



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

**Council members**  
John Crompton  
James Massey  
Dennis Maloney  
Lawrence Stewart  
David Ruesink

**Minutes**  
**City Council Workshop & Regular Meeting**  
**Thursday, February 26, 2009 1:30 pm & 7:00 pm**  
**City Hall Council Chambers, 1101 Texas Avenue**  
**College Station, Texas**

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

Mayor White called meeting to order at 1:30 p.m.

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

Council member Massey stated he will abstain from Consent Item 2m, Impact Fee Report. His residence is in the impact fee area.

Council member Crompton inquired about Consent Item 2g and the timeline of this project. CIP Director Chuck Gilman commented that the Tauber and Stasney street rehab project is on track. Staff will bring back design alternatives to Council at the next regular meeting.

Council member Crompton asked staff for an explanation of public benefit by allocating monies to Radakor, L.L. C. David Gwin, Director of Economic and Development Services explained that this item satisfied the conditions stated in the agreement with Radakor for completion of the first phase, the residential component.

City Manager Glenn Brown requested Council remove Item No. 2f, advanced funding agreement with TXDOT for Discovery Drive Extension project.

**Workshop Agenda Item No. 2 -- Presentation, possible action, and discussion on the performance, progress and future plans of the Research Valley Partnership (RVP).**

Item introduced by David Gwin, Director of Economic and Community Development Services.

Todd McDaniel, Executive Director of RVP, acknowledged the Board of Directors present at the meeting.

Mayor Ben White      Board Member  
Larry Hodges          Board Member  
Glenn Brown, City of College Station Ex-Officio

Larry Mariott, also a board representative from College Station, was not present.

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Mr. McDaniel presented a video presentation of the performance, progress and future plans of the Research Valley Partnership (RVP). He answered numerous questions by the City Council related to the RVP's role in marketing and recruiting businesses to College Station.

Council requested a "program budget" format in the future.

No formal action was taken.

**Workshop Agenda Item No. 3 -- Presentation, possible action, and discussion regarding City participation in the partial funding of a new industrial park located north of Bryan, Texas.**

Item introduced by David Gwin, Director of Economic and Community Development.

Todd McDaniel, Executive Director of RVP presented an overview of plans to locate a new industrial park in the area. After looking at numerous options, the RVP's preferred site is located in Brazos County and north of Texas 6 and FM 2818 near the City of Bryan municipal limits. Under the current plan, this 1,000-acre site would be sold to new businesses for approximately \$15,000 per acre. According to the RVP, conservative estimates suggest this arrangement would attract approximately \$100 million in private investment and 250 new jobs. The RVP requested funding for the project from Brazos County and the Cities of Bryan and College Station based on a 3-2-1 formula respectively. On February 10<sup>th</sup>, Brazos County Commissioners approved partial funding for the new industrial park. More specifically, they will contribute \$90,000 a year for ten years as well as provide tax abatement in the area. Further, the City of Bryan will consider action on February 24<sup>th</sup> to contribute \$60,000 a year for up to ten years, provide utilities to the area, and agree not to annex the land for 5 years after any businesses have located in the industrial park.

The RVP estimated that the City of Bryan and Brazos County's contributions to the project are roughly equal. The City of College Station was asked to contribute \$30,000 per year for ten years. As such, the City's maximum contribution would be \$300,000.

As proposed, the RVP would serve as the day-to-day administrator of the new industrial park and provide on-going business development services.

Mayor Pro Tem McIlhaney moved to approve the proposed funding to RVP in the amount of \$30,000 per year for ten years for the park by amending the contract with RVP. Motion emphasized the desire to continue to have these discussions and continue to move in the direction by working with new Board. Council member Massey seconded the motion, which carried 5-2.

FOR: Mayor White, Mayor Pro Tem McIlhaney, Massey, Stewart and Ruesink  
AGAINST: Council members Crompton and Maloney

City Manager Brown stated that the staff will place the amendment to funding contract on March 12<sup>th</sup> agenda.

**Workshop Agenda Item No. 4 -- Presentation, possible action, and discussion regarding nuisance noise issues and responses.**

Item introduced by Chief of Police Michael Ikner.

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Scott McCollum, Assistant Police Chief presented an overview of the current ordinance and penal code regulations that address nuisance noise. He noted that the Police Department made great strides to address loud party scenarios in a timely manner. No formal action was taken.

**Workshop Agenda Item No. 5 -- Presentation, possible action and discussion on Policies Related to Door Hangers and Door-to-Door Solicitors.**

Item introduced by Bob Cowell, ACIP, Director Planning and Development Services.

Barbara Moore, Neighborhood & Community Director presented an overview of an evaluation of the city's current policies related to door hangers and door-to-door solicitation. The City currently has an ordinance that addresses solicitors, charitable solicitors, itinerant vendors and hand bill solicitors. Recently, there have been questions about solicitors that solicit and distribute advertisements in apartment complexes and neighborhood that have "No Solicitation" policies. Staff recommends the development of a list of apartment complexes and neighborhoods that have "No Solicitation" policies to provide to solicitors when obtaining permits from the city to assist solicitors in recognizing areas they should avoid.

No formal action was taken.

**Workshop Agenda Item No. 6 -- Presentation, possible action, and discussion regarding the future of the Northgate Tax Increment Finance Reinvestment Zone (TIRZ #16).**

David Gwin, Director of Economic and Community Development presented an overview on the future of the Northgate Tax Increment Finance Reinvestment Zone. Per Texas Tax Code, a new ordinance is the only way to terminate a TIRZ before its original termination date. Staff recommends dissolution of the Northgate TIRZ.

Council member Maloney moved to approve staff's recommendation to dissolve the Northgate TIRZ. Council member Massey seconded the motion, which carried 7-0.

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

**Workshop Agenda Item No. 7 -- Council Calendar**

Council reviewed activity calendar.

**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 a workshop item for discussion of maintaining the history of College Station as well as a workshop item to discuss the history of the parks system. Council member Crompton requested Council revisit the budget calendar.

Council member Crompton asked for a workshop item to discuss the Interlocal Agreement with City of Bryan on Library contract.

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At 4:05 pm Mayor White announced that the City Council would convene into executive session pursuant to Section 551.071, 551.072, and 551.086 of the Open Meetings Act to seek the advice of our city attorney, to consider the purchase of real property and competitive matters.

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**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. Bed & Banks Water Rights Discharge Permits for College Station and Bryan
- e. Legal aspects of Water Well, permits and possible purchase of or lease of water well sites
- f. Cliff A. Skiles, DVM & C.A. Skiles Family Partnership, Ltd. Water permit applications with the Brazos Valley Groundwater Conservation District
- g. TMPA v. PUC (College Station filed Intervention)
- h. 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
- i. Update on legal proceedings for Grimes County Landfill site and contracts for development of Grimes County site
- j. Weingarten Realty Investors v. College Station, Ron Silvia, David Ruesink, Lynn McIlhaney, Ben White

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. Possible Sale of or Exchange of Property on E. University.

Competitive Matter {Govt Code Section 551.086}; possible action The City Council may deliberate, vote, or take final action on a competitive matter in closed session. The City Council must make a good faith determination, by majority vote of the City Council, that the matter is a Competitive Matter. A Competitive Matter is a utility-related matter that the City Council determines is related to the City of College Stations Electric Utility Competitive Activity, including commercial information, which if disclosed would give advantage to competitors or prospective competitors. The following is a general representation of the subject(s) to be considered as a competitive matter.

- a. Marketing and Strategy Plans for College Station Electric Utilities

**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.**

Council recessed from the executive session at 6:55 pm. 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.

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### Minutes of Regular Meeting

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

Mayor White called the meeting to order at 7:01 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:

Ed Valenta, 1510 Bluebonnet thanked Council for televising the City Council meeting because he was able to hear about the installation of the sewer line adjacent to his property.

Brian Alg, TAMU student expressed concern about the lack of public notice on council's discussion of rental property registration.

Sherry Ellison, 2705 Brookway Dr. requested a stop sign for Windwood Park area due to speeding of cars and the growing number of families in subdivision.

#### 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 February 12, 2009.
- b. Approved racial profile report required annually by Senate Bill 1074, of the Texas 77th legislative session.
- c. Approved amendment to the License Agreement and Annual Maintenance with Principal Decision Systems International approved by the City Manager on June 26, 2002 which amends the covered products, and approved **Resolution No. 02-26-09-2c** declaring intention to reimburse certain expenditures with proceeds from debt in an amount not to exceed \$71,300.
- d. Approved **Resolution No. 02-26-09-2d** awarding bid number 09-24 to T&D Solutions in the amount of \$55,414.13 for installation and termination of fiber optic cable to the Sandy Point Pump Station.
- e. Approved engagement agreement with Mr. Jim Mathews, of Mathews & Freeland, for legal representation in the matter of the Skiles Groundwater Permit Application, not to exceed \$100,000.
- f. Presentation, possible action and discussion on a resolution for an Advanced Funding Agreement (AFA) between the City of College Station and the State of Texas for the Discovery Drive Extension project.  
**(ITEM 2f REMOVED BY STAFF)**
- g. Approved change order to professional services contract #05-160 related the Tauber and Stasney Streets Rehabilitation Project in the amount of \$2,500.
- h. Approved expenditures in the amount of \$119,370.00 using the TAMU Master Agreement (Texas A&M RFP Main 05-0011, Master Order No. M500441) for the purchase of audio-video equipment for the CSU Meeting and Training Facility.
- i. Approved 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 \$73,557.30.

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j. Approved bid awarded for the purchase of various distribution padmount transformers maintained in inventory to Techline \$48,620, Wesco \$24,990, KBS \$10,010, TEC \$128,580 and Priester Mell & Nicholson \$3,570 for a total of \$215,770.

k. Approved **Resolution No. 02-26-09-2k** authorizing the Mayor and City Secretary to sign the interlocal agreement between the City of College Station and College Station Independent School District for the conduct and management of a joint election to be held on May 9, 2009.

l. Approved authorizing the payment of a redevelopment reimbursement and cash incentive payments in a total amount of \$271,100 to Radakor, L.L.C.

m. Approved Semi-Annual Report for Impact Fees 92-01, 97-01, 97-02B, 99-01, and 03-02.

Council member Maloney moved to approve consent agenda items 2a thru 2m with the removal of item 2f. Council member Stewart seconded the motion, which carried 7-0. Council member Massey abstained from consent item 2m.

FOR: Mayor White, Mayor Pro Tem McIlhaney, Crompton, Massey, Maloney, Stewart and Ruesink  
AGAINST: None  
ABSTAINED from consent item 2m: Council member Massey

**Regular Agenda Item No. 1 -- Presentation, possible action, and discussion on 1) accepting the Red Light Camera Committee report; 2) authorizing additional expenditures (\$315,000) for 5 new camera locations, total expenditure not to exceed \$567,000 annually; and 3) approving a modification to the TxDOT Amendment to the Municipal Maintenance Agreement.**

Troy Rother, Assistant City Engineer presented the status of the red light camera program. Currently, four intersections are monitored by cameras. At the conclusion of City’s 2008 fiscal year, the City remitted to the State Comptroller’s Office approximately \$181,000 to be deposited into the state’s Regional Trauma Center Account to be split between the five trauma centers in our area. This represented fifty percent of the money remaining after the vendor fees were paid and the city recovered its expenses related to operating and maintaining the program.

Recently, staff met with the Red Light Camera Citizen Advisory Committee. They discussed the crash and citation data to determine the feasibility of additional intersections for red light cameras. Based on the analysis of the video survey and an engineering report, the Committee recommended that the program be expanded to include the following five (5) intersection approaches:

Intersection	Videoted Violations
1. NB Texas Avenue at George Bush Drive	16
2. EB George Bush Drive at Texas Avenue	21
3. WB George Bush Drive at Texas Avenue	23
4. EB Harvey Mitchell Pkwy (FM 2818) at Texas Avenue	8
5. NB Texas Avenue at Holleman Drive	8

**Staff Recommendation:**

1) Acceptance of the recommendations from the Red Light Camera Committee for the installation of 5 more red light cameras; and,

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- 2) Approval of the authorization of the additional expenditure of \$315,000 for a total not to exceed \$567,000 annually; and
- 3) Approval of the modification (attached Exhibit A) of the TxDOT Amendment to the Municipal Maintenance Agreement.

Council member Maloney moved to approve the Red Light Camera Citizen Advisory report, the Engineering report, authorized additional expenditure of \$315,000 for a total not to exceed \$567,000 annually; and the modification to the TxDOT Amendment of the Municipal Maintenance Agreement. Council member Ruesink seconded the motion, which carried 7-0.

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

**Regular Agenda Item No. 2 -- Public hearing, presentation, possible action, and discussion creating an ordinance authorizing the City's participation in the Texas Enterprise Zone Program and nominating Lynntech, Inc. to the Office of the Governor as an enterprise project.**

David Gwin, Director of Economic and Community Development presented an ordinance authorizing the City's participation in the Texas Enterprise Zone Program and nominating Lynntech, Inc. to the Office of the Governor as an enterprise project. Staff recommended the approval of the City's participation in the Texas Enterprise Zone Program. Further, staff recommends that the City Council move to nominate Lynntech, Inc. as an enterprise project under the program.

Mayor White opened the public hearing. Sherry Ellison, 2705 Brookway Dr. stated concern about the traffic generated by this development. Mayor White closed the public hearing.

Council member Maloney made a motion to nominate Lynntech, Inc. to the Office of the Governor as an enterprise project. Mayor Pro Tem McIlhaney seconded the motion, which carried 7-0.

Council member Massey moved approval of **Ordinance No. 3168** authorizing the City's participation in the Texas Enterprise Zone Program. Council member Stewart seconded the motion, which carried 7-0.

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

**Regular Agenda Item No. 3 -- Public hearing, presentation, possible action, and discussion regarding a Rezoning from R-1, Single-Family Residential to A-P, Administrative Professional; A-O, Agricultural Open to A-P, Administrative Professional; and R-1, Single-Family Residential to A-O, Agricultural Open for 4.46 acres located at 2807 Earl Rudder Freeway South, and more generally located next to the North Forest Professional Park.**

Jason Schubert, Staff Planner presented the staff report for rezoning request for 4.46 acres located at 2807 Earl Rudder Freeway South from R-1, Single-Family Residential to A-P, Administrative Professional; A-O, Agricultural Open to A-P, Administrative Professional; and R-1, Single-Family Residential to A-O, Agricultural Open. Staff and P&Z Commission recommended approval of the amendment .

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

Council member Massey made a motion to approve **Ordinance No. 3169** rezoning 4.46 acres located at 2807 Earl Rudder Freeway South from R-1, Single-Family Residential to A-P, Administrative Professional; A-O,

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Agricultural Open to A-P, Administrative Professional; and R-1, Single-Family Residential to A-O, Agricultural Open. Council member Ruesink seconded the motion, which carried 7-0.

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

**Regular Agenda Item No. 4 -- Public hearing, presentation, possible action and discussion to consider an ordinance regarding the addition of Community 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 an addition of Community Park Zones as a Comprehensive Plan Amendment to Recreation, Park and Open Space Master Plan. The Parks and Recreation Advisory Board, P&Z Commission, and Staff recommended approval of an ordinance amending the Recreation, Parks and Open Space Master Plan element of the City of College Station's Comprehensive Plan to include Community Park Zones.

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

Council member Crompton made a motion to approve **Ordinance No. 3170** for the addition of Community Park Zones as a Comprehensive Plan Amendment to the Recreation, Park and Open Space Master Plan. Council member Ruesink seconded the motion, which carried 7-0.

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

**Regular Agenda Item No. 5 -- Presentation, possible action, and discussion regarding Wolf Pen Creek Corridor Water Feature and Festival Area Proposal, as requested by Council at the January 12, 2009 meeting.**

Tony Cisneros, Director of Parks and Recreation presented proposed recommendations regarding the Wolf Pen Creek Corridor Water Feature and Festival Area.

Council member Massey moved to approve the recommendation of the WPC Tax Increment Finance Board to incorporate the WPC Corridor Water Feature into the Festival Area as per the approved WPC Master Plan with the necessary funding of \$1.2 million allocated from the WPC TIF Fund. Council member Maloney seconded the motion, which carried 7-0.

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

Council returned to the workshop agenda.

**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,**

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**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).**

Council member Massey – IGC Animal Control Ordinance Sub-Committee

Council member Maloney – TML Conference

Council member Ruesink – Urban Landscape Planning activities for College Station

Mayor White – Brazos Valley Council of Governments Homeland Security Advisory Committee meeting

**Regular Agenda Item No. 6 -- Adjourn.**

Hearing no objections, Mayor White adjourned the meetings at 8:15 pm on Thursday, February 26, 2009.

PASSED AND APPROVED this 12<sup>th</sup> day of March, 2009.

APPROVED

\_\_\_\_\_  
Mayor Ben White

ATTEST:

\_\_\_\_\_  
City Secretary Connie Hooks