

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 & Regular Meeting
Monday, October 19, 2009 at 12:00 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, Stewart

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

1. **Pledge of Allegiance, Invocation, Consider absence request.**
Mayor White called the meeting to order at 12:00 pm with all Council members present. Mayor White led the audience in the Pledge of Allegiance and provided the invocation.
2. **Hear Visitors.**

Daniel Dick, liaison from TAMU Student Senate reported on the progress of involvement with the City as a non-voting member on the City Council.
3. **Presentation, possible action and discussion of consent agenda items which consists of ministerial or "housekeeping" items required by law. Items may be removed from the consent agenda by majority vote of the Council.**
 - a. Approved minutes for City Council Workshop and Regular meeting, September 24, 2009.
 - b. Approved budget of the George Bush Presidential Library Foundation and funding agreement between the City of College Station and the George Bush Presidential Library Foundation for FY10 in the amount of \$50,000.
 - c. Approved **Resolution No. 10-19-09-3c** stating that the City Council has reviewed and approved the City's Investment Policy, Broker-Dealer List and Investment Strategy.
 - d. Approved funding agreement between the City of College Station and the Keep Brazos Beautiful for FY10 in the amount of \$60,240.

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- e. Approved Master Cash Management Service Agreement with the City's bank depository, Citibank Texas, N.A.
- f. Approved **Resolution No. 10-19-09-3f** authorizing expenditures for the Brazos Animal Shelter in the amount of \$71,214.
- g. Approved changes to the City's Homebuyer Down-Payment Assistance Program (DAP) Guidelines.
- h. Approved **Resolution No. 10-19-09-3h** awarding contract 09-306 to HDR Engineering Inc in the amount of \$209,500 for a Wastewater Collection System Planning Evaluation.
- i. Approved change order to the Design Contract 06-238 with Bleyl and Associates in the amount of \$5,350; for the Westminster Sanitary Sewer Line Extension Project to update the topographic survey and revise the design drawings to reflect current conditions.
- j. Approved **Resolution No. 10-19-09-3j** awarding bids for the installation of roadway traffic markings and traffic control to lowest responsible bidder Highway Technology of Austin, Texas in the amount of \$163,182.50 and, **Resolution No. 10-19-09-3j-a** on traffic control services to lowest responsible bidder N-Line Traffic Maintenance of Bryan, Texas in the amount of \$18,706.25.
- k. Approved request for release of lien on 150 Venture Lane currently held by the City.
- l. Approved authorizing the payment of an economic development incentive in the total amount of \$250,000 to Texas A&M University's Texas Institute for Preclinical Studies (TIPS).
- m. Approved an Interlocal Agreement between the Cities of College Station, Bryan, and Wickson Creek Special Utility District (WCSUD) in the amount of \$171,833.00 to extend water service to the BVSWMA Twin Oaks Landfill in Grimes County and a payment authorization in the amount of \$16,976.00 for easements assigned to WCSUD related to the water service extension project.
- n. Approved Service, Construction and Defined Corporate Easement Application/Agreements between the Cities of College Station, Bryan, and Mid-South Synergy in the total amount of \$54,142.54 to connect electric service to the BVSWMA Twin Oaks Landfill in Grimes County.
- o. Approved purchase of a D8T Dozer from Mustang Tractor & Equipment to be used by the Brazos Valley Solid Waste Management Agency in the amount of \$719,000.00.
- p. Approved increase in funds for professional services rendered in fiscal year 2009 from Coats, Rose, Yale, Ryman & Lee PC for litigation concerning the Brazos Valley Solid Waste Management Agency (BVSWMA) in the amount of \$33,284.46 for a total of \$123,284.46. Approval by the Council of this request will ratify \$33,284.46 expended for additional legal costs associated with this project through September 30, 2009.
- q. Approved agreement in an amount not to exceed \$60,000 with the legal firm of Nichols, Jackson, Dillard, Hager & Smith, L.L.P. to establish an entity, such as a local government corporation, to

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own and operate Brazos Valley Solid Waste Management Agency and authorization for the Mayor to execute the agreement. **(Pulled for separate vote 6-1 - Council member Maloney voted against.)**

- r. Presentation, possible action, and discussion regarding an amendment to the Economic Development, Drainage and Corridor Beautification Participation Agreement between the City of College Station and Sahara Realty. **(Language for motion is contingent on acquiring Mr. Scarmardo's signature)**

Item No. 3b - Council member Maloney inquired on funds for Library.

Council member Crompton moved to approve consent items 3a thru 3p and item 3r contingent upon Mr. Scarmardo's signature.

Council member Massey seconded the motion, which carried 7-0.

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

Council member Crompton moved to approve consent item 3q. Council member Massey seconded the motion, which carried 6 - 1.

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

4. Presentation, possible action, and discussion regarding construction on the campus of Texas A&M University and their current capital project program.

Mr. Chuck Sippial, Vice President for Facilities at TAMU introduced Lt. General Joe Weber (Ret.), Vice President of Student Affairs and TAMU intern Richard Fox.

Mr. Sippial presented an update to the City Council on current projects occurring on TAMU campus totaling more than \$700 million.

Lt. General Joe Weber (Ret.), Vice President of Student Affairs updated Council on TAMU's master plan for future student housing projects in Hensel Park Area.

9. Presentation, possible action, and discussion regarding the approval of a Real Estate Contract for the purchase of 204 - 220 Holleman Drive East.

David Gwin, Director of Economic and Community Development presented a proposed real estate contract for nine lots totaling 6.1368 acres located at 204 - 220 Holleman Drive East. The intended use of these properties is to promote targeted development in this area of the community and provide additional housing and job opportunities to low to moderate income households. Staff recommended approval of the purchase contract for 204 – 220 Holleman Drive East.

Council member Crompton moved to approve real estate contract for the purchase of 204 – 220 Holleman Drive East. Council member Stewart seconded the motion, which carried 7-0.

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

6. Presentation, possible action and discussion to approve a funding addendum that will authorize expenditures for the Brazos County Health Department in the amount of \$351,500.

Jeff Kersten, Chief Financial Officer presented the purpose of a proposed funding addendum that will authorize expenditures for the Brazos County Health Department. Staff recommended approval of the funding addendum in the amount of \$351,500 to the Brazos County Health Department.

Council member Crompton requested Council to send back to Health Committee for a cost allocation before approving the ILA with the Health Department and at that time approve a six month budget for the Health Department instead of a year.

Council member Crompton moved to approve a six month budget instead of a twelve month budget for Brazos County Health Department. Council member Maloney seconded the motion.

Ken Bost, of the Brazos County Health Department briefly explained the complexity of a 3.3 million budget, which the City of College Station funds \$351,500 upon approval of budget. So, the ability to gather data Council is requesting will be challenging, due all the services that health department provides.

Council member Crompton expressed his appreciation to Ken's explanation of the complexity of gathering this data and would withdraw his motion with at least a time number and multiplied by visits and look at time instead of dollars to give Council some kind of feel for services being funded. Council member Crompton withdrew his motion and Council member Maloney withdrew his second.

Council member Massey moved to approve the funding addendum in the amount of \$351,500 to the Brazos County Health Department. Council member Lyles seconded the motion, which carried 7 - 0.

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

5. Presentation, possible action, and discussion regarding the potential creation of a "Medical Corridor" in the southern portion of the City.

David Gwin, Director of Economic and Community Development presented an outline of proposed parameter of a "Medical Corridor," in the southern portion of the City. A comprehensive study to better determine the corridor's exact size and scope, associated market analysis, economic impact forecasting and modeling, and initiative visioning exercise is being proposed as the first phase of this project and once completed is expected to position the City to implement this major economic development initiative. Further, staff recommended approval and has preliminarily identified several key corridor elements to be explored under the proposed study, including signage, landscaping, pedestrian amenities, roadway enhancements and distinct design standards. It is anticipated that this City-administered study will be conducted by Schrickel, Rollins and Associates (SRA) and take approximately eighteen months to complete. If approved, a partnership, as proposed with The Med, is the preferred method.

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Mayor Pro tem Ruesink moved to approve the College Station Medical Corridor project. Council member Lyles seconded the motion, which carried 7 - 0.

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

7. Presentation, possible action, and discussion on a potential amendment to the Unified Development Ordinance related to architectural standards for municipal facilities that are industrial in nature.

David Coleman, Director of Public Utilities presented proposed amendment that would exempt municipal facilities of an industrial nature from the Non-Residential Architectural (NRA) Standards contained in the City's Unified Development Ordinance (UDO). Currently the UDO includes an exemption for both public and private developments on industrial zoned properties. Because municipal facilities are permitted in all zoning districts, it is unusual that City-owned property carry an industrial zoning designation. The proposed amendment would allow municipal industrial facilities to comply with the same standards that are in place for privately developed industrial facilities. A current example of an industrial facility is a new building under design, to be constructed at the Carters Creek Wastewater Treatment Plant, which will house the Water Services Laboratory and computer servers. For the new Lab Building, approximately \$56,000 can be saved if it were exempt from the NRA standards, and designed to match the architecture of the main administrative building at the Carters Creek plant.

Examples of cost savings are:

- Exterior Building Materials – Use matching brick, which is less expensive.
- Landscaping – Use Xeriscape, which will not require irrigation.
- Building Mass & Design – Delete the delineating columns on the exterior walls

Staff requested Council to consider a UDO amendment to make architectural requirements for City industrial uses on parity with private industrial uses.

City Attorney Harvey Cargill recommended Council to make a motion for staff to develop language for proposed UDO amendment for future use.

Council member Lyles moved to approve staff to develop language proposed UDO amendment for future use. Council member Maloney seconded the motion, which carried 7 - 0.

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

8. Presentation, possible action and discussion on a resolution approving a preliminary official statement, and related material; and on an ordinance authorizing the issuance and sale of City of College Station, Texas General Obligation Refunding Bonds, Series 2009; establishing parameters regarding the sale of the bonds; approving the execution of an escrow agreement; and ordaining other matters related thereto, including immediate effectiveness.

Jeff Kersten, Chief Financial Officer introduced Drew Masterson, City's Financial Advisor with First Southwest Company.

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City's Financial Advisor Drew Masterson with First Southwest Company presented the City with an opportunity to issue refund bonds for several of our outstanding General Obligation Bond issues. Refunding is issuing new debt to replace and pay off existing debt. Refunding can be done for a number of reasons; however, most often are used to accrue a savings against the current debt.

The bonds that are proposed to be refunded are:

• General Obligation & Refunding Bonds, Series 1998	\$ 740,000
• General Obligation, Series 1999	\$3,100,000
• General Obligation Bonds, Series 2000	\$ 865,000
• Certificates of Obligation, Series 2000A (Parking Garage)	\$4,220,000
	<u>\$8,925,000</u>

Council member Maloney moved to approve **Resolution No. 10-19-09-08** approving the preliminary official statement, and related materials; and **Ordinance No. 3211** authorizing the issuance and sale of General Obligation Refunding Bonds, Series 2009; establishing parameters regarding the sale of the bonds; approving the execution of an escrow agreement; and ordaining other matters related thereto, including immediate effectiveness. Council member Massey seconded the motion, which carried 7 - 0.

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

10. Presentation, possible action, and discussion regarding update to the existing ordinance regulating taxicabs operating within the city limits of College Station.

Larry Johnson, Assistant Chief of Police updated Council on existing taxicab ordinance and regulations and the ordinance intention to provide for and promote adequate and efficient vehicles for hire in the City of College Station. But the current City ordinance does not regulate taxi fare rates and only requires fare rate be displayed in a "conspicuous place" inside the taxi. Staff recommended fares to be displayed both inside and outside of vehicle and taxi vehicle maximum age not more than five (5) years.

Council member Crompton moved to approve displaying fares both inside and outside of vehicle and refer remainder of issues, such as maximum age and flat fare rates to Transportation Committee. Council member Lyles seconded the motion, which carried 7 - 0.

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

11. Presentation, possible action, and discussion regarding video surveillance cameras recently installed in the Northgate Entertainment District.

Ben Roper, Director of Information Technology reported and demonstrated the pilot video surveillance cameras in the Northgate Entertainment District which were installed the week of September 21st. Also, policy and procedures documents are being developed and finalized to govern use of the system.

No formal action was taken.

12. Presentation, possible action and discussion regarding the College Station Storm Water

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Management Plan.

Alan Gibbs, City Engineer presented brief annual report of the Storm Water Management Program and a five year period implementation of storm water program to eliminate pollution.

No formal action was taken.

13. Council Calendar

Council reviewed upcoming events.

14. 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.

Council member Maloney inquired on upcoming appointment to Code Development subcommittee.

15. 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, BVSWMA, Signature Event Task Force, (Notice of Agendas posted on City Hall bulletin board).

No discussion was held.

At 3:30 pm, Mayor White announced that the City Council would convene into executive session pursuant to Sections 551.071, 551.072, and 551.087 of the Open Meetings Act to seek the advice of our city attorney, to consider the purchase of real property and economic development negotiations.

16. 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

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- 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 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. Possible Purchase or Exchange of Property near E. University and Tarrow

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. Arctic Wolf Ice Center

17. **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.**

No formal action was taken.

18. **Adjourn.**

Hearing no objections, Mayor White adjourned the meeting at 5:00 p.m. on Monday, October 19, 2009.

PASSED AND APPROVED this November 9, 2009

ATTEST:

APPROVED:


City Secretary Connie Hooks


Mayor Ben White