

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF COLLEGE STATION
SEPTEMBER 21, 2015

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry, Mayor

Council:

Blanche Brick
Steve Aldrich, arrived after roll call
Karl Mooney
John Nichols
Julie Schultz
James Benham, absent

City Staff:

Kelly Templin, City Manager
Carla Robinson, City Attorney
Chuck Gilman, Deputy City Manager
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 3:01 p.m. on Monday, September 21, 2015 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77840.

1. Pledge of Allegiance, Invocation, consider absence request.

MOTION: Upon a motion made by Councilmember Mooney and a second by Councilmember Nichols, the City Council voted six (6) for and none (0) opposed, to approve Councilmember Benham's absence request. The motion carried unanimously.

Presentation to DAR proclaiming September 17023 as Constitution Week.

Mayor Berry presented the proclamation to La Villita members Mary Elizabeth Dresser, Leonora Owre, Faye Hartfield, Tammy Tiner, and Laura Harding.

Presentation to the Brazos Valley Fair and Rodeo proclaiming October 12 - 18, 2015 as Brazos Valley Fair Week.

Mayor Berry presented the proclamation to Tom Quarles, General Manager, Brazos County Expo & Brazos Valley Fair & Rodeo; and Fiona Meyer, Senior Manager, Brazos Valley Fair & Rodeo.

Presentation and recognition to the Big Event of Texas A&M for the Governor's Higher Education Community Impact Award.

Mayor Berry presented the proclamation to Kai Jones, Courtney Cotter, and Wayne Beckermann, all with the Big Event.

Hear Visitors Comments

There were no citizen comments.

CONSENT AGENDA

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

- **September 10, 2015 Workshop**
- **September 10, 2015 Regular Meeting**

2b. Presentation, possible action, and discussion regarding Resolution 09-21-15-2b, entering into an agreement and approving the reimbursement of the City's 10% contribution for right-of-way costs to the Texas Department of Transportation (TXDOT) in the amount of \$1,190,231.66 for the FM 2347 / FM 2154 Interchange Project.

2c. Presentation, possible action, and discussion on Resolution 09-21-15-2c, granting authority to the City Manager or his designees as authorized officials for execution of documents necessary to submit the Texas Traffic Safety Grant Application and Agreement to the Texas Department of Transportation.

2d. Presentation, possible action, and discussion regarding purchase orders to Osburn Associates Inc. for \$42,193.75 and N-Line Traffic Maintenance for \$42,447 for purchasing traffic signs and posts.

2e. Presentation, possible action, and discussion on the notifications for change orders from TxDOT on the Rock Prairie Road Overpass project in the amount of \$12,719.05, \$41,241.90, and \$15,871.22, (total \$69,832.17) and authorizing the City Manager to execute the acknowledgement notification on behalf of the City Council.

2f. Presentation, possible action, and discussion regarding approval of a two year service contract between the City of College Station and Andrews Building Service, Inc. in the amount of \$486,571.84, or \$243,285.92 annually for annual janitorial services for City facilities and the Northgate District. Annual costs for citywide janitorial services are \$183,189.52 and annual Northgate District cleaning and trash service is \$60,096.40.

2g. Presentation, possible action, and discussion regarding Change Order No. 1 to the Royder - Live Oak Sewer Extension Professional Services Contract (14-170) with Jones & Carter, Inc., reducing the total by \$51,150.

2h. Presentation possible action, and discussion regarding the award of contract 15300345 to Brazos Paving Inc. for the purchase and installation of Type D Hot Mix Asphalt Concrete and Emulsion for an amount not to exceed \$2,973,300.

2i. Presentation, possible action, and discussion regarding updating water tap fees to reflect current costs, and Ordinance 2015-3707, amending Chapter 11, "Utilities" of the Code of Ordinances of the City of College Station, Texas, by amending section 2(d)(4)(a)(i) as set out below; providing for an increase in water tap fees; and providing an effective date.

2j. Presentation, possible action, and discussion regarding City of College Station Excess Liability and Workers' Compensation Insurance, Property/Boiler & Machinery, Commercial Crime, EMT Liability, and Auto Property Damage policies for Fiscal Year 2016. FY16 premiums for all lines of coverage total \$454,685.31.

2k. Presentation, possible action and discussion regarding construction contract 15300348 with Vox Construction, LLC, in the amount of \$152,575.69 for pedestrian facility improvements at four different intersections.

2l. Presentation, possible action, and discussion regarding the second of two readings of Ordinance 2015-3698, amending the Residential Recycling Collection Franchise Agreement (Ordinance No. 2010-3268) with Texas Commercial Waste (TCW).

2m. Presentation, possible action and discussion to authorize expenditure of funds for FY 2016 for items exempt from competitive bidding as described more fully in Texas Local Government Code, Chapter 252.022 and other expenditures for interlocal contracts or fees mandated by state law that are greater than \$50,000; and to authorize the City Manager to approve contracts and expenditures that are on the exemption list.

2n. Presentation, possible action, and discussion regarding approval of a service contract with Xpedient Mail, in an amount not to exceed \$230,000 for utility bill, late notice and utility bill insert printing and mailing.

2o. Presentation, possible action and discussion on a bid award for the purchase of various electric capacitor banks which will be maintained in electrical inventory and expended as needed. The total recommended award is \$178,388 and will be awarded by line item to the lowest responsible bidder.

2p. Presentation, possible action, and discussion regarding an Interlocal Agreement between the City of College Station and the City of Fort Worth to provide oil and gas well inspections and related services.

2q. Presentation, possible action, and discussion regarding the annual EMS supply purchase order with Boundtree Medical L.L.C. for \$80,000.

Items 2f, 2i, 2k, and 2p were pulled for clarification.

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

REGULAR AGENDA

1. Public Hearing, presentation, possible action, and discussion regarding Ordinance 2015-3699, amending Chapter 12, "Unified Development Ordinance," Article 8 "Subdivision Design And Improvements," Section 8.3 "General Requirements And Minimum Standards of Design For Subdivisions Within The City Limits," Section W "Single-Family Residential Parking Requirements for Platting," and Chapter 12, "Unified Development Ordinance," Article 11 "Definitions" Section 11.2 "Defined Terms" of the Code of Ordinances of the City of College Station, Texas, regarding Single-Family Residential Parking Requirements for Platting.

Jennifer Prochazka, Planning and Development, reported that "Single-Family Residential Parking Requirements for Platting" is the section of the Subdivision Regulations that requires new single-family residential developments to mitigate potential neighborhood parking problems and maintain certainty of emergency vehicle access through subdivision design. The proposed amendments are intended to provide additional options and increased flexibility for single-family developments. Proposed changes include:

- Ordinance sections have been re-arranged for ease of use;
- 27-foot wide streets allowing parking on one side
- Changes to visitor parking standards;
- No on-street parking on narrow streets;
- Modified traffic calming section;
- Right-of-way requirements for wider streets; and
- Alley-fed parking standards.

Staff met with the Joint Neighborhood Parking Task Force in June to discuss the proposed changes, and a two week public review period was offered in July to receive feedback on the amendment. Staff received several comments and/or questions related to the ordinance amendment and made revisions as necessary.

At approximately 3:22 p.m., Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 3:22 p.m.

MOTION: Upon a motion made by Councilmember Brick and a second by Councilmember Mooney, the City Council voted six (6) for and none (0) opposed, to adopt Ordinance 2015-3699, amending Chapter 12, "Unified Development Ordinance," Article 8 "Subdivision Design And Improvements," Section 8.3 "General Requirements And Minimum Standards of Design For Subdivisions Within The City Limits," Section W "Single-Family Residential Parking Requirements for Platting," and Chapter 12, "Unified Development Ordinance," Article 11 "Definitions" Section 11.2 "Defined Terms" of the Code of Ordinances of the City of College Station, Texas, regarding Single-Family Residential Parking Requirements for Platting. The motion carried unanimously.

2. Public Hearing, presentation, possible action, and discussion regarding Ordinance 2015-3700, amending Chapter 12, "Unified Development Ordinance," Section 12-4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas by changing the zoning district boundaries from R Rural to SC Suburban Commercial for approximately 7.91 acres being situated in the Robert Stevenson Survey, Abstract No. 54, College Station, Brazos County, Texas, being all of the 4.71 acre tract described in the deed from Eugene B. Savage, III, to Eugene B. Savage, III, Revocable Trust, to Jupiter & Space Property, LLC, recorded in Volume 9849, Page 220, of the Official Records of Brazos County, Texas, and all of the 3.19 acre tract described in the deed from Larry Ruffino, Trustee, to Jupiter & Space Property, LLC, recorded in Volume 9849, Page 214, of the Official Records of Brazos County, Texas. Generally located at 2970 Barron Road, more generally located southwest of the intersection of William D. Fitch Pkwy and Barron Road.

Councilmember Schultz recused herself from the discussion.

Laura Walker, Planning and Development, reported that the applicant has requested the proposed amendment to rezone the property to Suburban Commercial as a step toward developing office and commercial uses.

The Planning and Zoning Commission considered this item on September 3, 2015 and voted unanimously to recommend approval of the rezoning request. Staff also recommends approval of the rezoning request.

At approximately 3:26 p.m., Mayor Berry opened the Public Hearing.

Paul Murphy, 12633 SH 30, representing the developer, spoke in favor of the project.

There being no further comments, the Public Hearing was closed at 3:28 p.m.

MOTION: Upon a motion made by Councilmember Mooney and a second by Councilmember Aldrich, the City Council voted five (5) for and none (0) opposed, with Councilmember Schultz abstaining, to adopt Ordinance 2015-3700, amending Chapter 12, "Unified Development Ordinance," Section 12-4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas by changing the zoning district boundaries from R Rural to SC Suburban Commercial for approximately 7.91 acres being situated in the Robert Stevenson Survey, Abstract No. 54, College Station, Brazos County, Texas, being all of the 4.71 acre tract described in the deed from Eugene B. Savage, III, to Eugene B. Savage, III, Revocable Trust, to Jupiter & Space Property, LLC, recorded in Volume 9849, Page 220, of the Official Records of Brazos County, Texas, and all of the 3.19 acre tract described in the deed from Larry Ruffino, Trustee, to Jupiter & Space Property, LLC, recorded in Volume 9849, Page 214, of the Official Records of Brazos County, Texas. Generally located at 2970 Barron Road, more generally located southwest of the intersection of William D. Fitch Pkwy and Barron Road. The motion carried unanimously.

3. Public Hearing, presentation, possible action, and discussion regarding Ordinance 2015-3701, amending Chapter 12, "Unified Development Ordinance," Section 12-4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas by changing the zoning district boundaries from PDD Planned Development District to PDD Planned Development District in order to revise the commercial component of a mixed-use

development for approximately 11 acres being Lot 1A, 2A and 3, Block 1 of Northpoint Crossing Subdivision, College Station, Brazos County, Texas, generally located at the northwest intersection of University Drive and Texas Avenue.

The applicant requested that this item be pulled from the agenda.

4. Public Hearing, presentation, possible action, and discussion on Ordinance 2015-3702, for a Conditional Use Permit for a Night Club/Bar/Tavern, more specifically the Eskimo Hut, consisting of approximately 2,475 square feet of the Woodstone Shopping Plaza being Park Place, Block 4, Lot 3, generally located at 919 Harvey Road, located on the east side of Woodstone Shopping Center which is generally located on the northwest corner of Harvey Road and Munson Avenue.

Madison Thomas, Planning and Development, stated that this request is for a conditional use permit for a bar in a 2,475 tenant lease space of the Woodstone Shopping Center.

The Planning and Zoning Commission considered this item at their September 3, 2015 meeting and voted unanimously to recommend approval of the conditional use permit. Staff also recommends approval.

Tyler Stevenson, 2320 Pronghorn, applicant, explained how they manage under-age customers and the open container restrictions.

At approximately 3:41 p.m., Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 3:41 p.m.

MOTION: Upon a motion made by Councilmember Brick and a second by Councilmember Mooney, the City Council voted two (2) for and four (4) opposed, with Mayor Berry and Councilmembers Aldrich, Nichols, and Schultz voting against, to adopt Ordinance 2015-3702, for a Conditional Use Permit for a Night Club/Bar/Tavern, more specifically the Eskimo Hut, consisting of approximately 2,475 square feet of the Woodstone Shopping Plaza being Park Place, Block 4, Lot 3, generally located at 919 Harvey Road, located on the east side of Woodstone Shopping Center which is generally located on the northwest corner of Harvey Road and Munson Avenue, contingent upon removing the drive-through aspect in regard to incompatibility to the surrounding area. The motion failed.

MOTION: Upon a motion made by Councilmember Schultz and a second by Councilmember Aldrich, the City Council voted four (4) for and two (2) opposed, with Councilmembers Brick and Mooney voting against, to adopt Ordinance 2015-3702, for a Conditional Use Permit for a Night Club/Bar/Tavern, more specifically the Eskimo Hut, consisting of approximately 2,475 square feet of the Woodstone Shopping Plaza being Park Place, Block 4, Lot 3, generally located at 919 Harvey Road, located on the east side of Woodstone Shopping Center which is generally located on the northwest corner of Harvey Road and Munson Avenue. The motion carried.

5. Public Hearing, presentation, possible action, and discussion regarding Ordinance 2015-3703, amending Chapter 12, "Unified Development Ordinance," Section 12-4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas by changing

the zoning district boundaries from D Duplex to GC General Commercial for approximately 0.499 acres being Lots 3 & 10, Block B and a portion of the Alley of the College Heights Subdivision, generally located at 408 Nimitz Street and 409 Eisenhower Street, more generally located north of University Drive East and south of Cooner Street.

Councilmember Schultz recused herself from discussion on this item.

Mark Bombek, Planning and Development, reported that the applicant has requested the proposed amendment to rezone the 0.499 acre property from Duplex to General Commercial as a step toward the expansion of an existing retail sales use fronting University Drive.

The Planning and Zoning Commission considered this item on September 3, 2015 and voted unanimously to approve the rezoning request. Staff also recommends approval of the rezoning request.

At approximately 3:58 p.m., Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 3:58 p.m.

MOTION: Upon a motion made by Councilmember Nichols and a second by Councilmember Aldrich, the City Council voted five (5) for and none (0) opposed, with Councilmember Schultz abstaining, to adopt Ordinance 2015-3703, amending Chapter 12, "Unified Development Ordinance," Section 12-4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas by changing the zoning district boundaries from D Duplex to GC General Commercial for approximately 0.499 acres being Lots 3 & 10, Block B and a portion of the Alley of the College Heights Subdivision, generally located at 408 Nimitz Street and 409 Eisenhower Street, more generally located north of University Drive East and south of Cooner Street. The motion carried.

6. Public Hearing, presentation, possible action, and discussion on Ordinance 2015-3704, Budget Amendment #2, amending Ordinance No. 3605 which will amend the budget for the 2014-2015 Fiscal Year in the amount of \$2,637,463; and presentation, possible action and discussion on an inter-fund budget transfer in the amount of \$942,950 and an intra-fund budget transfer of \$2,329,559.

Jeff Kersten, Assistant City Manager, reported that the proposed budget amendment will increase the FY15 budget appropriations by \$2,637,463. Also included is an inter-fund budget transfer in the amount of \$942,950 and an intra-fund budget transfer of \$2,329,559.

Staff recommends the City Council approve Budget Amendment #2, the inter-fund budget transfer, and the intra-fund budget transfer.

At approximately 4:05 p.m., Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 4:05 p.m.

MOTION: Upon a motion made by Councilmember Schultz and a second by Councilmember Nichols, the City Council voted six (6) for and none (0) opposed, to adopt Ordinance 2015-3704,

Budget Amendment #2, amending Ordinance No. 3605 which will amend the budget for the 2014-2015 Fiscal Year in the amount of \$2,637,463; and approve an inter-fund budget transfer in the amount of \$942,950 and an intra-fund budget transfer of \$2,329,559. The motion carried unanimously.

7. Presentation, possible action, and discussion on Ordinance 2015-3705, adopting the City of College Station 2015-2016 Budget; and presentation, possible action and discussion ratifying the property tax revenue increase reflected in the budget.

Jeff Kersten, Assistant City Manager, briefed the Council on budget changes derived from Council direction from the budget workshops. There is a net increase of \$5,459,652 based on changes to the pay plan, information technology, the electric fund, the outside agency budget, and the capital project budget. The proposed budget with revisions is \$309,576,087.

MOTION: Upon a motion made by Councilmember Schultz and a second by Mayor Berry, the City Council voted one (1) for and five (5) opposed, with Mayor Berry and Councilmembers Brick, Aldrich, Mooney, and Nichols voting against, to approve Ordinance 2015-3705, adopting the City of College Station 2015-2016 Budget, excluding the CVB budget request for a separate vote. The motion failed.

MOTION: Upon a motion made by Councilmember Nichols and a second by Councilmember Mooney, the City Council voted five (5) for and one (1) opposed, with Councilmember Schultz voting against, to approve Ordinance 2015-3705, adopting the City of College Station 2015-2016 Budget, with the revisions presented tonight. The motion carried.

MOTION: Upon a motion made by Mayor Berry and a second by Councilmember Mooney, the City Council voted six (6) for and none (0) opposed, to approve ratifying the property tax revenue increase reflected in the budget. The motion carried unanimously.

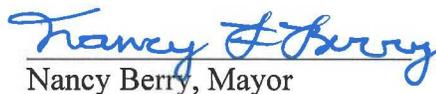
8. Presentation, possible action, and discussion on approval of Ordinance 2015-3706, adopting the City of College Station 2015-2016 ad valorem tax rate of \$0.452500 per \$100 assessed valuation, the debt service portion being \$0.193052 per \$100 assessed valuation and the operations and maintenance portion being \$0.259448 per \$100 assessed valuation.

Jeff Kersten, Assistant City Manager, stated that Council has held two public hearings on a tax rate of \$0.452500. This is the same tax rate as the current tax rate. The tax rate must be adopted as two separate components - one for Operations and Maintenance and one for Debt Service.

MOTION: Upon a motion made by Councilmember Mooney and a second by Mayor Berry, the City Council voted six (6) for and none (0) opposed, to adopt Ordinance 2015-3706, that the property tax rate be increased by the adoption of a tax rate of 45.25 cents per \$100 assessed valuation, which is effectively a 4.06 percent increase in the tax rate. It was also moved that the Maintenance and Operations rate be 25.9448 cents per \$100 assessed valuation; and the Debt Service rate be 19.3052 cents per \$100 assessed valuation. The motion carried unanimously.

9. Adjournment.

There being no further business, Mayor Berry adjourned the Regular Meeting of the City Council at 4:44 p.m. on Monday, September 21, 2015.


Nancy Berry, Mayor

ATTEST:


Sherry Maskburn, City Secretary

CITY OF COLLEGE STATION

Absence Request Form
For Elected and Appointed Officers

Name : James Benham

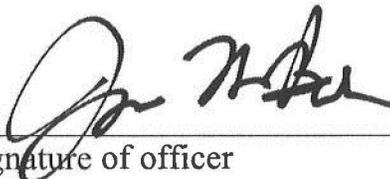
Board or Committee: City Council

I will NOT be in attendance at:

the Monday, September 21st Council Meeting.

for the reason(s) specified:

I will be out of town for business.



Signature of officer

9/19/2015

Date

This request shall be submitted to the office of the City Secretary or Board Secretary one week prior to meeting date.

AFFIDAVIT OF CONFLICT OF INTEREST

STATE OF TEXAS
COUNTY OF BRAZOS

I, Julie Schultz as a member of the City of College Station
_____ make this affidavit and hereby, on oath,
state the following: I have a substantial interest in a business entity or real property that
would be peculiarly affected by a vote or decision of the City Council as
those terms are defined in Chapter 171, *Texas Local Government Code*.

Date of Meeting: Sept. 21, 2015

Agenda Item Number: # 2

The business entity or real property is (name and address or lot description):
Schultz Engineering, LLC

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

- I own 10% or more of the voting stock or shares of the business entity and the above-referenced agenda item involves this business entity;
- I own either 10% or more or \$15,000 or more of the fair market value of the business entity and the above-referenced agenda item involves this business entity;
- Funds received by me from the business entity exceed 10% of my gross income for the previous year and the above-referenced agenda item involves this business entity;
- Real property is involved and (I/we) have an equitable or legal ownership with a fair market value of \$2,500 or more and the above-referenced agenda item involves this real property;
- A relative of mine has a substantial interest in the business entity or real 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 21 day of Sept., 2015

Julie Schultz
Signature of Official

Place S
Title



PUBLIC HEARING SIGN-UP FORM

Regular Meeting Date: 09/21/15
MM / DD / YY

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

Name: Paul Murphy Phone: 979 690 0800

Address: 12633 State Highway 30, College Station, Tx 77845

Email: paul@murphylegal.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)

AFFIDAVIT OF CONFLICT OF INTEREST

**STATE OF TEXAS
COUNTY OF BRAZOS**

I, Julie Schultz, as a member of the City of College Station make this affidavit and hereby, on oath, state the following: I have a substantial interest in a business entity or real property that would be peculiarly affected by a vote or decision of the City _____ as those terms are defined in Chapter 171, *Texas Local Government Code*.

Date of Meeting: Sept. 21, 2015

Agenda Item Number: #5

The business entity or real property is *(name and address or lot description)*:
Schultz Engineering, LLC

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

- I own 10% or more of the voting stock or shares of the business entity and the above-referenced agenda item involves this business entity;
- I own either 10% or more or \$15,000 or more of the fair market value of the business entity and the above-referenced agenda item involves this business entity;
- Funds received by me from the business entity exceed 10% of my gross income for the previous year and the above-referenced agenda item involves this business entity;
- Real property is involved and (I/we) have an equitable or legal ownership with a fair market value of \$2,500 or more and the above-referenced agenda item involves this real property;
- A relative of mine has a substantial interest in the business entity or real 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 21 day of Sept., 2015

Julie Schultz
Signature of Official

Placo 5
Title