



**Mayor**  
Ben White  
**Mayor ProTem**  
Lynn McIlhaney  
**City Manager**  
Glenn Brown

**Councilmembers**  
John Crompton  
James Massey  
Dennis Maloney  
Lawrence Stewart  
David Ruesink

**Agenda**  
**College Station City Council**  
**Workshop Meeting**  
**Thursday, February 26, 2009 1:30 p.m.**  
**City Hall Council Chambers, 1101 Texas Avenue**  
**College Station, Texas**

1. Presentation, possible action, and discussion on items listed on the consent agenda.
2. Presentation, possible action, and discussion on the performance, progress and future plans of the Research Valley Partnership (RVP).
3. Presentation, possible action, and discussion regarding City participation in the partial funding of a new industrial park located north of Bryan, Texas.
4. Presentation, possible action, and discussion regarding nuisance noise issues and responses.
5. Presentation, possible action and discussion on Policies Related to Door Hangers and Door-to-Door Solicitors.
6. Presentation, possible action, and discussion regarding the future of the Northgate Tax Increment Finance Reinvestment Zone (TIRZ #16).
7. Council Calendar
  - March 3 Special Council Meeting, Evaluations 6:00 pm, City Hall Administration Conference Room
  - March 4 Special Council Meeting, Evaluations 6:00 pm, City Hall Administration Conference Room
  - March 5 Joint Meeting, City Council and Planning and Zoning Commission, 5:00 pm City Hall
  - March 6 Fire Dept. Annual Awards Ceremony and Banquet, Pebble Creek
  - March 16 IGC Meeting, noon, BVCOG offices
  - March 17 Transportation Committee meeting, 4:30 pm, City Hall
  - March 23 Community Open House, Comp Plan, 6:00 pm, A&M Consolidated High School
  - March 24 Community Open House, Comp Plan, 6:00 pm, Grace Bible Church Southwood Campus
  - March 26 City Council workshop and regular meetings, 3:00 pm and 7:00 pm
8. 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

*On Behalf of the Citizens of College Station, Home of Texas A&M University, We will continue to Promote and Advance the Community's Quality of Life*

## City Council Workshop Meeting

Thursday, February 26, 2009

9. 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, Design Review Board, Historic Preservation Committee, Interfaith Dialogue Association, Intergovernmental Committee, Joint Relief Funding Review Committee, 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, BVSWM, Signature Event Task Force, (Notice of Agendas posted on City Hall bulletin board).

10. 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
- c. Water CCN permit requests
- 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

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 Sale of or Exchange of Property on E. University.

Competitive Matter {Govt Code Section 551.086}; possible action The City Council may deliberate, vote, or take final action on a competitive matter in closed session. The City Council must make a good faith determination, by majority vote of the City Council, that the matter is a Competitive Matter. A Competitive Matter is a utility-related matter that the City Council determines is related to the City of College Stations

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Electric Utility Competitive Activity, including commercial information, which if disclosed would give advantage to competitors or prospective competitors. The following is a general representation of the subject(s) to be considered as a competitive matter.

a. Marketing and Strategy Plans for College Station Electric Utilities

11. Action on executive session, or any workshop agenda item not completed or discussed in today's workshop meeting will be discussed in tonight's Regular Meeting if necessary.

12. Adjourn.

APPROVED:

City Manager

Notice is hereby given that a Workshop Meeting of the City Council of the City of College Station, Texas will be held on the 26<sup>th</sup> day of February, 2009 at 1:30 pm in the City Hall Council Chambers, 1101 Texas Avenue, College Station, Texas. The following subjects will be discussed, to wit: See Agenda

Posted this 23<sup>rd</sup> day of February, 2009 at 1:00 pm



City Secretary

I, the undersigned, do hereby certify that the above Notice of Meeting of the Governing Body of the City of College Station, Texas, is a true and correct copy of said Notice and that I posted a true and correct copy of said notice on the bulletin board at City Hall, 1101 Texas Avenue, in College Station, Texas, and the City's website, [www.cstx.gov](http://www.cstx.gov) . The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on February 23, 2009 at 1:00 pm and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

This public notice was removed from the official board at the College Station City Hall on the following date and time: \_\_\_\_\_ by \_\_\_\_\_.

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 2009.

CITY OF COLLEGE STATION, TEXAS

By \_\_\_\_\_

Subscribed and sworn to before me on this the \_\_\_\_\_ day of \_\_\_\_\_,

\_\_\_\_\_  
Notary Public – Brazos County, Texas My commission expires: \_\_\_\_\_

This building is wheelchair accessible. Handicap parking spaces are available. Any request for sign interpretive service must be made 48 hours before the meeting. To make arrangements call (979) 764-3517 or (TDD) 1-800-735-2989. Agendas may be viewed on [www.cstx.gov](http://www.cstx.gov). Council meetings are broadcast live on Cable Access Channel 19.

**February 26, 2009**  
**Workshop Agenda Item No. 2**  
**Research Valley Partnership Quarterly Performance Briefing**

**To:** Glenn Brown, City Manager

**From:** David Gwin, Director of Economic and Community Development

**Agenda Caption:** Presentation, possible action, and discussion on the performance, progress and future plans of the Research Valley Partnership (RVP).

**Recommendation(s):** N/A

**Summary:** Mr. Todd McDaniel, President and CEO, will provide a presentation on the performance, progress and future plans of the Research Valley Partnership (RVP).

City representation on the RVP Board is realized through the efforts and participation of the following appointments:

Mayor Ben White	-	Board Member
Mr. Larry Marriott	-	Board Member (Executive Com)
Mr. Larry Hodges	-	Board Member
Mr. Glenn Brown, City of College Station	-	Ex-Officio

**Budget & Financial Summary:** In FY 2008, the City Council allocated \$293,287 in annual funding for the Research Valley Partnership (RVP). Of these funds, \$243,287 is for general operation. The remaining \$50,000 is for area marketing efforts. The City of College Station is an equal funding partner with the City of Bryan and Brazos County in providing general operating funds. However, only the cities of College Station and Bryan participate in equally funding the marketing effort.

**Attachments:** N/A

**February 26, 2009**  
**Workshop Agenda Item No. 3**  
**Next Generation Industrial Park Funding Plan**

**To:** Glenn Brown, City Manager

**From:** David Gwin, Director of Economic and Community Development

**Agenda Caption:** Presentation, possible action, and discussion regarding City participation in the partial funding of a new industrial park located north of Bryan, Texas.

**Recommendation(s):** N/A

**Summary:** The Research Valley Partnership (RVP) has been actively working on plans to realize a new industrial park in the area. After looking at numerous options, the RVP's preferred site is located in Brazos County and north of Texas 6 and FM 2818 near the City of Bryan municipal limits.

Under the current plan, this 1,000-acre site would be sold to new businesses for approximately \$15,000 per acre. According to the RVP, conservative estimates suggest this arrangement would attract approximately \$100 million in private investment and 250 new jobs. The RVP is requesting funding for the project from Brazos County and the Cities of Bryan College Station based on a 3-2-1 formula respectively.

On February 10<sup>th</sup>, Brazos County Commissioners approved partial funding for the new industrial park. More specifically, they will contribute \$90,000 a year for up to 10 years as well as provide tax abatement in the area.

Further, the City of Bryan will consider action on February 24<sup>th</sup> to contribute \$60,000 a year for up to 10 years, provide utilities to the area, and agree not to annex the land for 5 years after any businesses have located in the industrial park.

The RVP estimates that the City of Bryan's and Brazos County's contributions to the project to be roughly equal. The City of College Station is being asked to contribute \$30,000 per year for up to 10 years. As such, the City's maximum contribution would be \$300,000.

As proposed, the RVP would serve as the day-to-day administrator of the new industrial park and provide on-going business development services.

**Budget & Financial Summary:** If approved, the arrangement would cost the City of College Station \$30,000 per year for ten (10) years. The funding agreement between the City of College Station and the Research Valley Partnership would be amended to include this additional annual amount.

**Attachments:** N/A

**February 26, 2009  
Workshop Agenda Item No. 4  
Nuisance Noise Overview**

**To:** Glenn Brown, City Manager

**From:** Michael Ikner, Chief of Police

**Agenda Caption:** Presentation, possible action, and discussion regarding nuisance noise issues and responses.

**Recommendation(s):** None

**Summary:** This item was requested by Council during the October 23, 2008 workshop.

Noise is a reoccurring issue in College Station. While great strides have been made to address loud party scenarios in a timely manner, there are other nuisance noise concerns that are often questioned. As such, this overview will attempt to provide understanding of other nuisance noise scenarios and a review of options we have to address these types of situations.

**Budget & Financial Summary:** N/A

**Attachments:** N/A

**February 26, 2009**  
**Workshop Agenda Item No. 5**  
**Door Hangers and Solicitors**

**To:** Glenn Brown, City Manager

**From:** Bob Cowell, Director of Planning & Development Services

**Agenda Caption:** Presentation, possible action and discussion on Policies Related to Door Hangers and Door-to-Door Solicitors

**Recommendation(s):** Staff recommends the development of a list of apartment complexes and neighborhoods that have “No Solicitation” policies to provide to solicitors when obtaining permits from the city to assist solicitors in recognizing areas they should avoid.

**Summary:** At the request of the City Council staff has undertaken an evaluation of the city’s current policies related to door hangers and door-to-door solicitation. The City currently has an ordinance that addresses solicitors, charitable solicitors, itinerant vendors and hand bill solicitors. Recently, there have been questions about solicitors that solicit and distribute advertisements in apartment complexes and neighborhood that have “No Solicitation” policies.

In addition, there have been issues raised about safety when advertisements are repeatedly distributed at residences where residents appear to not be home. The concern raised is that this could pose a safety risk to those persons who receive the door hangers repeatedly, as it may indicate that no one is at the residence. Often solicitors do not talk with apartment complex managers before distributing materials, therefore, many are not aware of “No Solicitation “policies. When solicitors violate these policies in apartment complexes, management can call the businesses and inform them of their policies and ask them not to distribute there anymore. If it continues, they can call the Police Department to make them aware that the business has violated their policy and are trespassing on the property. The police can arrest or issue a citation for violations.

The situation is different when happening in neighborhoods. Even if the neighborhood has a “No Solicitation “ policy, the solicitors can still solicit in the neighborhood as long as they have a permit from the city. The neighborhood’s “No Solicitation” policy is considered an association rule or deed restriction, which the city cannot enforce. In this case, each individual property owner has to tell the solicitors to leave their property or that they are not interested in their good/service. Enforcement in these cases is the same as that with apartment complexes.

It is also important to note that the City, political entities, and charities make extensive use of door hangers and door to door solicitations. Further, there are issues relative to the First Amendment and Freedom of Speech that need to be protected in any actions taken on this issue.

**Budget & Financial Summary:** N/A

**Attachments:** N/A

February 26, 2009  
Workshop Agenda Item No. 6  
Northgate Tax Increment Reinvestment Zone (TIRZ #16)

**To:** Glenn Brown, City Manager

**From:** David Gwin, Director of Economic and Community Development

**Agenda Caption:** Presentation, possible action, and discussion regarding the future of the Northgate Tax Increment Finance Reinvestment Zone (TIRZ #16).

**Recommendation(s):** Staff recommends dissolution of the Northgate TIRZ.

**Summary:** On June 22, 2006, the Council approved the establishment of a Tax Increment Reinvestment Zone (TIRZ #16) in Northgate for the sole purpose of partially financing the construction of a new hotel and convention center. After several unsuccessful attempts to secure the necessary property to make the project happen, staff began to identify other options to address this fundamental challenge to the project. Brazos County originally agreed to participate in the TIRZ effort; however, in a letter dated September 22, 2008 they took action to withdraw from the TIRZ.

On October 23, 2008, the Council approved the purchase of the Chimney Hill Shopping Center for redevelopment as the City's new hotel/convention center. As the Chimney Hill Shopping Center is not located within the Northgate TIRZ, the incremental tax revenue collected cannot be used for its intended purpose of financing the hotel/convention center project. Thus, staff seeks direction on the future of the Northgate TIRZ.

Per Texas Tax Code, a new ordinance is the only way to terminate a TIRZ before its original termination date. As established, the Northgate TIRZ original termination date is in FY 2036 if allowed to continue. As previously mentioned, Brazos County has already taken action to withdraw from participation in the Northgate TIRZ.

**Budget & Financial Summary:** The \$53,837.13 collected thus far by the Northgate TIRZ would be allocated back to the City of College Station General Fund.

**Attachments:**

- 1- Brazos County Notification of Withdrawal Letter





RECEIVED

SEP 26 2008

**BRAZOS COUNTY**  
**BRYAN, TEXAS**

*Randy Sims*  
County Judge  
200 South Texas Ave., suite 332  
Bryan, TX 77803  
Phone: (979) 361-4102  
Fax: (979) 361-4503  
E-mail: rsims@co.brazos.tx.us

22 September 2008

Mr. Glenn Brown, City Manager  
City of College Station  
1101 Texas Avenue  
College Station, TX 77840

Dear Glenn,

This letter serves to confirm our telephone conversation that Brazos County intends to withdraw from the Participation Agreement on TIF No. 16 due to the failure of performance of the agreed upon terms within a reasonable amount of time. As you know, Brazos County entered into this agreement based upon representations of a viable plan, as well as imminent commencement of construction of a convention center. To date, and despite the passage of almost two years, nothing has materialized and the agreement appears illusory. While it is my sincere desire that Brazos County and College Station always remain on collegial terms, I hope you can understand Brazos County's need to withdraw, at this juncture, from the TIF No. 16 Participation Agreement.

After you have read this letter, if you wish to discuss this matter further, please do not hesitate to call me.

Sincerely,

Randy Sims  
County Judge

DLL  
xc: file