



Mayor
Ben White

Mayor ProTem

City Manager
Glenn Brown

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

Minutes
City Council Workshop & Regular Meeting
Thursday, July 9, 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, Ruesink, Stewart

STAFF PRESENT: City Manager Brown, Assistant City Manager Merrill, Assistant City Manager Neeley, 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 Maloney asked about consent item 2b and the reserved funds.

Council member Crompton questioned consent item 2c and the difference in bid amounts.

Council member Ruesink inquired on consent items 2f & 2g.

Workshop Agenda Item No.2 – Presentation, possible action, and discussion regarding a recap of the 81st Texas Legislative Session, the Special Called Session that began on July 1, and potential future legislative issues.

Dan Shelley and Jennifer Shelley Rodriguez updated Council on the results of recently completed legislative session, the special session which began on July 1st and potential future legislative issues.

No formal action was taken.

Workshop Agenda Item No. 4 – Presentation, possible action, and discussion regarding development/redevelopment activities and issues in Northgate.

Bob Cowell, ACIP, Director of Planning and Development Services presented an overview of the vision, goals and strategies for the development/redevelopment of Northgate.

- **Vision – An urban district with development/redevelopment in a consistent and harmonious manner**
 - Campus-neighborhood with residential and commercial developments
 - Additional owner-occupied residents
 - New retail, commercial, and office space
 - Expansion of existing businesses
 - Safe, secure, and attractive
 - Gathering place for students and residents

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Strategy:

- Support development of strategic parcels
 - Promote mixed use development on edge
 - Improve pedestrian and parking facilities in core
 - Provide additional park space
 - Develop University property with owner occupied units
 - Support dense apartments and dorms in core
 - Strategic removal and consolidation of parking
 - Increase off-street parking requirements
 - Accommodate long-term parking off-street
 - Develop and implement design guidelines
 - City investment in infrastructure to lower development costs
- Results
 - Substantial progress toward goals and vision
 - Significant public investment and support
 - Substantial market opportunities
 - Pieces are in place to take current success and fully realize vision

David Gwin, Director of Economic Development Services presented an historical overview of the projects to date in Northgate. He emphasized the importance of the Northgate corridor to our community in terms of economic benefits.

ff recommended that Council affirm their commitment to the adopted vision, goals and strategies for the development/redevelopment of Northgate and direct staff to identify issues and opportunities.

Council directed staff to engage with stakeholders before changing ordinance and to move forward with the development and redevelopment activities in Northgate. No formal action was taken.

Workshop Agenda Item No. 3 – Presentation, possible action, and discussion regarding the Water Conservation and Irrigation Plan for the College Station Parks and Recreation Department, as requested by Council.

Item was moved to future agenda.

Workshop Agenda Item No. 5 – Council Calendar

Council reviewed Calendar.

Workshop Agenda Item No. 6 – 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 discussion was needed.

Workshop Agenda Item No. 7 – 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

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ganization, 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).

No discussion was held.

At 5:20 p.m. Mayor White announced that the City Council would convene into executive session pursuant to Sections 551.071, 551.072, and 551.074 of the Open Meetings Act to seek the advice of our city attorney, to consider the purchase of real property and the appointment and evaluation of public officer(s).

Workshop Agenda Item No. 8 – 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 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
- m. Clancey v. College Station, Glenn Brown, and Kathy Merrill
- n. Legal issues related to Economic Development Agreement between City of College Station & Sahara Realty
- o. The rights and obligations under one or more leases at Chimney Hill city-owned property along University Blvd. located in the City.

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

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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

Personnel {Gov't Code Section 551.074}; possible action The City Council may deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer. After executive session discussion, any final action or vote taken will be in public. The following subject(s) may be discussed:

- a. Planning and Zoning Commission
- b. Zoning Board of Adjustments
- c. Construction Board of Adjustments and Appeals
- d. Parks and Recreation Board

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 7:00 p.m. No formal action was taken.

Workshop Agenda Item No. 10 – 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 a Key to the City to both the TAMU Track and Field men's and women's team. Mayor White and City Manager Glenn Brown presented the TAMIO Award to employees of the Public Communication Department.

Hear Visitors:

Brian Alg, resident of College Station thanked Council member Lyles for voting against the convention center and also thanked Council for not increasing the budget.

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 Monday, June 22, 2009 and Thursday, June 25, 2009.
- b. Approved change order to the contract with JaCody, Inc for the renovations to the Municipal Courts Building. This item is a deductive change order in the amount of \$249,668.88.
- c. Approved awarding Bid #09-70 to Stresscrete, Inc., and authorized the estimated annual expenditures of \$257,320.00 for prestressed spun cast concrete poles.
- d. Approved extending the bank depository agreement with Citibank Texas, N.A. for one final year.

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e. Approved **Ordinance No. 3188** on temporarily amending Chapter 10, Section 3E (2)(e), of the College Station Code of Ordinances by changing the posted speed limit on the section of Harvey Mitchell Parkway (FM 2818) between Welsh Avenue and Holleman Drive to 45 mph for the duration of TxDOT's FM 2818 Grade Separation project.

f. Approved **Resolution No. 07-09-09-2f** accepting from the Department of Homeland Security Fire Station Grant Program in the amount of \$3,200,000 and agreeing to provide the balance of \$3,700,000 to complete the construction of Fire Station # 6. The total cost of construction for Fire Station # 6 is projected to be \$6,900,000.

g. Approved awarding an annual contract for Turf Mowing Services for various City properties to Green Teams, Inc. for an annual expenditure of \$79,626.00. (Bid #09-19)

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

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

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

Council member Crompton abstained from the discussion of this item.

Chuck Gilman, Director of Capital Improvements presented an overview of the options for the Tauber & Stasney Street Rehabilitation Project. Staff recommended that the Tauber and Stasney Street Rehabilitation Project proceed according to Option B, as this alternative meets most of the goals of the project, minimizes the negative impacts to the adjacent property owners, and is in compliance with the ordinances that private development must follow. However, based on some of the feedback from the public engagement process and some stakeholders expressed a preference for Option C. Council is familiar with Options A and B below, as these alternatives were presented on April 9th and 23rd. Option C is a new alternative. A brief summary of the alternatives is listed below.

Option A:

- Mill the old pavement and overlay with a new asphalt surface.
- Replace the water and sewer utilities.
- Address the pavement grade issues along Tauber between Cross and Cherry.
- Do not construct new sidewalks or install street trees along either street.
- All head-in parking and parallel parking will remain.
- Maintain two-way traffic along Tauber and Stasney.
- This option will require a clarification to the definition of a rehabilitation project in the UDO.
- Option does not require additional ROW.
- Option will not result in the permanent loss of any parking spaces along Tauber or Stasney.

Option B:

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- Remove head-in parking along Tauber and Stasney - replace/keep parallel parking where possible along Tauber and Stasney (Parallel parking will be provided on one side of Stasney between University and Cherry. Parallel parking will be provided on one side of Tauber between University and Church, two sides of Tauber between Church and Cross, and one side of Tauber between Cross and Cherry).
- Amend the Northgate Parking Plan to allow for on-street parking in NG-3 along one side of Tauber and one side of Stasney.
- 8-feet wide sidewalks with street trees along Stasney.
- 8-feet sidewalks with street trees along Tauber between Church and Cherry.
- The majority of the sidewalk along the east side of Tauber between University and Church will not be modified; the sidewalk on the west side of Tauber between University and Church will be reconstructed to a width of 7-feet. Existing 6" to 8" caliper live oaks immediately behind the sidewalk on the east side of Tauber between University and Church will be preserved.
- New concrete pavement on Tauber and Stasney.
- Replace the water and sewer utilities
- Construct a new storm sewer system along Tauber and Stasney.
- Maintain two-way traffic along Tauber and Stasney.
- This option does not require an amendment to the UDO.
- This option will require a small amount of additional ROW and/or an access easement along Tauber near Cherry Street.
- This option will result in the loss of approximately 137 parking spaces along Tauber and Stasney.

Option C:

- Remove head-in parking along Tauber and Stasney - replace/keep parallel parking where possible along Tauber and Stasney (Parallel parking will be provided on two sides of Stasney between University and Cherry. Parallel parking will be provided on two sides of Tauber between University and Cross, and one side of Tauber between Cross and Cherry).
- 4-feet wide sidewalks on both sides of the Stasney from University to Cherry. Street trees will not be included along Stasney.
- 8-feet sidewalks with street trees along Tauber between Church and Cross.
- 4-feet wide sidewalks on the east and west side of Tauber between University and Church. This will require a dedication of 1 to 2 feet of ROW (to accommodate the construction of 42-feet of pavement) and 5 to 6 feet of land to be dedicated in the form of an access easement by property owners on both sides of the ROW (to allow the existing sidewalks on private property to be reconstructed). The existing 6" to 8" caliper live oaks immediately behind the sidewalk on the east side of Tauber between University and Church will be preserved.
- Amend the Northgate Parking Plan to allow for on-street parking in NG-3 along one side of Tauber and two sides of Stasney.
- New concrete pavement.
- Replace the water and sewer utilities.
- Construct a new storm sewer system along Tauber and Stasney.
- Maintain two-way traffic along Tauber and Stasney.
- This option does require an amendment to the UDO.
- This option will require a small amount of additional ROW and an access easement along Tauber between University and Church.
- This option will result in the loss of approximately 96 parking spaces along Tauber and Stasney.

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Mayor White opened the public hearing.

Glenn Schroeder, 1304 Autumn Wood, expressed support for the improvements and stated his preference for Option C.

Pastor Kip Giles, TAMU United Methodist Church, on behalf of the Church, concurred with Option B.

Mayor White closed the public hearing.

Council member Maloney moved to approve Option B of the Tauber and Stasney Street Rehabilitation Project. Council member Massey seconded the motion, which carried 6-0.

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

AGAINST: None

ABSTAINED: Council member Crompton

Council member Crompton returned to meeting at 8:20 p.m.

Regular Agenda Item No. 2 -- 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 brief overview of the ordinance amendment with the primary benefit to enhance flood hazard protection.

Mayor White opened the public hearing.

Cherry Ellison, 2705 Brookway Dr. expressed her appreciation to the Council for developing this amendment. Mayor White closed the public hearing.

Council member Crompton moved to approved **Ordinance No. 3189** to amend Chapter 13: Flood Hazard Protection as presented. Council member Massey seconded the motion, which carried 6-1

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

AGAINST: Council member Lyles

Regular Agenda Item No. 3 -- Public Hearing, presentation, possible action, and discussion concerning a resolution awarding the professional services contract (Contract No. 09-241) with Bury + Partners, Inc. in the amount not to exceed \$112,133 for engineering design services for the Hike & Bike Trail Completion Project (ST-0904) and approval of a resolution declaring intention to reimburse certain expenditures with proceeds from debt.

Chuck Gilman, Director of Capital Improvements described the scope of this project to create and increase safe and convenient multi-modal transportation options within the City. The greenway trail will connect key destinations including A&M Consolidated High School, Bee Creek Park as well as residential and commercial property along this corridor. It will also connect to improvements underway along Longmire, including intersection improvements at FM 2818 and the bridge crossing Bee Creek, which will further increase multi-modal connectivity throughout the city. This also provides the opportunity to address concerns from students at A&M Consolidated who spoke at the May 18th City council meeting in need for a place to walk and bike along this corridor. Staff recommended approval of this project.

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

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Council member Maloney moved to approved **Resolution No. 07-09-09-03** for the Hike & Bike Trail Completion Project and to approve **Resolution No. 07-09-09-03-a** for declaring intention to reimburse certain expenditures with proceeds from debt. Council member Stewart seconded the motion, which carried 7-0.

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

Regular Agenda Item No. 4 -- Public hearing, presentation, possible action, and discussion regarding the annual review of the Unified Development Ordinance (UDO), including recent UDO amendments, proposed amendments, and requested amendments.

Bob Cowell, ACIP, Director of Planning and Development Services presented a brief annual review of the Unified Development Ordinance and the approved amendments since June 12, 2008; pending amendments, staff-identified amendments, and developer-requested amendments. He also discussed the implementation of the Comprehensive Plan through the Unified Development Ordinance.

The staff-identified amendments consisted of temporary leasing offices for multi-family developments, expansion of architectural features for Non-Residential Architectural Standards, permanent storage container area screening, and UDO amendments related to the new Comprehensive Plan.

Mayor White opened the public hearing.

Mark Lindley, 22419 Tea Garden, Katy developer of The Lofts at Wolf Pen Creek requested amendments that would include signage for mixed use projects, outdoor displays, hotel/motel as an acceptable use with a country club, and recreational vehicle (RV) parks.

Edsel Jones, 828 Pine Valley, owner of Holiday RV Park, stated that the amendments should include conditional use permits for RV Parks.

Darrell Kosler, representative from Lowes explained that the expanded list of architectural features would help and provide more flexibility. He also stated that there is no flexibility in the current outdoor display ordinance.

John Nichols with P&Z spoke on behalf of Planning and Zoning Commission and that the amendments should be considered.

Mayor White closed the public hearing.

Council member Crompton moved to approve the UDO proposed amendments as presented. Council member Stewart seconded the motion, which carried 7-0.

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

Regular Agenda Item No. 5 -- Presentation, possible action, and discussion to approve an Interlocal Agreement (ILA) for Joint Use of Facilities between the City of College Station and the College Station Independent School District (CSISD).

Tony Cisneros, Director of Parks and Recreation presented an Interlocal Agreement for Joint Use of Facilities for Parks and Recreation Department Recreation Programs. Staff recommended the continuation of this process for the joint use of facilities for Parks and Recreation Department Recreation Programs.

Mark Elle, CSISD Deputy Superintendent for Administrative Services expressed his appreciation to the Council and Staff and agreed with the process.

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Council member Crompton moved to approve the Interlocal Agreement for Joint Use of Facilities for Parks and Recreation Department Recreation Programs with the consideration of cost elements and addressing them with the future ILA agreement. Council member Massey seconded the motion, which carried 7-0.

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

Regular Agenda Item No. 6 -- Presentation, possible action, and discussion to approve an ordinance by the City Council of the City of College Station, Texas, issuing \$31,315,000 City of College Station Certificates of Obligation, Series 2009.

Item No. 6 and No. 7 were discussed together.

Regular Agenda Item No. 7 -- Presentation, possible action and discussion to approve an ordinance by the City Council of the City of College Station, Texas, issuing \$3,335,000 City of College Station General Obligation Bonds, Series 2009.

Jeff Kersten, Chief Financial Officer presented a brief overview of the issuance of the Certificates of Obligation and the General Obligations Bonds. Staff recommended approval of the ordinances issuing the Certificates of Obligation and the General Obligations Bonds.

Council member Massey moved to approve **Ordinance No. 3190** for the Certificates of Obligation. Council member Stewart seconded the motion, which carried 7-0.

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

Council member Crompton moved to approve **Ordinance No. 3191** for the General Obligation Bonds. Council member Massey seconded the motion, which carried 7-0.

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

Regular Agenda Item No. 8 -- Presentation, possible action, and discussion to approve a resolution providing an exception to Policy to allow Mr. Thomas and Ms. Palasota to construct sewer infrastructure necessary to connect their homes to the City sewer system.

Item was pulled for future agenda.

Regular Agenda Item No. 9 -- Presentation, possible action, and discussion on appointments of citizens to the following committees: Cemetery Committee, Construction Board of Adjustments and Appeals, Historic Preservation Committee, Parks and Recreation, Planning and Zoning Commission, and Zoning Board of Adjustments.

Council member Crompton moved to approve Gary Erwin–Chair, Douglas Becker, Jon Denton, Kyle Gerard, and Donald Williams to the Parks & Recreation Board for two year terms. Council member Massey seconded the motion, which carried 7-0.

Council member Crompton moved to approve Mike Ashfield, Hugh Stearns, and Scott Shafer to the Planning & Zoning Commission for 2 year terms. Council member Maloney seconded the motion, which carried 7-0.

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Council member Crompton moved to approve Joshua Benn and Richard Dabney to the Zoning Board of Adjustments for a 2 year term. Council member Lyles seconded the motion, which carried 7-0.

Regular Agenda Item No. 10 -- Presentation, possible action, and discussion of appointments to Committees as follows: Arts Council, Audit Committee, Brazos Co. Health Dept., Convention and Visitor Bureau, Research Valley Partnership Board, Intergovernmental Committee, Sister Cities Association, Transportation Committee.

Item moved to July 23, 2009 meeting.

Regular Agenda Item No. 11 -- Presentation, possible action, and discussion of Mayor Pro Tem appointment.

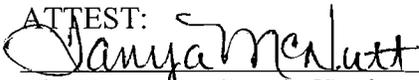
Item moved to July 23, 2009 meeting.

Regular Agenda Item No. 12 -- Adjourn.

Hearing no objections, Mayor White adjourned the meetings at 10:25 p.m. on Thursday, July 9, 2009.

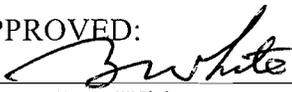
PASSED AND APPROVED this 23rd day of July, 2009

ATTEST:



City Secretary ~~Connie Hooks~~
Deputy

APPROVED:



Mayor Ben White