



Mayor
Ben White
Mayor ProTem
Lynn McIlhaney
City Manager
Glenn Brown

Councilmembers
John Crompton
James Massey
Dennis Maloney
Lawrence Stewart
David Ruesink

Minutes
City Council Workshop & Regular Meeting
Thursday, October 23, 2008 3:00 & 7:00 p.m.
City Hall Council Chambers, 1101 Texas Avenue
College Station, Texas

Mayor Pro Tem McIlhaney called the workshop meeting to order at 3:00 pm with all Council members present. Mayor White was absent.

Workshop Agenda Item No. 1 -- Presentation, possible action, and discussion of apology to the Citizens and the City Council of College Station and to give partial restitution to the City of College Station by Mr. Paul Urso, previous Street Superintendent of the College Station, Texas.

Mr. Paul Urso, former employee of the City of College Station addressed the City Council with an apology for his actions of criminal wrongdoing during his tenure as an employee. He presented a check for \$50,000 to the Finance Director, a partial payment as part of his sentence by the District Judge.

Workshop Agenda Item No. 2 -- Presentation, possible action, and discussion on items listed on the consent agenda.

Consent Agenda Item No. 3b related to cemetery fees was removed from the agenda for staff presentation at the regular meeting.

No other discussion was held.

Workshop Agenda Item No. 3 -- Presentation, possible action, and discussion of the finalized Fiscal Year 2006/2007 audit and a brief report on the general state of the Arts Council of the Brazos Valley.

Tom Wilkinson, the City of College Station Arts Council representative on the Board came forward. He introduced members of the Arts Council Executive Board and staff. He summarized the FY07-08 budget

Council expressed their appreciation to the Arts Council Board for their efforts to comply with the City's policies for compliance.

No formal action was taken.

Workshop Agenda Item No. 4 -- Presentation, possible action, and discussion concerning the City Internal Auditor's Fiscal Year 2009 Audit Plan.

Ty Elliott, City Internal Auditor presented the proposed Fiscal Year 2009 Audit plan, which included the following: continue BSWMA work, follow up of the purchasing card audit report

recommendations, audit of asset management of the city's fleet, implementation of a fraud hotline, follow up of the purchasing processes audit report recommendations, begin an audit of cash handling procedures, and FY09 Audit Plan Estimated Timeline.

Council member Massey made a motion to accept the proposed 2009 Audit plan. Council member Stewart seconded the motion, which carried 6-0.

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

AGAINST: None

ABSENT: Mayor White

Workshop Agenda Item No. 5 -- Presentation, possible action, and discussion on revisions to the UDO and Subdivision Regulations to address ETJ issues, including minimum lot size, minimum lot width, urban street design, and master plans.

Bob Cowell, ACIP, Director of Planning and Development Services presented a staff report. In an effort to address concerns identified by the Planning and Zoning Commission and the City Council, Council directed staff to retain a planning consultant to identify the reasons for this development and to identify options to better manage the development. This report with its recommendations was presented to the Parks and Recreation Board, the Planning and Zoning Commission, and the City Council in the summer of 2007. Council directed staff to engage with stakeholders and to bring forward ordinance revisions as appropriate.

Through these various meetings it became clear that it was not likely a consensus could be reached on many of the issues identified in the report or on the specific standards identified in the report. Staff therefore offers the following as a partial (and less stringent) recommendation for implementing the recommendations contained within the report.

1. Removal of master plans as a requirement or option
2. Establishment of a minimum lot size in the ETJ of two acres
3. Establishment of a minimum lot width of 400 ft. along thoroughfares and 100' along subdivision roads in the ETJ
4. Removal of the urban street design as a requirement/option in the ETJ

Staff sought direction from Council to prepare ordinance revisions establishing the minimum lot size, minimum lot width, restricting use of the urban street design, and removal of the requirement to submit master plans as presented by staff.

Council heard from Director of Environmental Health Section, Don Flint from the Health Department. In his professional opinion, Mr. Flint supported at least two acres due to health and safety issues. Brazos County minimum is one acre. He noted that in south College Station, rural one acre lots are being developed with larger homes, 5-7 bedrooms. With these homes, there are additional structures on the property causing overspray and health and safety concerns.

David Coleman and Karl Goldapp of Water Services briefly described data for aerobic systems that have spray at existing homes in south rural Brazos County. These homes are 3500 – 6000 sq. ft. along with wind drift and other structures on small lots cause health and safety problems. Mr. Coleman stated that two acres is defensible.

This ordinance amendment will be on the City Council Agenda for November 5, 2008.

No formal action was taken.

Workshop Agenda Item No. 6 -- Presentation, possible action, and discussion on changes to city publications.

Wayne Larson, Director of Public Communications presented council a request to combine the pocket pages and the annual report to one new citizen's guide. Staff requested direction from Council regarding city publications.

Council directed staff to move forward with staff suggestion of making one publication. No formal action was taken.

Workshop Agenda Item No. 7 -- Presentation, possible action, and discussion regarding city branding.

Wayne Larson, Director of Public Communications brought to Council a proposal to implement a City Brand (Slogan) with various communication tools. The City currently has many brands that have been used in communication efforts.

Council directed staff to move forward on creating one brand for the City of College Station, (Home of Texas A&M University.)

Workshop Agenda Item No. 8 -- Council Calendar

Council reviewed Council Calendar.

Workshop Agenda Item No. 9 -- 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 Maloney: Noise Violations in neighborhood (loud stereos) need future workshop and recommendations on how to deal with this.

Council member Maloney: Ordinance review on parking on both sides of street.

Council member Ruesink: Review license regulations for irrigation systems.

Council member Massey: Proposes earlier budget calendar for Council review.

Mayor ProTem McIlhany: Preliminary discussion on tax rates.

Workshop Agenda Item No. 10 -- 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).

Council member Ruesink – Sister City meeting, International Student Festival on November 15, 2008.
Council member Massey – IGC meeting on November 17, 2008 discussion on legislative, prescription drugs, flu shot, health issues and animal control.
Mayor ProTem McIlhany - Transportation committee discussion including public transit funding options.

At 5:03 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. 11 -- 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. Attorney-client privileged information and possible contemplated litigation of prior expenditures of College Station funds made by Paul Urso to Texcon.
- g. Legal aspects of Water Well, permits and possible purchase of or lease of water well sites.
- h. Cliff A. Skiles, DVM & C.A. Skiles Family Partnership, Ltd. Water permit applications with the Brazos Valley Groundwater Conservation District.
- i. JK Development v. College Station.
- j. Taylor Kingsley v. College Station.
- k. State Farm Lloyds as Subrogee of Mikal Klumpp v. College Station.
- l. TMPA v. PUC (College Station filed Intervention).
- m. 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 located North and East of the Intersection of William D Fitch and State Hwy 6

Workshop Agenda Item No. 12 -- 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 completed the executive session at 6:50 pm. No formal action was taken.

Workshop Agenda Item No. 13 -- Adjourn.

The workshop meeting adjourned at 6:50 p.m.

Regular Agenda Minutes

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

Mayor Pro Tem McIlhaney called the meeting to order at 7:00 p.m. Mayor Pro Tem McIlhaney led the audience in the Pledge of Allegiance. Chief R.B. Alley provided the invocation.

Regular Agenda Item No. 2 -- Item has been moved to workshop.

Council member Ruesink made a motion to approve the absence request from Mayor White. Council member Stewart seconded the motion, which carried 6-0.

FOR: Mayor Pro Tem McIlhaney, Crompton, Massey, Maloney, Stewart, Ruesink

AGAINST: None

ABSENT: Mayor White

Hear Visitors

Judy LeUnes invited the audience to the Annual "Wienerfest" at Veteran's Park, Saturday, October 25.

Regular Agenda Item No. 3 -- 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 October 9, 2008 meeting.
- b. Presentation, possible action, and discussion regarding approval of a resolution establishing the space price structure for the municipal cemetery system. Item discussed as separate item. Director of Parks and Recreation Tony Cisneros described the resolution and price changes.
- c. Approved the authorizing of expenditures for the Brazos Animal Shelter in the amount of \$71,214.
- d. Approved the authorizing of expenditures for Ingram, Wallis & Co. PC for Professional Auditing Services in the amount of \$90,000 for conducting the FY 2008 audit.

- e. Approved **Resolution No. 10-23-08-3e** to update the Interlocal Agreement for Emergency Medical Ambulance Service to respond to emergencies in Brazos County and to establish the annual fee for FY 2009 at \$295,590.
- f. Approved a renewal agreement with National Reimbursement Services to provide ambulance billing services in an amount not to exceed \$60,000.
- g. Approved **Resolution No. 10-23-08-3g** on a Professional Services Contract with Malcolm Pirnie, Inc., in the amount of \$302,505, for the design of the Groundwater Well No. 8, and approved **Resolution No. 10-23-08-3g-a** declaring intention to reimburse certain expenditures with proceeds from debt.
- h. Approved **Resolution No. 10-23-08-3h** on a Professional Services Contract with Malcolm Pirnie, Inc., in the amount of \$273,960, for the design of the Groundwater Well No. 8 Collection Line, and approved **Resolution No. 10-23-08-3h-a** declaring intention to reimburse certain expenditures with proceeds from debt.
- i. Approved action on the City's proposed Leveraged Housing Development Program (LHDP) Guidelines.
- j. Approved **Resolution No. 10-23-08-3j** awarding a consulting services contract (Contract No. 09-045) to RCC Consultants, Inc. in an amount not to exceed \$81,551.50 for planning, analysis, design and consulting services associated with upgrade or replacement of the City of College Station's 800 MHz Radio System and its incorporation into the Brazos Valley Wide Area Communications System.
- k. Approved **Resolution No. 10-23-08-3k** approving special warranty deeds conveying one-half undivided interest to the City of Bryan in land acquired by condemnation for Twin Oaks Landfill.

Council member Massey made a motion to approve consent agenda items 3a and 3c thru 3k. Council member Stewart seconded the motion, which carried 6-0.

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

Council member Ruesink made a motion to approve **Resolution No. 10-23-08-3b** as presented. Council member Stewart seconded the motion, which carried 6-0.

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

Regular Agenda Item No. 1 -- Public hearing, presentation, possible action and discussion regarding the reconfiguration of Park Zones as a comprehensive plan amendment to the Recreation, Park and Open Space Master Plan, an element of the City's Comprehensive Plan.

Tony Cisneros, Director of Parks and Recreation presented Council an ordinance amending the Recreation Park and Open Space element of the City of College Station's Comprehensive Plan to reconfigure the Park Zone from 16 to 29 zones with the addition of 13 new zones in the ETJ.

Mayor Pro Tem McIlhaney opened the public hearing. No one spoke. She closed the public hearing.

Council member Crompton moved to approve **Ordinance No. 3121** to amend the Recreation Park and Open Space element of the City of College Station's Comprehensive Plan. Council member Stewart seconded the motion, which carried 6-0.

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

AGAINST: None

ABSENT: Mayor White

Regular Agenda Item No. 2 – Public hearing, presentation, possible action, and discussion on an ordinance amending Chapter 12 of the City of College Station Code of Ordinances, Unified Development Ordinance Section 7.9.B.6 (Traffic Impact Analysis), Section 7.9.H (Submittal Requirements) and adding Section 7.12 (Traffic Impact Analyses).

Bob Cowell, ACIP, Director of Planning and Development Services presented an overview of the Traffic Impact Analysis ordinance amendments.

Staff recommended the approval of proposed amendments to the UDO to incorporate the proposed TIA language as requested by the Council and as previously recommended for approval by the P&Z Commission.

Mayor Pro Tem McIlhaney opened the public hearing. No one spoke. She closed the public hearing.

Council member Massey moved to approve the staff recommendation of 250 vehicle trips. Council member Stewart seconded the motion.

Council member Crompton made an amended motion to approve **Ordinance No. 3122** to change threshold from 250 to 150 vehicle trips. Council member Massey seconded the motion, which carried 5-1.

FOR: Council members Crompton, Massey, Maloney, Stewart and Ruesink

AGAINST: Mayor Pro Tem McIlhaney

ABSENT: Mayor White

Regular Agenda Item No. 3 -- Presentation, possible action and discussion of a contract with C. Watts & Sons in the amount of \$13,296,312 for the construction of the first phase of the Twin Oaks Landfill.

Mark Smith, Director of Public Works presented a contract for the construction of Stage I of the Twin Oak Landfill to C. Watts & Sons in the amount of \$13,296,312 for the base bid plus alternates 1 thru 5. The Twin Oaks Landfill in Grimes County will provide disposal capacity for BVSWMA for an estimated forty years.

Resolution declaring intention to reimburse certain expenditures with proceeds from debt is scheduled for November 5, 2008 Council meeting.

Council member Maloney made a motion to approve the contract of Stage I of the Twin Oak Landfill to C. Watts & Sons in the amount of \$13,296,312. Council member Massey seconded the motion, which carried 6-0.

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

Regular Agenda Item No. 4 -- Presentation, possible action and discussion on a resolution stating that the City Council has reviewed and approved the City's Investment Policy and Investment Strategy.

Jeff Kersten, Chief Financial Director presented the Public Funds Investment Act that requires an annual review and approval of the City's investment policy and investment strategies. The Act further requires the following:

- (1) that the governing body adopt a written instrument by rule, order, ordinance, or resolution stating that it has reviewed the investment policy and investment strategies, and
- (2) that the written instrument so adopted records any changes to either the investment policy or investment strategies.

Council member Massey made a motion to approve **Resolution No. 10-23-08-4** on the City's Investment Policy and Investment Strategy. Council member Stewart seconded the motion, which carried 6-0.

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

Regular Agenda Item No. 5 -- Presentation, possible action, and discussion regarding approval of a contract for the purchase of real property in the northeastern portion of College Station in proximity to other City-owned property and approval of a resolution declaring intention to reimburse certain expenditures with proceeds from debt.

David Gwin, Director of Economic and Community Development presented property that is located in the northeastern portion of College Station in proximity to other City-owned property and may be of general use to the City for many purposes, including construction of the new convention and visitor's bureau, convention center, other economic development purposes, among the possibilities.

Council member Ruesink moved to approve the contract and **Resolution No. 10-23-08-5** on the purchase of property located in the northeastern portion of College Station. Council member Massey seconded the motion, which carried 6-0.

Council expressed their appreciation to staff and the excitement about the purchase of the property for the Hotel Convention Center.

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

Regular Agenda Item No. 6 -- Presentation, possible action and discussion of selection of two members to the Historic Preservation Committee.

Connie Hooks, City Secretary announced that two members resigned from the Historic Preservation Committee in the past three months, Marquerite Anthony and Jane Hughey. Staff requested that City Council consider two appointments to this Committee for one year term expiring June 2009.

Council member Ruesink made a motion to approve James McGinnis and Earl Apgar to the Historic Preservation Committee for a one year term expiring June 2009. Council member Crompton seconded the motion, which carried 6-0.

FOR: Mayor Pro Tem McIlhaney, Crompton, Massey, Maloney, Stewart and Ruesink

AGAINST: None

ABSENT: Mayor White

Regular Agenda Item No. 7 -- Adjourn.

Hearing no objections, Mayor Pro Tem McIlhaney adjourned the meetings at 9:00 p.m. on Thursday, October 23, 2008.

PASSED AND APPROVED this 5th day of November, 2008.

APPROVED

Mayor Ben White

ATTEST:

City Secretary Connie Hooks