



Mayor

Ben White

Mayor ProTem

Lynn McIlhaney

City Manager

Glenn Brown

Council members

John Crompton

James Massey

Dennis Maloney

Lawrence Stewart

David Ruesink

Minutes

City Council Workshop & Regular Meetings

Thursday, September 25, 2008 at 2:00 PM & 7:00 PM

City Hall Council Chamber, 1101 Texas Avenue

College Station, Texas

COUNCIL PRESENT: Mayor White, Mayor ProTem McIlhaney, Council members Maloney Crompton, Massey, Ruesink and Stewart

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

Mayor White called meeting to order at 2:00 p.m.

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

Mary Ann Powell, First Assistant City Attorney discussed Consent Agenda Item 2d, contract with Polaris Library Systems. Staff recommended no changes to the contract.

Council member Crompton inquired about Consent Agenda Items 2g & 2h.

2g: Bid from JAMAL Building Systems for construction of new affordable residence at 1123 Phoenix

2h: Bid from JAMAL Building Systems for construction of new affordable residence at 1208 Phoenix

David Gwin, Director of Economic Development explained that two bids were received for each project and JAMAL Building Systems was the lowest responsible bidder meeting City of College Station Bid Documents and Contract Requirements.

Consent Item No. 2j, joint election contract with Brazos County for conduct of November 4, 2008. Council member Crompton expressed disappointment toward the decision of Brazos County officials to hold early voting at the Memorial Student Center on TAMU campus rather than City Hall.

Council member Maloney inquired about Consent Agenda Item 2m related to terms of the animal control services agreement.

Workshop Agenda Item No. 2 -- Presentation, possible action, and discussion regarding crime issues and trends impacting the community as well as the organizational transformation and the implementation of a new policing vision and strategy.

Police Chief Michael Ikner presented Council with both a mid-year and annual summary of trends and issues impacting public safety which affords them a situational awareness related to the police department's operations.

Council concurred with his direction and supported the future plans for the College Station Police Dept.

No formal action was taken.

Workshop Agenda Item No. 3 -- Presentation, possible action, and discussion on the implementation of the strong and sustainable neighborhoods program including enhanced development services, enhanced neighborhood services, and enhanced code enforcement.

Bob Cowell, ACIP, Director of Planning and Development Services presented an update on the actions taken to date and to further discuss the implementation of this program.

Strong & Sustainable Neighborhood Programs includes the enhancement of development services, neighborhood services, and code enforcement.

Strong & Sustainable Neighborhood Initiatives include community discussions, staff recommendations, Council action, Community Discussions, City Manager and Immediate Actions, Neighborhood Services Initiate transition plan for Code of Enforcement, Noise issue intervention, TAMU relationship, Increased code officers, Improved CDBG reporting, Mid-term Actions, Long-term Actions.

Mr. Cowell stated that a number of these initiatives are ready to be implemented January 2009. He reiterated comments by Council about the importance of public information campaign including involvement of HOA and consider other ways for penalties of noise violations.

Cindy Dillard, Code Enforcement Supervisor discussed Code Enforcement Department objectives.

Barbara Moore, Neighborhood Services Coordinator highlighted programs forthcoming, such as "Aggie Up, Walk and Talk", a new refreshed version of long standing program Bee a Good Neighbor. Mrs. Moore acknowledged that Hayden Migl, Assistant to City Manager was the City's liaison to the Student Senate.

No formal action was taken.

Workshop Agenda Item No. 4 -- Presentation, possible action, and discussion regarding the UDO requirements related to single-family dwelling units.

City Manager Glenn Brown presented staff's viewpoint and inquired if Council wanted to work with TAMU on the best approach on residents. Recommended on asking P&Z to look at this and make a recommendation by sometime this fall.

Mayor ProTem McIlhane moved to accept staff recommendation on asking P&Z to look into the UDO requirements related to single-family dwelling units. Council member Massey seconded the motion which carried 7-0.

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

At 4:00 pm, Mayor White announced that the City Council would convene into executive session pursuant to Sections 551.071, 551.072, and 551.087 of the Open Meetings Act to seek the advice of our attorney, to discuss real estate matters, and discuss economic development negotiations.

Workshop Agenda Item No. 5 -- Presentation, possible action and discussion regarding possible revisions to the Park Land Dedication Ordinance.

Item moved to October 9, 2008 agenda.

Workshop Agenda Item No. 6 -- Presentation, possible action, and discussion regarding a proposed wireless plan for the City.

Item moved to October 9, 2008 agenda.

Workshop Agenda Item No. 7 -- Council Calendar

No discussion.

Workshop Agenda Item No. 8 -- 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.

No discussion.

Workshop Agenda Item No. 9 -- 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 (Notice of Agendas posted on City Hall bulletin board).

No discussion.

Workshop Agenda Item No. 10 -- 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. Legal aspects of Water Well, permits and possible purchase of or lease of water well sites.
- g. Cliff A. Skiles, DVM & C.A. Skiles Family Partnership, Ltd. Water permit applications with the Brazos Valley Groundwater Conservation District.
- h. JK Development v. College Station.
- i. Taylor Kingsley v. College Station.
- j. State Farm Lloyds as Subrogee of Mikal Klumpp v. College Station.
- k. TMPA v. PUC (College Station filed Intervention).
- l. 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. Update on legal proceedings for Grimes County Landfill site and contracts for development of Grimes County site.

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. Hotel/Conference Center

Economic Incentive Negotiations {Gov't Code Section 551.087}; possible action The City Council may deliberate on commercial or financial information that the City Council has received from a business prospect that the City Council seeks to have locate, stay or expand in or near the city with which the City Council in conducting economic development negotiations may deliberate on an offer of financial or other incentives for a business prospect. After executive session discussion, any final action or vote taken will be in public. The following subject(s) may be discussed:

- a. Proposed Development generally located southeast of the Intersection of Earl Rudder Freeway and Southwest Parkway.

Workshop Agenda Item No. 11 -- 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.

No formal action was taken.

Workshop Agenda Item No. 12 – Adjourned.

The workshop meeting adjourned at 6:58 p.m.

Regular Agenda Item No. 1 -- Pledge of Allegiance, Invocation, Hear visitors.

Mayor White called the meeting to order at 7:00 pm. Mayor White led the audience in the Pledge of Allegiance. Council member Ruesink provided the invocation.

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 City Council workshop and regular meetings, September 11, 2008; City Council Special Meeting, August 25, 2008.
- b. Approved **Resolution No. 9-25-08-2b** on the Semi-Annual Report on Impact Fees 92-01, 97-01, 97-02B, 99-01, 03-02, and consideration for a Resolution to support and execute a Compliance Certification Letter to the Attorney General.
- c. Approved the authorization of payment from the Brazos Valley Solid Waste Management Agency (BVSWMA) Fund for a City of Bryan Compost Operations Invoice in the amount of \$80,000.00.
- d. Approved contract with Polaris Library Systems, in an amount not to exceed \$75,000 for the City of College Station's portion of the Polaris Library Systems contract, to provide an integrated library computerized system consisting of hardware, software and related services for the Bryan College Station Public Library System using Doak Estate Charitable Trust funds.
- e. Approved **Resolution No. 9-25-08-2e** of a contract #08-284 in an amount not to exceed \$229,510.00 with Envirosolve, Inc. to provide Household Hazardous Waste Collection Services.
- f. Approved an agreement with the Carter Lake Water Supply Corp. for the City to own and operate the Carter Lake Wastewater treatment plant and wastewater collection system, at no cost.
- g. Approved **Resolution No. 9-25-08-2g** of a contract with JAMAL Building Systems, Inc. in an amount not to exceed \$78,000, for the construction of a new, affordable single-family residence at 1123 Phoenix Street using federal HOME Investment Partnership Grant (HOME) funds.
- h. Approved **Resolution No. 9-25-08-2h** of a contract with JAMAL Building Systems, Inc. in an amount not to exceed \$85,000, for the construction of a new, affordable, single-family residence at 1208 Phoenix Street using federal HOME Investment Partnership Grant (HOME) funds.
- i. Approved Change Order No. 1 to the professional services contract with Mitchell & Morgan, LLP (Contract No. 07-201) in the amount of \$5,400.00.
- j. Approved **Resolution No. 9-25-08-2j** on adopting the interlocal government agreement with Brazos County for the conduct and management of a joint election to be held on November 4, 2008.
- k. Approved the purchase requests for FY'09, 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 that are greater than \$50,000.

- l. Approved an animal housing agreement with the Brazos Animal Shelter.
- m. Approved an animal control agreement with Texas A&M University.

Mayor Pro Tem McIlhaney made a motion to approve consent agenda items 2a thru 2m with the motion reflecting that the City of College Station approve the City of Bryan enter into the Polaris contract and to invoice College Station for College Station's share of cost and that College Station will not be a party to the agreement. Council member Massey seconded the motion, which carried 7-0.

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

Regular Agenda Item No. 1 -- Public hearing, presentation, possible action, and discussion on an ordinance amending the Comprehensive Land Use Plan from Single-Family Residential, Medium Density to Planned Development for 3.31 acres located 510 Chimney Hill, generally located west of the intersection of Arguello Drive and Chimney Hill Drive.

Lindsay Boyer, Senior Staff Planner presented an ordinance amending the Comprehensive Land Use Plan from Single-Family Residential, Medium Density to Planned Development for 3.31 acres located 510 Chimney Hill. Staff and P&Z commission recommended approval.

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

Council member Maloney made a motion to approve **Ordinance No. 3113** to amend the Comprehensive Land Use Plan for 3.31 acres at 510 Chimney Hill from Single Family Residential Medium Density to Planned Development. . Council member Massey seconded the motion, which carried 7-0.

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

Regular Agenda Item No. 2 -- Presentation, possible action, and discussion on an ordinance adopting the City of College Station 2008-2009 Budget; and presentation, possible action and discussion ratifying the property tax increase reflected in the budget.

Jeff Kersten, Chief Financial Officer presented an ordinance for adopting the 2008-2009 Budget with the changes specified by the City Council to the City staff during the City Council budget workshop meetings.

Council member Crompton made a motion to approve **Ordinance No. 3114** on the FY 2008-09 Budget including in the new budget changes recommended by staff in the following funds and agencies. General Fund, Research Valley Partnership, Water Fund, Wastewater Fund, Hotel Motel Tax Fund, BVSWMA Fund and Minor Budget Revisions & Corrections. Council member Massey seconded the motion, which carried 7-0.

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

Mayor ProTem McIlhaney abstained from voting on the section of the budget related to health care benefits.

Council member Crompton moved to approve ratifying the property tax increase reflected in the budget. Council member Massey seconded the motion, which carried 7-0.

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

Regular Agenda Item No. 3 -- Presentation, possible action, and discussion on approval of an ordinance adopting the City of College Station 2008-2009 advertised ad valorem tax rate of \$0.450000 per \$100 assessed valuation.

Jeff Kersten, Chief Financial Officer presented Council an ordinance adopting the 2008-09 advertised as valorem tax rate.

Council member Ruesink moved that property taxes be increased by the adoption of a tax rate of 0.439400. (**Ordinance No. 3115**) Mayor ProTem McIlhane seconded the motion, which carried 7-0.

Debt Service Component	0.246048
<u>Operations and Maintenance Component</u>	<u>0.193352</u>
Total	0.439400

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

Regular Agenda Item No. 4 -- Presentation, possible action, and discussion regarding an ordinance amending Chapter 11, "Utilities" Section 2, "Water and Sewer Services," of the Code of Ordinances of the City of College Station, Texas having the effect of raising rates for water service by implementing a conservation rate system for residential customers and a 10% rate increase for commercial customers.

David Coleman, Director of Water Services presented an ordinance increasing the water rates for a rate increase that is required to keep up with the increased cost of operating the water system. In addition to general inflation, operating costs have risen due to increased security requirements, fuel and material cost increases, and regulations created by the new Brazos Valley Groundwater Conservation District. Capital costs have risen dramatically, to increase the capacity of the water system to meet increasing daily demand during irrigation season. Staff recommended the approval of an ordinance increasing the water rates at 10%.

Council member Crompton made a motion to approve **Ordinance No. 3116** on amending Chapter 11, for water service by implementing a conservation rate system for residential customers and 10% rate increase for Commercial customers. Council member Ruesink seconded the motion, which carried 7-0.

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

Regular Agenda Item No. 5 -- Presentation, possible action, and discussion regarding an ordinance amending Chapter 11, "Utilities" Section 4, "Electric Service" of the Code of Ordinances of the City of College Station, Texas having the effect of raising rates for electric services an average of nine percent (9%) and adding renewable wind rates.

David Massey, Director of Electric Utilities presented an ordinance that authorized the implementation of a (9%) increase in electric rates along with adding renewable wind rates to the ordinance. Also, this rate covered increased wholesale power cost resulting from higher fuel, transmission and administrative fees in the Electric Reliability Council of Texas (ERCOT) market. Staff recommended approval.

Council member Crompton made a motion to approve **Ordinance No. 3117** to amend Chapter 11 on raising rates for electric services an average of 9% and adding renewable wind rates. Council member Stewart seconded the motion, which carried 7-0.

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

Regular Agenda Item No. 6 -- Presentation, possible action, and discussion regarding an ordinance annexing 1.02 acres on Rock Prairie Road West under the exempt status.

Lance Simms, Assistant Director of Planning and Development Services presented an ordinance annexing 1.02 acres on Rock Prairie Road West under the exempt status.

Council member Massey made a motion to approve **Ordinance No. 3118** to annex 1.02 acres on Rock Prairie Road West. Council member Maloney seconded the motion, which carried 7-0.

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

Regular Agenda Item No. 7 -- Presentation, possible action and discussion of the City's new Facebook page.

Wayne Larson, Communications Director presented Council an overview of new communication tools, one of which was the implementation of a world wide popular web communication too, "Facebook" on the city's webpage. Public relations interns Holly and Lasie demonstrated the interaction that could occur with Facebook product.

No formal action was taken.

Regular Agenda Item No. 8 -- Presentation, possible action and discussion regarding the acceptance of the final report from Quimby McCoy Preservation Architecture, LLP (Contract #07-89) regarding an inventory and survey of historical structures and places within the older neighborhoods to the south and east of the Texas A&M University campus, and identification of potential landmarks and historic districts in these areas.

Bob Cowell introduced Nancy McCoy and David Woodcock of Quimby McCoy Preservation Architecture, LLP. Ms. McCoy and Mr. Woodcock presented the final report on Historic Preservation Survey. They described a video featuring the historical structures and landmarks within the older neighborhoods to the south and east of the TAMU Campus.

Staff recommended acceptance of the final report from Quimby McCoy Preservation Architecture, LLP.

Council accepted the final report and the allocation of \$50,000 for the contract with Quimby McCoy Preservation Architecture.

Regular Agenda Item No. 9 -- Presentation, possible action, and discussion regarding the City's appointments to the Brazos Animal Shelter's Board of Directors..

Hayden Migl presented the recommendation from staff to reappoint Mrs. Judy LeUnes to a two-year term and Assistant Police Chief Larry Johnson for a two year term replacing Assistant Chief Scott McCollum.

Council member Ruesink made a motion to approve the reappointment of Mrs. Judy LeUnes and the new appointment of Assistant Police Chief Larry Johnson to the Brazos Animal Shelter's Board of Directors. Council member Maloney seconded the motion, which carried 7-0.

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

AGAINST: None

Regular Agenda Item No. 10 -- Adjourn.

Hearing no objections, Mayor White adjourned the meetings at 9:08 p.m. on Thursday, September 25, 2008.

PASSED AND APPROVED this 9th day of October, 2008.

APPROVED

Mayor Ben White

ATTEST:

City Secretary Connie Hooks