



Mayor
Ben White
Mayor Pro Tem
David Ruesink
City Manager
Glenn Brown

Councilmembers
John Crompton
James Massey
Dennis Maloney
Katy-Marie Lyles
Lawrence Stewart

Minutes
City Council Regular Meeting
Thursday, September 24, 2009 at 7:00 p.m.
City Hall Council Chambers, 1101 Texas Avenue
College Station, Texas

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

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

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

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:

Lori Ash, 804 Prestwick Court – presented some statistics of red light cameras.

Daniel Dick, Student Senator in TAMU requested Council to allow a representative from TAMU Student Senate as non-voting member on College Station City Council.

Jim Ash, 804 Prestwick Court spoke regarding the city's open records policy and requested Council to review the policy and procedures.

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.

Approved a change order to Contract #07-273 in the amount of \$191,838.91 to JaCody, Inc. for construction work associated with Police Department Renovations Project.

City Council Regular Meeting Minutes

Thursday, September 24, 2009

Approved a Change Order in the amount of \$48,895 to Bleyl & Associates for additional design and surveying work associated with the Southwood 5-7 Utility Rehabilitation Project.

- c. Approved an amendment to the contract with the Texas Department of State Health Services for the Mayor's Council on Physical Fitness Grant Contract.
- d. Approved **Resolution No. 09-24-09-2d** on contract with Orion Construction in an amount not to exceed \$114,335.00 for the construction of a new, affordable, single-family residence at 4214 Cripple Creek Court using federal HOME Investment Partnership Grant (HOME) funds.
- e. Approved **Resolution No. 09-24-09-2e** on contract with Orion Construction in an amount not to exceed \$112,435.00 for the construction of a new, affordable, single-family residence at 4284 Hollow Stone Drive using federal HOME Investment Partnership Grant (HOME) funds.
- f. Approved a change order to Contract #09-222 with Fuqua Construction Inc. in the amount of \$11,000 for the development of the improvements at John Crompton Park pond.
- g. Approved an authorized expenditure of funds for FY'10, 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. List of items posted as attachment to the agenda.
- h. Approved a ratification of a purchase order to repair the centrifuge at the Carters Creek Wastewater Treatment Plant in the amount of \$64,885.
- i. Approved a purchase order to DXI Industries for the purchase of liquid chlorine for use in our public water supply. The amount of the purchase order is \$77,220.
- j. Approved a professional services contract with Interra Hydro, Inc., in the amount of \$56,393 for the inspection, condition assessment, and capacity analysis of the Northeast Sewer Trunkline.
- k. Approved a Services Contract with Professional Floor Service and Janitorial for janitorial services for all City offices for an annual expenditure of \$198,343.44.
- l. Approved the first renewal of bid #08-84 to Brazos Paving Inc. in an amount not to exceed \$411,000.00 for the annual blanket order of concrete curb/gutter & flatwork used to maintain City infrastructure.
- m. Approved **Resolution No. 09-24-09-2m** on testing and inspecting contract #09-293 with CSC Engineering & Environmental Consultants, Inc. in the amount of \$62,000.00 for the Rock Prairie Road Landfill.
- n. Approved a three month renewal of Excess Liability/Workers Compensation to Star National Insurance Co. for \$69,066 Property/Boiler and Machinery to Affiliated FM for \$22,843 Crime Coverage to Federal Insurance Co. for \$1,140 and EMT Liability to Western World Insurance Co. for \$1,200.

City Council Regular Meeting Minutes

Thursday, September 24, 2009

Approved an Interlocal Agreement (ILA) between the City of College Station and Public Employee Benefits Alliance (PEBA) for annual membership.

- p. Approved authorized additional funds for professional legal services provided by Coats Rose Ryman and Lee for the Weingarten Realty lawsuit through September 30, 2009. **(Council Voted Separately)**
- q. Presentation, possible action, and discussion to approve an agreement in an amount not to exceed \$60,000 with the legal firm of Andrews Kurth LLP to perform legal work in connection with the creation of a new Texas local government corporation to own and control the Twin Oaks Landfill and authorization for the Mayor to execute the agreement. **(Council Pulled Item from Agenda)**

Council pulled consent item 2p for separate vote and pulled item 2q for future agenda.

Council member Crompton moved to approve consent items 2a, 2b, 2c thru 2o. Council member Stewart seconded the motion, which carried 7 - 0.

FOR: Mayor Ben White, Mayor Pro tem Ruesink, Crompton, Massey, Maloney, Lyles and Stewart
AGAINST: None

Council member Crompton moved to approve consent item 2p for professional legal services provided by Coats Rose Ryman and Lee for the Weingarten Realty lawsuit through September 30, 2009 in the amount of \$540,000. Council member Stewart seconded the motion, which carried 7 - 0.

FOR: Mayor Ben White, Mayor Pro tem Ruesink, Crompton, Massey, Maloney, Lyles and Stewart
AGAINST: None

1. Public Hearing, presentation, possible action, and discussion on an ordinance Budget Amendment #1 amending ordinance number 3202 which will amend the budget for the 2009-2010 Fiscal Year in the amount of \$8,094,128 providing annual 12 month appropriation for the Brazos Valley Solid Waste Management Agency (BVSWMA).

Jeff Kersten, Chief Financial Officer presented a brief overview of Budget Amendment #1 on BVSWMA. Staff recommended Council to hold a public hearing on Budget Amendment #1, and approve the budget amendment ordinance amending the budget for BVSWMA by adding the annual 12 month appropriations for BVSWMA in the amount of \$8,094,128.

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

Council member Massey moved to approve **Ordinance No. 3208** to amend the Budget for BVSWMA by adding the annual 12 month appropriations for BVSWMA in the amount of \$8,094,128. Council member Lyles seconded the motion, which carried 7 - 0.

FOR: Mayor Ben White, Mayor Pro tem Ruesink, Crompton, Massey, Maloney, Lyles and Stewart
AGAINST: None

2. Public hearing, presentation, possible action, and discussion on an ordinance amending Chapter 12, "Unified

City Council Regular Meeting Minutes

Thursday, September 24, 2009

Development Ordinance", Section 4.2, "Official Zoning Map" of the Code of Ordinances of the City of College Station, Texas by rezoning from A-O Agricultural-Open to a Planned Development District 1.5 acres located at 13601 and 13679 FM 2154, generally located at the intersection of W.D. Fitch Parkway and Wellborn Road.(Case #09-00500161)

Lauren Hovde, Staff Planner presented a UDO rezoning application for an amendment on 1.5 acres located at 13601 and 13679 FM 2154, generally located at the intersection of W.D. Fitch Parkway and Wellborn Road. The P&Z Commission and Staff recommended denial of this request. If Council approves, Staff recommended that the applicant be required to exceed minimum landscaping and buffer standards to alleviate some impact from the development's intensity, that structures on this site be required to have a residential-style pitched roof, not exceeding thirty-five feet in height, and that all setbacks and heights be measured from future back-of-curb estimates based on TxDOT plans for Wellborn Road and W.D. Fitch.

Mayor White opened the public hearing.

Ray Hanson, Developer, 730 Rosemary Dr. presented overview of his proposed development and requested Council to approve this request with the reduction to buffer and variance. He believed-TxDOT will approve the application for the off ramp.

Planning and Zoning Commissioner Paul Greer briefly summarized the action taken by the Planning and Zoning Commissioners at their September 3rd meeting. Motion failed 6 – 0 denying the request for rezoning.

Oliver Bishop, Representative of Property Owner, 1400 Cordell stated if property is not rezoned it will not be marketable and will diminish the character. Also, he stated that the future of the property owner is dependent on the sale of the property.

Linda Tatum, resident of College Station supported the rezoning.

Carmela Harmon, resident of College Station explained to Council the development needed in this area and asked Council to approve applicant's request.

Daniel Dick, Student Senate of TAMU asked Council to approve request due to the number of students in this area and the need for a gas station in this area.

Mayor White closed the public hearing.

Council member Lyles moved to approve the rezoning ordinance amending Chapter 12 from A-O Agricultural Open to a Planned Development District with contingent upon agreement with TxDOT, with pedestrian access, a 6 foot buffer, protecting trees, and landscaping to protect the corridor. Council member Stewart seconded the motion.

Mayor Pro tem Ruesink and Council member Maloney recommended staff to send back to P&Z Commission and to make this property a true PDD.

Council member Lyles withdrew her motion and Council member Stewart withdrew his second.

City Council Regular Meeting Minutes

Thursday, September 24, 2009

- Council member Crompton moved to deny the rezoning request on 1.5 acres located at 13601 and 13679 FM 2154, generally located at the intersection of W.D. Fitch Parkway and Wellborn Road. Council member Massey seconded the motion, which carried 4-3.

FOR: Mayor Pro tem Ruesink, Crompton, Massey and Maloney

AGAINST: Mayor Ben White, Lyles and Stewart

3. Public hearing, presentation, possible action, and discussion on an ordinance amending Chapter 12, "Unified Development Ordinance, Section 7.11.B "Categories of Outdoor Storage and Display" of the Code of Ordinances of the City of College Station, Texas regarding outdoor displays of merchandise in non-residential districts.

Jennifer Prochazka, Senior Planner presented a brief overview of a proposed ordinance amending Chapter 12, UDO, "Categories of Outdoor Storage and Display" that will allow retailers the option to identify the location of outdoor display areas during the site planning process and limits the allowable area to no more that 10% of the floor area of the building or 2,500 square feet, whichever less. P&Z Commission and Staff recommended approval of this amendment.

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

Council member Stewart moved to approve **Ordinance No. 3209** to amend Chapter 12, of the UDO Section 7.11.B "Categories of Outdoor Storage and Display" regarding outdoor displays of merchandise in non-residential districts. Council member Massey seconded the motion, which carried 7 - 0.

FOR: Mayor Ben White, Mayor Pro tem Ruesink, Crompton, Massey, Maloney, Lyles and Stewart

AGAINST: None

4. Public hearing, presentation, possible action, and discussion on an ordinance amendment to Chapter 12, "Unified Development Ordinance", Section 6.2.C, "Use Table" of the Code of Ordinances of the City of College Station, Texas related to types of uses permitted in the C-3 Light Commercial zoning district.

Jennifer Prochazka, Senior Planner presented a proposed ordinance amending Chapter 12, "UDO" of the Code of Ordinance, to a C-3 Light Commercial zoning district with a Conditional Use Permit that is designed to provide locations for commercial sites that are too small for many permitted uses in the C-1 General Commercial District and are moderately low traffic generators that have little impact on adjacent areas or on adjacent thoroughfares.

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

Council member Maloney moved to approve **Ordinance No. 3210** to amend Chapter 12, UDO Section 6.2.C, "Use Table" to permit a Commercial Amusement to be located in the C-3 zoning district with a Conditional Use Permit. Council member Lyles seconded the motion, which carried 7 - 0.

FOR: Mayor Ben White, Mayor Pro tem Ruesink, Crompton, Massey, Maloney, Lyles and Stewart

AGAINST: None

City Council Regular Meeting Minutes

Thursday, September 24, 2009

At this time, Council returned to the Workshop Agenda to complete the items of business.

7. Council Calendar

Council reviewed upcoming meetings and events.

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 Maloney asked staff to report back on PDD Development Guidelines. Motion seconded by Council member Crompton.

Council member Massey reminded staff of a pending item related to population increase and its effect on city officials' disclosure statements, ETJ issues, etc.

Council member Crompton requested a future agenda item to discuss the Conference Center. Motion seconded by Council member Lyles.

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, Signature Event Task Force, (Notice of Agendas posted on City Hall bulletin board).

Massey reported on IGC Committee meeting held this month. Topics related to pandemic flu and a program called Safety City presented by City of Frisco.

Maloney reported on Transportation Committee meeting held this month. Topics related to the committee's recommendation to Council in support of expenditures for signs in school zones prohibiting cell phones. Also discussed was the mailing of brochure to residents on facts related to red light cameras.

Lyles reported on the Health Department Board meeting held this month. Topics related to pandemic flu vaccine

5. Adjourn.

Hearing no objections, Mayor White adjourned the meeting at 8:55 p.m. on Thursday, September 24, 2009.

City Council Regular Meeting Minutes

Thursday, September 24, 2009

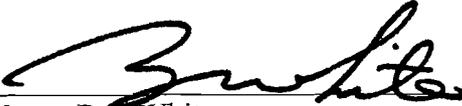
PASSED AND APPROVED this October 19, 2009

ATTEST:

APPROVED:



City Secretary Connie Hooks



Mayor Ben White