

MINUTES OF THE CITY COUNCIL WORKSHOP
CITY OF COLLEGE STATION
JANUARY 26, 2012

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry, Mayor

Council:

Blanche Brick
Jess Fields
Karl Mooney
Katy-Marie Lyles
Julie Schultz
Dave Ruesink

City Staff:

David Neeley, City Manager
Kathy Merrill, Deputy City Manager
Frank Simpson, Deputy City Manager
Carla Robinson, City Attorney
Tanya McNutt, Deputy City Secretary
Shelley Major, Records Management Coordinator

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 3:07 p.m. on Thursday, January 26, 2012 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, and a joint meeting of the Planning and Zoning Commission and the City Council regarding the 2012 Planning & Zoning Commission Plan of Work.

Mike Ashfield, Chairman, Planning and Zoning Commission, called to order the Joint Meeting with City Council.

Bob Cowell, Executive Director, Planning & Development Services, gave an overview of the process for developing the 2012 Planning & Zoning Commission Plan of Work. The Plan of

Work should consider future tasks for a prescribed period and be updated and revised annually in coordination with the City Council Strategic Planning process.

Mr. Ashfield reviewed the draft plan including; Comprehensive Plan Implementation, Employment Diversification, and Housing. The Planning and Zoning Commission is seeking input from the Council on the Plan of Work and concurrence with the same. In reference to the Role of Planning and Regulation, cost will be a parallel topic to affordable housing development factors. The intent of the Planning and Zoning Commission is to examine the role that cost plays in the development and impact of affordable housing. The Commission's role, as far as the Diversification of Employment Opportunities, will be in two parts. The Master Plan is a joint effort between the City Manager's Office and Planning and Development Services. The land use component will be addressed in terms of creating job opportunity and making sure land is available for those types of zoning districts. Another element of this plan includes providing a positive business development environment, including trying to work with applicants to provide a positive experience for all parties involved.

As new developments arise, the Planning and Zoning Commission will work with staff to assess what the current requirements are and review specifically for potential discussion and presentation to council.

Council asked that the street parking issue in new developments and on older streets continue to be reviewed. Mr. Cowell stated that during the special meetings next week, the parking issue will be looked at, and the Plan of Work could possibly be amended depending on Council's direction at that time. The Southside Neighborhood Plan is also in the process of determining what should be done about parking in an older neighborhood.

MOTION: Upon a motion made by Councilmember Schultz and a second by Councilmember Brick, the City Council voted seven (7) for and none (0) opposed, to approve the 2012 Planning & Zoning Commission Plan of Work. The motion passed unanimously.

The Planning and Zoning Commission Joint meeting portion of the City Council Workshop adjourned 3:50 p.m.

2. Presentation, possible action, and discussion on items listed on the consent agenda.

No items were pulled for clarification.

3. Presentation, possible action, and discussion regarding tax abatement, tax abatement agreements, and required guidelines. This item is also on the consent agenda.

Frank Simpson, Deputy City Manager, provided Council with an overview of the tax abatement process, and further explained the statutory requirements for entering into an agreement and designating a reinvestment zone. Local governments often use tax abatement as an economic development tool in order to attract new industry and commercial enterprises, and to also encourage the retention and development of existing businesses. Council will be considering the agreements and guidelines as a consent agenda item.

4. Presentation and discussion regarding an update on current and pending Neighborhood, District, and Master Plans including the Southside Neighborhood Plan, the Wellborn District Plan, and the Economic Development Master Plan.

Bob Cowell, Director of Planning and Development Services, reviewed with Council the plan development process, the plan implementation and monitoring process, and the details of the process for the plans being developed in 2012. The City of College Station Comprehensive Plan, adopted in 2009 identifies the need for the development of a series of more focused smaller area plans (neighborhoods, districts, and corridors) as well as master plans for functional areas (water, wastewater, economic development, etc) to aid in the successful implementation of the plan. A number of these plans have been completed to date with several more under development in 2012. Four plans that are currently in development were highlighted; the Southside Neighborhood Plan, the Economic Development Master Plan, the Wellborn District Plan, and the newest to be initiated next fall, the South Knoll Neighborhood Plan. Planning and Development Services will be partnering with Texas A&M students, who are using this neighborhood as their capstone project, culminating with a report that will be included in the plan. Mr. Cowell stated that at every meeting comment cards will be available for citizens to express their concerns and questions. Those can also be directed to staff through email.

Mr. Cowell reminded council that in regards to Wellborn, most of that land is zoned A-O, and is subject to abide by city codes and regulations.

5. Council Calendar

- **January 30 Strategic Planning Workshop 1:00 p.m.-5:00 p.m. College Station Utilities Training Facility**
- **January 31 Strategic Planning Workshop 1:00 p.m.-5:00 p.m. College Station Utilities Training Facility**
- **January 31 Scott & White - Dinner with the Doc at Miramont Country Club, 6:00 p.m.**
- **February 2 P&Z Workshop/Meeting in Council Chambers at 6:00 p.m. (Katy-Marie Lyles, Liaison)**
- **February 9 City Council Workshop/Regular Meeting at 3:00 & 7:00 p.m.**

Council reviewed the Council calendar.

6. 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.

Council requested an item to discuss a potential meeting between The Arts Council and the City Council regarding the future relationship between the two in regards to the festival site planning. Council also recommended the possibility of creating a committee for this purpose.

Council requested that a workshop item giving an update about the College Station dispatch system be added to a future agenda.

7. Discussion, review and possible action regarding the following meetings: Animal Shelter Board, Arts Council of the Brazos Valley, Audit Committee, Bicycle, Pedestrian, and Greenways Advisory Board, Brazos County Health Dept., Brazos Valley Council of Governments, Brazos Valley Wide Area Communications Task Force, BVSWMA, BVWACS, Cemetery Committee, Code Review Committee, Convention & Visitors Bureau, Design Review Board, Historic Preservation Committee, Interfaith Dialogue Association, Intergovernmental Committee, Joint Relief Funding Review Committee, Landmark Commission, Library Board, 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, Zoning Board of Adjustments.

Mayor Berry reported that the MPO Executive Director, Linda Lasut has submitted her resignation effective Feb. 3, 2012. The Mayor also attended the Congress of Mayors in Washington D.C.

Councilmember Fields attended the Arts Council meeting. Mr. Fields also updated Council on the BVWACS meeting.

Councilmember Mooney attended the BVWSMA Board of Directors.

Councilmember Brick attended the Greenways Tour coordinated by the Bicycle, Pedestrian and Greenways Advisory Committee.

8. Presentation, possible action and discussion regarding the presentation and demonstration of three new fire apparatus, (2) fire engines and one 100 foot ladder truck. One fire engine will be stationed at Fire Station 1 on Holleman Dr. One fire engine will be stationed at the new Fire Station 6 on University Dr., and the new ladder truck will be stationed at Fire Station 2 on Rio Grande. The purchase of the three new fire apparatus represents a \$2.1 million dollar investment in fire protection for our city.

Chief R.B. Alley invited the City Council to tour the new fire apparatus which is currently parked outside of City Hall.

9. Executive Session

In accordance with the Texas Government Code §551.071-Consultation with Attorney, and §551.087-Economic Incentive Negotiations, the College Station City Council convened into Executive Session at 5:02 p.m. on Thursday, January 26, 2012 in order to continue discussing matters pertaining to:

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

- City of Bryan's application with TCEQ for water & sewer permits in Westside/Highway 60 area, near Brushy Water Supply Corporation to decertify City of College Station and certify City of Bryan
- Chavers et al v. Tyrone Morrow et al, No. 10-20792; Chavers v. Randall Hall et al, Case No. 10 CV-3922
- College Station v. Star Insurance Co., Civil Action No. 4:11-CV-02023
- Shirley Maguire and Holly Maguire vs. City of College Station, Cause No. 11-002516-CV-272, In the 272nd District Court of Brazos County, Texas

B. Consultation with Attorney to seek legal advice; to wit:

- Restitution Issue related to State v. P. David Romei

C. Economic Incentive Negotiations, to wit:

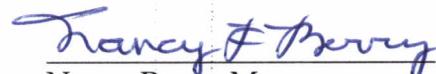
- Administrative Services in College Station Business Park

The Executive Session adjourned at 6:30 p.m. on Thursday, January 26, 2012.

No action was required from Executive Session.

10. Adjournment

MOTION: There being no further business, Mayor Berry adjourned the workshop of the College Station City Council at 6:30 p.m. on Thursday, January 26, 2012.


Nancy Berry, Mayor

ATTEST:


Sherry Mashburn, City Secretary

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF COLLEGE STATION
JANUARY 26, 2012

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry

Council:

Blanche Brick
Jess Fields
Karl Mooney
Katy-Marie Lyles
Julie Schultz
Dave Ruesink

City Staff:

David Neeley, City Manager
Kathy Merrill, Deputy City Manager
Frank Simpson, Deputy City Manager
Carla Robinson, 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 7:04 p.m. on Thursday, January 26, 2012 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.

Presentations and Recognitions:

- **Special recognition to the Parks Department from Texas Public Pool Council for Agency of the Year.**

Mayor Berry and the City Council recognized the Parks Department for receiving the Agency of the Year award from the Texas Public Pool Council.

Citizen Comments

There were no Citizen Comments.

CONSENT AGENDA

2a. Presentation, possible action, and discussion of minutes for:

- January 12, 2012 Workshop and Regular Council Meeting

2b. Presentation, possible action and discussion on authorizing the payment of \$570,783.58 to Brazos County for repayment of unspent funds in TIRZ #1.

2c. Presentation, possible action, and discussion on approving an annual blanket purchase order for the purchase of replacement parts and components for City vehicles from Varsity Ford – Lincoln (College Station, TX) for the amount of \$60,000.00.

2d. Presentation, possible action, and discussion on approving annual tire purchases from Pilger's Tire & Auto Center through the State of Texas (TXMAS) Tire Contract in the amount of \$185,000.00.

2e. Presentation, possible action, and discussion on approving an annual blanket purchase order for the purchase of auto parts, shop equipment and services from NAPA Auto Parts (College Station, TX) through the Purchasing Solutions Alliance (PSA) contract for the amount of \$110,000.00.

2f. Presentation, possible action, and discussion regarding Resolution 01-26-12-2f, the City's Tax Abatement Guidelines. *This item will also be presented in the Workshop.*

Item 2f was pulled for a separate vote.

MOTION: Upon a motion made by Councilmember Mooney and a second by Councilmember Lyles, the City Council voted seven (7) for and none (0) opposed, to approve the Consent Agenda, less item 2f. The motion carried unanimously.

(2f)MOTION: Upon a motion made by Councilmember Schultz and a second by Councilmember Lyles, the City Council voted six (6) for and one (1) opposed, with Councilmember Fields voting against, to adopt Resolution 01-26-12-2f, the City's Tax Abatement Guidelines. The motion carried.

REGULAR AGENDA

1. Public Hearing, presentation, possible action, and discussion on Ordinance 2012-3393, Budget Amendment #1 amending ordinance number 3371 which will amend the budget for the 2011-2012 Fiscal Year in the amount of \$8,520,217 and presentation, possible action and discussion on four interfund transfers.

At approximately 7:16 p.m., Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 7:16 p.m.

MOTION: Upon a motion made by Councilmember Schultz and a second by Councilmember Mooney, the City Council voted six (6) for and one (1) opposed, with Councilmember Fields voting against, to adopt Ordinance 2012-3393, Budget Amendment #1 amending ordinance number 3371 which will amend the budget for the 2011-2012 Fiscal Year in the amount of \$8,520,217 and presentation, possible action and discussion on four interfund transfers. The motion passed.

2. Public Hearing, presentation, possible action, and discussion regarding a Ordinance 2012-3394, amending Chapter 12, Unified Development Ordinance”, Section 4.2, “Official Zoning Map”, of the Code of Ordinances, more specifically, rezoning from R-3 Townhouse to R-4 Multi-Family Residential for 10.434 acres located at 4050 Holleman Drive South, generally located south of the Las Palomas Subdivision.

At approximately 7:31 p.m., Mayor Berry opened the Public Hearing.

Greg Jasper, 1422 Spring Loop, stated he was the owner and was available for questions.

There being no further comments, the Public Hearing was closed at 7:32 p.m.

MOTION: Upon a motion made by Councilmember Lyles and a second by Councilmember Schultz, the City Council voted six (6) for and one (1) opposed, with Councilmember Mooney voting against, to adopt Ordinance 2012-3394, amending Chapter 12, Unified Development Ordinance”, Section 4.2, “Official Zoning Map”, of the Code of Ordinances, more specifically, rezoning from R-3 Townhouse to R-4 Multi-Family Residential for 10.434 acres located at 4050 Holleman Drive South, generally located south of the Las Palomas Subdivision. The motion passed.

3. Public Hearing, presentation, possible action, and discussion regarding Ordinance 2012-3395, amending Chapter 12, “Unified Development Ordinance”, Section 4.2, “Official Zoning Map” of the Code of Ordinances of the City of College Station, Texas by rezoning 2.39 acres located at 12900 Old Wellborn Road, generally located at the intersection with North Graham Road, from A-O Agricultural Open to PDD Planned Development District.

At approximately 7:51 p.m., Mayor Berry opened the Public Hearing.

Mike Gentry, 1515 Emerald Parkway, stated he represented the applicant and provided some background.

There being no further comments, the Public Hearing was closed at 7:58 p.m.

MOTION: Upon a motion made by Councilmember Brick and a second by Councilmember Schultz, the City Council voted seven (7) for and none (0) opposed, to adopt Ordinance 2012-

3395, amending Chapter 12, "Unified Development Ordinance", Section 4.2, "Official Zoning Map" of the Code of Ordinances of the City of College Station, Texas by rezoning 2.39 acres located at 12900 Old Wellborn Road, generally located at the intersection with North Graham Road, from A-O Agricultural Open to PDD Planned Development District. The motion passed unanimously.

4. Public Hearing, presentation, and discussion regarding an ordinance amending Chapter 10, "Traffic Code" Section 6 "Parking, standing, or storing of Recreational Vehicles, trailers, or trucks in residential areas." Section B "Regulations" of the Code of Ordinances.

At approximately 8:07 p.m., Mayor Berry opened the Public Hearing.

Robert Lightfoot, 1017 Rose Circle, stated the first he heard about this was a note tacked to his door, but he feels better after hearing what said tonight. He would like to participate on a committee to study this issue.

Suzanne Droleskey, 1109 Ashburn Avenue, asked Council what problem are we solving? Property values are based on the structure/improvements and not on vehicles parked on the property. It is not a health and safety issue; it is a matter of aesthetics. It is not the City's business to determine the aesthetics in a neighborhood. The neighborhood associations should determine what is best for the neighborhood. This can create an unfair economic burden on property owners to either build fences or obtain a storage facility. People who already have this should be grandfathered in.

Wendy Wolfe, 2924 Camille Drive, spoke against changing the current ordinance. There is not a problem and should be left as it is. Her neighborhood has its own restrictions. The Council should not impose additional restrictions on neighborhoods. The City government should not be involved in what they do in their own driveway, and it will very difficult and expensive to enforce. How will it be tracked? There are also circumstances that demand flexibility. This kind of ordinance can set neighbor against neighbor.

Bob Bilberry, 2738 San Felipe, stated he is deeply offended that the City government feels they can tell him what kind of vehicle he can park in his driveway. He thanked the Council for the opportunity to provide input.

Dean Thompson, 1020 Rose Circle, there are a lot of RV owners like him – on a fixed income. His RV is the same size as his Toyota SUV. He is opposed to this change.

Anne Carter, 4685 Potter Lane, stated her opposition to this change. She asked for a fair use of her land. She asked how this could be grandfathered, especially if the home is sold? This will pit neighbor against neighbor. What about bikes and kids' toys?

Michael Paulus, 2906 Arroyo Court, stated his opposition to the change. He owns a boat. It requires a electrical connection to keep the battery charged. His garage is too narrow and he has too many trees to place a fence. Also, there is not enough storage to accommodate all the

vehicles that would have to be stored. He would hate to see Code Enforcement become a tool that the HOA would use to enforce/change restrictions.

Kathleen Brooks, 1211 King Arthur, this issue came up several years ago when the new City Planner wanted to remove all the vehicles from the yards, streets, etc. This is a poor idea; she does not have a large income. The only way she can have a vacation is to not pay \$500 per month to store her RV.

John Grillo, 1805 Langford, stated he has a motor home that needs work all the time. Will he have more than 72 hours to do repairs? It takes a day and a half to change a tire. He has spent the last few days repairing the roof. Most storage facilities do not have power to keep the batteries charged, so he has to maintain that. Security is also an issue; he feels it is safer in his own yard.

Myra Bright, 7701 Sherman Court, stated she has lived in her home 34 years, and they have had RV's that whole time. She hopes any amendment will be for new subdivisions and not forced on those that have been there all along.

Mike Fulfer, 14537 South Dowling Road, stated his agreement with everything said so far. We brag about diversity, and deed restrictions allow each neighborhood to be diverse. The old ordinance has a \$125 maximum fine; the new fee is \$500. He questions the motive when he sees something like that. The City should not regulate what a private homeowner wants to do with his land.

Roland Dwight Huskey, 3002 Longleaf, stated he is on a limited income. He cannot put his travel trailer in his back yard. He would have to sell it. This is going to hurt a lot of people.

David Levias, 1207 Berkley, signed up, but did not speak.

Robert L. Smith, 609 Banks Street, stated he owns an RV and moved to the area he is in because he could have his RV at his home. He has no space in the backyard to park his RV. Also, RV's at storage facilities are subject to vandalism, and he cannot afford those repairs, let alone the cost of the storage facility.

Tyler Bradfield, 1709 Austin, Avenue, stated most of his points have been made. This issue is about lifestyle choices. Having a boat is key to participating in events and sports, but storage costs are not affordable.

Rick Heaney, 2511 Merrimac Court, stated he researched before he bought his \$100,000 RV to be sure he could keep an RV at his home. He learned he could. His neighbor put in concrete pads to park his RV's. That is an expense that cannot be recouped. Additional costs to store an RV or to build a fence are a challenge. Can he keep a pickup truck in his drive? This will also create additional work for the Code Enforcement people. HOA's are the ones to handle this.

Steve Gossett, 1215 King Arthur, he has a large tree that would have to be removed before he could move his vehicle to the back. He is opposed to this change. If the change goes forward,

he asked that Council make it only for new development and not retroactive to neighborhoods that are already exempt.

David Anderson, 2704 Brookway, said he owns an airboat and asked why the City and the state are piling on these laws.

Paul Manley, 110 Ridge Crest, stated that for some people, these recreational vehicles are considered necessary for income. He paid for his college education with his fishing boat. It stays in his driveway for convenience. It is a way of life and income and is not just recreational. *Mr. Manley also submitted written comments.*

Harold Claus, 2709 Brookway, says he lives across from the airboat, and it is not a nuisance.

Robert Drolesky, 1109 Ashburn, submitted written comments.

Timothy Scott, 1103 Haley Place, submitted written comments.

Cody Collins, 3300 Bluestem, submitted written comments.

Weston Brown, 103 Oak Trail, submitted written comments.

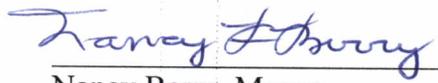
Paul Manley, 1110 Ridge Crest, submitted written comments.

There being no further comments, the Public Hearing was closed at 8:47 p.m.

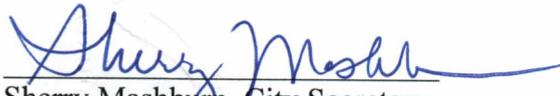
The consensus of the Council was to direct staff to not go forward with the proposed ordinance amending the regulation of parking, standing, or storing of recreational vehicles, trailers, or trucks in residential areas.

5. Adjournment.

MOTION: There being no further business, Mayor Berry adjourned the Regular Meeting of the City Council at 9:11 p.m. on Thursday, January 26, 2012.


Nancy Berry, Mayor

ATTEST:


Sherry Mashburn, City Secretary

RESOLUTION NO. 01-26-12-2f

A RESOLUTION OF THE CITY COUNCIL OF COLLEGE STATION, TEXAS, ESTABLISHING TAX ABATEMENT GUIDELINES AND CRITERIA FOR ECONOMIC DEVELOPMENT PROSPECTS IN THE CITY OF COLLEGE STATION; AND ELECTING TO BE ELIGIBLE TO PARTICIPATE IN TAX ABATEMENT.

WHEREAS, §312.002, Texas Tax Code, requires a taxing unit to adopt a resolution establishing guidelines and criteria governing tax abatement agreements and stating that the taxing unit elects to become eligible to participate in tax abatement; and

WHEREAS, the City Council of the City of College Station has previously expressed its intent to consider Tax Abatements and adopted Tax Abatement Guidelines and Criteria; and,

WHEREAS, the College Station City Council desires to once again adopt Tax Abatement Guidelines and Criteria; and, hereby elects to be eligible to participate in tax abatement, now therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF COLLEGE STATION, TEXAS:

PART 1: That the City of College Station, Texas, hereby adopts guidelines and criteria governing tax abatements for economic development prospects as set forth in "Exhibit A" attached hereto and made a part hereof.

PART 2: That the City of College Station, Texas, hereby elects to participate in tax abatement.

PART 3: That this resolution shall be effective immediately from and after its passage.

ADOPTED this 26th day of January, 2012.

ATTEST:

Sherry Mashburn
City Secretary

APPROVED:

Trancy F. Jovoy
Mayor

APPROVED:

[Signature]
City Attorney