



Mayor
Ben White
Mayor Pro Tem
Lynn McIlhaney
City Manager
Glenn Brown

Council members
John Crompton
James Massey
Dennis Maloney
Lawrence Stewart
David Ruesink

Minutes
City Council Workshop & Regular Meeting
Thursday, March 26, 2009 1:30 & 7:00 pm
City Hall Council Chambers, 1101 Texas Avenue
College Station, Texas

COUNCIL PRESENT: Mayor White, Mayor Pro Tem McIlhaney, Council members Crompton, Maloney, Massey, Ruesink, 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

Mayor White called meeting to order at 1:30 p.m.

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

Council member Massey inquired about Consent item 2m: janitorial supplies and does the city furnishes supplies.

Council member Maloney inquired about Consent item 2i: funds for professional legal services from Coats Rose.

Workshop Agenda Item No. 2 -- Presentation, possible action, and discussion relating to receiving the annual audit reports and Comprehensive Annual Financial Report (CAFR) for the fiscal year ended September 30, 2008.

Item was removed by staff.

Workshop Agenda Item No. 3 -- Presentation, possible action, and discussion on the Memorial Cemetery Pro Forma.

Jeff Kersten, Chief Financial Officer gave a brief update on the status of the cemetery, the marketing plan, and the pro forma. He explained that the Memorial Cemetery project has been under construction since late last spring and scheduled for completion in June of this year. The pro forma for the Memorial Cemetery has assumptions regarding cemetery lot sales and prices. Lot sales are not at levels projected in the pro forma.

Wayne Larson, Public Communications Director presented a summary of the AFOH marketing efforts implemented by the Public Communications Department as of July 2008.

Kersten emphasized that the completion of the Cemetery may change the dynamics of the marketing campaign.

City Council Workshop & Regular Minutes
Thursday, March 26, 2009

Ross Albrecht, Manager of Forestry and Urban Design summarized his experience from visits with various A&M Clubs throughout the state in promoting the Aggie Field of Honor.

Council expressed concern about the lack of revenue to date. Direction was given to the City Manager to review other revenue options.

No formal action was taken.

Workshop Agenda Item No. 4 -- Presentation, possible action, and discussion regarding ways to handle the large number of potential workshop items and how to address.

City Manager Glenn Brown explained that recent workshop meetings have begun at 1:30 pm in an attempt to “catch up” on items that involve daily city business items in addition to the items requested by City Council. Mr. Brown identified twenty-six items on the pending workshop calendar.

Council directed staff to prioritize the pending workshop items directly related to strategic plan. Staff would return at the next meeting to assist Council in the ranking of the priorities.

Council recommended future meetings to address the number of items.

No formal action was taken.

Workshop Agenda Item No. 5 -- Presentation, possible action, and discussion regarding an interim update on the Tauber and Stasney project and associated Northgate issues.

Chuck Gilman, Capital Projects Director gave an interim update on the Tauber and Stasney project and associated Northgate issues.

No formal action was taken.

Workshop Agenda Item No. 6 -- Presentation, possible action, and discussion on the current state of the economy in College Station and the impact it may have on the City of College Station; and on preliminary policy direction for the preparation of the FY 10 budget.

Jeff Kersten, Chief Financial Director presented an overview of the state of the College Station economy and the current financial condition of the City. The condition of the local economy can have an impact on the resources available to the City of College Station to provide services to the citizens and visitors of the community. He noted that staff has begun the budget process for Fiscal Year 2009-2010 budget process. Staff is requesting Council to provide any preliminary policy direction for the preparation of the FY 2009-2010 budget.

No formal action was taken.

Workshop Agenda Item No. 7 -- Presentation, possible action, and discussion regarding the benefits of an Automated Street Light Monitoring System.

Introduced by David Massey, Director of Electric Utility Services introduced this item.

City Council Workshop & Regular Minutes
Thursday, March 26, 2009

Tim Crabb, Assistant Director of Electric Utility Services presented the attributes of a proposed service associated with the installation and operation of an Automated Street Light Monitoring System. Staff requested Council's input concerning an Automated Street Light Monitoring System. Council expressed support for the system.

No formal action was taken.

Workshop Agenda Item No. 8 -- Presentation, possible action, and discussion regarding Public Grounds Maintenance Operations and Standards, as well as the continued use of contract services as a means of achieving those standards, as requested by Council at the August 28, 2008 and January 22, 2009 meetings.

David Schmitz, Assistant Director Parks and Recreation presented an overview of the current task the Parks and Recreation Department are faced with providing and maintaining quality grounds maintenance at public facilities. High standards for levels of service have been established. Based on the comparison of levels of service, funding and support for park maintenance and operations over the past 20 years, failures occur when meeting this high level of service.

Tony Cisneros, Director of Parks & Recreation explained the in order to provide the standard levels of service for maintenance, as well as effectiveness and cost efficiencies, the Parks and Recreation Department as studied its current operations and maintenance procedures. One of the maintenance methods currently used is contracting services. An analysis of contract services as compared to in-house grounds maintenance assisted the staff to determine which methods of grounds maintenance are best suited for specific sites to achieve the standard levels of service identified.

Staff requested that Council provide input and policy direction on conducting operations and maintenance levels of service focusing on specific service levels for maintenance of specific sites that the Parks and Recreation Department is responsible, including the continued use of contract services for grounds maintenance services.

Council expressed concern about the use of contracting services for grounds maintenance operations of city parks and public facilities at the level of service expected by citizenry and visitors.

No formal action was taken.

At 4:30 pm, Mayor White announced that the City Council would convene into executive session pursuant to Sections 551.071, 551.072, and 551.074 of the Open Meetings Act to seek the advice of our city attorney, to consider the evaluation of public officer, and competitive matters.

Workshop Agenda Item No. 13 -- 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

City Council Workshop & Regular Minutes

Thursday, March 26, 2009

- 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
- k. Chavers et al v. Tyrone Morrows, Michael Ikner, City of Bryan, City of College Station, et al
- l. Barron Road Widening Project Land Acquisition
- m. City of College Station v. David Allen Weber et al
- n. Legal Review of legal aspects of By-Laws Contract and Obligation of entity to acquire land in regard to RVP operations, possibly memorandum of understanding by Bryan, College Station, Brazos County

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. Purchase of one or more tracts on Holleman Drive near Wolf Pen Creek Area

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. Mayor & Council Self Evaluation

Workshop Agenda Item No. 14 -- 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.

Council recessed from the executive session at 6:55 pm. No formal action was taken.

Workshop Agenda Item No. 15 – Adjourn.

The workshop meeting concluded following the regular meeting. See regular meeting minutes for discussion of remaining workshop items.

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. Chief R.B. Alley provided the invocation.

City Council Workshop & Regular Minutes
Thursday, March 26, 2009

Presentation:

Mayor White, Bryan Mayor Conlee, Council members Maloney and Ruesink presented a Proclamation and gifts from the City of College Station to the officials of City of Salamanca, Mexico, sister city of College Station and Bryan.

Hear Visitors:

Jim Ash, 804 Preston Court expressed numerous concerns with Red Light Camera Operations.

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 City Council Workshop and Regular Meeting March 12, 2009.
- b. Approved Change Order #1, in the amount of \$16,270.00 to contract 07-263 with Mitchell & Morgan, LLP, to adjust scope of services for design of Nantucket Gravity Sewer line.
- c. Approved Change Order 2 to Contract 07-243 with Weisinger Water Wells for a \$32,492 reduction in the contract price and extending the time of completion to March 8, 2009.
- d. Approved **Resolution No. 03-26-09-2d** awarding a professional services contract for the design of the Southwood Phase 5-7 Project to Bleyl & Associates in an amount not to exceed \$427,882.00 and approved **Resolution No. 03-26-09-2d-a** declaring intention to reimburse certain expenditures with proceeds from debt.
- e. Approved **Resolution No. 03-26-09-2e** awarding a professional services contract for the design of the Water Reclamation Project to Lockwood, Andrews & Newnam, Inc. in an amount not to exceed \$431,000.00.
- f. Approved **Resolution No. 03-26-09-2f** authorizing City staff to negotiate and buy easements needed for the Water Reclamation Project and the future development of a bicycle and pedestrian facility project.
- g. Approved **Resolution No. 03-26-09-2g** awarding a professional services contract for the design of the COCS Beautification Project to Hester Engineering Company in an amount not to exceed \$59,750.00.
- h. Approved Change Order No. 1 to Contract 06-237 with Jones & Carter in the amount of \$15,000 to design the construction of water and wastewater lines along the section of W.D. Fitch Parkway that was annexed in 2002.
- i. Approved to authorize funds for professional legal services from Coats Rose Ryman and Lee for litigation concerning the Chavers litigation. Expenses paid to date plus anticipated legal costs are estimated to be \$150,000.
- j. Approved the Roam Master Agreement for an Automated Street Light Monitoring System in the amount of \$398,625.00 to be installed by ROAM, a division of Acuity Brands Technology Services, Inc and approval of a resolution declaring intention to reimburse certain expenditures with proceeds from debt.
- k. Approved the award of bid #09-30 to Brazos Valley Services to provide Type D Hot Mix Asphalt in an amount not to exceed \$1,000,000.00 (\$50.00 per ton). A secondary contract is requested for the provision of

City Council Workshop & Regular Minutes
Thursday, March 26, 2009

this material by the second bidder, Knife River, in an amount not to exceed \$51,000.00 (\$51.00 per ton) only in emergency situations when Brazos Valley Services is unable to provide material.

- l. Approved **Resolution No. 03-26-09-2L** of an annual contract with Knife River for Item 1 – “Type D Asphalt Installed” at \$62.40 per ton and Item 2 – “Emulsified Asphalt Installed” at \$2.25 per ton. The cost for the total of Item 1 and Item 2 is not to exceed \$629,625.00.
- m. Approved **Resolution No. 03-26-09-2m** awarding a contract for the annual blanket purchase order for janitorial supplies, Bid #09-44, to Criswell Distributing, in the amount of \$51,208.25.
- n. Approved **Resolution No. 03-26-09-2n** on an Advance Funding Agreement (AFA) with the Texas Department of Transportation (TxDOT) to allow the city to install trees along Texas Avenue.
- o. Approved **Resolution No. 03-26-09-2o** appointing Mr. Steve Beachy as a member of the Brazos Valley Groundwater Conservation District Board of Directors, subject to approval by the Brazos County Commissioners Court.
- p. Approved **Resolution No. 03-26-09-2p** of the City Council of the City of College Station supporting the further development of the Universal Freight Shuttle in the Brazos Valley.

Council member Massey moved to approve consent agenda items 2a thru 2p. Council member Maloney seconded the motion, which carried 7-0.

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

Regular Agenda Item No. 3 -- Presentation, possible action, and discussion of a sales contract for the sale of Fire Station No. 3 to Texas 4-H Youth Development Foundation in the amount of \$525,000.00.

Jeff Kersten, Chief Financial Officer presented an overview of the sales contract for the sale of Fire Station No. 3. Staff recommended the sale of Fire Station No. 3 to Texas 4-H Youth Development Foundation.

Council member Massey made a motion to approve the sales contract for the sale of the Fire Station No. 3 to Texas 4-H Youth Development Foundation in the amount of \$525,000.00. Council member Ruesink seconded the motion, which carried 7-0.

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

Regular Agenda Item No. 1 -- Public hearing, presentation, possible action, and discussion regarding an Ordinance amending Chapter 12, Section 4.2, “Official Zoning Map” of the Code of Ordinances of the City of College Station, Texas changing the Zoning District Boundaries of an area consisting of 16.486 acres, generally located along the State Highway 6 South bypass at Rock Prairie Road, from A-O Agricultural Open and C-2 Commercial Industrial to C-1 General Commercial.

Bob Cowell, ACIP, Director of Planning and Development Services presented the staff report pertaining to the rezoning of 16.486 acres located along the State Highway 6 South bypass at Rock Prairie Road, from A-O Agricultural Open and C-2 Commercial Industrial to C-1 General Commercial. The P&Z Commission

City Council Workshop & Regular Minutes

Thursday, March 26, 2009

recommended denial based on a motion to approve the request that failed by a 2-5 vote. Staff recommended approval of the request.

Kent Marsh, a resident of Houston presented comments about the proposed zoning change of 16.486 acre zoning change to C-1, based on his experience as a “third-party” certified comprehensive land planner. He recommended the following conditions if the property is rezoned.

1. Applicant provide a private drive, equal to a collector “Backage Road” be located on the property to provide a loop along the back of the site from Rock Prairie Road. The Backage Road intersection at Rock Prairie Road should only allow right-turn-into-the- site and right-turn-out-of-the-site movements.
2. Applicant provide an additional lane for right turns into the site from Rock Prairie Road.
3. No access into property for eastbound Rock Prairie Road except as provided by the “Backage Road”.

Mr. Cowell displayed graphics of the area reflecting the updated Thoroughfare Plan and the conditions raised by Mr. Marsh.

Brock Bailey, legal counsel representing Weingarten Realty Investors presented comments related to the development of the applicant’s property. He urged City Council approval of the rezoning request.

John Nichols, Chairman of the Planning and Zoning Commission explained the decision of the Planning and Zoning Commission of denial at their meeting on March 5, 2009.

Mayor White opened the public hearing.

Citizens addressed the City Council in opposition to the zoning request.

Millie Burrell, 9100 Waterford

Joan Perry, 9305 Wesleyan Ct.

Patricia Klein, 9214 Brookwater Circle

Allen Pepper, 10383 Nunn Jones Rd., College Station

Dr. Marissa, 9303 Wesleyan Ct.

Mayor White closed the public hearing.

Council member Crompton moved to approve **Ordinance No. 3174** amending Chapter 12, Section 4.2, “Official Zoning Map” of the Code of Ordinances of the City of College Station, Texas changing the Zoning District Boundaries of an area consisting of 16.486 acres, generally located along the State Highway 6 South bypass at Rock Prairie Road, from A-O Agricultural Open and C-2 Commercial Industrial to C-1 General Commercial. The property is rezoned conditioned upon the following provisions being met:

1. A private drive that does not permit parking or backing-maneuvers directly into the drive and has intersecting driveway spacing equal to a collector (“Backage Road”) shall be located on the property subject to the rezoning request. Right turn only onto Backage Road from eastbound on Rock Prairie and right turn only onto eastbound Rock Prairie from Backage Road. The Backage Road should provide a loop along the back of the site from Rock Prairie Road to Lakeway Drive that connects to the frontage road.

City Council Workshop & Regular Minutes
Thursday, March 26, 2009

- 2. Additional lane on eastbound Rock Prairie Road (dedicated to deceleration right turn only into Backage Road) across the property subject to the rezoning request (approximately 300 feet).
- 3. No access on eastbound Rock Prairie Road into the property subject to the rezoning request except as provided by the Backage Road.

Motion seconded by Council member Massey. Motion carried 7-0.

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

Regular Agenda Item No. 2 -- Public hearing, presentation, possible action, and discussion on an ordinance amending the Unified Development Ordinance, Article 6, Use Regulations and Article 11, Definitions as they pertain to the regulation of alcohol sales in Wolf Pen Creek (WPC) and Residential Northgate (NG-3) Zoning Districts.

Lindsay Kramer, Senior Planner presented the Unified Development Ordinance amendment regarding alcohol sales in Wolf Pen Creek with two options. This first option would be to require that all nightclubs obtain a conditional use permit in order to operate in the district which would provide greater discretion to the City Council. The second option would be to continue to allow the use in the district and continue to allow the Design Review Board to review the site plans. Staff and P&Z Commission recommended approval.

Mayor White opened the public hearing. No one spoke. Mayor White closed the public hearing.

John Nichols, P&Z Commission explained P&Z's vote for approval.

Council member Massey moved to approved **Ordinance No. 3175** to amend the UDO, Article 6, Use Regulations and Article 11, Definitions as they pertain to the regulation of alcohol sales in Wolf Pen Creek (WPC) and Residential Northgate (NG-3) Zoning Districts. Council member Maloney seconded the motion, which carried 7-0.

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

Regular Agenda Item No. 4 -- Presentation, possible action, and discussion concerning the City's fiscal policy on external audit.

Ty Elliott, City Internal Auditor presented a change to the City's fiscal policy to require either periodic rotation (e.g. five years) of external audit firms or periodic rotation of external audit staff within the same audit firm. Staff recommended the approval of the change to the City's fiscal policy.

Council member Malony made a motion to approve the changes to the City fiscal policy requiring the periodic rotation of external audit staff. Council member Crompton seconded the motion, which carried 7-0.

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

City Council Workshop & Regular Minutes
Thursday, March 26, 2009

Regular Agenda Item No. 5 -- Presentation, possible action, and discussion regarding appointment of Mayor and Council Member to serve on the Policy Advisory Board of the Brazos Valley Solid Waste Management Agency for calendar year 2009.

City Secretary Connie Hooks gave a brief statement from the bylaws of the Policy Advisory Board of the Brazos Valley Solid Waste Management Agency. "The Board shall be comprised of three voting members as follows: The Mayors of Bryan and College Station shall at all times be voting members of the Board and shall alternate each year as Chair; one City Council member from Bryan shall be a voting member of the Board during each year that College Station's Mayor presides as Chair; one City Council member from College Station shall be a voting member of the Board during each year Bryan's Mayor presides as Chair. The city managers of each city shall serve as non-voting or ex-officio members of the Board."

Staff requested Council's action for the reappointment of Council member Crompton or the appointment of another Council member to serve the remainder of 2009.

Council member Maloney moved to approve the appointment of Mayor Pro Tem McIlhaney as the City's representative along with Mayor Ben White on the BVSWMA Policy Board for the remainder of 2009. Council member Massey seconded the motion, which carried 7-0.

FOR: Mayor White, Crompton, Massey, Maloney, Stewart, Ruesink, and McIlhaney
AGAINST: None

Council returned to the workshop agenda that was not completed prior to the regular meeting,

Workshop Agenda Item No. 9 -- Presentation, possible action, and discussion regarding the Parks and Recreation Athletic Renovation and Improvements Fund Fee Analysis, as requested by Council at the November 24, 2008 meeting.

Item was pulled for future agenda.

Workshop Agenda Item No. 10 -- Council Calendar

Council reviewed activity calendar.

Workshop Agenda Item No. 11 -- 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 Crompton requested a future agenda item to discuss recent letter from the Arts Council. Council member Ruesink seconded.

Council member Ruesink requested a future agenda item on Northgate planning ordinance. Council member Crompton seconded.

Workshop Agenda Item No. 12 -- 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

City Council Workshop & Regular Minutes

Thursday, March 26, 2009

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).

Council member Stewart reported on the recent Audit Committee Meeting.

Council member Ruesink reminded City Council of a dinner function dinner scheduled March 27th at Veterans Pavilion with the Sister City delegation from Salamanaca, Mexico.

Regular Agenda Item No. 6 -- Adjourn.

Hearing no objections, Mayor White adjourned the meetings at 9:13 p.m. on Thursday, March 26, 2009.

PASSED AND APPROVED this 9th day of April, 2009.

APPROVED

Mayor Ben White

ATTEST:

City Secretary Connie Hooks