

MINUTES OF THE CITY COUNCIL WORKSHOP
CITY OF COLLEGE STATION
JULY 12, 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:

Kathy Merrill, Deputy City Manager
Frank Simpson, Deputy City Manager
Carla Robinson, City Attorney
Sherry Mashburn, City Secretary
Tanya McNutt, Deputy City Secretary

1. 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 4:30 p.m. on Thursday, July 12, 2012 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77842.

2. Executive Session

In accordance with the Texas Government Code §551.071-Consultation with Attorney, §551.072-Real Estate, and §551.074-Personnel, the College Station City Council convened into Executive Session at 4:30 p.m. on Thursday, July 12, 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. 11-0025 16-CV-272, in the 272nd District Court of Brazos County, Texas
- Patricia Kahlden, individ. and as rep. of the Estate of Lillie May Williams Bayless v. Laura Sue Streigler, City of College Station and James Steven Elkins, No. 1 1-003172-CV-272, in the 272nd District Court of Brazos County, Tx.
- Claim and potential litigation related to a June 24, 2011 collision with a city vehicle.

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

- Legal issues relating to the Brazos Valley Groundwater Conservation District.
- Restitution issues related to State v. P. David Romei
- Legal issues related to the College Station Conference Center

C. Deliberation on the purchase, exchange, lease or value of real property; to wit:

- Property located at or near University Drive and Tarrow/East Tarrow Streets in College Station

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

- Parks and Recreation
- Planning and Development
- Zoning Board of Adjustments

The Executive Session adjourned at 5:52 p.m. on Thursday, July 12, 2012.

3. Take action, if any, on Executive Session.

No action was required from Executive Session.

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

No items were pulled.

5. Presentation, possible action, and discussion on a scheduled public meeting concerning a proposed permit to operate the Brazos Valley Disposal Facility, a Municipal Solid Waste Type IV disposal facility.

Chuck Gilman, Director of Capital Projects, provided an informational presentation on a scheduled TCEQ public meeting on July 19 for the Brazos Valley Disposal Facility. The proposed Brazos Valley Disposal Facility is proposed to be located approximately a quarter mile north of Raymond Stotzer Parkway or FM 60, and about a mile and a half west of the College

Station City limits. The proposed facility is being permitted as a type four landfill and is restricted to accepting only construction and demolition wastes. Local land use around the facility is primarily industrial, with some adjacent single family residential.

The permit application was submitted to the TCEQ by Brazos Valley Recycling and was under technical review for nine months. The SWAC unanimously found the application to be in non-conformance with the Regional Solid Waste Management Plan due to lack of screening for adjacent properties and the highway. This is non-binding. The TCEQ Executive Director confirmed and scheduled a public meeting on July 19, 2012 for the proposed Brazos Valley Disposal Facility permit application. The meeting will take place at the Brazos County Expo Complex Ballroom Building and will start at 7:00 PM.

Representatives from TCEQ and the applicant will be present for a two-part public meeting consisting of an informal discussion segment and a formal comment period. During the informal discussion period, the public will be encouraged to ask questions of the applicant and TCEQ staff concerning the permit application. The formal comment period at the meeting will be the last opportunity for public comments to be accepted by the TCEQ for determining if the application will be subject to a contested case hearing. Only relevant and material issues raised during the Formal Comment Period can be considered if a contested case hearing is granted on this permit application. As of today the application has received four comments in opposition to the facility. As opposed to the proposed pintail facility in Waller County on Highway 6, outside of Hempstead, which received over 4,883 comments.

6. Presentation and discussion on a report from Keep Brazos Beautiful regarding activities of the organization.

Sam White, President, and Amy Reed, Executive Director, reported on the activities of Keep Brazos Beautiful.

- Youth Leadership Workshop
- KBB Enviro Club, an after school program at area elementary schools
- Annual Crepe Myrtle and Shade Tree Sale
- Girl Scouts are Tremendous
- Texas Trash Off
- Brazos Valley Earth Day
- TAMU Earth Day Celebration
- Adopt a Greenway Kickoff Event
- Arbor Day Season Celebration with the Memorial Tree Ceremony and Tree City USA Recognition
- Get Wild about KBB Annual Awards Gala, celebrating local environmental heroes
- Great American Campus Cleanups, with 1,022 students and 99 counselors/teachers/staff participating
- CSISD Summer Shadow Students with 64 volunteer hours served by four Junior High students

The KBB has received recognition as the Gold Star Affiliate for Keep Texas Beautiful and the Presidential Circle Affiliate for Keep America Beautiful.

Current Projects include:

- Community Demonstration Garden – George Bush and Texas Avenue
- Cigarette Litter Prevention Program
- Member's Summer Soiree'
- Board/Organization Development
- Additions/Improvements to Education Program

7. Council Calendar

- **July 18 BVSWMA Board Meeting at Twins Oaks Facility - 2690 SH30 (Anderson, Texas), 11:00 a.m.**
- **July 18 RVP Board Meeting at RVP, 3:00 p.m.**
- **July 18 CAPRA BBQ Dinner at Southwood Community Center, 6:30 p.m.**
- **July 19 P&Z Workshop/Meeting in Council Chambers at 6:00 p.m. (Julie Schultz, Liaison)**
- **July 20 Texas Hospitality Social - Honoring CAPRA Team at WPC Green Room - 1015 Colgate Drive, 6:30 p.m.**
- **July 25 Special Council Meeting at WPC Green Room - 1015 Colgate Drive, 3:00 p.m.**
- **July 26 City Council Executive/Workshop/Regular Meeting at 5:00, 6:00 and 7:00 p.m.**
- **July 27 Scott & White Hospital Tour at Rock Prairie Medical Center (Hospital), 9:00 a.m.**

Council reviewed the Council calendar.

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.

There were no requests.

9. Discussion, review and possible action regarding the following meetings: Animal Shelter Board, Arts Council of the Brazos Valley, Arts Council Sub-committee, 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, Code Review Committee, Convention & Visitors Bureau, Design Review Board, Historic Preservation Committee, Interfaith Dialogue Association, Intergovernmental Committee, Joint Neighborhood Parking Taskforce, 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 on the Brazos Valley Council of Governments and the Metropolitan Planning Organization.

Councilmember Mooney reported on the Convention and Visitors Bureau.

Councilmember Ruesink reported on the Sister Cities.

Councilmember Brick thanked the Police and Fire departments for their assistance with the Foxfire Fourth of July celebration. Councilmember Ruesink added his thanks for their participation in his neighborhood.

Councilmember Fields reported on the Tisdale funeral he attended.

Councilmember Schultz reported on the 75th Anniversary Committee (sub-committee of the Historic Preservation Committee) meeting.

10. Adjournment

MOTION: There being no further business, Mayor Berry adjourned the workshop of the College Station City Council at 6:45 p.m. on Thursday, July 12, 2012.


Nancy Berry, Mayor

ATTEST:


Sherry Mashburn, City Secretary

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF COLLEGE STATION
JULY 12, 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, July 12, 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.

Citizen Comments

Gary Ives, 3943 Blue Jay Court, President of the Springbrook HOA, spoke on behalf of the board. He thanked the Council for the postponement of the Public Hearing about the Lick Creek Trail project. They wish to reconcile the conflicting viewpoints within the HOA before the Council considers this. The board found the proposal from the Concerned Springbrook Homeowners to be inadequate to protect the interests of the neighborhood and to be divisive. The board's response was to unanimously reject the settlement proposal. They believe the trail

project proposed by the City to offer a greater overall benefit to all members of the association. Also, the board does not feel they can entrust the maintenance of the creek area to eleven lot owners. He provided to the Council a copy of the board's mailout to the membership. They are currently preparing their final report and anticipate delivering it prior to the sixty-day postponement. He stated the accusation border on the libelous and their basis for litigation to be frivolous. He expressed the board's commitment to be faithful to the mandate of the majority of the membership.

Jerry Brown, 3802 Gold Finch Circle, reported that he has acted as a legal advisor to the Springbrook board. He came to refute the statement made by Brian Leschber at the June 28 meeting where he stated the board did not go into the mediation process in good faith. At the June 4 meeting, the 11 Concerned Homeowners group did not provide a written proposal and only gave a single settlement offer despite saying they had other ideas. The group wanted the board to accept an offer of \$5,000 as fair compensation to give up a \$1.1 million recreation trail. On June 25, the group submitted a written offer that only repeated what had been discussed three weeks prior. Also, they neglected to fully address the key issues identified by the board. The board responded on June 27, giving specific reasons why the offer was inadequate. To date, the group has not attempted to address the reasons the offer was rejected, nor has it submitted another proposal.

Felix Munguia III, 1743 Purple Martin, chair of the Architecture Committee for Springbrook, stated there are only two facts: 1) countless hours of information have been provided to association members; and 2) the HOA membership voted for the nature trail, with 58.8% in favor.

Marcy Halterman-Cox, 1807 Springbrook Estates, stated she was one of the group that sought to keep the HOA from giving away the property. The group has hired an attorney. They believe there are problems with the vote that violated state law. Additionally, the bylaws have two conflicting terms. One is to keep the creek natural, and secondly, the HOA has the authority to dispose of property as they deem necessary.

CONSENT AGENDA

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

- **June 28, 2012 Workshop**
- **June 28, 2012 Regular Council Meeting**

2b. Presentation, possible action, and discussion on consideration of Ordinance 2012-3424, amending Chapter 10, Section 2F, of the College Station Code of Ordinances regarding the Traffic Control Device Inventory, Schedule V (School Zones).

2c. Presentation, possible action, and discussion on the consideration of Ordinance 2012-3425, amending Chapter 10, "Traffic Code," Section 2.C of the Code of Ordinances of the City of College Station changing the traffic control at the intersection of Southern Plantation and Newport from one-way stop controlled operation to three-way stop controlled.

2d. Presentation, possible action, and discussion regarding ratification of Contract Amendment 2 to Contract 11-350 between the City of College Station and Bryan Texas Utilities (BTU) extending the term of the contract to allow BTU to continue its temporary operation of College Station's electric transmission system until July 31, 2012.

2e. Presentation, possible action, and discussion on Resolution 07-12-12-2e, regarding the application and acceptance of an Office of the Governor, Criminal Justice Division (CJD) Grant.

2f. Presentation, possible action and discussion regarding Resolution 07-12-12-2f, approving an Interlocal Agreement and resolution accepting from Texas A&M University the sum of \$196,200 for providing Fire Protection to Easterwood Airport.

2g. Presentation, possible action, and discussion regarding Resolution 07-12-12-2g, approving the construction contract (Contract 12-240) with Kieschnick General Contractors in the amount of \$899,122.00, for the construction of the Wolf Pen Creek Festival Area project (WP 0901).

Marc Chaloupka, 7805 Stonewall, spoke on item 2g. He has been involved with the project for a number of years. The goal was to deal with drainage issues and to create a cultural area and draw visitors. The vision led to a master plan which had a list of top ten items. A festival site was one of those top ten items from the very beginning. He recommended Council approve this contract to complete what was put in place in 1987.

No items were 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. The motion carried unanimously.

REGULAR AGENDA

1. Public Hearing, presentation and discussion to receive comments regarding the proposed amendments to the City Charter.

At approximately 7:18 p.m., Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 7:18 p.m.

2. Public Hearing, presentation, possible action, and discussion regarding Ordinance 2012-3426, 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 of approximately 1.2 acres from A-0 Agricultural Open with OV Corridor Overlay to C-1 General Commercial with OV Corridor Overlay located at 950 William D Fitch Parkway, generally located at the corner of William D Fitch Parkway and State Highway 6 South.

Councilmember Schultz recused herself.

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 Lyles and a second by Councilmember Ruesink, the City Council voted six (6) for and none (0) opposed, with Councilmember Schultz having recused herself, to adopt Ordinance 2012-3426, 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 of approximately 1.2 acres from A-0 Agricultural Open with OV Corridor Overlay to C-1 General Commercial with OV Corridor Overlay located at 950 William D Fitch Parkway, generally located at the corner of William D Fitch Parkway and State Highway 6 South. The motion carried unanimously.

3. Public Hearing, presentation, possible action, and discussion regarding Ordinance 2012-3427, 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 approximately 7.547 acres located at 4080 State Highway 6 S, generally located south of the SecurCare Self Storage on the frontage road, from A-0 Agricultural Open to PDD Planned Development District.

Councilmember Schultz recused herself.

At approximately 7:27 p.m., Mayor Berry opened the Public Hearing.

Joe Schultz, 2730 Longmire, asked the Council to approve the P&Z's recommendations.

Kyle J. Incardona, 2301 E. 29th, said Hillier Funeral Home has been around since 1918. They are ready to come into College Station.

John Clark, 504 Crescent, stated it is a great project.

There being no further comments, the Public Hearing was closed at 7:30 p.m.

MOTION: Upon a motion made by Councilmember Fields and a second by Councilmember Ruesink, the City Council voted six (6) for and none (0) opposed, with Councilmember Schultz having recused herself, to adopt Ordinance 2012-3427, 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 approximately 7.547 acres located at 4080 State Highway 6 S, generally located south of the SecurCare Self Storage on the frontage road, from A-0 Agricultural Open to PDD Planned Development District. The motion carried unanimously.

4. Public Hearing, presentation, possible action, and discussion regarding Ordinance 2012-3428, approving a conditional use permit pursuant to Chapter 12, "Unified Development

Ordinance", Section 3.15, "Development Review Procedures, Conditional Use Permit", of the Code of Ordinances of the City of College Station, Texas, for the property located at 1915 Dartmouth Street on 4.06 acres zoned Wolf Pen Creek to permit multi-family residential development on the ground floor.

At approximately 7:32 p.m., Mayor Berry opened the Public Hearing.

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

MOTION: Upon a motion made by Councilmember Fields and a second by Councilmember Schultz, the City Council voted seven (7) for and none (0) opposed, to adopt Ordinance 2012-3428, approving a conditional use permit pursuant to Chapter 12, "Unified Development Ordinance", Section 3.15, "Development Review Procedures, Conditional Use Permit", of the Code of Ordinances of the City of College Station, Texas, for the property located at 1915 Dartmouth Street on 4.06 acres zoned Wolf Pen Creek to permit multi-family residential development on the ground floor. The motion carried unanimously.

5. Public Hearing, presentation, possible action, and discussion regarding Ordinance 2012-3429, amending Chapter 12, "Unified Development Ordinance", Section 5.6 "Design Districts, B "Northgate Districts", 2 "Additional Use Standards", c "NG-3 Residential Northgate" and Section 5.7 "Design District Dimensional Standards" of the Code of Ordinance of the City of College Station, Texas.

At approximately 7:35 p.m., Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 7:35 p.m.

MOTION: Upon a motion made by Councilmember Lyles and a second by Councilmember Schultz, the City Council voted seven (7) for and none (0) opposed, to adopt Ordinance 2012-3429, amending Chapter 12, "Unified Development Ordinance", Section 5.6 "Design Districts, B "Northgate Districts", 2 "Additional Use Standards", c "NG-3 Residential Northgate" and Section 5.7 "Design District Dimensional Standards" of the Code of Ordinance of the City of College Station, Texas. The motion carried unanimously.

6. Public Hearing, presentation, possible action, and discussion regarding Ordinance 2012-3430, amending Chapter 7, Health and Sanitation, of the Code of Ordinances, adding a new Section 13 "Stormwater Protection" to regulate discharges into the City stormwater system and to provide for associated enforcement and penalties procedures; and Ordinance 2012-3431, amending Chapter 12, Unified Development Ordinance (UDO), of the Code of Ordinances renaming Article 7, General Development Standards, Section 7.8 as "Flood Hazard Protection" to be consistent with other Code provisions; adding a new Section 7.13 "Drainage and Stormwater Management" to regulate discharges into the stormwater system associated with construction or industrial activity; and adding a new Section 10.6 "Specific Enforcement and Penalties for Drainage and Stormwater Management" to regulate discharges into the City stormwater system.

At approximately 7:44 p.m., Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 7:44 p.m.

MOTION: Upon a motion made by Councilmember Schultz and a second by Councilmember Brick, the City Council voted six (6) for and one (1) opposed, with Councilmember Fields voting against, to adopt Ordinance 2012-3430, amending Chapter 7, Health and Sanitation, of the Code of Ordinances, adding a new Section 13 "Stormwater Protection" to regulate discharges into the City stormwater system and to provide for associated enforcement and penalties procedures; and Ordinance 2012-3431, amending Chapter 12, Unified Development Ordinance (UDO), of the Code of Ordinances renaming Article 7, General Development Standards, Section 7.8 as "Flood Hazard Protection" to be consistent with other Code provisions; adding a new Section 7.13 "Drainage and Stormwater Management" to regulate discharges into the stormwater system associated with construction or industrial activity; and adding a new Section 10.6 "Specific Enforcement and Penalties for Drainage and Stormwater Management" to regulate discharges into the City stormwater system. The motion carried.

7. Presentation, possible action, and discussion of a Contract for Sale of Real Estate, for the sale of real property located at North Harvey Mitchell Parkway (FM 2818), to Ashraf Lakhani in the amount of \$211,000.00.

MOTION: Upon a motion made by Councilmember Fields and a second by Councilmember Lyles, the City Council voted seven (7) for and none (0) opposed, to approve a Contract for Sale of Real Estate, for the sale of real property located at North Harvey Mitchell Parkway (FM 2818), to Ashraf Lakhani in the amount of \$211,000.00. The motion carried unanimously.

8. Presentation, possible action, and discussion on regarding appointments to the following Boards and Commissions:

- **B/CS Library Committee**
- **Bicycle, Pedestrian & Greenways Advisory Board**
- **Construction Board of Adjustments**
- **Design Review Board**
- **Historic Preservation Committee**
- **Landmark Commission**
- **Parks & Recreation Board**
- **Planning & Zoning Commission**
- **Zoning Board of Adjustments**

MOTION: Upon a motion made by Councilmember Fields and a second by Councilmember Lyles, the City Council voted seven (7) for and none (0) opposed, to approve the names as read by the City Secretary. The motion carried unanimously.

- B/CS Library Committee: Don Hellriegel; Diane Rektorik
- Bicycle, Pedestrian & Greenways Advisory Board: Jean Gould (F); Philip Lasley (D)
- Construction Board of Adjustments: Regular members: Marc Chaloupka; Oran Mikael; Arthur Pinto. Alternates: Johnny Burns; Rene Ramirez

- Design Review Board: Hunter Goodwin (B); Don Hellriegel (A)
- Historic Preservation Committee: Kelly Bunch; E.E. Burns; Patricia Cleere; Joel Mitchell; Libby Vastano. Linda Harvell was named Chair.
- Landmark Commission: Linda Harvell; Gail MacMillan; Robert McGeachin
- Parks & Recreation Board: Sherry Ellison; Louis Hodges; David Ohendalski; Debe Shafer
- Planning & Zoning Commission: Craig Hall; Bo Miles; Jodi Warner
- Zoning Board of Adjustments: Regular members: Jim Davis; Hunter Goodwin; Marsha Sanford. Alternates: Gary Erwin; Scott Simpson. Hunter Goodwin was named Chair.

9. Presentation, possible action and discussion regarding the citizen appointment to the Research Valley Partnership Board of Directors.

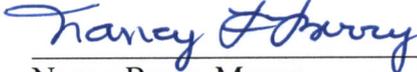
MOTION: Upon a motion made by Councilmember Lyles and a second by Councilmember Schultz, the City Council voted seven (7) for and none (0) opposed, to appoint Tedi Ellison to the Research Valley Partnership Board of Directors. The motion carried unanimously.

10. Presentation, possible action and discussion regarding the approval of a City of College Station Councilmember to be appointed to the CEOC Policy Advisory Board.

Mayor Berry expressed her desire to serve on the CEOS Policy Advisory Board. Council consensus was to appoint her.

11. Adjournment.

MOTION: There being no further business, Mayor Berry adjourned the Regular Meeting of the City Council at 8:48 p.m. on Thursday, July 12, 2012.


Nancy Berry, Mayor

ATTEST:


Sherry Mashburn, City Secretary

RESOLUTION NO. 07-12-12-2e

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION TO AUTHORIZE THE CITY MANAGER OR HIS DESIGNEES TO EXECUTE DOCUMENTS NECESSARY FOR THE SUBMISSION OF THE PATROL EFFICIENCY GRANT APPLICATION FOR THE OFFICE OF THE GOVERNOR CRIMINAL JUSTICE DIVISION (CJD) FUNDS ON BEHALF OF THE CITY AND TO ACT ON ITS BEHALF WITH RESPECT TO ANY ISSUES THAT MAY ARISE DURING PROCESSING OF SAID APPLICATION.

WHEREAS, the City Council of College Station has expressed commitment to providing for the health and safety of its citizens; and

WHEREAS, the City of College Station Police Department is dedicated to seeking efficient and effective means to reduce crime and recover evidence; and

WHEREAS, the Office of the Governor has issued a Request for Applications for CJD funding to reduce crime and improve the criminal justice system; and

WHEREAS, the eligible activities under CJD are consistent with the strategies identified in the Police Department's Operational Plan; and

WHEREAS, eligible activities under CJD can be expected to enhance the City's existing policing services, and alleviate health and safety concerns.

WHEREAS, the City Council acknowledges that the Patrol Efficiency Grant requires the City to pay any maintenance costs beyond the initial purchase of equipment; now, therefore,

BE IT RESOLVED by the City Council of the City of College Station hereby approves the submission of the Patrol Efficiency Grant application to the Office of the Governor, Criminal Justice Division.

PART 1: That the City Council hereby authorizes the City Manager or his designees as authorized officials to execute documents necessary for the submission of the Patrol Efficiency Grant application, with Application Number 2560701, for CJD funds to the Officer of the Governor on behalf of the City of College Station and to act on its behalf with respect to any issues that may arise during processing of said application.

PART 2: That the City Manager or his designees as authorized officials are given the power to apply for, accept, reject, alter or terminate the Patrol Efficiency Grant on behalf of the City of College Station.

PART 3: That the City of College Station agrees in the event of loss or misuse of the Criminal Justice Division funds, the City of College Station assures the funds will be returned to the Criminal Justice Division in full.

PART 4: That this resolution shall repeal and replace Resolution No. 02-23-12-2f that was approved by the College Station City Council on February 23, 2012 attached as Exhibit A.

PART 5: That this resolution shall take effect immediately from and after its passage.

ADOPTED this 12th day of July, 2012.

ATTEST:

APPROVED:

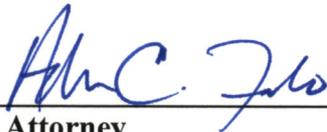


City Secretary



Mayor

APPROVED:



City Attorney

RESOLUTION NO. D7-12-12-2f

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING THE INTERLOCAL AGREEMENT WITH TEXAS A&M UNIVERSITY FOR PROVIDING FIRE PROTECTION TO EASTERWOOD AIRPORT.

WHEREAS, Texas A&M University owns and operates Easterwood Airport and is required by the Federal Aviation Administration to provide Fire Protection for the Airport facilities and the Aircraft at Easterwood Airport; and

WHEREAS, the City of College Station currently provides Fire Protection to Easterwood Airport primarily from Fire Station # 4 on George Bush Drive through an Interlocal Agreement which has been updated and is scheduled to be in effect for a period ending on January 31, 2015; and

WHEREAS, the intent of this Interlocal Agreement is to continue to provide Fire Protection to Easterwood Airport facilities and the Aircraft by the City of College Station ; and now, therefore,

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

PART 1: That the City Council hereby approves the Interlocal Agreement with Texas A&M University for providing Fire Protection to Easterwood Airport Facilities and the Aircraft at Easterwood Airport.

PART 2: That the City Council hereby accepts payment from Easterwood Airport in the amount of \$196,200 on an annual basis each year for 2012, 2013, and 2014 for providing Fire Protection to Easterwood Airport.

PART 3: That this resolution shall take effect immediately from and after its passage.

ADOPTED this 12th day of July, 2012.

ATTEST:

APPROVED:

Sherry Mashburn
City Secretary

Trancy F. Perry
Mayor

APPROVED:

Adm C. Falo
City Attorney

RESOLUTION NO. 07-12-12-2g

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING A CONSTRUCTION CONTRACT FOR THE WOLF PEN CREEK FESTIVAL AREA PROJECT AND AUTHORIZING THE EXPENDITURE OF FUNDS.

WHEREAS, the City of College Station, Texas, solicited bids for the construction phase of the Wolf Pen Creek Festival Area Project; and

WHEREAS, the selection of Kieschnick General Contractors, Inc. is being recommended as the lowest responsible bidder for the construction services related to the Wolf Pen Creek Festival Area Project; now, therefore,

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

- PART 1: That the City Council hereby finds that Kieschnick General Contractors, Inc. is the lowest responsible bidder.
- PART 2: That the City Council hereby approves the construction contract with Kieschnick General Contractors, Inc. for \$899,122.00 for the labor, materials and equipment required for the improvements related the Wolf Pen Creek Festival Area Project.
- PART 3: That the funding for this construction contract will be as budgeted from the WPC TIF Fund, in the amount of \$899,122.00.
- PART 4: That the City Council hereby authorizes the City Manager to execute this construction ontract.
- PART 5: That this resolution shall take effect immediately from and after its passage.

ADOPTED this 12th day of July, 2012.

ATTEST:



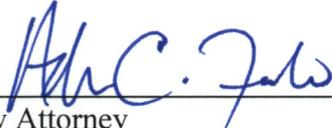
City Secretary

APPROVED:



Mayor

APPROVED:



City Attorney

AFFIDAVIT OF CONFLICT OF INTEREST

STATE OF TEXAS
COUNTY OF BRAZOS

I, Julie Schultz as a member of the City of College Station
Council make this affidavit and hereby, on oath, state the following: I, and/or a person or persons related to me, have a substantial interest in a business entity that would be peculiarly affected by a vote or decision of the City Agenda item 2+3 as those terms are defined in Chapter 171, *Texas Local Government Code*.

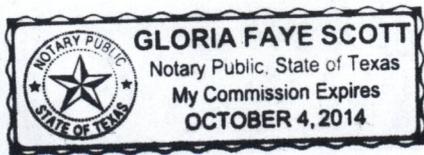
The business entity is: Schultz Engineering, LLC

I (have/has) a substantial interest in this business entity for the following reasons: (Check all that are applicable.)

- I own 10% or more of the voting stock or shares of the business entity;
- I own either 10% or more or \$5,000 or more of the fair market value of the business entity;
- Funds received by me from the business entity exceed 10% of my gross income for the previous year;
- Real property is involved and (I/we) have an equitable or legal ownership with a fair market value of \$2,500 or more;
- A relative of mine has a substantial interest in the business entity or property that would be affected by a decision of the public body of which I am a member.

Upon the filing of this affidavit with the City Secretary, I affirm that I will abstain from voting on any decision involving this business entity and from any further participation on this matter whatsoever.

Signed this 12 day of July, 2012



Julie Schultz
Signature of Official

City Council Member
Title

BEFORE ME, the undersigned authority, on this day personally appeared Julie Schultz, who after being by me duly sworn and on his oath deposed and says that he/she has ready the above and foregoing and that every statement contained therein is with his/her personal knowledge and is true and correct.

Gloria Faye Scott
Notary Public, State of Texas



	Name	Address	Email or Phone No.
1.	John R. Clark	3828 S. COLLEGE, Bryan 77801	john@clarkisenhour.com
2.	DAVID WALLER	PO Box 5790 / Bryan 77805	776-4350
3.	Ann Atkins	1208 Colwell Ct., Bryan, TX 77807	annatkins@att.net
4.	Sam White	804 Emburylow Cir CS	samwhite@gmail.com
5.	Priscilla Garcia	2403 Bergin Dr. Bryan TX	priscilla.garcia@prosperitytax.com
6.	MARC CHALOUPEA	7805 STONEWALL C.S	M-CHALOUPEA@TAMU.EDU
7.	M. Simey (Mrs) Beal		
8.	Allison Meserole	206 MEIR LN	allisonmeserole@gmail.com
9.	Mike Gerser	3923 Hank Owl CV	mdegersr@gmail.com
10.	Jessica Denysy	3715 Puffer way	735-3942
11.	Edie Mansfield	1743 Purple Martin Pl.	256-289-2927
12.	Amy Reed	871 Kyle Hwy	amyreed@keepbracosbauction.org
13.	Sherry Ellison	2705 Brookway Dr CS	ellison@txcyber.com
14.	Bill Hauck	3930 Hawk Owl CS	979-690-2604
15.	Jason Bawski	4402 AntHushan Bryan	776-8774

Note this not a Hear Visitors form To speak on a particular item please file out the Citizen

Speakers Form next to sign in sheet.



CITY OF COLLEGE STATION
Home of Texas A&M University

College Station City Council Regular Agenda
Sign In Sheet
Thursday, July 12, 2012 at 7:00 p.m.
City Hall Council Chamber

Mayor
Nancy Berry
Mayor Pro Tem
David Ruesink
City Manager
David Neeley

Council Members
Blanche Brick
Jess Fields
Karl Mooney
Katy-Marie Lyles
Julie Schultz

	Name	Address	Email or Phone No.
1.	J Beckmann	9301 Amberwood Ct-	
2.	Gary Ives	3943 Blue Jay Ct	
3.			
4.			
5.			
6.			
7.			
8.			
9.			
10.			
11.			
12.			
13.			
14.			
15.			

Note this not a Hear Visitors form To speak on a particular item please file out the Citizen Speakers Form next to sign in sheet.



CITY OF COLLEGE STATION
Home of Texas A&M University*

CITIZEN COMMENT SIGN-UP FORM

Regular Meeting Date: 7/12/12
MM/DD/YY

**** Please PRINT all information ****

Name: Gary Ives Phone: 979-690-7870

Address: 3943 Blue Jay CT, CS 77845

Email: gary-w-ives@tamv.edu Comments: WRITTEN ORAL

Comments are presented for: HEAR VISITORS AGENDA ITEM # _____

FOR WRITTEN COMMENTS, PLEASE WRITE BELOW:

attached comments distributed to council.

COMMENTS CONTINUED ON ATTACHED DOCUMENT OF _____ PAGE(S)

FOR ORAL COMMENTS:

1. YOU MUST SIGN UP PRIOR TO THE SCHEDULED MEETING
(At the City Secretary's Office during regular business hours, or from 5:00 p.m. to 6:45 p.m. the day of the meeting.);
2. YOU WILL HAVE ONE OPPORTUNITY TO SPEAK; AND
3. YOU MUST OBSERVE THE 3-MINUTE TIME LIMIT. (Time cannot be transferred to another speaker.)

Inquiries from speakers about matters not listed on the agenda will either be directed to the Staff or placed on a future agenda for Council consideration. **See reverse side for additional rules.**

MAIL, FAX OR EMAIL COMPLETED FORM TO:

City of College Station
City Secretary's Office – City Hall
1101 Texas Avenue, College Station, Texas 77840
Fax: 979-764-6377
Email: smashburn@cstx.gov

OFFICE USE ONLY:
(# in which received)

1

SHOA President's Comments to College Station City Council

July 12, 2012

Thank you, Mayor and Council, for this time. My name is Gary Ives, President of the SpringBrook Homeowner's Association, and I live at 3943 Blue Jay Court, College Station.

On behalf of the SHOA Board, I would like to thank you for granting our request for a postponement of the Public Hearing concerning the Lick Creek Trail project. Our hope was to reconcile (if at all possible) the conflicting viewpoints within our HOA prior to City Council's consideration of this important matter.

We are truly saddened by the failure of our attempt to reconcile our differences with the 11 homeowners now comprising the group calling themselves the "Concerned Springbrook Homeowners." We found their proposal to purchase the land to be woefully inadequate to protect the best interests of our neighborhood, and would serve instead to permanently formalize the division in our community. They offered no other proposal before walking away from our discussions. Our response, in part, reads as follows:

"The Board has unanimously rejected the settlement proposal. The basis for its decision is two-fold. First, the trail project proposed by the city offers a greater overall benefit to all members of the association. Second, the board cannot entrust the maintenance of the creek area to 11 lot owners when historically all 196 lot owners have had a difficult time adequately maintaining the creek area."

I have included in my handout to you a copy of the Board's mailout to our membership, sent to inform them of these most recent events. And we are currently preparing our final report to you on this effort, which we will deliver to you prior to the expiration of the 60 day postponement.

We believe that we have gone well beyond the extra mile in our effort to reach out to this group, four members of which served at our invitation on the Board's Lick Creek advisory committee that we formed nearly two years ago. We find that their accusations border on the libelous. We believe that their expressed basis for litigation is frivolous and a misuse of the legal system. Since the last City Council meeting, we have heard nothing that would indicate that a lawsuit is truly forthcoming. Further, we believe that there is no basis for a lawsuit and we don't expect to see one.

The SHOA Board remains committed to be faithful to the mandate of a majority of our membership by a quorum-based vote in support of a conditional dedication of our portion of the Lick Creek drainage area to the City for the purpose of building the trail. Simultaneously, we remain just as committed to advocate for those who may be adversely affected. The path through our neighborhood is the link (the missing link, if you will) between East and West in the City's own master plan for the trail system. And as I've said before, many of our membership view the proposed trail as a once in a lifetime opportunity for a million-dollar amenity, one that would connect us, both East and West, to the entire College Station community.



June 29, 2012

Dear fellow homeowners:

On May 21, 2012, we received a letter from an attorney representing Marcy Halterman-Cox and 10 others calling themselves the "Concerned Springbrook Homeowners," threatening renewed litigation and proposing a "settlement conference" (enclosed.) The members of this group include:

1. Marcy Halterman-Cox and Russell L. Cox
2. Steven S. O'Neal and Carmen O'Neal
3. Season Wong and Yi-Chun Lin
4. Jerry Gundy and Anna L. Gundy
5. Frank H. Landis and Melanie T. Landis
6. Michael D. Gerst and Teri L. Gerst
7. Brian A. Leschber
8. Sheri Stebenne and Patrick Mahoney
9. Ron Garza and Wendy Garza
10. W.S. ("Stu") Allison
11. Avery Pavliska

On May 22, 2012, we sent the Board's response by letter (enclosed.) We reported the possibility of renewed litigation to our insurance carrier, and the lawyer who represented us in the earlier filing was reassigned to us.

Also on May 22, 2012, we made a request to City Council that the Public Hearing on the Lick Creek Trail Project scheduled for May 24, 2012 be postponed to give us an opportunity to reconcile (if at all possible) the conflicting viewpoints within our HOA prior to City Council's consideration of this important matter. As a result, the Public Hearing on the Lick Creek Trail Project was postponed for 60 days.

After consultation with our assigned attorney, a meeting was arranged and held on Monday, June 4, 2012, with the two attorneys moderating. Through their attorney, the "Concerned Springbrook Homeowners" requested that the SpringBrook Homeowner's Association consider selling the Lick Creek drainage area to them. However, no detailed proposal was put on the table.

We stipulated June 25, 2012 as the deadline for the "Concerned Springbrook Homeowners" to prepare and deliver a detailed proposal to the Board for its consideration. On that date, we received the group's proposal (enclosed). On June 26, 2012, the Board and its legal advisor met with its assigned legal counsel to consider the group's proposal and to determine our response. On June 27, 2012, we directed our legal counsel to transmit our response (enclosed) to the group's attorney, which stated in part:

"The board has unanimously rejected the settlement proposal. The basis for its decision is two-fold. First, the trail project proposed by the city offers a greater



overall benefit to all members of the association. Second, the board cannot entrust the maintenance of the creek area to 11 lot owners when historically all 196 lot owners have had a difficult time adequately maintaining the creek area.”

On the evening of June 28, 2012, City Council held its regularly scheduled meeting. During “Hear Visitors,” Brian Leschber, speaking on behalf of the “Concerned SpringBrook Homeowners,” reported our rejection of their proposal, and stated (in part) that the President and Vice-President had not acted in good faith, that we had held a sham of an election, and that the group is exploring the possibility of further legal action.

We are truly saddened by the failure of our attempt to reconcile our differences with the “Concerned SpringBrook Homeowners.” We believe that we have gone well beyond the extra mile in our effort to reach out to this group. We find that their accusations border on the libelous. We believe that their expressed basis for litigation is frivolous and a misuse of the legal system. In view of this, combined with their direct appeals through the media and to the city, we can only conclude that the “Concerned SpringBrook Homeowners” seek to overturn the results of our duly held election and to poison the atmosphere of our negotiations with the city through any means possible.

We will continue to keep the membership informed of any new developments.

Sincerely,

A handwritten signature in black ink, appearing to read "Gary Ives".

Gary Ives, President
SpringBrook Homeowner's Association

B. D. GRIFFIN, ATTORNEY AT LAW, P.C.

2040 N. Loop 336 W., Commonwealth Centre, Suite 314, Conroe, Texas 77304

Telephone: 936-539-6936 / 281-367-2393 / 936-441-1671 Metro

Metro Fax: 936-441-9088

www.grifrelaw.com

B. D. Griffin Attorney at Law
Certified by the Texas Board of Legal Specialization
In Commercial Real Estate Law & Residential Real Estate Law

Betty Hernandez
Legal Assistant

May 21, 2012

via email to gary-w-ives@tamu.edu and
via certified mail, return receipt requested

Gary W. Ives, President
Springbrook Homeowner's Association, Inc.
P.O. Box 9337
College Station, Texas 77842

Re: *Concerned Springbrook Homeowners/Lick Creek
Springbrook Homeowner's Association, Inc. ("Springbrook HOA")*

Dear Mr. Ives:

I represent several homeowners in the Springbrook subdivision(s) in College Station, Texas concerning the Springbrook HOA's plans to divest the HOA and the homeowners of the Lick Creek common areas and/or allow the City of College Station to construct hike and bike trails and other public recreational facilities along Lick Creek in the Springbrook subdivisions.

I know that there has been prior litigation in the Justice Court and several meetings and civic hearings on this matter. As you are aware, my clients would be the ones most affected by the proposed transaction; and in my clients' opinion, adversely affected. As a last resort prior to the initiation of litigation, my clients propose a settlement conference with the Springbrook HOA representatives and its counsel, a representative group of my clients with my attendance, and representatives of the City of College Station (the "City").

As my clients feel that time is of the essence considering the announced proposal, it would be beneficial to have the settlement conference soon. The proposed meeting could be scheduled less hastily, however, if the Springbrook HOA would agree that it would take no further steps toward transferring the Lick Creek areas to the City until a reasonable time after the proposed meeting with my clients and me. If I do not receive a positive response to this letter upon your receipt, my clients intend to proceed quickly with the litigation against the Springbrook HOA and/or the City as they feel they must in order to protect their property rights and the values of their homes.

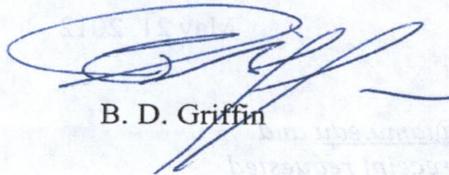
Letter to Gary W. Ives

May 21, 2012

Page 2

Please contact me to discuss this matter. If the Springbrook HOA is represented by an attorney on this matter, please have the HOA's attorney contact me. Thank you for your anticipated cooperation.

Very truly yours,



B. D. Griffin

BDG/

cc: Patrick N. Smith, Esq.
Ramsey & Murray, P.C.
1500 City West Blvd., Suite 1000
Houston, Texas 77042
via facsimile to 713 613 5414

Marcy Halterman-Cox



May 22, 2012

B.D. Griffin, Attorney at Law, P.C.
2040 N. Loop 336 W.
Commonwealth Centre, Suite 314
Conroe, TX 77304

Dear Mr. Griffin,

I am in receipt of your letter dated May 21, 2012, and am writing in reply on behalf of the Board of the SpringBrook Homeowner's Association, Inc.

As you may know, the College Station City Council has its regular meeting this coming Thursday evening, May 24, 2012. On the agenda is a public hearing, presentation, possible action, and discussion concerning the Lick Creek Trail Project. (See page 3 of the agenda at <http://agenda.cstx.gov/2012/City%20Council%20Regular%20Meeting%20Agenda%20Packet%202012-05-24%2019-00.pdf>.)

At that meeting, we will be representing the mandate of a majority of our membership in support of a conditional dedication of our portion of the Lick Creek drainage area to the City for the purpose of building the trail. Simultaneously, then and throughout the process to follow, we will be advocating on behalf of those homeowners who may be adversely affected on the issues of privacy, safety and security, flooding, and the preservation of our greenbelt as a natural area. This has been our commitment from the beginning of this process: to be faithful to the wishes of the majority of our membership as determined by a quorum-based vote, while also advocating for those who may be most directly affected.

As to your request to hold a settlement conference, we will take this request under advisement until we have had an opportunity to tender your letter to the Board's insurer so it can assign an attorney to represent the Board—while it may be Patrick Smith, there is no guarantee he will receive the assignment. As soon as the Board has counseled with its attorney, you will receive a response to your request. Your clients' claim that time is of the essence is somewhat specious given the lawsuit in small claims court was dismissed on May 1st. I hope they will grant the Board the courtesy of retaining counsel and allowing time for consultation prior to demanding a commitment.

Best regards,

A handwritten signature in black ink, appearing to read "Gary Ives", is written over a light blue background.

Gary Ives, President
SpringBrook Homeowner's Association, Inc
PO Box 9337
College Station, TX 77842

Home:
3943 Blue Jay Court
College Station, TX 77845
979-690-7870

**Proposal from Concerned Springbrook Property Owners to
Springbrook Homeowners Association, Inc.
June 25, 2012**

**PROPOSAL FROM
CONCERNED SPRINGBROOK PROPERTY OWNERS GROUP**

The following is a proposal from the Concerned Springbrook Property Owners group (“CSPO”) for the purchase and transfer of the Lick Creek Common Area (“LCCA”) from the Springbrook Homeowners Association, Inc (“SHOA”).

Outline/Synopsis

The major components and points of the proposal are as follows:

1. Purchase of the Lick Creek Common Area (“LCCA”) for the sum of Five Thousand and no/100 (\$5,000.00) dollars in cash or cash equivalent (cashiers checks).

COMMENT: This allows the SHOA to receive value and consideration for the transfer of the LCCA which it will not receive under the proposal to donate the LCCA to the City. It also reimburses the approximate cost of last year’s maintenance expenditures on Lick Creek.

2. Formation of an *additional but separate (from SHOA)* non-profit corporation to own and control the LCCA (for purposes of discussion to be called Lick Creek POA).

COMMENT: The Lick Creek POA will be subject to the laws and restrictions regarding non-profits and property owners associations. Property owners in the subdivision whose lots adjoin Lick Creek will have the opportunity to “opt in” and become involved in the management of the LCCA but will not and cannot be forced to join the new POA.

3. Imposition of restrictive covenants upon the LCCA in the transfer from the SHOA and the creation of access rights for current and future members of SHOA.

COMMENT: The use of restrictive covenants prevents the group from selling the property for some commercial use or use that would change the character of the property.

4. All current and future owners of property in the Springbrook subdivision(s) (SHOA members) will have equivalent access to the LCCA as currently exists.

COMMENT: This can be accomplished in one or a combination of several ways. The current SHOA members would see little or no change in their use and access. The positive change for the non-creek backing owners would be that their SHOA dues would

not be subject to including the cost of maintaining and insuring the LCCA which could result in a reduction of the SHOA assessments

5. Release of SHOA and all officers, directors, agents and related parties and individuals from any and all claims previously asserted or that could have been asserted regarding the LCCA.

COMMENT: This resolves any potential litigation and saves the SHOA costs and potential risks.

Additional points and material terms

- A. It is the intention of the CSPO to leave the LCCA in as natural state as possible.
- B. Acceptance of the proposal means that the SHOA members would have their neighbors in control of the LCCA and not the City of College Station. It would not be a “public” park or property rightfully accessed by the general public at large. Being private property, access could be restricted, but the City police jurisdiction and protection and other municipal services would still extend to the LCCA. Do the members really want a public access trail with the potential/probability of non-residents using it at their whim for whatever purposes (legal and illegal) that they desire?
- C. Should the SHOA Board decide to make the decision subject to a member vote, the CSPO must have input on the ballot, the communication to the members, the means of tabulating the vote, etc... We suggest that if the proposal is placed before the members for a vote, then the parties *jointly* prepare the ballots, notices, minimum quorum or votes needed for decision, etc... and agree on some “ground rules” for communicating the proposal to the members.

Conclusion

While we believe that this proposal addresses the expressed and anticipated concerns of the SHOA and its members, the CSPO welcomes the opportunity to address any additional

concerns, comments, suggestions or counter-proposals. As the SHOA knows, the fate of the Lick Creek Common Area is of utmost important to the CSPO. The CSPO, however, feels that the proposal set forth above serves the best interests of the members of the SHOA as well as protects the property rights and expectations of the owners of property adjoining Lick Creek.

RAMSEY & MURRAY

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

1500 CITYWEST, SUITE 1000

HOUSTON, TEXAS 77042-2354

(713) 613-5400

FAX: (713) 613-5414

June 27, 2012

psmith@ramseyandmurray.com

writer's direct: (713) 361-2806

Via e-mail: bdg@consolidated.net

Mr. B.D. Griffin
Attorney At Law
2040 N. Loop 335 W.
Commonwealth Centre, Suite 314
Conroe, Texas 77304

Re: *Concerned Springbrook Homeowners/Lick Creek
Springbrook Homeowner's Association, Inc.*

Dear Mr. Griffin:

Please accept this response to your clients' June 25 settlement proposal. The board has considered the proposal in light of what is in the best interest of the entire association membership.

The board has unanimously rejected the settlement proposal. The basis for its decision is two-fold. First, the trail project proposed by the city offers a greater overall benefit to all members of the association. Second, the board cannot entrust the maintenance of the creek area to 11 lot owners when historically all 196 lot owners have had a difficult time adequately maintaining the creek area.

Of course, the board will continue to work with all members of the association, and your clients in particular, to ensure the trail project proceeds in a way that is most beneficial to the entire neighborhood.

I look forward to visiting with you again soon. Until then, I remain,

Very truly yours,

RAMSEY & MURRAY, P.C.



Patrick N. Smith

cc: Gary Ives
Noel Bauman
Jerry Brown



CITY OF COLLEGE STATION
Home of Texas A&M University*

CITIZEN COMMENT SIGN-UP FORM

Regular Meeting Date: 7/12/2012
MM / DD / YY

**** Please PRINT all information ****

Name: JERRY BROWN Phone: 979-690-6909

Address: 3802 Gold Finch Cir, CS, TX 77845

Email: jmbrown85@yahoo.com Comments: WRITTEN ORAL

Comments are presented for: HEAR VISITORS AGENDA ITEM # _____

FOR WRITTEN COMMENTS, PLEASE WRITE BELOW:

COMMENTS ~~CONTINUED~~ ON ATTACHED DOCUMENT OF 7 PAGE(S)

FOR ORAL COMMENTS:

1. YOU MUST SIGN UP PRIOR TO THE SCHEDULED MEETING
(At the City Secretary's Office during regular business hours, or from 5:00 p.m. to 6:45 p.m. the day of the meeting.)
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3. YOU MUST OBSERVE THE 3-MINUTE TIME LIMIT. *(Time cannot be transferred to another speaker.)*

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MAIL, FAX OR EMAIL COMPLETED FORM TO:

City of College Station
City Secretary's Office – City Hall
1101 Texas Avenue, College Station, Texas 77840
Fax: 979-764-6377
Email: smashburn@cstx.gov

OFFICE USE ONLY:
(# in which received)

2

CS City Council Comments-2012-07-12-JMB

Thu, July 12, 2012
Jerry M. Brown
3802 Gold Finch Circle, CS

At the city council meeting held June 28, 2012, my neighbor Brian Leschber expressed dissatisfaction with how the HOA board of directors handled the mediation. (Statement attached.) He said: ***“Instead of coming into the mediation process in good faith to this end, the HOA board went into it with no intention of negotiating or mediating anything.”*** I’m here to share with you the rest of the story.

A member of the “11 Concerned Homeowners” group first proposed a purchase of the property at an association meeting held April 2, 2012. The board heard no further proposal. On May 24 (53 days later) the city council tabled the trail-path vote to permit the parties to discuss a resolution of their differences. On June 4 (12 days later) the parties met—I attended the meeting. The group had *no written proposal* and only tendered a single settlement offer despite saying they had other ideas. The reason for the lack of preparation became apparent when the group’s attorney informed the board he only met with his client the evening before the mediation. The group wanted the board to accept, on behalf of the other 185 homeowners, an offer of \$5,000 as fair compensation to give up a \$1.1 million dollar recreation trail. ($\$25.51$ per homeowner ($5,000/196=25.51$)). The mediation ended without a resolution but the group agreed to submit a written

proposal by June 25. The attorneys' later discussed the key issues the offer should address.

On June 25 (21 days after the mediation) the group submitted the written offer, which, in my opinion, only repeated what was discussed 3 weeks earlier and neglected to fully address the key issues identified by the board. (Offer attached.)

On June 27, the board responded, giving specific reasons why the offer was inadequate. (Letter attached.) The board made no counter-offer. This group told the city council it wants to buy the property. It has the burden of tendering a legitimate offer. To date (15 days after its offer was rejected), the group has not attempted to address the reasons the offer was rejected nor has it submitted another proposal.

In summary, **50 days** after the city council tables the trail-path vote, this group of "11 Concerned Homeowners" can only muster a 2 1/2 page settlement offer seeking to swap a \$1.1 million dollar recreation trail for \$5,000. I ask you, which party participated in good faith?

6/28/2012
Lick Creek
Mediation

Madame Mayor and City Council members,

My home, along with 51 others, backs up to the SpringBrook HOA owned portion of the Lick Creek floodway. You have heard in preceding months many parties come forth with persuasive arguments both against and for this trail. I am one of the 10 homeowners that have hired legal representation to stop what we felt was an engineered sham vote to allow the HOA board, particularly president, Gary Ives, and vice president, Noel Baumann, to hand over the floodway property to the city, no matter what the impact is to their neighbors that back up to it the land.

As a Council, you requested the HOA board and the floodway-backing owners group come together to work out an amenable solution to the problem. Instead of coming into the mediation process in good faith to this end, the HOA board went into it with no intention of negotiating or mediating anything.

Yesterday, we received notification from the HOA board's attorney, stating that they refused our offer of \$5,000 cash for the property which included providing all SpringBrook HOA members access to the property, without them incurring any maintenance or insurance costs. The HOA board stated that the offer was not in the best interests of the HOA membership. They made no counter offer, but simply refused and declined ours.

Our group was already upset about this situation before mediation, and even more so now to the point of being increasingly determined to pursue keeping control of the property. As a group, we are actively investigating initiation of legal action in district court to see this out to an amicable end for the floodway-backing owners we are directly & indirectly fighting for.

As stewards of our City, I respectfully request that, aside from all the turmoil and division this proposed project has caused in our neighborhood that you consider this – during most rain events, the floodway does in fact flood. The proposed trail will be covered with debris, trees and mud after each event. Do you want to be remembered as the Council that built a trail that no one could use, because the City does not have enough maintenance funds to clean it after each rain?

Thank you,

Brian Leschber (1716 Starling Dr., College Station, TX)

**Proposal from Concerned Springbrook Property Owners to
Springbrook Homeowners Association, Inc.
June 25, 2012**

PROPOSAL FROM
CONCERNED SPRINGBROOK PROPERTY OWNERS GROUP

The following is a proposal from the Concerned Springbrook Property Owners group (“CSPO”) for the purchase and transfer of the Lick Creek Common Area (“LCCA”) from the Springbrook Homeowners Association, Inc (“SHOA”).

Outline/Synopsis

The major components and points of the proposal are as follows:

1. Purchase of the Lick Creek Common Area (“LCCA”) for the sum of Five Thousand and no/100 (\$5,000.00) dollars in cash or cash equivalent (cashiers checks).

COMMENT: This allows the SHOA to receive value and consideration for the transfer of the LCCA which it will not receive under the proposal to donate the LCCA to the City. It also reimburses the approximate cost of last year’s maintenance expenditures on Lick Creek.

2. Formation of an *additional but separate (from SHOA)* non-profit corporation to own and control the LCCA (for purposes of discussion to be called Lick Creek POA).

COMMENT: The Lick Creek POA will be subject to the laws and restrictions regarding non-profits and property owners associations. Property owners in the subdivision whose lots adjoin Lick Creek will have the opportunity to “opt in” and become involved in the management of the LCCA but will not and cannot be forced to join the new POA.

3. Imposition of restrictive covenants upon the LCCA in the transfer from the SHOA and the creation of access rights for current and future members of SHOA.

COMMENT: The use of restrictive covenants prevents the group from selling the property for some commercial use or use that would change the character of the property.

4. All current and future owners of property in the Springbrook subdivision(s) (SHOA members) will have equivalent access to the LCCA as currently exists.

COMMENT: This can be accomplished in one or a combination of several ways. The current SHOA members would see little or no change in their use and access. The positive change for the non-creek backing owners would be that their SHOA dues would

not be subject to including the cost of maintaining and insuring the LCCA which could result in a reduction of the SHOA assessments

5. Release of SHOA and all officers, directors, agents and related parties and individuals from any and all claims previously asserted or that could have been asserted regarding the LCCA.

COMMENT: This resolves any potential litigation and saves the SHOA costs and potential risks.

Additional points and material terms

A. It is the intention of the CSPO to leave the LCCA in as natural state as possible.

B. Acceptance of the proposal means that the SHOA members would have their neighbors in control of the LCCA and not the City of College Station. It would not be a "public" park or property rightfully accessed by the general public at large. Being private property, access could be restricted, but the City police jurisdiction and protection and other municipal services would still extend to the LCCA. Do the members really want a public access trail with the potential/probability of non-residents using it at their whim for whatever purposes (legal and illegal) that they desire?

C. Should the SHOA Board decide to make the decision subject to a member vote, the CSPO must have input on the ballot, the communication to the members, the means of tabulating the vote, etc... We suggest that if the proposal is placed before the members for a vote, then the parties *jointly* prepare the ballots, notices, minimum quorum or votes needed for decision, etc... and agree on some "ground rules" for communicating the proposal to the members.

Conclusion

While we believe that this proposal addresses the expressed and anticipated concerns of the SHOA and its members, the CSPO welcomes the opportunity to address any additional

concerns, comments, suggestions or counter-proposals. As the SHOA knows, the fate of the Lick Creek Common Area is of utmost important to the CSPO. The CSPO, however, feels that the proposal set forth above serves the best interests of the members of the SHOA as well as protects the property rights and expectations of the owners of property adjoining Lick Creek.

RAMSEY & MURRAY

A PROFESSIONAL CORPORATION

ATTORNEYS AT LAW

1500 CITYWEST, SUITE 1000

HOUSTON, TEXAS 77042-2354

(713) 613-5400

FAX: (713) 613-5414

June 27, 2012

psmith@ramseyandmurray.com
writer's direct: (713) 361-2806

Via e-mail: bdg@consolidated.net

Mr. B.D. Griffin
Attorney At Law
2040 N. Loop 335 W.
Commonwealth Centre, Suite 314
Conroe, Texas 77304

Re: *Concerned Springbrook Homeowners/Lick Creek
Springbrook Homeowner's Association, Inc.*

Dear Mr. Griffin:

Please accept this response to your clients' June 25 settlement proposal. The board has considered the proposal in light of what is in the best interest of the entire association membership.

The board has unanimously rejected the settlement proposal. The basis for its decision is two-fold. First, the trail project proposed by the city offers a greater overall benefit to all members of the association. Second, the board cannot entrust the maintenance of the creek area to 11 lot owners when historically all 196 lot owners have had a difficult time adequately maintaining the creek area.

Of course, the board will continue to work with all members of the association, and your clients in particular, to ensure the trail project proceeds in a way that is most beneficial to the entire neighborhood.

I look forward to visiting with you again soon. Until then, I remain,

Very truly yours,

RAMSEY & MURRAY, P.C.



Patrick N. Smith

cc: Gary Ives
Noel Bauman
Jerry Brown



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CITIZEN COMMENT SIGN-UP FORM

Regular Meeting Date: 7.12.12
MM / DD / YY

** Please PRINT all information **

Name: Felix Munguia III Phone: 956-489-2927

Address: 1743 People Martin CV

Email: fsmunguia3@gmail.com Comments: WRITTEN ORAL

Comments are presented for: HEAR VISITORS AGENDA ITEM # _____

FOR WRITTEN COMMENTS, PLEASE WRITE BELOW:

COMMENTS CONTINUED ON ATTACHED DOCUMENT OF _____ PAGE(S)

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(At the City Secretary's Office during regular business hours, or from 5:00 p.m. to 6:45 p.m. the day of the meeting.)
2. YOU WILL HAVE ONE OPPORTUNITY TO SPEAK; AND
3. YOU MUST OBSERVE THE 3-MINUTE TIME LIMIT. *(Time cannot be transferred to another speaker.)*

Inquiries from speakers about matters not listed on the agenda will either be directed to the Staff or placed on a future agenda for Council consideration. **See reverse side for additional rules.**

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1101 Texas Avenue, College Station, Texas 77840
Fax: 979-764-6377
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CITIZEN COMMENT SIGN-UP FORM

Regular Meeting Date: 7/12/12
MM / DD / YY

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Name: Marcy Halterman-Cox Phone: 4924938

Address: 1807 Springbrook Estates CS

Email: _____ Comments: WRITTEN ORAL

Comments are presented for: HEAR VISITORS AGENDA ITEM # _____

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Public comment Consent Item

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Name: MARC CHALOUPEK Phone: 979 255 1838

Address: 7805 STONEWALL

Email: M-CHALOUPEK@TAMU.EDU Comments: WRITTEN ORAL

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Name: Kyle J. Incardona Phone: 979-255-3038

Address: 2301 E. 29th St Bryan, Tx 77802

Email: kyle.incardona@carriage-services.com Comments: WRITTEN ORAL

Comments will be presented for PUBLIC HEARING AGENDA ITEM # 3

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Name: Joe Schultz Phone: 764-3900

Address: 2730 Longmire C.S. 74 77845

Email: joeschultz84@verizon.net Comments: WRITTEN ORAL

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Name: JOHN CLARK Phone: 268-6840

Address: 504 CRESCENT, BRYAN, TX 77801

Email: john@clarkisenhour.com Comments: WRITTEN ORAL

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