



Mayor
Ron Silvia
Mayor Pro Tempore
Ben White
City Manager
Glenn Brown

Council Members
John Happ
Ron Gay
Lynn McIlhaney
Chris Scotti
David Ruesink

Minutes
City Council Regular Meeting
Thursday, March 22, 2007 at 7:00 pm
City Hall Council Chambers, 1101 Texas Avenue
College Station, Texas

COUNCIL MEMBERS PRESENT: Mayor Silvia, Mayor Pro Tem White, Council members, Happ, McIlhaney, Scotti, Ruesink

COUNCIL MEMBER ABSENT: Gay

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

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

Mayor Silvia called the meeting to order at 7:03 pm. He led the audience in the Pledge of Allegiance. Council member Happ moved to approve Council member Gay's absence request. Mayor Pro Tem White seconded the motion, which carried unanimously, 6-0.

FOR: Silvia, White, Happ, McIlhaney, Scotti, Ruesink

AGAINST: None

Hear Visitors Jessica Guidry invited the public to attend the Northgate Music Festival.

Consent Agenda

Council member Happ moved to approve consent agenda items 2a – 2i, deleting the reference to Consent Item 2a, east /west corridor I-14. Council member McIlhaney seconded the motion, which carried unanimously, 6-0.

FOR: Silvia, White, Happ, McIlhaney, Scotti, Ruesink

AGAINST: None

ABSENT: Gay

2a. Approved by common consent **Resolution No. 3-22-2007-2a** supporting the construction of the I-69 and the East West Corridor (I-14) and requesting the expansion of the corridors' study areas to include Brazos County. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, REQUESTING THAT: (1) THE STUDY AREA FOR THE TTC-69 BE EXPANDED TO INCLUDE BRAZOS COUNTY; (2)

THE PROPOSED TTC 69 ROUTE ENTER BRAZOS COUNTY; AND (3) THE PROPOSED EAST WEST CORRIDOR INCLUDE BRAZOS COUNTY.

2b. Approved by common consent **Ordinance No. 2966** amending Chapter 10, "Traffic Code," to restrict parking on both sides of Victoria Avenue between Rock Prairie Road and SH 40 (William D. Fitch Parkway), so bike lanes can be added.

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.

2c. Approved by common consent the renewal of an annual price agreement for Janitorial Supplies, bid #06-44, in the amount of \$54,498.31.

2d. Approved by common consent **Resolution No. 3-22-2007-2d** determining the public necessity to acquire right-of-way and easement interests for the Rock Prairie Road Widening Design and ROW Project.

A RESOLUTION OF THE CITY COUNCL OF THE CITY OF COLLEGE STATION, TEXAS, RELATING TO: (1) THE AUTHORITY OF THE CITY TO INITIATE, COMPLETE, AND ACQUIRE, BY PURCHASE OR CONDEMNATION, RIGHT-OF-WAY AND EASEMENT INTEREST IN CERTAIN PROPERTY FOR THE ROCK PRAIRIE ROAD WIDENING PROJECT; (2) A DECLARATION THAT PUBLIC NECESSITY EXISTS FOR THE CITY TO ACQUIRE SUCH INTEREST, THROUGH PURCHASE OR CONDEMNATION; AND (3) ESTABLISHING PROCEDURES FOR THE ACQUISITION OF SUCH INTEREST IN THE PROPERTY.

2e. Approved by common consent a contract with Information Station Specialists for the purchase and construction of a secondary low power AM emergency advisory radio transmitter and flashing beacons and associated radio and solar power units for advisory signs in an amount not to exceed \$82,980.

2f. Approved by common consent the second reading of an ordinance approving a non-exclusive gas and oil gathering franchise agreement with Energy Transfer Corporation.

2g. Approved by common consent racial profile report required annually by Senate Bill 1074, of the Texas 77th legislative session.

2h. Approved by common consent a bid award for the purchase of various padmount transformers maintained in inventory to HD Supply for \$43,050.00 and KBS Electrical for \$16,875.00 for total expenditures of \$59,925.00. Bid #07-57

2i. Approved by common consent minutes for the College Station City Council Workshop and Regular Meeting of March 8, 2007.

Regular Agenda Item No. 1 -- Public hearing, presentation, possible action, and discussion on an ordinance amending the Comprehensive Land Use Plan for one 5-acre lot from Single Family Residential Medium Density to Planned Development, located at 1850 William D. Fitch Parkway.

Council members considered Regular Agenda Item No. 1 and Regular Agenda Item No. 2 collectively.

Staff Planner Crissy Hartl noted that the Planning and Development Services received a letter from the applicant requesting that the current application remain active and this item be remanded back to the Planning and Zoning Commission for further discussion of both the comprehensive plan amendment the rezoning request including site details.

Council member Happ moved to refer Regular Agenda Item No. 1 and Regular Agenda Item No. 2 back to the Planning and Zoning Commission for further discussion of both the comprehensive plan amendment and the rezoning request including site details. Mayor Pro Tem White seconded the motion, which carried unanimously, 6-0.

FOR: Silvia, White, Happ, McIlhaney, Scotti, Ruesink

AGAINST: None

ABSENT: Gay

Regular Agenda Item No. 2 -- Public hearing, presentation, possible action, and discussion on an ordinance rezoning one 5-acre lot from A-O (Agricultural Open) to PDD (Planned Development District), located at 1850 William D. Fitch Parkway.

Refer to Regular Agenda Item No. 1.

Regular Agenda Item No. 3 -- Public hearing, presentation, possible action, and discussion on an ordinance amending the Comprehensive Land Use Plan from Single Family Residential, High Density to a mix of Neighborhood Retail, Residential Attached, and Planned Development for 110 lots on 89.563 acres of the property generally surrounded by FM 2818, Holleman Drive West, Jones Butler Road, and Luther West.

Staff Planner Lindsay Boyer presented a staff report regarding the rezoning application. The Planning and Zoning Commission and staff recommenced approval of the proposed ordinance.

Mayor Silvia opened the public hearing.

Michael Wild, 601 Luther West, spoke in favor of the proposed ordinance amending the Comprehensive Land Use Plan.

Mayor Silvia closed the public hearing.

Mayor Pro Tem White moved to approve **Ordinance No. 2967** amending the Comprehensive Land Use Plan from Single-Family Residential High Density to a mix of Neighborhood Retail, Residential attached, and Planned Development for 110 lots on 89.563 acres located on FM 2818, Holleman Drive West, Jones Butler Road, and Luther West.

FOR: Silvia, White, Happ, McIlhaney, Scotti, Ruesink

AGAINST: None

ABSENT: Gay

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING THE COMPREHENSIVE LAND USE PLAN, FOR THE AREA GENERALLY SURROUNDED BY FM 2818, HOLLEMAN DRIVE WEST, JONES BULTER ROAD, AND LUTHER WEST,

PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE. The 89.563 acres generally surrounded by FM 2818, Holleman Drive West, Jones Butler Road, and Luther West is amended from Single Family Residential - High Density to Residential Attached, Planned Development and Retail Neighborhood.

Regular Agenda Item No. 4 -- Public hearing, presentation, possible action, and discussion on an ordinance rezoning .52 acres from R-1 (Single-Family Residential) to R-4 (Multi-Family Residential), located at 701 Luther Street West.

Staff Planner Lindsay Boyer provided an overview of the proposed ordinance. The Planning and Zoning Commission and staff recommended approval of the rezoning request. Ms. Boyer noted that the Planning and Zoning Commission request that the proposed rezoning and the neighboring property share one access.

Mayor Silvia opened the public hearing.

The following citizens addressed the City Council regarding the proposed rezoning.

Michael Wild, 601 Luther West
Sandra Novosad, property owner

Mayor Silvia closed the public hearing.

Mayor Pro Tem White moved to approve **Ordinance No. 2968** rezoning .52 acres from R-1 Single-Family Residential to R-4 Multi-Family Residential, located at 701 Luther Street West. Council member Happ seconded the motion, which carried unanimously, 6-0.

FOR: Silvia, White, Happ, McIlhaney, Scotti, Ruesink
AGAINST: None
ABSENT: Gay

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; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

Regular Agenda Item No. 5 -- Public hearing, presentation, possible action, and discussion on an ordinance rezoning 3.13 acres from C-1 (General Commercial) to R-4 (Multi-Family) and A-O (Agricultural Open) located at 1505 University Drive, just north of Home Depot.

Planning Administrator Molly Hitchcock described this item. The Planning and Zoning Commission heard this item on March 1, 2007. At that meeting, a motion to recommend denial of the rezoning request failed by a vote of 3-4. Staff recommended approval of the proposed rezoning.

Mayor Silvia opened the public hearing.

The following citizen addressed the City Council regarding the proposed rezoning.

Robert Todd, 2902 Burning Tree, Bryan

Mayor Silvia closed the public hearing.

Council member Happ moved to approve **Ordinance No. 2969** rezoning 3.13 acres from C-1 General Commercial to R-4 Multi-Family and A-O Agricultural Open located at 1505 University Drive. Council member Scotti seconded the motion, which carried unanimously, 6-0.

FOR: Silvia, White, Happ, McIlhaney, Scotti, Ruesink

AGAINST: None

ABSENT: Gay

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 BOUDARIES AFFECTING CERTAIN PROPERTIES; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

Regular Agenda Item No. 6 -- Public hearing, presentation, possible action, and discussion on an ordinance rezoning 1.996 acres from A-O (Agricultural Open) to A-OR (Rural Residential), located at 3105 Freneau Drive.

Acting Director of Planning and Development Services Lance Simms described the proposed ordinance rezoning 1.996 acres from A-O Agricultural Open to A-OR Rural Residential, located at 3105 Freneau Drive. The Planning and Zoning Commission and staff recommended approval of the proposed rezoning.

Mayor Silvia opened the public hearing.

The following citizen addressed the City Council regarding the proposed rezoning.

Chris Galindo, 3107 Rolling Glen, Bryan

Mayor Silvia closed the public hearing.

Mayor Pro Tem White moved to approve **Ordinance No. 2970** rezoning 1.996 acres from A-O Agricultural Open to A-OR Rural Residential, located at 3105 Freneau Drive. Council member Happ seconded the motion, which carried unanimously 6-0.

FOR: Silvia, White, Happ, McIlhaney, Scotti, Ruesink

AGAINST: None

ABSENT: Gay

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; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

Regular Agenda Item No. 7 -- Presentation, possible action, and discussion regarding approval of a memorandum of understanding to sell the Spring Creek Business Park tract.

Deputy City Manager Terry L. Childers noted that the City of College Station has been approached to consider selling the Spring Creek Business Park tract to St. Joseph Health System to develop the tract as a medical district related development. Staff produced a Memorandum of Understanding for Council consideration regarding the potential sale of Spring Creek Business Park tract. Mr. Childers recommended the language "title commitment" be added to Item 2b in the Memorandum of Understanding.

Council member Happ moved to approve the Memorandum of Understanding with the proposed changes to Item 2b, Memorandum of Understanding. Council member Scotti seconded the motion, which carried by a vote of 5-0-1.

FOR: Silvia, Happ, McIlhaney, Scotti, Ruesink
AGAINST: None
ABSENT: Gay
ABSTAINED: White

Regular Agenda Item No. 8 -- The City Council may convene the executive session following the regular meeting to discuss matters posted on the executive session agenda for March 22, 2007.

At 8:06 pm, Mayor Silvia announced in open session that the City Council would reconvene into executive session pursuant to Sections 551.071 and 551.087 of the Open Meetings Act, to seek the advice of our city attorney and economic development negotiations.

Regular Agenda Item No. 9 -- Final action on executive session, if necessary.

Council concluded executive session at 9:10 pm. No action was taken.

Regular Agenda Item No. 10 --Adjourn.

Councilmember Scotti made the motion to adjourn at 9:10 pm, Thursday March 22, 2007. Councilmember Happ seconded the motion which carried unanimously, 6-0, Councilmember Gay absent.

PASSED AND APPROVED this 12th day of April, 2007.

ATTEST:

APPROVED:

City Secretary Connie Hooks

Mayor Ron Silvia