



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
Tuesday, December 16, 2008 3:00 & 7:00 pm
City Hall Council Chambers, 1101 Texas Avenue
College Station, Texas

COUNCIL PRESENT: Mayor White, Mayor Pro Tem McIlhaney, Council members Maloney, Crompton, Massey, Ruesink, Stewart

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

Mayor White called meeting to order at 3:00 p.m.

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

Staff responded to questions about Consent Agenda Items 2c, 2e, 2g, and 2h.

Workshop Agenda Item No. 2 -- Presentation, possible action, and discussion regarding annexation planning in general as well as a recommendation concerning the proposed annexation of three areas in the City's extraterritorial jurisdiction under the exempt status.

Lance Simms, Assistant Director of Planning and Development Services presented the proposed plan for annexation of three areas in the City's extraterritorial jurisdiction under the exempt status. The exempt annexation areas recommended by staff included land between FM 2154 and Creek Meadows Subdivision (Area 1), land southeast of Creek Meadows Subdivision (Area 2), and land on the east side of State Highway 6 South (Area 3). He also presented staff's original recommendation to move forward with the annexation of additional property in a three year plan upon completion of the comprehensive plan and further development of our fiscal impact model. The additional area recommended by the Planning & Zoning Commission represented approximately 86 acres, bringing the current total to 843 acres.

Council directed staff to move forward with the annexation of land under the exempt status including the land across FM 2154 so that both sides of Wellborn Road would be considered and delay areas within the three year annexation plan until the Comprehensive plan has been adopted.

Workshop Agenda Item No. 3 -- Presentation, possible action and discussion on a proposal to increase parking rates.

Jeff Kersten, Chief Finance Director presented the policy proposing the parking operations be raised to achieve full cost recovery. Currently the Parking Fund generates revenues sufficient to cover operating cost of the Fund.

Debt service cost was not covered completely. Parking rates were last increased in 2006. He showed a schedule of the proposed rate changes and explained that the recommended rate changes were designed to increase revenues in the Parking Fund to cover all cost including debt service.

Council concurred with staff's recommendation.

Workshop Agenda Item No. 4 -- Presentation, possible action, and discussion regarding Usage of City Soccer Athletic Facilities.

Tony Cisneros, Director of Parks and Recreation presented the usage history of the City Soccer Athletic Facilities. Staff requested that Council provide input on priority of usage by various organizations on soccer athletic facilities operated by the City of College Station.

In order to insure that the core services that are related to the Parks and Recreation Department mission receive priority in facilities, the following methodology has been developed.

1. Programs offered by outside agencies considered being Core programs – These are programs that provide a benefit primarily to the general community including City and CSISD programs.
2. Programs offered by outside agencies considered being Tier One programs – These are programs that provide a benefit to the community but also include an individual benefit to the participant.
3. Programs offered by outside agencies considered being Tier Two programs – These are programs that provide primarily a benefit to the individual with little or no benefit to the community at large.

Council directed staff to add a Tier 3 for non-residential, to revise the usage policy and bring back to Council. No formal action was taken.

At 5:22 pm Mayor White announced that the City Council would convene into executive session pursuant to Section 551.071 of the Open Meetings Act to seek the advice of our city attorney.

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. 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.
- n. Weingarten Realty Investors v. College Station, Ron Silvia, David Ruesink, Lynn McIlhaney, and Ben White.

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.

At 6:55 pm, Council adjourned from the executive session and returned to Council Chambers. No formal action was taken.

Workshop Agenda Item No. 12 – Adjourn.

The workshop meeting concluded following the regular meeting. See regular meeting minutes for discussion of remaining workshop items.

Minutes of Regular Meeting

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

Mayor White called the meeting to order at 7:00 pm with all Council members present. Mayor White led the audience in the Pledge of Allegiance. Fire Chief R.B. Alley provided the invocation.

Hear Visitors

Greg Taylor, 13796 16 N. Rd. – discussed the annexed area and expressed his concerns

Mark Boller, 5155 Straub – expressed to Council on annexing the Wellborn community

Bob Cohn, 3655 McCullough Rd. – expressed concerns on annexing the Wellborn community

Hugh Lindsay, 400 Walton Drive – stated the problems in the city and gave a list of why people do not want to live here: the noise, smell, infrastructure, taxes, student renters, electricity, and water cost. He also stated that the citizens find the safety and the quality of life highly important, so we need to make the city look inviting to the citizens.

Ken Welsh, 3400 Wellborn Road – asked Council to let Wellborn form their own community

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 December 11, 2008.
- b. Approved the testing and inspecting contract #09-030 with CME Testing & Engineering, Inc. in the amount of \$60,000.00 for the Twin Oaks Phase I Construction Project.
- c. Approved **Resolution No. 12-16-08-2c** on a Professional Services Contract with Weston Solutions, Inc., in the amount of \$357,533.00, for the design of the South Knoll/The Glade Rehabilitation Project.
- d. Approved the award of two annual purchasing agreements for polymer (dewatering chemical): Fort Bend Services, Inc. not to exceed \$39,200; and Atlantic Coast Polymer, Inc. not to exceed \$172,560.

- e. Approved **Resolution No. 12-16-08-2e** on a real estate contract for a 321.48 acre tract from Hanson Aggregates, Inc. in the amount of \$1,044,810 for the Groundwater Wells 8, 9, and 10 project. Approved **Resolution No. 12-16-2008-2e(1)** declaring intention to reimburse with proceeds from debt.
- f. Approved **Resolution No. 12-16-08-2f** declaring intention to reimburse certain expenditures with proceeds from debt for the Well #7 Collection Line construction project.
- g. Approved the action to ratify a change order for Construction Contract 08-116 with Acklam Construction for the construction of the Memorial Cemetery and the Aggie Field of Honor Project GG-9905 in the amount of \$69,259.47.
- h. Approved **Resolution No. 12-16-08-2h** adopting the transportation funding options recommended by the Council Transportation Committee.

Council member Massey moved to approve consent agenda items 2a thru 2h. Council member Maloney seconded the motion, which carried 7-0.

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

Regular Agenda Item No. 1 -- Public hearing, presentation, possible action, and discussion regarding an ordinance amending Chapter 4 "Business Regulations", of the Code of Ordinances of the City of College Station, requiring rental registration of single family and duplex dwelling units.

Bob Cowell, AICP, Director of Planning and Development Services presented an ordinance allowing the City to implement a rental registration program. The program shall provide for faster code enforcement capabilities and Fire and Police crews the ability to make quick contact with the property owner during an emergency response. The registration process also provides for a mandatory local point of contact, owner information and the current number and names of tenants on the lease. The fee (\$15) will help fund the expenses related to administering and developing a database for rental property owners. Staff recommended approval of the rental registration ordinance with an effective date of March 1, 2009.

Rental Registration:

- Applies to all rental single family and duplex properties
- Requires registration annually
- Requires local point of contact and names/contact information for tenants
- \$15.00 annual fee
- Exception for owner occupant plus one

Mayor White opened the public hearing.

Steve Strong, 2503 Whispering Oaks, Bryan, residential property owner in College Station spoke against the program.

Additional members of the audience spoke in support of the program.

Henry Wittner, 2508 Raintree

Hugh Lindsay, 400 Walton Drive

Susan Irza, 605 Summerglenn Drive

Anne Hazen, 1309 Wilshire

Sherry Ellison, 2705 Brookway Drive

Jerry Cooper 602 Bell

Christopher Rodne, 8603 Rosewood, stated that the ordinance should be enforced throughout the city, not just single family residential and duplexes.

Mayor White closed the public hearing.

Council member Ruesink moved to approve the ordinance as presented by staff. Motion failed due to lack of second.

Council member Maloney moved to approve rental registration with following changes: Delete Subsection C: Exception. Council member Stewart seconded the motion. Council member Maloney withdrew his motion and Council member Stewart withdrew his second.

Council member Maloney made another motion to approve **Ordinance No. 3151** amending Chapter 4 “Business Regulations” of the Code of Ordinances of the City of College Station, requiring rental registration of single family and duplex dwelling units with changes as follows: Add language to subsection B1 (e), delete Subsection C and add an effective date of March 1, 2009. Council member Massey seconded the motion, which carried 7-0.

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

Regular Agenda Item No. 2 -- Public hearing, presentation, possible action, and discussion regarding an ordinance amending Chapter 7 “Health & Sanitation”, of the Code of Ordinances of the City of College Station, Texas implementing party host responsibilities in residential areas.

Bob Cowell, AICP, Director of Planning and Development Services described the ordinance designed to address multiple neighborhood integrity issues within a comprehensive neighborhood integrity program. In the plan, one of the strategies was to provide for additional enforcement tools to address neighborhood integrity issues. Staff recommended that the City Code be amended to codify host responsibilities for parties in residential areas.

Mayor White opened the public hearing.

Steve Strong, 2503 Whispering Oaks, Bryan stated his objection to the proposed ordinance.

Hugh Lindsay, 400 Walton Drive supported the ordinance and added that the tenant should also be held responsible if violations occur.

Jerry Cooper, 602 Bell supported the ordinance.

Sherry Ellison, 2705 Brookway Drive supported the ordinance.

Jason Reynolds, felt that the timing of addressing this issue was not fair due to the fact that many students are out of town because of holidays.

Mark Spiller, 2816 Rockcliffe Loop supported the ordinance.

Christopher Rodne, 8603 Rosewood spoke in favor of the ordinance.

Mayor White closed the public hearing.

Council member Maloney moved to approve **Ordinance No. 3152** amending Chapter 7 “Health and Sanitation”, of the Code of Ordinances of the City of College Station, Texas by adding Section 11, “Host Responsibilities of Parties in Residential Areas”. Council member Stewart seconded the motion which carried 7-0.

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

Regular Agenda Item No. 3 -- Public hearing, presentation, possible action, and discussion regarding an ordinance to delete Chapter 9 of the City of College Station Code of Ordinances, Subdivisions, and an ordinance amending Chapter 12 of the City of College Station Code of Ordinances, Unified Development Ordinance (UDO), to incorporate Chapter 9 into Chapter 12 and make procedural changes and other revisions.

Introduced by Bob Cowell AICP, Director of Planning and Development Services.

Jason Schubert, Staff planner summarized each ordinance.

Mayor White opened the public hearing.

Sherry Ellison, 2705 Brookway Drive expressed her appreciation for the subdivision regulation updates.

Mayor White closed the public hearing.

Mayor ProTem McIlhaney made a motion to approve **Ordinance No. 3153** to delete Chapter 9 of the City of College Station Code of Ordinances, Subdivisions and **Ordinance No. 3154** to amend Chapter 12 of the City of College Station Code of Ordinances, Unified Development Ordinance to incorporate Chapter 9 into Chapter 12 and make procedural changes and other revisions. Council member Massey seconded the motion, which carried 7-0.

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

AGAINST: None

Regular Agenda Item No. 4 -- Public hearing, presentation, possible action, and discussion regarding an ordinance amending Chapter 3 "Building Regulations", of the Code of Ordinances of the City of College Station, Texas regulating the design, installation, and operation of landscape irrigation systems.

Lance Simms, Assistant Director of Planning and Development Services presented an overview of the changes to the city's landscape irrigation standards, brought about in order to implement the provisions of House Bill 1656. These changes require that all irrigation systems be designed, installed, maintained, altered, repaired, serviced and operated in a manner that shall promote water conservation. Staff and the Construction Board of Adjustment and Appeals voted unanimously to recommend approval.

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

Council member Maloney moved to approve **Ordinance No. 3155** on amending Chapter 3 "Building Regulations" of the Code of Ordinances of the City of College Station, Texas regulating the design, installation, and operation of landscape irrigation systems. Council member Stewart seconded the motion which carried 7-0.

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

AGAINST: None

Regular Agenda Item No. 5 -- Public hearing, presentation, possible action and discussion on a Comprehensive Land Use Plan amendment from Single Family Residential Medium-Density to Retail Neighborhood for 2.419 acres located at the southwest corner of State Highway 40 and Barron Road.

Gabriel Elliott, Assistant Director of Planning and Development Services described the Comprehensive Land Use Plan Amendment for the southwest corner of State Highway 40 and Barron Road. Planning and Zoning

Commission recommended approval of this request (3-2) at their December 4th meeting and staff recommended denial of this request.

Mayor White opened the public hearing.

Ed Thomas 14222 Buggy Lane requested Council consider the approval of the rezoning amendment for the southwest corner of State Highway 40 and Barron Road. He stated that Retail Neighborhood would be the appropriate land use eventually.

Tom Woodfin, 3215 Innsbrook explained the affirmative decision of the Planning and Development Commission.

Mayor White closed the public hearing.

Council member Massey moved to approve **Ordinance No. 3156** amending the Comprehensive Plan of the City of College Station by amending the Land Use Plan Map for 2.419 acres from Single Family Residential Medium-Density to Retail Neighborhood located on the southwest corner of State Highway 40 and Barron Road. Council member Maloney seconded the motion, which carried 7-0.

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

AGAINST: None

Regular Agenda Item No. 6 -- Presentation, possible action, and discussion of appointment to Zoning Board of Adjustments and Planning and Zoning Commission.

Connie Hooks, City Secretary presented a list of applicants for Council selection of citizens for vacancies on the Zoning Board of Adjustments and Planning and Zoning Commission. Donald Braune resigned from the Zoning Board of Adjustment and Bill Davis resigned from the Planning and Zoning Commission.

Council member Maloney moved to appoint Winnie Garner to the Planning and Zoning Commission for a one year term expiring June 2009. Council member Massey seconded the motion which carried 7-0.

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

AGAINST: None

Council member Crompton moved to appoint Bob Brick to the Zoning Board of Adjustments for a one year term expiring June 2009. Council member Maloney seconded the motion, which carried 6-1.

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

AGAINST: Ruesink

Regular Agenda Item No. 7 -- Presentation, possible action, and discussion of the 2009 Council Meeting Calendar.

Connie Hooks, City Secretary presented the Council Meeting Schedule for 2009. Council concurred with staff recommendation. No formal action taken.

Council returned to the workshop agenda items.

Workshop Agenda Item No. 5 -- Presentation, possible action, and discussion regarding nuisance noise issues and responses.

This item was moved to future agenda.

Workshop Agenda Item No. 6 -- Presentation, possible action, and discussion regarding on-going efforts to realize a signature event for the City.

This item was moved to future agenda.

Workshop Agenda Item No. 7 -- Council Calendar

No discussion was held.

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

Council member Crompton requested item for future agenda for a plan and a program for implementing closed circuit television in Northgate.

Council member Crompton requested item for future workshop on door hanger issues.

Council directed the City Manager to contact John White about the Austin Green Energy program and schedule a presentation when appropriate.

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, BVSWMA, (Notice of Agendas posted on City Hall bulletin board).

No discussion was held.

Regular Agenda Item No. 8 -- Adjourn.

Hearing no objections, Mayor White adjourned the meetings at 10:40 pm on Tuesday, December 16, 2008.

PASSED AND APPROVED this 8th day of January, 2009.

APPROVED

Mayor Ben White

ATTEST:

City Secretary Connie Hooks