



**Mayor**  
Ben White  
**Mayor Pro Tem**  
David Ruesink  
**City Manager**  
Glenn Brown

**Councilmembers**  
John Crompton  
James Massey  
Dennis Maloney  
Katy-Marie Lyles  
Lawrence Stewart

**Minutes**  
**City Council Workshop Meeting**  
**Thursday, October 08, 2009 at 3:00 p.m.**  
**City Hall Council Chambers, 1101 Texas Avenue**  
**College Station, Texas**

**COUNCIL PRESENT:** Mayor Ben White, Mayor Pro Tem Ruesink, Council members Crompton, Massey, Maloney, Lyles and Stewart

**STAFF PRESENT:** City Manager Brown, Assistant City Manager Merrill, Assistant City Manager Neeley, City Attorney Cargill Jr., Deputy City Secretary McNutt, Management Team

**1. Presentation, possible action, and discussion on items listed on the consent agenda.**

**Item No. 2b** – Council member Ruesink inquired if any additional bids were submitted for the Texas Avenue Streetscape Construction Contract. Staff replied numerous bids were received.

**Item No. 2i** – Council member Maloney inquired on Wolf Pen Creek Water and Festival Area Professional Services Contract and what direction or proposal has Clark Condon Associates, Inc given on festival site.

**Item No. 2h** – Mayor White pulled item for discussion - Tanya McNutt, Deputy City Secretary explained ballot language changes due to software issues. Also, the purpose of revising resolution was to relocate polling place location of Precinct No. 80 to Christ United Methodist Church from Brazos Valley Bank. The ILA with Brazos County was amended to reflect this change.

**2. Presentation, possible action, and discussion concerning an alternative to address the administrative office space needs for city staff, the need for a larger city council chamber, and more public meeting space.**

City Manager Glenn Brown introduced the item with general comments.

Chuck Gilman, Director of Capital Projects identified an option that will help further centralize City operations; to improve City's efficiencies and lend itself favorable towards Council long term goal to consolidate city services along Krenk Tap Corridor and strategically allow for our growth as a City.

Mr. Gilman explained that the next step was to retain the services of an architect to conduct a feasibility study for this alternative plan. The scope of this study would include the following:

1. Facility program for the office and meeting space needs.
2. Evaluate the existing building to determine the feasibility of expanding the building:
  - Access/egress locations
  - Internal circulation
  - Lobby space
  - Independent structure/single structure
  - Aesthetics
3. Preliminary floor plan for the building expansion.
4. Opinion of probable construction cost for the expansion.

Staff recommended proceeding with a study to evaluate the feasibility of expanding the Municipal Courts Building, or receive alternative direction from Council.

Council directed staff to proceed with the understanding of keeping Council informed step by step.

**3. Presentation, possible action and discussion regarding Cell Phone Use in School Zones.**

Mark Smith, Director of Public Works presented an overview of the last Legislative Session, House Bill 55 that approved a new law making it an offense to use wireless communication devices while driving in a school zone. Staff recommended enforcement on recent amendments to the Transportation Code that prohibits the use of wireless communication devices by drivers in schools zones.

Council member Massey made a motion to prohibit wireless communication while driving in school zones. Council member Stewart seconded the motion, which carried 7 - 0.

FOR: Mayor Ben White, Mayor Pro Tem Ruesink, Crompton, Massey, Maloney, Lyles and Stewart  
AGAINST: None

**4. Presentation, possible action, and discussion regarding a proposed amendment to the City's smoking ordinance that would define tobacco/cigar bars in the City and add them as an exception.**

Hayden Migl, Assistant to the City Manager presented an overview of City's smoking ordinance passed on January 22 of this year prohibiting smoking in workplaces, bars and bar areas. Exceptions to the existing ordinance included specialty tobacco stores and actors or actresses participating in a theatrical performance. After the ordinance was passed, staff contacted bar owners to ensure that their businesses came into compliance and Police allowed a 30-day grace period in which the ordinance was enforced but no citations were issued.

Since that time an issue has come up regarding the Hookah Station located at Northgate. The Hookah Station is a bar that customers smoke flavored tobacco from hookahs, but they are also allowing other forms of smoking in the establishment. There have been complaints from other bar owners in the City that this is not equitable since the Hookah Station operates as a bar. The Hookah Station owners'

argument is the ordinance allows their bar to currently operate as it is today because they are a tobacco specialty shop; however, City staff has pointed out that a majority of their revenue comes from the sale of alcohol which makes them a bar according to the ordinance. The owners of the Hookah Station have met with the City and requested an exception. This business is not currently in compliance with the ordinance, but enforcement action is not being taken at this location until direction is received from Council. Staff requested Council's direction on determining how to move forward with an amendment that would define tobacco/cigar bars in the City and add them as an exception or leave present ordinance as is.

Davis Watson, Attorney for owner of Hookah Station requested Council's approval of proposed amendment to City's smoking ordinance

Council member Crompton made a motion to direct Assistant to the City Manager Hayden Migl and the Legal Department staff to return to Council with a definition of a tobacco specialty shop until further action is taken by Council. Council member Massey seconded the motion, which carried 6-1.

FOR: Mayor Ben White, Crompton, Mayor Pro Tem Ruesink, Massey, Maloney and Stewart  
AGAINST: Council member Lyles

**5. Presentation, possible actions and discussion regarding street maintenance operations for existing roadway infrastructure.**

Mark Smith, Director of Public Works presented information describing the management strategies toward existing roadway infrastructure, service levels and costs for future street maintenance operations.

Council directed staff to provide a detail report on proposed transportation user fees to fund these projects with input from the Transportation Committee. No formal action was taken.

**6. Council Calendar**

Council reviewed upcoming meetings and events.

**7. Presentation, possible action, and discussion 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 presented for future agendas.

**8. Discussion, review and possible action regarding the following meetings: Arts Council of the Brazos Valley, Audit Committee, Brazos County Health Dept., Brazos Valley Council of Governments, Brazos Valley Wide Area Communications Task Force, Cemetery Committee, Code Review Committee, Design Review Board, Historic Preservation Committee, Interfaith Dialogue Association, Intergovernmental Committee, Joint Relief Funding Review Committee, Landmark Commission, Library Committee, Metropolitan Planning Organization, National League of Cities, Outside Agency Funding Review, Parks and Recreation Board, Planning and Zoning Commission, Sister City Association, TAMU Student Senate, Research Valley**

**Partnership, Regional Transportation Committee for Council of Governments, Texas Municipal League, Transportation Committee, Wolf Pen Creek Oversight Committee, Wolf Pen Creek TIF Board, Zoning Board of Adjustments, BWSWMA, Signature Event Task Force, (Notice of Agendas posted on City Hall bulletin board).**

Council member Ruesink reported on Sister Cities Committee meeting held this month. Topic related to the process of recruiting youth/9<sup>th</sup> or 10<sup>th</sup> grade to be considered for travel to Germany or Russia.

Council member Lyles reported on the Arts Council meeting held this month. Topic related to the success of celebrating the arts programs, approval of revised budget, the hiring of executive director and the discussion of future upcoming events.

Council member Massey reported on National Night Out that was held this month. Topic related to success of 47 neighborhood watch parties in the community.

Mayor White reported on Metropolitan Planning Organization meeting held this month. Topic related to an interesting project called Gulf Coast Strategic Interstate System. Also a team of four (4) Glenn Brown, Mayor White, John Crompton, Bob Cowell and the Chamber of Commerce met with group of five (5) developers and had a good dialog on homeowners associations and the future of College Station.

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At 5:15 pm, Mayor White announced that the City Council would convene into executive session pursuant to Sections 551.071 and 551.072 of the Open Meetings Act to seek the advice of our city attorney, and to consider the purchase of real property.

**9. Executive Session will immediately follow the workshop meeting in the Administrative Conference Room.**

**Consultation with Attorney {Gov't Code Section 551.071}; possible action. The City Council may seek advice from its attorney regarding a pending or 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:**

- a. Application with TCEQ for permits in Westside/Highway 60 area, near Brushy Water Supply Corporation
- b. Sewer CCN permit requests for Brushy & Wellborn Services Areas
- c. Water CCN permit requests for Brushy & Wellborn Services Areas
- d. Bed & Banks Water Rights Discharge Permits for College Station and Bryan
- e. Legal aspects of Water Well, permits and possible purchase of or lease of water well sites
- f. Cliff A. Skiles, DVM & C.A. Skiles Family Partnership, Ltd. Water permit applications with the Brazos Valley Groundwater Conservation District
- g. TMPA v. PUC (College Station filed Intervention)

- h. City of Bryan suit filed against College Station, Legal issues and advise on Brazos Valley Solid Waste Management Agency contract, on proposed methane gas contract
- i. Update on legal proceedings for Grimes County Landfill site and contracts for development of Grimes County site
- j. Weingarten Realty Investors v. College Station, Ron Silvia, David Ruesink, Lynn McIlhaney, and Ben White
- k. Chavers et al v. Tyrone Morrows, Michael Ikner, City of Bryan, City of College Station, et al
- l. Rogers Sheridan v. Barbara Schob & Greg Abbott
- m. Clancey v. College Station, Glenn Brown, and Kathy Merrill
- n. Legal issues related to Economic Development Agreement between City of College Station & Sahara Realty
- o. Legal issues related to the real estate contract between City of College Station and CHSC, Ltd.

**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:

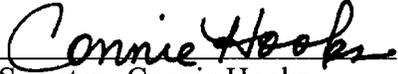
- a. Property located south of the intersection of George Bush Drive and Holleman Drive

**10. Action on executive session or any workshop agenda item not completed or discussed in today's workshop meeting may be discussed in tonight's Regular Meeting if necessary.**  
Council returned to open session at 7:00 pm. No action was taken.

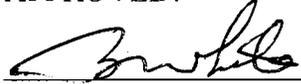
**11. Adjourn.**  
The workshop meeting concluded at 7:00 p.m.

PASSED AND APPROVED this 9<sup>th</sup> day of November, 2009.

ATTEST:

  
City Secretary Connie Hooks

APPROVED:

  
Mayor Ben White