

MINUTES OF THE CITY COUNCIL WORKSHOP  
CITY OF COLLEGE STATION  
SEPTEMBER 9, 2010

STATE OF TEXAS           §  
                                          §  
COUNTY OF BRAZOS       §

**Present:**

Nancy Berry, arrived after roll call

**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 Secretary

**Call to Order and Announce a Quorum is Present**

With a quorum present, the Workshop of the College Station City Council was called to order by Mayor Pro Tem John Crompton at 3:00 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. Presentation, possible action, and discussion on items listed on the consent agenda.**

Item 2j was pulled from the Consent Agenda.

2j. David Schmitz, Assistant Director of Parks and Recreation, explained the appraised marker value is \$249,000 as of this past February. The purchase price is \$265,000 at \$23.60 per square foot. This amount is on target with what has been spent on parkland in the Northgate area. There is no master plan yet, and they will be looking at the neighborhood it is located in, and it will be tailored towards Northgate. The funding for this project is from the 2008 General Obligation Bond Authorization and is in the Parks Capital Project Fund budget. It is intended that as parkland dedication funds are received in this area, then those funds will be used to reimburse this fund and allow for additional future neighborhood park acquisitions.

Jeff Kersten, Chief Financial Officer, explained that these funds can be expended on new improvements, not maintenance and operations.

Council consensus was to place this on the next agenda as a regular item.

**2. Presentation, possible action, and discussion on the FY 2010-2011 Proposed Budget.**

Jeff Kersten, Chief Financial Officer, presented to the Council the following proposed changes to the FY 2010-2011 Budget:

<u>General Fund – net decrease of \$46,179</u>	
Animal shelter	+\$27,085
Concessions subsidy	-\$57,334
Teen programs (net)	-\$40,000
Funding TX21 & GCHC	-\$10,000
Street rehabilitation	+\$50,000
Library	-\$14,276
Fire dept position	-\$41,768
City secretary position	+\$40,114

Equipment Replacement Fund – increase of \$44,416 for a police vehicle.

Economic Development Fund - decrease of \$50,000 for payment to RVP.

Recreation Fund – net change \$0.

Youth Recreation and Seniors will be moved from the General Fund, and the concessions subsidy will be removed.

Hotel Tax Fund – net increase of \$137,000

Revolving tournament fund	+\$200,000
Veterans' Memorial contribution	-\$ 10,000
Bush library	-\$ 25,000
Convention and Visitors Bureau	-\$ 28,000
Arts Council Affiliate funding	+\$ 19,000
Arts Council O&M	-\$ 19,000

He reminded the Council that the Budget will be considered for adoption on Monday, September 13, 2010.

**3. Presentation, possible action and discussion regarding an update on the Bryan-College Station Mobility Initiative.**

Terri Childress, Assistant Director of the Texas Transportation Institute, provided a status update. They are focusing on improving the efficiency and effectiveness of the road transportation system in the community. They want to improve mobility and safety. 2006 goals included: 1) establish BCS traffic management center; 2) improve management and coordination

of special event and incident traffic; 3) coordinate traffic signal operations; 4) enhance local emergency service responses; 5) improve data needed for effective regional transportation planning; and 6) enable sustainable smart growth in Brazos Valley. Benefits include: 1) active transportation management critical part of an overall transportation strategy; 2) provides transportation professionals and policy makers with additional tools for decision making; 3) improved coordination of traffic signal timing and progression; 4) improved event management across the community; 5) improved incident management; 6) real time traffic data; 7) a centralized repository of traffic data to support transportation efforts; 8) supports green strategy; and 9) increase driver and public information on traffic operation system.

The benefits of achieved goals were the deployment of state of the art technology, community-wide coordination of traffic operations, enhanced traveler information to the public with Bluetooth technology; and enhanced agency planning tools.

In the next 30-45 days: the online traffic conditions map (traffic movement, road closures, construction zones) will be made available to the public; they will operationalize the traffic management center (actually staffed during peak periods); visual monitoring of system with cameras strategically located throughout community; rapid response to incidents on the system; and coordination of signal timing.

Future actions and steps include: formalize agreements for data sharing and funding; build out of system (includes adding cameras, adding data capture capabilities, upgrade Translink systems, and enhance the online map display).

There is \$1 million federally designated funding, and stakeholder participation of up to 400,000 per year is also needed. The partners will drive the future of this system.

#### **4. Presentation, possible action, and discussion regarding the Unified Development Ordinance and the regulation of emerging commercial and industrial businesses including food trucks and micro-industrial uses (micro-breweries, micro-coffee roasting, etc.).**

Bob Cowell, Director of Planning and Development Services, reported they are seeing newer forms of land uses being requested. He requested direction regarding two policy questions: should regulation for these uses be more permissive, and if so, what types of parameters should be established?

Under current regulation, food trucks, kiosks, push carts, etc. are currently permitted as temporary vendors; they are limited to 21 days in a year, sales tax permits are required, and county health approvals are required. Micro-industrial uses, like a micro-brewery (small scale brewery) are classed as industrial uses and require industrial zoning.

The benefits and impacts related to food trucks, etc. include emerging economic opportunities, provides diversity in the local economy, incubates new businesses/business expansion, competes with “brick and mortar” establishments, loss of property tax opportunities, could contribute to litter issues, proliferation of uses could led to aesthetic and integrity issues, and enforcement is difficult.

The benefits and impacts related to micro-industrial uses include the same ones as mentioned before, but also include: may be incompatible with adjacent land uses and could result in defacto industrial parks.

Possible parameters related to food trucks include: expand the total number of days permitted; require the use to be accessory to an established brick and mortar business located in College Station; require a litter control plan; hold the property owner responsible for code compliance; and limit the intensity and size of operation.

Possible parameters related to micro-industrial uses include: limit the intensity, size and impact of use; and limit the approved locations (by zoning, by area, by type).

Council consensus was to be more permissive and directed staff to proceed within the parameters discussed, focusing in the stakeholder discussions on whether the use is an accessory to an existing business.

##### **5. Presentation, possible action, and discussion on the FY 2010-2011 BVSWMA, Inc. Proposed Budget.**

Jeff Kersten, Chief Financial Officer, presented the FY 2010-2011 BVSWMA budget. The board will consider this budget for adoption on September 15. Both cities have the opportunity to review the budget. If the city does not take action in within thirty days, then the budget is automatically approved. The College Station budget includes salaries and benefits for the College Station landfill employees in the amount of \$1,457,339 to be reimbursed by BVSWMA.

The proposed budget has three components, Operations and Maintenance; Capital Improvements; and non-departmental.

Projected revenues of \$7,477,200 include landfill charges, the compost facility, interest, and other. There is a conservative estimate for a future rate increase at a possible 2.5% in FY12.

Estimated expenditures and transfers of \$4,641,347 include landfill operations, BVSWMA administration, new administration costs, compost facility, equipment replacement, service level adjustments, and a pay plan contingency.

The Capital Projects budget is \$3,398,765. The biggest component is the Rock Prairie Final Cover Project, along with \$50,000 for the design work for the Twin Oaks Cell Construction and \$348,765 for the Twin Oaks Entrance Permit requirements and litter fencing.

Non-departmental expenditures in the amount of \$1,359,896 are for the debt service transfer for College Station and Bryan, as well as for the general and administration transfer costs, compost facility equipment payback to Bryan, Grimes County host fees and contingency.

The City Council will consider this budget for adoption on September 23.

**6. Presentation, possible action, and discussion regarding the Asset Transfer Agreement between BVSWMA, Inc., the City of College Station and the City of Bryan.**

Mark Smith, Director of Public Services, presented the BVSWMA Asset Transfer Agreement. He reported the Board met on September 1 and discussed language for a successive 20-year lease that automatically renews.

**MOTION:** Upon a motion made by Councilmember Fields and a second by Councilmember Lyles, the City Council voted four (4) for and none (0) opposed, with Councilmember Maloney abstaining, to approve the proposed language as presented. The motion carried.

**7. Council Calendar**

- **September 10 Special BVSWMA Board Meeting at Public Works - Room 203 Municipal Court Bldg - 300 Krenek Tap, 11:30 a.m.**
- **September 13 BVSWMA Luncheon/Tour, 12:00 p.m.**
- **September 13 Joint BVSWMA Inc. Board, COB and COCS Council in Council Chambers, 4:30 p.m.**
- **September 13 Special Meeting - Adoption of Budget in Council in Council Chambers, 6:00p.m.**
- **September 15 BVSWMA Inc. Board Meeting at COB Municipal Building - Room 305, 11:00 p.m.**
- **September 15 2010 Exploring History Lunch Lecture Series at CS Conference Center, 11:30 p.m.**
- **September 16 Business After Hours - Sterling Automotive in Council Calendar, 5:30 p.m.**
- **September 16 Planning & Zoning Meeting in Council Chambers, 6:00 p.m.**
- **September 17 TTI - Environmental & Emissions Research Facility Grand Opening at TAMU Riverside Campus, 11:00 a.m.**
- **September 20 IGC Meeting at BVCOG, 12:00 p.m.**
- **September 21 Council Transportation Committee Meeting in Council Chambers, 4:30 p.m.**
- **September 21 Celebrating the Arts 2010 at Miramont Country Club, 5:30 p.m.**
- **September 22 Joint BVSWMA Meeting with City of Bryan, City of College Station, County, 10:30 a.m.**
- **September 23 Council Workshop/Regular Meeting in Council Chambers, 3:00 & 7:00 p.m.**
- **November 11 Dedication of the Korean War Memorial on the Lynn Stuart Pathway, Veterans Park, 4:00 p.m.**
- **November 11 Reading of the Names at the Veterans Memorial, Adams Plaza, Veterans Park, 6:00 p.m.**
- **November 11 Veterans Memorial Day Ceremony at the American Pavilion, Veterans Park, 7:00 p.m.**

Staff briefly noted the upcoming meetings.

**8. 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.**

Councilmember Maloney reminded everyone about the Kolache Festival in Caldwell this Saturday and urged attendance to support that community. He requested more information on an article regarding a meeting with the County and City of Bryan regarding drawing new lines for Commissioners Court. He also noted that TXDOT is looking at an overpass at FM2818 and Villa Maria. An overpass is not needed there as badly as it is at Wellborn and George Bush. He asked staff to get that on the table.

**9. 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, BVSWMA, BVWACS. Cemetery Committee, Code Review Committee, Design Review Board, Historic Preservation Committee, Interfaith Dialogue Association, Intergovernmental Committee, Joint Relief Funding Review Committee, Landmark Commission, Library Board, Mayor's Council on Physical Fitness, Metropolitan Planning Organization, National League of Cities, Outside Agency Funding Review, Parks and Recreation Board, Planning and Zoning Commission, Research Valley Partnership, Regional Transportation Committee for Council of Governments, Signature Event Task Force, Sister City Association, TAMU Student Senate, Texas Municipal League, Transportation Committee, Wolf Pen Creek Oversight Committee, Zoning Board of Adjustments, (Notice of Agendas posted on City Hall bulletin board).**

Councilmember Ruesink reported that the Sister Cities met, and they will be participating at the Business After Hours on September 15 as part of World Fest. Also, there will be a historic home Christmas tour on the south side of College Station. He also reported the CVB met and decided to hold a special meeting to see where they want to go with the convention center.

Councilmember Lyles reported there will be a Health Board meeting on September 22. She also asked everyone to mark their calendar on September 21 for the arts fundraiser.

**10. Executive Session**

In accordance with the Texas Government Code §551.071-Consultation with Attorney, §551.074-Personnel, and §551.087-Deliberation Regarding Economic Development Negotiation, the College Station City Council convened into Executive Session at 5:31 p.m. on Thursday, September 9, 2010 in order to continue discussing matters pertaining to:

A. Consultation with Attorney to seek advice regarding pending or contemplated litigation regarding:

- City of Bryan's application with TCEQ for water and sewer permits in Westside/Highway 60 area, near Brushy Water Supply Corporation to decertify City of College Station and certify City of Bryan.

- 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.
- Water CCN/2002 Annexation/Wellborn Water Supply Corporation.
- Weingarten Realty Investors v. College Station, Ron Silvia, David Ruesink, Lynn McIlhaney, and Ben White.
- Chavers et al v. Tyrone Morrow, Michael Ikner, City of Bryan, City of College Station, et al
- Clancey v. College Station, Glenn Brown, and Kathy Merrill.

B. Consultation with Attorney to seek legal advice regarding:

- Discussion of Legal Issues; to wit: Wellborn Incorporation Request.
- Contemplated litigation; to wit: Legal remedies available to abate weeds, rubbish, brush and other unsanitary matter from a lot in the College Hills residential area.
- Legal issues of purchase and lease back to Arts Council.
- Legal issues related to the Café Eccell lease.

C. Deliberation on the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer; to wit:

- City Manager.
- Council Self-Evaluation.

D. Deliberation on offer of possible incentives to entities considering locating, staying, or expanding in the College Station community; to wit:

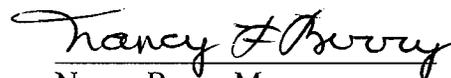
- Pharmaceutical Prospect for Bio-Corridor.

The Executive Session adjourned at 6:55 p.m. on Thursday, September 9, 2010.

Action on Executive Session or any workshop item not completed or discussed in the workshop meeting may be discussed in the following Regular Meeting, if necessary.

**11. Adjournment**

**MOTION:** There being no objection, Mayor Berry adjourned the workshop of the College Station City Council at 6:55 p.m. on Thursday, September 9, 2010. The motion carried unanimously.

  
Nancy Berry, Mayor

ATTEST:

  
Sherry Mashburn, City Secretary