



Mayor
Ben White
Mayor Pro Tem

City Manager
Glenn Brown

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

Minutes
City Council Regular Meeting
Thursday, June 11, 2009 3:00 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

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 ABSENT: Mayor Ben White

Regular Agenda Item No. 1 -- Mayor Pro Tem McIlhaney called meeting to order at 3:00 p.m.

Regular Agenda Item No. 2 -- Hear Visitors.

Les Fiechtner, 1213 Baywood Ct. expressed concern on two recent actions by the City. First, the removal of trees on Rock Prairie Frontage road; and, second, the extension of contract for Red Light Camera program.

Regular Agenda Item No. 3 -- Presentation, introduction and thanks to the Council for supporting the largest Police Recruit Class ever for the College Station Police Department.

Police Chief Ikner and Assistant Chief Jeff Capps introduced the largest Police Recruit class in City of College Station, ten employees.

Regular Agenda Item No. 4 -- Presentation, possible action, and discussion regarding progress and activities related to Green College Station policy and strategies and an update on the City's efforts for the Energy Efficiency and Conservation Block Grant.

Hayden Migl, Assistant to the City Manager presented the progress and activities of the Green College Station policy and strategies, and the City's efforts for the Energy Efficiency and Conservation Block Grant.

Council noted concerns about applying grant funds to several small projects. In summary, Council directed staff to bring back to Council on June 25th council agenda a list of 2-3 projects that would have greater value to the citizens. Council expressed interest in receiving updates about the City's Green efforts, and consensus was given to staff to apply for funds to hire a "Green" Coordinator. Also, use committee efforts to study Green options, and develop a cost benefit analysis for each project.

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Regular Agenda Item No. 5 -- Presentation, possible action, and discussion concerning the City Internal Auditor's Fuel Operations Audit Report.

Ty Elliott, Internal Auditor presented a brief staff report of his findings on the Fuel Operations Audit Report.

Council member Stewart moved to accept the auditor's recommendations in the Fuel Operations Audit Report. Council member Massey seconded the motion, which carried 6-0.

FOR: Mayor Pro Tem McIlhane, Crompton, Massey, Maloney, Ruesink and Stewart

AGAINST: None

ABSENT: Mayor White

Regular Agenda Item No. 6 -- Presentation, possible action, and discussion regarding non-annexation development agreements and an update on future annexation plans.

Lance Simms, Assistant Director of Planning & Development Services presented an overview of the non-annexation development agreements and an update on future annexation plans.

Council member Massey moved to approve the acceptance of the non annexation development agreements for no development under the required standards in areas 1 and 2. Council member Maloney seconded the motion, which carried 6-0.

Council member Massey made a motion for staff to contact Bill Mather and make an offer for a non annexation development agreement and if development occurs look at annexation and develop per city standards. Agreement exists for 18 months. Council member Stewart seconded the motion, which carried 6-0

FOR: Mayor Pro Tem McIlhane, Crompton, Massey, Maloney, Ruesink and Stewart

AGAINST: None

ASBENT: Mayor White

Regular Agenda Item No. 7 -- Presentation, possible action, and discussion on items listed on the consent agenda.

Council members discussed the College Station Skate Park Project proposed to be located at Southwood Athletic Complex. Comments were specifically related to the site location, lack of site analysis and proposed cost of design.

Staff was directed to complete a site analysis. If the Southwood location is appropriate, a verbal report is not necessary at a future council meeting. However, if the analysis determines another location should be selected, a report should return to Council for further consideration.

Regular Agenda Item No. 8 -- 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 May 18, 2009, May 19, 2009 and May 28, 2009.
- b. Approved Change Order No. 2 to the construction contract (Contract #09-032) for the Barron Road Capacity Improvements Phase I with Brazos Valley Services in the amount of \$64,470.00.

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- c. Approved **Resolution No. 06-11-09-8c** on a Professional Services Contract with Bleyl & Associates, in the amount of \$179,037.50, for the design of the College Station Skate Park Project and approved **Resolution No. 06-11-09-8c-a** declaring intention to reimburse certain expenditures with proceeds from debt.
- d. Approved **Resolution No. 06-11-09-8d** approving the articles and by-laws of the South Central High Speed Rail and Transportation Authority.
- e. Approved renewal agreements for the purchase of T-shirts, caps and polos by all City Departments with CC Creations and Monograms and More for an annual estimated expenditure of \$80,000. The renewal period is June 1, 2009 thru May 31, 2010.
- f. Approved **Resolution No. 06-11-09-8f** approving Notices of Sale, Preliminary Official Statements and related materials for the sale of "City of College Station, Texas General Obligation Improvement Bonds, Series 2009" and "City of College Station, Texas Certificates of Obligation, Series 2009" including selection of a date for opening bids.
- g. Approved **Resolution No. 06-11-09-8g** awarding the bid and approval of a construction contract (Contract Number #09-182) with South Construction, Inc. in the amount of \$126,900.00, for construction improvements in Southern Oaks Park, PK 0905. Funds available from Zone 6 Park Land Dedication Fund.
- h. Approved agreement by **Ordinance No. 3187** with Greens Prairie Investors, L.L.C., for construction of Castle Rock Park. City's share of cost associated with park construction is \$60,038. Funds available from Park Zone 10 Parkland dedication funds.
- i. Approved the renewal of a consulting contract with First Southwest Company in an amount not to exceed \$250,000 for financial advisory services. Funds available in various capital project funds.

Council member Maloney moved to approve consent items 8a thru 8i with the corrections to 8f and 8i. Council member Massey seconded the motion, which carried 6-0.

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

AGAINST: None

ABSENT: Mayor White

Regular Agenda Item No. 9 -- Council Calendar

Council reviewed activity calendar.

Regular 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.

Council member Ruesink requested a future item for Council members to report on conferences attended. City Attorney Harvey Cargill stated to give City Secretary Connie Hooks specific language on topics of interest to post correctly.

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Council Member Maloney requested a future item for staff to give report on the Convention and Visitors Bureau similar to report recently provided by David Gerling about the Joint Library Agreement.

Council member Massey requested a future item to discuss Council travel expenses and the rental registration program.

Council member Crompton requested financing plan for transportation needs identified in the comprehensive plan.

Council member Crompton requested a future item on the City providing practice soccer fields for the youth with minimal equipment. (Suggestion, maybe unused city property)

Council member Crompton requested information on ways to conserve water in our parks, as well as a cost benefit analysis.

Mayor Pro Tem McIlhaney requested a future item on a presentation for TAMU officials on the future development on TAMU campuses.

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

No discussion held.

At 5:25 p.m. Mayor White 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.

Regular Agenda Item No. 12 -- Executive Session will immediately follow the regular 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

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- 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. Rogers Sheridan v. Barbara Schob & Greg Abbott
- m. Legal aspects RVP contract, possible additions to add other parties
- n. Clancey v. College Station, Glenn Brown, and Kathy Merrill

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

Regular Agenda Item No. 13 -- Final action on executive session, if necessary.

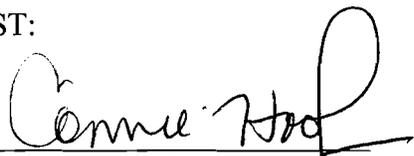
Council recessed from the executive session at 7:30 pm. No formal action was taken.

Regular Agenda Item No. 14 -- Adjourn.

Hearing no objections, Mayor White adjourned the meetings at 7:30 pm. on Thursday, June 11, 2009.

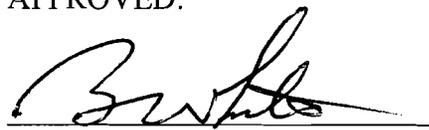
PASSED AND APPROVED this 25th day of June, 2009

ATTEST:



City Secretary Connie Hooks

APPROVED:



Mayor Ben White