



**Mayor**  
**Councilmembers**  
Ben White

**Mayor ProTem**

**City Manager**  
Glenn Brown

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

**Minutes**  
**City Council Workshop and Regular Meetings**  
**Thursday, June 25, 2009 3:00 & 7:00 p.m.**  
**City Hall Council Chambers, 1101 Texas Avenue**  
**College Station, Texas**

**COUNCIL PRESENT:** Mayor White, Council members Crompton, Maloney, Massey, Lyles, Stewart, Ruesink

**STAFF PRESENT:** City Manager Brown, Assistant City Manager Merrill, Assistant City Manager Neeley, City Attorney Cargill Jr., 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.**

No items were removed for discussion.

**Workshop Agenda Item No. 2 -- Presentation, possible action, and discussion of six month update as it relates to the state of the College Station Police Department, the "blue print" for the future and activities which have occurred since December of 2008.**

Chief Michael Ikner reported a six (6) month update of the College Station Police Department "blue print" for the future and activities which have occurred since December 2008.

**Goals:**

- To reduce crime
- To reduce the fear of crime
- To improve the overall quality of life in the community
- To build and maintain effective partnerships

No formal action was taken.

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**Workshop Agenda Item No. 3 -- Presentation, possible action, and discussion of Floodplain Management best management practice initiatives.**

Alan Gibbs, City Engineer presented an overview of the floodplain management plan and described the ordinance prescribing a “no adverse impact” (NAI) amendment to the city’s current floodplain ordinance.

Mr. Gibbs outlined the following practices to consider that may mitigate flood hazards, improve water quality and reduce flood insurance premiums:

- Floodplain and Drainage Requirements in ETJ
- Clarification of “Non-Speculative Fill” Policy
- Additional Freeboard
- Requirement/Incentive for leaving parallel open space between creek and road
- Regional Detention Ponds

Council inquired about the resistance expressed by stakeholders.

The discussion and consideration of this item concluded during the regular meeting.

**Workshop Agenda Item No. 5 -- Presentation, possible action, and discussion regarding an update on the City’s efforts for the Energy Efficiency and Conservation Block Grant.**

Hayden Migl, Assistant to the City Manager presented updates on the City’s efforts for the Energy Efficiency and Conservation Block Grant.

**Proposed Projects for Department of Energy Block Grant:**

- Sustainability Program
- Parks Retrofits (Veterans & Steve Beachy Parks)
  - Irrigation system upgrades
  - LED area and parking lot lights
  - Solar – powered trash compactors
  - Rainwater harvesting at PARD Headquarters
- Replacement of fleet vehicles with hybrids

Staff requested Council’s approval of the projects to be included in the City’s application for the Energy Efficiency and Conservation Block Grant.

Council member Massey moved to approve the application for the Energy Efficiency and Conservation Block Grant. Council member Maloney seconded the motion, which carried 7-0.

FOR: Mayor White, Council members Crompton, Massey, Maloney, Lyles, Stewart, Ruesink  
AGAINST: None

**Workshop Agenda Item No. 4 -- Presentation, possible action, and discussion on an update of the City of College Station FY 09 Budget and FY 10 Budget Planning.**

Jeff Kersten, Chief Financial Officer presented updates on the status of the FY ‘09 Budget and the planning process for the FY ‘10 Budget. He described the current local economic conditions and the staff’s analysis of the proposed budget process in response to these conditions.

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Current Economic Conditions

Lower retail sales  
New construction slowed  
Interest rates continue to be very low  
Slow to moderate growth

Budget Actions – Next Year

Moving forward and Working together  
Monitor economic conditions  
Identify service priorities  
Revise budget assumptions  
Budget Workshops July 7<sup>th</sup> and July 8<sup>th</sup>

Council asked the requirements of mandatory training for Council members. City Attorney Harvey Cargill stated that Council is mandated to complete the training on Open Meetings Act.

Council also emphasized the importance of Council attendance at various local, state, and national conferences for the continued education of current events and new processes affecting cities.

No formal action was taken.

**Workshop Agenda Item No. 6 -- Presentation, possible action, and discussion regarding the proposed FY 2010 Community Development Action Plan and Budget.**

David Gwin, Director of Economic and Community Development presented the proposed FY 2010 Community Development Action Plan and Budget. Amounts available next year include \$1,129,425 in Community Development Block Grant (CDBG) funds, \$717,005 in HOME Investment Partnership Grant (HOME) funds. Included in this Plan and Budget are the goals, objectives and funding recommendations for various projects and programs. CDBG and HOME funds may only be used to: (1) benefit low and moderate-income persons; (2) aid in the elimination of slum and blighting influences, and/or; (3) meet a particular urgent need. Further, CDBG funds may be used to meet local needs through a wide range of community development activities, while HOME funds may only be used for affordable housing activities.

Staff requested Council to review and provide any feedback or direction. No formal action was taken.

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At 5:30 p.m. Mayor White announced that the City Council would convene into executive session pursuant to Section 551.071 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 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

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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. Rogers Sheridan v. Barbara Schob & Greg Abbott

**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 6:45 pm. No formal action was taken.

Council returned to Workshop at 6:45 p.m.

**Workshop Agenda Item No. 7 -- Presentation, possible action, and discussion regarding a report by Council member Ruesink on trip to Town and Gown Conference in Murray, Kentucky, June 1-4, 2009. Topics which may be discussed are as follows:**

**1) Communication models between students, visitors, citizens, law enforcement, and community. "Offender training".**

**2) Civic Engagement models for student involvement in community. Good Neighbor programs, Student as Citizens, recycling efforts in multifamily housing.**

**3) Research as Economic Engine, team between all local entities to create economic stimulus efforts.**

Council member Dave Ruesink reported on trip to Town and Gown Conference and the program of topics presented.

**Workshop Agenda Item No. 8 -- Presentation, possible action, and discussion regarding a report by Mayor White on trip to US Conference of Mayors in Providence, Rhode Island, June 12-16, 2009. Topics which may be discussed are as follows:1) Green Today, Jobs Tomorrow, A focus on training green collar workforce.**

**1) Transportation and Communication Committee meeting. American Recovery and Reinvestment Act related to transportation infrastructure projects.**

**2) Informational outlets available to Mayors on 2010 Census**

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**3) Information outlets on prescription drug abuse awareness campaigns**

**4) Summer Youth work programs in City organizations**

**5) Community policing**

Mayor White reported on trip to US Conference of Mayors and the program of topics presented.

**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.**

Council member Crompton requested a future agenda item to discuss the location, restitution and the replacement of trees due to the state requiring CS Electric Department to cut down trees located around power lines. Motion died from lack of second.

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

Council member Massey reported on the recent IGC meeting and requested a liaison present at these meetings.

**Workshop Agenda Item No. 14 – 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 presented the 2009 National Champions, TAMU Men's Golf Team a plaque from the City.

**Hear Visitors:**

Tedi Ellison & Royce Hickman, Chamber of Commerce thanked the Council for their involvement in the ongoing dialogue with US representatives.

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**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 meeting held on Thursday, June 11, 2009.
- b. Approved the staff recommendation for denial of request for additional funding to the Arts Council of Brazos Valley for the cost of a forensic auditor.
- c. Approved renewal one for estimated annual expenditures related to copying and printing services as follows: Copy Corner (\$50,000); Office Max (\$50,000); Tops Printing (\$50,000); and Newman Printing (\$50,000). Renewal period is May 1, 2009 thru April 30, 2010. Funds available and budgeted in each Department for copying and printing services.
- d. Approved renewal of the annual price agreement for the purchase of oils, lubricants and antifreeze with Kolkhorst Petroleum Co., Inc. for an annual expenditure of \$63,794.00. This is the first of two renewal options that is to begin on June 30, 2009 and expires on June 29, 2010. (Contract #08-121/Bid #08-61)
- e. Approved purchase order to DXI Industries for the purchase of liquid chlorine for use in our public water supply. The amount of the purchase order is \$61,536. Water operating funds budgeted and available.
- f. Approved award of an annual purchasing agreement for anhydrous citric acid with Discount Industrial Supply, not to exceed \$51,800 annually. Wastewater operating funds budgeted and available.
- g. Approved **Resolution No. 06-25-09-2g** ratifying a mediated settlement agreement and a joint understanding of mediated settlement agreement regarding C.A. Skiles Family Partnership Ltd. and Cliff Skiles, Jr., D.V.M. contested permits before the Brazos Valley Groundwater Conservation District.
- h. Approved inter-local agreement (ILA) with Brazos County and the City of Bryan for the purpose of application and acceptance of a second allocation of the U.S. Department of Justice, 2009 Justice Assistance Grant (JAG).
- i. Approved Change Order to Contract #08-277 to Brazos Valley Services in the amount of \$428,938.50 for additional milling and overlaying services related to the College Park/Breezy Heights Rehabilitation Project. Funding available in Streets, Drainage, Water and Wastewater Capital Improvement Projects Funds. This change order will be applied to portion of the project funded by the Streets Capital Fund, which has a balance of \$568,389.
- j. Approved Change Order to Contract #08-273 in the amount of \$80,624.19 to Siemens for construction work associated with Police Department Renovations Project. Funds budgeted in the amount of \$3,686,000 in General Government Capital Improvement Projects Fund.

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- k. Approved Change Order No. 3 to the construction contract with JCF Bridge & Concrete, Inc. (Contract No. 09-041) in the amount of \$34,541.50 for the 2005 Bike Loop Phase I – Longmire Improvements project. Fund available in the Streets Capital Improvement Projects Fund.
- l. Approved Change Order for Professional Services Contract #04-176 in the amount of \$161,569.20 to Edwards and Kelcey for additional design services related to Phase II of the Barron Road Capacity Improvements Project. Funds part of 2003 General Obligation Bond funds and budgeted in Water Capital and Wastewater Capital Improvement Projects Fund.
- m. Approved **Resolution No. 06-25-09-2m** on an Advance Funding Agreement (AFA) with the Texas Department of Transportation (TxDOT) to construct the third and final phase of the College Station Bike Loop under the Statewide Transportation Enhancement Program. The estimated cost of the City's participation \$312,552.

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

FOR: Mayor White, Council members Crompton, Massey, Maloney, Lyles, Stewart & Ruesink

AGAINST: None

ABSTAINED Item No. 2i: Council member Maloney

**Regular Agenda Item No. 1 -- Public hearing, presentation, possible action, and discussion regarding an Ordinance amending Chapter 12, Unified Development Ordinance, Section 4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas changing the zoning district boundaries of an area consisting of 8.76 acres generally located along State Highway 6, southeast of the intersection of Rock Prairie Road and State Highway 6, from A-O Agricultural-Open to C-1 General Commercial.**

Regular Agenda Item 1 & 2 discussed and considered as one item and one motion.

**Regular Agenda Item No. 2 -- Public hearing, presentation, possible action, and discussion regarding an Ordinance amending Chapter 12, Unified Development Ordinance, Section 4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas changing the zoning district boundaries of an area consisting of 35.7 acres generally located along Rock Prairie Road, southeast of the intersection of Rock Prairie Road and State Highway 6, from A-O Agricultural-Open, C-2 Commercial Industrial, and R-4 Multi-Family to C-1 General Commercial.**

Jennifer Prochazka, Senior Planner presented the review criteria of a rezoning request for 8.76 acres and 35.70 acres located along Rock Prairie Road. She confirmed that the staff recommended denial of the rezoning requests for both tracts based on review criteria stated in the UDO. Planning and Zoning Commission unanimously recommended denial of the amendment at their May 21<sup>st</sup> meeting. Ms. Prochazka said that the staff determined that the utility and transportation infrastructure did not exist to serve a development of this intensity. She also reported that the UDO required the submittal of a traffic impact analysis. Study provided proposed mitigation; however, the proposed mitigation failed to address all of the service impacts associated with the rezoning.

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David Steitle of Steitle Traffic Engineering, Inc. presented an analytical review of traffic impact analysis for the subject area. Report summary attached to these minutes.

Kent Marsh, AICP of Marsh Partnership, a development engineer explained the difference between comprehensive plan and rezoning. In his professional opinion, he did not support the rezoning of these properties. He stated the conditions are not compatible. Report summary attached to these minutes.

Brock Bailey, representing Weingarten Investments, Inc. presented comments about the site history. Mr. Bailey disputed the staff's analysis of the traffic mitigation plan. Report summary attached to these minutes.

David Usari, Traffic Engineer, stated that if the property is rezoned and mitigation is implemented the development would not have a significant impact on the roadway system. He said that if the current zoning remains and there is no mitigation, the roadway system will experience a significant and major traffic impact by 2011.

Mayor White opened the public hearing:

Citizens opposed to rezoning request expressed concerns such as traffic, safety, environmental impacts, and lack of infrastructure:

Bob Brick, 1309 Foxfire

Patricia Klein, 9214 Brookwater Circle

Eleanor Ebanks, 9204 Brookwater Circle

Blanche Brick, 1309 Foxfire

Doug Phillips, 1306 Sussex Dr.

Phyllis Lee 9310 Lake Forest Ct.

Kay Henryson, 9204 Riverstone Ct.

Walter Schuster, 1517 Frost

Millie Burrell, 9100 Waterford,

Ruth McMullan 1304 Sussex Dr.

Sherri Ellison 2705 Brookway Dr.

Jacqueline Gramann, 1100 Finney provided written comments

Alan Pepper, 10383 Nunn Jones Rd. provided written comments

Mayor White closed the public hearing.

Council member Maloney made a motion to deny the rezoning request on 8.76 acres from A-O Agricultural-Open to C-1 General Commercial and 35.7 acres generally located along State Highway 6, southeast of the intersection of Rock Prairie Road and State Highway 6 from A-O Agricultural-Open, C-2 Commercial Industrial, and R-4 Multi-Family to C-1 General Commercial.

Council member Crompton seconded the motion, which carried 7-0. City Attorney Harvey Cargill requested all exhibits presented at this meeting be attached to the minutes.

FOR: Mayor White, Council members Crompton, Massey, Maloney, Lyles, Stewart, Ruesink

AGAINST: None

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**Regular Agenda Item No. 3 -- Public hearing, presentation, possible action, and discussion an ordinance amending City of College Station Code of Ordinances Chapter 13: Flood Hazard Protection.**

Alan Gibbs, City Engineer presented an ordinance amending the primary benefit of enhanced flood hazard protection. The proposed ordinance included the following provisions:

1. Restrict activities
2. Exemptions
3. Require mitigation to be in place first before encroachment
4. Require Engineer's Certification of Compaction of fill in accordance with FEMA
5. Clarify FEMA Conditional letters of map
6. Designate Administrator

Mayor White opened the public hearing. Sherri Ellison, 2705 Brookway Dr. supported the Floodplain Hazard Protection ordinance. Veronica Morgan, local civil engineer, supported the ordinance amendment as a whole. She noted the need for additional clarification. Mayor White closed the public hearing.

Council directed staff to bring back revised language in the ordinance amendment.

**Regular Agenda Item No. 4 -- Presentation, possible action, and discussion regarding a Resolution approving a contract with Schenck Builders, L.L.C. in an amount not to exceed \$87,700.00 for the construction of a new, affordable, single-family residence at 1022 Crested Point Drive using federal HOME Investment Partnership Grant (HOME) funds.**

David Gwin, Director of Economic and Community Development requested Council approval of the resolution awarding contract to Schneck Builders for construction of single family residence at 1022 Crested Point Drive. He noted that the Department, in response to Council direction, amended the City's new housing construction program to provide more geographically diverse housing opportunities in the community. Federal HOME grant funds will be used to construct the dwelling.

Council member Massey moved approval of **Resolution No. 6-26-2009-04** approving contract with Schneck Builders in an amount not to exceed \$87,700 for construction of single family residence at 1022 Crested Point Drive. Motion seconded by Council member Stewart, carried unanimously, 7-0.

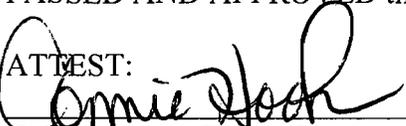
FOR: Mayor White, Council members Crompton, Massey, Maloney, Lyles, Stewart, Ruesink  
AGAINST: None

**Regular Agenda Item No. 5 -- Adjourn.**

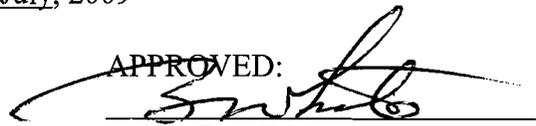
Hearing no objections, Mayor White adjourned the meetings at 10:38 p.m. on Thursday, June 25, 2009.

PASSED AND APPROVED this 9<sup>th</sup> day of July, 2009

ATTEST:

  
City Secretary Connie Hooks

APPROVED:

  
Mayor Ben White