



Mayor
Nancy Berry
Mayor Pro Tem
John Crompton
City Manager
Glenn Brown

Councilmembers
James Massey
Dennis Maloney
Katy-Marie Lyles
Dave Ruesink

Minutes
City Council Regular Meeting
Thursday, July 08, 2010 at 7:00 p.m.
City Hall Council Chambers, 1101 Texas Avenue
College Station, Texas

COUNCIL PRESENT: Mayor Nancy Berry, Mayor Pro Tem Crompton, Council members Maloney, Fields, Lyles and Ruesink

STAFF PRESENT: City Manager Brown, Assistant City Manager Merrill, Assistant City Manager Neeley, City Secretary Hooks, Deputy City Secretary McNutt, City Attorney Cargill, Jr., Management Team

1. Pledge of Allegiance, Invocation, Consider absence request.

Mayor Berry opened the meeting at 7:00 pm. She led the audience in the pledge of allegiance. Council Member Lyles provided the invocation.

Mayor Pro Tem Crompton read a proclamation in recognition of Ms. Christel Botha of South Africa for the care and devotion to Council member Larry Stewart during his illness.

Alan Gibbs, City Engineer recognized Debbie Calhoun, who presented Mayor and Council a plaque for the Federal Emergency Management's Community Rating System.

Mayor Berry presented a proclamation to Director Tony Cisneros for the month of July as Parks and Recreation Month.

Hear Visitors

No one spoke.

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 June 10, 2010 Workshop Meeting and June 24, 2010 Workshop and Regular Meetings.

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- b. Approved **Resolution No. 07-08-10-2b** Special Election for City Council Place 5, to fill an unexpired term.
- c. Approved ratify construction material testing expenses of \$9,012.50 and authorize additional expenditures for projected expenses of \$27,000.00 for a combined increase to the 2010 CME Testing and Engineering Inc purchase order number 100088 in the amount of \$36,012.50.
- d. Approved bid award for the purchase of water meters and registers maintained in inventory to Hersey Meters Co., LLC d/b/a Mueller Systems for \$114,270.71 and Aqua-Metric Sales Co., for \$39,330.35 for a total annual estimated expenditure of \$153,601.06. (Bid #10-69).
- e. Approved renewing the annual contract for turf mowing services for various city properties with Green Teams, Inc. for an annual expenditure of \$76,398.00. This is the first of two (2) renewal options that is to begin on July 9, 2010 and expires on July 8, 2011. (Contract No. 09-101/Bid No. 09-19).
- f. Approved awarding a price agreement for annual purchases of fleet oils and lubricants to North American Lubricants Co. for an annual expenditure of \$73,391.00. (Bid No. 10-70).
- g. Approved **Resolution No. 07-08-10-2g** by the City Council of the City of College Station, Texas, directing publication of notice of intention to issue certificates of obligation, series 2010; and providing an effective date.
- h. Approved the purchase of the Police Department's Electronic Citation Replacement Equipment from SHI for an amount not to exceed \$103,132.00.
- i. Approved real estate contract between the City of College Station (Buyer) and L.J. Ruffino (Seller) for the purchase of 34.10 acres in the Morgan Rector Survey, Abstract No. 46, College Station, Texas.
- j. Approved real estate contract between the City of College Station (Buyer) and Richard Smith (Seller) for the purchase of approximately 78.9 acres in the Morgan Rector Survey, Abstract No. 46, College Station, Texas.
- k. Approved design contract change order no. 1 with Clark Condon Associates decreasing the design contract in the amount of \$30,500.
- l. Approved the transfer of no more than \$35,000.00 from Wastewater Capital Projects Contingency to the Thickener Building Roof Upgrade at Carters Creek Wastewater Treatment Plant Project.
- m. Approved **Resolution No. 07-08-10-2m** for an Advanced Funding Agreement (AFA) in the amount of \$3,696 between the City of College Station and the Texas Department of Transportation (TxDOT) for the Barron Road Interchange.

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- n. Approved **Resolution No. 07-08-10-2o** declaring intention to reimburse certain expenditures with proceeds from debt for the Barron Road Widening Phase II project.
- o. Approved Change Order No. 2 to the professional services contract with Mitchell & Morgan, LLP (Contract No. 07-201) in the amount of \$16,000.
- p. Approved **Resolution No. 07-08-10-2p** to terminate a Construction Contract, 09-089, with Jamail & Smith Construction in the amount of \$96,538.89, for the installation of the bollards along College Main and Patricia Street.
- q. Approved the 2nd 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 \$98,648.00 remaining the same as the current agreement.
- r. Approved **Ordinance No. 2010-3254** amending Chapter 10 of the Code of Ordinances (Traffic Code) adding the closure of College Main between University Drive and Patricia Street by the construction of a "911 Gate."
- s. Approved **Resolution No. 07-08-10** for a fourth 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 \$191,520.00.

Council member Maloney moved to approve consent items 2a, 2c thru 2s. Council member Lyles seconded the motion, which carried 6 - 0.

FOR: Mayor Berry, Mayor ProTem Crompton, Council members Lyles, Fields, Maloney and Ruesink
AGAINST: None

Council pulled consent item 2b for decision.

City Attorney Harvey Cargill explained the resolution to consider special election date to fill vacancy for Council Place 5.

Council member Maloney moved to approve **Resolution No. 07-08-10-2b** for November 2, 2010 Special Election on Council member Place 5. Council member Ruesink seconded the motion, which carried 6 - 0.

FOR: Mayor Berry, Mayor ProTem Crompton, Council members Lyles, Fields, Maloney and Ruesink
AGAINST: None

1. Public Hearing, presentation, possible action, and discussion on the Annual Review of the Unified Development Ordinance (UDO) and the Annual Review of the Comprehensive

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Plan.

Bob Cowell, ACIP, Director of Planning and Development Services presented an overview of the UDO and the annual review of the Comprehensive Plan, which was adopted by Council in May 2009. The Comprehensive Plan itself prescribes an annual progress report in which for issues should be considered:

1. Significant actions and accomplishments during the past year, including the status of implementation for each programmed task in the Comprehensive Plan;
2. Obstacles or problems in the implementation of the Plan, including those encountered in administering the land use and transportation aspects, as well as any other strategies of the Plan;
3. Proposed amendments that have come forward during the course of the year, which may include revisions to the individual Plan maps or other recommendations or text changes; and,
4. Recommendations for needed actions, programs and procedures to be developed and implemented in the coming year, including recommendation of projects to be included in the City's Capital Improvements Program, other programs/projects to be funded, and priority coordination needs with public and private implementation partners.

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

No formal action was taken.

2. Public Hearing, presentation, possible action, and discussion regarding a Comprehensive Land Use Amendment of 6.326 acres from General Commercial and Natural Areas-Reserved to Urban and Natural Areas-Reserved for the property located at 301 Southwest Parkway, and more generally located east of the Southwest Crossing shopping center.

Matt Robinson, Staff Planner presented the Comprehensive Plan Land Use Amendment of 6.326 acres from General Commercial and Natural Areas-Reserved to Urban and Natural Areas-Reserved for the property located at 301 Southwest Parkway.

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

Council member Fields moved to approve **Ordinance No. 2010-3255** to amend the Comprehensive Plan Land Use of 6.326 from General Commercial and Natural Areas-Reserved to Urban and Natural Areas-Reserved for the property located at 301 Southwest Parkway. Council member Maloney seconded the motion, which carried 6 - 0.

FOR: Mayor Berry, Mayor ProTem Crompton, Council members Lyles, Fields, Maloney and Ruesink

AGAINST: None

3. Public Hearing, presentation, possible action, and discussion regarding a Rezoning for Copper Creek Condos from C-1, General Commercial to PDD, Planned Development District for 6.236 acres located at 301 Southwest Parkway.

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Matt Robinson, Staff Planner presented a rezoning for Copper Creek Condos from C-1, General Commercial to PDD, Planned Development District for 6.236 acres located at 301 Southwest Parkway.

Council member Fields moved to approve **Ordinance No. 2010-3256** of rezoning for 6.236 acres located at 301 Southwest Parkway. Council member Lyles seconded the motion, which carried 6 - 0.

FOR: Mayor Berry, Mayor ProTem Crompton, Council members Lyles, Fields, Maloney and Ruesink

AGAINST: None

4. Public Hearing, presentation, possible action, and discussion on an ordinance Budget Amendment #3 amending ordinance number 3202 which will amend the budget for the 2009-2010 Fiscal Year in the amount of \$10,878,428, increase the number of regular full-time positions in the budget by two (2.0); and presentation, possible action and discussion on two interfund transfers.

Jeff Kersten, Chief Financial Officer presented proposed budget amendment to increase the appropriations for \$10,878,428 and to increase the number of regular full-time positions in the budget by two (2.0). The charter of the City of College Station provides for the City Council to amend the annual budget in the event there are revenues available to cover increased expenditures and after holding a public hearing on such budget amendment. A number of items have been identified that need to be considered in a budget amendment.

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

Mayor ProTem Crompton moved to approve **Ordinance No. 2010-3257** for Budget Amendment #3. Council member Maloney seconded the motion, which carried 6 - 0.

FOR: Mayor Berry, Mayor ProTem Crompton, Council members Lyles, Fields, Maloney and Ruesink

AGAINST: None

5. Presentation, possible action, and discussion regarding the approval of an ordinance on changing the name of JONES BUTLER ROAD and I&GN ROAD to HOLLEMAN DRIVE SOUTH.

Joe Guerra, Transportation Director presented a proposed name change of JONES BUTLER ROAD and I&GN ROAD to HOLLEMAN DRIVE SOUTH.

Council member Fields moved to approve **Ordinance No. 2010-3258** to change Jones Butler Road to I&GN Road to Holleman Drive South. Council member Lyles seconded the motion, which carried 6 - 0.

FOR: Mayor Berry, Mayor ProTem Crompton, Council members Lyles, Fields, Maloney and Ruesink

AGAINST: None

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6. Public Hearing, presentation, possible action, and discussion approving an ordinance vacating and abandoning a 5,097 square foot, 20-foot wide public utility easement, which is located on Lot 13A of Block 3 of the Tower Point Phase 3 Subdivision according to the plat recorded in Volume 9497, Page 120 of the Deed Records of Brazos County, Texas.

Alan Gibbs, City Engineer presented an ordinance to abandon an easement for future development of a 5,097 square foot, 20-foot wide public utility easement, located on Lot 13A of Block 3 of the Tower Point Phase 3 Subdivision.

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

Council member Fields moved to approve **Ordinance No. 2010-3259** for the abandonment of a 5,097 square foot, 20-foot wide public utility easement, which is located on Lot 13A of Block 3 of the Tower Point Phase 3 Subdivision. Council member Ruesink seconded the motion, which carried 5 - 0.

FOR: Mayor Berry, Mayor ProTem Crompton, Council members Lyles, Fields, Maloney and Ruesink

AGAINST: None

7. Public Hearing, presentation, possible action and discussion concerning approval to proceed with engineering services for improvements to Royder Road and Greens Prairie Trail and approval of a resolution declaring intention to reimburse certain expenditures with proceeds from debt.

Chuck Gilman, Director of Capital Projects presented a proposal to proceed with engineering services for improvements to Royder Road and Greens Prairie Trail. If approved, the expenses for this project will be included, as part of an upcoming FY10 budget amendment.

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

Council member Maloney moved to approve **Resolution No. 07-08-10-07** for the intention to reimburse certain expenditures with proceeds from debt of the improvements for Royder Road and Greens Prairie Trail. Council member Ruesink seconded the motion, which carried 6 - 0.

FOR: Mayor Berry, Mayor ProTem Crompton, Council members Lyles, Fields, Maloney and Ruesink

AGAINST: None

8. Presentation, possible action, and discussion regarding a proposed Parks and Recreation Department Park Vendor Permit and Dogs in Parks Ordinance.

David Schmitz, Assistant Parks & Recreation Director presented a proposed ordinance that outlines the park vendor permit process and allows for the City Council to establish the payment of a fee for the permit. The proposed resolution in turn incorporates the Park Vendor Permit Fees into the current parks and recreation user fees schedule. The second portion of the ordinance references dogs in parks and is simply a housekeeping effort to incorporate into the

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Code of Ordinances the “leash free” operations that are currently in place at Lick Creek Park and the two designated City dog parks at Steeplechase Park and University Park.

Council member Maloney moved to approve **Resolution No. 07-08-10-08** amending Resolution No. 01-28-10-01 adopting, a park vendors permit fee, and providing an effective date. Mayor Pro Tem Crompton seconded the motion, which carried 6 - 0.

FOR: Mayor Berry, Mayor Pro Tem Crompton, Council members Lyles, Fields, Maloney and Ruesink

AGAINST: None

Council member Maloney moved to approve the removal of leashes in dog parks and to enforce leashes on pet in Lick Creek Park. Council member Lyles seconded the motion, which failed 2 - 4.

FOR: Council member Lyles and Maloney

AGAINST: Mayor Berry, Mayor Pro Tem Crompton, Council member Fields and Ruesink

Council member Crompton moved to approve **Ordinance No. 2010-3260** with all dog parks leash free. Council member Fields seconded the motion, which carried 6 - 0.

FOR: Mayor Berry, Mayor Pro Tem Crompton, Council members Lyles, Fields, Maloney and Ruesink

AGAINST: None

9. Presentation, possible action, and discussion on selection of Council members to fill vacancies on the following committees and boards.

Audit Committee:

Keep Vacant until after Special Election.

Arts Council:

Council member Katy- Marie Lyles

Brazos Council Health Board:

Mayor Nancy Berry

Brazos Valley Council of Governments Board of Directors:

Mayor Nancy Berry

B/CS Metropolitan Planning Organization:

Mayor Nancy Berry

BVSWMA Policy Advisory Board:

Mayor ProTem John Crompton

Brazos Valley Wide Area Network Council Services:

Council member Jess Fields

Comprehensive Plan Advisory Committee:

Under UDO

Convention and Visitors Bureau:

Mayor ProTem John Crompton

Council member Dave Ruesink

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Intergovernmental Committee:

Mayor Nancy Berry
Council member Ruesink
Council member Lyles

Research Valley Partnership Board:

Council member Ruesink

Sister Cities Association:

Council member Dave Ruesink

Transportation Committee:

Council member Maloney
Council member Fields
Council member Ruesink

UDO Oversight Committee:

Mayor Nancy Berry
Council member Maloney

Wolf Pen Creek Oversight Committee:

Council member Maloney

Council member Maloney recommended forming a Twin City Government Committee:

10. Adjourn.

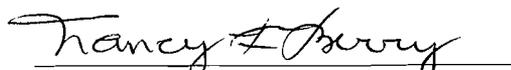
Hearing no objections, Mayor Berry concluded Regular Meeting at 9:00 pm and returned to Workshop Agenda to complete items.

PASSED AND APPROVED this July 22, 2010

ATTEST:


City Secretary Deputy

APPROVED:


Mayor Nancy Berry