

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF COLLEGE STATION
NOVEMBER 22, 2010

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry

Council:

John Crompton
Jess Fields
Dennis Maloney
Katy-Marie Lyles
Jana McMillan

City Staff:

Glenn Brown, City Manager
Kathy Merrill, Assistant City Manager
Carla Robinson, Interim 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 Regular Meeting of the College Station City Council was called to order by Mayor Nancy Berry at 7:03 p.m. on Monday, November 22, 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.

- **Recognition of Accreditation Manager, Tim Adams, Communications Manager, Zeta Fail and Criminal Investigations Lieutenant Lesley Hicks for their work towards the Police Department receiving reaccreditation by the Commission on Accreditation for Law Enforcement Agencies (CALEA).**

Chief Jeff Capps recognized Tim Adams, Zeta Fail and Lesley Hicks for their efforts in the accreditation process.

- **Recognition of Lieutenant Chuck Fleeger as the AMBER Alert Coordinator of the Year.**

Chief Jeff Capps presented Lt. Chuck Fleeger with the AMBER Alert Coordinator of the Year award.

- **Recognition of Texas Amateur Athletic Federation Gold Member City Award.**
- **Recognition of James Farrell American Softball Association Award of Excellence.**
- **Recognition of American Softball Association Complex of the Year for Veterans Park Softball Complex.**

David Schmitz, Interim Director of Parks and Recreation presented staff with their awards for the Texas Amateur Athletic Federation Gold Member City Award, James Farrell American Softball Association Award of Excellence and American Softball Association Complex of the Year for the Veterans Park Softball Complex.

Mayor Berry also recognized the A&M Consolidated High School Tigers for their accomplishments this season and encouraged everyone to attend the regional round of the Texas 5A Division-1 playoffs this Saturday, November 27.

- **Citizen Comments**

Kyle Dykhuizen, 215 Fraternity Row, asked the Council to change the left turn lane from northbound Wellborn onto 2818 to two turn lanes as it was before.

Chris Scotti, 7701 Gettysburg Court, representing the Northgate District Association, commended staff for their efforts on pedestrian improvements along University Drive in the Northgate area. However he just found out this past week that TXDOT is requesting the design phase be completed much sooner than anticipated. The Northgate District Association planned to start meeting with stakeholders in January since the holidays make it difficult to receive stakeholder input. He also reported that TXDOT is proposing a raised curb that will remove flexibility for the street being opened at certain times. If the bollards are installed at street level, then they can be installed earlier. He asked the Council to raise this issue with TXDOT.

CONSENT AGENDA

2a. Presentation, possible action, and discussion of minutes for November 10, 2010 Workshop and Regular Council Meeting.

2b. Presentation, possible action, and discussion for City participation providing sanitary sewer improvements in the Emerald Ridge Estates Subdivision being made per City Code of Ordinances, Chapter 12, Unified Development Ordinance, Article 8, Subdivision Design and Improvements, Section 8.5, Responsibility for Payment for Installation Costs, Oversized Participation for a total requested City participation of \$39,489.00.

2c. Presentation, possible action, and discussion regarding the approval of the FY 2010 Chapter 59 Asset Forfeiture Audit reporting form for the College Station Police Department.

2d. Presentation, possible action, and discussion regarding amending Chapter 4, section F (1), "Business Regulations", of the code of ordinances of the City of College Station, which would exempt the City of College Station for the purpose of distributing public safety handbills.

2e. Presentation, possible action, and discussion regarding participation in a Memorandum of Understanding (MOU) between the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) and the College Station Police Department (CSPD) for the purpose of establishing a task force known as ATF TASK FORCE.

2f. Presentation, possible action, and discussion authorizing the payment of an economic development incentive in the total amount of \$250,000 to Texas A&M University's Texas Institute for Preclinical Studies (TIPS).

2g. Presentation, possible action and discussion regarding the approval of a resolution accepting from the Texas Division of Emergency Management (TDEM) the 2010 Homeland Security Grant Program Subrecipient of \$55,880.53, naming a City staff member as manager of those grant funds, and approving the 2010 City of College Station Equipment List for purchase.

2h. Presentation, possible action, and discussion regarding a resolution awarding the bid and approval of a construction contract (Contract Number #11-021) with Marek Brothers Construction, Inc., for installation of a new Playground and rubberized surfacing in Wolf Pen Creek Park. The installation amount is \$38,079 and the total project amount is \$57,689.91.

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 to authorize expenditure of funds to BVSWMA, Inc in FY'11 for landfill disposal and compost expenditures estimated to be \$1,401,175.

2k. Presentation, possible action, and discussion regarding a resolution to change contract routing procedures and revise certain provisions of City standard contracts.

2l. Presentation, possible action, and discussion on an Interlocal Agreement between the City of College Station and Brazos Valley Solid Waste Management Agency, Inc. (BVSWMA) for On-Line Bidding Services.

2m. Presentation, possible action, and discussion on an Interlocal Agreement for cooperative purchasing activities between the City of College Station and Brazos Valley Solid Waste Management Agency, Inc. (BVSWMA).

2n. Presentation, possible action and discussion to authorize the FY 11 expenditures for the Brazos County Appraisal District in the amount of \$240,671 pursuant to the Property Tax Code 6.06D.

2o. Presentation, possible action and discussion on two (2) operations and maintenance funding agreements between the City of College Station and the Arts Council of Brazos Valley for the 1st Quarter of FY11 (October 1 – December 31) totaling \$41,000.

2p. Presentation, possible action and discussion regarding the approval of a resolution accepting from the Texas Division of Emergency Management (TDEM) the 2010 Homeland Security Grant Program Subrecipient of \$59,318.92, naming a City staff member as manager of those grant funds, and approving the 2010 City of College Station Equipment List (SHSP-LETPA) for purchase.

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

REGULAR AGENDA

1. 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 97.932 acres from A-O Agricultural Open, C-1 General Commercial, C-2 Commercial Industrial, and R-4 Multi-Family to PDD Planned Development District for 4005 State Highway 6, generally located southeast of the intersection of State Highway 6 and Rock Prairie Road.

At approximately 8:00 p.m. Mayor Berry opened the Public Hearing.

Brock Bailey, 1445 Ross, Dallas, Texas, voiced his approval of the proposal.

Neal Briers, 17990 Bella Lago, stated he is excited about Scott & White expanding their presence here. As to the location of Medical Avenue and the discussion on Tract 5, he said that Mr. Perry is easygoing and easy to get along with. He was one of the first persons Mr. Perry spoke with about the land swap with Scott and White. Mr. Perry's desire is to come to an agreement that will work well for everyone, and Scott and White has been a little harsh in their representation.

Noelle Perry, 3600 Rock Prairie Road, stated that she is not opposed to the medical corridor or the Scott and White project as a whole. Their only issue is Medical Drive. They live on 25 acres on that adjacent tract, and they are a College Station family that owns commercial property in the

community. Their country life would be no more. They have been quiet throughout all the discussions on this tract of land. When Weingarten plowed down the trees on the corner, they were quiet, yet they were the ones most impacted. She reported that Scott and White approached them regarding a land swap, but then Scott and White changed a sensible layout and did not have the decency to inform them. The Perry's have tried to find a more reasonable plan for Tract 5. They have been told that the developer must only meet the minimum requirements. However, College Station expected more from the Perry's when they built their homeowner property. She expects more than minimum requirements from an organization that has been in existence more than 100 years. She requested that the Council show consideration for her property. She should not have to fight for reasonable access to Medical Avenue.

Brian Perry, 3600 Rock Prairie Road, stated he was optimistic when he met with Scott and White and City staff last Friday. He reported that the land swap looked like good deal at time. He conferred with Chuck Ellison, who asked about zoning and what restrictions were being placed on them. His first realization that the deal was no more was at the Planning and Zoning meeting when he noticed the roads had been redrawn. He was surprised they had not notified him. He met with Mr. Ellison to discuss what he should do now. They asked Scott and White if they would sell the three acre strip. He was told the price was over \$300,000. He counter-offered, and they stopped talking. Scott and White wanted to swap for three acres at the intersection of Lakeway and Medical Avenue, but that would cut the Perry's off. Tract 5 is a buffer against the neighbors and future development and referred to it as a spite strip. He fears that strip will never be developed.

Chuck Ellison, 2902 Camille Drive, said there are differences in their understanding. The Perry's are asking Council to approve this rezoning with three conditions: 1) that the platting of Tract 5 occur with the first phase so that the access points will be installed; 2) that Lakeway be realigned because the current alignment leaves a strip between the Perry property and the roadway; and 3) realign Medical Avenue as close to the boundary of the Perry property as possible, minimizing the controlled access in the reserved strip (this will still leave a strip which is not a preference, but it is technically still the same geometrically). He reiterated that they did not know the deal was gone until the project came before Planning and Zoning. At the end of the day, Scott and White wants a buffer, and they've wanted it for a long time. This realignment creates more usable land, even for Scott and White and allows for the free flow of traffic from Rock Prairie.

Paul Grier, 9100 Waterford Drive, asked if the exit onto Rock Prairie is a right in and right out only? He expressed concern with traffic coming through the neighborhood and stated that being an open area encourages fast drivers. He asked the Council to see if the area needs more stop signs. He also inquired about the possibility of speed reduction lanes.

John Cunningham, counsel with Scott and White, said they will agree to platting Tract 5 in the first phase and will build the street to give the Perry property access to Medical Avenue. They also do not object to the Lakeway realignment. They will not agree to the third condition.

Brain Perry stated, after hearing Mr. Cunningham's concessions to his first two requests, that he will withdraw his protest.

There being no further comments, the Public Hearing was closed at 8:37 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 approve the 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 97.932 acres from A-O Agricultural Open, C-1 General Commercial, C-2 Commercial Industrial, and R-4 Multi-Family to PDD Planned Development District for 4005 State Highway 6, generally located southeast of the intersection of State Highway 6 and Rock Prairie Road, with the meritorious modifications recommended by staff and the conditions agreed upon by Mr. Perry and Scott and White. The motion carried unanimously.

2. Presentation, possible action, and discussion regarding a real estate contract and the conveyance of approximately 30 acres of property between the College Station Independent School District, the City, the Research Valley Partnership and Scott & White Healthcare.

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 approve the real estate contract conveying approximately 30 acres of property between the College Station Independent School District, the City, the Research Valley Partnership and Scott & White Healthcare. The motion carried unanimously.

3. Presentation, possible action, and discussion regarding an Economic Development Agreement between the City and Scott & White Healthcare.

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 approve the Economic Development Agreement between the City and Scott & White Healthcare. The motion carried.

4. Presentation, possible action, and discussion regarding future updates to the City of College Station Unified Development Ordinance – Sections 3 and 8 (Subdivision Regulations).

Bob Cowell, Director of Planning and Development, presented to the Council a summary of proposed substantive changes to Subdivision Regulations Standards, specifically Article 8. These changes will consolidate subdivision standards into stand-alone City and ETJ sections, implement the Comprehensive Plan, provide developer flexibility, and modernization efforts. Language has been clarified to better fit with the Comp plan. These changes will come back before the Council on January 13 for consideration.

No action was required by the Council.

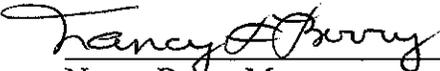
5. Presentation, possible action, and discussion regarding selection of applicants to various Citizen Boards and Committees.

The following appointments were made:

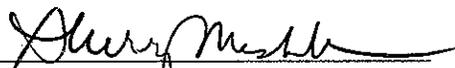
Zoning Board of Adjustment: clarified that Jim Davis should have remained an alternate
Audit Committee: Jana McMillan

6. Adjournment.

MOTION: There being no further business, Mayor Berry adjourned the Regular Meeting of the City Council at 9:59 p.m. on Monday, November 22, 2010.


Nancy Berry, Mayor

ATTEST:


Sherry Mashburn, City Secretary