



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

Councilmembers
John Crompton
James Massey
Dennis Maloney
Lawrence Stewart
David Ruesink

Minutes
City Council Workshop & Regular Meeting
Thursday, March 12, 2009 1:30 pm and 7:00 pm
City Hall Council Chambers, 1101 Texas Avenue
College Station, Texas

COUNCIL PRESENT: Mayor White, 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 White called meeting to order at 1:30 pm.

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

No discussion needed

Workshop Agenda Item No. 2 -- Presentation, possible action, and discussion regarding preliminary costs and financing tools for the convention center.

David Gwin, Director of Economic and Community Development Services presented a brief overview of the progress, projected square footage of structure and projected costs of the project.

Jeff Kersten, Chief Financial Officer communicated the financial tool options that the city may utilize for the convention center; the existing hotel occupancy tax, HOT tax – bracketed bill, lease revenue, parking fees, tax increment financing, key assumptions and financing plan.

Council suggested Mr. Gwin inform TxDOT of the impact on traffic along University Drive due to its location.

No formal action was taken.

Workshop Agenda Item No. 3 -- Presentation, possible action, and discussion on the Fiscal Year (FY) 2009-2010 Budget Review Process.

Jeff Kersten, Chief Financial Officer presented the FY 2009-2010 Budget Review Timeline per Council member Crompton's request.

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Council agreed on the revisions to the budget review calendar:

July 7, 2009 Budget Workshop General Fund

July 8, 2009 Budget Workshop General Fund

Workshop Agenda Item No. 4 -- Presentation, possible action, and discussion of a Floodplain Management and No Adverse Impacts Future Initiatives.

Alan Gibbs, City Engineer presented a brief overview of the “no adverse impact” topic. He suggested some initiatives that Council may want to consider in the future. He described some current related initiatives and proposed an amendment to our current floodplain ordinance that implements “zero rise” and “ultimate development” floodplain while mitigating many of the potential negative impacts.

“Possible” Initiatives:

1. **Speculative Fill** Policy Clarification
2. **Riparian Buffer** / Setback / Dedication / **Conservation Easement**
3. Increased funding for **Acquisition**
4. Increased **Freeboard**
5. Require or Fund **Future-Conditions** Floodplains Studies
6. **CLOMR** for all Floodway encroachments
7. Require or incent leaving **parallel open space** between creek and street

Council directed staff to have a stakeholder meeting informing the key stakeholders of ordinance revisions and receive their feedback.

No official action was taken.

Workshop Agenda Item No. 5 -- Presentation, possible action, and discussion regarding items to be discussed at the annual City Council Strategic Planning Retreat.

City Manager Glenn Brown requested direction from Council on the Annual City Council Strategic Planning Retreat.

Staff recommendations:

Location: College Station area

Outside Facilitator

Dates: June 29, June 30, or July 1st are possible dates for the Retreat.

Council concurred.

Workshop Agenda Item No. 6 -- Presentation, possible action, and discussion on an update to the City Council related to 2010 Census activities.

Lindsay Boyer, Staff Planner presented a brief update on a number of initiatives the Planning & Development Services Department has and will continue to be involved in for the upcoming Census count. The federal census is required by U.S. Constitution every ten years. Population estimates derived from the U.S. Census are used by the federal government to redistrict congressional boundaries, as well as to apportion federal CDBG and other funds for federal programs. Accurate counts are also necessary in order to more accurately project future growth and identify trends in population growth and decline.

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The Planning & Development Services Department committed to assist the Census Bureau in collecting an accurate count of people in College Station. The Department works yearly to update the Census Bureau on changes to city boundaries, new roads, and construction that would house new residents.

At 4:30 p.m. Mayor White announced that the City Council would convene into executive session pursuant to Sections 551.071, 551.074, and 551.086 of the Open Meetings Act to seek the advice of our city attorney, to consider the evaluation of public officers, and competitive matters.

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 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
- c. Water CCN permit requests
- 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

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 public officer(s) may be discussed:

- a. City Manager
- b. City Attorney
- c. City Secretary
- d. City Judge
- e. City Auditor

Competitive Matter {Govt Code Section 551.086}; possible action The City Council may deliberate, vote, or take final action on a competitive matter in closed session. The City Council must make a good faith determination, by majority vote of the City Council, that the matter is a Competitive Matter. A Competitive Matter is a utility-related matter that the City Council determines is related to the City of College Stations Electric Utility Competitive Activity, including commercial information, which if disclosed would give advantage to competitors

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or prospective competitors. The following is a general representation of the subject(s) to be considered as a competitive matter.

a. Marketing and Strategy Plans for College Station Electric Utilities

Council recessed from the executive session at 6:55 pm.

Workshop Agenda Item No. 14 – Adjourn.

The workshop meeting concluded following the regular meeting. See regular meeting minutes for discussion of remaining workshop items.

Minutes of Regular Meeting

Regular Agenda Item No. 1 -- Pledge of Allegiance, Invocation, Consider absence request.

Mayor White called the meeting to order at 7:02 pm with all Council members present. Mayor White led the audience in the Pledge of Allegiance. Mayor White provided the invocation.

Presentation:

Mayor White presented the Excellence Award for 2008 to The Texas Association of Governmental Information Technology Managers (TAGITM).

Hear Visitors:

Ed Valenta, 1510 Bluebonnet –requested Council to rescind decision by previous Council meeting to extend CS City Sewer lines to “Aggie Acres.”

Sue Ann Valenta, 1510 Bluebonnet –requested Council to rescind decision by previous Council meeting to extend CS City Sewer lines to “Aggie Acres.”

Casey Alani, 1308 Angelina – requested Council to rethink decision with sewer line extension and expressed to Council that this could turn into a litigation suit.

Ron Gouch, 5002 Cherry Hills Ct., Pebble Creek Neighborhood Association - expressed the lighting at the newly constructed parking lot at Source Net has a adverse affect.

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 City Council Workshop and Regular Meetings February 26, 2009.

b. Approved the renewal of the contract with Meyers & Associates for federal legislative and consulting services in the amount of \$78,000 plus expenses.

c. Approved **Resolution No. 03-12-09-2c** declaring intention to reimburse certain expenditures with proceeds from debt for the Purchase and Installation of Fencing at Pebble Creek Park and Jack and Dorothy Miller Park in an amount not to exceed \$30,000.

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d. Approved change order to the Construction Contract 08-285 with Brazos Valley Services in the amount of \$35,800, for the construction of the Well 7 Collection Line.

e. Approved **Resolution No. 03-12-09-2e** setting a public hearing to update 03-02 Steeplechase Wastewater Impact Fee.

f. Approved the renewal of an annual price agreement with Superior Crushed Stone, LC in an amount not to exceed \$500,200 for crushed stone to be used by various city departments.

g. Approved the renewal of an annual contract 08-041 with Elliot Construction Inc. for water and wastewater new service tap installation in the amount of \$362,250.

Council member Maloney moved to approve consent agenda items 2a thru 2g. Council member Ruesink 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 Public hearing, presentation, possible action, and discussion regarding an Ordinance amending Chapter 12, Section 4.2, "Official Zoning Map" of the Code of Ordinances of the City of College Station, Texas changing the Zoning District Boundaries of 2.419 acres at 2937 Barron Cut-Off Road located at the southwest corner of State Highway 40 and Barron Road from A-O, Agricultural-Open, to C-3, Light Commercial.

Lauren Houvde, Staff Planner presented a brief staff report on the rezoning of 2.419 acres at 2937 Barron Cut-Off Road located at the southwest corner of State Highway 40 and Barron Road from A-O, Agricultural-Open, to C-3, Light Commercial. Staff and P&Z Commission approved the amendment by a vote of 5 to 1.

Mayor White opened the public hearing. Ed Thomas 4222 Buggy Lane spoke in support of his request. Mayor White closed the public hearing.

Council member Massey made a motion to approve **Ordinance No. 3172** amending the rezoning on 2.419 acres located at 2937 Barron Cut-Off Road. Council member Stewart 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 -- Public hearing, presentation, possible action, and discussion regarding an Ordinance amending Chapter 12, Section 4.2, "Official Zoning Map" of the Code of Ordinances of the City of College Station, Texas changing the Zoning District Boundaries of 3.198 acres from R-1, Single-Family Residential and R-6, High Density Multi-Family to PDD, Planned Development District located at 1600, 1600A, 1604, 1606A, 1608A, 1624, 1624A, 1626, 1626A, 1626B Park Place and more generally located east of Scandia Apartments.

Matt Robinson, Staff Planner presented a rezoning on 3.198 acres located at 1600, 1600A, 1604, 1606A, 1608A, 1624, 1624A, 1626, 1626A, 1626B Park Place. Staff and P&Z Commission recommended approval with the condition that a sidewalk and pedestrian access easement be provided at the back of the cul-de-sac.

Joe Guerra, City's Transportation Planner spoke on the traffic impact analysis.

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Mayor White opened the public hearing.

Raven Metcalf, engineer, Ollie Joffer, developer – present for questions

Paul Greer, P&Z Commissioner explained recommendation from the P&Z Commission.

Nick Smith, Airline Drive – against the development

Glenn Hudson, 2020 Oakwood Trail – owner of property

Vernon Thompson Counsel for property owners in surrounding area and their concerns with development.

Mayor White closed the public hearing.

Council member Maloney moved to approve **Ordinance No. 3173** on rezoning 3.198 acres located at 1600, 1600A, 1604, 1606A, 1608A, 1624, 1624A, 1626, 1626A, 1626B Park Place. Mayor Pro Tem McIlhaney 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. 1 -- Public hearing, presentation, possible action, and discussion regarding an Ordinance amending Chapter 12, Section 4.2, "Official Zoning Map" of the Code of Ordinances of the City of College Station, Texas changing the Zoning District Boundaries of 2716 Barron Road located approximately 500 feet east of the intersection with William D. Fitch Parkway 1.5 acres from A-O, Agricultural-Open, to R-1, Single-Family Residential.

Jason Schubert, Staff Planner presented a brief staff report on the rezoning request of 1.5 acres located at 2716 Barron Road approximately 500 feet east of the intersection with William D. Fitch Parkway 1.5 acres from A-O, Agricultural-Open, to R-1, Single-Family Residential.

Mayor White opened the public hearing. Steve Rock, 2716 Barron Road, property owner expressed to staff his appreciation. Mayor White closed the public hearing.

Council member Stewart moved to approve **Ordinance No. 3171** to rezone 1.5 acres located at 2716 Barron Road. 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 -- Presentation, possible action, and discussion regarding membership in the Gulf Coast Highway Coalition.

Gary Bushell discussed the membership opportunities in the Gulf Coast Highway Coalition. He explained that a feasibility study is being conducted and membership provides benefits to the City of College Station as discussions continue during upcoming route and alignment debates.

Mayor Pro Tem McIlhaney moved to approve the membership to the Gulf Coast Highway Coalition in the amount of \$10,000. 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

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Regular Agenda Item No. 5 -- Presentation, possible action, and discussion on an update regarding the Bicycle, Pedestrian and Greenway Master Plan.

Vanessa Garza, Staff Planner presented the Bicycle, Pedestrian and Greenways Master Plan, a component of the College Station Comprehensive Plan that is currently being updated. The planning process began in November with an inventory of existing bicycle, pedestrian and greenway facilities and the selection of a technical task force and staff resource team. The plan is proposed to be adopted in September of 2009.

Vanessa reported that staff will provide additional information to the College Station City Council during the planning process including an overview of initial results from the needs assessment currently being conducted through focus group meetings, an online survey and the first community meeting.

No formal action was taken.

Regular Agenda Item No. 6 -- Presentation, possible action and discussion approving a resolution awarding a construction contract for the Northgate Restrooms Project to Sword Construction LLC, of Kingwood, TX, in the amount of \$347,700.00 or G.W. Williams, Inc. of College Station, TX in the amount of \$352,000.00 who is requesting consideration for local preference.

Chuck Gilman, Director of Capital Improvement Projects presented two bids on a construction contract for the Northgate Restrooms Project: Sword Construction LLC, of Kingwood, TX, in the amount of \$347,700.00 or G.W. Williams, Inc. of College Station, TX in the amount of \$352,000.00.

Brian Alg spoke against the Northgate Restroom Project.

Council member Maloney moved to approve **Resolution No. 03-12-09-06** awarding local contract to G.W. Williams, Inc. in the amount of \$352,000, with 105 construction days. Council member Ruesink 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. 7 -- Presentation, possible action, and discussion increasing the FY 2009 Brazos Valley Solid Waste Management Agency administrative transfer expenditure line item and reimbursing the City of Bryan in the amount of \$179,786.00.

Council member Maloney made a motion to return this item to BVSWMA board for a recommendation of cost for management of facility. 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. 8 -- Presentation, possible action, and discussion to approve a resolution nominating a member of the Brazos Valley Groundwater Conservation District Board of Directors, subject to confirmation by the Brazos Valley Commissioners Court.

Glenn Brown, City Manager requested Council to nominate a member for the Brazos Valley Groundwater Conservation District Board of Directors, subject to confirmation by the Brazos Valley Commissioners Court. Mayor Pro Tem McIlhaney moved to approve to appoint Steve Beachy to the Brazos Valley Groundwater Conservation District Board of Directors with the approval of Brazos Valley

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Commissioners Court effective date June 2009. 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

Workshop Agenda Item No. 7 -- Presentation, possible action, and discussion regarding Resident vs. Non-Resident Parks and Recreation Department Programs and Activities Participation, as requested by Council at the November 24, 2008 meeting.

Tony Cisneros, Director of Parks and Recreation Services addressed Items No. 7 and No. 8.

Workshop Agenda Item No. 8 -- Presentation, possible action, and discussion regarding the College Station Athletic Facility Priority of Usage Policy revisions, as requested by Council at the December 16, 2008 meeting.

Mr. Cisneros presented an overview of the impact of the resident vs. non-resident fees for parks and recreation department programs and the usage policy revisions for athletic facilities.

Staff requested Council input and policy direction on the use of both policy's for Resident vs. Non-Resident Parks and Athletic Facility Priority of Usage Policy.

Council member Crompton moved to approve the revisions to the impact of the resident vs. non-resident parks and the recreation department programs and athletic facility usage policies. 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

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 Ruesink expressed concerns with vehicular parking in Northgate area, specifically near churches in this area.

Council member Massey asked for a future workshop agenda item on impacts to the City beyond 100,000 population.

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

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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, BVSWMA, (Notice of Agendas posted on City Hall bulletin board).

Council member Massey – WPC Committee and WPC TIF Board Meeting

Mayor Pro Tem McIlhaney – Transportation Committee updates from TxDOT and Health Board meeting.

Council member Ruesink - Sisters City meeting on March 9, discussed the program for Salamanca, Mexico visitors.

Mayor White – BVCOG approved FAA monies for Easterwood.

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.

Mayor Pro Tem McIlhaney moved to approve a 4% raise per yearly evaluation to City Manager Glenn Brown, City Secretary Connie Hooks, City Attorney Harvey Cargill, City Auditor Ty Elliott, and City Municipal Judge Ed Spillane. 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. 9 -- Adjourn.

Hearing no objections, Mayor White adjourned the meetings at 9:30 p.m. on Thursday, March 12, 2009.

PASSED AND APPROVED this 26th day of March, 2009.

APPROVED

Mayor Ben White

ATTEST:

City Secretary Connie Hooks