



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

**Councilmembers**  
Jess Fields  
Dennis Maloney  
Katy-Marie Lyles  
Dave Ruesink

**Minutes**  
**City Council Regular Meeting**  
**Thursday, July 22, 2010 at 6:00 p.m.**  
**City Hall Council Chambers, 1101 Texas Avenue**  
**College Station, Texas**

**COUNCIL PRESENT:** Mayor Nancy Berry, Council members 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. Chief R.B. Alley provided the invocation.

Council member Fields moved to approve absence requests from Mayor Pro Tem Crompton, Council members Maloney. Council member Ruesink seconded the motion, which carried, 4-0.

FOR: Mayor Berry, Council members Lyles, Ruesink, and Fields

AGAINST: None

**a. 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.**

**Consent Item No. 2d – Community Development PY 2010-2014 Consolidated Plan and FY 2011 (PY 2010) Action Plan and Budget – Council member Ruesink** - concern with the way our different agencies handle applicants with limited funding for utilities & rent assistances. Also, inquired money that goes into rehab and construction and would like to find some way to come up with assistance for utilities and rehab.

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**Consent Item No. 2h** – **Development Agreement with CVCS LLC and an Advance Funding Agreement with the TxDOT.** Council member Fields request Bob Cowell, ACIP, Director of Planning and Development Services to explain the Development Agreement.

**Consent Item No. 2i** – **Construction Contract for the Hike & Bike Trail Completion Project** – Council member Fields inquired timing on design phase and if delayed building if there would be any saving.

- a. Approved minutes for July 8, 2010 Workshop and Regular Meetings.
- b. Approved claim and release of liability settlement between the City of College Station and The Heil Company dba Heil Environmental and Heil of Texas, Inc., related to repair of Heil Sanitation Truck fleet number 72-24, following a fire on April 16, 2010.
- c. Approved **Resolution No. 07-22-10-2c** awarded a Professional Services Contract for the design of the Royder Road and Greens Prairie Trail Improvements to Kimley-Horn and Associates, Inc., in the amount of \$96,400.
- d. Approved **Resolution No. 07-22-10-2d** and **Resolution No. 07-22-10-2d-a** adopting the City's proposed PY 2010-2014 Consolidated Plan and FY 2010 Annual Action Plan and Budget.
- e. Presentation, possible action, and discussion regarding modifications and revisions to Chapter 10 "Traffic Code", Section 6 (A) "Definitions" and 6 (B) "Regulations" as it relates to parking, standing or storing of trailers in residential areas. **Item was been pulled**
- f. Approved monthly report on irrigation water use at City of College Station facilities and properties.
- g. Approved authorization payment of Retention and Expansion and Payroll Grants in a total amount of \$40,000 to Reynolds and Reynolds, Inc.
- h. Approved Resolution entering into the following two items:
  1. a development agreement between the City of College Station and CVCS, LLC for design of and payment for temporary construction access from Harvey Mitchell Parkway to the Campus Village development; and
  2. a **Resolution No. 07-22-10-2h** for an Advanced Funding Agreement (AFA) between the City of College Station and Texas Department of Transportation (TxDOT) for city contributions to transportation improvement project to wit: a temporary construction access from Harvey Mitchell Parkway to the Campus Village development.
- i. Approve **Resolution No. 07-22-10-2i** awarding a construction contract to Brazos Valley Services in the amount of \$536,205.36 for the Hike & Bike Trail Completion project along FM 2818.
- j. Approved **Resolution No. 07-22-10-2j** authorizing banners for Copy Corner recognizing the Wind Watts program

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Council member Ruesink moved to approve consent item 2a thru 2j with exception of 2e, which was pulled. Council member Lyles seconded the motion, which carried 4 - 0.

FOR: Mayor Berry, Council member Lyles, Fields, and Ruesink  
AGAINST: None

**2. Presentation, possible action and discussion regarding an appeal by Ken and Kimberly Reynolds to the City Council on a variance request denied by the Cemetery Committee for the placement of a monument exceeding size restrictions in the College Station Cemetery.**

David Schmitz, Assistant Director Parks and Recreation presented Council an appeal by Ken and Kimberly Reynolds to the City Council on three (3) different variance requests denied by the Cemetery Committee for the placement of a monument exceeding size restrictions in the College Station Cemetery located on Texas Avenue.

Ross Albrecht, updated council on the size and dimension of the monument and the variance restrictions.

Council member Ruesink moved to deny variance. Motion failed to lack of second.

Council member Lyles moved to approve variance requested by Ken and Kimberly Reynolds. Council member Fields seconded the motion, which carried 3 - 1.

FOR: Mayor Berry, Council members Lyles and Fields  
AGAINST: Council member Dave Ruesink

**3. Public Hearing, presentation, possible action and discussion concerning approval to proceed with bidding for improvements to Tauber and Stasney Streets from University Drive to Cherry Street.**

Chuck Gilman, PE, Director of Capital Projects presented Council an overview of the Tauber and Stasney Street Project and once this project is completed Tauber will have a total of 43 on-street parallel parking spaces between University and Cherry, and Stasney have 39 on-street parallel parking spaces. Staff recommended proceeding with the advertisement for construction bids.

Mayor Berry opened the public hearing. Chris Scotti, Northgate District Association, thanked the staff and stated few concerns with parking. Mayor Berry closed the public hearing.

Council member Fields moved to approve staff proceeding with the advertisement for construction bids. Council member Lyles seconded the motion, which carried 4 - 0.

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

**4. Public Hearing, presentation, possible action and discussion concerning approval to proceed with engineering services for the extension of Jones-Butler from Luther Street to George Bush Drive.**

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Chuck Gilman, PE, Director of Capital Projects presented Council an overview of the engineering services for the extension of Jones Butler from Luther Street to George Bush Drive. Staff recommended move forward with professional services contract to begin on the extension of Jones-Butler Road.

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

Council member Lyles moved to approve staff to proceed with a professional services contract. Council member Fields seconded the motion, which carried 4 - 0.

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

**5. Public Hearing, presentation, possible action and discussion concerning approval to advertise the Barron Road Widening Phase 2 Project for construction bids.**

Chuck Gilman, PE, Director of Capital Projects presented an overview of the Barron Road Widening Phase 2 projects that involves widening Barron Road from Decatur Drive and Barron Cutoff Road on the southwest side of William D. Fitch, which currently is a two lane rural road. Staff recommended proceeding with advertisement for construction bids.

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

Council member Fields moved to approve staff proceeding with advertisement for construction bids. Council member Ruesink seconded the motion, which carried 4 - 0.

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

**6. Public Hearing, presentation, possible action, and discussion regarding an Ordinance amending Chapter 12, "Unified Development Ordinance", Section 4.2, "Official Zoning Map", of the Code of Ordinances of the City of College Station, specifically rezoning for Spring Creek Retail and Office Center from A-O, Agricultural Open to PDD, Planned Development District for 5 acres located at 1850 William D. Fitch Parkway.**

Matt Robinson, Staff Planner presented rezoning for Spring Creek Retail & Office from A-O, Agricultural Open to PDD, Planned Development District for 5 acres located at 1850 William D. Fitch Parkway.

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

John Nichols spoke on behalf of the Planning and Zoning discussion and denial of rezoning request.

Jane Kee, IPS Group, stated that the applicant is implementing the Comprehensive Plan appropriately and the development would fit with the adjacent neighborhood.

Council member Lyles moved to approve **Ordinance No. 2010-3261** rezoning for Spring Creek Retail & Office from A-O, Agricultural Open to PDD, Planned Development District for 5 acres

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located at 1850 William D. Fitch Parkway. Council member Ruesink seconded the motion, which carried 4 - 0.

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

**7. Public hearing, presentation, possible action, and discussion regarding an Ordinance amending Chapter 12, "Unified Development Ordinance", Section 4.2, "Official Zoning Map", of the Code of Ordinances of the City of College Station, specifically rezoning for a portion of Lot 1, Block 3 and a portion of Lots 34-36, Block 2 of the Spring Creek Garden Subdivision from A-P Administrative Professional and R-1 Single Family Residential to PDD, Planned Development District for 0.8625 acres located East of the intersection of Candace Court and Decatur Drive.**

Bob Cowell, , Director of Planning and Development Services presented rezoning for Spring Creek Garden from A-P Administrative Professional and R-1 Single Family Residential to PDD, Planned Development District for 0.8625 acres located east of the intersection of Candace Court and Decatur Drive. Staff recommended approval and P&Z recommended approval.

Wallace Phillips, applicant present for questions.

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

Council member Fields moved to approve **Ordinance No. 2010-3262** rezoning for Spring Creek Garden from A-P Administrative Professional and R-1 Single Family Residential to PDD, Planned Development District for 0.8625 acres located east of the intersection of Candace Court and Decatur Drive. Council member Ruesink seconded the motion, which carried 4 - 0.

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

**8. Public Hearing, presentation, possible action, and discussion approving an ordinance vacating and abandoning 12.5 feet (1,679.7 square feet) of a 20-foot wide public utility easement, which is located on Lot 1R of Block 2A of the College Park Subdivision according to the plat recorded in Volume 8582, Page 96 of the Deed Records of Brazos County, Texas.**

Alan Gibbs, City Engineer presented an easement abandonment that accommodates future development of 12.5 feet (1,679.7 square feet) of a 20-foot wide public utility easement, which is located on Lot 1R of Block 2A of the College Park Subdivision. There are no public or private utilities in the subject portion of easement to be abandoned.

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

Isle Jones, applicant present for questions.

Council member Fields moved to approve **Ordinance No. 2010-3263** vacating and abandoning 12.5 feet (1,679.7 square feet) of a 20-foot wide public utility easement, which is located on Lot 1R

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of Block 2A of the College Park Subdivision. Council member Lyles seconded the motion, which carried 4 - 0.

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

**9. Presentation, possible action, and discussion regarding the formation of two committees to assist with the Medical Corridor project.**

David Gwin, Director of Economic and Community Development Services updated Council on the need to form two committees to assist with the Medical Corridor Committee. Staff requested that an application for the citizens' advisory committee be placed on the City's website under the Citizen Committees, Boards and Commissions page. The targeted stakeholders group will be seated subsequently.

No formal action was taken.

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At 8:10 pm, Mayor Berry announced that the City Council would convene into executive session pursuant to Sections 551.071 of the Open Meetings Act to seek the advice of our city attorney.

**11. 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:**

Litigation

- a. City of Bryan's application with TCEQ for water & sewer permits in Westside/Highway 60 area, near Brushy Water Supply Corporation to decertify City of College Station and certify City of Bryan
- b. 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
- c. Water CCN / 2002 Annexation / Wellborn Water Supply Corporation
- d. Weingarten Realty Investors v. College Station, Ron Silvia, David Ruesink, Lynn McIlhaney, and Ben White
- e. Chavers et al v. Tyrone Morrow, Michael Ikner, City of Bryan, City of College Station, et al
- f. Clancey v. College Station, Glenn Brown, and Kathy Merrill

Legal Advice

- a. Discussion of Legal Issues Regarding: Wellborn Incorporation Request

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- b. Contemplated Litigation, Legal remedies available to abate weeds, rubbish, brush and other unsanitary matter from a lot in the College Hills residential area.

Returned from executive session at 8:45 p.m.

**1.     Presentation, possible action, and discussion on capital project funding for the City of College Station.**

Jeff Kersten, Chief Financial Officer updated Council on the funding of capital projects by the City of College Station.

**10.    Council Calendar**

Council reviewed activities on Council calendar.

**12.    Adjourn.**

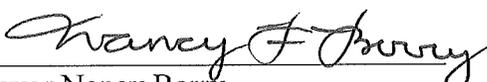
Hearing no objections, Mayor Berry concluded Regular Meeting at 8:55 pm on July 22, 2010.

PASSED AND APPROVED this August 12, 2010

ATTEST:

  
\_\_\_\_\_  
City Secretary

APPROVED:

  
\_\_\_\_\_  
Mayor Nancy Berry