvened the meeting at 4: 37 p.m.

Workshop Agenda Item No. 4 – Presentation, discussion and possible action regarding student safety issues in the Northgate area.

Interim City Manager Glenn Brown introduced this item and guests, Jamie Ray Walker, President of the University's Graduate Student Council, Jeff Murray of the Texas A&M University Government Association, and Amanda Laming.

Jeff Murray presented an overview of the background of the project on Northgate Safety.

Ms. Walker remarked that for more than 15 years, international students have been the subject of verbal harassment and physical assaults. International students from India and China have been the main targets. Severity and frequency of the physical assaults seem to have increased in 2005. She pointed out suggested areas of improvement along several streets in Northgate, such as lighting, emergency phones, sidewalks and faster and more coordinated emergency responses are required.

A task force was formed and began meeting with the City of College Station Police Department to convey their concerns.

Police Chief Mike Clancey stated that the Police Department has committed to having monthly meetings with student leaders until all their concerns are addressed.

Municipal Court Judge Ed Spillane noted that he is willing to help with education efforts. He explained in brief detail the types of citations issued by the Police in this area. He agreed that a cultural diversity class could be mandatory for offenders.

Council member Lancaster directed staff to look into the areas where lighting has been identified as a problem.

Council asked the Judge to consider enacting the mandatory education training.

No formal action was taken.

Workshop Agenda Item No. 5 – Presentation, 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 communication audit. Council member Gay seconded the motion, which carried unanimously, 6-0.

FOR: Silvia, Happ, White, Gay, Lancaster, Scotti,

AGAINST: None

ABSENT: Berry

Mayor Silvia informed the City Council that he received news that College Station was not selected as a site for the 2nd George Bush Library.

Mayor Silvia received a request from the City of Bryan Mayor inquiring if the City Council was interested in discussions about a joint Municipal Golf Course. Mayor Silvia asked the Council members if there was enough interest to schedule an item on a future workshop meeting.

Mayor Pro Tem Happ moved to schedule a workshop agenda item regarding a joint Municipal Golf Course. Council member White seconded the motion, which carried unanimously, 6-0.

FOR: Silvia, Happ, White, Gay, Lancaster, Scotti,
 AGAINST: None
 ABSENT: Berry

Workshop Agenda Item No. 6 – Council Calendars

Agenda Planning Calendar

- Oct. 11 Community Economic Impact Award Luncheon honoring Hispanic Owned Businesses – Hilton – 11:45 – 1:00 p.m.
- Oct. 13 Workshop/Regular Meeting 3:00 pm and 7:00 pm
- Oct. 13 Walk Our Walk, Talk Our Talk Luncheon – Forest Ridge Elementary – 11:30
- Oct. 17 IGC Meeting – Brazos County Courthouse, 8:00 am
- Oct. 18 Citizen’s University Reunion – Pebble Creek 6:30 pm
- Oct. 18 Chamber of Commerce Meeting 8:30 am
- Oct. 19 Research Valley Partnership 3:00 pm
- Oct. 20 Harvest Moon Celebration and Fundraiser – Briarcrest Country Club 6pm
- Oct. 24 Workshop/Regular Meetings 3:00 pm and 7:00 pm
- Oct. 24 Interfaith Dialogue Student Assoc. – 3rd Annual Inter-faith Dinner – Assoc. Of Former Students Great Hall – 6:30 p.m.
- Oct. 26–29 TML 2005 Annual Conference – Grapevine
- Nov. 3 Research Valley Alliance Luncheon – Miramont Country Club – 11:30 a.m. – 1:30 p.m.
- Nov. 7 George Bush Presidential Library Foundation – Program on Volunteerism w/guest speaker, J. Dennis Hastert, Speaker of the House of Representatives – Annenberg Conference Center - noon

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, Making Cities Livable Conference, 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, Wolf Pen Creek TIF Board, Zoning Board of Adjustments.

Council member Scotti remarked that the interviews for the new Research Valley Partnership director candidates are rescheduled for October 31, 2005.

Council member Gay presented highlights of the Sister City Association and Planning and Zoning Commission.

Mayor Pro Tem Happ presented an overview of the High Speed Rail Briefing in Dallas.

Mayor Silvia presented a summary of the Brazos Valley Council of Governments meeting.

Workshop Agenda Item No. 8 – Executive Session

At 6:04 p.m., Mayor Silvia announced in open session that the City Council would convene into executive session pursuant to Sections 551.071, 551.074 and 551.087 of the Open Meetings Act, to seek the advice of our attorney with respect to pending and contemplated litigation, the evaluation of a public officer, economic development negotiations.

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-04-4558, U.S. District Court, Southern District of Texas, Houston Division, *College Station v. U.S. Dept. of Agriculture, etc., and Wellborn Special Utility District*

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

Cause No. GN-502012, Travis County, *TMPA v. PUC* (College Station filed Intervention 7/6/05)

Claim letter from Café Eccell

Contemplated legal action regarding the July 14th City Council Meeting and the Open Meetings Act.

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. GameDay Centers mixed use redevelopment – Church Avenue and Wellborn Road in Northgate
- b. Retail, restaurant, and office development – northwest corner of Highway 6 and Greens Prairie Road

- c. The proposed City convention center and associated privately developed hotel

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. City Attorney
- b. City Secretary
- c. Municipal Court Judge

Workshop Agenda Item No. 9 – Final Action on executive session, if necessary.

Council returned from executive session at 6:57 p.m. No action was taken.

Regular Meeting

Mayor Silvia called the regular meeting to order at 7:02 p.m. He led the audience in the pledge of allegiance. Council member Gay moved to approve the absence request from Council member Berry. Mayor Pro Tem Happ seconded the motion, which carried unanimously, 6-0.

Program Coordinator of Texas A&M University Kim Fox, introduced the International Students from Philippines. They described the Philippines cultural, language, dress style, and arts.

Hear Visitors

Mr. Tony Jones, 3205 Earl Rudder, requested Council intervention into a major development project that has pending for several months.

The following individuals came forward to express comments pertaining to an article in The Eagle regarding the Mayor's comments on religion.

Jamye Johnston, 819 San Benito Drive
Kris Karli, 1701 Bluebonnet, Bryan
Zahra Zamen, 1600 Southwest Parkway, #112
Jason Ferguson, 1600 Southwest Parkway

Consent Agenda

- 12.1 Approved by common consent minutes for City Council Meeting September 21, 2005.
- 12.2 Approved by common consent the renewal of Electric Annual Construction Contract, bid #03-92, contract #03-164 with H&B Construction for \$1,681,727.60.

- 12.3 Approved by common consent award of a bid to Young Contractors, Inc. for an annual blanket purchase order to provide Type D Hot Mix Asphalt for the maintenance of streets in an amount not to exceed \$458,700.00.
- 12.4 Approved by common consent **Resolution No. 10-13-205-12.04** approving a construction contract with Brazos Valley Services, in the amount of \$103,100 for clearing and earthwork for Spring Creek Substation.
- 12.5 Presentation, discussion and possible on a funding agreement between the City of College Station and the Brazos Valley Convention and Visitors Bureau for FY 06 in the amount of \$979,875; and presentation, discussion, and possible action on approving the budget of the Bryan College Station Convention and Visitors Bureau. This item was removed from the consent agenda by staff to be considered on October 24, 2005.
- 12.6 Approved by common consent a funding agreement between the City of College Station and the Arts Council of Brazos Valley in the amount of \$240,000 for operations and maintenance costs for the Arts Council of Brazos Valley.
- 12.7 Approved by common consent a funding agreement between the City of College Station and the Research Valley Partnership for FY06 in the amount of \$293,287.
- 12.8 Approved by common consent **Resolution No. 10-13-2005-12.08** acknowledging that the City Council has reviewed the Investment Policy and Investment Strategy for Fiscal Year 2006 and adopting the City's Investment Policy and Investment Strategy.
- 12.9 Approved by common consent a consulting contract for executive search and recruiting services with Mercer Group, Inc. in an amount not to exceed \$25,500.00.
- 12.10 Approved by common consent on an Interlocal Agreement between the City of College Station and Texas Municipal Power Agency (TMPA) for on-line bidding services.
- 12.11 Approved by common consent **Resolution No. 10-13-2005-12.11** determining need for additional sanitary control easement, as required by law to protect the future "shallow" water wells from possible contamination.
- 12.12 Approved by common consent **Ordinance No. 2835** modifying Chapter 10, "Traffic Code," Section 2.C and 2.D of the Code of Ordinances of the City of College Station updating the "Traffic Control Device Inventory-Schedules II and III.
- 12.13 Approved by common consent Change Order No. 3 to a contract with Mitchell & Morgan, L.L.P. for the Texas Avenue Utility Relocation Project in an amount not to exceed \$186.70.
- 12.14 Approved by common consent **Ordinance No. 2836** amending Chapter 7, "Health and Sanitation", of the Code of Ordinances of the City of College Station.

12.15 Approved by common consent **Resolution No. 10-13-2005-12.15** approving the Comprehensive Selective Traffic Enforcement Program grant contract for fiscal year 2006.

12.16 Approved by common consent **Resolution No. 10-13-2005-12.13**, approving and setting fees for Parks and Recreation Activities.

Regular Agenda

Regular Agenda Item No. 13.1 -- Public hearing, presentation, discussion, and possible action on a rezoning for Block 1, Lot 2 of the High Ridge Subdivision, from C-2, Commercial Industrial to C-1, General Commercial, consisting of 1 lot on 8.14 acres generally located on the east side of the Earl Rudder Freeway between University Drive and SH 30, adjacent to and north of the Varsity Ford Dealership.

Joey Dunn, Director of Planning and Development Services commented that the subject property is currently zoned C-2, and requesting rezoning to C-1 in preparation for retail development of the site for a furniture store. The property has approximately 725 feet of frontage on Earl Rudder, with a depth of 700 feet. The property has approximately 1.7 acres of greenway to the north. Also, a portion of this property currently lies within the floodplain, and is identified on the Greenways Master Plan. A development permit is under review on this property to prepare the floodplain area for dedication to the city.

The Planning and Zoning Commission and staff recommended approval.

Mayor Silvia opened the public hearing.

Natalie Ruiz, IPS Group, described the proposed development and answered questions of the City Council.

Mayor closed the public hearing.

Mayor Pro Tem Happ moved to approve **Ordinance Number 2837** rezoning Block 1, Lot 2 of the High Ridge Subdivision, from C-2, Commercial Industrial to C-1 General Commercial, consisting of 1 lot on 8.14 acres generally located on the east side of Earl Rudder Freeway. Council member Lancaster seconded the motion, which carried unanimously, 6-0.

FOR: Silvia, Happ, White, Gay, Lancaster, Scotti,
AGAINST: None
ABSENT: Berry

Regular Agenda Item No. 13.2 – Public hearing, presentation, discussion, and possible action on the expansion of an existing Conditional Use Permit for a Night Club, located in Suite D. at 2551 Texas Avenue South in the Homestead Place shopping Benter.

Joey Dunn, Director of Planning and Development Services remarked that the applicant requested an expansion to an existing Conditional Use Permit that was approved by City Council on May 12, 2005. The proposed expansion would allow for a fenced outdoor eating area on two patio areas in front of the lease space. The patio is separated from the front of the building by a four foot sidewalk. The total allowed occupancy for the lease space will remain at 80 persons, and an expected employment of 10 people.

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

Mayor Silvia opened the public hearing.

Harold Strong, Planning and Zoning Commission, answered questions of the City Council.

Mayor closed the public hearing

Council member Gay moved to approve **Ordinance No. 2838** expanding the existing Conditional Use Permit for a Night Club, Located in suite D at 2551 Texas Avenue South in the Homestead Place Shopping Center. Council member White seconded the motion, which carried unanimously, 6-0.

FOR: Silvia, Happ, White, Gay, Lancaster, Scotti,

AGAINST: None

ABSENT: Berry

Regular Agenda Item No. 13.3 – Presentation, discussion, and possible action on an changing the name of three streets in College Station including Southwest Parkway west to Woodside Drive, Haley Drive to Hemingway Drive, and Marion Pugh Drive to Jones-Butler Road.

Ken Fogle, Transportation Planner noted that staff removed the proposed name change of Southwest Parkway to Woodside Drive. This item will be brought before Council at a later date.

In an effort to maximize efficiency for emergency responders including fire, police, and medical services, the City of College Station strives to maintain street names that are clearly distinguishable from other within our local 9-1-1 services area. In order to do this, there are street names that need to be changed.

Currently, there are two streets in College Station that share the Haley name. There are six addresses on Haley Drive in the Foxfire subdivision and 45 addresses on Haley Place in the Southwood Valley subdivision. Based on this information, staff recommended that Haley Drive in Foxfire be changed to Hemingway Drive.

Also, there are two streets in College Station that share the Marion Pugh Drive name. The first section runs from George Bush Drive south to Luther Street and the second section runs from Harvey Mitchell Parkway (FM2818) south to Dowling Road. Based on the City of College Station Thoroughfare Plan, these two roadways are not planned to connect. This section of

Marion Pugh Drive between Harvey Mitchell Parkway and Dowling road is part of another thoroughfare that will connect south College Station to Texas A&M University. The other portions of this thoroughfare are already named Jones-Butler Road. There are no properties addressed off of this section of Marion Pugh Drive.

After a brief discussion, Council member Gay moved to approve **Ordinance No. 2839** renaming Haley Drive Street in Foxfire to Hemingway Drive; and removed the proposed name changes of Southwest Parkway West to Woodside Drive and Marion Pugh Drive to Jones-Butler Road until staff can review the proposed changes. Council member Lancaster seconded the motion, which carried unanimously, 6-0.

FOR: Silvia, Happ, White, Gay, Lancaster, Scotti
AGAINST: None
ABSENT: Berry

Regular Agenda Item No. 13.4 – Presentation, discussion and possible action regarding a resolution supporting the creation of a Federal District Divisional Courthouse in Bryan/College Station.

Don Fazzino, Manager of Special Projects and Legislative Affairs noted that the Bryan/College Station area is one of the largest standard metropolitan statistical areas in Texas without a federal court. A federal court in Bryan/College Station could include cases from Brazos County as well as Grimes, Madison, San Jacinto, Walker and Waller Counties of the State of Texas. It would also include the following:

- Relieve court congestion in the Southern District in Harris County.
- Allow residents of Brazos County and surrounding counties to have an easily accessible forum for the handling of federal lawsuits.
- Make it easier for prospective jurors to comply with their calls for jury service.
- Allow litigants to try their cases before jury panels made up of citizens in the area where they reside.
- Increase economic activity through the increase in litigation support business as well as through sales tax and hotel/motel tax purchases by those outside the community.

Staff recommended approval of a resolution that will show support for the U.S. Congress to enact legislation that will establish a Federal District Divisional Courthouse in the Bryan/College Station area.

Council members Scotti moved to approve **Resolution No. 10-13-2005-13.04** supporting the creation of a Federal District Divisional Courthouse in Bryan/College Station. Council member Lancaster seconded the motion, which carried unanimously, 6-0.

FOR: Silvia, Happ, White, Gay, Lancaster, Scotti
AGAINST: None
ABSENT: Berry

Regular Agenda Item No. 14 – The City Council may convene the executive session following the regular meeting to discuss matters posted on the executive session agenda for September 21, 2005.

At 8:07 p.m., Mayor Silvia announced in open session that the City Council would reconvene into executive session pursuant to Sections 551.071, 551.074 and 551.087 of the Open Meetings Act, to seek the advice of our attorney with respect to pending and contemplated litigation, the evaluation of a public officer, economic development negotiations. Executive session items are posted in the workshop minutes.

Regular Agenda Item No. 15 -- Final Action on executive session, if necessary.

Council concluded executive session at 11:06 pm. They returned to the Council Chambers.

The following action was taken.

Mayor Pro Tem Happ moved to approve the salary increases for the City Attorney in the amount of \$125,000, City Secretary in the amount of \$70,000 and Municipal Court Judge in the amount of \$86,625 effective October 1, 2005. The motion was seconded by Councilmember White. Motion carried unanimously, 7-0 with all Councilmembers present.

Regular Agenda Item No 16 -- Adjourn

Hearing no objections, the meeting adjourned at 11:10 p.m. Thursday, October 13, 2005.

APPROVED:

Mayor Ron Silvia

ATTEST:

City Secretary Connie Hooks