

Minutes
City Council Regular Meeting
Thursday, June 28, 2007, 7:00 p.m.
City Hall Council Chambers, 1101 Texas Avenue
College Station, Texas

COUNCIL MEMBERS PRESENT: Mayor White, Council members Massey, Gay, McIlhaney, Ruesink, Crompton

COUNCIL MEMBER ABSENT: Scotti

STAFF PRESENT: City Manager Brown, City Attorney Cargill Jr., City Secretary Hooks, Assistant City Secretary Casares, Management Team

Mayor White called the meeting to order at 7:00 p.m. He led the audience in the Pledge of Allegiance. Assistant Director of Development Services provided the invocation. Council member Gay moved to approve Council member Scotti absence request. Council member McIlhaney seconded the motion, which carried unanimously, 6-0.

Hear Visitors

Council did not receive any public comments.

Consent Agenda

Council member Gay moved to approve Consent Agenda Items 2a-2n as presented. Council member Ruesink seconded the motion, which carried unanimously, 6-0.

- a. Approved by common consent **Resolution No. 6-28-207-2a** approving a Inter-local Agreement establishing the Community Emergency Operations Center which will be staffed by a collaborative effort between Brazos County, the cities of College Station and Bryan, and Texas A&M University for a cost of \$62,954 for the first year, this proposal is a 5 year lease with an option for another 5 years.
- b. Approved by common consent **Resolution No. 6-28-2007-2b** suspending the proposal by Atmos Energy Corporation to implement interim Gas Reliability Infrastructure Program (GRIP) rate adjustments for gas utility investment in 2006.
- c. Approved by common consent a purchase order to Hartwell Engineering, Inc. in the amount of \$60,850.00 for the purchase of two replacement diffusers needed in Plants 3 and 5 of Carter's Creek WWTP.
- d. Approved by common consent a local forfeiture agreement between the City of College Station and the Brazos County District Attorney's Office.

- e. Approved by common consent **Resolution No. 6-28-2007-2f** providing an exception to the Policy to allow Mr. John Cochran to construct sewer infrastructure necessary to connect his home to the City sewer system.
- f. Approved by common consent **Resolution No. 6-28-2007-2f** providing an exception to Policy to allow Mr. James Gilley to construct sewer infrastructure necessary to connect his home to the City sewer system.
- g. Approved by common consent **Resolution No. 6-28-2007-2g** determining need for the purchase of a 14.386 acre tract adjacent to the Carters Creek Wastewater Treatment Plant.
- h. Approved by common consent a new lease with the City of Bryan for Water Well #4, for a period of three years.
- i. Approved by common consent **Resolution No. 6-28-2007-2i** appointing Mayor Ben White as Emergency Management Director and reappointing Brian Hilton as the Emergency Management Coordinator.
- j. Approved by common consent the rejection of bid proposals received from Bid No. 07-73; and approving a bid award for the purchase of various electrical items maintained in inventory to Priester, Mell and Nicholson for \$29,745.00; KBS Electrical for \$98,514.00; Stuart C. Irby for \$11,103.20; Techline for \$507,262.85; TEC for \$7,575.00 and HD Supply for \$13,090.60 for total annual estimated expenditures of \$667,290.65. Bid No. 07-87.
- k. Approved by common consent **Resolution No. 6-28-2007-2k** by the City Council of the City of College Station, Texas, directing publication of notice of intention to issue certificates of obligation, series 2007; and providing an effective date.
- l. Approved by common consent purchase requests for FY'07, items exempt from competitive bidding as described more fully in Texas Local Government Code, Chapter 252.022; and other expenditures for interlocal contracts or fees mandated by state law.
- m. Approved by common consent the appointment of Mayor Ben White to represent the City of College Station on the Brazos Valley Council of Governments (BVCOG) Board of Directors.
- n. Approved by common consent minutes for the June 14, 2007 Council Workshop and Regular Meetings.

Regular Agenda Item No. 1 -- Public hearing, presentation, possible action, and discussion regarding the annual review of the Unified Development Ordinance (UDO) and the Comprehensive Plan, including recent UDO amendments, requested UDO amendments, and recent Comprehensive Plan amendments.

Director of Planning and Development Services Bob Cowell presented a staff report regarding annual review of the Unified Development Ordinance (UDO) and the Comprehensive Plan, including recent UDO amendments, requested UDO amendments, and recent Comprehensive Plan amendments. Mr. Cowell also discussed the requested Unified Development Ordinance amendments (attached signage and traffic impact analysis) and an updated Policy and Procedure Improvements made by the Planning staff in order to improve efficiency and performance.

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

Council member Gay moved to retain the City of College Station current sign ordinance. Council member Massey seconded the motion, which carried unanimously, 6-0.

FOR: White, Massey, Gay, McIlhaney, Crompton, Ruesink

AGAINST: None

ABSENT: Scotti

Council member Crompton moved to approve the Traffic Impact Analysis at the zoning stage for the purpose of non-residential land use that generates greater than 1,000 trips per day. Council member Ruesink seconded the motion.

Council member Massey expressed support of the Traffic Impact Analysis at the time of zoning consideration; however, he recommended staff prescribe the technical level in which it should be implemented. Council Ruesink seconded the motion, which carried by a vote of 5-1.

FOR: White, Massey, McIlhaney, Crompton, Ruesink

AGAINST: Gay

ABSENT: Scotti

Regular Agenda Item No. 2 -- Presentation, discussion, and possible action on consideration of an ordinance amending Chapter 10, "Traffic Code," to restrict parking on portions of Mortier Avenue, Valley View Drive, and selected streets in the South Side area.

Director of Public Works Mark Smith described the proposed ordinance amending Chapter 10, "Traffic Code," to restrict parking on portions of Mortier Avenue, Valley View Drive, and selected streets in the South Side area. Mr. Smith pointed out that the residents of the proposed areas contacted the City of College Station about the difficulty of seeing approaching vehicles. The College Station Fire Department has expressed the desire to improve emergency vehicles access in the south side area by the removal of parking. Mr. Smith pointed out that the Traffic Management Team discussed the proposed parking removals at its April meeting and recommended parking be removed. Staff recommended approval of the ordinance amendment.

Mayor White read the citizens comment forms from Sandy Ragsdale, 306 Suffolk, Jeannette McCandless, 310 Suffolk, and Charles McCandless, 310 Suffolk, submission of support to the proposed ordinance restricting parking on Pershing Avenue.

Mayor White opened the public hearing. The following residents addressed the proposed parking restrictions.

Gaines West, 200 Suffolk
Katherine Edwards, 313 Pershing Avenue
Gordon Eaton, 201 Pershing Avenue
Scott Shafer, 117 Pershing Avenue
Jerry Cooper, 602 Bell Street
Glenn Wyant, 10606 Deer Run
C.D. Claycamp, 300 Lee Avenue

Mayor closed the public hearing.

Council member Massey moved to approve the proposed restricted parking on portions of Mortier Avenue. Council member Gay seconded the motion, which carried unanimously, 6-0.

FOR: White, Massey, Gay, McIlhane, Scotti, Ruesink
AGAINST: None
ABSENT: Scotti

Council member Massey moved to approve the proposed restricted parking on portions of Valley View Drive. Council member Gay seconded the motion, which carried unanimously, 6-0.

FOR: White, Massey, Gay, McIlhane, Scotti, Ruesink
AGAINST: None
ABSENT: Scotti

Council member Gay moved to approve the South Side Plan as presented by staff. Council member McIlhane seconded the motion which carried unanimously, 6-0.

FOR: White, Massey, Gay, McIlhane, Scotti, Ruesink
AGAINST: None
ABSENT: Scotti

Council members directed staff to work with the Oakwood Neighborhood Association to implement the plan they proposed with the modification of the two hour parking and implement the notification process of the effected properties. Council members expressed the urgency to place this item on a future City Council meeting.

AN ORDINANCE AMENDING CHAPTER 10, "TRAFFIC CODE", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

Council recessed for a short break at 8:37 p.m. and reconvened the regular meeting at 8:50 p.m.

Regular Agenda Item No. 3 -- Public hearing, presentation, possible action, and discussion on an ordinance rezoning 4.47 acres from R-1 Single Family Residential to A-O Agricultural Open at 450 Earl Rudder Freeway South, generally located north of University Drive on southbound Earl Rudder Freeway South at the City limit.

Staff Planner Crissy Hartl presented a proposed ordinance rezoning 4.47 acres from R-1 Single Family residential to A-O Agricultural Open at 450 Earl Rudder Freeway South, located north of University Drive on southbound Earl Rudder Freeway South at the City limit. The Planning and Zoning Commission and staff recommended approval of the proposed rezoning.

Mayor White opened the public hearing. Terry Barr from Mitchell & Morgan Engineers offered to answer questions of the City Council. Mayor White closed the public hearing.

Council member Massey to approve to approve **Ordinance No. 2983** rezoning 4.47 acres from R-1 Single Family Residential to A-O Agricultural Open at 450 Earl Rudder Freeway south, located north of University Drive on southbound Earl Rudder Freeway South at the City limit. Council member Ruesink seconded the motion, which carried unanimously, 6-0.

AN ORDINANCE AMENDING CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," SECTION 4.2, "OFFICIAL ZONING MAP," OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES AS DESCRIBED BELOW; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

FOR: White, Massey, Gay, McIlhaney, Crompton, Ruesink

AGAINST: None

ABSENT: Scotti

Regular Agenda Item No. 3 -- Public hearing, presentation, possible action, and discussion on an ordinance rezoning 44 acres from A-O Agricultural Open and R-4 Multi-Family to A-O Agricultural Open and R-4 Multi-Family for 1300 Harvey Mitchell Parkway South.

Staff Planner Lindsay Boyer illustrated factors pertaining to the proposed ordinance rezoning 44 acres from A-O Agricultural Open and R-4 Multi-Family to A-O Agricultural Open and R-4 Multi-Family for 1300 Harvey Mitchell Parkway South. The Planning and Zoning Commission recommended approval with the condition that staff agrees that the FEMA issues have been properly addressed by the applicant. Staff received the required data and the condition from the Planning and Zoning Commission was satisfied. Staff recommended approval.

Mayor White opened the public hearing. Mathew Zee, Dotson Associates, 5629 FM 1960 Houston, Texas, and Lane Griffith, Developer, Irving, Texas answered questions of the City Council. Mayor White closed the public hearing.

Council member Gay moved approve the rezoning request of 44 acres from A-O Agricultural Open and R-4 Multi-Family to A-O Agricultural Open and R-4 Multi-Family for 1300 Harvey Mitchell Parkway South. Council Massey seconded the motion, which *failed by a vote of 3-3*.

FOR: White, Gay, Massey

AGAINST: McIlhaney, Ruesink, Crompton

ABSENT: Scotti

Regular Agenda Item No. 4 -- Public hearing, presentation, possible action, and discussion on an ordinance amending the list of permitted uses included in the Planned Development District zoning for 24.48 acres located at 1906 FM 158, and more generally located east of the Crescent Pointe Subdivision on State Highway 30.

Senior Planner Jennifer Prochazka clarified the proposed ordinance amending the list of permitted uses included in the Planned Development District zoning for 24.48 acres located at 1906 FM 158, located east of the Crescent Pointe Subdivision on State Highway 30. The Planning and Zoning Commission and staff recommended approval.

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

Council member Gay moved to approve **Ordinance No. 2984** amending the list of permitted uses included in the Planned Development District zoning for 24.48 acres located at 1906 FM 158, located east of the Crescent Pointe Subdivision on State Highway 30. Council member Ruesink seconded the motion, which carried 5-1.

AN ORDINANCE AMENDING CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," SECTION 4.2, "OFFICIAL ZONING MAP," OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES AS DESCRIBED BELOW; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

FOR: White, Gay, McIlhaney, Crompton, Ruesink

AGAINST: Massey

ABSENT: Scotti

Regular Agenda Item No. 5 -- Public Hearing, presentation, possible action, and discussion approving an ordinance vacating and abandoning a 0.067 acre portion of a twenty (20) foot wide public utility easement, which is located across the northern half of Lot 5A, Block 1 of the Gateway Phase 1 Subdivision according to the plat recorded in Volume 4998, Page 262 of the Deed Records of Brazos County, Texas.

Senior City Engineer Alan Gibbs presented a brief overview of the ordinance vacating and abandoning a 0.067 acre portion of a twenty (20) foot wide public utility easement, which is located across the northern half of Lot 5A, Block 1 of the Gateway Phase 1 Subdivision according to the plat recorded in Volume 4998, Page 262 of the Deed Records of Brazos County, Texas.

Mayor White opened the public hearing. Natalie Ruiz, IPS Group, 511 University Drive #205, offered to answer questions of the City Council. Mayor White closed the public hearing.

Council member Gay moved to approve **Ordinance No. 2985** vacating and abandoning a 0.067 acre portion of a twenty (20) foot wide public utility easement, which is located across the

northern half of Lot 5A, Block 1 of the Gateway Phase 1 Subdivision according to the plat recorded in Volume 4998, Page 262 of the Deed Records of Brazos County, Texas. Council member Massey seconded the motion, which carried unanimously, 6-0.

AN ORDINANCE MAKING CERTAIN AFFIRMATIVE FINDINGS AND VACATING AND ABANDONING A 0.067 ACRE PROTION OF A TWENTY (20) FOOT WIDE PUBLIC UTILITY EASEMENT, SAID PROTION LYING ACROSS THE NORTHERN HALF OF LOT 5A, BLOCK 1, OF THE GATEWAY PHASE 1 SUBDIVISION, ACCORDING TO THE PLAT RECORDED IN VOLUME 4998, PAGE 262 OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS.

FOR: White, Massey, Gay, McIlhaney, Crompton, Ruesink
AGAINST: None
ABSENT: Scotti

Regular Agenda Item No. 6 -- The City Council may convene the executive session following the regular meeting to discuss matters posted on the executive session agenda for June 28, 2007.

Council concluded the executive session prior to the regular meeting.

Regular Agenda Item No. 7 -- Final action on executive session, if necessary

No action taken.

Regular Agenda Item No. 8 -- Adjourn.

Hearing no objections, Mayor White adjourned the meeting at 9:20 p.m. on Thursday, June 28, 2007.

PASSED and APPROVED this 12th day of July, 2007.

APPROVED:

Mayor Ben White

ATTEST:

City Secretary Connie Hooks