



CITY OF COLLEGE STATION
Home of Texas A&M University®

Mayor

Ben White

Mayor Pro Tem

David Ruesink

City Manager

Glenn Brown

Council members

John Crompton

James Massey

Dennis Maloney

Katy-Marie Lyles

Lawrence Stewart

Minutes

City Council Workshop and Regular Meetings
Monday, August 17, 2009 12:00 & 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., City Secretary Hooks, Deputy City Secretary McNutt, Management Team

Mayor White called meeting to order at 12:00 p.m.

Workshop Agenda Item No. 2 -- Presentation, possible action, and discussion on the FY 2009-2010

Proposed Budget.

Jeff Kersten, Chief Financial Officer presented an overview of the FY 2009-2010 Proposed Budget of \$259,499,609. Key items were highlighted by Mr. Kersten.

2009-2010 Proposed Budget

- Budget Pressures
 - Economic Conditions – Lower Revenues
 - Budget Reductions
 - Utility cost increases
 - Retirement/Health Insurance cost increases
 - Maintain current service levels
- Increased Service Levels
 - Limited Resources
 - Delay implementing through 1st 6 months of the year.

Proposed Property Tax

- Current Tax rate is 43.94 cents per \$100 assessed valuation.
- Current tax rate used to prepare budget.
 - Shift portion from debt to operations and maintenance
- Provide funding for:

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- Debt Service
- Operations and Maintenance

Mr. Kersten, Chief Financial Officer reviewed the Budget Calendar: Thursday, August 20, Friday August 21, Thursday, & August 27th the public hearing to tax rate and Tuesday, September 1, Thursday, & September 10 adoption Tax Adoption, & proposed budget.

Council discussed each area and their concerns with the budget. No formal action was taken.

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

Item No. 2p -- Council member Crompton and Ruesink inquired on the state contract on signs to detour violators, and location of cameras.

Item No. 2g -- Council member Maloney asked about franchise fees being a percentage or a set fee. Hayden Migl, Assistant to City Manager responded to being 5% gross revenue.

Item 2h & 2i -- Council member Maloney and Lyles asked on what the new easement would be used for. Harvey Cargill, City Attorney expressed that this item is on executive session and to discuss at that time.

Item No. 2o -- Council member Maloney inquired if we are tearing down or reusing the base of the obsolete radio equipment for the Public Safety Radio System.

Item No. 2b -- Council member Lyles inquired on what is the purpose of no cell phones in school zones.

Item No. 2s -- Council member Lyles asked about the changes in Northgate College Main Parking Garage and how long-term are the rate changes.

Workshop Agenda Item No. 3 -- Presentation, discussion and possible action regarding an assessment of community benefits provided by the Bryan-College Station Convention and Visitors Bureau (CVB).

David Gwin, Director of Economic and Community Development presented a brief overview of the CVB utilized funding budgeted from both College Station's and Bryan's respective hotel occupancy tax funds.

Staff requested Council to provide input on a presentation provided by staff regarding any benefits the City derives from ongoing funding of the CVB.

No formal action was taken.

Workshop Agenda Item No. 4 -- Presentation, possible action and discussion regarding a draft of the Master Plan for the BioResearch Valley.

David Gwin, Director of Economic and Community Development introduced

Chuck Martinez, RVP and SueAnn Palemore with Texas Engineering Extensions Services presented an overview of the BioResearch Valley in a nonprofit organization whose mission is to attract, expand, and retain businesses with a bioscience business and/or research focus to locate or expand in the Brazos Valley.

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On August 3rd of this year, a draft of the Master Plan underwent review by the BioResearch Valley Steering Committee. Committee members include Blinn College, College Station Medical Center, St. Joseph Health System, Texas A&M Health Science Center, Texas A&M University and Texas AgriLife Research. The draft plan being presented is a product of this review process. The purpose is to advocate and promote the Research Valley's emergence as a State of Texas center of excellence in the greater biosciences (human, animal and plant) industries and to focus initiatives on biomedical/biotechnology discovery and becoming a world-class medical region and bioscience marketplace.

OBJECTIVE 1

Formalize Efforts of BioResearch Valley as a Component of the RVP Economic Development Strategy

OBJECTIVE 2

Support the Development of a Well-Trained Bioworkforce in the Research Valley

OBJECTIVE 3

Build a Supportive Ecosystem for Bioscience Entrepreneurs and Businesses in the Research Valley

OBJECTIVE 4

Build & Promote a Proactive Corporate Solutions Model that Provides Ready Access to Bioscience Researchers, Expertise and Facilities in the Research Valley

No formal action was taken.

Workshop Agenda Item No. 5 -- Presentation, possible action, and discussion regarding the Water Conservation and Irrigation Plan for the College Station Parks and Recreation Department, as requested by Council.

David Schmitz, Assistant Director of Parks and Recreation presented Council the set goal to modify the current system wide water use and irrigation procedures to assist in the City of College Station water conservation efforts. The plan focuses on more frequent irrigation systems checks, repairs and modifications to existing systems, reducing the number of watering days to coincide with the City's water conservation plan, reducing run times to the minimal needed, and replacing select planting beds with low water use perennials. Staff requested Council provide input and policy direction on the current water conservation and irrigation plan for the College Station Parks and Recreation Department.

No formal action was taken.

Workshop Agenda Item No. 6 -- Council Calendar

Council reviewed upcoming Council Calendar.

Workshop Agenda Item No. 7 -- 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. 8 -- 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,

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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).

No discussion was needed.

At 4:53 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. 9 -- 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. Acquisition by condemnation of easements for the Wellborn Water Line Relocation Project on land owned by Betty Sue Ellington Schuette Hill, et al.
- p. Legal Issues Related to Arts Council Ground Lease

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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
- b. Possible purchase of land in the vicinity of Spruce Street and College Main

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. Mayor Pro Tem

Workshop Agenda Item No. 10 -- Action on executive session, or any workshop agenda item not completed or discussed in today's workshop meeting may 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. 11 – 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:

Pete Caler, Assistant Director of Public Works/BVSWMA presented the Certificate of Appreciation to Chris Ford for meritorious actions in the face of medical emergency.

Mayor White presented Chris Ford a plaque for his meritorious actions in the face of medical emergency.

City Manager Glenn Brown thanked Chris Ford on the behalf of City Council, City Manager's office and the City of College Station.

Hear Visitors:

Shannon Schunicht, 6773 Bindwood – spoke on Tree Preservation.

Brian Alg, Longmire – spoke against the surveillance cameras in Northgate.

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 Tuesday, July 7, 2009 and Thursday, July 23, 2009.

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- b. Approved **Ordinance No. 3195** amending Chapter 10, Section 2F, of the College Station Code of Ordinances regarding the Traffic Control Device Inventory, Schedule V (School Zones).
- c. Approved the renewal of the annual price agreement with Crafcro Texas Inc. to provide crack sealant material and de-tack sealant material for the maintenance of streets in an amount not to exceed \$98,648.75 remaining the same as the current agreement.
- d. Approved calling a public hearing on the City of College Station 2009-2010 Proposed Budget for Thursday August 27, 2009.
- e. Approved a resolution approving a third annual renewal of a five (5) year agreement for the lease of slant-top, front-end loading refuse containers for an annual estimated expenditure of \$183,780.00.
- f. Approved **Resolution No. 08-17-09-2f** clarifying that George Bush Drive is named to honor the 41st President of the United States George H. W. Bush.
- g. Approved **Ordinance No. 3196** on an increase in rates for Atmos Energy pursuant to the Rate Review Mechanism tariff approved in 2008.
- h. Approved **Resolution No. 08-17-09-2h** that will authorize City staff to negotiate for the purchase of easements needed for the Water Reclamation Project, the future development of a bicycle and pedestrian facility project, and the future installation of sanitary sewer lines.
- i. Approved **Resolution No. 08-17-09-2i** that will authorize the City Attorney to condemn a public water utility easement and a temporary construction easement needed for the relocation of existing College Station utilities to accommodate the Wellborn Widening Project.
- j. Approved an interlocal agreement with the Texas Department of Public Safety.
- k. Approved an Inter- Local Agreement (ILA) with the College Station Independent School District (CSISD) regarding School Resource Officers (SRO).
- l. Approved a certified rebuild through Mustang CAT for a Caterpillar Articulating Compactor utilized by the Brazos Valley Solid Waste Management Agency in the amount of \$373,948.64.
- m. Approved a lease of College Station Independent School District (CSISD) property for the construction of the Creek View School Park Project.
- n. Approved a lease of College Station Independent School District (CSISD) property for the construction of the Pebble Creek School Park Project.
- o. Approved an Interlocal Agreement (ILA) for raising the height of the County owned radio tower located at 21550 Kathy Fleming Road, in the vicinity of the community of Millican, Texas between the City of College Station and Brazos County.

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p. Approved a state contract with RedMoon, Inc. of Plano, Texas for design, equipment, materials, supplies and services to install a wireless video surveillance pilot project in the Northgate Entertainment District for an amount not to exceed \$60,000.00.

q. Approved a contract with Sungard Public Sector (SPS), formerly Sungard HTE, for the purchase of the Click2Gov online application for the SPS Business Licenses module in an amount not to exceed \$15,240.00.

r. Approved rejection of the bid received in response to RFP #09-65 for maintenance and sanitation services to be provided at the Northgate Promenades, Surface Parking Lot, Northgate Parking Garage and Chimney Hill Shopping Center.

s. Approved **Ordinance No. 3197** changing the City's traffic code concerning parking operations in the Northgate District.

t. Approved **Resolution No. 08-17-09-2t** on a Construction Contract with Associated Construction Partners, Ltd, in the amount of \$1,221,700 for the construction of the Carters Creek Wastewater Treatment Plant Miscellaneous Improvements.

Council member Massey moved to approve consent agenda items 2a thru 2t. Council member Crompton 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 -- Presentation, possible action and discussion of City Secretary examination of petition submitted by College Station electors to repeal Ordinance No. 3017 amending the Chapter 10 of the City's Traffic Code on red light camera enforcement.

Connie Hooks, City Secretary presented an overview of the Petition submitted for the repeal of Ordinance No. 3017 of the Chapter 10 "Traffic Code," on the red light camera enforcement. The City Secretary's office verified signatures, completed review, and presented results to Committee and certified results to City Council that the petition met the requirements of the City Charter.

Council member Crompton made a motion to receive to receive the red light camera petition. Council member Maloney seconded the motion, which carried 7-0.

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

Mayor White opened the public hearing.

Citizens against Red Light Camera:

Ed Burns, 1203 Park Place, CS
Mike Luther, Drawer CA, CS
Emily Reither, 308 B Richards, CS
Clifton Eggers, 2001 Colgate Dr., CS

Citizens for Red Light Camera:

M.W. Newmad, 211 Lee Ave., CS
Millie Burrell, 9100 Waterford, CS
Ben Roper, Citizen of CS

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 Daniel Crocker, 2401 Welsh Ave. #412, CS
 Paul Kubosh, 1619 Lubbock, Houston
 Jim Ash, 804 Prestwick Ct., CS
 Zena Patterson, 2001 Colgate, CS
 Danny Stevens, 1611 Dexter, CS
 James A. Bruggeman, 4819 Williams Creek Dr., CS
 Don Williams, 5210 Williams, CS
 Lori Dee Ash, 804 Prestwick Ct., CS
 Aaron Gladberry, Bryan, Tx.-for the RLC, against City process
 Brian Alg, Longmire, CS
 Luster Feckner, Citizen of CS

Mayor White closed the public hearing.

Council Maloney made a motion to direct staff to prepare ballot language and documents to order special election on the petition for repealing Chapter 10 of the City's Traffic Code on red light camera enforcement. 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. 2 -- Public hearing, presentation, possible action, and discussion on petition proposing an ordinance repealing City Ordinance 3017, amending Chapter 10 of the Traffic Code regarding Automatic Traffic Signal Enforcement (Red light cameras within the City of College Station).

Item No. 2 was presented with Item No. 1.

Regular Agenda Item No. 3 -- Public Hearing, presentation, possible action, and discussion on an ordinance Budget Amendment #3 amending ordinance number 3114 which will amend the budget for the 2008-2009 Fiscal Year results in a net reduction of overall expenditures in the amount of \$954,175.

Jeff Kersten, Chief Financial Officer presented an overview of the anticipated revenues in FY09. Staff has thoroughly reviewed departmental budgets and has proposed a net reduction of \$954,175 in overall General Fund expenditures. This includes reductions in expense categories such as travel, training, miscellaneous supplies, etc. as well as delays in hiring certain vacant positions. This amendment will decrease the General Fund FY09 Revised Budget in the net amount of \$954,175. Staff recommends that City Council hold the public hearing on Budget Amendment #3, and approve the budget amendment ordinance.

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

Council member Crompton moved to approve **Ordinance No. 3198** on Budget Amendment #3. Council member Lyles seconded the motion, which carried 7-0.

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

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Regular Agenda Item No. 4 -- Presentation, possible action and discussion on the 2009-2010 ad valorem tax rate; and on calling two public hearings on a proposed ad valorem tax rate for 2009-2010.

Jeff Kersten, Chief Financial Officer presented an overview of the Effective Tax Rate which is the tax rate that will generate the same revenues on the same properties this year as last year. This year the Effective Tax rate is \$0.42933 per \$100 assessed valuation. The Rollback Tax Rate is the highest rate that can be adopted before rollback provisions can be initiated which this year the Rollback Tax Rate is \$0.445815 per \$100 assessed valuation. The FY 2009-2010 proposed budget was prepared on the existing tax rate of \$0.4394 per \$100 assessed valuation. Each one cent on the tax rate generates approximately \$540,000.

Staff recommended to Council to call public hearings on a tax rate of \$0.439400 per \$100 assessed valuation and hold the public hearings on **Thursday August 27th at 7:00 PM, and Tuesday September 1st at 6:00 PM in the College Station Council Chambers at 1101 Texas Avenue, College Station.**

Council member Crompton moved to approve 46.94 for the ad valorem tax rate for 2009-2010. Council member Massey seconded the motion, which died to lack of second.

Council member Stewart moved to approve the publication of ad valorem tax rate of \$.439400 per \$100 valuation for 2009-2010. Council member Lyles seconded the motion, which carried 5-2.

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

AGAINST: Council members Crompton & Massey

Council member Massey made a motion to approve two (2) public hearings for the ad valorem tax rate on August 27, 2009 and September 1, 2009. 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 regarding sunset review of Council Committees and selection of Council appointed representatives to fill vacancies on the following committees and boards.

City Secretary Connie Hooks presented the vacancies of the Council Committees and the selection of Council appointed representatives to fill vacancies:

- Arts Council of the Brazos Valley – Council member Katy-Marie Lyles
- Audit Committee – Mayor Ben White
- Brazos County Health Department – Council member Katy-Marie Lyles
- BVSWM Policy Advisory Board – Council member James Massey
- Convention and Visitors Bureau Board of Directors – Council member John Crompton
- Research Valley Partnership Board of Directors – Council member Larry Stewart
- Transportation Committee – Council members Larry Stewart, & James Massey

Council member Maloney requested a future agenda item on the formation of a Unified Development Ordinance Oversight Committee.

Regular Agenda Item No. 6 -- Presentation, possible action, and discussion of Mayor Pro Tem appointment.

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Council member Maloney made a motion to appoint Dave Ruesink as Mayor ProTem. Council member Massey seconded the motion, which carried 6-0. Mayor Pro Tem Ruesink abstained from vote.

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

AGAINST: None

ABSTAINED: Mayor Pro Tem Ruesink

Regular Agenda Item No. 7 -- Adjourn.

Hearing no objections, Mayor White adjourned the meetings at 9:05 p.m. on Monday, August 17, 2009.

PASSED AND APPROVED this 27th day of August, 2009.

ATTEST:

APPROVED:

City Secretary Connie Hooks

Mayor Ben White