

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF COLLEGE STATION
SEPTEMBER 9, 2010

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry

Council:

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

City Staff:

David Neeley, Assistant City Manager
Harvey Cargill, City Attorney
Sherry Mashburn, 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 7:05 p.m. on Thursday, September 9, 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.

• **Citizen Comments**

Jacob Wilke, 1014 Bright Circle, a senior at TAMU, asked the Council to consider creating a non-voting position for an A&M student. There needs to be more connection between the university and the city that houses it. The position should be filled by a current student whose only constituency is the student body as a whole. We should unify to meet issues together; a new and fresh perspective does not hurt anybody.

Christian Ede, 1304 Todd Trail, stated that he has lived in the community for over 30 years and wants to propose that College Station and Bryan get together for creation of a BCS airport. He also suggested more bicycle lanes and sidewalks.

CONSENT AGENDA

- 2a. Presentation, possible action, and discussion of minutes for July 7, 2010, July 13, 2010, August 11, 2010, and August 26, 2010 Workshop and Regular Meetings.
- 2b. Presentation, possible action, and discussion on a letter agreement for year 2 of the Professional Auditing Services engagement with Ingram, Wallis & Co., P.C. for the fiscal year ending September 30, 2010 with expenditures totaling \$82,000 from the City of College Station and \$16,500 from BVSWMA.
- 2c. Presentation, possible action, and discussion on the purchase of a John Deere Tractor Mower from Coufal-Prater Equipment to be used by the Brazos Valley Solid Waste Management Agency in the amount of \$59,634.40.
- 2d. Presentation, possible action, and discussion on an amendment to the contract with the Texas Department of State Health Services for the Mayor's Council on Physical Fitness Grant Contract.
- 2e. Presentation, possible action, and discussion regarding the authorization for the Mayor to execute the renewal of two utility easements located on the Texas A&M University System Property.
- 2f. Presentation, possible action, and discussion regarding renewal of contract #08-084 with EnviroSolve and the City of College Station and City of Bryan to provide Household Hazardous Waste collection services in an amount not to exceed \$229,510.00.
- 2g. Presentation, possible action, and discussion to amend Chapter 14, Section 3 of the Code of Ordinances of the City of College Station and to adopt a resolution increasing Emergency Medical Services (EMS) fees as set forth in Chapter 14, Sections 1 and 3 of the Code of Ordinances of the City of College Station.
- 2h. Presentation, possible action and discussion of an ordinance amending Chapter 10 "Traffic Code", to add Section I. "Thirty Minute Parking" for the implementation of Loading Zones on a 50 foot section of Cherry Street and Cross Street to allow vehicles to be parked for up to 30 minutes while the vehicle is loaded or unloaded.
- 2i. Presentation, possible action, and discussion on the second 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.
- 2j. Presentation, possible action, and discussion regarding approval of a real estate contract in the amount of \$265,000 between the City of College Station (Buyer) and Debra Lynn Boyett (Seller) for the purchase of Lot One (1), Block Eighteen (18), W. C. Boyett Estate Partition, also known as 502 Boyett Street.

2k. Presentation, possible action, and discussion of an ordinance amending Chapter 3, “Building Regulations”, Section 2, “Right-Of-Way Maintenance”, of the Code of Ordinances.

Item 2j was pulled from the Consent Agenda to be considered at a later meeting.

MOTION: Upon a motion made by Councilmember Ruesink and a second by Councilmember Lyles, the City Council voted six (6) for and none (0) opposed, to approve the Consent Agenda, less item 2j. The motion carried unanimously.

REGULAR AGENDA

1. Presentation, possible action, and discussion on the first reading of a franchise agreement with Professional Trash Valet, LLC dba Brazos Valley Trash Valet & Recycling for the collection of recyclable commodities from multifamily apartments and commercial businesses.

MOTION: Upon a motion made by Councilmember Maloney and a second by Councilmember Ruesink, the City Council voted six (6) for and none (0) opposed, to approve the ordinance on first reading. The motion carried unanimously.

2. Public hearing, presentation, possible action, and discussion on an ordinance amending Chapter 3, “Building Regulations”, Section 6.E., “Amendments to the 2009 International Plumbing Code”, of the Code of Ordinances of the City of College Station, Texas, regarding a solids interceptor for food service facilities.

At approximately 7:20 p.m. Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 7:21 p.m.

MOTION: Upon a motion made by Councilmember Crompton and a second by Councilmember Fields, the City Council voted six (6) for and none (0) opposed, to adopt an ordinance amending Chapter 3, “Building Regulations”, Section 6.E., “Amendments to the 2009 International Plumbing Code”, of the Code of Ordinances of the City of College Station, Texas, regarding a solids interceptor for food service facilities. The motion carried unanimously.

3. Public hearing, presentation, possible action, and discussion on an ordinance amendment to Chapter 12 “Unified Development Ordinance,” Article 3 “Development Review Procedures,” Article 6 “Use Regulations,” Article 7 “General Development Standards,” and Article 11 “Definitions,” of the College Station Code of Ordinances, specifically related to school facilities.

At approximately 7:23 p.m. Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 7:23 p.m.

MOTION: Upon a motion made by Councilmember Maloney and a second by Councilmember Lyles, the City Council voted six (6) for and none (0) opposed, to Chapter 12 “Unified Development Ordinance,” Article 3 “Development Review Procedures,” Article 6 “Use Regulations,” Article 7 “General Development Standards,” and Article 11 “Definitions,” of the College Station Code of Ordinances, specifically related to school facilities. The motion carried unanimously.

4. Public hearing, presentation, possible action, and discussion on an ordinance amendment to Chapter 12 “Unified Development Ordinance,” Section 6.4 “Home Occupations” and Section 11.2 “Defined Terms” of the College Station Code of Ordinances, specifically related to taxicab services.

At approximately 7:37 p.m. Mayor Berry opened the Public Hearing.

James Hannah, 1306 Todd Trail, applauds this ordinance. He sees this as a neighborhood integrity issue. If this continues, he fears he will live in a strip mall with yards rather than a residential neighborhood. Property values will suffer with vehicles with taxi cab signs on them parked on the street.

Christian Ede, 1304 Todd Trail, reported that he has owned and operated a cab for twenty years. This is about freedom and property rights. He stated his opposition to the proposed ordinance because the language is overly broad and vague. The parking proposal should be restricted to the street adjacent to the owner’s property.

Mayor Gary Halter, 1204 Ashburn, asked why the Council is so concerned about the number cabs parked at residences, but not about the number of vehicles parked at single-family rental property. That is a bigger problem than one or two individuals that have taxi businesses operating out of their homes.

Jason Adams, 821 Dominik, owner of Maroon Cabs, stated that we have to consider the drivers that will come to these homes to pick up their cabs. When he began his business and parked his cabs at his residence, he was asked to move them. He moved into an office in Northgate and took on \$100,000 in the vehicles he purchased, GPS tracking, and moving into an office. He did that in 3 years because he is a proactive company. Mr. Ede had to know this was going to come. This is a responsible act because it is eliminating traffic and danger. He supports this motion.

There being no further comments, the Public Hearing was closed at 7:59 p.m.

A motion by Jess Fields to allow up to three vehicles off street and none on the street died for lack of a second.

MOTION: Upon a motion made by Councilmember Maloney and a second by Councilmember Crompton, the City Council voted five (5) for and one (1) opposed, with Councilmember Fields voting against, to adopt an ordinance amending Chapter 12 “Unified Development Ordinance,” Section 6.4 “Home Occupations” and Section 11.2 “Defined Terms” of the College Station Code of Ordinances, specifically related to taxicab services. The motion carried.

5. 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, Texas, specifically rezoning 5.10 acres from M-1 Light Industrial to R-4 Multi-Family for 100 Luther Street West, generally located southeast of the intersection of Luther Street West and Marion Pugh Drive.

At approximately 8:12 p.m. Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 8:13 p.m.

MOTION: Upon a motion made by Councilmember Maloney and a second by Councilmember Fields, the City Council voted six (6) for and none (0) opposed, to adopt 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, Texas, specifically rezoning 5.10 acres from M-1 Light Industrial to R-4 Multi-Family for 100 Luther Street West, generally located southeast of the intersection of Luther Street West and Marion Pugh Drive. The motion carried unanimously.

6. Public hearing, presentation, possible action, and discussion regarding “Leash Free” Dog Activities at Lick Creek Park as requested by the City Council on June 24, 2010.

At approximately 8:20 p.m. Mayor Berry opened the Public Hearing.

Adam Bippus, 1331 Harvey Mitchell #706, did not come forward to speak.

Mike Cronan, 8606 Walnut Bend, stated his support to keep Lick Creek Park as an off-lease park. Lick Creek is unique and serves a lot of different users. It is unique and isolated, and he walks there with his yellow lab and has never seen incidents with dogs.

Alex Finch, 422 E. Hunting Tower, Montgomery, said he is unfamiliar with these types of dog parks and asked if dangerous dogs are allowed to enter this park.

Jacob Wilke, 1014 Bright Circle, did not come forward to speak.

Mayor Gary Halter, 1204 Ashburn, stated that the park was conceived while he was mayor. He reported that the City bought this land at a low cost and so there was little investment. They envisioned a natural park kept in a natural state. The community needed a place to allow dogs to run loose. He has never seen an incident between dogs and people there. He noted that people need to cultivate dogs to deal with humans and other dogs. Lick Creek Park provides that. People who have dogs that aren't well trained should not have their dogs out there. It is working pretty well at this time. He noted that fenced dog parks are filthy places.

Wendy Martin, 4406 Woodland Drive, stated having the park there encourages the community to be more active. Fenced dog parks do not create a habit of activity, and people do not interact with their dogs. Lick Creek Park encourages responsible ownership. Most people that attend are responsible, and those that aren't are policed by the others. There have only been two incidents in five years.

Andrew Middleton, 4050 Pendleton, Bryan, thanked the Council for setting up Lick Creek Park. He has been a runner for years and has enjoyed the use of park; however, for the purposes for which it was set up (jogging, cycling, and horseback riding), unleashed dogs are a conflict. Lease-free activities are only warranted if the owner maintains voice control. What protects a person on the other end? A dog owner can attest they have control, but oftentimes they really don't. He's been jumped on, bitten, and pushed off the trail. There may have been more incidents than those reported.

Abigail Bowers, 1407 Airline, said she was looking for a workout, got a dog and took it to Lick Creek Park. She was depressed, has now overcome that and has a support group there. She said she has been almost run over by cyclists. Also, there are wild animals there. There are things more dangerous than unleashed dogs at Lick Creek Park.

Cindy O'Donovan, 5001 Maidstone Ct., said she is in favor of keeping Lick Creek lease-free. She is out there every morning, and it is the only place in town she can do that. It is a natural area. She has never seen an instance where someone was attacked. Most people with aggressive dogs keep them on leashes. She noted that she is also a jogger and a biker .

Bob Wharton, 1702 Todd Trail, reported he has been going to Lick Creek since before it opened. He is doing research out there on an annual basis, and he also enjoys the wild life. Based on his experience, about every third group of dogs is not under voice control, varying from dogs running ahead of people to dogs jumping on people. That can be frightful to young children who are smaller than the dogs. It is annoying to have someone's dog jump on him or come up to him while bird watching. He personally feels there are a lot of those kinds of incidences. Better option is to have it lease-free, but more policed.

There being no further comments, the Public Hearing was closed at 8:43 p.m.

7. Public hearing, presentation, possible action, and discussion concerning Phase II of the Hike and Bike Trail project along FM 2818 continuing from Welsh Avenue to the Campus Village trail and through Southwest Park.

At approximately 9:09 p.m. Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 9:09 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 proceed with Phase II of the Hike and Bike Trail project along FM 2818 continuing from Welsh Avenue to the Campus Village trail and through Southwest Park. The motion carried unanimously.

8. Presentation, possible action, and discussion regarding rescheduling the first City Council meeting in November.

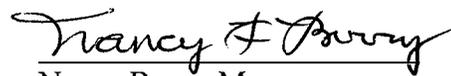
MOTION: Upon a motion made by Councilmember Lyles and a second by Councilmember Crompton, the City Council voted six (6) for and none (0) opposed, to reschedule the first meeting in November to Wednesday, November 10. The motion carried unanimously.

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

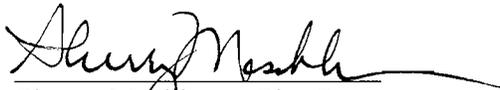
Mayor Berry announced this item would be placed on the Monday, September 13, agenda.

10. Adjournment.

MOTION: There being no objection, Mayor Berry adjourned the regular session of the College Station City Council at 9:13 p.m. on Thursday, September 9, 2010. The motion carried unanimously.


Nancy Berry, Mayor

ATTEST:


Sherry Mashburn, City Secretary