

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF COLLEGE STATION
MAY 9, 2013

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry, Mayor

Council:

Blanche Brick
Jess Fields
Karl Mooney
John Nichols
Julie Schultz
James Benham

City Staff:

Kathy Merrill, Interim 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 Berry at 7:14 p.m. on Thursday, May 9, 2013 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.

The Mayor and Council honored Frank Simpson, deceased City Manager, with a moment of silence.

Presentation:

- **Presentation to the Bicycle, Pedestrian and Greenways Advisory Board proclaiming May as National Bike Month.**

Mayor Berry presented the proclamation to Blanche Brick, Chair, and committee members Greg Stiles, Mary Halterman-Cox, Sherry Ellison, Philip Lasley, James Batenhorst, and Jean Gould.

- **Presentation to St. Joseph Regional Health Center's Trauma Service proclaiming May as Trauma Awareness Month.**

Mayor Berry presented the proclamation to Adair deBerry-Carlisle, Trauma Medical Director, and Sherry Jennings, Trauma Program Manager.

Citizen Comments

Linda Harvell, 504 Guernsey, HPC and 75th Committee Chair, updated the Council on the upcoming College Station 75th Anniversary. She lauded the Public Communications Department for their assistance and noted the decal on the College Station fire trucks. She stated that donations are coming in. There will be a Homecoming on November 15. The George Bush Library is donating 3,000 square feet of exhibit space from October 21 – January 4. The birthday celebration is November 16, 2013 with the Grand Opening of the exhibit with free admission that weekend, and she hopes to see everyone there.

CONSENT AGENDA

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

- **April 25, 2013 Workshop**
- **April 25, 2013 Regular Council Meeting**
- **May 2, 2013 Special Meeting**

2b. Presentation, possible action, and discussion regarding approval of Resolution 05-09-13-2b, amending Resolution 02-14-13-2e that will authorize City staff to negotiate for the purchase of easements needed for the Bee Creek Parallel Trunk Line Project.

2c. Presentation, possible action, and discussion regarding Resolution 05-09-13-2c, awarding a professional services contract (13-238) with Ray + Hollington Architects, Inc. in the amount of \$281,500 for the development of the Lick Creek Park Nature Center, and approval of a resolution declaring intention to reimburse certain expenditures with proceeds from debt.

2d. Presentation, possible action, and discussion regarding approval of a contract between the City of College Station and D&S Contracting Inc., in the amount of \$153,904 for the purposes of improvements to Iron Bridge Trail and Raccoon Run Trail in Lick Creek Park.

2e. Presentation, possible action and discussion on the first of two readings of a non-exclusive franchise agreement with MedStar Services, LLC for the purposes of collecting and disposing treated and untreated medical waste from various healthcare related facilities.

2f. Presentation, possible action, and discussion regarding approval of the Brazos Valley Wide Area Communications System (BVWACS) Operating Budget for FY 14 and authorizing the City's quarterly payments of approximately \$52,683 for an annual total of \$210,732; and approval of the BVWACS Capital Budget for FY 14 and payment of the City's share in the amount of \$73,460.53.

2g. Presentation, possible action, and discussion regarding approval of a real estate contract between the City of College Station and Dorothy Ross in the amount of \$119,900 for the sale of 1022 Crested Point with assistance provided through the HOME Reconstruction Loan Program and for the authorization of the City Manager to sign a temporary residential lease with Dorothy Ross for 1022 Crested Point.

2h. Presentation, possible action and discussion on Resolution 05-09-13-2h, amending the authorized representatives on the local government pool account, TexPool.

2i. Presentation, possible action and discussion on Resolution 05-09-13-2i, amending the authorized representatives on the local government pool account, Texas Short Term Asset Reserve ("TexSTAR").

2j. Presentation, possible action, and discussion regarding approval of a contract between the City of College Station and Grid Utility, LLC., in the amount of \$1,259,929.12 for Annual Electric System Construction & Maintenance Labor as needed.

Items 2c and 2g were pulled for a separate vote.

MOTION: Upon a motion made by Councilmember Benham and a second by Councilmember Schultz, the City Council voted seven (7) for and none (0) opposed, to approve the Consent Agenda, less items 2c and 2g. The motion carried unanimously.

(2c)MOTION: Upon a motion made by Councilmember Brick and a second by Councilmember Nichols, the City Council voted four (4) for and three (3) opposed, with Mayor Berry and Councilmembers Benham and Fields voting against, to adopt Resolution 05-09-13-2c, awarding a professional services contract (13-238) with Ray + Hollington Architects, Inc. in the amount of \$281,500 for the development of the Lick Creek Park Nature Center, and approval of a resolution declaring intention to reimburse certain expenditures with proceeds from debt. The motion carried. *[During discussion of this item, at least two Councilmembers that voted for the item to fund the design of the Nature Center supported the design of a building that could be open or closed as weather permitted.]*

(2g)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 approve a real estate contract between the City of College Station and Dorothy Ross in the amount of \$119,900 for the sale of 1022 Crested Point with assistance provided through the HOME Reconstruction Loan Program and for the authorization of the City Manager to sign a temporary residential lease with Dorothy Ross for 1022 Crested Point. The motion carried.

REGULAR AGENDA

1. Presentation, possible action, and discussion regarding dedication of the Training Room in the College Station Utilities Meeting and Training Facility to Mr. Bennie Luedke and all long-serving City of College Station employees for their years of service, dedication and hard work.

MOTION: Upon a motion made by Mayor Berry and a second by Councilmember Nichols, the City Council voted seven (7) for and none (0) opposed, to dedicate the Training Room in the College Station Utilities Meeting and Training Facility to Mr. Bennie Luedke and all long-serving City of College Station employees for their years of service, dedication and hard work. The motion carried unanimously.

2. Public Hearing, presentation, possible action, and discussion regarding Ordinance 2013-3496, 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 14.2 acres for the property located at 2381 Earl Rudder Freeway South, generally located north of Raintree Drive and south of Horse Haven Estates, from PDD Planned Development District to approximately 7 acres NAP Natural Areas Preserve and approximately 7 acres SC Suburban Commercial.

Carla Robinson, City Attorney, reported that a protest has been filed pursuant to LGC 211.006. In order for the protest to apply, the petition has to be signed by 20% of the property owners within 200' of the subject re-zoning. If that is met, an affirmative vote of three fourths of the governing body is required. However, Planning and Development staff reviewed the protest petition, and there were not enough signatures. A three fourths vote is not required. Staff will be happy to meet with the petition signers after the Council's vote to explain how the calculation is made.

At approximately 7:59 p.m., Mayor Berry opened the Public Hearing.

Laurie Sorell, 7704 Sherman Court, said she has lived in Raintree for over 35 years. Her lots are unique due to the vegetation and trees. She is concerned about traffic, the assault to the senses (smells from restaurants), lights, and noise. This is not in the best interest of the community. Restaurants are 24/7 operations with deliveries at 2:00 a.m. She is concerned for the animals and ecological impact.

Mark BuxKemper, 7708 Sherman Court, stated that he is outside of the notification district, but asked why this property is being re-zoned again. Why aren't we adhering to the zoning requirement? He bought his home in relation to how the surrounding property was zoned. He asked Council to keep the property as PDD and build accordingly.

Simaan Shini, 7715 Appomattox Drive, said he is not against development and progress. The issue is changing the zoning to circumvent a restriction related to restaurants. These changes will allow restaurants. The worst case scenario is being covered up with restaurants. He asked Council to not negatively impact the neighborhood.

Boyd Sorell, 7704 Sherman Court, reminded Council that restrictions were put in place to prevent restaurants in 2009. Now they are requesting a re-zoning to get around that restriction. No one on the Council wants a restaurant 30' from their property line. With this new zoning, they can build just about anything they want there. He is against restaurants coming in. The traffic survey they provided is from 2009. Traffic going across the bridge on Southwest Parkway is horrendous now. The land around the proposed fourteen acres is still zoned PDD, and he

asked Council to keep it as it is. Suburban Commercial allows restaurants up to 8,000 square feet. This is a go around to what was agreed to years ago.

Bill Lero, 4421 Nottingham, Bryan, representing the property owner, stated there are no plans for this property at this time. They have requested the re-zoning to make the property more marketable. Suburban Commercial will hopefully make the property more marketable.

Henry Wittner, 2508 Raintree, said he knows of a person that wanted to purchase this property, but they wanted \$1 million; the appraisal is much less, so the land can be sold with those restrictions. The neighborhood is made up of heroes: fire, police, and teachers. These are the people that live in Raintree. They have widows and single moms. 7,000 vehicles come through there now. Raintree is now open all the way back to Emerald Forest and traffic is expected to more than double. He noted that the Council's neighborhoods have benefited from Council action on development. He asked Council to listen to the people in Raintree and do the same thing for them.

Johnny Tiltan, 7705 Sherman Court, said the problem is the development that is occurring here is affecting the homeowners along that property line. He agrees with the homeowners that have spoken so far.

Jerome Rektorik, Planning and Zoning, said the Commission was sympathetic with their concerns about restaurants. They feel the restrictions with Suburban Commercial will help satisfy some of the concerns. The majority of the Commission believed that as long as the property owner follows the comprehensive plan and the UDO, then it is okay to develop as they see fit.

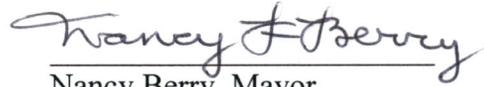
Adrien Vogel, 2218 Raintree, said he is concerned with the positioning of the new designation and marketing it as commercial. This development is on a major arterial. This zoning designation is supposed to serve the local area, but it will be pulling people off the road to Waco. The Suburban Commercial intent does not mesh in this case. By saying they want to remove the restrictions against restaurants, says that they want to build a restaurant.

There being no further comments, the Public Hearing was closed at 8:30 p.m.

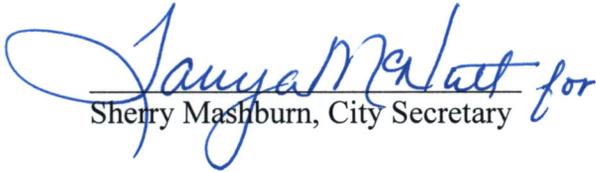
MOTION: Upon a motion made by Councilmember Fields and a second by Councilmember Benham, the City Council voted six (6) for and one (1) opposed, with Councilmember Mooney voting against, to adopt Ordinance 2013-3496, amending Chapter 12, "Unified Development Ordinance", Section 4.2, "Official Zoning Map" of the Code of Ordinances of the City of College Station, Texas by rezoning approximately 14.2 acres for the property located at 2381 Earl Rudder Freeway South, generally located north of Raintree Drive and south of Horse Haven Estates, from PDD Planned Development District to approximately 7 acres NAP Natural Areas Preserve and approximately 7 acres SC Suburban Commercial, subject to staff conditions. The motion carried.

3. Adjournment.

MOTION: There being no further business, Mayor Berry adjourned the Regular Meeting of the City Council at 9:10 p.m. on Thursday, May 9, 2013.


Nancy Berry, Mayor

ATTEST:


Sherry Mashburn, City Secretary

Request for requiring a 3/4 council vote to approve the rezoning request for McGill Tract 1300900064

Name	Address	Phone number
Ron Ross		
Ron Ross	7717 Appomattox Dr.	979 575-9072
Billy Stark		
Billy Stark (per Ron Ross)	7719 Appomattox Dr.	979 693-4464
Justin Paenisch	7701 Gettysburg Ct.	830-570-9668
Floyd Sorell		
Boyd Sorell	7704 SHERMAN CT	979 255 7293
Laurie Sorell		
Jaune Sorell	7704 Sherman Ct.	979-229-5470
Much Sorell		
Much Sorell		
BRAD M. MOORE	7703 Gettysburg Ct	979-255-9923
MYRA BRIGHT		
Myra Bright	7701 Sherman Ct LOT 5	979-693-6528
MYRA BRIGHT		
Myra Bright	POA for Arthur Bright	LOT 6
DOUG		
DOUG SYMANK	7703 SHERMAN CT	LOT 7 690-9670
SIMAAAN SHAI	7715 Appomattox Dr.	832-567-1153

Petitioners signature: Ron Ross

Printed Name: Ron Ross

Phone No: 979 575-9072

Date: 05/09/13



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

CITIZEN COMMENT SIGN-UP FORM

Regular Meeting Date: 5-9-13
MM/DD/YY

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

Name: LINDA HARVELL Phone: 979-703-5306

Address: 504 GUERNSEY, C.S. 77840

Email: fortli@aol.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)

FOR ORAL COMMENTS:

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2. YOU WILL HAVE ONE OPPORTUNITY TO SPEAK; AND
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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



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

PUBLIC HEARING SIGN-UP FORM

Regular Meeting Date: 5/9/13
MM / DD / YY

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

Name: Laurie SoReIl Phone: 979-229-5470

Address: 7704 Sherman Ct.

Email: lsoReIl@gmail.com Comments: WRITTEN ORAL

Comments will be presented for PUBLIC HEARING AGENDA ITEM # 2

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PUBLIC HEARING SIGN-UP FORM

Regular Meeting Date: _____
MM / DD / YY

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

Name: Mark Buxkemp Phone: 693-8133

Address: 7708 Sherman CT

Email: MA Buxkemp@ suddenlink.net Comments: WRITTEN ORAL

Comments will be presented for PUBLIC HEARING AGENDA ITEM # 2

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

CITIZEN COMMENT SIGN-UP FORM

Regular Meeting Date: _____
MM / DD / YY

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

Name: SIMAAKI SHINI Phone: 5-9-13

Address: 7715 Appoma Hex Dr

Email: SIM.shini@gmail.com Comments: WRITTEN ORAL

Comments are presented for: HEAR VISITORS AGENDA ITEM # _____

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Home of Texas A&M University*

CITIZEN COMMENT SIGN-UP FORM

Regular Meeting Date: 5/9/13
MM/DD/YY

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

Name: Bill Lero Phone: 979-776-1646

Address: 4421 Nottingham Ln Bryan, TX 77802

Email: blero@verizon.net Comments: WRITTEN ORAL

Comments are presented for: HEAR VISITORS AGENDA ITEM # 2

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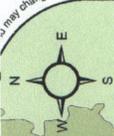
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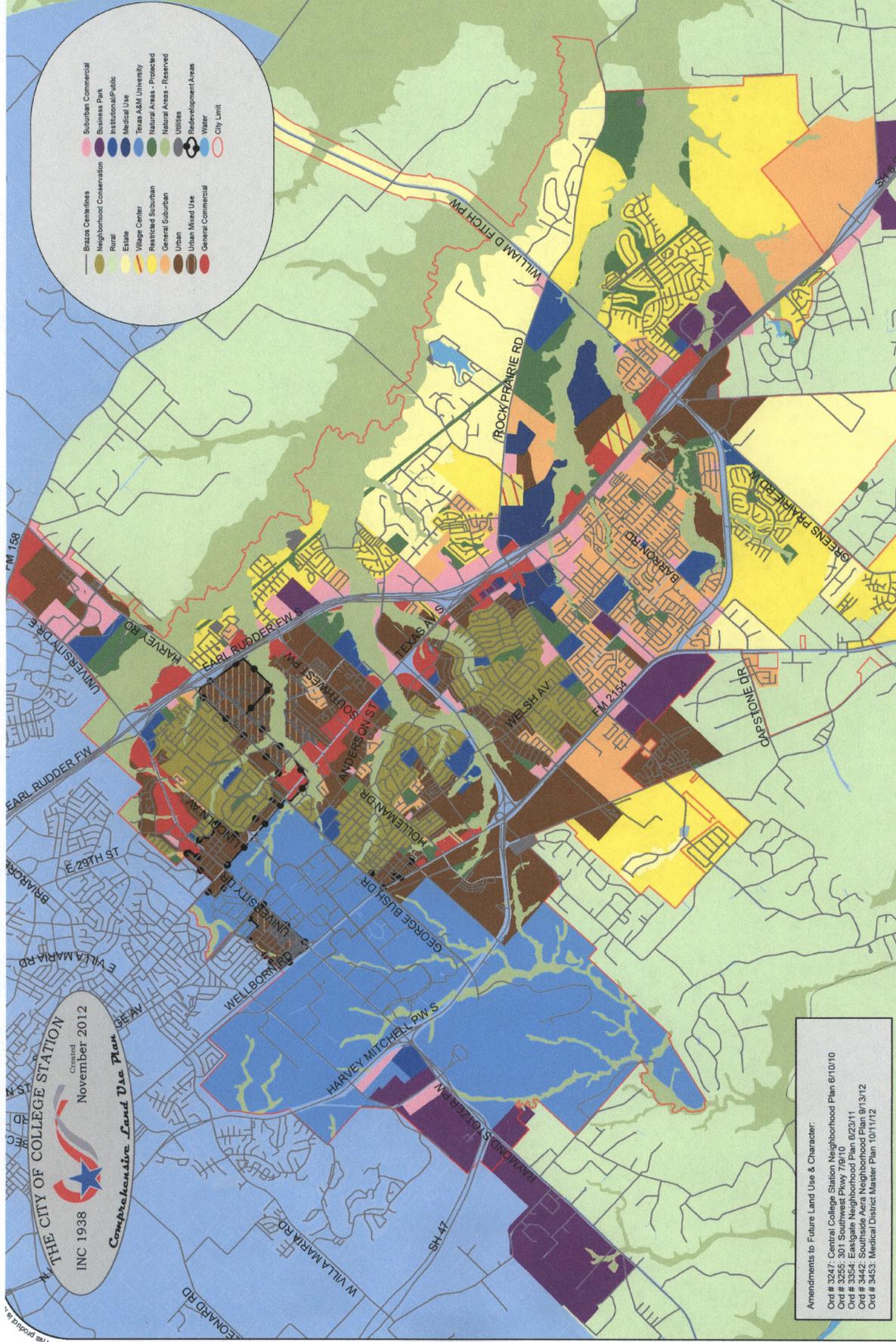
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GRIMES COUNTY

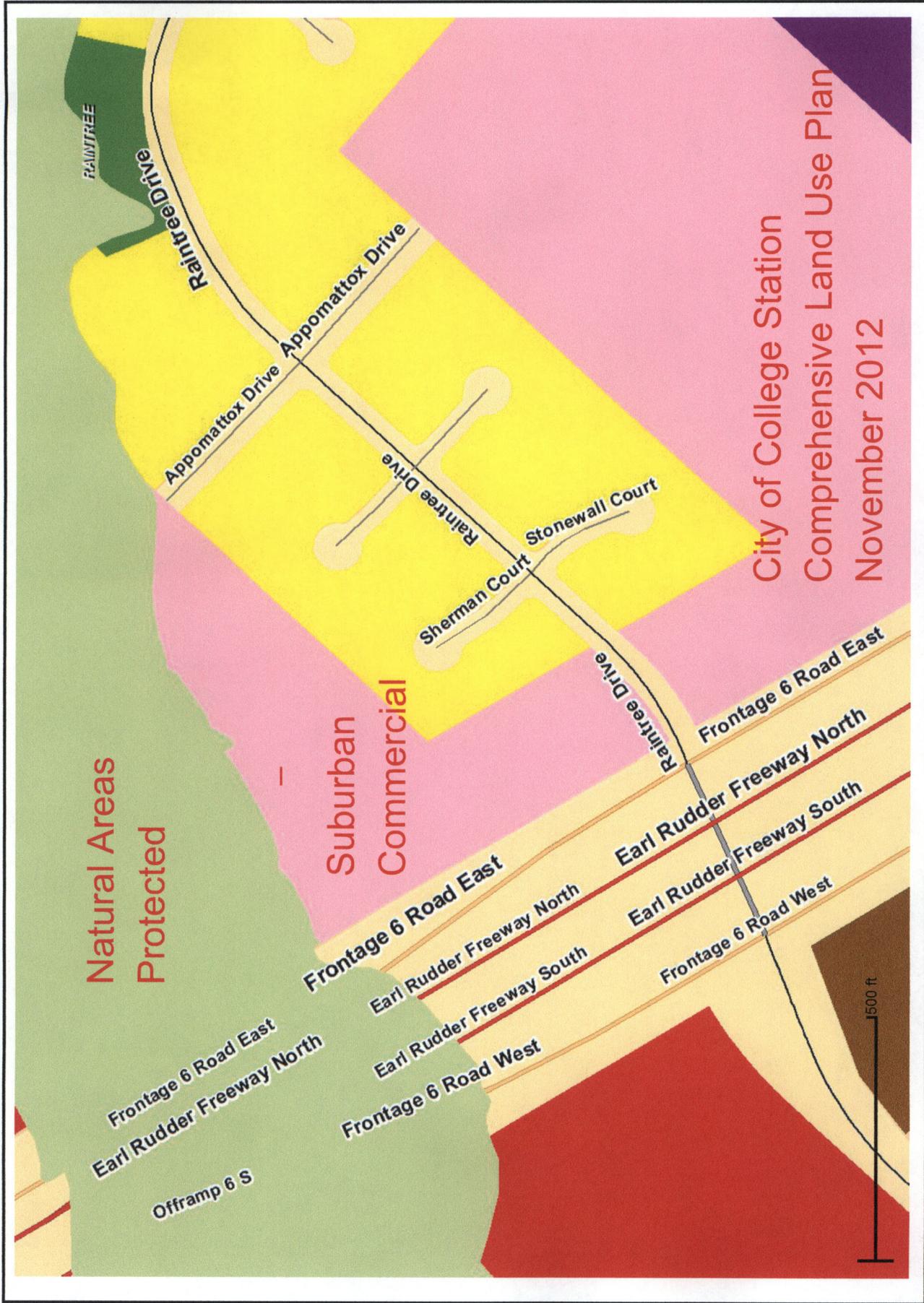


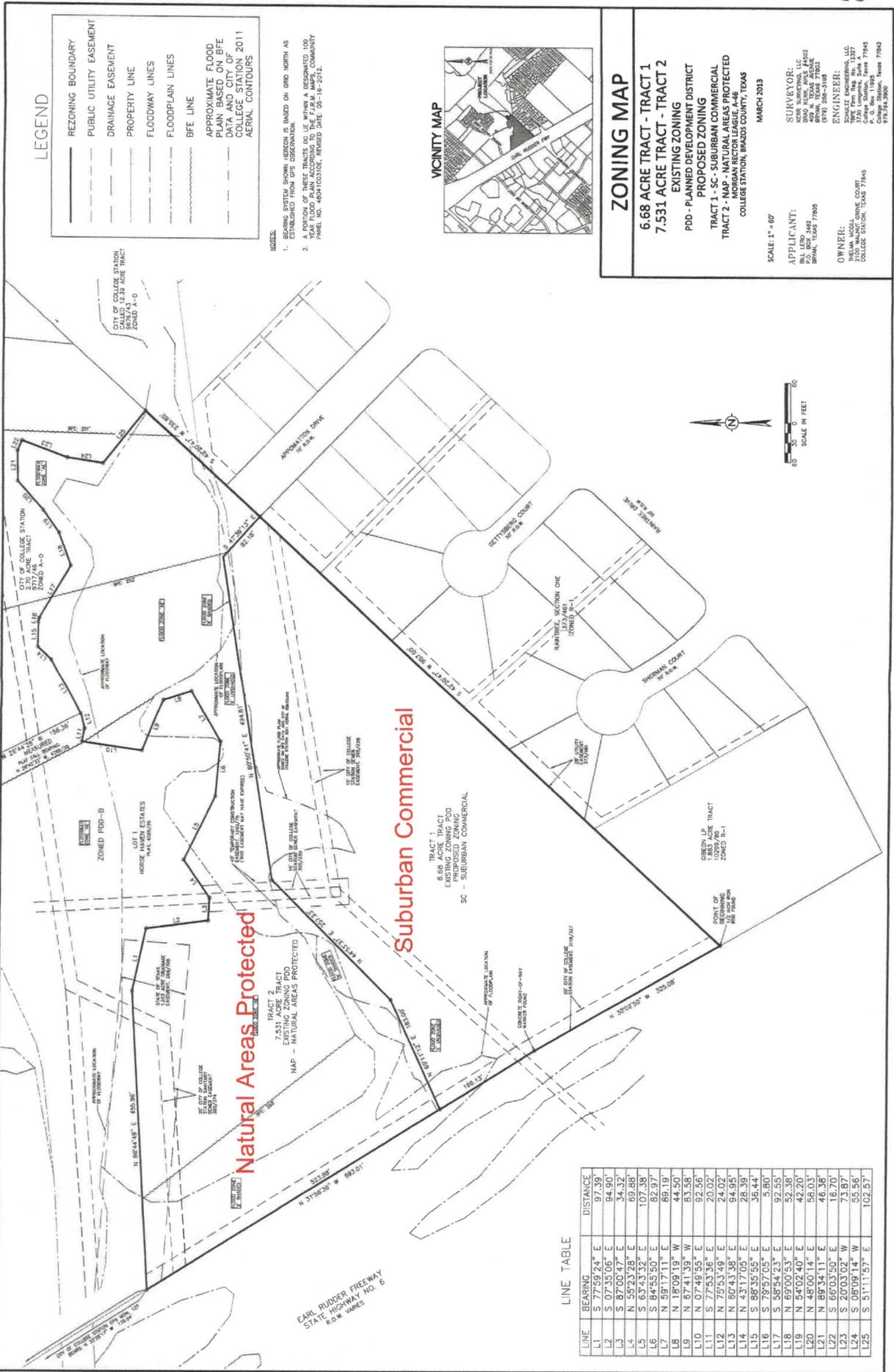
- Suburban Commercial
- Business Park
- Institutional/Public
- Medical Use
- Texas A&M University
- Natural Areas - Protected
- Natural Areas - Reserved
- Utilities
- Redevelopment Areas
- Water
- City Limit

- Neighborhood Conservation
- Rural
- Village Center
- Restricted Suburban
- General Suburban
- Urban
- Urban Mixed Use
- General Commercial

THE CITY OF COLLEGE STATION
 INC 1938
 Created November 2012
 Comprehensive Land Use Plan

Amendments to Future Land Use & Character:
 Ord # 3247: Central College Station Neighborhood Plan 6/10/10
 Ord # 3255: 301 Southwest Pkwy 7/9/10
 Ord # 3354: Eastgate Neighborhood Plan 6/23/11
 Ord # 3442: Southside Area Neighborhood Plan 8/13/12
 Ord # 3453: Medical District Master Plan 10/11/12





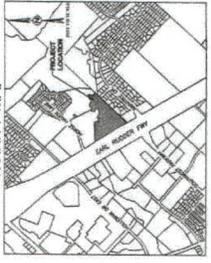
LEGEND

- REZONING BOUNDARY
- PUBLIC UTILITY EASEMENT
- DRAINAGE EASEMENT
- PROPERTY LINE
- FLOODWAY LINES
- FLOODPLAIN LINES
- BFE LINE
- APPROXIMATE FLOOD PLAIN BASED ON BFE DATA AND CITY OF COLLEGE STATION 2011 AERIAL CONTOURS

NOTES:

1. FLOOD STUDY (SECTION) IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION.
2. A PORTION OF THESE TRACTS DO NOT WITHIN A DESIGNATED 100 YEAR FLOOD PLAIN ACCORDING TO THE F.P.M. MAPS, COMMUNITY PANEL NO. 4041(C)REVISED, REVISION DATE: 05-16-2011.

VICINITY MAP



ZONING MAP

6.68 ACRE TRACT - TRACT 1
7.531 ACRE TRACT - TRACT 2
 PDD - PLANNED DEVELOPMENT DISTRICT
 EXISTING ZONING
 PROPOSED ZONING
 TRACT 1 - SC - SUBURBAN COMMERCIAL
 TRACT 2 - NAP - NATURAL AREAS PROTECTED
 MORGAN RECTOR LEAGUE, A-48
 COLLEGE STATION, BRAZOS COUNTY, TEXAS
 MARCH 2013

SCALE: 1" = 60'
 APPLICANT:
 BILL LESH
 1100 W. 14th St.
 Bryan, Texas 77802
 (979) 200-3189
 OWNER:
 HELMA MOULDER & ASSOCIATES, LLC
 3705 Farm Road No. 1237
 College Station, Texas 77845
 P. O. Box 110845
 College Station, Texas 77842
 979.64.3680

13-64
 4-8-13
 9:50
 PHL

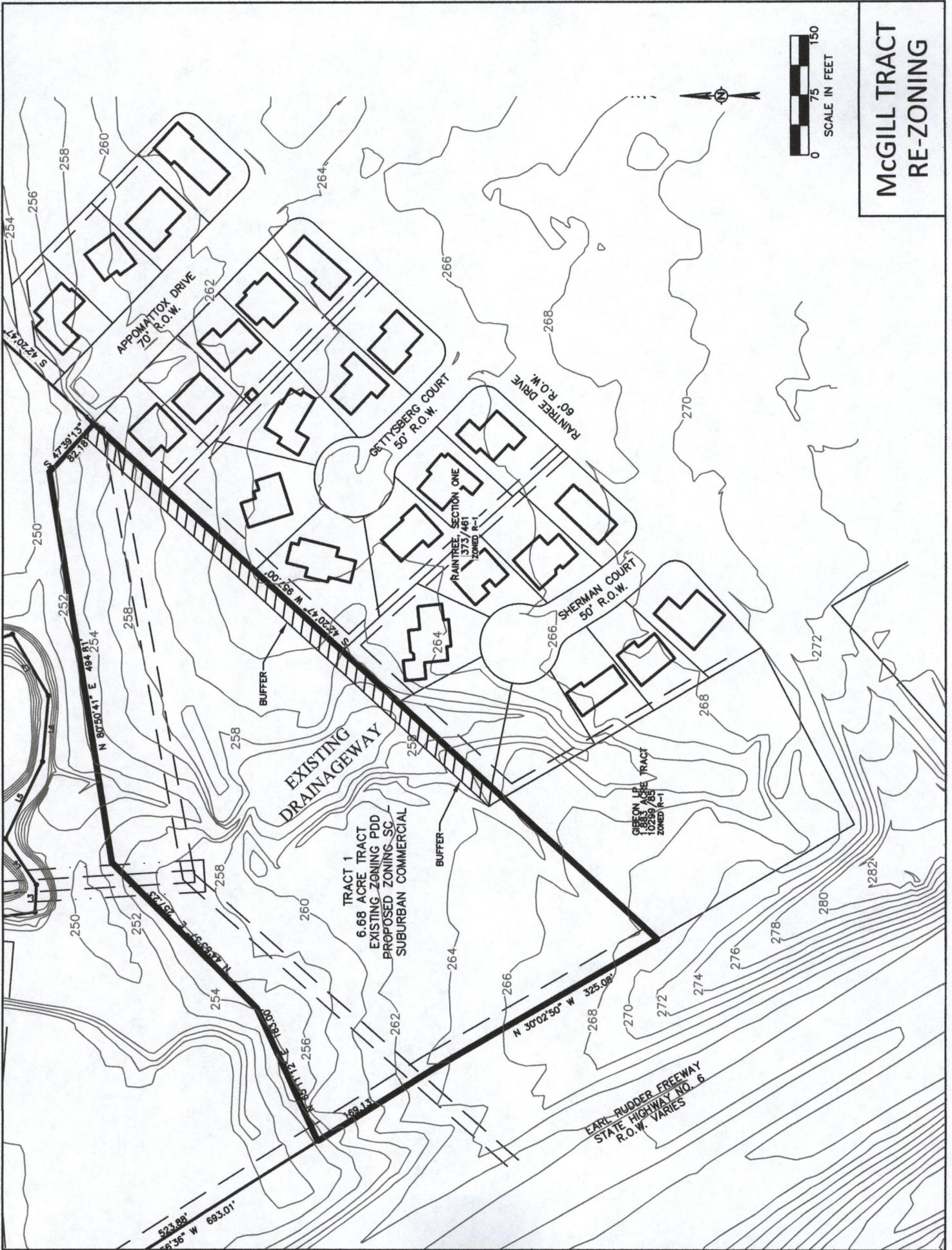
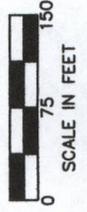
Natural Areas Protected

Suburban Commercial

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 77°59'24" E	97.39
L2	S 07°35'06" E	94.30
L3	S 87°00'47" E	34.32
L4	N 55°23'28" E	69.88
L5	S 63°43'32" E	107.38
L6	S 84°55'50" E	82.97
L7	N 59°17'11" E	89.19
L8	N 18°09'19" W	44.50
L9	N 67°41'39" W	83.58
L10	N 07°49'55" E	92.56
L11	S 77°53'36" E	20.02
L12	N 75°53'49" E	24.02
L13	N 60°43'38" E	94.85
L14	N 43°17'05" E	28.39
L15	S 86°35'55" E	36.44
L16	S 72°57'05" E	5.80
L17	S 56°54'23" E	92.55
L18	N 69°00'53" E	52.38
L19	N 24°02'47" E	42.20
L20	N 80°34'11" E	36.03
L21	N 80°34'11" E	18.20
L22	S 60°03'50" E	48.20
L23	S 26°03'02" W	73.97
L24	S 06°09'14" W	55.56
L25	S 51°11'57" E	102.57

MCGILL TRACT RE-ZONING





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

CITIZEN COMMENT SIGN-UP FORM

Regular Meeting Date: _____
MM / DD / YY

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

Name: Henry Wittner Phone: 693-5307

Address: 2508 RAwayne

Email: gambol12@suddenlink.net Comments: WRITTEN ORAL

Comments are presented for: HEAR VISITORS AGENDA ITEM # _____

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CITIZEN COMMENT SIGN-UP FORM

Regular Meeting Date: 5-9-2013
MM/DD/YY

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

Name: John Tiltan Phone: (979) 074-1746
Address: 7705 Sherman Court
Email: tiltanje@yahoo.com Comments: WRITTEN ORAL
Comments are presented for: HEAR VISITORS AGENDA ITEM # _____

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CITY OF COLLEGE STATION
Home of Texas A&M University

PUBLIC HEARING SIGN-UP FORM

Regular Meeting Date: 5-9-2013
MM/DD/YY

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

Name: Adrian B Vogel Phone: 979-764-8334

Address: 2218 Raintree Dr.

Email: vogeladrian@yahoo.com Comments: WRITTEN ORAL

Comments will be presented for PUBLIC HEARING AGENDA ITEM # 2

FOR WRITTEN COMMENTS, PLEASE WRITE BELOW:

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)
