



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

Monday, May 18, 2009 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 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 3:00 p.m.

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

Council member Crompton inquired about Consent Item 2L – Change Order No. 6 to construction contract for CSU Meeting and Training Facility. CIP Director Chuck Gilman explained the purpose of change was for installation of a firewall and receptacles for data power supply.

Council member Maloney inquired about Consent Item 2s – Dissolution of Northgate Tax Increment Reinvestment Zone #16. City Manager Brown explained that the monies could be allocated for Convention Center fund.

Council member Maloney inquired about Consent Item 2v – Rejection of bids for sale of City property at 1124 Carolina. Asst. Director of Economic and Community Development Debbie Eller explained the purpose of this item. She also noted that the City continues to offer low income housing with federal monies.

Workshop Agenda Item No. 2 -- Presentation, possible action, and discussion of resolution declaring results of City and School Election May 9, 2009.

Kay Parker, Presiding Judge of Central Counting Station presented a resolution canvassing the results of the May 9, 2009 election

A motion was made by Council member Maloney to approve **Resolution No. 5-19-2009-02** as presented and seconded by Council member Stewart, which carried 7-0.

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

AGAINST: None

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Workshop Agenda Item No. 3 -- Presentation of Service Awards to Mayor Pro Tem Lynn McIlhaney and Council member Dave Ruesink.

Mayor White presented three year service awards to Mayor Pro Tem McIlhaney and Council member Ruesink.

Workshop Agenda Item No. 4 -- Oath of Office administered to newly elected Councilmember and presentation of Certificate of Election.

Municipal Court Judge Ed Spillane administered the oath of office to Dave Ruesink, Place 6.

Mayor White called for a brief recess at 3:12 p.m. for reception.

Workshop Agenda Item No. 5 -- Presentation, possible action, and discussion regarding the El Camino Real de los Tejas Trail Project Presentation.

Barbara Althouse of the Brazos County Historical Commission requested \$10,000 to assist in the El Camino Real de los Tejas Trail project.

Council member Crompton made a motion to consider the request of \$10,000 pending approval from other local entities. Council member Stewart seconded the motion which carried, 7-0.

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

Workshop Agenda Item No. 6 -- Presentation, possible action, and discussion regarding the update to the City of College Station Comprehensive Plan scheduled for May 28, 2009.

Bob Cowell, ACIP, Director of Planning and Development Services presented an update of the Comprehensive Plan schedules and the latest changes. A public hearing and consideration of the 2009 Comprehensive Plan is scheduled for May 28 Council meeting.

No formal action was taken.

Workshop Agenda Item No. 7 -- Presentation, possible action, and discussion regarding funding options for a potential Advanced Funding Agreement (AFA) with TxDOT for the widening of FM 60 from State Highway 6 to FM 158.

Chuck Gilman, Director of Capital Projects presented funding options for widening of FM 60 from Highway 6 to FM 158. He emphasized that the project was identified as a high priority project by the City and on the MPO's priority project list and staff was seeking Council direction for funding this important regional transportation project, while still meeting local transportation priorities in the existing capital plan

Council member Crompton made a motion to move forward with Project Option No. 4 utilizing monies within the existing debt system and to seek additional federal funding. Council member Massey seconded the motion, which carried 5-2.

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

Workshop Agenda Item No. 8 -- Presentation, possible action, and discussion regarding the Green College Station Parks and Recreation Department Program, as requested by Council at the August 28, 2008 meeting.

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David Schmitz, Assistant Director of Parks and Recreation presented an overview of the “Green College Station Parks and Recreation Department” program. The program focuses on the major categories of waste reduction, recycling, water conservation, land use, air quality and energy conservation. These categories align directly with the overall Green College Station Initiative. Staff requested that the Council provide input and policy direction on the continuation of the “Green College Station Parks and Recreation” program.

No formal action was taken.

Workshop Agenda Item No. 9 -- Council Calendar

Council reviewed activity calendar.

Workshop Agenda Item No. 10 -- 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.

No items were submitted for future agendas.

Workshop Agenda Item No. 11 -- 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).

Council member Massey spoke on the recent IGC meeting. Shannon Overby of CVB reported on status of wayfinding project, and report by Health Dept. about the abuse of prescription drugs by teenagers, a local issue. The IGC committee agreed to meet every other month.

Mayor Pro tem McIlhaney reported on the recent meeting of Brazos County Health Board and the Boards’ discussion of its budget and the Interlocal agreement.

Council member Ruesink mentioned the CVB has acknowledged “Hospitality Week” and his attendance at two park dedications, University Park and Woodlands Park.

Mayor White spoke about the Brazos Valley Area Wide Business Task Force.

At 4:58 p.m. Mayor Pro Tem McIlhaney announced that the City Council would convene into executive session pursuant to Section 551.071 and 551.072 of the Open Meetings Act to seek the advice of our city attorney.

Workshop Agenda Item No. 12 -- 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

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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 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
- m. Rogers Sheridan v. Barbara Schob & Greg Abbott

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. 906 Ashburn, approximately 7.44 acres
- b. Possible purchase of land in the vicinity of Spruce Street and College Main
- c. Possible Purchase or Exchange of Property near E. University and Tarrow

Workshop Agenda Item No. 13 -- 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.

Workshop Agenda Item No. 14 – 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 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. Chief R.B. Alley provided the invocation.

Presentation:

City Manager Glenn Brown and Mayor White presented College Station Pools Supervisor Vera Solis and the PARD Staff with the Gold International Aquatic Safety Award sponsored by Ellis and Associates.

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Mayor White recognized Vera Vowell Solis with Lifetime Achievement Award for Aquatic Excellence.

Earl Apgar & Susan Irza of the Historic Preservation Committee presented City Council a Vintage Street Sign.

Hear Visitors:

Hanna White, 8606 Rosewood, an A&M Consolidated High School student requested Council consider sidewalks on north side of Harvey Parkway at the High School to ensure the safety of students and pedestrians.

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 the authorization for the Mayor to execute the renewal of two utility easements located on the Texas A&M University System property.

b. Approved **Resolution No. 05-18-09-2b** declaring intention to reimburse certain expenditures, not to exceed \$100,000, with proceeds from debt for the Birmingham Road and Longmire Drive intersection improvements project.

c. Approved 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.

d. Approved Change Order No. 3 for the College Park-Breezy Heights Rehabilitation Project Design Contract with Goodwin-Lasiter, Inc. for design services to expand curb and gutter replacement and milling and overlaying of streets in the amount of \$36,000. Funds available in Street Funds.

e. Approved **Resolution No. 05-18-09-2e** on a construction contract with H&B Construction lowest responsible bidder meeting specifications, in the amount of \$84,612.62 for street lighting installations on Harvey Mitchell Parkway (F.M. 2818) from Texas Ave to Longmire and from Holleman to Luther and approved **Resolution No. 05-18-09-2e-a** declaring intention to reimburse certain expenditures with proceeds from debt. Funds available from Utilities Capital Improvement Project Fund and Electric Department.

f. Approved **Ordinance No. 3180** on the adoption of an amendment for the Code of Ordinances Chapter 8 Sections 4-8, amending The Emergency Management Plan, and Section 12, renumbering the Reserve Police Force, and the approved **Resolution No. 05-18-09-2f** adopting the Basic Emergency Management Plan.

g. Approved **Resolution No. 05-18-09-2g** accepting from the Office of Domestic Preparedness of the U.S. Department of Homeland Security in Cooperation with the U.S. Fire Administration for funding from the Assistance to Firefighters Grant Program in the amount of \$686,732 and agreeing to provide the local match of \$171,683.

h. Approved **Ordinance No. 3181** amending Ch. 15: Impact Fees updating land use assumptions, capital improvements plan, and the imposition of updated water and wastewater impact fees in Steeplechase-Wellborn Sewer Impact Fee Service Areas 03-02.

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- i. Approved **Resolution No. 05-18-09-2i** approving a Municipal Maintenance Agreement with the State of Texas for the maintenance, control, supervision and regulation of certain State Highways and/or portions of State Highways in the City of College Station. Funds available in Streets and Drainage Maintenance Budget.
- j. Approved the second renewal of an annual contract for the purchase of water meters from Badger Meter, Inc. for the estimated cost of \$131,880. Funds available in Water Capital Improvement Projects Fund.
- k. Approved the rejection of the low bid (because the internal chambers are not large enough to meet specifications) and approval of the water meter purchase with larger chambers from Badger Meter, Inc in the amount of \$241,361.90. Funds available in Water Capital Improvement Projects Fund.
- l. Approved Change Order No. 6 to the construction contract (Contract No. 08-044) with JaCody, Inc. in the amount of \$29,961.76 for the CSU Meeting & Training Facility. Funds available in Electric Distribution Capital.
- m. Approved Change Order to the professional services contract with Mitchell & Morgan, L.L.P. for the Koppe Bridge Lift Station Project in an amount not to exceed \$62,635.00. Funds available in Wastewater Capital Improvement Projects Fund.
- n. Approved **Resolution No. 05-18-09-2n** awarding a professional services contract for the design of the Victoria Avenue Project to Bleyl & Associates in an amount not to exceed \$272,000.00, and approved **Resolution No. 05-18-09-2n-a** declaring intention to reimburse certain expenditures with proceeds from debt.
- o. Approved Change Order to Contract 09-024 with Malcolm Pirnie, Inc. in the amount of \$13,902, for the design of the Well 8 Collection Line. Funds available in Water Capital Improvement Projects Fund.
- p. 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 \$64,164.02. Funds available in the General Government Capital Improvement Projects Fund.
- q. Approved the Brazos Valley Wide Area Communications System (BVWACS) Operating Budget for FY 09 and authorizing the City's quarterly payments of \$15,719.52 for an annual total of \$62,878.08. Funds available in Information Technology FY 09 budget.
- r. Approved **Resolution No. 05-18-09-2r** for the Click It or Ticket Selective Traffic Enforcement Program grant contract for the fiscal year 2009.
- s. Approved **Ordinance No. 3182** repealing and terminating the Northgate Tax Increment Reinvestment Zone (TIRZ #16). Remaining funds returned to Convention Center Fund.
- t. Approved the authorization of payment toward Retention and Expansion and Payroll Grants in a total amount of \$45,000 to Reynolds and Reynolds, Inc. Funds available in City's Economic Development Fund.
- u. Approved the termination amendment to an existing Advanced Funding Agreement (AFA) with the Texas Department of Transportation for the State Highway 30 Widening Project , and approved **Resolution No. 05-18-09-2u** of the City Council of College Station, Texas, approving a new Advance Funding Agreement with the Texas Department of Transportation (TxDOT) and the City of Bryan, to design and construct additional lanes on

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State Highway 30 from 4.20 miles west of F.M. 244 to 4.63 miles west of F.M. 244 and adjacent to the BVSWMA Twin Oaks Landfill site for the purpose of providing safe ingress and egress from said facility in an amount not to exceed \$656,750. Funds available in the BVSWMA Capital Improvements Fund.

v. Approved the rejection of the bid received in response to RFP #09-36 for the sale of City property at 1124 Carolina.

w. Approved **Resolution No. 05-18-09-2w** authorizing the City Council to order a municipal runoff election to be held on June 13, 2009 for the purpose of electing a councilmember to City Council Place 4, and providing for the Mayor to sign the notice of election designating the hours and polling place locations.

Council member Maloney made a moved to approve Consent items 2a thru 2w. Council member Massey seconded the motion, which carried 7-0.

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

AGAINST: None

Regular Agenda Item No. 1 -- Public hearing, presentation, possible action, and discussion on an ordinance amending the Comprehensive Land Use Plan from Single-Family Residential, Medium Density and Floodplain to Planned Development for 14.27 acres located at 2429 Earl Rudder Freeway South north of the intersection of State Highway 6 Frontage Road and Raintree Drive.

Item was pulled by staff for future agenda.

Regular Agenda Item No. 2 -- 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 3.38 acres from A-O, Agricultural-Open, to R-1, Single-Family Residential at 5400 St. Andrews Drive and more generally located in the Pebble Creek Subdivision.

Matthew Robinson, Staff Planner presented the staff report for a rezoning request at 5400 St. Andrews Drive. Staff recommended approval to change a portion of the property to R-1, Single-Family Residential but recommended denial of the request to change the portion that is designated as being within the floodplain limits.

Mayor White opened the public hearing. Jeff Robertson from McClure Brown Engineering representing the applicant was present for questions. Mayor White closed the public hearing.

Hugh Stearns, P&Z Commissioner, explained that the restrictions placed on this floodplain area would make a difference and develop in a consistent way.

Council member Massey moved to approve **Ordinance No. 3183** to rezone property located 5400 St. Andrews Drive. Mayor Pro Tem McIlhaney seconded the motion, which carried 6-1.

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

AGAINST: Council member Crompton

Regular Agenda Item No. 3 -- Public hearing, presentation, possible action, and discussion regarding an amendment to Chapter 12, the Unified Development Ordinance, Section 7.4.E "Exempt Signs," Section

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7.4.X "Signs for Permitted Non-residential Uses in Residential or Agricultural Districts" and Section 11.2 "Defined Terms", of the Code of Ordinances.

Lauren Hovde, Staff Planner presented the staff report for sign ordinance amendment on numerous un-permitted signs being posted to advertise real estate events such as open houses, the Parade of Homes tour, and recreational home tours within the City. This item is an amendment to several sections of the Unified Development Ordinance to provide a legal process for these types of requests. Staff proposed language to allow attached signage for government facilities in certain locations.

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

Council member Stewart moved to approve **Ordinance No. 3184** to amend Chapter 12, "Unified Development Ordinance, in the Sign Ordinance Section 7.4.E, Section 7.4.X and Section 11.2. Council member McIlhaney seconded the motion, which carried 7-0.

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

Regular Agenda Item No. 4 -- Presentation, possible action, and discussion for a resolution to recommend Dave Coleman, Water Services Department Director, to fill a vacant Municipal representative position as a voting member on the Region G Water Planning Group.

Council member Maloney moved to approve **Resolution No. 05-18-09-04** nominating David Coleman, Director of Water Services for the vacancy on the Region G Water Planning Group. Council member Massey seconded the motion, which carried 7-0.

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

Regular Agenda Item No. 5 -- Presentation, possible action, and discussion authorizing payment from the Brazos Valley Solid Waste Management Agency (BVSWMA) Fund for payment to the City of Bryan for FY08/FY09 Compost Facility losses in the amount of \$356,871.

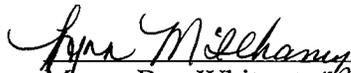
Item was pulled by staff for future agenda.

Regular Agenda Item No. 6 -- Adjourn.

Hearing no objections, Mayor White adjourned the meetings at 7:33 p.m. on Monday, May 18, 2009.

PASSED AND APPROVED this 11th day of June, 2009.

APPROVED



Mayor Ben White Mayor Pro Tem

ATTEST:


City Secretary Connie Hooks