



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

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

**Minutes**  
**City Council Workshop & Regular Meeting**  
**Thursday, January 22, 2009 at 3:00 pm and 7:00 pm**  
**City Hall Council Chambers, 1101 Texas Avenue**  
**College Station, Texas**

**COUNCIL PRESENT:** Mayor White, Council members Maloney, Crompton, Massey, Ruesink, Stewart

**COUNCIL ABSENT:** Mayor Pro Tem McIlhaney

**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

Mayor White called meeting to order at 3:00 p.m.

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

No discussion was held.

**Workshop Agenda Item No. 2 -- Presentation, possible action, and discussion regarding City-wide Grounds Maintenance of Public Property, specifically related to Parks and Recreation, as requested by Council at the August 28, 2008 meeting.**

Director of Parks and Recreation Tony Cisneros presented a report on the City's responsibility to maintain public properties throughout the City. He displayed a GIS map of city maintenance properties and a sample grounds maintenance bid tab.

Numerous discussion points were made about level of service. Council stated that additional data is necessary before direction is given on this item.

Staff was directed to prepare a cost benefit analysis of private grounds maintenance services and internal resources, as well as providing more companies the opportunity to bid. It was also noted that the HOA's may be interested in providing neighborhood park maintenance.

No official action was taken.

**Workshop Agenda Item No. 3 -- Presentation, possible action, and discussion regarding City Facility Landscape and Streetscape Guidelines, as requested by Council at the August 28, 2008 meeting.**

Director of Parks and Recreation Tony Cisneros provided this presentation in response to Council's request at the August 28, 2008 meeting. He presented a summary of the proposed guidelines for the development and

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redevelopment of city facility landscape and streetscapes. Parks and Recreation Advisory Board voted unanimously to recommend approval of these guidelines.

Council directed staff to move forward if cost were feasible.

No formal action was taken.

**Workshop Agenda Item No. 4 -- Presentation, possible action and discussion regarding the Expansion of College Station Utilities' Underground Electric System.**

Director of Electric Utilities David Massey and Assistant Director Tim Crabb presented an overview of past, present, and proposed underground locations of electric power lines within the City's Electric service territory. Specific discussion related to power lines along thoroughfares, high-profile areas, and power lines within residential and commercial developments.

Council requested additional information. For example; special rate class and other ratios in Texas.

No formal action was taken.

**Workshop Agenda Item No. 5 -- Council Calendar**

Council reviewed activity calendar.

**Workshop Agenda Item No. 6 -- 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 about the process for designation of County Commissioner Precincts. City Manager Glenn Brown reported on the city's involvement in the 2010 Census activity.

**Workshop Agenda Item No. 7 -- 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, BVSWMA, (Notice of Agendas posted on City Hall bulletin board).**

Council member Massey – IGC meeting & the RVP gave an update on the Innovation center.

Council member Maloney – Transportation meeting.

Council member Ruesink – reported on the CVB meeting and the Sister's Cities meeting. He requested a proclamation for visiting delegates from Sister City Kazan Russia.

Mayor White – reported on Metropolitan Planning Organization meeting and Wolf Pen Creek TIF Board.

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At 5:10 pm Mayor White announced that the City Council would convene into executive session pursuant to Section 551.071 of the Open Meetings Act to seek the advice of our city attorney.

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**Workshop Agenda Item No. 8 -- 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. Water service application with regard to Wellborn Special Utility District.
- e. Bed & Banks Water Rights Discharge Permits for College Station and Bryan
- f. Attorney-client privileged information and possible contemplated litigation of prior expenditures of College Station funds made by Paul Urso to Texcon
- g. Legal aspects of Water Well, permits and possible purchase of or lease of water well sites
- h. Cliff A. Skiles, DVM & C.A. Skiles Family Partnership, Ltd. Water permit applications with the Brazos Valley Groundwater Conservation District
- i. JK Development v. College Station
- j. Taylor Kingsley v. College Station
- k. State Farm Lloyds as Subrogee of Mikal Klumpp v. College Station
- l. TMPA v. PUC (College Station filed Intervention)
- m. 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
- n. Update on legal proceedings for Grimes County Landfill site and contracts for development of Grimes County site
- o. Weingarten Realty Investors v. College Station, Ron Silvia, David Ruesink, Lynn McIlhaney, and Ben White

**Workshop Agenda Item No. 9 -- 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.**

At 6:55 pm, Council adjourned from the executive session and returned to Council Chambers. No formal action was taken.

**Workshop Agenda Item No. 10 -- Adjourn**

The workshop meeting adjourned following the regular meeting.

**Minutes of Regular Meeting**

**Regular Agenda Item No. 1 -- Pledge of Allegiance, Invocation, Consider absence request.**

Mayor White called the meeting to order at 7:00 pm with all Council members present. Mayor White led the audience in the Pledge of Allegiance. Fire Chief R.B. Alley provided the invocation.

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Council member Maloney made a motion to approve the request for absence from Mayor Pro Tem McIlhaney. Council member Massey seconded the motion, which carried 6-0.

FOR: Mayor White, Crompton, Massey, Maloney, Stewart and Ruesink

AGAINST: None

**Hear Visitors:**

No one spoke.

**Regular Agenda Item No. 2 -- 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 November 20, 2008, December 4, 2008, and January 8, 2009 meeting.
- b. Approved contract with MicroAge of College Station for equipment, materials, supplies and services to upgrade the City's existing ATM Network in an amount not to exceed \$468,822.97.
- c. Approved **Ordinance No. 3157** amending Chapter 10, "Traffic Code," Section 2.C of the Code of Ordinances of the City of College Station changing the traffic control at the intersection of Eagle Avenue at Brandenburg Lane from one-way stop controlled operation to three-way stop controlled operation.
- d. Approved **Ordinance No. 3158** temporarily amending Chapter 10, Section 3E (2)(c), of the College Station Code of Ordinances by changing the posted speed limit on the section of Wellborn Road (FM 2154) between FM 2818 and Barron Road to 45 mph for the duration of TxDOT's Wellborn Road widening project.
- e. Approved **Ordinance No. 3159** modifying Chapter 10, "Traffic Code," Section 2.D of the Code of Ordinances of the City of College Station by updating the Traffic Control Device Inventory – Schedule III to add STOP signs at various intersections.
- f. Approved the City's authorized Brokers/Dealers for investments.
- g. Approved **Resolution No. 01-22-09-2g** to open a second Investment Pool account with Texas Short Term Asset Reserve Program ("TexSTAR").
- h. Approved **Resolution No. 01-22-09-2h** on a new Certificate of Authorized Persons to replace the existing certificate on the Third Party Custodian Agreement between the City of College Station, Citibank Texas, N.A., and Bank of New York, and authorizing the Mayor to execute the new certificate of authorized persons.
- i. Approved the Stop Loss Coverage Policy Renewal with Blue Cross and Blue Shield for our self-funded employee medical insurance plan for the calendar year 2009, in the amount of \$308,766.
- j. Approved the Second Amendment and Modification to the Annual Fuel Contract for City of Bryan, Texas and Second Amendment and Modification to the Annual Fuel Contract for City of College Station, Texas in order that all fuel deliveries for BVSWMA shall be separately invoiced; both the City of Bryan and City of College Station shall be jointly responsible for payment of BVSWMA invoices with BVSWMA funds and

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payment is so authorized in an amount not to exceed \$387,000 for BVSWMA deliveries for the fourth renewal period term.

k. Approved the annual renewal agreement for concrete meter boxes with Sims Plastics of Waco for an annual expenditure of \$88,191.75. This is the first of two renewal options that is to begin on February 11, 2009 and expire on February 10, 2010. Bid #08-20.

l. Approved a real estate contract with Mervin Peters to purchase conservation property and access easements on approximately 59.7 acres of land, at a cost of \$313,425.00.

m. Approved the additional funds for professional services from Bickerstaff, Heath, Delgado & Acosta, LLP. for litigation concerning the Brazos Valley Solid Waste Management Agency (BVSWMA) in the amount of \$202,000.00 for total funds of \$252,000.00 and ratify an additional \$40,040.19 expended and provide funds for additional legal costs associated with this project.

n. Approved the additional funds for professional services from Bickerstaff, Heath, Delgado & Acosta, LLP. for the Brazos Valley Solid Waste Management Agency (BVSWMA) condemnations for the Twin Oaks Landfill Facility property in the amount of \$27,737.90 for total funds of \$177,737.90. Approval of ratifying an additional \$27,737.90 expended.

o. Approved **Resolution No. 01-22-09-2o** awarding the bid and approval of (Contract Number #09-75) with Progressive Commercial Aquatics, Inc. in the amount of \$102,314 and ten (10) construction days for the purchase and installation of a UV Water Treatment System at four (4) swimming pools.

p. Approved the Advanced Funding Agreement No. 3 with the Texas Department of Transportation to finalize the reimbursement on this project. Upon execution of Amendment No. 3, the Texas Department of Transportation will reimburse the City of College Station \$682,826.86.

q. Approved **Resolution No. 01-22-09-2q** accepting the terms and conditions in the Letter of Acknowledgement from the Heart of Texas Regional Advisory Council and accept the Office of Assistant Secretary of Preparedness and Response (OASPR) Grant in the amount of \$7,000.00.

Council member Maloney moved to approve consent agenda items 2a thru 2q. Council member Stewart seconded the motion, which carried 6-0.

FOR: Mayor White, Crompton, Massey, Maloney, Stewart, Ruesink

AGAINST: None

ABSENT: Mayor Pro Tem McIlhaney

**Regular Agenda Item No. 1 -- Public hearing, presentation, possible action, and discussion regarding proposed changes to the City's smoking ordinance.**

Hayden Migl, Assistant to the City Manager presented the proposed smoking ordinance.

Mayor White opened the public hearing.

Arin Robertson, 800 Marion Pugh #315 – TAMU student from TAMU School of Rural Public Health spoke in favor of ordinance.

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Ashley Pudnos, 603 Southwest Pkwy #103 – TAMU student from TAMU School of Rural Public Health spoke in favor of ordinance.

Jennifer Pate, 4637 N. Graham Rd – TAMU student from TAMU School of Rural Public Health spoke in favor of ordinance.

Brooks Macdonald, 2920 Kent #184 opposed the ordinance.

Anthony Salvaggio, TAMU Student spoke in favor of ordinance.

Jess Fields, spoke in opposition to the ordinance.

Philip Brinson, 3711 Briarpark, Houston – owner of Fast Eddies Billiards, expressed that the ordinance will negatively impact his business.

Cary Haynes, 1501 Stallings # 47 – TAMU student in favor of smoking ordinance.

Brian Calwell, 16716 Woodlake Dr. spoke in favor of smoking ordinance.

Arthur Castro, 1203 Haines Dr. – supported the ordinance.

Ben Reese, 2405 Trace Meadows spoke in favor of smoking ordinance.

Joyner Faulk, 1423 Magnolia – expressed concerns of smoking hazards and health issues.

Dr. Mark Sicilio, 126 Lee expressed the hazards of second hand smoking and public health issues. He also explained about 15 products in cigarettes that harm the body.

Alicia Ramirez, 600 University Oaks Blvd. spoke in favor of the smoking ordinance.

Dr. Erin Fleener, a local oncologist spoke against the ordinance due to public health concerns

Bryan Alg – spoke against the ordinance.

Jerry Fowler – spoke against the ordinance.

Nichols Dyer – spoke against the ordinance.

Donald Mess – spoke against the ordinance.

Gina Midorff of BVCASA spoke in favor of smoking ordinance.

Jennifer Peters – TAMU student spoke in favor of smoking ordinance.

Sergio Espena – TAMU student spoke against the ordinance.

Bryan Johnson – TAMU student spoke against the ordinance.

Sarah Mendez, representing Brazos County Health Department supported the ban of smoking in bars.

Kristine Weaver - American Cancer Association spoke in favor of the ordinance.

Luke Bonds – TAMU student spoke in favor of the ordinance.

Daniel owner of Mad hatters, - against ordinance and inquired if the owner or business will be in violation if someone smokes (smoking ordinance.)

Karen Torres - in favor of smoking ordinance.

Austin English – in political science and against ordinance.

Mayor White closed the public hearing.

Council member Maloney moved to approve **Ordinance No. 3160** amending Chapter 7 Health and Sanitation of the Code of Ordinances of the City of College Station, Texas by amending Section 9, Tobacco Products and Smoking, as set out below; providing for a severability clause; declaring a penalty and providing an effective date. Council member Massey seconded the motion, which carried 6-0.

FOR: Mayor White, Crompton, Massey, Maloney, Stewart and Ruesink

AGAINST: None

ABSENT: Mayor Pro Tem McIlhaney

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**Regular Agenda Item No. 2 -- Public hearing, presentation, possible action, and discussion on an amendment to the Unified Development Ordinance, Article 7, General Development Standards as it relates to detention ponds and storm water management design.**

Staff Planner Lauren Hovde presented the amendment to the UDO Ordinance, Article 7, General Development as it relates to detention ponds and storm water management.

Mayor White opened the public hearing. Tom Woodfin, a member of the Planning and Zoning Commission made positive comments about the proposed amendment. Mayor White closed the public hearing.

Council member Crompton made a motion to approve **Ordinance No. 3161** amending Chapter 12, Section 7.2.G.2.c “Permanent Surfaces”, Section 7.5.C.9, “Landscaping Requirements”, Section 7.8 “Drainage and Stormwater Management” Section 7.9.B.1 “Required Screening”, and Section 7.9.B.2, “Building Mass and Design” of the Code of Ordinances of the City of College Station, Texas, by amending certain sections as set out below; providing a severability clause; and providing an effective date. Council member Maloney seconded the motion, which carried 6-0.

FOR: Mayor White, Crompton, Massey, Maloney, Stewart and Ruesink

AGAINST: None

ABSENT: Mayor Pro Tem McIlhaney

**Regular Agenda Item No. 3 -- Presentation, possible action, and discussion regarding the City’s appointment to the Joint Relief Funding Review Committee.**

City Secretary Connie Hooks requested Council make reappointment to the Joint Relief Funding Review Committee.

Council member Maloney made a motion to approve the reappointment of Kevin Byrne for a three year term expiring December 2011. Council member Massey seconded the motion, which carried 6-0.

FOR: Mayor White, Crompton, Massey, Maloney, Stewart and Ruesink

AGAINST: None

ABSENT: Mayor Pro Tem McIlhaney

**Regular Agenda Item No. 4 -- Adjourn.**

Hearing no objections, Mayor White adjourned the meetings at 8:36 pm on Thursday, January 22, 2009.

PASSED AND APPROVED this 12<sup>th</sup> day of February, 2009.

APPROVED

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Mayor Ben White

ATTEST:

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City Secretary Connie Hooks