



CITY OF COLLEGE STATION

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

Councilmembers
John Crompton
James Massey
Dennis Maloney
Lawrence Stewart
David Ruesink

Minutes
City Council Workshop & Regular Meeting
Thursday, April 23 2009 3:00 & 7:00 p.m.
City Hall Council Chambers, 1101 Texas Avenue
College Station, Texas

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

MAYOR ABSENT: Mayor Ben White

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 Pro Tem McIlhaney 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.

Council member Maloney commented on the volume of paper produced for Council copies of agenda packet and suggested reducing the packet by eliminating the supporting materials such as large contract, planning documents, and such. Staff indicated that this step is taken when reviewing the agenda. Such documents are maintained by the City Secretary for Council and public viewing.

Council member Ruesink inquired about Consent Item 2i – Pete Caler, Assistant Director of Public Works and BVSWMA explained that Council approved the land acquisition with Mr. Peters, but the contract required dual Council approval. The City of Bryan did not approve. This item is a contingency plan to the original by using credits to meet federal agency mitigation requirements for wetlands.

Mayor Pro Tem McIlhaney inquired about Consent Item 2b – the resolution on high speed passenger railway service. Brazos County Commissioner Kenny Mallard commented on the formation of the Corporation to align with the federal designated railways. This action would provide local entities to apply for stimulus monies.

Workshop Agenda Item No. 2 -- Presentation, possible action, and discussion regarding Tree Preservation in College Station.

Bob Cowell, ACIP, Director of Planning and Development Services presented two (2) proposed tree preservation ordinance outlines, and provided comments made by the stakeholders at the public meeting held on March 4th, 2009 and April 20th, 2009.

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Draft Outline #1

- Tree Survey required
- Required 30% Minimum Preservation
- Tree Replacement required for all protected trees removed beyond 30% preservation level
- Flexibility in design

Draft Outline #2

- Tree survey only for trees identified for preservation
- Riparian Buffer required to be preserved
- No minimum preservation level
- Minimum Density of trees required – post development
- Flexibility in design

Council directed staff to bring back another option that identifies the general direction, public comments and more flexibility in the design.

Workshop Agenda Item No. 3 -- Presentation, possible action, and discussion regarding the Parks and Recreation Athletic Renovation and Improvements Fund Fee Analysis, as requested by Council at the November 24, 2008 meeting.

Tony Cisneros, Parks and Recreation Director presented an overview of the Athletic Renovation and Improvements Fund and the design that is to help keep all athletic fields in top playing conditions with the proper maintenance and replacement of materials that support the field activities but are not of sufficient cost or life span to warrant funding through a bond issue as a capital expense. Staff requested Council to provide input and policy direction on the analysis provided by staff for the Athletic Renovation and Improvements Fund Fee related to College Station Parks and Recreation Department outdoor athletic facilities, known as the Field Redevelopment Fee. Council directed staff to move forward with proposed recommendations.

Workshop Agenda Item No. 4 -- Presentation, possible action, and discussion regarding the renewal of the Drought Contingency and Water Conservation Plans.

Jennifer Nations, Water Service Program Coordinator presented an overview of the Drought Contingency Plan and the Water Conservation Plan renewals that are separate items on the consent portion of this Council meeting agenda.

Council member Maloney requested staff to add an exemption on the use of pressure washer.

No formal action was taken.

At 5:30 p.m. Mayor Pro Tem McIlhaney announced that the City Council would convene into executive session pursuant to Sections 551.071 and 551.072 of the Open Meetings Act to seek the advice of our city attorney and to consider the purchase of real property.

Workshop Agenda Item No. 5 -- 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

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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 for Brushy & Wellborn Services Areas
- c. Water CCN permit requests for Brushy & Wellborn Services Areas
- 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, and Ben White
- k. Chavers et al v. Tyrone Morrows, Michael Ikner, City of Bryan, City of College Station, et al
- l. Review of legal aspects of the Open Meetings Act

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 Purchase or Exchange of Property near E. University and Tarrow.

Workshop Agenda Item No. 6 -- Council Calendar

Council reviewed activity calendar.

Workshop Agenda Item No. 7 -- 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 Stewart requested a future agenda item to discuss the existing city limits out to highway 30, proposed east of the city limits south of Harvey Road. (The Greens Prairie Road transportation study.)

Council member Stewart requested a future agenda item to discuss Green efforts and landfill items.

Workshop Agenda Item No. 8 -- 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

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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).

Council member Massey spoke on the IGC meeting from April 20th meeting.

Mayor Pro Tem McIlhaney spoke on the Transportation Committee meeting and the presentation given by Terry Childers on the TTI study to address mass transit.

Workshop Agenda Item No. 9 -- 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 6:40 pm. No formal action was taken.

Council member Crompton left meeting at 6:52 p.m.

Workshop Agenda Item No. 10 – Adjourn.

The workshop meeting concluded at 7:00 p.m.

Minutes of Regular Meeting

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

Mayor Pro Tem McIlhaney called the meeting to order at 7:04 pm. Mayor Pro Tem McIlhaney led the audience in the Pledge of Allegiance. Fire Chief R.B. Alley provided the invocation.

Council member Ruesink made a motion to approve the request for absence from Mayor White. Council member Maloney seconded the motion, which carried 5-0.

Presentation:

City Manager Glenn Brown and Mayor Pro Tem McIlhaney presented an award from the American Public Power Association to the City of College Station Electric Department for earning the Reliable Public Provider (RP3)

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 Meeting April 9, 2009.
- b. Approved **Resolution No. 04-23-09-2b** supporting the adoption of Senate Bill 1570 and authorizing and approving the formation of a local government corporation, to facilitate the forming of a high speed passenger railway service.
- c. Approved change order for Construction Contract 07-185 with Knife River for the construction of the Arrington Road-Decatur Drive Roadway Extension, Project No. ST-0606, in the amount of \$42,646.78.

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- d. Presentation, possible action, and discussion regarding Change Order No. 2 to the construction contract with Brazos Valley Services (Contract No. 09-038) in the amount of \$52,747.14 for the William D. Fitch Widening Phase II project.
- e. Approved a user agreement between Texas A&M University and the City of College Station authorizing Texas A&M University to provide the University Services Building parking lot area and ingress/egress roads for a term of five (5) years to the Brazos Valley Solid Waste Management Agency for the spring Household Hazardous Waste & Computer Collection event.
- f. Approved a Settlement Agreement and Release between the City and David and Jennifer Weber compensating the Webers for the condemnation of easements necessary for the completion of the Parallel Water Transmission Phase III.
- g. Approved **Ordinance No. 3177** amending Chapter 11, "Utilities", of the Code of Ordinances of the City of College Station, Texas, by amending Section 9: Drought Contingency and Water Emergency Plan in its entirety.
- h. Approved **Resolution No. 04-23-09-2h** for the adoption of an updated Water Conservation Plan, including goals required by TCEQ.
- i. Approved **Resolution No. 04-23-09-2i** to purchase 11.5 Wetland Mitigation Credits from Mitigation Solutions USA LLC in the amount of \$201,250.00.
- j. Approved Change order No. 2 to purchase order No. 09-0308 to Martin Apparatus and Equipment, in the amount of \$29,684 for the purchase of two (2) 2009 Pierce Velocity Pumpers and one (1) 2009 Pierce / Peterbilt 340-3000 Gal Pumper / Tanker.
- k. Approved **Resolution No. 04-23-09-2k** declaring intention to reimburse certain expenditures with proceeds from debt for Neighborhood Park Improvement projects.
- l. Approved **Resolution No. 04-23-09-2L** declaring intention to reimburse certain expenditures with proceeds from debt for the Water Reclamation project.
- m. Approved an amendment to the Affiliate funding agreement between the City of College Station and the Arts Council of Brazos Valley to change the date and location of a performance by the Brazos Valley Symphony Orchestra specified in Section 3.5 of the agreement.
- n. Approved an award of Bid#09-42 for purchasing of roadway traffic signs, post and pavement markings material. The total cost of this Bid #09-42 is \$145,505.62.
- o. Approved an Interlocal Agreement (ILA) in the amount of \$31,248 between the Cities of College Station and Bryan for design costs for a traffic signal at the intersection of University Drive and Copperfield.
- p. Approved **Resolution No. 04-23-09-2p** approving a contract with Mitchell and Morgan LLP in the amount of \$59,500.00 for design services for the Holleman Drive Extension project. (Project #ST 0913)

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q. Approved **Ordinance No. 3178** amending Chapter 10, "Traffic Code," to change the posted speed limit on sections of SH 40 (William D. Fitch Parkway) from 70 mph to 60 mph.

Council member Massey made a motion to approve consent items 2a thru 2q with the corrections on item 2g. Council member Stewart seconded the motion, which carried 5-0.

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

Regular Agenda Item No. 1 -- Public hearing, presentation, possible action, and discussion of design options for the Tauber & Stasney Street Rehabilitation Project.

Chuck Gilman, Director of Capital Projects presented the design option for the Tauber & Stasney Street Rehabilitation Project. Staff recommended that the Tauber & Stasney Street Rehabilitation Project proceed according to Option 3.

Mayor Pro Tem McIlhaney opened the public hearing.

In favor of Option 2:

Dr. Anwer Ahmed, 2907 Aztec Ct., CS
SaQib Mukhtar, 9002 Timber Knoll, CS
Nadeem Chowdhary, 3202 Catarin, CS
Hector Rivera, 413 Stasney, CS
Charlie Bush, P.O. Box 1088, Manhattan, KS
Charles Szabuniewicz, 381 Fifth, Bryan
Glenn Schroeder, 1304 Autumn Wood Dr., CS
Robert Forest 109 College Main, CS
Chandler Salome, TAMU Harrell Hall
Hoda el Salty, 301 Ball Street, CS
Rebecca Adkins, 900 Camellia Court, CS

In favor of Option 3:

Will McCollum, 4317 Marywood, Bryan

In favor of creating new Option:

Kip Gilts, 9210 Riverstone Ct., CS
Carol Patton, 1304 Angelina Circle, CS

Mayor Pro Tem McIlhaney closed the public hearing.

Fire Chief R.B. Alley spoke about the width of street for the safety of fire fighters while responding to potential fire if fire truck must park on this street.

Council directed staff to research another Option between Option 2 & 3 and bring back to Council by working with the faith based organizations in Northgate.

Regular Agenda Item No. 2 -- Public hearing, presentation, possible action, and discussion regarding an amendment to the Unified Development Ordinance Section 7.4.E "Exempt Signs," Section 7.4.X "Signs for Permitted Non-residential Uses in Residential or Agricultural Districts" and Section 11.2 "Defined Terms."

Item was pulled by staff.

Council member Crompton returned at 7:45 pm.

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Regular Agenda Item No. 3 -- Public hearing, presentation, possible action, and discussion regarding an amendment of Chapter 12, Unified Development Ordinance, Section 4.2, Official Zoning Map, of the Code of Ordinances of the City of College Station, Texas by rezoning 2.47 acres from A-O, Agricultural-Open, to C-1, General Commercial at 4074 State Highway 6 and more generally located south of Bridle Gate Drive.

Laura Hovde, Staff Planner presented staff report on the rezoning of 2.47 acres from A-O, Agricultural-Open, to C-1, General Commercial at 4074 State Highway 6 and more generally located south of Bridle Gate Drive. Staff and the P&Z Commission recommended approval.

Jeff Robertson with McClure and Brown Engineering represented the owner and expressed an agreement with the location of privacy fence along south of property line.

Mayor Pro Tem McIlhaney opened the public hearing. Dahlis Waller, 2707 Pinehurst Circle, CS, owner of adjacent property, addressed her concerns of buffer requirements and the need for such drainage and future ramifications for rezoning this property. Mayor Pro Tem McIlhaney closed the public hearing.

Council member Maloney moved to approve **Ordinance No. 3179** amending Chapter 12, Unified Development Ordinance, Section 4.2, Official Zoning Map of the Code of Ordinances of the City of College Station, Texas by rezoning 2.47 acres from A-O Agricultural Open to C-1 General Commercial at 4074 SH 6 and more generally located south of Bridle Gate Drive. 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 -- Public hearing, presentation, possible action, and discussion on consideration of the updated land use assumptions and capital improvements plan, and the imposition of updated water and wastewater impact fees in Steeplechase-Wellborn Sewer Impact Fee Service Areas 03-02.

Alan Gibbs, City Engineer presented an update of land use assumptions and capital improvements plan, and the imposition of updated water and wastewater impact fees in Steeplechase-Wellborn Sewer Impact Fee Service Areas 03-02. Staff recommended approval.

Mayor Pro Tem McIlhaney opened the public hearing. No one spoke. She closed the public hearing. No formal action was taken.

Regular Agenda Item No. 5 -- Adjourn.

Hearing no objections, Mayor Pro Tem McIlhaney adjourned the meetings at 9:06 p.m. on Thursday, April 23, 2009.

PASSED AND APPROVED this 18th day of May, 2009

ATTEST:

City Secretary Connie Hooks

APPROVED:

Mayor Ben White