

MINUTES OF THE CITY COUNCIL WORKSHOP  
CITY OF COLLEGE STATION  
SEPTEMBER 23, 2010

STATE OF TEXAS           §  
                                     §  
COUNTY OF BRAZOS       §

**Present:**

Nancy Berry

**Council:**

John Crompton  
Jess Fields  
Dennis Maloney  
Katy-Marie Lyles

**City Staff:**

Glenn Brown, City Manager  
David Neeley, Assistant City Manager  
Harvey Cargill, City Attorney  
Sherry Mashburn, City Secretary  
Tanya McNutt, Deputy 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 Nancy Berry at 3:06 p.m. on Thursday, September 23, 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.**

Items 2j, 2l, 2r, 2v, and 2x were pulled from the Consent Agenda.

- 2j. Mayor Berry thanked City staff for their conservation efforts as reflected in the Water Report.
- 2l. City Manager Glenn Brown reminded Council this was an item on the Workshop Agenda and would be discussed later.
- 2r. Chuck Gilman, Capital Projects, explained that Operations and Maintenance costs have been planned for throughout the design process. There are currently funds in the FY'11 budget for when the project comes on board. \$170,000 per year in additional costs has been estimated for

O&M. These costs are for the entire festival site. They have taken many steps to prevent any waste of water in the interactive water feature.

2v. David Gwin, Economic Community Development, explained this was on the Consent Agenda simply because it is a housekeeping matter to ratify an agreement.

2x. Alison Pond, Human Resources, reported the primary reasons for the decrease in our insurance premiums are safety education, a robust return-to-work program, and we have motivated employees. She acknowledged the Risk Management Team for their work and diligence on this project.

## **2. Presentation, possible action, and discussion regarding trends and issues for the 2011 Texas Legislative session.**

Dan Shelley, state legislative lobbyist for College Station, reported on the upcoming legislative session. He doesn't expect many changes in the senate, and he cannot predict the house races, but it will probably stay republican. He noted there may be a republican challenge to the current speaker after the election. According to the polls, there is only one race that will be a race, and that will be the governor's race. No other state-wide officials should change.

There will be a new senator from El Paso, probably the county attorney, Jose Rodriguez. Pre-filing for legislation is November 8. The legislative session will begin January 8 and ends Memorial Day.

As for the budget, there will be an \$11 billion – \$18 billion deficit. There was a \$10 billion deficit this past session, and the Legislature raised fees and shifted deregulations to meet that short fall. The state does have a \$9 billion rainy day fund. He expects they will dip into that for education and transportation.

Cities need to be sure there are no unfunded mandates from Austin. Redistricting will kick into place when the final census numbers come in. That bill has to pass that bill by the last day of the session. If not, it then goes to the redistricting board and court review.

Not much happened over the summer, but on the senate side, the Lt. Governor made some changes in committee chairmanships.

## **3. Presentation, possible action, and discussion regarding the formation of the College Station Business Advisory Committee.**

David Gwin, Economic Community Development, reminded the Council of their direction to staff to move forward and develop a draft work plan for a new Business Advisory Committee. Staff has developed a conceptual work plan, prepared a list of potential members, and drafted an enabling resolution.

The operating structure is advisory in nature; and the four main reasons why this entity is important are to 1) create jobs, 2) generate wealth, 3) enhance the tax base, and 4) improve the quality of life for residents. Initial startup costs will be absorbed in the FY'11 operating budget.

Proposed membership requirements include: up to a seven-member group, 2 year appointments, appointed by the City Council, and with extensive experience in the local business community. He presented to the Council a list of twelve potential members, representing a variety of professional specialties and/or affiliations.

He identified four key functions (with some overlap) to analyze and understand information; act as an idea sounding board; provide a broad perspective; and offer general support for economic development. The CSBAC will focus on communication, connection, recognition and strategic planning.

The communication function will include an annual business forum, a business directory, continuing education workshops, and a lecture series.

The connection function serves to link prospective and existing business stakeholders through a business mentor program, a business-to-business newsletter, networking events, and purchasing partnerships.

The recognition function seeks to provide a gesture of gratitude for service, leadership or innovation with an aspiring entrepreneurship program, a business recognition program and a business leaders' hall of fame.

The strategic planning function is to identify areas for future growth, re-evaluate incentives policies and offerings, outline future economic development goals, study the medical corridor, and better define the roles and objectives for the Research Valley Partnership and the Economic and Community Development Department.

The enabling resolution authorizes the creation of the committee, with up to seven members, for the purpose of providing advice and assistance to the City Council.

Council directed staff to focus on the strategy behind this and let the mechanics fall to those groups that already do this so well.

**4. Presentation, possible action, and discussion regarding false alarms and possible strategies to reduce the number of police responses to false alarms.**

Larry Johnson, Assistant Police Chief, reported false alarms are a nationwide problem. When an alarm is called in, one officer is dispatched to the location. 98% of the time these are false alarms. A letter is sent to business or resident to notify them of the false alarm. After five alarms, there is a \$50 fine assessed, and the information is sent to the accounting department. Each subsequent alarm after five false alarms (within a twelve-month period) is assessed \$50 each. His concern is that false alarms tend to breed complacency.

Staff recommendations are: 1) consider requiring alarm permits; 2) using a third party vendor to manage the alarm process; and 3) to adopt graduated fines for excessive false alarms.

Council consensus was to go with a third party vendor, adopt graduated fines for excessive false alarms, and come back to the Council regarding the number of "free passes".

**5. Presentation, possible action, and discussion regarding the use of cell phones while operating a motor vehicle, specifically as it relates to texting while driving.**

Jeff Capps, Chief of Police, reported that car crashes are the number one cause of death for persons aged 3 – 34 years of age. There are more than 280 million wireless subscribers in the United States, and 11% of drivers at any time are using cell phones. Distracted driving includes all hand-held devices. "Inattention Blindness" is caused by the cognitive distraction of a cell phone conversation, and it is estimated that drivers using cell phones look but fail to see up to 50% of the information in the driving environment. Driver distractions have joined alcohol and speeding as leading factors in fatal and serious injury crashes. The National Safety Council estimates that 200,000 crashes each year are contributed to individuals texting while driving. Current state law restricts bus drivers, new drivers and teen drivers under the age of 17 from using cell phones while driving. Most recently, cell phone use in school zones was prohibited.

Possible challenges include: 1) additional funding needed for signage and an education campaign; 2) transient community we in with TAMU/Game Days, etc.; each city across the state is not uniform (we need state legislation); and city ordinance lacks consistency with state law as it relates to cell phone use in school (crosswalks) zones.

Council consensus is to strongly lobby our state legislators to do something about this on a state wide level.

**6. Presentation, possible action, and discussion regarding a proposed amendment to the City's smoking ordinance defining smoking-related medical or scientific research and adding it as an exception.**

**MOTION:** Upon a motion made by Councilmember Crompton and a second by Councilmember Lyles, the City Council voted five (5) for and none (0) opposed, to approve an amendment to the City's smoking ordinance defining smoking-related medical or scientific research and adding it as an exception. The motion carried unanimously.

**7. Council Calendar**

- **October 1 Dedication of the War for Texas Independence Memorial on the Lynn Stuart Pathway at Veterans Park and Athletic Complex, 10:00 a.m.**
- **October 5 National Night Out at the CSPD \*front door entrance, 5:00 p.m.**
- **October 6 Special Meeting - COCS Council and Citizens for Wellborn at Wellborn Community Center - 4119 Greens Prairie Road W., 4:00 p.m.**
- **October 6 Special Meeting in the Administrative Conference Room, 6:00 p.m.**
- **October 12 84th Annual Transportation Short Course Luncheon at The Zone Club @ Kyle Field, 12:00 p.m.**

- October 14 Council Workshop/Regular Meeting in Council Chambers, 3:00 and 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.

Additional meetings are:

- September 27            Barron Road Ribbon Cutting  
                                 Mark Smith Retirement Reception
- November 10            Regular Council Meeting (moved due to Veteran's Day)

**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 Crompton remarked that the neighborhood overlay is too rigid and needs tweaking.

Councilmember Fields concurred to take another look at the overlay process and also requested to take another look at the bid process.

**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, BSWMA, 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).**

Mayor Berry reported on the Mayor's Development Forum and stated a sub-committee has been appointed to review the UDO. She also attended the County Health Board meeting, and they adopted the budget.

Councilmember Lyles also reported on the Health Board meeting and noted that all entities participated at the same levels as last year; they also received education on septic systems.

Kenny Mallard was reappointed as chair. Regarding the Arts Council, she reported that the Council will be hearing back regarding the lease back. Also, the benchmarking program is coming along. She also attended an event celebrating the arts this week.

Councilmember Maloney reported the Transportation Board cancelled due to the lack of a quorum. He reported that the design for Wolf Pen Creek was shown and is under the \$3 million budget. The bid documents will be ready to go out in November after Council approves it.

Councilmember Crompton reported the Mayor's Development Forum has backed off the road development fees because they need a full tool kit to see how to finance roads.

## **10. Executive Session**

In accordance with the Texas Government Code §551.071-Consultation with Attorney, and §551.074-Personnel, the College Station City Council convened into Executive Session at 5:30 p.m. on Thursday, September 23, 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.
- 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.
- Rachel Rahn v. Alma Martinez; The Arkitex Studio, Inc.; Charles Burris, AIA; Dr. Elton Abbott, AIA; and City of College Station, Texas: Cause No. 09-000656-CV-361, in the District Court of Brazos County, Texas, 361<sup>st</sup> Judicial District.

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.

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

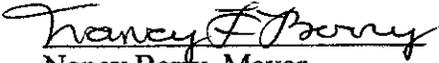
- City Manager.

The Executive Session adjourned at 7:00 p.m. on Thursday, September 23, 2010.

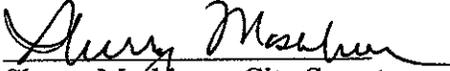
Action on Executive Session or any workshop item not completed or discussed in the workshop meeting may be discussed in the following Regular Meeting, if necessary.

**11. Adjournment**

**MOTION:** There being no objection, Mayor Berry adjourned the workshop of the College Station City Council at 8:39 p.m. on Thursday, September 23, 2010. The motion carried unanimously.

  
Nancy Berry, Mayor

ATTEST:

  
Sherry Mashburn, City Secretary