

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF COLLEGE STATION
AUGUST 26, 2010

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry

Council:

John Crompton
Jess Fields
Dennis Maloney
Katy-Marie Lyles
Dave Ruesink

City Staff:

Glenn Brown, City Manager
David Neeley, Assistant City Manager
Harvey Cargill, City Attorney
Sherry Mashburn, City Clerk
Tanya McNutt, Deputy City Clerk

Call to Order and Announce a Quorum is Present

With a quorum present, the Regular Meeting of the College Station City Council was called to order by Mayor Nancy Berry at 7:06 p.m. on Thursday, August 26, 2010 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77842.

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

- **Introduction of H.E.B. Tower Point Market Store Leadership Team.**
- **Presentation of a proclamation recognizing September 3, 2010 as College Colors Day a Texas A&M University.**
- **Citizen Comments**

Dr. Jorge Vanegas, dean Dean of the Department of Architecture, stated that for 105 years the Architecture department has been an integral part of A&M University. They want to also be a part of the community and give to the community. They have many specialists, such as urban design specialists, landscape specialists, etc. They want to increase the quality of life for people.

In times when resources are scarce, the City should realize it has a partner with the Department of Architecture. They wish to formalize this partnership by initiating a dialog to see where this takes us.

CONSENT AGENDA

2a. Presentation, possible action, and discussion regarding minutes for July 13, 2010 Special Meeting and July 22, 2010 Workshop and Regular Meetings.

2b. Presentation, possible action and discussion of resolution amending an interlocal agreement between the City of College Station and Brazos County for the conduct and management of the City of College Station Special election and amending the Notice of Special Election that will be held on Tuesday, November 2, 2010. Presentacion, posible acción y discusion acerca la resolution que enrnienda un acuerdo interlocal entre la Ciudad de College Station y el Condado de Brazos para conducir y manejar las elecciones especiales de la Ciudad de College Station y aprobar la Notificacibn de Elecciones especiales que se celebrarn el dia martes 2 de noviembre de 2010.

2c. Presentation, possible action, and discussion on a resolution selecting a depository bank, approving a bank depository contract, designating the City Manager or his Designee as the designated officer to administer the depository services for the City, and authorizing the maximum expenditure of funds for the term of the contract. Citibank N.A. is the bank being recommended as the City's depository bank. The contract is for a three year term and it is anticipated that the cost for depository services will not exceed \$46,666 in any year of the contract.

2d. Presentation, possible action, and discussion regarding a contract for an equipment upgrade and general renovation of the College Main Parking Garage Access and Exit System in the amount of \$345,353.

2e. Presentation, possible action, and discussion regarding a payment to the Amateur Softball Association (ASA) for assessment fees for the 2010 USAIASA 16U Class National Softball Tournament in the amount of \$64,000.

2f. Presentation, possible action, and discussion regarding a City Ordinance designed to define and ban the possession and use of illegal smoking products and ingestion devices. This ordinance is being presented as a result of direction received from City Council at the August 12, 2010 meeting.

2g. Presentation, possible action, and discussion of a Borrowed Employee Agreement between the City of College Station and the Brazos Valley Solid Waste Management Agency Inc.

2h. Presentation, possible action, and discussion Semi-Annual Report on Impact Fees 92-01, 97-01, 97-02B, 99-01, 03-02, and consideration for a Resolution to support and execute a Compliance Certification Letter to the Attorney General.

2i. Presentation, possible action, and discussion regarding the monthly report on irrigation water use at city of College Station facilities and properties.

2j. Presentation, possible action, and discussion on the first reading of a five (5) year franchise agreement with Texas Commercial Waste for the collection, processing, and marketing of recyclable materials for an annual cost of approximately \$576,420.

Item 2f was pulled from the Consent Agenda.

Jessica Townsend, 1708 Treehouse Trail, agrees with making K2, Salvia and Spice illegal. Salvia, a K2 related drug, and K2 may become addictive. Some symptoms are loss of coordination and experiencing multiple realities. If someone gets into a car with these symptoms, then accidents could occur. Also, if there is a known risk, then that speaks for itself. People who consume these will most likely mix them with other illegal drugs. K2 and other related drugs must be banned because we care about the safety of our town.

Phillip King, 4201 Boyette, Bryan, read an excerpt from a Material Safety Data Sheet about acetic acid (diluted substance like vinegar) and noted there are dangerous substances all around us. He has personally used K2 and has not experienced any adverse reactions. Many who use it to relax do not inhale via pipes but use incense burners. To apply the same logic, we should ban vinegar based on the MSDS and we should ban red wine because people might become alcoholics. There has been no controlled medical study about K2. The most common phrase attached to any information on the internet is "lack of research". It is available only in retail stores and is only sold to those over the age of 18. If K2 is removed from the stores, then it will be sold on the street, and street drugs are sold to children.

Mike Howell, 3766 Mancuso, Bryan, read a drug alert watch based upon source materials that have not been researched regarding potential hazards. Some say K2 is more potent than marijuana. This may be a good thing because those who smoke both will stop smoking the illegal drug and turn to K2. Sale should be restricted to those 18 years or older. He does want an age restriction on it.

Brenna McGruder, 1001 Harvey, stated that fear is a powerful catalyst. She has a Bachelor of Science in Micro Biology and has read and understood a portion of the research of the compounds in K2. She has seen no scientific evidence of any harmful effects brought on by these compounds. The only evidence presented is anecdotal, which is biased. Savvy business owners would not sell a product that would harm customers. By banning this product the City is saying she cannot make an adult decision.

Maury Jackson, 301 Church Street, said whether or not this is good or bad for our health, if the City bans K2, it will create an underground market. It is better if it is regulated. He would rather law enforcement focus on real crimes and real things that do impact society. There is no scientific research suggesting harmful effects, and he reiterated that everything has its downsides or bad effects.

MOTION: Upon a motion made by Councilmember Crompton and a second by Mayor Berry, the City Council voted six (6) for and none (0) opposed, with Councilmember Maloney abstaining from 2g, to approve the Consent Agenda, less item 2f. The motion carried.

(2f)MOTION: Upon a motion made and seconded, the City Council voted five (5) for and one (1) opposed, with Councilmember Fields voting against, to ban the possession and use of illegal smoking products and ingestion devices. The motion carried.

REGULAR AGENDA

1. Public hearing, presentation, possible action, and discussion on the City of College Station 2010-2011 Proposed Budget.

At approximately 8:03 p.m. Mayor Berry opened the Public Hearing.

Warren Finch, 700 Dover Drive, President of the Bush Presidential Museum, came before the Council to request \$50,000 from the HOT tax for advertising and promotion of the museum. 59,000 visitors come from a radius of 100 miles or more. 73,000 visitors come from the local area. They are asking for less than 1.5% of the HOT tax revenue. They are competing with cities like Austin, Dallas and Las Vegas, and they need the HOT tax to promote College Station. They do work closely with the CVB. We are one of few communities that have a presidential library. This is a marquee tourist location and brings prestige to College Station.

Judy LeUnes, 1356 S. Oaks, on behalf of the Brazos Animal Shelter, invited the Council to the Weiner Fest kickoff fundraiser for the new building. She thanked the City for its support.

Bob Strawser, 124 State Highway 6, Bryan, stated the Animal Shelter is a private organization that provides a service for three entities, Bryan, College Station, and the county, and all they are requesting is a reimbursement of those costs. The formula for arriving at the number is derived by taking the total expenses, subtracting the revenue from the sale of tags, and dividing that number by the number of animals they have housed.

There being no further comments, the Public Hearing was closed at 8:32 p.m.

2. Public hearing, possible action, and discussion on an ordinance Budget Amendment #4 amending ordinance number 3202 which will amend the budget for the 2009-2010 Fiscal Year in the amount of \$1,489,492; and presentation, possible action and discussion on three interfund transfers in the amount of \$424,206.

At approximately 8:37 p.m. Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 8:37 p.m.

MOTION: Upon a motion made by Councilmember Lyles and a second by Councilmember Fields, the City Council voted six (6) for and none (0) opposed, to adopt Budget Amendment #4, amending Ordinance Number 3202, which will amend the budget for the 2009-2010 Fiscal Year in the amount of \$1,489,492 and approving three interfund transfers in the amount of \$424,206. The motion carried unanimously.

3. Public hearing, presentation, possible action and discussion of an ordinance amending Chapter 10 "Traffic Code", to remove parking on the south side of Poplar Street.

At approximately 8:39 p.m. Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 8:40 p.m.

MOTION: Upon a motion made by Councilmember Maloney and a second by Councilmember Crompton, the City Council voted six (6) for and none (0) opposed, to adopt an ordinance amending Chapter 10 "Traffic Code", to remove parking on the south side of Poplar Street. The motion carried unanimously.

4. Public hearing, presentation, possible action, and discussion on an amendment to Chapter 12, "Unified Development Ordinance" Sections 6.2 "Types of Uses", and 6.3 "Specific Use Standards" of the Code of Ordinances of the City of College Station, Texas, specifically related to Recreational Vehicle (RV) Parks.

At approximately 8:55 p.m. Mayor Berry opened the Public Hearing.

Sherry Ellison, 2705 Brookway Drive, stated her concern with the general AO category that exists between single family neighborhoods, and this is not a good use between two single family neighborhoods. RVs are home-sized things that can be parked permanently. We are talking about something that can be allowed to be there for four months, and unless someone complains, it may be even longer. Actually there is a possibility this could become a permanent situation and may be passed down from one student to another. 60% of the park is for student living quarters.

Don Jones, 804 Berry Creek, presented photos of the park property to show the ultimate appearance of an RV park if you take care of it. On football weekends they have a dozen motor homes or RVs that each cost more than a home at Pebble Creek.

There being no further comments, the Public Hearing was closed at 9:16 p.m.

MOTION: Upon a motion made by Councilmember Fields and a second by Councilmember Lyles, the City Council voted five (5) for and none (0) opposed, with Councilmember Maloney voting against, to adopt an amendment to Chapter 12, "Unified Development Ordinance" Sections 6.2 "Types of Uses", and 6.3 "Specific Use Standards" of the Code of Ordinances of the City of College Station, Texas, specifically related to Recreational Vehicle (RV) Parks, conditioned on two parking spaces per pad site. The motion carried.

5. Public hearing, presentation, possible action, and discussion on an amendment to Chapter 12, "Unified Development Ordinance," Sections 5.2 "Residential Dimensional Standards" and 1 1.2 "Defined Terms," of the Code of Ordinances of the City of College Station, Texas, specifically related to allowable heights of public, civic, and institutional structures.

At approximately 9:25 p.m. Mayor Berry opened the Public Hearing.

Sherry Ellison, 2705 Brook Way Drive, stated that the way this is calculated bothers her. Within the length of a Windwood yard, 100 feet is not that long. With a five-story building, we are not just talking about height, but also width -- height as far as blocking the sun and stars; and as for buffering, no tree will grow in our lifetime that will block that view. Traffic is another issue. This is an issue of a really big building really close to homes.

There being no further comments, the Public Hearing was closed at 9:28 p.m.

MOTION: Upon a motion made by Councilmember Lyles and a second by Councilmember Fields, the City Council voted six (0) for and none (0) opposed, to adopt an amendment to Chapter 12, "Unified Development Ordinance," Sections 5.2 "Residential Dimensional Standards" and 1 1.2 "Defined Terms," of the Code of Ordinances of the City of College Station, Texas, specifically related to allowable heights of public, civic, and institutional structures. The motion carried unanimously.

6. Presentation, possible action, and discussion to approve an ordinance by the City Council of the City of College Station, Texas, issuing \$3,900,000 City of College Station Certificates of Obligation, Series 2010.

7. Presentation, possible action and discussion to approve an ordinance by the City Council of the City of College Station, Texas, issuing \$19,635,000 City of College Station General Obligation Bonds, Series 2010.

Items 6 & 7 were considered together.

MOTION: Upon a motion made by Councilmember Crompton and a second by Councilmember Ruesink, the City Council voted six (6) for and none (0) opposed, to adopt an ordinance by the City Council of the City of College Station, Texas, issuing \$3,900,000 City of College Station Certificates of Obligation, Series 2010. The motion carried unanimously.

MOTION: Upon a motion made by Councilmember Fields and a second by Councilmember Lyles, the City Council voted six (6) for and none (0) opposed, to adopt an ordinance by the City Council of the City of College Station, Texas, issuing \$19,635,000 City of College Station General Obligation Bonds, Series 2010. The motion carried unanimously.

8. Presentation, possible action, and discussion regarding selection of applicants to various Citizen Boards and Committees:

- **Bicycle, Pedestrian and Greenways Advisory Board**
- **Cemetery Committee**
- **Construction Board of Adjustments and Appeals**
- **Design Review Board**
- **Historic Preservation Committee**
- **Landmark Commission**
- **Medical Corridor Citizen Advisory Committee**
- **Parks and Recreation Board**
- **Planning and Zoning Commission**
- **Zoning Board of Adjustments**

MOTION: Upon a motion made by Councilmember Crompton and a second by Councilmember Maloney. the City Council voted six (6) for and none (0) opposed, to appoint

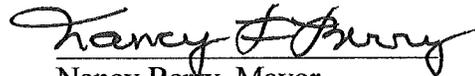
Susan Fox, Shane Wendell, George Jessup, and Mille Burrell to the Parks and Recreation Board, with Gary Erwin as Chair. The motion carried unanimously.

MOTION: Upon a motion made by Councilmember Lyles and a second by Councilmember Ruesink, the City Council voted six (6) for and none (0) opposed, to appoint Jodi Warner, Bo Miles, Doug Slack, and Craig Hall to the Planning and Zoning Commission, with Scott Shafer as Chair. The motion carried unanimously.

MOTION: Upon a motion made by Councilmember Fields and a second by Councilmember Lyles, the City Council voted six (6) for and none (0) opposed, to appoint Hunter Goodwin, Melissa Cunningham (moved up from alternates to board members); Jim Davis, and Dell Seiter as alternates to the Zoning Board of Adjustments, with Rodney Hill as Chair. The motion carried unanimously.

9. Adjournment.

MOTION: There being no further business, Mayor Berry adjourned the regular session of the College Station City Council at 10:02 p.m. on Thursday, August 26, 2010. The motion carried unanimously.


Nancy Berry, Mayor

ATTEST:


Sherry Mashburn, City Secretary