



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

Councilmembers
John Crompton
James Massey
Dennis Maloney
Lawrence Stewart
David Ruesink

Minutes
City Council Workshop and Regular Meetings
Thursday, May 28, 2009 3:00 p.m.
City Hall Council Chambers, 1101 Texas Avenue
College Station, Texas

COUNCIL PRESENT: Mayor White, Mayor Pro Tem McIlhane, 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 agenda item 2g, Interlocal agreement receiving monies from TAMU for fire protection at Easterwood Airport. Fire Chief Alley responded that the City contributes \$58,000 each year.

David Gwin, Director of Economic and Community Development stated tharequested to speak on consent item 2f - crossing guard funds not available under the American Recovery and Reinvestment Act of 2009.

Workshop Agenda Item No. 2 -- Presentation, possible action, and discussion on an update regarding the Bicycle, Pedestrian and Greenway Master Plan.

Vanessa Garza, Staff Planner presented an overview of the planning process to date toward the Master plan of Bicycle, Pedestrian and Greenways, a component of the Comprehensive Plan.

Council expressed comments about the plan's intent to provide safety measures for pedestrian and bicyclists among park systems. Of particular interest was the path created to Lick Creek Park.

Ms. Garza noted that the plan was proposed to be adopted in October 2009.

No formal action was taken.

Workshop Agenda Item No. 3 -- Presentation possible action and discussion regarding the apportionment of the costs of thoroughfare development.

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Alan Gibbs, City Engineer presented an overview regarding the apportionment of cost of thoroughfare development. He requested Council direction regarding development participation in light of past practice and the new “rough proportionality” rule.

Council made remarks about the methodologies and asked staff to bring back detailed information addressing the different methodologies.

No formal action was taken.

Workshop Agenda Item No. 4 -- Presentation, possible action, and discussion regarding the Larry J. Ringer Library Interlocal Agreement Update Presentation.

Introduced by Tony Cisneros, Director of Parks and Recreation Services.

David Gerling Special Facility Superintendent presented an update on the interlocal agreement with the City of Bryan related to the Larry J. Ringer Library's services. He complimented the staff in both cities on their collaboration to make this service a success for all citizens. Staff recommended Council continue utilizing the current library interlocal agreement due to the services and operations working well.

Council concurred with original agreement. No formal action was taken.

Workshop Agenda Item No. 5 -- Presentation, possible action, and discussion regarding progress on regulatory changes for on-site sewer facilities.

David Coleman, Director of Water Services presented a report on the progress of the regulation changes for the on-site sewer facilities in the ETJ.

No formal action was taken.

Workshop Agenda Item No. 6 -- Presentation, possible action, and discussion regarding an update of the 2009 Bryan/College Station Chamber of Commerce Washington, D.C. trip taken May 11-14.

Mayor White reported on the success of the 2009 Bryan/College Station Chamber trip to Washington, DC.

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.

No items were presented for future agendas.

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

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

Council member Ruesink reported on CVB activity. Hotel bookings were lower in April & May due to Expo Center having higher usage. .

Council member Stewart commended Ty Elliott on his report to the Audit Committee. .

Mayor White reported that Larry Hodges is Chair Elect for the Research Valley Partnership Board. Mayor White also reported on the meeting of the Brazos County Health Department Board.

At 5:05 p.m. Mayor White announced that the City Council would convene into executive session pursuant to Sections 551.071, 551.072, and 551.087 of the Open Meetings Act to seek the advice of our city attorney, to consider the purchase of real property, and economic development negotiations.

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 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 McIlhane, 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:

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- a. Possible Purchase or Exchange of Property near E. University and Tarrow

Economic Development Negotiations {Gov't Code Section 551.087}; possible action The City Council may deliberate on commercial or financial information that the City Council has received from a business prospect that the City Council seeks to have locate, stay or expand in or near the city with which the City Council in conducting economic development negotiations may deliberate on an offer of financial or other incentives for a business prospect. After executive session discussion, any final action or vote taken will be in public. The following subject(s) may be discussed:

- a. Proposed Development located North and East of the Intersection of William D Fitch and State Hwy 6
- b. Arctic Wolf Ice Center

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 at 7:00 p.m.

Minutes of Regular Agenda

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:

Mayor White and City Manager Brown recognized Debbie Eller as Recipient of the 2009 Jefferson Award.

Hear Visitors:

Brian Alg spoke about concerns with the City's proposed Tree Ordinance.

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 Council meetings of April 23, 2009.
- b. Approved the purchase of seven (7) Police Motorcycles from Independence Harley Davidson /Buell of College Station for the amount of \$186,931.15 which includes a three year Extended Service Plan (at \$725 each.)(Bid Number 09-45.)
- c. Approved the rejection of the response to RFP #09-41, Public Internet Service.
- d. Approved **Resolution No. 05-28-09-2d** by the City Council of the City of College Station, Texas, directing publication of notice of intention to issue certificates of obligation, series 2009; and providing an effective date.

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e. Approved Change Order No. 2 to the construction contract with JCF Bridge & Concrete, Inc. (Contract No. 09-041) in the amount of \$26,334.40 for the 2005 Bike Loop Phase I – Longmire Improvements project.

f. Approved **Resolution No. 05-28-09-2f** on a substantial amendment to the City's 2008 Annual Action Plan to include new Community Development Block Grant Program (CDBG-R) funds under the American Recovery and Reinvestment Act of 2009.

g. Approved **Resolution No. 05-28-09-2g** of an Interlocal Agreement and resolution accepting from Texas A&M University the sum of \$176,304.75 for providing Fire Protection to Easterwood Airport.

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

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

Regular Agenda Item No. 1 -- Public Hearing, presentation, possible action, and discussion on consideration of an ordinance amending Chapter 10, "Traffic Code," to remove parking on both sides of Park Place between Anderson St. and Texas Ave.

Joe Guerra, Transportation Planner presented a summary of complaints received about the parking problems along Park Place between Anderson Street and Texas Avenue. Staff recommended removal of parking on one side of Park Place from Anderson Street to Texas Avenue based on the need to ensure emergency vehicle access along the roadway.

Mayor White opened the public hearing. Cedric Johnson of 1629 Park Place supported the removal of parking. Pete Laird, owner of Harvey Washbangers also supported removal of parking. Mayor White closed the public hearing.

Council member Maloney moved to approve **Ordinance No. 3185** amending Chapter 10, "Traffic Code," to remove parking on both sides of Park Place between Anderson St. and Texas Avenue. 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

Regular Agenda Item No. 2 -- Public Hearing, presentation, possible action, and discussion regarding an ordinance repealing the official City of College Station Comprehensive Plan (Adopted by Ordinance No. 2617) and adopting a new Comprehensive Plan and all previous and subsequent plans as applicable, as the "Official City of College Station Comprehensive Plan."

Bob Cowell, ACIP, Director of Planning and Development Services summarized the lengthy study of the revision process. On April 15, 2009, The Comprehensive Plan Advisory Committee met with the City Council and the Planning and Zoning Commission and agreed that the Comprehensive Plan was ready to proceed to public hearing.

Jennifer Prochaska, Staff Planner made a few comments related to the overall process.

Gary Mitchell of Kendig and Keast expressed to Council the importance of the new Comprehensive Plan.

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

Council member Massey moved to approve **Ordinance No. 3186** repealing the official City of College Station Comprehensive Plan (Adopted by ordinance No. 2617) and adopting a new comprehensive plan and all previous and subsequent plans as applicable, as the "Official City of College Station Comprehensive Plan,". 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

Regular Agenda Item No. 3 -- Presentation, possible action, and discussion on consideration of an amendment to the city's contract with American Traffic Solutions (ATS) to extend the contract until May 27, 2014, or up to 20 years as directed by Council.

Troy Rother, Traffic Engineer presented an update on legislative matters related to Red Light Cameras. Staff requested Council approve the extension of the contract until May 27, 2014, or up to 20 years with American Traffic Solutions (ATS).

Tom Hermann, Chairman of the Red Light Camera committee spoke in favor of the contract extension. .

Council member Crompton moved to approve an amendment to the city's contract with American Traffic Solutions to extend the contract until May 27, 2014 or up to twenty years. Council member Massey seconded the motion, which carried 7-0.

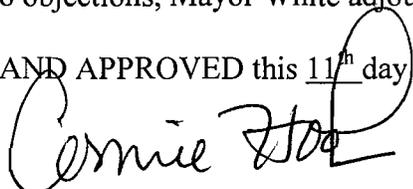
FOR: Mayor White, Mayor Pro Tem McIlhaney, Crompton, Massey, Maloney, Stewart and Ruesink
AGAINST: None

Regular Agenda Item No. 4 -- Adjourn.

Hearing no objections, Mayor White adjourned the meetings at 8:45 p.m. on Thursday, May 28, 2009.

PASSED AND APPROVED this 11th day of June, 2009

ATTEST:



City Secretary Connie Hooks

APPROVED:

