



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

Councilmembers
John Crompton
James Massey
Dennis Maloney
Lawrence Stewart
David Ruesink

MINUTES
College Station City Council
Regular Meeting, Thursday December 11, 2008 at 7:00 pm
City Hall Council Chambers

1. Pledge of Allegiance, Invocation, Consider absence request.

Mayor White called the regular meeting to order at 7:00 pm with all members present.

He led the audience in the pledge of allegiance. Fire Chief R.B. Alley provided the invocation.

Mayor White opened the floor for hear visitors.

Jess Fields, 1331 Harvey Mitchell Parkway, co-owner of Texas Avenue Cigars addressed the City Council about the proposed non smoking ordinance and his opposition to an across the board ban throughout the City.

Angela Fundeburk, 1000 Laredo Ct., addressed the City Council about a recent incident involving her small child at the Rock Prairie Elementary School. The City Park adjacent to the school does not have a fence. She encouraged City Council to place a fence on the city park property.

Consent Agenda

Mayor Pro Tem McIlhaney made a motion to approve Consent Agenda Items 2a – 2d and 2f – 2L. Motion seconded by Council member Massey. Motion carried unanimously, 7-0.

- 2a. Approved minutes for Workshop and Regular Meetings, November 5, 2008, Special Meeting November 17, 2008, and Workshop and Regular Meeting, November 24, 2008.
- 2b. Approved change order to the professional services contract with Bleyl & Associates for the 2005 Bike Loop Project in the amount of \$10,725.
- 2c. Approved **Resolution No. 12-11-2008-2c** approving a construction contract with JCF Bridge & Concrete, Inc. for the amount of \$636,401.43 for the construction of the 2005 Bike Loop Phase I— Longmire Improvements Project.
- 2d. Approved renewal of Electric Annual Construction Contract with H&B Construction for \$1,070,893.65; and Resolution No. 12-11-2008-2d declaring intention to reimburse certain expenditures with proceeds from debt. (Bid #07-19, Contract #07-046).
- 2e. Approved the budget of the George Bush Presidential Library Foundation; and presentation, discussion and possible action on a funding agreement between the City of College Station and the George Bush

Presidential Library Foundation for FY09 in the amount of \$100,000. Mayor Pro Tem McIlhaney moved approval. Motion seconded by Council member Massey. Motion carried 5-2.

FOR: White, McIlhaney, Massey, Stewart, Ruesink

AGAINST: Crompton, Maloney

Council members Crompton and Maloney suggested the funds should be allocated from Convention and Visitors Bureau.

- 2f. Approved **Resolution No. 12-11-2008-2f** accepting from the Governors Division of Emergency Management (GDEM) the 2008 Homeland Security Grant Program –Sub-recipient of \$166,666.67 naming a City staff member as manager of those grant funds, and approving the 2008 City of College Station Equipment List for purchase.
- 2g. Approved purchase of one Pierce Velocity Custom Pumper from Martin Apparatus, INC through The Local Government Purchasing Cooperative (BuyBoard) for a total price of \$519,071.00.
- 2h. Approved testing and inspecting contract #09-028 with CSC Engineering & Environmental Consultants, Inc. in the amount of \$58,000.00 for the Rock Prairie Road Landfill.
- 2i. Approved professional services contract #09-031, with HDR Engineering, Inc in an amount not to exceed \$1,294,800.00 for Twin Oaks Landfill additional design/permitting, bidding and construction phase services.
- 2j. Approved annual tire purchases from Pilger's Tire & Auto Center through the State of Texas (TXMAS) Tire Contract in the amount of \$135,000.00.
- 2k. Approved budget of the Memorial for all Veterans of the Brazos Valley; and funding agreement between the City of College Station and the Memorial for all Veterans of the Brazos Valley for FY09 in the amount of \$100,000.
- 2l. Approved renewal of annual agreement for gasoline and diesel fuel with Brenco Marketing Corp, Contract No. 08-069; for one year; and authorize the annual estimated expenditures with Brenco Marketing Corp. for \$1,751,000.00. This total includes the annual estimated expenditure of \$1,364,000.00 for the City of College Station and the annual estimated expenditure of \$387,000.00 for BVSWMA.

Regular Item No. 1 - Public hearing, presentation, possible action, and discussion on an ordinance rezoning 3.31 acres located at 510 Chimney Hill Drive from R-1, Single Family Residential to PDD, Planned Development.

Staff Planner Lindsay Kramer presented the staff report.

Eric Mach, developer of the project was present for any questions.

The following list of audience members spoke against the proposed development. Their common concerns related to the type of development as it does not meet the standard of homes in Chimney Hill area.

Jerome Rektroik, 437 Chimney Hill Drive
Bill Armstrong, 405 Chimney Hill Drive
Harry Raisor, 515 Cooner St.
Randy Sims, 206 Hearthstone

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Richard West, 411 Chimney Hill Drive
Mickey Posey, 444 Chimney Hill Drive
Giovani Cerone, 207 Ember Glow
William Cunningham, 402 Chimney Hill Drive
Patrick Gendron, 205 Lampwick

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Noel Bauman, member of the Planning and Zoning Commission, summarized the decision of the Planning and Zoning Commission.

Developer Rex Tucker expressed concern about negative public comments toward him.

Council member Maloney moved to deny the rezoning request. Motion seconded by Council member Stewart and carried unanimously, 7-0.

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

Regular Item No. 2 -- Public hearing, presentation, possible action and discussion regarding consideration of an ordinance amending Chapter 9, "Subdivisions" of the City of College Station Code of Ordinances, Section 10, "Park Land Dedication".

Director of Parks and Recreation Tony Cisneros presented a summary of the item and answered questions from the Council.

Mayor White opened the public hearing.

Three local developers, Randy French, Steve Arden and Matthew Moore spoke against the park land dedication fees.

Several members of the audience voiced support of the ordinance.

Jerry Cooper, 602 Bell
Don Hellriegel, 8704 Appomattox
Sherry Ellison, 2705 Brookway Drive
Audrey Patton, 306 Columbia Court
Jamie Ray Walker, 1600 Welsh Avenue
Doc Burke, 502 W. Dexter

Mayor White closed the public hearing.

Discussion was held about the city's budgeting forecasts of operations and maintenance expenses for future capital projects including park land. Massey asked for the projected operations and maintenance cost analysis associated with the acquisition of new park land. No analysis was available.

Council member Maloney made a motion to approve **Ordinance No. 3139** amending Chapter 9, "Subdivisions" of the Code of Ordinances, Section 10, "Park Land Dedication". Motion seconded by Council member Crompton and carried unanimously, 7-0.

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

Regular Item No. 3 -- Public hearing, presentation, possible action, and discussion approving an ordinance vacating and abandoning a portion of right-of-way and an easement in the Crescent Point Subdivision.

City Engineer Alan Gibbs briefly described the item.

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

Council member Massey moved approval of **Ordinance No. 3140** vacating and abandoning a 493 square foot portion of right-of-way which is located on Crescent Pointe Parkway, 70 foot right-of-way, 1,715 acre tract two, according to the deed from Crescent Pointe, Ltd. to City of College Station. The motion also included approval of **Ordinance No. 3141** vacating and abandoning a 0.30 acre, 30 foot wide pedestrian walkway and public utility easement, located on Lot 2 and 3 of Block 3 of the Crescent Pointe Phase 4 subdivision. Motion seconded by Council member Stewart. Motion carried unanimously, 7-0.

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

Regular Item No. 4 -- Public hearing, presentation, possible action, and discussion on an ordinance rezoning 1.19 acres at 2520 Crescent Pointe Parkway from A-P Administrative Professional to R-4 Multi-family.

Staff Planner Lindsay Kramer presented the staff report.

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

Council member Stewart moved approval of **Ordinance No. 3142** rezoning 1.19 acres at 2520 Crescent Pointe Parkway from A-P Administrative Professional to R-4 Multi-family.

Motion seconded by Council member Ruesink. Motion carried unanimously, 7-0.

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

Regular Item No. 5 -- Public hearing, presentation, possible action and discussion on an ordinance regarding a Comprehensive Land Use Plan Amendment from Single Family Medium Density to Neighborhood Retail for 8.4 acres generally located at the northwest corner of William D. Fitch Parkway and Barron Road.

Molly Hitchcock, Planning Administrator presented the staff report. Staff and Planning and Zoning Commission denied the request.

Mayor White opened the public hearing.

Norvel Breedlove, 3040 Barron Road, stated that his property is adjacent to the subject tract and he was opposed to the comprehensive land use amendment.

Gene Savage, the applicant asked Council for support of the proposed amendment.

Natalie Ruiz of IPS Group stated that the amendment is aligned with future retail development in this area. Interest expressed from local banks, dry cleaners, and major pharmacy outlet.

Mayor White closed the public hearing.

Council member Maloney moved to deny the comprehensive plan amendment request. Motion seconded by Council member Stewart. Motion carried by a vote of 6-1.

FOR: White, McIlhaney, Crompton, Stewart, Maloney, Ruesink
AGAINST: Massey

Regular Item No. 6 -- Public hearing, presentation, possible action, and discussion approving an ordinance vacating and abandoning seven easements located at 1815 Brothers Boulevard. (Wal-Mart).

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

Council member Maloney moved approval of **Ordinance No. 3143, 3144, 3145, 3146, 3147, 3148, 3149** vacating and abandoning seven easements located at 1815 Brothers Blvd. (future Walmart expansion). Motion seconded by Council member Massey. Motion carried unanimously, 7-0.

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

Regular Item No. 7 -- Public hearing, presentation, possible action, and discussion on an ordinance Budget Amendment #1 amending ordinance number 3114 which will amend the budget for the 2008-2009 Fiscal Year and authorizing amended expenditures in the amount of \$13,711,589.

Jeff Kersten, Chief Financial Officer, explained that the proposed budget amendment was to increase the appropriations for increased expenditures in the amount of \$13,711,589.

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

Council member Maloney made a motion to approve **Ordinance No. 3150** amending Ordinance Number 3114 amending the budget for the FY 2008-2009 in the amount of \$13,711,589. Motion seconded by Mayor Pro Tem McIlhaney carried unanimously, 7-0.

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

Regular Item No. 8 -- Presentation, possible action, and discussion on renaming the P. David Romei Arts Center.

Mr. Kersten reported that the Arts Council of the Brazos Valley recommended that the City Council take action to remove the name of Arts Council building.

Council member Maloney made a motion to support the recommendation by the Executive Committee of the Arts Council to remove P. David Romei's name from the Arts Building and approval of an expenditure of \$5,000 to defray some of the removal expense. He encouraged the Arts Council to replenish the City's donation. Seconded by Council member Stewart. Motion carried by a vote of 6-1. Council member Massey supported the removal of the name on the building. He spoke against the request for the \$5,000 expenditure.

FOR: White, McIlhaney, Stewart, Ruesink, Crompton, Maloney

AGAINST: Massey

Regular Item No. 9 – Adjourn

Hearing no objection, Mayor White adjourned the meeting at 10:34 pm Thursday, December 11, 2008.

PASSED AND APPROVED this 16th day of December, 2008.

APPROVED:

Mayor Ben White

ATTEST:

Connie Hooks City Secretary

O::group/council/minutes/2008/city council regular meeting minutes 2008-12-11