



Mayor
Ron Silvia
Mayor Pro Tempore
Ben White
City Manager
Glenn Brown

Council Members
John Happ
Ron Gay
Lynn McIlhaney
Chris Scotti
David Ruesink

Agenda
College Station City Council
Workshop Meeting
Thursday, February 22, 2007 3:00 p.m.
City Hall Council Chambers, 1101 Texas Avenue
College Station, Texas

1. Presentation, possible action, and discussion on items listed on the consent agenda.
2. Presentation, possible action, and discussion regarding an update on the progress of Phase I of the Comprehensive Plan.
3. Presentation, possible action, and discussion regarding proposed annexation areas, including related cost considerations.
4. Presentation, discussion, and possible action regarding how dangerous animals are handled in the City of College Station.
5. Council Calendars
 - a. Feb 19 Intergovernmental Committee Meeting – 11:30 a.m. Brazos Center Rm 103
 - b. Feb 20 Transportation Committee Meeting – 4:30 p.m. – Admin. Conf.
 - c. Feb 20 12th Annual Epicurean Extravaganza “Mardi Gras” – 5:30 – 8:00 Brazos Center
 - d. Feb. 22 Audit Committee Meeting – 1:30 p.m.
 - e. Feb 23 TAMU Office of Technology Commercialization’s Patent & Innovation 2007 Awards Luncheon 11:00 a.m. – 1:00 p.m. – Annenberg Presidential Conference Center
 - f. Feb 23 College Station Fire Department Annual Employee Banquet – Pebble Creek Country Club – 6:30 – 8:00 p.m.
 - g. Feb 24 Lincoln Center Annual Soul Food – 11:00 a.m. – 1:30 p.m.
 - h. Feb. 27 City Council Mini-Retreat – 8:30 a.m. – 3:30 p.m. Carter’s Creek Wastewater Treatment Plant
 - i. Feb 28 Consuls General Luncheon – 11:30 a.m. – 1:30 p.m. – Annenberg Presidential Conference Center
 - j. Mar 1 BBB 2007 Torch Awards for Marketplace Ethics – 11:30 a.m. – 1:30 p.m. – Miramont Country Club
 - k. Mar 2 Twanna M. Powell Lecture Series featuring Tony Snow – White House Press Secretary – Annenberg Presidential Conference Center 6:00 p.m.

- l. Mar 8 City Council Workshop & Regular Meeting – 3:00 p.m. & 7:00 p.m.
 - m. Mar 19 Intergovernmental Meeting – Noon – Council Chambers
 - n. Mar 19 Girls Softball Opening Ceremony – 6:00 p.m. – Bee Creek
 - o. Mar 20 Council Transportation Committee Meeting – 4:30 p.m. – Administrative Conference Room
 - p. Mar 22 City Council Workshop and Regular Meeting 3:00 p.m. & 7:00 p.m.
6. Presentation, possible action, and discussion on future agenda items: A Council Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.
7. Discussion, review and possible action regarding the following meetings: Brazos County Health Dept., Brazos Valley Council of Governments, Cemetery Committee, City Center, CSISD/City Joint Meeting, Design Review Board, Fraternal Partnership, Historic Preservation Committee, Interfaith Dialogue Association, Intergovernmental Committee and School District, Joint Relief Funding Review Committee, Library Committee, Making Cities Livable Conference, Metropolitan Planning Organization, Outside Agency Funding Review, Parks and Recreation Board, Planning and Zoning Commission, Sister City Association, TAMU Student Senate, Research Valley Partnership, Regional Transportation Committee for Council of Governments, Transportation Committee, Wolf Pen Creek Oversight Committee, Wolf Pen Creek TIF Board, Zoning Board of Adjustments, YMCA Coordinating Board(see attached posted notices for subject matters).
8. Executive Session will immediately follow the workshop meeting in the Administrative Conference Room.

Consultation with Attorney {Gov't Code Section 551.071}; possible action The City Council may seek advice from its attorney regarding a pending and contemplated litigation subject or settlement offer or attorney-client privileged information. Litigation is an ongoing process and questions may arise as to a litigation tactic or settlement offer, which needs to be discussed with the City Council. Upon occasion the City Council may need information from its attorney as to the status of a pending or contemplated litigation subject or settlement offer or attorney-client privileged information. After executive session discussion, any final action or vote taken will be in public. The following subject(s) may be discussed:

- a. TCEQ Docket No. 2002-1147-UCR, Applications of Brushy Water Supply and College Station (Westside/Highway 60)
- b. TCEQ Docket No. 2003-0544MWD, Application of Nantucket, Ltd.
- c. TXU Lone Star Gas Rate Request.
- d. Cause No. 03-002098-CV-85, *Brazos County, College Station v. Wellborn Special Utility District*
- e. Civil Action No. H-04-4558, U.S. District Court, Southern District of Texas, Houston Division, *College Station v. U.S. Dept. of Agriculture, etc., and Wellborn Special Utility District*
- f. Civil Action No. H-04-3876, U.S. District Court, Southern District of Texas, Houston Division,

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JK Development v. College Station

- g. GUD No. 9530 – Gas Cost Prudence Review, Atmos Energy Corporation
- h. GUD No. 9560 – Gas Reliability Infrastructure Program (GRIP) rate increases, Atmos Energy Corporation
- i. Cause No. GN-502012, Travis County, *TMPA v. PUC* (College Station filed Intervention 7/6/05)
- j. Cause No. 06-000703-CV-85, *Patricia Moore, et al. v. Ross Stores, Inc., City of College Station, et al.*
- k. Sewer CCN request.
- l. Legal aspects of Lease Agreements for No. 4 Water Well and possible purchase of or lease of another water site from City of Bryan
- m. Civil Action No. H-04-3876, U.S. District Court, Southern District of Texas, Houston Division, *JK Development v. College Station*
- n. Cause No. 06-002318-CV-272, 272nd Judicial District Court, Brazos County, Texas, *Taylor Kingsley v. City of College Station, Texas, and Does 1 through 10, inclusive.*
- o. Cause No. 484-CC, County Court at Law No. 2, Brazos County, Texas, *City of College Station v. Canyon Creek Partners, Ltd. and First Ag Credit, FLCA.*
- p. Cause No. 485-CC, County Court at Law No. 1, Brazos County, Texas, *City of College Station v. David Allen Weber, et al.*
- q. Bed and Banks applications for College Station and Bryan

Competitive Matter {Gov't Code Section 551.086}; possible action

The City Council may deliberate, vote, or take final action on a competitive matter in closed session. The City Council must make a good faith determination, by majority vote of the City Council, that the matter is a Competitive Matter. A “Competitive Matter” is a utility-related matter that the City Council determines is related to the City of College Station’s Electric Utility Competitive Activity, including commercial information, which if disclosed would give advantage to competitors or prospective competitors. The following is a general representation of the subject(s) to be considered as a competitive matter.

- 1. Power supply for College Station Electric Utilities

Economic Incentive Negotiations {Gov't Code Section 551.087}; possible action

The City Council may deliberate on commercial or financial information that the City Council has received from a business prospect that the City Council seeks to have locate, stay or expand in or near the city with which the City Council in conducting economic development negotiations may deliberate on an offer of financial or other incentives for a business prospect. After executive session discussion, any final action or vote taken will be in public. The following subject(s) may be discussed:

- 1. Proposed city convention center and associated privately developed hotel.

Real Estate {Gov't Code Section 551.072}; possible action

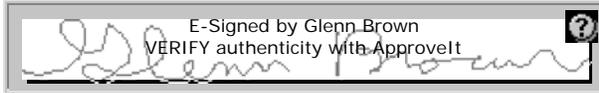
The City Council may deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. After executive session discussion, any final action or vote taken will be in public. The following subject(s) may be discussed:

- 1. Spring Creek Business Park

9. Final Action on executive session, if necessary.

10. Adjourn.

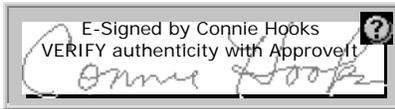
APPROVED:



City Manager

Notice is hereby given that a Workshop Meeting of the City Council of the City of College Station, Texas will be held on the February 22, 2007 at 3:00 p.m. at the City Hall Council Chambers, 1101 Texas Avenue, College Station, Texas. The following subjects will be discussed, to wit: See Agenda

Posted this 19th day of February, at 2:45 p.m.



City Secretary

I, the undersigned, do hereby certify that the above Notice of Meeting of the Governing Body of the City of College Station, Texas, is a true and correct copy of said Notice and that I posted a true and correct copy of said notice on the bulletin board at City Hall, 1101 Texas Avenue, in College Station, Texas, and the City's website, www.cstx.gov. The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on February 19, 2007 at 2:45 p.m. and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

This public notice was removed from the official board at the College Station City Hall on the following date and time: _____ by _____.

Dated this ____ day of _____, 2007.

CITY OF COLLEGE STATION, TEXAS

By _____

Subscribed and sworn to before me on this the ____ day of _____,

Notary Public – Brazos County, Texas

My commission expires: _____

This building is wheelchair accessible. Handicap parking spaces are available. Any request for sign interpretive service must be made 48 hours before the meeting. To make arrangements call

Council Meeting Thursday, February 22, 2007

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(979) 764-3517 or (TDD) 1-800-735-2989. Agendas may be viewed on www.cstx.gov. Council meetings are broadcast live on Cable Access Channel 19.

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**22 February 2007
Workshop Agenda
Comprehensive Plan Update**

To: Glenn Brown, City Manager

From: Lance Simms, Acting Director of Planning and Development Services

Agenda Caption: Presentation, possible action, and discussion regarding an update on the progress of Phase I of the Comprehensive Plan.

Recommendation(s): N/A

Summary: Kendig Keast Collaborative, the City's Comprehensive Plan consultant, will provide Council an update on the progress of Phase I of the Comprehensive Plan Update, including input received from the Comprehensive Plan Advisory Committee, Focus Group meetings, Citizens Congress, and the Planning & Zoning Commission.

Budget & Financial Summary: N/A

Attachments:

1. Phase I Project Schedule



Status	Date/Time	Meeting	Activity	Project Deliverable
Phase 1 Contract finalized on 08/15/06				
✓	Thursday, 09/21/06 2:30 p.m.	Kick-Off Meeting (Department directors, key staff)	Introductions, scope and schedule overview, project logistics	Citizens Congress checklist
✓	Friday, 10/06/06	None	Existing land use character analysis	Existing Land Use Character Map
✓	Thursday, 10/26/06, 9:00 a.m.-4:00 p.m.	Focus Groups - Day 1	Assess community perceptions and concerns, solicit opinions and ideas	None
✓	Thursday, 10/26/06, 6:00 p.m.	CPAC 1	Complete SWOT analysis, issues identification	None
✓	Friday, 10/27/06, 9:00 a.m.-4:00 p.m.	Focus Groups - Day 2	Assess community perceptions and concerns, solicit opinions and ideas	None
✓	Monday, 11/06/06	None	Submit interim deliverable for review and distribution	Focus Groups Summary
✓	Monday, 11/06/06, 6:00 p.m.	CPAC 2	Review results of Focus Groups, discuss Citizens Congress plans	None
✓	Friday, 11/10/06	None	Submit deliverable for review and distribution	Draft Community Survey
✓	Thursday, 11/16/06, 6:00 p.m.	P&Z Briefing 1	Update on Focus Groups, Citizens Congress plans and draft Community Survey	None
✓	Monday, 12/04/06, 6:00 p.m.	Citizens Congress	Identify vision statements and community objectives	None
✓	Thursday, 12/07/06, 6:00 p.m.	P&Z Briefing 2	Update on Citizens Congress results and Community Survey plans	None
✓	Friday, 12/15/06	None	Submit deliverable for final acceptance	Final Community Survey (to be conducted in January)
✓	January 2007	None	Conduct Community Survey	None
	Thursday, 02/22/07, 12:00 p.m.	Meet with Parks & Recreation Board	Update on Phase 1 progress to date and receive input	None
	Thursday, 02/22/07, 3:00 p.m.	City Council Mid-Point Briefing	Update on Phase 1 progress to date and upcoming activities	None



Status	Date/Time	Meeting	Activity	Project Deliverable
	Friday, 02/23/07	None	Submit deliverable for review and distribution	Draft Community Survey Data Analysis and Report
	Friday, 03/09/07	None	Submit deliverable for review and distribution	Draft Goals and Policies Report
Texas A&M Spring Break - Week of 03/12/07				
	Tuesday, 03/20/07, 6:00 p.m.	CPAC 3	Review/respond to draft Goals and Policies Report	None
	Thursday, 04/05/07, 6:00 p.m.	P&Z Briefing 3	Update on Community Survey results, draft Goals and Policies Report	None
	Tuesday, 04/24/07, 7:00 p.m.	Joint Workshop of P&Z and CPAC	Final review of Goals and Policies Report, recommend for City Council consideration	None
	Thursday, 05/24/07, 7:00 p.m.	City Council Public Hearing	Accept public comment, consider formal acceptance of Goals and Policies Report	None
	Thursday, 05/31/07	None	Submit final deliverable	Goals and Policies Report

Regular City Council meetings are the 2nd and 4th Thursday of each month at 7:00 p.m.

Regular Planning & Zoning Commission meetings are the 1st and 3rd Thursday of each month at 7:00 p.m.

Regular Zoning Board of Adjustments meetings are the 1st Tuesday of each month at 6:00 p.m.

Regular Parks & Recreation Board meetings are the 2nd Tuesday of each month at 7:00 p.m.

NOTE: The CPAC may schedule interim meetings with City staff but not the consultant as needed

**22 February 2007
Workshop Agenda
Annexation – Exempt Areas**

To: Glenn Brown, City Manager

From: Lance Simms, Acting Director of Planning and Development Services

Agenda Caption: Presentation, possible action, and discussion regarding proposed annexation areas, including related cost considerations.

Recommendation(s): Staff Recommends moving forward with the process to annex the five identified areas.

Summary: The purpose of this item is to provide Council an opportunity to discuss areas identified for annexation under the exempt status. The 2006-2007 Strategic Plan ranks the annexation of exempt areas as an "A" (absolute must do). On 14 December 2006, Council received a report on four areas identified by Staff for possible annexation under the exempt status. At that meeting, Council directed Staff to consider adding additional area to annexation area #2 and annexation area #4. The Council also directed staff to consider a new area south of the existing city limits along SH 6 (subsequently named annexation area #5). The Planning & Zoning Commission also expressed an interest in taking the aforementioned areas under consideration for annexation at this time.

The five areas identified for annexation under the exempt status total 6,730 acres, or approximately 74% of the total area allowed to be annexed at this time. A report summarizing the impacts and costs associated with annexing the proposed areas is attached. The report will also be presented at the Council workshop for discussion and direction.

Staff has also identified areas that could be included in a 3-year annexation plan and will present that information at the Council meeting.

Budget & Financial Summary: See Fiscal Impact Analysis included in Annexation Cost Considerations.

Attachments:

1. Annexation Cost Considerations
2. Recent Annexation History
3. Current Annexation Plan
4. ETJ Development Trends
5. Annexation Areas Map
6. Area 1 Small Area Map
7. Area 2 Small Area Map
8. Area 3 Small Area Map
9. Area 4 Small Area Map
10. Area 5 Small Area Map

Annexation Cost Considerations



Summary Report

9 February 2007

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Annexation Cost Considerations Summary Report

There are many reasons a city considers annexation. These include securing tax base, providing for utility planning, ensuring good land use and thoroughfare planning, providing for safe building construction as well as providing room for future population growth. As areas on the periphery of a city begin to develop and use city services it is also important to consider bringing them into the city limits. Historically annexation has been a very important factor in sustaining the population growth of Texas cities. Annexation is a growth strategy and has been a critical one for Texas cities in the past. Recent legislative changes have made annexation more difficult and there are many considerations in using this strategy in any community.

A part of any annexation consideration must include the capital expenditures that are anticipated, the ultimate costs and revenues anticipated at build-out (the fiscal impact analysis), and the immediate impacts on city services the "day after" annexation. This report is intended to present all of these cost considerations. There are four areas being considered for possible annexation under the exempt status at this time.

Area Descriptions

Area #1 is generally located at the intersection of Raymond Stotzer Parkway and Turkey Creek Road. This area contains 102 acres. Land uses consist of approximately six residential units and a recently constructed church. There are also two telecommunication towers located within this area. The area has approximately one mile of public roadway.

Area #2 is generally bound by Bird Pond Road on the North, Carter Creek on the West, SH 30 on the east, and William D. Fitch Parkway on the south. This area contains 3,465 acres and has 69 residential units. There are four miles of public roadway in this area.

Area #3 is generally located at the intersection of Rock Prairie Road West and Jones-Butler Road. This area contains 1,101 acres. There are over 600 residential units located in this area, the majority of which are manufactured homes. There are approximately 4.2 miles of public roadway in this area.

Area #4 is a 680-acre area located south of Greens Prairie Road West and bisected by Greens Prairie Trail. There are 69 residential units in this area and approximately 4.1 miles of public roadway.

Area #5 is located along the east side of SH 6 South and bound by Peach Creek Road on the South. This area contains 1,382 acres, 19 residential units, and less than a mile of public roadway.

Annexation Considerations

In order to provide for a stable tax base, provide for wastewater planning, ensure good land use and thoroughfare planning, provide safe building construction, and secure room for future population growth, all areas should be considered for annexation. Additionally, Area #1 is virtually surrounded by the City, effectively creating a doughnut effect. Property for the new City cemetery is also located within Area #1. Area #2 will ensure that the City is able to control the SH 30 corridor as the majority of the SH 30 frontage within this area is undeveloped. Securing the property in Area #2 also enables land use and thoroughfare planning ahead of development. Areas #3 and #4 are being recommended for annexation in response to development pressure. The city is aware of proposed residential development in each of these areas. The development planned for these areas are higher in density than we have witnessed in the past and staff is concerned about the lack of building permit authority in the ETJ. Annexing these areas now will enable the City to issue building permits and perform safety inspections as construction progresses. Area #5 will provide control of the east side of SH 6, a major community gateway. The City also holds the water CCN to serve a portion of Area #5.

The Brushy Special Utility District has the service territory for a portion of Annexation Area#1. However, the City of College Station Water CCN covers the majority of this area. Water for Area #2 is served by Wickson Creek Special Utility District. Areas #3 and #4 are totally within the Wellborn Special Utility District's service area. A portion of area #5 is also within the Wellborn Special Utility District's service area. Electrical power for all areas identified for annexation is provide by Bryan Texas Utilities (BTU), with the exception of the northern portion of Area #5, which is served by Entergy.

Chapter 43 of the Texas Local Government Code allows Cities to annex up to ten percent of its size in any given year. This amount is allowed to accrue and can accumulate for up to three years. Since College Station has not annexed in the past three years, the City may annex up to 30 percent of its current size. This enables the City to annex approximately 9,081 acres. The total acreage currently under consideration is 6,730 acres – or approximately 74% of the area available for annexation under State law.

Immediate Impacts Upon Annexation

The first cost consideration involves those services that must be provided immediately upon annexation. These include police services, fire services, emergency medical services, code enforcement, solid waste collection, public R.O.W. maintenance, utility maintenance (as applicable) and building permitting, inspections and planning. The Departments responsible for these services have provided information to assess the potential impact of annexing the areas under consideration. The following is a summary of the initial impact by Department.

Police Services

The areas proposed for annexation should not have an adverse impact on the Police Department's ability to provide services. There is a possibility that beats will have to be restructured to adequately distribute any additional workload. Calculating the impact for Fiscal Year (FY) 2007, our needs would be negligible. Utilizing the growth projections providing by Planning and Development Services, the following encompasses the big picture and is applicable:

- Sworn staffing (police officers) recommendations by the United States Justice Department is 2.2 officers per thousand, the International Association of Chiefs of Police is 1.7 per thousand. It should be noted that the hiring and training process for police officers may take as long as 12 to 18 months before they can operate independently;
- Current police sworn staff is 114 and the ratio is (sworn staff 114 / population 84,000 = 1.35 sworn officers per 1,000 residents);
- The proposed annexation adds approximately 800 homes, so a conservative population estimate would be 85,200 reducing sworn staff ratio to 1.33. This increase will not immediately affect police services nor response times to any degree of significance;
- However, considering the 4% growth rate city-wide, we anticipate a population of 88,608 at the end of FY 07, this will in-turn reduce the ratio to 1.28 which is significant. This would require six additional sworn officers to get back to 1.35. Over the coming years staffing ratios will need to be monitored and adjusted as needs dictate;
- Looking at non-sworn staff (dispatchers and records technicians), again no immediate additions will be needed. However, a comparative used by police agencies while calculating the ratio of non-sworn to sworn personnel is 25%. Additionally, police communications dispatches for all of public safety (police, fire, EMS) units. If additional fire stations are part of this annexation, a minimum of two communications technicians per station would be needed to accommodate the anticipated service increases.

Again, although the immediate impact will be transparent for the near future, current growth and growth in years to come will increase demands for service and staffing.

Fire Services

Annexation of all five areas will have a significant impact on the Fire Department's service levels. As with any potential annexation, there will be impacts on the Fire Department's ability to deliver services within designated drive times. As a result of these annexation processes there will also be a significant need to add additional resources to the fire department to meet the service demands. It is projected that a new Fire Station that houses staff for one Fire Engine and one Ambulance will need to be built on the East end of William D. Fitch Parkway near the SH 30 intersection and a new Fire Station that houses staff for one Fire Engine and one Ambulance will need to be built

on the West end of Greens Prairie near the Royder Drive intersection. The purchase of a minimum of a 2,500 gallon water tanker and a grass firefighting truck will also need to be purchased to protect the off-road and non-fire hydrant areas. The College Station Fire Department will continue to work with the Brazos County Volunteer Fire Departments through existing mutual aid agreements to protect these response areas as growth occurs. It is important to note that the addition of these areas may negatively impact the City's next ISO evaluation.

Following are comments for each of the proposed annexation areas for Fire Protection, Emergency Medical Services, and Code Enforcement Services.

Area #1 - Raymond Stotzer Pkwy. & Turkey Creek Road.

- The water supply (fire hydrants and fire flow) in this area is not adequate to support new development.
- The City will need to purchase a grass firefighting truck to fight off-road fires in this area.
- Brazos County Volunteer Fire Department Precinct 4 currently serves this area.

Area #2 - SH 30 & William D. Fitch Parkway

- The water supply (fire hydrants and fire flow) in this area is not adequate to support new development. The City will also need to purchase a water tanker truck (minimum 2,500 gallons capacity) to provide water supply for off-road firefighting.
- The City will need to purchase a grass firefighting truck to fight off-road fires in this area.
- Response Times – this area is beyond the standard 5-minute response time, therefore the City of College Station will need to purchase or acquire a two (2) acre tract of land to build a future fire station. This new station will need to be equipped with one engine, an ambulance and 18 personnel (6 employees per shift).
- Fire Code Compliance – there are already structures that have been built in this area that do not meet our fire protection code. These buildings and structures present fire and life safety concerns for the future.
- Brazos County Volunteer Fire Department Precinct 2 currently serves this area.

Area #3 – Rock Prairie Road West & Jones Butler.

- The water supply (fire hydrants and fire flow) in this area is not adequate to support new development.
- Response Times – this area is beyond the standard 5-minute response time, therefore the City will need to purchase or acquire a two acre tract of land to build a future fire station.
- Code Enforcement – this area contains a number of properties and structures that do not meet present code requirements.
- South Brazos County Volunteer Fire Department Precinct 1 currently serves this area.

Area #4 – William D. Fitch & Royder Dr

- The water supply (fire hydrants and fire flow) in this area is not adequate to support new development.
- This area is just on the edge of the standard 5-minute response time - the relocation of Fire Station #3 should greatly improve the response times to this area.
- The City will need to purchase a grass firefighting truck to fight off- road fires in this area.
- Code Enforcement – this area contains a number of properties and structures that do not meet present code requirements.
- South Brazos County Volunteer Fire Department Precinct 1 currently serves this area.

Area #5 - SH 6 South & Peach Creek Road

- The water supply (fire hydrants and fire flow) in this area is not adequate to support new development.
- Response Times – this area is outside of the standard 5 minute response time, therefore, the City will need to acquire a two-acre tract of land to build a future fire station. The fire station will house an engine, an ambulance and 18 personnel (six on each shift).
- The City will also need to purchase a grass firefighting truck to fight off road fires in this area.
- Code Enforcement – this area contains a number of properties and structures that do not meet present code requirements.
- South Brazos County Volunteer Fire Department Precinct 1 currently serves this area.

As the City prepares for this annexation and future annexation opportunities, a decision needs to be made concerning water supply as it relates to fire flow and fire hydrant distance requirements as our city grows into areas that are served by other water service providers (such as the Brushy and Wellborn water districts). There is a major concern that these water service providers will not be able to supply the water supply needed for fire protection requirements.

Solid Waste Collection

Most of the exempt annexation proposal areas can be absorbed by the Sanitation Division without additional personnel or collection equipment. The more densely populated areas of the proposed annexation are the three mobile home parks off of Rock Prairie Road, west of FM2154, which are Oak Creek, Rolling Ridge, and Sunset Ridge. These areas will require an initial cost outlay for additional residential containers. Total costs for the five proposed annexation areas are \$39,000 for additional containers and \$71,000 annual O&M collection costs which would be offset by a sanitation fee revenue increase from the additional customers.

Currently, these areas are being serviced by several different private waste service providers. Per state law, existing contracted services may continue to be provided by the company for a period of two years after the effective annexation date. The necessity for these private service providers to apply for a waste collection franchise with the City to continue service after annexation is an issue that needs to be addressed.

Public Works - Road mowing and maintenance

Annual maintenance costs are approximately \$7,500 per mile annually. The total annual costs are estimated to be \$105,000.

Building Permits and Inspections

Individually, the areas under consideration should not have an adverse impact on current service levels. Collectively, there will be a slight to moderate impact on current performance levels depending on the rate of development. Once the annexed areas begin to develop, service levels may have to be adjusted to reflect the additional workload.

Planning

The proposed exempt annexations areas will have a slight adverse impact on current service levels. The Planning and Development Services Department currently services this property by way of administration of Article 8. Subdivision Design and Improvements of the CITY OF COLLEGE STATION UNIFIED DEVELOPMENT ORDINANCE. While there would be no expansion of platting authority with the addition of Area #1, the ETJ (and therefore platting authority) will expand for all other areas. For newly annexed territory, planning and development services will be provided immediately upon annexation. Depending on the on the rate of development, there will be a slight to moderate impact on current performance levels. Once annexed areas begin to develop, service levels may have to be adjusted to reflect the additional workload unless there is additional personnel.

Proposed Capital Improvements

In determining how utility service would be extended to the areas proposed for annexation, the current Utility Extension Policy was applied. The current policy for extension of utility service calls for the extension of water and wastewater main lines across major thoroughfares and natural boundaries that would be cost prohibitive for private entities. The City also provides major facilities, such as lift stations and wastewater package plants when development warrants the installation of such facilities. As an area develops, developers or homeowners extend water distribution and wastewater collection lines to individual lots. The lot owners pay for the costs of these lines; however, the City may elect to fund additional capacity. The City's financing options include the use of utility revenues, bond funds, or impact fees.

The extension of water and wastewater lines is driven by development due to cost and operational conditions. Until an area becomes densely populated, the cost of utility extension is not feasible to be borne by a few lot owners. Also, population density is required to prevent septic conditions from occurring in a wastewater line with low flow.

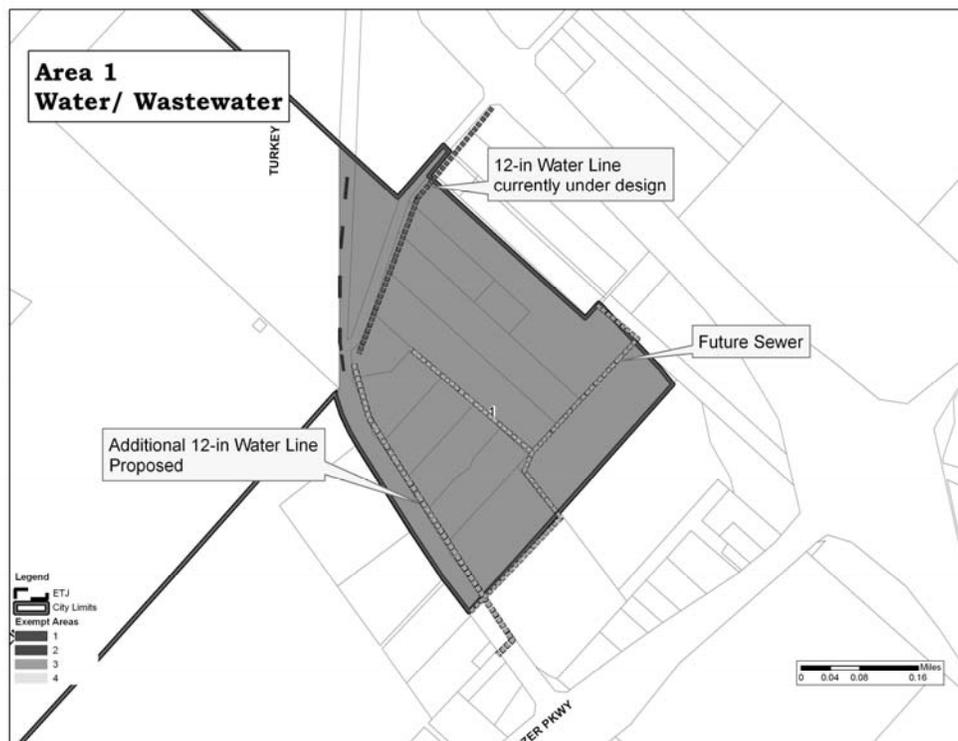
Area #1 Water

College Station has served the area south of F&B and east of Turkey Creek Road for many years. In the 1950's the residents constructed a small diameter water line that was connected to the TAMU system and College Station maintains the meters and billing process. A 12" replacement line has been under design and will be under construction as soon as easements are obtained along F&B. The Brushy Water System CCN service territory is located along the west side of Turkey Creek Road. These residents are served by a 6" diameter domestic water line. The College Station Water CCN covers the majority of the area.

Engineering and Water Services have been working for some time with their consultant, the City of Bryan, the Parks & Recreation Department and area residents to extend water and wastewater lines to this area. Current plans include an 8" water line through the cemetery site and a 12-in line crossing Turkey Creek Road.

Area #1 Wastewater

Properties within Annexation Area #1 are currently served by private on-site sewer facilities (OSSFs). However, for this area to develop more densely a gravity system or lift station is necessary. The Pornada Tract is served by a lift station which flows to a TAMU wastewater line for which a limited ILA has been approved. Current plans include a lift station to the west, a gravity line across Turkey Creek and lateral lines northward along Turkey Creek the drainage way. The City has entered into an ILA with the City of Bryan for a limited volume of wastewater to be treated by Bryan. Bryan is in the process of constructing a new wastewater treatment plant to the west of Area #1.



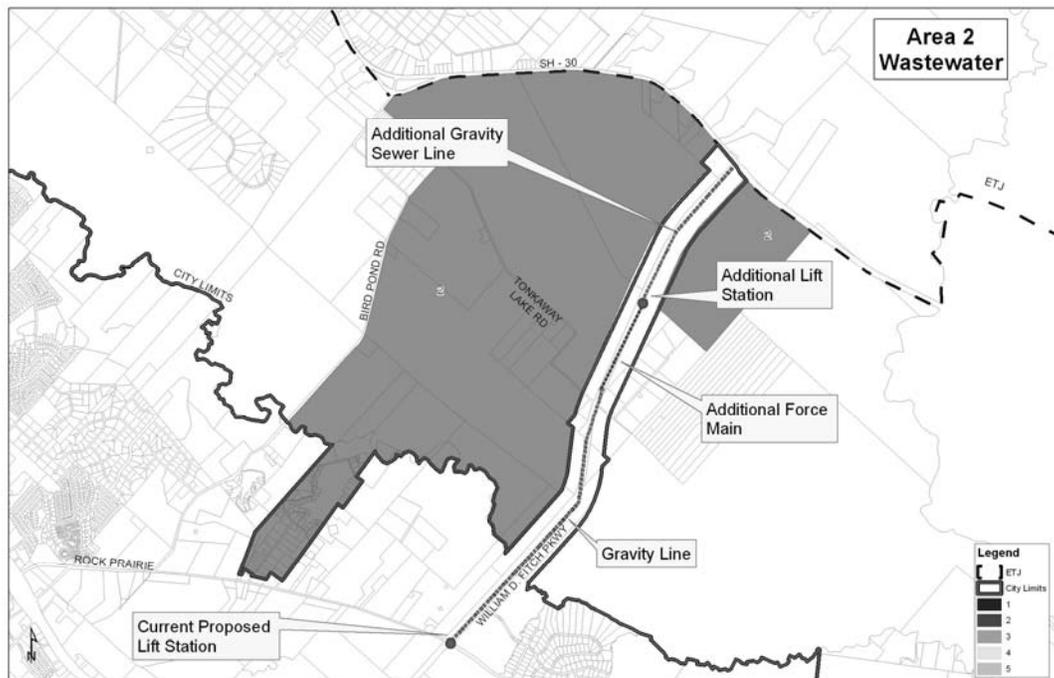
Area #2 Water

Area #2 is in the water CCN service territory of Wickson Creek Special Utility District (WCSUD). Residents are either served by private well or by WCSUD. Due to the fact that the City does not serve water in this area, the City is not obligated to extend water infrastructure in the area after annexation.

Area #2 Wastewater

Area #2 is not currently served by an organized collection system. Any structure within the area would have to be served by an OSSF. OSSFs can serve developments but require large acreages for treatment. This, combined with stormwater detention requirements, make OSSF a last choice.

The City is currently designing a lift station along William D. Fitch Parkway. at Carter’s Creek to serve previously annexed areas. The lift station can be upgraded to serve the additional areas north and south of Fitch Parkway along SH 30. The gravity line planned in conjunction with the lift station will only extend eastward to about 1.5 miles west of SH 30. Therefore, an additional lift station will be required to serve the area.



Area #3 Water

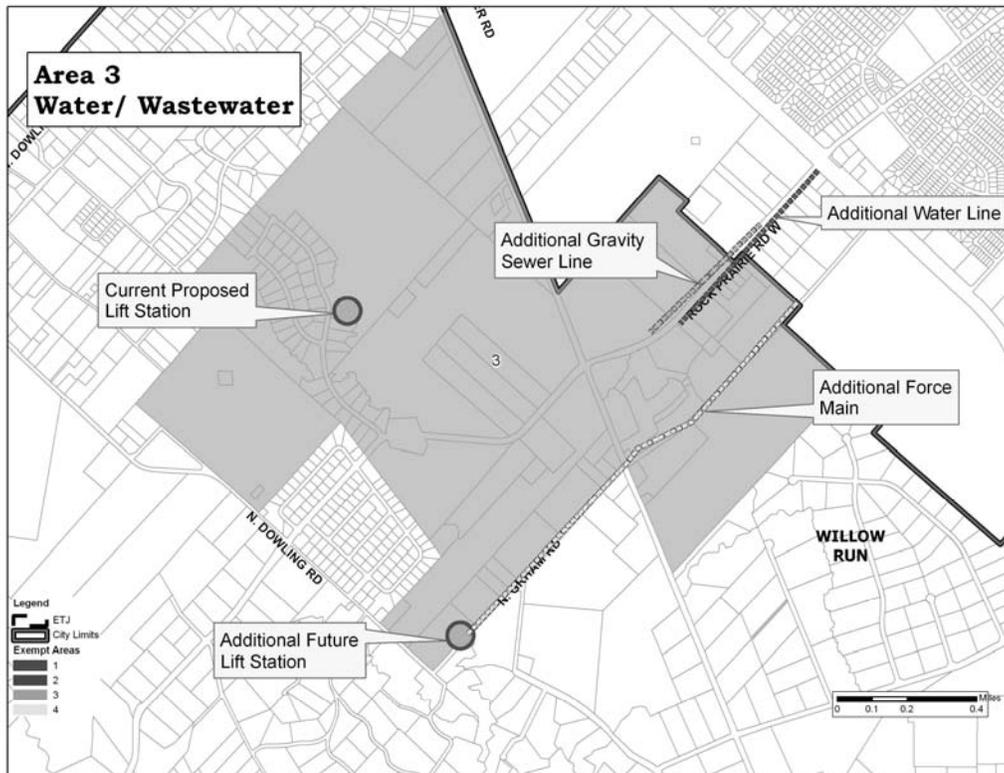
The majority of Area #3 is in the water CCN service territory of Wellborn Special Utility District (WSUD). Residents are served by private well or by WSUD. The Rolling Ridge property, currently occupied by several manufactured homes, is in the City’s CCN and served by a private water line extension. If the Rolling Ridge area is annexed, the City may need to extend a sizeable line to the area to ensure adequate water supply for fire protection purposes.

The City has been planning on an extension into this area. This line could provide the needed water supply for fire protection.

Area #3 Wastewater

Area #3 has recently seen new development in which City wastewater facilities have been installed. A 12” sewer trunk line was installed parallel to Cain Road through the Las Palomas Subdivision at the southwest end of Cain Road. The Great Oaks Subdivision is planning a lift station that will pump back to this line. This lift station may have additional capacity to serve areas in the Area #3 outside of Great Oaks.

Rolling Ridge operates its own private wastewater treatment plant. The plant is scheduled for upgrade to serve the new housing expansion. The recently completed Steeplechase Sewer Line crosses Rock Prairie Road West approximately 0.67 miles east of I&GN and will serve a portion of Area #3. An additional lift station and force main sited along North Graham at Hopes Creek will be needed to serve the entire area.



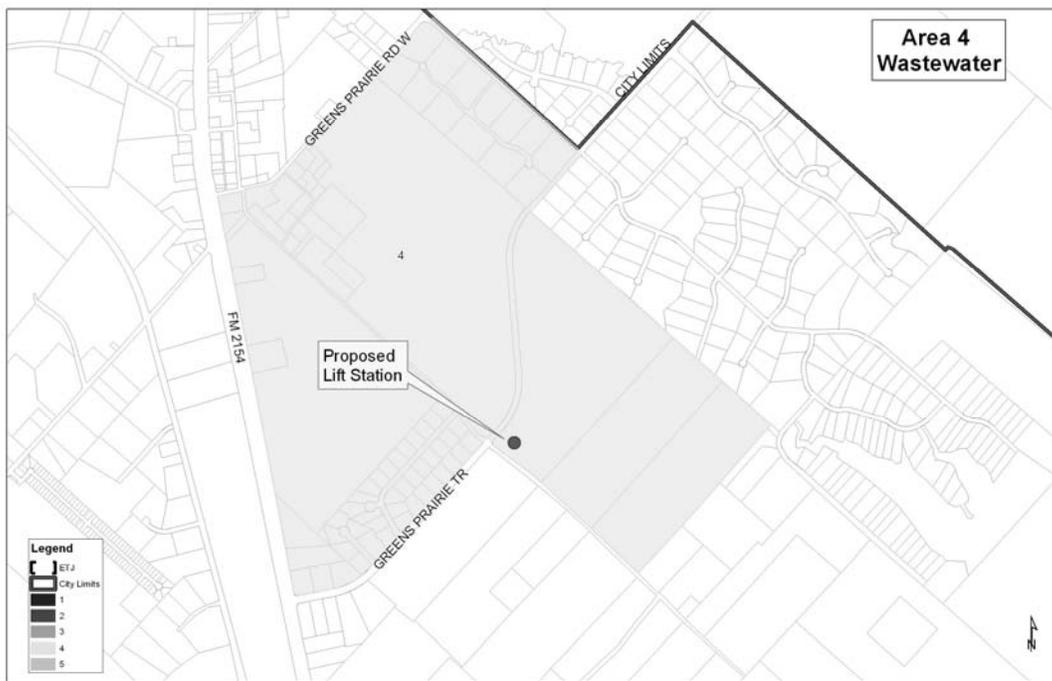
Area #4 Water

Area #4 is located entirely within the water CCN service territory of Wellborn Special Utility District (WSUD). The WSUD water tower is located just off Greens Prairie Road and Royder Road to the northeast. WSUD operates and maintains 16” and larger diameter lines within the area.

Area #4 Wastewater

Area #4 is predominately undeveloped. Residents in Wellborn Oaks, being comprised of 4-acre lots, are on OSSF.

The City is currently reviewing plans for a new proposed development in Area #4 which includes a lift station and force main. The proposed lift station will serve all of Area #4 except the extreme south portion.

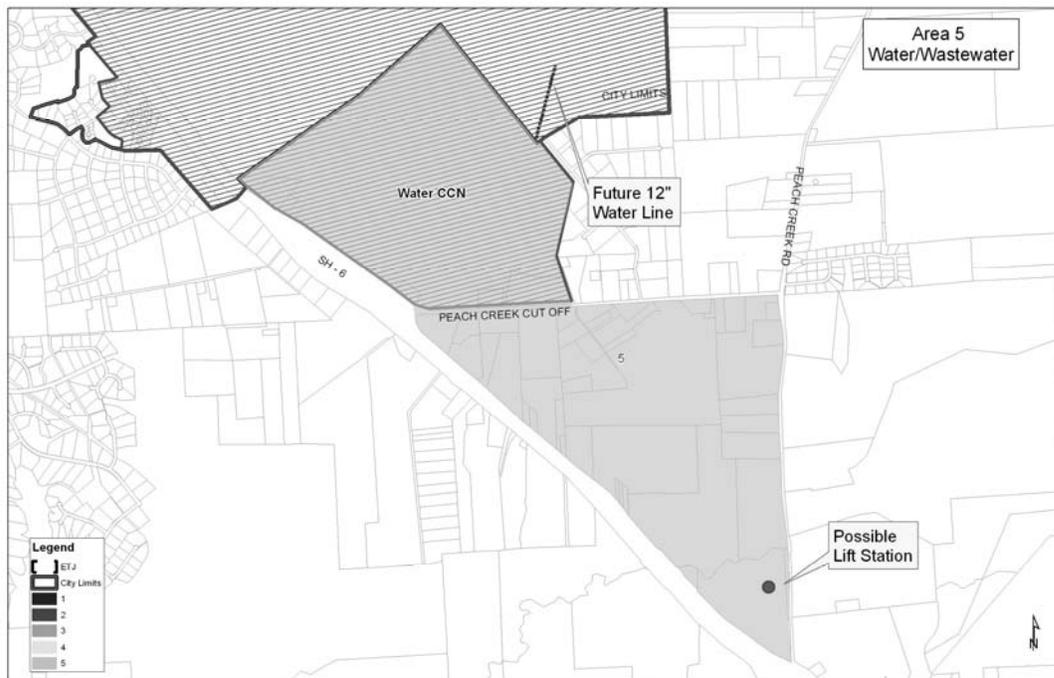


Area #5 Water

The City holds the water CCN to serve a portion of Area #5 - the area west of Pipeline Road and north of Peach Creek Cut-off, including the Race Track. The remainder of Area #5 is in the water CCN service territory of Wellborn Special Utility District . The existing 6-in water line which currently serves the Race Track will either need to be upgrade to a 12-in line or a separate 12-in line extended into the area which can be connected to the 6-in line as development occurs.

Area #5 Wastewater

Area #5 drains south to Peach Creek and southeast to the Navasota River, therefore, a lift station will need to be strategically located to provide a gravity sewer system to the entire area. The wastewater would then be pumped back to the Lick Creek WWTP to the north. Plans are being developed which may provide additional options for sewer service to Area #5.



Fiscal Impact Analysis (Full Build-out Scenario)

The fiscal impact analysis used here is a tool that estimates the annual costs and revenues that the City will incur once the identified property is fully developed. This information is provided to help project the need for municipal services, to monitor the costs of land use decisions, and to give officials information for making growth and planning decisions.

For this analysis the widely accepted Service Standard Method was used¹. This analysis should be treated as an estimate based upon the best data available. In addition, it is important for decision-makers using this information to understand the assumptions upon which it is based.

1. In this model it is assumed that the current level of municipal services in College Station will be maintained in newly annexed areas.
2. This analysis provides estimates for these areas once they are fully developed. Some of these areas may not develop for 20+ years. The costs / benefits in the interim will vary, but typically costs to the City are higher until the areas fully develop.
3. All costs and revenues are in current dollars based on current budget data.
4. The model is based on existing tax and utility rates that may change over time. Future changes to the land use plan may also change future fiscal impacts.

Demands and Costs

The analysis begins by using future land use assumptions, based on development in accordance with the City's adopted Land Use Plan, to estimate the population for each annexation area. Using existing development as a model, the average number of dwelling units for residential areas is calculated. Census data for persons per household are used to calculate the population.

Existing service levels for the City are then used to calculate the demand for City services in the annexation areas. An equal level of service is applied to the annexation area to yield the demand for services. Costs per year for the demanded services are calculated using cost ratios to compensate for the varied nature of service provided by different departments. This results in a cost per year to provide existing level of services to the annexation areas.

Revenues

Revenues are calculated for property taxes, sales taxes, utility fees and miscellaneous revenues. Estimates are based on current revenues from the existing City applied to the projected development in the annexation areas.

1 More information on this method is available in *The Fiscal Impact Handbook* by Robert Burchell & Davide Listokin.

Conclusions

The following tables summarize the results of the fiscal impact analysis by area. Upon full build-out, Areas #2 and #5 are projected to generate positive revenues owing to their commercial potential. Conversely, Areas #1, #3 and #4 are projected to have a negative financial impact on the City due to their residential nature.

Overall, the results show that annexing all five areas under consideration would result in an annual revenue increase to the City of \$440,300 once these areas are fully developed. It should be noted that future changes in the Land Use Plan or development patterns will affect this projection.

Summary of Fiscal Impact Analysis by Area

Area 1

Costs	\$458,900
Property Tax Revenues	\$106,000
Utility/Misc. Revenues	\$91,300
Sales Tax Revenues	\$84,000
Total	\$(177,600)

Area 2

Costs	\$7,557,400
Property Tax Revenues	\$3,575,000
Utility/Misc. Revenues	\$2,822,200
Sales Tax Revenues	\$1,702,800
Total	\$542,600

Area 3

Costs	\$3,179,100
Property Tax Revenues	\$610,000
Utility/Misc. Revenues	\$572,400
Sales Tax Revenue	\$396,400
Total	\$(1,600,500)

Area 4

Costs	\$3,794,800
Property Tax Revenues	\$962,000
Utility/Misc. Revenues	\$839,500
Sales Tax Revenue	\$760,700
Total	\$(1,232,600)

Area 5

Costs	\$1,142,500
Property Tax Revenues	\$2,539,000
Utility/Misc. Revenues	\$1,149,900
Sales Tax Revenue	\$362,000
Total	\$2,908,400

**Summary of Revenues
Build-out**

Property Tax Revenue – Area 1	\$106,000
Property Tax Revenue – Area 2	\$3,575,000
Property Tax Revenue – Area 3	\$610,000
Property Tax Revenue – Area 4	\$962,000
Property Tax Revenue – Area 5	\$2,539,000
Total Property Tax Revenues	\$7,792,000

Utility/Misc. Revenues – Area 1	\$91,300
Utility/Misc. Revenues – Area 2	\$2,822,200
Utility/Misc. Revenues – Area 3	\$572,400
Utility/Misc. Revenues – Area 4	\$839,500
Utility/Misc. Revenues – Area 5	\$1,149,900
Total Utility Revenues	\$5,475,300

Sales Tax Revenues – Area 1	\$84,000
Sales Tax Revenues – Area 2	\$1,702,800
Sales Tax Revenues – Area 3	\$396,400
Sales Tax Revenues – Area 4	\$760,700
Sales Tax Revenues – Area 5	\$362,000
Total Sales Tax Revenues	\$3,305,900

Total Revenues **\$16,573,200**

Total Costs **\$16,132,900**

Total Annual Fiscal Impact **\$440,300**

Note: Potential development fees (not included in the above) constitute a one time positive impact of \$3,529,000.

Area 1 Revenue and Expenditure Comparison

Revenues

Residential O&M Property Tax	Avg Value	Tax Rate		# of Units	Total
Residential Attached	\$ 127,000	0.1910		-	\$ -
Single Family High	100,000	0.1910		-	-
Single Family Medium	173,135	0.1910		140	46,000
Single Family Low	152,000	0.1910		-	-
PDD	135,000	0.1910		-	-
Total Residential Operations & Maintenance				140	\$ 46,000
Commercial O&M Property Tax	Avg Value	Tax Rate		# of Units	Total
Industrial	\$ 490,000	0.1910		-	\$ -
Office	1,537,402	0.1910		-	-
Retail Regional	1,914,198	0.1910		-	-
Retail Neighborhood	1,537,402	0.1910		-	-
Total Commercial Operations & Maintenance				-	-
Residential Debt Service Property Tax	Avg Value	Tax Rate		# of Units	Total
Residential Attached	\$ 127,000	0.2484		-	\$ -
Single Family High	100,000	0.2484		-	-
Single Family Medium	173,135	0.2484		140	60,000
Single Family Low	152,000	0.2484		-	-
PDD	135,000	0.2484		-	-
Total Residential Debt Service				140	\$ 60,000
Commercial Debt Service Property Tax	Avg Value	Tax Rate		# of Units	Total
Industrial	\$ 490,000	0.2484		-	\$ -
Office	1,537,402	0.2484		-	-
Retail Regional	1,914,198	0.2484		-	-
Retail Neighborhood	1,537,402	0.2484		-	-
Total Commercial Debt Service				-	\$ -
Total Property Tax					\$106,000
Residential Utilities Sales Tax	Avg Bill	Tax Rate	Months	# of Units	Total
Electric	\$ 85	0.015	12	140	\$ 2,200
Sanitation	14	0.015	12	140	400
Gas	20	0.015	12	140	300
Phone/Internet	35	0.015	12	140	700
Cable/Satellite	50	0.015	12	140	1,000
Total	\$ 205				\$ 4,600
Commercial Utilities Sales Tax	Avg Bill	Tax Rate	Months	# of Units	Total
Small Commercial Electric	\$ 200	0.015	12	-	\$ -
Medium Commercial Electric	4,100	0.015	12	-	-
Large Commercial Electric	18,700	0.015	12	-	-
Sanitation	56	0.015	12	-	-
Gas	-	0.015	12	-	-
Phone/Internet	50	0.015	12	-	-
Cable/Satellite	-	0.015	12	-	-
Total	\$ 23,106				\$ -
Retail Sales Tax	Spending	Tax Rate		Residents *	Total
Resident Spending per Capita	\$ 12,700	0.015		417	\$ 79,400
Total	\$ 12,700				\$ 79,400
Total Sales Tax					\$84,000

* Estimated new residents after full build out

Area 1 Revenue and Expenditure Comparison

Residential Franchise Fees	Avg Bill	Tax Rate	Months	# of Units	Total
Gas	\$ 20	0.040	12	140	\$ 700
Phone	-	1.940	12	140	2,600
Cable	50	0.045	12	140	3,000
Total	\$70				\$ 6,300

Commercial Franchise Fees	Avg Bill	Tax Rate	Months	# of Units	Total
Gas	\$ -	0.040	12	-	\$ -
Phone	-	3.820	12	-	-
Cable	-	0.045	12	-	-
Total	\$ -				\$ -

Total Franchise Fees					\$ 6,300
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Water Charges	Avg Bill	Months	# of Units	Total
Residential Water Charges	\$ 30	12	-	\$ -
Commercial Water Charges	40	12	-	-
Total Water Charges				\$ -

Wastewater Charges	Avg Bill	Months	# of Units	Total
Residential Wastewater Charges	\$ 36	12	140	\$ 61,000
Small Commercial Wastewater Charges	50	12	-	-
Medium Commercial Wastewater Charges	300	12	-	-
Large Commercial Wastewater Charges	460	12	-	-
Total Wastewater Charges				\$ 61,000

Sanitation Charges	Avg Bill	Months	# of Units	Total
Residential Sanitation Charges	\$ 14	12	140	\$ 24,000
Commercial Sanitation Charges	56	12	-	-
Total Sanitation Charges				\$ 24,000

Total Estimated Revenues					\$ 281,300
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Expenditures

Total Cost to Public	EEs	O&M	Capital	Total
Fiscal Services	0.25	\$ 19,100	\$ 100	\$ 19,200
General Government	0.96	93,400	1,000	94,400
Police	0.95	71,300	3,400	74,700
Fire	0.67	53,700	1,600	55,300
Streets & Drainage	0.24	26,600	36,200	62,800
Sewer	0.26	24,400	24,900	49,300
Sanitation	0.21	30,300	-	30,300
Water	0.17	23,900	14,500	-
Utility Billing	0.17	11,800	100	11,900
Parks	0.71	47,400	13,600	61,000
Total Estimated Expenditures	4.59	\$ 401,900	\$ 95,400	\$ 458,900

Over/(Under) \$ (177,600)

Area 2 Revenue and Expenditure Comparison

Revenues

Residential O&M Property Tax	Avg Value	Tax Rate		# of Units	Total
Residential Attached	\$ 127,000	0.1910		244	\$ 59,000
Single Family High	100,000	0.1910		706	135,000
Single Family Medium	173,135	0.1910		683	226,000
Single Family Low	152,000	0.1910		1,272	369,000
PDD	135,000	0.1910		272	70,000
Total Residential Operations & Maintenance				3,177	\$ 859,000
Commercial O&M Property Tax	Avg Value	Tax Rate		# of Units	Total
Industrial	\$ 490,000	0.1910		145	\$ 136,000
Office	1,537,402	0.1910		46	135,000
Retail Regional	1,914,198	0.1910		108	395,000
Retail Neighborhood	1,537,402	0.1910		10	29,000
Total Commercial Operations & Maintenance				309	\$ 695,000
Residential Debt Service Property Tax	Avg Value	Tax Rate		# of Units	Total
Residential Attached	\$ 127,000	0.2484		244	\$ 77,000
Single Family High	100,000	0.2484		706	175,000
Single Family Medium	173,135	0.2484		683	294,000
Single Family Low	152,000	0.2484		1,272	480,000
PDD	135,000	0.2484		272	91,000
Total Residential Debt Service				3,177	\$ 1,117,000
Commercial Debt Service Property Tax	Avg Value	Tax Rate		# of Units	Total
Industrial	\$ 490,000	0.2484		145	\$ 176,000
Office	1,537,402	0.2484		46	176,000
Retail Regional	1,914,198	0.2484		108	514,000
Retail Neighborhood	1,537,402	0.2484		10	38,000
Total Commercial Debt Service				309	\$ 904,000
Total Property Tax					\$3,575,000
Residential Sales Tax	Avg Bill	Tax Rate	Months	# of Units	Total
Electric	\$ 85	0.015	12	3,177	\$ 48,800
Sanitation	14	0.015	12	3,177	8,200
Gas	20	0.015	12	3,177	5,700
Phone/Internet	35	0.015	12	3,177	16,000
Cable/Satellite	50	0.015	12	3,177	22,900
Total	\$ 205				\$ 101,600
Commercial Sales Tax	Avg Bill	Tax Rate	Months	# of Units	Total
Small Commercial Electric	\$ 200	0.015	12	201	\$ 7,200
Medium Commercial Electric	4,100	0.015	12	102	75,300
Large Commercial Electric	18,700	0.015	12	6	20,800
Sanitation	56	0.150	12	309	30,900
Gas	-	0.015	12	309	-
Phone/Internet	50	0.015	12	309	2,800
Cable/Satellite	-	0.015	12	309	-
Total	\$ 23,106				\$ 137,000
Retail Sales Tax	Spending	Tax Rate		Residents *	Total
Resident Spending per Capita	\$ 12,700	0.015		7,686	\$ 1,464,200
Total	\$ 12,700				\$ 1,464,200
* Estimated new residents after full build out					
Total Sales Tax					\$1,702,800

Area 2 Revenue and Expenditure Comparison

Revenues

Residential Franchise Fees	Avg Bill	Tax Rate	Months	# of Units	Total
Gas	\$ 20	0.040	12	3,177	\$ 15,200
Phone	-	1.940	12	3,177	59,200
Cable	50	0.045	12	3,177	68,600
Total	\$70				\$143,000
Commercial Franchise Fees	Avg Bill	Tax Rate	Months	# of Units	Total
Gas	\$ -	0.040	12	309	\$ -
Phone	-	3.820	12	309	14,200
Cable	-	0.045	12	309	-
Total	\$ -				\$ 14,200
Total Franchise Fees					\$157,200
Water Charges	Avg Bill		Months	# of Units	Total
Residential Water Charges	\$ 30		12	-	\$ -
Commercial Water Charges	40		12	-	-
Total Water Charges					\$ -
Wastewater Charges	Avg Bill		Months	# of Units	Total
Residential Wastewater Charges	\$ 36		12	3,177	\$ 1,388,000
Small Commercial Wastewater Charges	50		12	201	121,000
Medium Commercial Wastewater Charges	300		12	102	367,000
Large Commercial Wastewater Charges	460		12	6	34,000
Total Wastewater Charges					\$ 1,910,000
Sanitation Charges	Avg Bill		Months	# of Units	Total
Residential Sanitation Charges	\$ 14		12	3,177	\$ 549,000
Commercial Sanitation Charges	56		12	309	206,000
Total Sanitation Charges					\$ 755,000
Total Estimated Revenues					\$8,100,000

Expenditures

Total Cost to Public	EEs	O&M	Capital	Total
Fiscal Services	4.17	\$ 314,000	\$ 1,900	\$ 315,900
General Government	15.76	1,537,900	16,900	1,554,800
Police	15.59	1,174,100	55,200	1,229,300
Fire	10.99	885,200	25,700	910,900
Streets & Drainage	3.89	438,000	596,100	1,034,100
Sewer	4.36	401,500	410,000	811,500
Sanitation	3.46	499,400	-	499,400
Water	-	-	-	-
Utility Billing	2.80	194,400	2,100	196,500
Parks	11.71	781,500	223,500	1,005,000
Total Estimated Expenditures	72.73	\$ 6,226,000	\$ 1,331,400	\$ 7,557,400

Over/(Under) \$ 542,600

Area 3 Revenue and Expenditure Comparison

Revenues

Residential O&M Property Tax	Avg Value	Tax Rate		# of Units	Total
Residential Attached	\$ 127,000	0.1910		-	\$ -
Single Family High	100,000	0.1910		-	-
Single Family Medium	173,135	0.1910		279	92,000
Single Family Low	152,000	0.1910		595	173,000
PDD	135,000	0.1910		-	-
Total Residential Operations & Maintenance				874	\$ 265,000

Commercial O&M Property Tax	Avg Value	Tax Rate		# of Units	Total
Industrial	\$ 490,000	0.1910		-	\$ -
Office	1,537,402	0.1910		-	-
Retail Regional	1,914,198	0.1910		-	-
Retail Neighborhood	1,537,402	0.1910		-	-
Total Commercial Operations & Maintenance				-	\$ -

Residential Debt Service Property Tax	Avg Value	Tax Rate		# of Units	Total
Residential Attached	\$ 127,000	0.2484		-	\$ -
Single Family High	100,000	0.2484		-	-
Single Family Medium	173,135	0.2484		279	120,000
Single Family Low	152,000	0.2484		595	225,000
PDD	135,000	0.2484		-	-
Total Residential Debt Service				874	\$ 345,000

Commercial Debt Service Property Tax	Avg Value	Tax Rate		# of Units	Total
Industrial	\$ 490,000	0.2484		-	\$ -
Office	1,537,402	0.2484		-	-
Retail Regional	1,914,198	0.2484		-	-
Retail Neighborhood	1,537,402	0.2484		-	-
Total Commercial Debt Service				-	\$ -

Total Property Tax					\$ 610,000
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Residential Sales Tax	Avg Bill	Tax Rate	Months	# of Units	Total
Electric	\$ 85	0.015	12	874	\$ 13,400
Sanitation	14	0.015	12	874	2,300
Gas	20	0.015	12	874	1,600
Phone/Internet	35	0.015	12	874	4,400
Cable/Satellite	50	0.015	12	874	6,300
Total	\$ 205				\$ 28,000

Commercial Sales Tax	Avg Bill	Tax Rate	Months	# of Units	Total
Small Commercial Electric	\$ 200	0.015	12	-	\$ -
Medium Commercial Electric	4,100	0.015	12	-	-
Large Commercial Electric	18,700	0.015	12	-	-
Sanitation	56	0.150	12	-	-
Gas	-	0.015	12	-	-
Phone/Internet	50	0.015	12	-	-
Cable/Satellite	-	0.015	12	-	-
Total	\$ 23,106				\$ -

Retail Sales Tax	Spending	Tax Rate		Residents *	Total
Resident Spending per Capita	\$ 12,700	0.015		1,934	\$ 368,400
Total	\$ 12,700				\$ 368,400

* Estimated residents after full build out

Total Sales Tax					\$396,400
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Area 3 Revenue and Expenditure Comparison

Revenues

Residential Franchise Fees	Avg Bill	Tax Rate	Months	# of Units	Total
Gas	\$ 20	0.040	12	874	\$ 4,200
Phone	-	1.940	12	874	16,300
Cable	50	0.045	12	874	18,900
Total	\$ 70				\$ 39,400

Commercial Franchise Fees	Avg Bill	Tax Rate	Months	# of Units	Total
Gas	\$ -	0.040	12	-	\$ -
Phone	-	3.820	12	-	-
Cable	-	0.045	12	-	-
Total	\$ -				\$ -

Total Franchise Fees	Total
	\$39,400

Water Charges	Avg Bill	Months	# of Units	Total
Residential Water Charges	\$ 30	12	-	\$ -
Commercial Water Charges	40	12	-	-
Total Water Charges				\$ -

Wastewater Charges	Avg Bill	Months	# of Units	Total
Residential Wastewater Charges	\$ 36	12	874	\$ 382,000
Small Commercial Wastewater Charges	50	12	-	-
Medium Commercial Wastewater Charges	300	12	-	-
Large Commercial Wastewater Charges	460	12	-	-
Total Wastewater Charges				\$ 382,000

Sanitation Charges	Avg Bill	Months	# of Units	Total
Residential Sanitation Charges	\$ 14	12	874	\$ 151,000
Commercial Sanitation Charges	56	12	-	-
Total Sanitation Charges				\$ 151,000

Total Estimated Revenues	Total
	\$ 1,578,800

Expenditures

Total Cost to Public	EEs	O&M	Capital	Total
Fiscal Services	1.75	\$132,100	\$800	\$132,900
General Government	6.63	646,900	7,100	654,000
Police	6.56	493,900	23,200	517,100
Fire	4.63	372,400	10,800	383,200
Streets & Drainage	1.63	184,300	250,800	435,100
Sewer	1.83	168,900	172,500	341,400
Sanitation	1.46	210,100	-	210,100
Water	-	-	-	-
Utility Billing	1.18	81,800	900	82,700
Parks	4.92	328,800	94,000	422,800
Total Estimated Expenditures	30.59	\$2,619,200	\$560,100	\$3,179,300

Over/(Under)

\$(1,600,500)

Area 4 Revenue and Expenditure Comparison

Revenues

Residential O&M Property Tax	Avg Value	Tax Rate		# of Units	Total
Residential Attached	\$ 127,000	0.1910		-	\$ -
Single Family High	100,000	0.1910		-	-
Single Family Medium	173,135	0.1910		1,008	333,000
Single Family Low	152,000	0.1910		258	75,000
PDD	135,000	0.1910		-	-
Total Residential Operations & Maintenance				1,266	\$ 408,000
Commercial O&M Property Tax	Avg Value	Tax Rate		# of Units	Total
Industrial	\$ 490,000	0.1910		-	\$ -
Office	1,537,402	0.1910		-	-
Retail Regional	1,914,198	0.1910		-	-
Retail Neighborhood	1,537,402	0.1910		4	10,000
Total Commercial Operations & Maintenance				4	\$ 10,000
Residential Debt Service Property Tax	Avg Value	Tax Rate		# of Units	Total
Residential Attached	\$ 127,000	0.2484		-	\$ -
Single Family High	100,000	0.2484		-	-
Single Family Medium	173,135	0.2484		1,008	434,000
Single Family Low	152,000	0.2484		258	97,000
PDD	135,000	0.2484		-	-
Total Residential Debt Service				1,266	\$ 531,000
Commercial Debt Service Property Tax	Avg Value	Tax Rate		# of Units	Total
Industrial	\$ 490,000	0.2484		-	\$ -
Office	1,537,402	0.2484		-	-
Retail Regional	1,914,198	0.2484		-	-
Retail Neighborhood	1,537,402	0.2484		4	13,000
Total Commercial Debt Service				4	\$ 13,000
Total Property Tax					\$ 962,000
Residential Sales Tax	Avg Bill	Tax Rate	Months	# of Units	Total
Electric	\$ 85	0.015	12	1,266	\$ 19,500
Sanitation	14	0.015	12	1,266	3,300
Gas	20	0.015	12	1,266	2,300
Phone/Internet	35	0.015	12	1,266	6,400
Cable/Satellite	50	0.015	12	1,266	9,100
Total	\$ 205				\$ 40,600
Commercial Sales Tax	Avg Bill	Tax Rate	Months	# of Units	Total
Small Commercial Electric	\$ 200	0.015	12	2	\$ 100
Medium Commercial Electric	4,100	0.015	12	2	1,500
Large Commercial Electric	18,700	0.015	12	-	-
Sanitation	56	0.150	12	4	300
Gas	-	0.015	12	4	-
Phone/Internet	50	0.015	12	4	-
Cable/Satellite	-	0.015	12	4	-
Total	\$ 23,106				\$ 1,900
Retail Sales Tax	Spending	Tax Rate		Residents *	Total
Resident Spending per Capita	\$ 12,700	0.015		3,770	\$ 718,200
Total	\$ 12,700				\$ 718,200
* Estimated residents after full build out					
Total Sales Tax					\$ 760,700

Area 4 Revenue and Expenditure Comparison

Revenues

Residential Franchise Fees	Avg Bill	Tax Rate	Months	# of Units	Total
Gas	\$ 20	0.040	12	1,266	\$ 6,100
Phone	-	1.940	12	1,266	23,600
Cable	50	0.045	12	1,266	27,300
Total	\$ 70				\$ 57,000
Commercial Franchise Fees	Avg Bill	Tax Rate	Months	# of Units	Total
Gas	\$ -	0.040	12	4	\$ -
Phone	-	3.820	12	4	200
Cable	-	0.045	12	4	-
Total	\$ -				\$ 200
Total Franchise Fees					\$ 57,200
Water Charges	Avg Bill		Months	# of Units	Total
Residential Water Charges	\$ 30		12	-	\$ -
Commercial Water Charges	40		12	-	-
Total Water Charges					\$ -
Wastewater Charges	Avg Bill		Months	# of Units	Total
Residential Wastewater Charges	\$ 36		12	1,266	\$ 553,000
Small Commercial Wastewater Charges	50		12	2	1,000
Medium Commercial Wastewater Charges	300		12	2	7,000
Large Commercial Wastewater Charges	460		12	-	-
Total Wastewater Charges					\$561,000
Sanitation Charges	Avg Bill		Months	# of Units	Total
Residential Sanitation Charges	\$ 14		12	1,266	\$ 219,000
Commercial Sanitation Charges	56		12	4	2,300
Total Sanitation Charges					\$ 221,300
Total Estimated Revenues					\$ 2,562,200

Expenditures

Total Cost to Public	EEs	O&M	Capital	Total
Fiscal Services	2.09	\$ 157,700	\$ 900	\$ 158,600
General Government	7.91	772,200	8,500	780,700
Police	7.83	589,600	27,700	617,300
Fire	5.52	444,500	12,900	457,400
Streets & Drainage	1.95	219,900	299,300	519,200
Sewer	2.19	201,600	205,900	407,500
Sanitation	1.74	250,800	-	250,800
Water	-	-	-	-
Utility Billing	1.40	97,600	1,100	98,700
Parks	5.88	392,400	112,200	504,600
Total Estimated Expenditures	36.51	\$ 3,126,300	\$ 668,500	\$ 3,794,800

Over/(Under) \$ (1,232,600)

Area 5 Revenue and Expenditure Comparison

Revenues

Residential O&M Property Tax	Avg Value	Tax Rate		# of Units	Total
Residential Attached	\$ 127,000	0.1910		-	\$ -
Single Family High	100,000	0.1910		-	-
Single Family Medium	173,135	0.1910		-	-
Single Family Low	152,000	0.1910		381	111,000
PDD	135,000	0.1910		-	-
Total Residential Operations & Maintenance				381	\$ 111,000
Commercial O&M Property Tax	Avg Value	Tax Rate		# of Units	Total
Industrial	\$ 490,000	0.1910		122	\$ 114,000
Office	1,537,402	0.1910		53	154,000
Retail Regional	1,914,198	0.1910		198	725,000
Retail Neighborhood	1,537,402	0.1910		-	-
Total Commercial Operations & Maintenance				373	\$ 993,000
Residential Debt Service Property Tax	Avg Value	Tax Rate		# of Units	Total
Residential Attached	\$ 127,000	0.2484		-	\$ -
Single Family High	100,000	0.2484		-	-
Single Family Medium	173,135	0.2484		-	-
Single Family Low	152,000	0.2484		381	144,000
PDD	135,000	0.2484		-	-
Total Residential Debt Service				381	\$ 144,000
Commercial Debt Service Property Tax	Avg Value	Tax Rate		# of Units	Total
Industrial	\$490,000	0.2484		122	\$148,000
Office	1,537,402	0.2484		53	200,000
Retail Regional	1,914,198	0.2484		198	943,000
Retail Neighborhood	1,537,402	0.2484		-	-
Total Commercial Debt Service				373	\$1,291,000
Total Property Tax					\$2,539,000
Residential Sales Tax	Avg Bill	Tax Rate	Months	# of Units	Total
Electric	\$85	0.015	12	381	\$5,900
Sanitation	14	0.015	12	381	1,000
Gas	20	0.015	12	381	700
Phone/Internet	35	0.015	12	381	1,900
Cable/Satellite	50	0.015	12	381	2,700
Total	\$205				\$12,200
Commercial Sales Tax	Avg Bill	Tax Rate	Months	# of Units	Total
Small Commercial Electric	\$200	0.015	12	242	\$8,700
Medium Commercial Electric	4,100	0.015	12	123	90,800
Large Commercial Electric	18,700	0.015	12	7	25,100
Sanitation	56	0.015	12	373	3,700
Gas	-	0.015	12	373	-
Phone/Internet	50	0.015	12	373	3,400
Cable/Satellite	-	0.015	12	373	-
Total	\$23,106				\$131,700
Retail Sales Tax	Spending	Tax Rate		Residents *	Total
Resident Spending per Capita	\$12,700	0.015		1,145	\$218,100
Total	\$12,700				\$218,100
* Estimated residents after full build out					
Total Sales Tax					\$362,000

Area 5 Revenue and Expenditure Comparison

Residential Franchise Fees	Avg Bill	Tax Rate	Months	# of Units	Total
Gas	\$ 20	0.040	12	381	\$ 1,800
Phone	-	1.940	12	381	7,100
Cable	50	0.045	12	381	8,200
Total	\$ 70				\$ 17,100
Commercial Franchise Fees	Avg Bill	Tax Rate	Months	# of Units	Total
Gas	\$ -	0.040	12	373	\$ -
Phone	-	0.540	12	373	2,400
Cable	-	0.045	12	373	-
Total	\$ -				\$ 2,400
Total Franchise Fees					\$ 19,500
Water Charges	Avg Bill		Months	# of Units	Total
Residential Water Charges	\$ 30		12	58	\$ 21,000
Commercial Water Charges	40		12	-	-
Total Water Charges					\$ 21,000
Wastewater Charges	Avg Bill		Months	# of Units	Total
Residential Wastewater Charges	\$ 36		12	381	\$ 166,000
Small Commercial Wastewater Charges	50		12	242	145,000
Medium Commercial Wastewater Charges	300		12	123	443,000
Large Commercial Wastewater Charges	460		12	7	41,000
Total Wastewater Charges					\$795,000
Sanitation Charges	Avg Bill		Months	# of Units	Total
Residential Sanitation Charges	\$ 14		12	381	\$ 66,000
Commercial Sanitation Charges	56		12	373	248,400
Total Sanitation Charges					\$314,400
Total Estimated Revenues					\$4,050,900

Expenditures

Total Cost to Public	EEs	O&M	Capital	Total
Fiscal Services	0.63	\$ 47,500	\$ 300	\$ 47,800
General Government	2.38	232,400	2,600	235,000
Police	2.36	177,400	8,300	185,700
Fire	1.66	133,800	3,900	137,700
Streets & Drainage	0.59	66,200	90,100	156,300
Sewer	0.66	60,700	62,000	122,700
Sanitation	0.52	75,500	-	75,500
Water	0.02	100	100	200
Utility Billing	0.42	29,400	300	29,700
Parks	1.77	118,100	33,800	151,900
Total Estimated Expenditures	11.01	\$ 941,100	\$ 201,400	\$ 1,142,500

Over/(Under) \$ 2,908,400

All Areas Revenue and Expenditure Comparison

Revenues

Residential O&M Property Tax	
Residential Attached	\$ 59,000
Single Family High	135,000
Single Family Medium	697,000
Single Family Low	728,000
PDD	70,000
Total Operations & Maintenance	\$ 1,689,000
Commercial O&M Property Tax	
Industrial	\$ 250,000
Office	289,000
Retail Regional	1,120,000
Retail Neighborhood	39,000
Total Operations & Maintenance	\$ 1,698,000
Residential Debt Service Property Tax	
Residential Attached	\$ 77,000
Single Family High	175,000
Single Family Medium	908,000
Single Family Low	946,000
PDD	91,000
Total Debt Service	\$ 2,197,000
Commercial Debt Service Property Tax	
Industrial	\$ 324,000
Office	376,000
Retail Regional	1,457,000
Retail Neighborhood	51,000
Total Debt Service	\$ 2,208,000
Total Property Tax	\$ 7,792,000
Residential Sales Tax	
Electric	\$ 89,800
Sanitation	15,200
Gas	10,600
Phone/Internet	29,400
Cable/Satellite	42,000
Total	\$ 187,000
Commercial Sales Tax	
Small Commercial Electric	\$ 16,000
Medium Commercial Electric	167,600
Large Commercial Electric	45,900
Sanitation	34,900
Gas	-
Phone/Internet	6,200
Cable/Satellite	-
Total	\$ 270,600
Retail Sales Tax	
Resident Spending per Capita	\$ 2,848,300
Total	\$ 2,848,300
Total Sales Tax	\$ 3,305,900

Residential Franchise Fees	
Gas	\$ 28,000
Phone	108,800
Cable	126,000
Total	\$262,800
Commercial Franchise Fees	
Gas	\$ -
Phone	16,800
Cable	-
Total	\$ 16,800
Total Franchise Fees	\$ 279,600
Water Charges	
Residential Water Charges	\$ 21,000
Small Commercial Water Charges	-
Total Water Charges	\$ 21,000
Wastewater Charges	
Residential Wastewater Charges	\$ 2,550,000
Small Commercial Wastewater Charges	267,000
Medium Commercial Wastewater Charges	817,000
Large Commercial Wastewater Charges	75,000
Total Wastewater Charges	\$ 3,709,000
Sanitation Charges	
Residential Sanitation Charges	\$ 1,009,000
Commercial Sanitation Charges	456,700
Total Sanitation Charges	\$ 1,465,700
Total Estimated Revenues	\$ 16,573,200

Expenditures

Total Cost to Public	
Fiscal Services	\$ 674,400
General Government	3,318,900
Police	2,624,100
Fire	1,944,500
Streets & Drainage	2,207,500
Sewer	1,732,400
Sanitation	1,066,100
Water	200
Utility Billing	419,500
Parks	2,145,300
Total Estimated Expenditures	\$ 16,132,900
Over/(Under)	\$ 440,300

Summary of Estimated Revenues & Expenditures

	Area 1	Area 2	Area 3	Area 4	Area 5	Totals
Revenues						
<i>Property Tax</i>						
Total Operations & Maintenance	\$ 46,000	\$ 1,554,000	\$ 265,000	\$ 418,000	\$ 1,104,000	\$ 3,387,000
Total Debt Service	60,000	2,021,000	345,000	544,000	1,435,000	4,405,000
Total Estimated Property Tax Revenue	106,000	3,575,000	610,000	962,000	2,539,000	7,792,000
<i>Sales Tax & Franchise Fees</i>						
Total Sales Tax	84,000	1,702,800	396,400	760,700	362,000	3,305,900
Total Franchise Fees	6,300	157,200	39,400	57,200	19,500	279,600
Total Estimated Sales Tax & Franchise Revenue	90,300	1,860,000	435,800	817,900	381,500	3,585,500
<i>Utility Revenue</i>						
Total Water Charges		-			21,000	21,000
Total Wastewater Charges	61,000	1,910,000	382,000	561,000	795,000	3,709,000
Total Sanitation Charges	24,000	755,000	151,000	221,300	314,400	1,465,700
Total Estimated Utility Revenue	85,000	2,665,000	533,000	782,300	1,130,400	5,195,700
Total Estimated Revenues	\$ 281,300	\$ 8,100,000	\$ 1,578,800	\$ 2,562,200	\$ 4,050,900	\$ 6,573,200
Expenditures						
Total Fiscal Services	\$ 19,200	\$ 315,900	132,900	\$ 158,600	\$ 47,800	\$ 674,400
Total General Government	4,400	1,554,800	654,000	780,700	235,000	3,318,900
Total Police	74,700	1,229,300	517,100	617,300	185,700	2,624,100
Total Fire	55,300	910,900	383,200	457,400	137,700	1,944,500
Total Streets & Drainage	62,800	1,034,100	435,100	519,200	156,300	2,207,500
Total Sewer	49,300	811,500	341,400	407,500	122,700	1,732,400
Total Sanitation	30,300	499,400	210,100	250,800	75,500	1,066,100
Total Water	-	-	-	-	200	200
Total Utility Billing	11,900	196,500	82,700	98,700	29,700	419,500
Total Parks	61,000	1,005,000	422,800	504,600	151,900	2,145,300
Total Estimated Expenditures	\$ 458,900	\$ 7,557,400	\$ 3,179,300	\$ 3,794,800	\$ 1,142,500	\$ 16,132,900
Difference	\$ (177,600)	\$ 542,600	\$ (1,600,500)	\$ (1,232,600)	\$ 2,908,400	\$ 440,300

Note: State law requires municipalities to compensate rural fire districts a pro-rata amount for any indebtedness upon

annexation. The payment amount is based on the district's total indebtedness and the amount of territory lost due to annexation. Staff is working to determine the amount that may be due to the three rural fire districts currently serving the identified annexation areas and will be able to provide Council with an estimate at the meeting.

Methodology for Revenue Calculations

Property Taxes

- \$173,135 = Average homestead valuation for “Single Family Medium.” Value is based on average provided by Brazos County Appraisal District.

Residential Utility Amounts

- \$85 = Average Residential Customer Electric Bill (provided by Utility Customer Service)
- \$14.40 = Average Residential Sanitation Bill (provided by Utility Customer Service)
- \$36.40 = Residential Wastewater Rate
- \$20 = Average Residential Gas Bill (staff estimate)
- \$35 = Average Residential Phone/Internet Bill (staff estimate)
- \$50 = Average Residential Cable/Satellite Bill (staff estimate)

Commercial Utility Amounts

- \$200 = Small Commercial Electric; \$4,100 = Medium Commercial; \$18,700 = Large Commercial (Analysis of Commercial Utility Accounts)
- \$56 = Average Commercial Sanitation Bill (Analysis of Commercial Utility Accounts)
- \$50 = Small Commercial Wastewater; \$300 = Medium Commercial Wastewater; \$460 = Large Commercial Wastewater (Analysis of Commercial Utility Accounts)
- \$50 = Average Commercial Phone Bill (Staff Estimate)

Sales Tax Collection

Electric

- Residential electric sales tax was calculated by using average annual electric charges, as provided by Utility Customer Service, and multiplying the number by the City sales tax rate of 1.5%:

$$[(\text{Average Monthly Bill} * 12) * 1.5\%].$$
- Commercial electric sales tax was calculated by applying the percentage of rate class users to the anticipated commercial development in the proposed annexed areas. The percentage of rate class users was provided by Utility Customer Service. The annual sales tax paid electricity by five actual customers in each of the aforementioned classes was averaged to estimate potential sales tax revenue for each class.

Sanitation

- Residential sanitation sales tax was calculated by multiplying the residential sanitation rate (\$14.40) by the estimated number of residential units in the proposed area of annexation, and then multiplying the product by the City sales tax rate of 1.5%.

- Commercial sanitation sales tax was calculated by analyzing actual sales tax paid on sanitation bills for fifteen commercial customers. A twelve month average of the annual sales tax amount was calculated from these users, and the annual average was divided by twelve. The resulting quotient was multiplied by the projected number of commercial users to estimate potential sales tax revenue.

Retail Sales

- Per capital retail sales tax was calculated based on a per person sales tax rate collection of \$190 annually. This average was obtained by taking a ten year average of annual sales tax revenue collected by the City and dividing it by the estimated population.

The existing population of the proposed annexed area was subtracted from the full build out estimated population, and multiplied by the estimated annual sales tax collection per resident.

(Annual Sales Tax Collection / Annual Population Estimate) = Annual Sales Tax Collected per Person

[(Future Population - Existing Population) * Annual Sales Tax Collected per Person] = Retail Sales Tax

Electric and Sanitation sales tax collections are not excluded from the annual retail sales tax amount. These line items are included as a result of the per capita sales tax number being based on a non-inflation adjusted ten year average. The \$190 is likely a conservative estimate of actual per person sales tax collections.

Franchise Fee Collection

- For residential gas franchise collections, it was assumed that 50% of the new residents in the annexed areas would have gas service. The 50% ratio was calculated by taking the FY06 actual revenues for natural gas franchise payments (\$414,000), and dividing it by 4% (the % of gross revenues the city receives from the natural gas provider in the City). This provided the annual gross revenues. The gross revenue amount was then divided by twelve to get an average monthly collection of revenue. The average monthly collection was then divided by the estimated average gas bill to yield an estimated number of customers served by natural gas.

$$\$414,000 / 4\% = \$10,350,000$$

$$\$10,350,000 / 12 = \$862,500$$

$$\$862,500 / 20 = 43,125 \text{ (Total Estimated customers. } \frac{1}{2} \text{ of current population of 84,000)}$$

- Residential cable and phone franchise collections were calculated with the assumption that 80% of the new residents in the annexed areas would have these services. These numbers were not calculated at 100% due to customers who opt to use cell phones and satellite television services for which there are no franchise fees collected.

Utility Charges**Electricity**

The proposed annexation areas will not be served by College Station Utilities. There are no anticipated electric utility revenues from any areas.

Water

Of the five proposed annexation areas, four will be served by special utility districts. Area #5 will potentially have 54 residences that will have College Station water. Revenues and expenditures in these areas reflect the small number of potential users.

Wastewater

All five areas in the proposed annexation areas will have College Station wastewater. Residential wastewater usage is based on the highest residential wastewater rate. This is a result of the areas not having City water usage, which is the basis of billing wastewater. Commercial wastewater usage is based on a tiered structure of small, medium and large users. The basis for determining the percentage of users is as follows:

- Water usage is the basis for wastewater billing. Existing City accounts were analyzed for water usage and it was determined approximately 65% of utility customers have bills with water consumption between 0 and 500 gallons; 33% have usage between 500 and 1,000; and 2% have usage higher than 1,000. This ratio was applied to the anticipated number of commercial developments in the proposed annexed areas.
- Analysis was conducted on actual utility bills for five customers in each of the aforementioned classes. A twelve month average of the annual billed amount was calculated from these users, and the total annual average was divided by twelve. The resulting quotient was multiplied by the projected number of users to estimate potential revenues.

Sanitation

All five areas in the proposed annexation areas will have City sanitation services.

- Residential revenues were calculated by multiplying the residential rate (\$14.40) by the estimated number of residential units in each area.
- Commercial revenues were calculated by analyzing actual sanitation bills for fifteen commercial customers. A twelve month average of the annual billed amount was calculated from these users, and the annual average was divided by twelve. The resulting quotient was multiplied by the projected number of users to estimate potential revenues.

Projected Miscellaneous Revenues for One Time Development Fees

- Building permit fees for single-family units were calculated based upon the standardized Building Permit Fee Schedule. An additional \$100 was added per unit to represent electrical, mechanical and plumbing permit fees.
- Building permit fees for commercial development was calculated based upon the standardized Building Permit Fee Schedule and the overall expected project values in areas designated for commercial or other business uses.
- All inputs are based upon average calculated values.

RECENT ANNEXATION HISTORY

1994

- No annexation policy
- Annexation plan driven by electric CCNs—utility service (electric and service basins for 2 WWTPs) became the policy

1995 and 1996

- 1994 annexation plan completed
- Approximately 5225 acres annexed

Dec. 9, 1999

- Annexation plan—exempt and petitions

April 12, 2001

- Annexation feasibility study presented to Council (part of Council Strategic Plan)
- Council gave direction to move ahead with Priority 1 areas (exempt areas—general)

May 23, 2002

- Updated Council on areas to be considered (broken down into specific areas), annexation process, and schedule for annexation

June 27, 2002

- Presentation of Fiscal Impact Analysis of each specific area
 - impacts that result from services that must be provided immediately upon annexation
 - cost of capital improvements that are required under statute
 - costs and revenues that will occur once the areas are completely built out

July 11, 2002

- Council directed staff to begin the preparation of a service plan and adopted an ordinance to begin annexation proceedings for the certain properties, setting public hearing dates and establishing a date to consider an ordinance for the annexation

Sept. 26, 2002

- Public hearing

Oct. 2, 2002

- Public hearing

Oct. 10, 2002

- Council directed Staff which areas to include in the annexation ordinance

Oct. 24, 2002

- 2002 annexation complete

March 13, 2003

- Utility extension policy formalized as part of the on-going annexation strategy

November 23, 2004

- Annexation petition in F&B area granted (6.843 acres)

Feb. 9, 2006

- Change in ETJ utility extension policy—previously land owners that wanted city utilities had to request annexation (exceptions could be granted). Generally, the time and cost involved in permitting private sewage facilities, developing them, and providing continuous maintenance for dense ETJ developments are prohibitive. With sewer CCNs, the City is able to provide public services that will allow for denser development with waste water facilities to city standards. The only way to ensure that the quality of development that can occur with this service is to all city standards (infrastructure construction, fire code, building code, park provision, etc.) is to annex.

As the City is responsible for planning and development of these utilities, and as we do not have land use controls in the county, it lends to a more aggressive annexation policy to bring these properties in and control the land use (“therein established an annexation policy and program to incorporate affected areas in a manner that sufficiently addresses planning and development issues for the extended utility systems”).

June 22, 2006

- Council stated that they wanted to pursue annexation through exempt areas and through a 3-year plan.
- Focus on high density development areas
- Prioritize areas for Council (see feasibility study from 4.12.01)
- List businesses that would be affected
- Include Fiscal Impact Analysis
- Staff to come back with a proposal in 3-4 months

December 14, 2006

- Staff presented Council with four areas to be considered for annexation under the exempt status. Council directed Staff to look at the feasibility of enlarging areas two and four and adding an additional area (area five).
- Staff to come back with revised areas ASAP

Annexation Plan

Subchapter C of Chapter 43 Local Government Code requires that cities prepare an annexation plan. Property can be annexed on the third anniversary of inclusion in the plan. The plan serves to provide a three-year notice to property owners of a city's intent to annex.

The statute provides several exceptions to the requirement for inclusion in an annexation plan. Two of these exceptions are applicable in College Station. One exception exempts annexations that include fewer than 100 separate tracts of land on which one or more residential dwellings are located. Another exception exempts properties that petition for annexation.

The City's statutorily mandated Annexation Plan currently provides that the City has no plans for annexation outside those areas that are exempt from the annexation plan requirements of the Local Government Code. This plan is reviewed and updated from time to time.

Current Annexation Plan

Pursuant to Section 43.052 of the Local Government Code, The City of College Station will only annex areas that are identified in this municipal annexation plan or exempt from the provisions of Section 43.052.

Areas specifically identified herein may be annexed on the third anniversary of the adoption date of this plan or on the third anniversary an amendment to include such area in this plan. Specific areas planned for adoption, if any are:

- *No areas are identified for annexation*

Other areas that may be considered for annexation by the City of College Station include only areas which are exempt from Section 43.052 including:

- Areas which contain fewer than 100 separate tracts of land on which one or more residential dwellings are located on each tract.
- Areas annexed by petition of more than 50 percent of the real property owners in the area proposed for annexation or by vote or petition of the qualified voters or real property owners.
- An area which is or was the subject of an industrial district contract under Section 42.044 of the Local Government Code
- An area which is or was the subject of a strategic partnership agreement under Section 43.0751.
- An area annexed under Section 43.026, 43.029 or 43.031 of the Local Government Code.
- An area the City Council of the City of College Station determines that the annexation of the area is necessary to protect the area proposed for annexation or the City of College Station from:

- Imminent destruction of property or injury to persons.
- A condition or use that constitutes a public or private nuisance as defined by background principles of nuisance and property law of the State of Texas.

Following adoption of this municipal annexation plan by the College Station City Council, and so long as the City of College Station maintains an Internet website, the City of College Station will post and maintain on its Internet website:

- This municipal annexation plan.
- Any amendments to include an area in this municipal annexation plan until the date the area is annexed.
- Any amendments to remove an area from this municipal annexation plan until the date the area is again eligible for inclusion in the plan.

Annexation Policy Review

Development Trends in the Extra-territorial Jurisdiction (ETJ)

Population Estimates & Projections

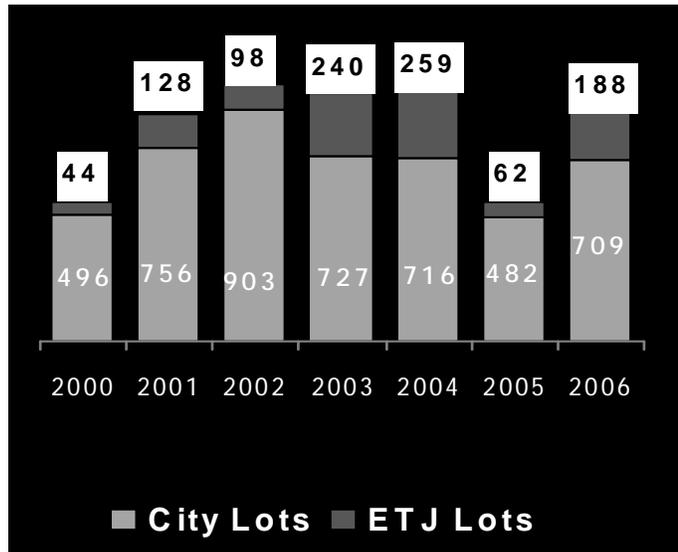
Since the last Census in 2000, the rate of population change has been significant in the City of College Station and the ETJ. According to the projections, the ETJ population is anticipated to increase approximately 17% by 2016. In the City, the population is projected to increase almost 55% for the period 2000 – 2016. These projections do not account for any future annexation activity.

	City	ETJ	Total
2000	67,890	11,380	79,270
2001	72,020	11,494	83,514
2002	75,752	11,609	87,361
2003	78,309	11,725	90,034
2004	80,214	11,842	92,056
2005	81,930	11,960	93,890
2006	84,035	12,080	96,115
2007	86,140	12,201	98,341
2008	88,246	12,323	100,569
2009	90,351	12,446	102,797
2010	92,456	12,571	105,027
2011	94,562	12,696	107,258
2012	96,667	12,823	109,490
2013	98,772	12,952	111,724
2014	100,877	13,081	113,958
2015	102,983	13,212	116,194
2016	105,088	13,344	118,432

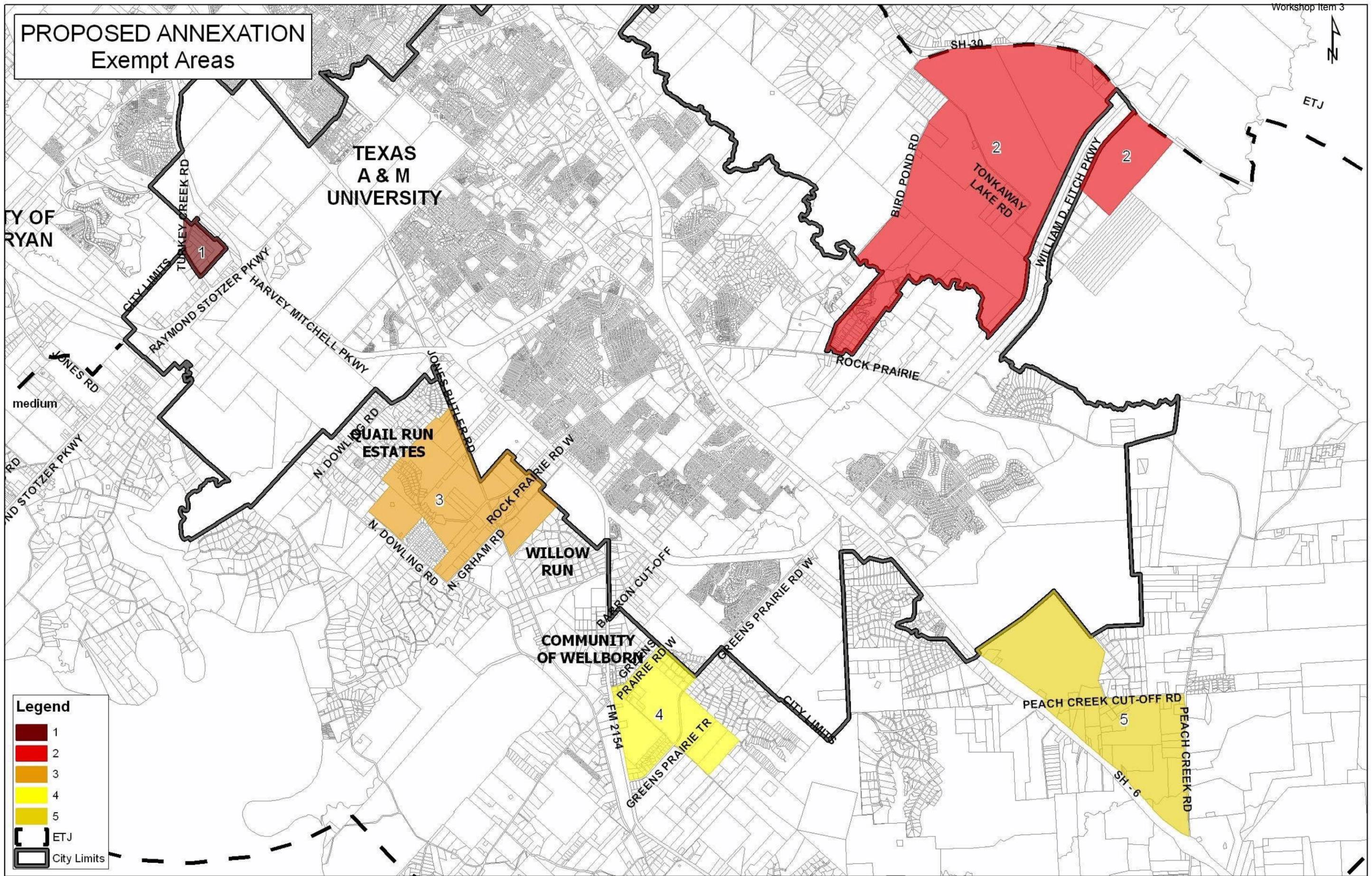
Platting Trends

For five of the last seven years, the total number of lots platted has exceeded 800. A significant proportion of these lots are in the ETJ. Recently, the Subdivision Regulations were amended to require fire flows in the ETJ and likely contributed to the reduced number of lots platted in the ETJ during 2005 and 2006.

Since 2003, approximately 22% of the total lots platted were in the ETJ.

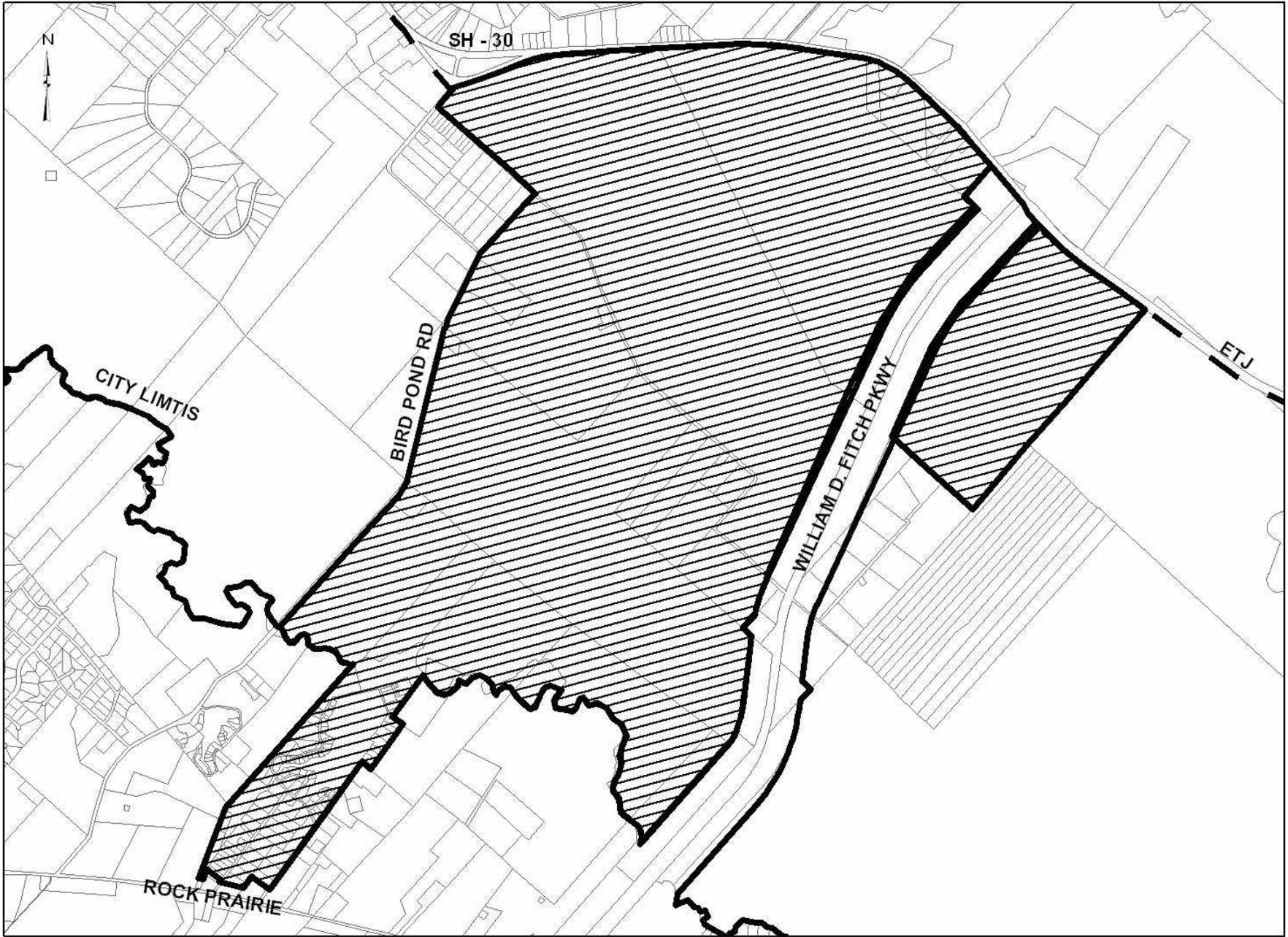


PROPOSED ANNEXATION Exempt Areas

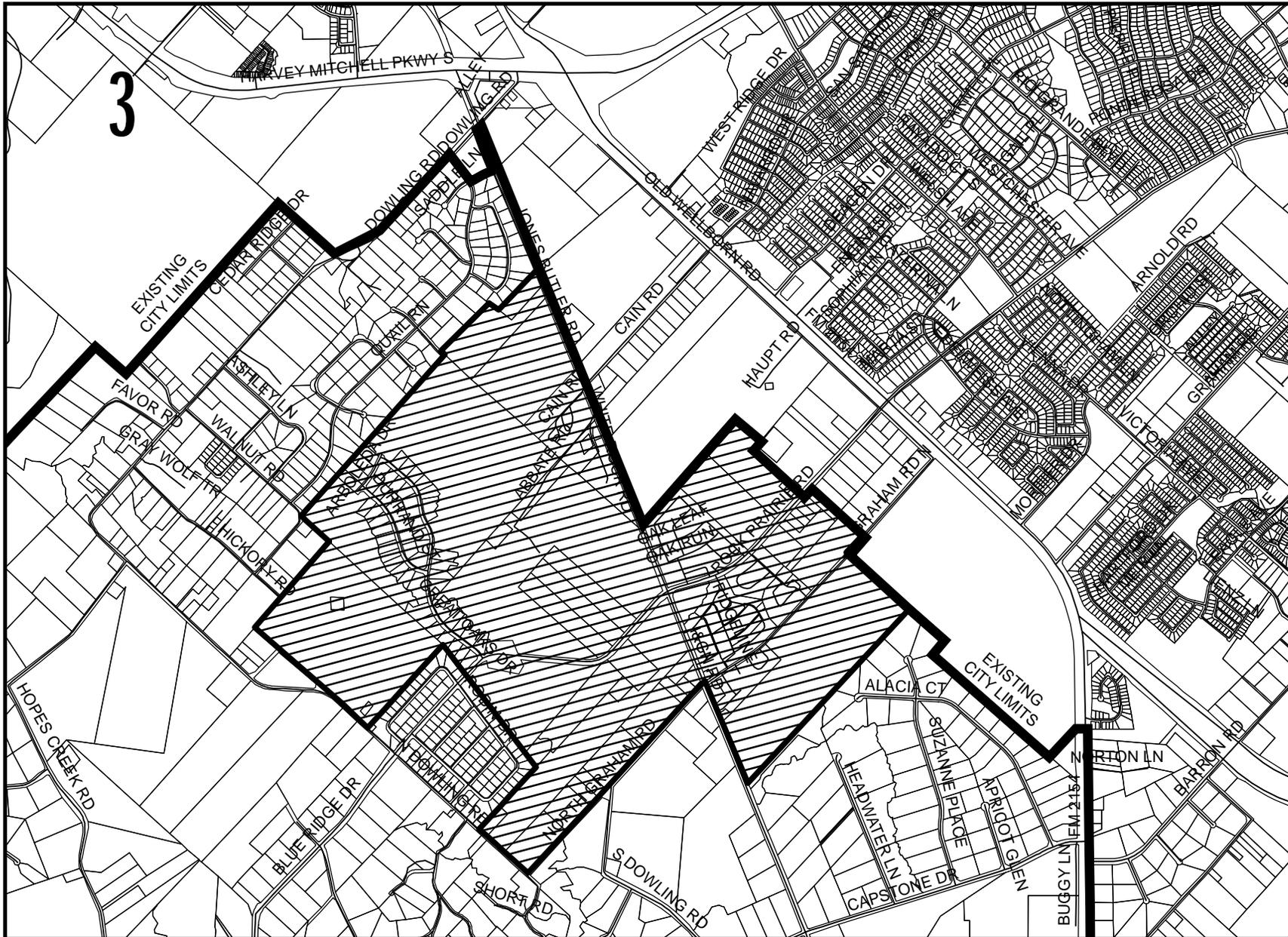


Legend

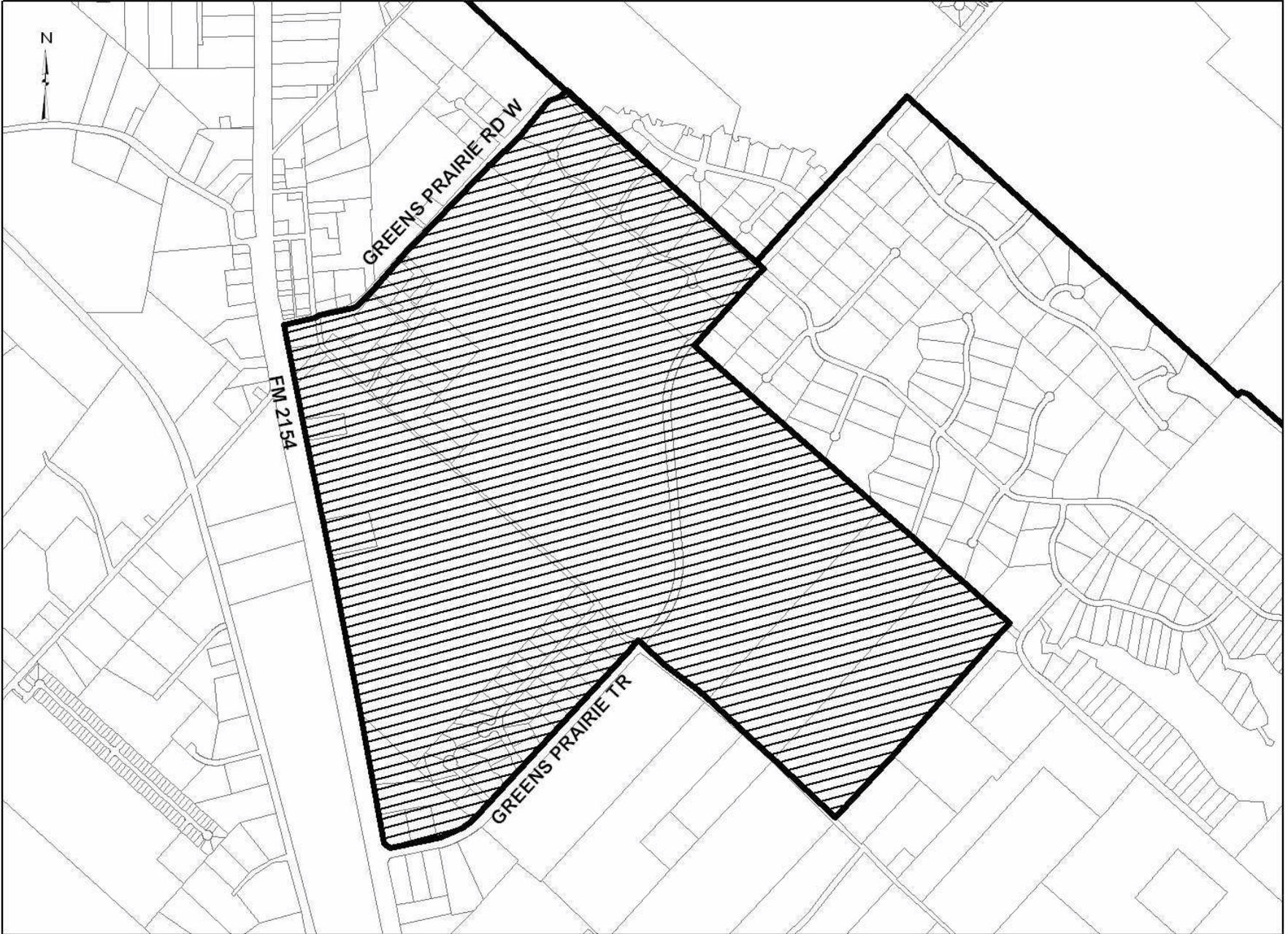
- 1 (Dark Red)
- 2 (Red)
- 3 (Orange)
- 4 (Yellow)
- 5 (Light Yellow)
- ETJ (Dashed Line)
- City Limits (Thick Black Line)



Annexation Area 2



Annexation Area 3



Annexation Area 4

**February 22, 2007
Workshop Agenda Item
Dangerous Animals**

To: Glenn Brown, City Manager

From: Michael Clancey, Chief of Police

Agenda Caption: Presentation, discussion, and possible action regarding how dangerous animals are handled in the City of College Station.

Recommendation(s): None, staff seeks direction from Council.

Summary: Council has requested discussion of dangerous animals as a workshop item.

Discussion of State law, local city ordinance, and other City's approaches as it pertains to dangerous animals.

Texas Health and Safety Code Chapter 822 defines a "Dangerous Dog" and provides criteria for regulation of dogs that are dangerous to persons. The code allows counties or municipalities to place additional requirements or restrictions on dogs deemed dangerous as long as the requirements or restrictions are not specific to one breed or several breeds of dogs and are more stringent than restrictions provided by State law.

Budget & Financial Summary: None at this time.

Attachments:

1. Texas Health and Safety Code Chapter 822 excerpt
2. City of College Station Chapter 2 Subsection 4 excerpt

HEALTH & SAFETY CODE

CHAPTER 822. REGULATION OF ANIMALS

SUBCHAPTER A. DOGS THAT ARE A DANGER TO PERSONS

Sec. 822.001. DEFINITIONS. In this Subchapter:

(1) "Animal control authority" means a municipal or county animal control office with authority over the area in which the dog is kept or the county sheriff in an area that does not have an animal control office.

(2) "Serious bodily injury" means an injury characterized by severe bite wounds or severe ripping and tearing of muscle that would cause a reasonably prudent person to seek treatment from a medical professional and would require hospitalization without regard to whether the person actually sought medical treatment.

Amended by Acts 1997, 75th Leg., ch. 99, Sec. 1, eff. Sept. 1, 1997.

Sec. 822.002. SEIZURE OF A DOG CAUSING DEATH OF OR SERIOUS BODILY INJURY TO A PERSON. (a) A justice court, county court, or municipal court shall order the animal control authority to seize a dog and shall issue a warrant authorizing the seizure:

(1) on the sworn complaint of any person, including the county attorney, the city attorney, or a peace officer, that the dog has caused the death of or serious bodily injury to a person by attacking, biting, or mauling the person; and

(2) on a showing of probable cause to believe that the dog caused the death of or serious bodily injury to the person as stated in the complaint.

(b) The animal control authority shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions until the court orders the disposition of the dog.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Renumbered from V.T.C.A., Health & Safety Code Sec. 822.001 and amended by Acts 1997, 75th Leg., ch. 99, Sec. 1, eff. Sept. 1, 1997.

Sec. 822.003. HEARING. (a) The court shall set a time for a hearing to determine whether the dog caused the death of or serious bodily injury to a person by attacking, biting, or

mauling the person. The hearing must be held not later than the 10th day after the date on which the warrant is issued.

(b) The court shall give written notice of the time and place of the hearing to:

- (1) the owner of the dog or the person from whom the dog was seized; and
- (2) the person who made the complaint.

(c) Any interested party, including the county attorney or city attorney, is entitled to present evidence at the hearing.

(d) The court shall order the dog destroyed if the court finds that the dog caused the death of a person by attacking, biting, or mauling the person. If that finding is not made, the court shall order the dog released to:

- (1) its owner;
- (2) the person from whom the dog was seized; or
- (3) any other person authorized to take possession of the dog.

(e) The court may order the dog destroyed if the court finds that the dog caused serious bodily injury to a person by attacking, biting, or mauling the person. If that finding is not made, the court shall order the dog released to:

- (1) its owner;
- (2) the person from whom the dog was seized; or
- (3) any other person authorized to take possession of the dog.

(f) The court may not order the dog destroyed if the court finds that the dog caused the serious bodily injury to a person by attacking, biting, or mauling the person and:

(1) the dog was being used for the protection of a person or person's property, the attack, bite, or mauling occurred in an enclosure in which the dog was being kept, and:

(A) the enclosure was reasonably certain to prevent the dog from leaving the enclosure on its own and provided notice of the presence of a dog; and

(B) the injured person was at least eight years of age, and was trespassing in the enclosure when the attack, bite, or mauling occurred;

(2) the dog was not being used for the protection of a person or person's property, the attack, bite, or mauling occurred in an enclosure in which the dog was being kept, and the injured person was at least eight years of age and was trespassing in the enclosure when the

attack, bite, or mauling occurred;

(3) the attack, bite, or mauling occurred during an arrest or other action of a peace officer while the peace officer was using the dog for law enforcement purposes;

(4) the dog was defending a person from an assault or person's property from damage or theft by the injured person; or

(5) the injured person was younger than eight years of age, the attack, bite, or mauling occurred in an enclosure in which the dog was being kept, and the enclosure was reasonably certain to keep a person younger than eight years of age from entering.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Renumbered from V.T.C.A., Health & Safety Code Sec. 822.002 and amended by Acts 1997, 75th Leg., ch. 99, Sec. 1, eff. Sept. 1, 1997.

Sec. 822.004. DESTRUCTION OF DOG. The destruction of a dog under this subchapter must be performed by:

(1) a licensed veterinarian;

(2) personnel of a recognized animal shelter or humane society who are trained in the humane destruction of animals; or

(3) personnel of a governmental agency responsible for animal control who are trained in the humane destruction of animals.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Renumbered from V.T.C.A., Health & Safety Code Sec. 822.003 by Acts 1997, 75th Leg., ch. 99, Sec. 1, eff. Sept. 1, 1997.

Sec. 822.005. PROVOCATION OR LOCATION OF ATTACK IRRELEVANT. Except as provided by Section 822.003(f), this subchapter applies to any dog that causes a person's death or serious bodily injury by attacking, biting, or mauling the person, regardless of whether the dog was provoked and regardless of where the incident resulting in the person's death or serious bodily injury occurred.

Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Renumbered from V.T.C.A., Health & Safety Code Sec. 822.004 and amended by Acts 1997, 75th Leg., ch. 99, Sec. 1, eff. Sept. 1, 1997.

SUBCHAPTER B. DOGS AND COYOTES THAT ARE A DANGER TO ANIMALS

Sec. 822.011. DEFINITIONS. In this subchapter:

(1) "Dog or coyote" includes a crossbreed between a dog and a coyote.

(2) "Livestock" includes exotic livestock as defined by Section 161.001, Agriculture Code.

Added by Acts 2003, 78th Leg., ch. 1002, Sec. 1, eff. Sept. 1, 2003.

Sec. 822.012. CERTAIN DOGS AND COYOTES PROHIBITED FROM RUNNING AT LARGE; CRIMINAL PENALTY. (a) The owner, keeper, or person in control of a dog or coyote that the owner, keeper, or person knows is accustomed to run, worry, or kill livestock, domestic animals, or fowls may not permit the dog or coyote to run at large.

(b) A person who violates this section commits an offense. An offense under this subsection is punishable by a fine of not more than \$100.

(c) Each time a dog or coyote runs at large in violation of this section constitutes a separate offense.

Added by Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Renumbered from V.T.C.A., Health & Safety Code Sec. 822.011 and amended by Acts 2003, 78th Leg., ch. 1002, Sec. 1, eff. Sept. 1, 2003.

Sec. 822.013. DOGS OR COYOTES THAT ATTACK ANIMALS. (a) A dog or coyote that is attacking, is about to attack, or has recently attacked livestock, domestic animals, or fowls may be killed by:

(1) any person witnessing the attack; or

(2) the attacked animal's owner or a person acting on behalf of the owner if the owner or person has knowledge of the attack.

(b) A person who kills a dog or coyote as provided by this section is not liable for damages to the owner, keeper, or person in control of the dog or coyote.

(c) A person who discovers on the person's property a dog or coyote known or suspected of having killed livestock, domestic animals, or fowls may detain or impound the dog or coyote

and return it to its owner or deliver the dog or coyote to the local animal control authority. The owner of the dog or coyote is liable for all costs incurred in the capture and care of the dog or coyote and all damage done by the dog or coyote.

(d) The owner, keeper, or person in control of a dog or coyote that is known to have attacked livestock, domestic animals, or fowls shall control the dog or coyote in a manner approved by the local animal control authority.

(e) A person is not required to acquire a hunting license under Section 42.002, Parks and Wildlife Code, to kill a dog or coyote under this section.

Added by Acts 1989, 71st Leg., ch. 678, Sec. 1, eff. Sept. 1, 1989. Renumbered from V.T.C.A., Health & Safety Code Sec. 822.033 and amended by Acts 2003, 78th Leg., ch. 1002, Sec. 1, eff. Sept. 1, 2003.

Excerpt of Code.....

SUBCHAPTER D. DANGEROUS DOGS

Sec. 822.041. DEFINITIONS. In this subchapter:

(1) "Animal control authority" means a municipal or county animal control office with authority over the area where the dog is kept or a county sheriff in an area with no animal control office.

(2) "Dangerous dog" means a dog that:

(A) makes an unprovoked attack on a person that causes bodily injury and occurs in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own; or

(B) commits unprovoked acts in a place other than an enclosure in which the dog was being kept and that was reasonably certain to prevent the dog from leaving the enclosure on its own and those acts cause a person to reasonably believe that the dog will attack and cause bodily injury to that person.

(3) "Dog" means a domesticated animal that is a member of the canine family.

(4) "Secure enclosure" means a fenced area or structure that is:

(A) locked;

(B) capable of preventing the entry of the general public, including

children;

(C) capable of preventing the escape or release of a dog;

(D) clearly marked as containing a dangerous dog; and

(E) in conformance with the requirements for enclosures established by the local animal control authority.

(5) "Owner" means a person who owns or has custody or control of the dog.

Added by Acts 1991, 72nd Leg., ch. 916, Sec. 1, eff. Sept. 1, 1991.

Sec. 822.042. REQUIREMENTS FOR OWNER OF DANGEROUS DOG. (a) Not later than the 30th day after a person learns that the person is the owner of a dangerous dog, the person shall:

(1) register the dangerous dog with the animal control authority for the area in which the dog is kept;

(2) restrain the dangerous dog at all times on a leash in the immediate control of a person or in a secure enclosure;

(3) obtain liability insurance coverage or show financial responsibility in an amount of at least \$100,000 to cover damages resulting from an attack by the dangerous dog causing bodily injury to a person and provide proof of the required liability insurance coverage or financial responsibility to the animal control authority for the area in which the dog is kept; and

(4) comply with an applicable municipal or county regulation, requirement, or restriction on dangerous dogs.

(b) The owner of a dangerous dog who does not comply with Subsection (a) shall deliver the dog to the animal control authority not later than the 30th day after the owner learns that the dog is a dangerous dog.

(c) If, on application of any person, a justice court, county court, or municipal court finds, after notice and hearing as provided by Section 822.0423, that the owner of a dangerous dog has failed to comply with Subsection (a) or (b), the court shall order the animal control authority to seize the dog and shall issue a warrant authorizing the seizure. The authority shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and

humane conditions.

(d) The owner shall pay any cost or fee assessed by the municipality or county related to the seizure, acceptance, impoundment, or destruction of the dog. The governing body of the municipality or county may prescribe the amount of the fees.

(e) The court shall order the animal control authority to humanely destroy the dog if the owner has not complied with Subsection (a) before the 11th day after the date on which the dog is seized or delivered to the authority. The court shall order the authority to return the dog to the owner if the owner complies with Subsection (a) before the 11th day after the date on which the dog is seized or delivered to the authority.

(f) The court may order the humane destruction of a dog if the owner of the dog has not been located before the 15th day after the seizure and impoundment of the dog.

(g) For purposes of this section, a person learns that the person is the owner of a dangerous dog when:

(1) the owner knows of an attack described in Section 822.041(2)(A) or (B);

(2) the owner receives notice that a justice court, county court, or municipal court has found that the dog is a dangerous dog under Section 822.0423; or

(3) the owner is informed by the animal control authority that the dog is a dangerous dog under Section 822.0421.

Added by Acts 1991, 72nd Leg., ch. 916, Sec. 1, eff. Sept. 1, 1991. Amended by Acts 1997, 75th Leg., ch. 99, Sec. 2, eff. Sept. 1, 1997; Acts 1999, 76th Leg., ch. 96, Sec. 1, eff. May 17, 1999.

Sec. 822.0421. DETERMINATION THAT DOG IS DANGEROUS. (a) If a person reports an incident described by Section 822.041(2), the animal control authority may investigate the incident. If, after receiving the sworn statements of any witnesses, the animal control authority determines the dog is a dangerous dog, it shall notify the owner of that fact.

(b) An owner, not later than the 15th day after the date the owner is notified that a dog owned by the owner is a dangerous dog, may appeal the determination of the animal control authority to a justice, county, or municipal court of competent jurisdiction. An owner may appeal the decision of the justice, county, or municipal court in the same manner as appeal for

other cases from the justice, county, or municipal court.

Added by Acts 1997, 75th Leg., ch. 99, Sec. 2, eff. Sept. 1, 1997.

Sec. 822.0422. REPORTING OF INCIDENT IN CERTAIN COUNTIES AND MUNICIPALITIES. (a) This section applies only to a county with a population of more than 2,800,000, to a county in which the commissioners court has entered an order electing to be governed by this section, and to a municipality in which the governing body has adopted an ordinance electing to be governed by this section.

(b) A person may report an incident described by Section 822.041(2) to a municipal court, a justice court, or a county court. The owner of the dog shall deliver the dog to the animal control authority not later than the fifth day after the date on which the owner receives notice that the report has been filed. The authority may provide for the impoundment of the dog in secure and humane conditions until the court orders the disposition of the dog.

(c) If the owner fails to deliver the dog as required by Subsection (b), the court shall order the animal control authority to seize the dog and shall issue a warrant authorizing the seizure. The authority shall seize the dog or order its seizure and shall provide for the impoundment of the dog in secure and humane conditions until the court orders the disposition of the dog. The owner shall pay any cost incurred in seizing the dog.

(d) The court shall determine, after notice and hearing as provided in Section 822.0423, whether the dog is a dangerous dog.

(e) The court, after determining that the dog is a dangerous dog, may order the animal control authority to continue to impound the dangerous dog in secure and humane conditions until the court orders disposition of the dog under Section 822.042 and the dog is returned to the owner or destroyed.

(f) The owner shall pay a cost or fee assessed under Section 822.042(d).

Added by Acts 1997, 75th Leg., ch. 99, Sec. 2, eff. Sept. 1, 1997. Amended by Acts 1999, 76th Leg., ch. 96, Sec. 2, eff. May 17, 1999.

Sec. 822.0423. HEARING. (a) The court, on receiving a report of an incident under Section 822.0422 or on application under Section 822.042(c), shall set a time for a hearing to

determine whether the dog is a dangerous dog or whether the owner of the dog has complied with Section 822.042. The hearing must be held not later than the 10th day after the date on which the dog is seized or delivered.

(b) The court shall give written notice of the time and place of the hearing to:

- (1) the owner of the dog or the person from whom the dog was seized; and
- (2) the person who made the complaint.

(c) Any interested party, including the county or city attorney, is entitled to present evidence at the hearing.

(d) An owner or person filing the action may appeal the decision of the municipal court, justice court, or county court in the manner provided for the appeal of cases from the municipal, justice, or county court.

Added by Acts 1997, 75th Leg., ch. 99, Sec. 2, eff. Sept. 1, 1997.

Sec. 822.043. REGISTRATION. (a) An animal control authority for the area in which the dog is kept shall annually register a dangerous dog if the owner:

(1) presents proof of:

(A) liability insurance or financial responsibility, as required by Section 822.042;

(B) current rabies vaccination of the dangerous dog; and

(C) the secure enclosure in which the dangerous dog will be kept; and

(2) pays an annual registration fee of \$50.

(b) The animal control authority shall provide to the owner registering a dangerous dog a registration tag. The owner must place the tag on the dog's collar.

(c) If an owner of a registered dangerous dog sells or moves the dog to a new address, the owner, not later than the 14th day after the date of the sale or move, shall notify the animal control authority for the area in which the new address is located. On presentation by the current owner of the dangerous dog's prior registration tag and payment of a fee of \$25, the animal control authority shall issue a new registration tag to be placed on the dangerous dog's collar.

(d) An owner of a registered dangerous dog shall notify the office in which the dangerous dog was registered of any attacks the dangerous dog makes on people.

Added by Acts 1991, 72nd Leg., ch. 916, Sec. 1, eff. Sept. 1, 1991.

Sec. 822.044. **ATTACK BY DANGEROUS DOG.** (a) A person commits an offense if the person is the owner of a dangerous dog and the dog makes an unprovoked attack on another person outside the dog's enclosure and causes bodily injury to the other person.

(b) An offense under this section is a Class C misdemeanor, unless the attack causes serious bodily injury or death, in which event the offense is a Class A misdemeanor.

(c) If a person is found guilty of an offense under this section, the court may order the dangerous dog destroyed by a person listed in Section 822.003.

(d) In addition to criminal prosecution, a person who commits an offense under this section is liable for a civil penalty not to exceed \$10,000. An attorney having civil jurisdiction in the county or an attorney for a municipality where the offense occurred may file suit in a court of competent jurisdiction to collect the penalty. Penalties collected under this subsection shall be retained by the county or municipality.

Added by Acts 1991, 72nd Leg., ch. 916, Sec. 1, eff. Sept. 1, 1991.

Sec. 822.045. **VIOLATIONS.** (a) A person who owns or keeps custody or control of a dangerous dog commits an offense if the person fails to comply with Section 822.042 or Section 822.0422(b) or an applicable municipal or county regulation relating to dangerous dogs.

(b) Except as provided by Subsection (c), an offense under this section is a Class C misdemeanor.

(c) An offense under this section is a Class B misdemeanor if it is shown on the trial of the offense that the defendant has previously been convicted under this section.

Added by Acts 1991, 72nd Leg., ch. 916, Sec. 1, eff. Sept. 1, 1991. Amended by Acts 1997, 75th Leg., ch. 99, Sec. 2, eff. Sept. 1, 1997.

Sec. 822.046. **DEFENSE.** (a) It is a defense to prosecution under Section 822.044 or Section 822.045 that the person is a veterinarian, a peace officer, a person employed by a recognized animal shelter, or a person employed by the state or a political subdivision of the state to deal with stray animals and has temporary ownership, custody, or control of the dog in

connection with that position.

(b) It is a defense to prosecution under Section 822.044 or Section 822.045 that the person is an employee of the institutional division of the Texas Department of Criminal Justice or a law enforcement agency and trains or uses dogs for law enforcement or corrections purposes.

(c) It is a defense to prosecution under Section 822.044 or Section 822.045 that the person is a dog trainer or an employee of a guard dog company under Chapter 1702, Occupations Code.

Added by Acts 1991, 72nd Leg., ch. 916, Sec. 1, eff. Sept. 1, 1991. Amended by Acts 2001, 77th Leg., ch. 1420, Sec. 14.809, eff. Sept. 1, 2001.

Sec. 822.047. LOCAL REGULATION OF DANGEROUS DOGS. A county or municipality may place additional requirements or restrictions on dangerous dogs if the requirements or restrictions:

- (1) are not specific to one breed or several breeds of dogs; and
- (2) are more stringent than restrictions provided by this subchapter.

Added by Acts 1991, 72nd Leg., ch. 916, Sec. 1, eff. Sept. 1, 1991.

SUBCHAPTER E. DANGEROUS WILD ANIMALS

Sec. 822.101. DEFINITIONS. In this subchapter:

(1) "Animal registration agency" means the municipal or county animal control office with authority over the area where a dangerous wild animal is kept or a county sheriff in an area that does not have an animal control office.

(2) "Board" means the Texas Board of Health.

(3) "Commercial activity" means:

(A) an activity involving a dangerous wild animal conducted for profit that is not inherent to the animal's nature;

(B) an activity for which a fee is charged and that is entertainment using or an exhibition of the animal; or

(C) the selling, trading, bartering, or auctioning of a dangerous wild

animal or a dangerous wild animal's body parts.

(4) "Dangerous wild animal" means:

- (A) a lion;
- (B) a tiger;
- (C) an ocelot;
- (D) a cougar;
- (E) a leopard;
- (F) a cheetah;
- (G) a jaguar;
- (H) a bobcat;
- (I) a lynx;
- (J) a serval;
- (K) a caracal;
- (L) a hyena;
- (M) a bear;
- (N) a coyote;
- (O) a jackal;
- (P) a baboon;
- (Q) a chimpanzee;
- (R) an orangutan;
- (S) a gorilla; or
- (T) any hybrid of an animal listed in this subdivision.

(5) "Owner" means any person who owns, harbors, or has custody or control of a dangerous wild animal.

(6) "Person" means an individual, partnership, corporation, trust, estate, joint stock company, foundation, or association of individuals.

(7) "Primary enclosure" means any structure used to immediately restrict an animal to a limited amount of space, including a cage, pen, run, room, compartment, or hutch.

Added by Acts 2001, 77th Leg., ch. 54, Sec. 1, eff. Sept. 1, 2001.

Sec. 822.102. APPLICABILITY OF SUBCHAPTER. (a) This subchapter does not apply to:

(1) a county, municipality, or agency of the state or an agency of the United States or an agent or official of a county, municipality, or agency acting in an official capacity;

(2) a research facility, as that term is defined by Section 2(e), Animal Welfare Act (7 U.S.C. Section 2132), and its subsequent amendments, that is licensed by the secretary of agriculture of the United States under that Act;

(3) an organization that is an accredited member of the American Zoo and Aquarium Association;

(4) an injured, infirm, orphaned, or abandoned dangerous wild animal while being transported for care or treatment;

(5) an injured, infirm, orphaned, or abandoned dangerous wild animal while being rehabilitated, treated, or cared for by a licensed veterinarian, an incorporated humane society or animal shelter, or a person who holds a rehabilitation permit issued under Subchapter C, Chapter 43, Parks and Wildlife Code;

(6) a dangerous wild animal owned by and in the custody and control of a transient circus company that is not based in this state if:

(A) the animal is used as an integral part of the circus performances; and

(B) the animal is kept within this state only during the time the circus is performing in this state or for a period not to exceed 30 days while the circus is performing outside the United States;

(7) a dangerous wild animal while in the temporary custody or control of a television or motion picture production company during the filming of a television or motion picture production in this state;

(8) a dangerous wild animal owned by and in the possession, custody, or control of a college or university solely as a mascot for the college or university;

(9) a dangerous wild animal while being transported in interstate commerce through the state in compliance with the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent amendments and the regulations adopted under that Act;

(10) a nonhuman primate owned by and in the control and custody of a person

whose only business is supplying nonhuman primates directly and exclusively to biomedical research facilities and who holds a Class "A" or Class "B" dealer's license issued by the secretary of agriculture of the United States under the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent amendments;

(11) a dangerous wild animal that is:

(A) owned by or in the possession, control, or custody of a person who is a participant in a species survival plan of the American Zoo and Aquarium Association for that species; and

(B) an integral part of that species survival plan; and

(12) in a county west of the Pecos River that has a population of less than 25,000, a cougar, bobcat, or coyote in the possession, custody, or control of a person that has trapped the cougar, bobcat, or coyote as part of a predator or depredation control activity.

(b) This subchapter does not require a municipality that does not have an animal control office to create that office.

Added by Acts 2001, 77th Leg., ch. 54, Sec. 1, eff. Sept. 1, 2001. Amended by Acts 2005, 79th Leg., ch. 992, Sec. 31, eff. June 18, 2005.

Sec. 822.103. CERTIFICATE OF REGISTRATION; FEES. (a) A person may not own, harbor, or have custody or control of a dangerous wild animal for any purpose unless the person holds a certificate of registration for that animal issued by an animal registration agency.

(b) A certificate of registration issued under this subchapter is not transferrable and is valid for one year after its date of issuance or renewal unless revoked.

(c) The animal registration agency may establish and charge reasonable fees for application, issuance, and renewal of a certificate of registration in order to recover the costs associated with the administration and enforcement of this subchapter. The fee charged to an applicant may not exceed \$50 for each animal registered and may not exceed \$500 for each person registering animals, regardless of the number of animals owned by the person. The fees collected under this section may be used only to administer and enforce this subchapter.

Added by Acts 2001, 77th Leg., ch. 54, Sec. 1, eff. Sept. 1, 2001.

Sec. 822.104. CERTIFICATE OF REGISTRATION APPLICATION. (a) An applicant for an original or renewal certificate of registration for a dangerous wild animal must file an application with an animal registration agency on a form provided by the animal registration agency.

(b) The application must include:

- (1) the name, address, and telephone number of the applicant;
- (2) a complete identification of each animal, including species, sex, age, if known, and any distinguishing marks or coloration that would aid in the identification of the animal;
- (3) the exact location where each animal is to be kept;
- (4) a sworn statement that:
 - (A) all information in the application is complete and accurate; and
 - (B) the applicant has read this subchapter and that all facilities used by the applicant to confine or enclose the animal comply with the requirements of this subchapter; and
- (5) any other information the animal registration agency may require.

(c) An applicant shall include with each application:

- (1) the nonrefundable fee;
- (2) proof, in a form acceptable by the animal registration agency, that the applicant has liability insurance, as required by Section 822.107;
- (3) a color photograph of each animal being registered taken not earlier than the 30th day before the date the application is filed;
- (4) a photograph and a statement of the dimensions of the primary enclosure in which each animal is to be kept and a scale diagram of the premises where each animal will be kept, including the location of any perimeter fencing and any residence on the premises; and
- (5) if an applicant holds a Class "A" or Class "B" dealer's license or Class "C" exhibitor's license issued by the secretary of agriculture of the United States under the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent amendments, a clear and legible photocopy of the license.

(d) In addition to the items required under Subsection (c), an application for renewal must include a statement signed by a veterinarian licensed to practice in this state stating that the

veterinarian:

(1) inspected each animal being registered not earlier than the 30th day before the date of the filing of the renewal application; and

(2) finds that the care and treatment of each animal by the owner meets or exceeds the standards prescribed under this subchapter.

Added by Acts 2001, 77th Leg., ch. 54, Sec. 1, eff. Sept. 1, 2001.

Sec. 822.105. DENIAL OR REVOCATION OF CERTIFICATE OF REGISTRATION; APPEAL. (a) If the animal registration agency finds that an application for an original or renewal certificate of registration under this subchapter does not meet the requirements of Section 822.104 or, after inspection, that an applicant has not complied with this subchapter, the animal registration agency shall deny the applicant a certificate of registration and give the applicant written notice of the denial and the reasons for the denial.

(b) If the animal registration agency finds, after inspection, that a registered owner provided false information in or in connection with the application or has not complied with this subchapter, the animal registration agency shall revoke the certificate of registration and give the owner written notice of the revocation and the reasons for the revocation.

(c) A person may appeal the denial of an original or renewal certificate of registration or the revocation of a certificate of registration to the justice court for the precinct in which the animal is located or the municipal court in the municipality in which the animal is located not later than the 15th day after the date the certificate of registration is denied or revoked. Either party may appeal the decision of the justice or municipal court to a county court or county court at law in the county in which the justice or municipal court is located. The decision of the county court or county court at law may not be appealed.

(d) The filing of an appeal of the denial or revocation of a certificate of registration under Subsection (c) stays the denial or revocation until the court rules on the appeal.

Added by Acts 2001, 77th Leg., ch. 54, Sec. 1, eff. Sept. 1, 2001.

Sec. 822.106. DISPLAY OF CERTIFICATE OF REGISTRATION. (a) A holder of a certificate of registration shall prominently display the certificate at the premises where each

animal that is the subject of the certificate of registration is kept.

(b) Not later than the 10th day after the date a person receives a certificate of registration, the person shall file a clear and legible copy of the certificate of registration with the Texas Department of Health. The department shall establish a procedure for filing a certificate of registration and shall charge a reasonable fee in an amount sufficient to recover the cost associated with filing a certificate of registration under this subsection.

Added by Acts 2001, 77th Leg., ch. 54, Sec. 1, eff. Sept. 1, 2001.

Sec. 822.107. LIABILITY INSURANCE. An owner of a dangerous wild animal shall maintain liability insurance coverage in an amount of not less than \$100,000 for each occurrence for liability for damages for destruction of or damage to property and death or bodily injury to a person caused by the dangerous wild animal.

Added by Acts 2001, 77th Leg., ch. 54, Sec. 1, eff. Sept. 1, 2001.

Sec. 822.108. INSPECTION. An owner of a dangerous wild animal, at all reasonable times, shall allow the animal registration agency, its staff, its agents, or a designated licensed veterinarian to enter the premises where the animal is kept and to inspect the animal, the primary enclosure for the animal, and the owner's records relating to the animal to ensure compliance with this subchapter.

Added by Acts 2001, 77th Leg., ch. 54, Sec. 1, eff. Sept. 1, 2001.

Sec. 822.109. RELOCATION OR DISPOSITION OF ANIMAL. (a) An owner of a dangerous wild animal may not permanently relocate the animal unless the owner first notifies the animal registration agency in writing of the exact location to which the animal will be relocated and provides the animal registration agency, with respect to the new location, the information required by Section 822.104.

(b) Within 10 days after the death, sale, or other disposition of the animal, the owner of the animal shall notify the animal registration agency in writing of the death, sale, or other disposition.

Added by Acts 2001, 77th Leg., ch. 54, Sec. 1, eff. Sept. 1, 2001.

Sec. 822.110. ATTACK BY ANIMAL; ESCAPE OF ANIMAL; LIABILITY. (a) An owner of a dangerous wild animal shall notify the animal registration agency of any attack of a human by the animal within 48 hours of the attack.

(b) An owner of a dangerous wild animal shall immediately notify the animal registration agency and the local law enforcement agency of any escape of the animal.

(c) An owner of a dangerous wild animal that escapes is liable for all costs incurred in apprehending and confining the animal.

(d) An animal registration agency, a law enforcement agency, or an employee of an animal registration agency or law enforcement agency is not liable to an owner of a dangerous wild animal for damages arising in connection with the escape of a dangerous wild animal, including liability for damage, injury, or death caused by the animal during or after the animal's escape, or for injury to or death of the animal as a result of apprehension or confinement of the animal after escape.

Added by Acts 2001, 77th Leg., ch. 54, Sec. 1, eff. Sept. 1, 2001.

Sec. 822.111. POWERS AND DUTIES OF BOARD; CAGING REQUIREMENTS AND STANDARDS. (a) The board by rule shall establish caging requirements and standards for the keeping and confinement of a dangerous wild animal to ensure that the animal is kept in a manner and confined in a primary enclosure that:

- (1) protects and enhances the public's health and safety;
- (2) prevents escape by the animal; and
- (3) provides a safe, healthy, and humane environment for the animal.

(b) An owner of a dangerous wild animal shall keep and confine the animal in accordance with the caging requirements and standards established by the board.

(c) An animal registration agency may approve a deviation from the caging requirements and standards established by the board, only if:

- (1) the animal registration agency has good cause for the deviation; and
- (2) the deviation:
 - (A) does not compromise the public's health and safety;
 - (B) does not reduce the total area of the primary enclosure below that

established by the board; and

(C) does not otherwise adversely affect the overall welfare of the animal involved.

Added by Acts 2001, 77th Leg., ch. 54, Sec. 1, eff. Sept. 1, 2001.

Sec. 822.112. CARE, TREATMENT, AND TRANSPORTATION OF ANIMAL. (a) For each dangerous wild animal, the owner shall comply with all applicable standards of the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent amendments and the regulations adopted under that Act relating to:

- (1) facilities and operations;
- (2) animal health and husbandry; and
- (3) veterinary care.

(b) An owner of a dangerous wild animal shall maintain a separate written log for each dangerous wild animal documenting the animal's veterinary care and shall make the log available to the animal registration agency or its agent on request. The log must:

- (1) identify the animal treated;
- (2) provide the date of treatment;
- (3) describe the type or nature of treatment; and
- (4) provide the name of the attending veterinarian, if applicable.

(c) When transporting a dangerous wild animal, the owner of the animal, or a designated carrier or intermediate handler of the animal, shall comply with all transportation standards that apply to that animal under the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent amendments or the regulations adopted under that Act.

(d) A person is exempt from the requirements of this section if the person is caring for, treating, or transporting an animal for which the person holds a Class "A" or Class "B" dealer's license or a Class "C" exhibitor's license issued by the secretary of agriculture of the United States under the Animal Welfare Act (7 U.S.C. Section 2131 et seq.) and its subsequent amendments.

Added by Acts 2001, 77th Leg., ch. 54, Sec. 1, eff. Sept. 1, 2001.

Sec. 822.113. OFFENSE AND PENALTY. (a) A person commits an offense if the person violates Section 822.103(a), Section 822.106, or Section 822.110(a) or (b). Each animal with respect to which there is a violation and each day that a violation continues is a separate offense.

(b) A person commits an offense if the person knowingly sells or otherwise transfers ownership of a dangerous wild animal to a person who does not have a certificate of registration for that animal as required by this subchapter.

(c) An offense under this section is a Class C misdemeanor.

Added by Acts 2001, 77th Leg., ch. 54, Sec. 1, eff. Sept. 1, 2001.

Sec. 822.114. CIVIL PENALTY. (a) A person who violates Section 822.103(a) is liable for a civil penalty of not less than \$200 and not more than \$2,000 for each animal with respect to which there is a violation and for each day the violation continues.

(b) The county or municipality in which the violation occurs may sue to collect a civil penalty. A civil penalty collected under this subsection may be retained by the county or municipality.

(c) The county or municipality in which the violation occurs may also recover the reasonable costs of investigation, reasonable attorney's fees, and reasonable expert witness fees incurred by the animal registration agency in the civil action. Costs or fees recovered under this subsection shall be credited to the operating account from which payment for the animal registration agency's expenditures was made.

Added by Acts 2001, 77th Leg., ch. 54, Sec. 1, eff. Sept. 1, 2001.

Sec. 822.115. INJUNCTION. Any person who is directly harmed or threatened with harm by a violation of this subchapter or a failure to enforce this subchapter may sue an owner of a dangerous wild animal to enjoin a violation of this subchapter or to enforce this subchapter.

Added by Acts 2001, 77th Leg., ch. 54, Sec. 1, eff. Sept. 1, 2001.

Sec. 822.116. EFFECT OF SUBCHAPTER ON OTHER LAW. (a) This subchapter does not affect the applicability of any other law, rule, order, ordinance, or other legal requirement of

this state or a political subdivision of this state.

(b) This subchapter does not prevent a municipality or county from prohibiting or regulating by ordinance or order the ownership, possession, confinement, or care of a dangerous wild animal.

Added by Acts 2001, 77th Leg., ch. 54, Sec. 1, eff. Sept. 1, 2001.

CHAPTER 2

ANIMAL CONTROL

SECTION 1: PERMIT REQUIRED TO KEEP LIVESTOCK OR POULTRY WITHIN CITY LIMITS

A. LIVESTOCK AND POULTRY DEFINED

No person shall keep livestock or poultry within the limits of the City of College Station without first obtaining and thereafter keeping in force a permit permitting him to do so. The term livestock includes specifically but not exclusively horses, mules, asses, swine, cattle, sheep, goats, and rabbits; the term poultry includes specifically but not exclusively chickens, turkeys, geese, ducks, pigeons, and guineas.

B. TERMS FOR GRANTING PERMITS

Said permits shall be granted or allowed to remain in force only when the regulations as follows are observed:

- (1) The livestock and poultry shall be kept within structures, enclosures, or tethered, and not permitted to run at large.
- (2) The manure and debris incident to the maintenance and care of livestock or animals shall be scraped from roosts and floors and raked from pens or areas with such frequency as to prevent the same from serving as breeding places for insects and from emitting noxious odors.
- (3) The manure and debris scraped or raked as provided in paragraph (2) above, shall immediately be collected and either placed and kept in a waterproof and insect proof container until removed from the premises, or treated immediately and periodically thereafter with a chemical as directed by the manufacturer thereof that is manufactured and sold as an effective agent for preventing flies and other insects from breeding in manure and debris.
- (4) The inside walls, ceilings, roosts, and floors of the structure in which the livestock or poultry is housed shall be treated and kept treated with effective material manufactured and sold for the control of flies, mites, and lice and applied according to the manufacturer's directions.
- (5) The structure or enclosure within which the livestock or poultry are confined shall be not less than one hundred feet (100') from any dwelling house other than that occupied by the owner of the livestock or poultry.

C. PROCEDURE FOR OBTAINING PERMITS

The procedure and requirements for the granting and keeping in force of permits shall be as follows:

(1) Application Requirements

Any person desiring a permit permitting him to keep livestock or poultry within the city limits shall file an application with the City Manager or his delegate on a form provided by him for that purpose. Said application shall among other things call for:

- (a) The name and address of the applicant; the estimated average number and types of livestock or poultry to be kept;
- (b) A description of the structures and the facilities to be used for the enclosure of the livestock or poultry and for the disposal of the manure and debris incident to their maintenance and care; and,
- (c) The distance to the adjacent residence from the outside boundaries of the structure or fence in which the livestock or poultry are to be enclosed.

(2) Application Fee

The application shall be accompanied by a fee in an amount which shall be set by the City Council by resolution from time to time.

The applicant or permit holder shall pay a fee for all permit inspections, reinspections and inspections resulting from allegations of non-compliance. Such payment shall be a condition of the permit.

(3) Inspection of Facilities

When an application has been filed in proper form, the City Manager or his delegate shall inspect the premises wherein the livestock or poultry are to be kept. If the premises are in compliance with the ordinance, the City Manager or his delegate shall issue a permit which shall be valid for a period of one year from the date of the inspection.

(4) Variances

- (a) Variances to the terms of this ordinance may be granted by the Zoning Board of Adjustment. In the event of a request for variance, the City Manager or his delegate shall prepare an opinion as to whether the same is in compliance with the regulations and submit it to the board for its consideration. Prior to review by the board, the City Manager or his delegate shall notify in writing, by U.S. Mail, all property owners within two hundred feet (200') of the applicant's property.
- (b) The Zoning Board of Adjustment shall hold a hearing and provide all interested persons an opportunity to appear and present evidence. Upon the close of the hearing, the Zoning Board of Adjustment shall issue an order granting or denying the permit.
- (c) The Zoning Board of Adjustment, when so requested and after a hearing, may vary the application of any provision of this ordinance to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this ordinance or the public interest, and also finds all of the following:
 - (i) Special conditions and circumstances exist that are peculiar and are not applicable to other property;
 - (ii) Special conditions and circumstances that result from the action of the applicant;

- (iii) Granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance;
- (iv) Granting of the variance will be in the harmony with the general intent and purpose of this ordinance and will not be detrimental to the public health, safety and general welfare.
- (d) In granting the variance, the Board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced and/or completed. In addition, the Board may prescribe appropriate conditions and safeguards in conforming with this ordinance. Violations of the conditions of the variance shall be deemed a violation of this ordinance.

(5) Permit Renewals

A permit shall be valid for one (1) year from the date of issuance. The same may be renewed by the filing of a renewal application from the City Manager or his delegate on a form provided by him for that purpose and the payment of a renewal application fee in the amount set by resolution from time to time.

(6) Permit Violations: Hearings by City Judge

The City Manager or his delegate may make periodic inspections at the permitted premises. As a condition of this permit, the permittee shall allow the City Manager or his delegate onto the premises for the purpose of inspection during normal business hours. Permittee shall pay a re-inspection fee, as set by resolution from time to time, whether the inspection is an annual permit renewal inspection or an unannounced inspection to ascertain whether the regulations as hereinbefore provided are being observed. If the City Manager or his delegate finds that the aforesaid regulations are violated, he may issue a citation for the permittee or applicant to appear in municipal court before the judge to answer such charges. If, after a hearing, the judge finds the aforesaid regulations have been violated, it shall then order the permit cancelled.

(Ordinance No. 1970 of August 27, 1992)

D. EXEMPTIONS

Pot-bellied pigs that by habit or training live in association with man shall be exempt from the permitting requirement of this section. No permits will be required for properties zoned A-O, A-OX or A-OR.

(Ordinance No. 2265 of September 11, 1997)

E. PENALTY FOR VIOLATIONS

Violations of this section of the ordinance shall be punished in accordance with Chapter 1, Section 5 of this Code of Ordinances.

(Ordinance No. 1970 of August 27, 1992)

SECTION 2: ANIMALS AND FOWL REGULATED

A. DEFINITIONS

- (1) 'Animal' shall mean any and all types of allowed animals, male or female, singular and plural, warm or cold-blooded.
- (2) 'Fowl' shall mean any and all fowl, domesticated and wild, male and female, singular and plural.

- (3) 'Abandonment' means to desert or to leave without care.
- (4) 'Animal Control Authority' means the person or persons designated by the City Manager to enforce this article.
- (5) 'Animal shelter' means that facility designated or recognized by the City of College Station for the purpose of impounding and caring for animals.
- (6) 'Humane manner' means care of an animal to include but not limited to ventilation and sanitary shelter, food and water consistent with normal requirements and feeding habits of the animal's size, species and breed.
- (7) 'License' means a durable tag on a collar and/or an implanted microchip for identification, renewed annually with a licensing authority.
- (8) 'Licensed veterinarian' means any person duly licensed as a veterinarian by the State of Texas.
- (9) 'Licensing authority' means the agency or department of the City of College Station, or any designated agency charged with administering the issuance and revocation of permits and licenses. The City Manager shall designate the licensing authority. In the absence of a designation, the Police Department shall be the licensing authority.
- (10) 'Nuisance.' An animal shall be considered a nuisance if it damages, soils, defiles or defecates on private property other than the owner's or on public areas, unless such waste is immediately removed and disposed of; causes unsanitary, dangerous or offensive conditions; creates a disturbance by excessive barking or other animal noise which would offend a person of ordinary sensibilities under the same or similar circumstances; or chases, molests, attacks or interferes with persons or other domestic animals on public property or the private property of others.
- (11) 'Owner' means a person having the right of property or custody of an animal or who harbors an animal or knowingly permits an animal to remain on or about any premises occupied by that person for more than 72 hours.
- (12) 'Vicious animal' means an animal that constitutes a physical threat to humans or other domestic animals by virtue of his immediate conduct, or by virtue of a prior history of violence towards humans or other animals.
- (13) 'At Large' shall mean off the premises of the owner or custodian of the animal or fowl and not under the physical restraint of the custodian or owner.
- (14) 'Wild Animals' shall mean all undomesticated animals including, but not limited to, any form of lions, tigers, bears, wolves, apes, foxes, baboons, and all forms of poisonous reptiles, skunks, and squirrels.
- (15) 'Cat' shall mean any of domesticated forms of the species Felidae Felis catus or domesticus, a carnivorous mammal domesticated as a catcher of rats and mice and as a pet.
- (16) 'Dog' shall mean any of the domesticated forms of the species Canidae Canis familiaris, specifically excluding any type of wolf hybrid.
- (17) 'Ferret' shall mean any form of the species, Mustela Putorius Furo.
- (18) 'Pot-bellied pig' shall mean any of the domesticated forms of the species Suidae Sus scrofa (miniature pigs under 200 pounds).

(Ordinance No. 2148 of September 28, 1995)

B. LICENSING

All person maintaining animals on their premises are required to obtain licenses under the following terms and conditions:

- (1) Dogs, cats, and ferrets shall be licensed and obtain a rabies vaccination within four (4) months after the animal's birth. Pot-bellied pigs shall be licensed and obtain a erysipelas vaccination within four (4) months after the animal's birth. An application for a license must also be made within thirty (30) days after an owner obtains a dog, cat or pot-bellied pig over four (4) months of age, except that this requirement shall not apply to a nonresident keeping a dog, cat, potbellied pig, or ferret, which is lawfully licensed and vaccinated elsewhere, within the City of College Station for no longer than sixty (60) days. New residents must apply for a license within thirty (30) days of establishing residency.
- (2) The licensing authority shall designate, when practicable, licensed veterinarians to collect the annual licensing registration fee. A licensed veterinarian who has been so designated shall register dogs, cats, potbellied pigs, and ferrets, and collect the annual licensing registration fee under the following terms and conditions:

(Ordinance No. 1970 of August 27, 1992)

- (a) If a licensed veterinarian vaccinates a dog, cat, or ferret for rabies, he shall, when practicable, collect the annual licensing registration fee, issue a rabies vaccination/license, and send to the licensing authority a copy of a form which shall include the following information:
 - (i) Name and address of pet owner
 - (ii) Description of the pet
 - (iii) Date of vaccination
 - (iv) License number
 - (v) Other appropriate information
 - (b) If a licensed veterinarian vaccinates a pot-bellied pig for erysipelas, he shall, when practicable, collect the annual licensing registration fee, issue a erysipelas vaccination/license, and send to the licensing authority a copy of a form which shall include the following information:
 - (i) Name and address of pet owner
 - (ii) Description of the pet
 - (iii) Date of vaccination
 - (iv) License number
 - (v) Other appropriate information
 - (c) A licensed veterinarian who has been designated to collect the annual licensing registration fee shall have all necessary forms and licenses for registration provided to him by the licensing authority. The licensing authority shall establish a collection procedure for the fees, a format for the licenses, and shall record all dogs, cats, potbellied pigs, and ferrets registered, the name of the owner, and other appropriate information.
- (3) (a) Tags furnished by the licensing authority shall be of durable material. A tag issued for a dog, cat, potbellied pig, or ferret must be attached to the collar of the animal and must be worn at all times. Tags are not transferable. A record of all tags issued shall be maintained by the licensing authority, and

such records shall be available to the Animal Control Authority. Records are to be kept for five (5) years.

- (b) An owner may elect to obtain an optional microchip implant license, which may be substituted for the tag as required in Section (3)(a) above, for a one-time implantation fee. A record of all microchips implanted shall be maintained by the licensing authority, and such records shall be available to the Animal Control Authority. Records are to be kept for five (5) years."

(Ordinance No. 2148 of September 28, 1996)

- (4) Except as otherwise provided, the licensing period shall be for one year. Each applicant shall pay the appropriate fee annually and shall supply all information reasonably requested on forms supplied by the licensing authority.

(Ordinance No. 1970 of August 27, 1992)

- (5) Upon receipt of the appropriate forms and payment of the scheduled fee, the licensing authority shall provide a license for dogs, cats, pot-bellied pigs and ferrets vaccinated by a veterinarian other than one who has been designated to register dogs, cats, pot-bellied pigs and ferrets; in which case, the license will be valid until the rabies or erysipelas vaccination is due again by State Law or ordinance."

(Ordinance No. 2148 of September 28, 1996)

- (6) Bona fide raisers and breeders of dogs, cats, potbellied pigs, or ferrets strictly for a hobby shall make application with the Animal Control Authority for permission to keep or harbor more than four (4) dogs, cats, pot-bellied pigs, or ferrets three (3) months of age or older. The Animal Control Authority shall issue a permit for one year to the applicant upon the following information being furnished and the listed conditions being satisfied:
 - (a) The average number of dogs, cats, pot-bellied pigs, and ferrets to be kept or housed.
 - (b) The purpose for the keeping or harboring of the dogs, cats, pot-bellied pigs, and ferrets.
 - (c) That the dogs, cats, pot-bellied pigs, and ferrets are to be housed in cages or pens inside a residence or completely enclosed area.
 - (d) That the dogs, cats, pot-bellied pigs, and ferrets are kept or harbored so as to not be a nuisance or detriment to adjoining or adjacent neighbors.
 - (e) That the dogs shall not bark or howl or create noises that cause the peace and quiet of the neighborhood of the adjacent premises to be disturbed.
 - (f) The cages or pens are to be maintained in a sanitary condition so as to not create any hazards to the general health and welfare of the community.
 - (g) The Animal Control Authority or his duly delegated representative upon being satisfied, upon payment of a permit fee, shall issue a permit for one year to the applicant. This permit may be revoked at any time upon any of the conditions and requirements being violated.
- (7) The licensing authority may revoke any permit or license if the person holding the permit or license refuses or fails to comply with this ordinance, or any other law governing the protection and keeping of animals. No license shall be revoked except subsequent to a conviction for violation of this ordinance, or an administrative hearing pertaining to a license application as provided below. A former licensee may appeal the revocation of a license to the City Manager or to an administrative appeals board if one has been created by City ordinance. If an applicant is shown to

have withheld or falsified any material information on the application, and such fact is found at an administrative hearing, the licensing authority may refuse to issue or may revoke a permit or license. The licensee may appeal in accordance with the above provisions.

(Ordinance No. 1970 of August 27, 1992)

C. OWNER RESPONSIBILITY

- (1) An owner commits an offense if by criminal negligence he permits an animal to go at large upon the premises of others or upon the streets and other ways of the City.
- (2) Every vicious animal shall be confined by its owner within a building or secure enclosure and shall be securely caged whenever off the premises of its owner. An animal control officer or any other peace officer may restrain or destroy an animal which poses an immediate threat of physical harm to persons or domestic animals.
- (3) An owner commits an offense if by criminal negligence he allows his animal to create a nuisance as defined herein.

(Ordinance No. 1421 of April 28, 1983)

- (4) Violation of the above sections shall constitute a misdemeanor and upon conviction thereof shall be punishable by a fine pursuant to the General Penalty set out in Chapter 1, Section 5, of this Code of Ordinances.

(Ordinance No. 2030 of September 9, 1993)

D. HARBORING WILD ANIMALS

- (1) It shall be unlawful to keep or harbor any wild animal within the City, except zoos which have proper facilities for restraint and care of these animals.
- (2) Any person seeking to keep or harbor any animal that is not a dog, cat, pot-bellied pig or ferret may have a determination made as to whether the animal is wild as defined herein. The applicant shall submit a request for consideration to the City Manager or his delegate, who shall review the application, seek information as to the nature and domesticity of the animal prior to ruling on the application. In the event that the applicant disagrees with the interpretation and decision of the City Manager or his delegate he may appeal to the Zoning Board of Adjustment. The Zoning Board of Adjustment shall review the evidence presented before it and make a decision as to whether the animal is wild as defined herein. A decision by the Zoning Board of Adjustment is final and may only be reviewed by a court of record on the substantial evidence rule.

(Ordinance No. 1970 of August 27, 1992)

E. IMPOUNDMENT

- (1) Any animal found running at large shall be impounded by the Animal Control Authority in an animal shelter and confined in a humane manner. Immediately upon impounding an animal, the Animal Control Authority shall make every reasonable effort to notify the owner and inform such owner of the conditions whereby custody of the animal may be regained. Animals not claimed by their owners within a period of three (3) full days in which the shelter is open to the public shall become the property of the City of College Station. The City of College Station shall be entitled to dispose of such animals by adoption, humane euthanization or in such manner as previously agreed upon between the City and the owner of the animal hospital or shelter.
- (2) The Animal Control Authority shall have the right to pursue and apprehend animals onto unenclosed private property without first requesting permission from the owner

of said property before entering that property or without obtaining a search warrant. No entry shall be made into an enclosure without a warrant.

- (3) When an animal is found running at large and its ownership is verified by the Animal Control Authority, the authority may exercise the option of serving the owner with a citation in lieu of impounding the animal. The City establishes a prima facie case of animal at large by proving the ownership of the animal and that it was running at large.
- (4) In the event that the Animal Control Authority finds animals to be suffering, it shall have the right forthwith to remove or cause to have removed any such animals to a safe place for care at the owner's expense or to euthanize them when necessary to prevent further suffering. Removal shall be pursuant to warrant unless the conditions require immediate action to protect the animal's life. Return to the owner may be withheld until the owner shall have made full payment for all expenses so incurred and provided for lawful care and feeding.
- (5) Disposal of an animal by any method specified herein does not relieve the owner of criminal responsibility for violations by this ordinance and any accrued administrative charges.

F. REDEMPTION

- (1) Any animal impounded may be redeemed by the owner thereof within three (3) full days in which the shelter is open to the public upon payment of an impoundment fee. Provided that if any such animal has been previously impounded, the impoundment fee shall be raised. Payment of impoundment fees is not considered to be in lieu of any fine, penalty or license fees.
- (2) Any animal confined for rabies quarantine, evidence, or other purpose may be redeemed by the owner thereof upon payment of a fee.
- (3) No animal required to be licensed or vaccinated under this article may be redeemed until provisions for such licensing and vaccination have been fulfilled.

G. MISCELLANEOUS PROVISIONS

- (1) No person shall interfere with, hinder or molest any agent of the Animal Control Authority in the performance of their duty as herein provided. Any person violating this section shall be deemed guilty of a misdemeanor.
- (2) Abandonment. It shall be unlawful to abandon any animal in the City of College Station.

(Ordinance No. 1421 of April 28, 1983)

- (3) No person shall keep or harbor more than four (4) dogs, cats or potbellied pigs three (3) months of age or older, or any combination thereof, on any premises zoned for residential use, provided for in Article 6 of Section II."

(Ordinance No. 1878 of January 10, 1991)

- (4) Upon attack by a vicious animal, any person, including an Animal Control Officer or peace officer, can defend self or third persons at their discretion, taking such means as are necessary in such situation.
- (5) This article adopts the provisions of the Rabies Control Act and the Animal Shelter Act, as contained in the statutes of Texas, as from time to time amended.
- (6) Disposition of large animals or livestock found at large. The Animal Control Authority shall be responsible for the disposition of livestock found at large in the City of

College Station, and shall comply with the provisions of applicable state statutes concerning such disposition.

- (7) Animals subject to tests. Any animal that bites, scratches or attacks any person or persons shall be subjected to such tests as the City Health Officer, Chief of Police, or Animal Control Officer requires, including the destruction of such animal and an examination of the carcass. Such officials may require the owner of such an animal to confine it at a place designated for such period of time as may be reasonably necessary, not to exceed thirty (30) days. If the owner refuses to voluntarily confine such an animal for testing or observation, the animal may be taken into temporary custody pending the acquisition of a warrant.

(Ordinance No. 1421 of April 28, 1983)

- (8) No person shall leave an animal confined in a motor vehicle or trailer without adequate ventilation, when the outside air temperature is seventy-five degrees (75° Fahrenheit, or above.

(Ordinance No. 2466 of August 24, 2000)

H. PENALTY FOR VIOLATIONS

Violations of this section of the ordinance shall be punished in accordance with Chapter 1, Section 5 of this Code of Ordinances.

(Ordinance No. 1970 of August 27, 1992)

SECTION 3: BREEDING, SALE, DOMICILIARY CARE, AND RENTAL OF ANIMALS AND FOWL IN COMMERCE

A. DEFINITIONS

Definition of terms, as used in this section, are as follows:

- (1) Breeder shall mean any person, firm, or corporation breeding for sale a volume of animals or fowl as set out below.
 - (a) All fowl and those animals having a gestation period of one hundred eighty (180) days or less and creating an annual volume of twenty-five (25) or more such fowl or animals.
 - (b) All animals having a gestation period in excess of one hundred eighty (180) days and creating an annual volume of five (5) or more such animals.
- (2) Retailer or Wholesaler shall mean any person, firm, or corporation which shall offer for sale or resale any animals or fowl, as defined herein, in a volume of twenty-five (25) or more such animals or fowl per annum or by-product thereof.
- (3) Caretaker shall mean any person, firm, or corporation, other than a duly permitted veterinarian in the pursuit of his profession, which shall provide safekeeping, shelter, or care of animals or fowl for value received, either for money or services or both, and shall have in his custody five (5) or more such animals or fowl at any one (1) time during any one (1) calendar year.
- (4) Renter shall be any person, firm, or corporation which shall offer to the public the use or services of any animal or fowl whatsoever.
- (5) Animal shall mean any and all types of animals, excluding wild animals, male or female, singular and plural, warm or cold-blooded.

- (6) Fowl shall mean any and all types of fowl, both domesticated and wild, male or female, singular or plural.
- (7) Wild Animals shall mean all undomesticated animals including, but not limited to, any form of lions, tigers, bears, wolves, apes, foxes, baboons, and all forms of poisonous reptiles, skunks, and squirrels.

B. LICENSING REQUIREMENTS

Any person, firm, or corporation falling into one (1) or more of the categories defined in subsection A(1) through (4) above shall make application annually, during the month of January or the month in which business was or is to be commenced, for permit or re-permitting to engage in such endeavor.

(1) Application Requirements

Said application shall, among other things, call for the name and address of the business and of the owner thereof; the estimated average number of animals or fowl involved; a description, plat and pictures of the structures and facilities to be used for the enclosure of such animals or fowl and method for the disposal of manure and debris incident to their maintenance and care; and the distance to adjacent human occupied structures from the outside boundaries of the structure or enclosure in which such animals or fowl are to be enclosed.

(2) Application Fee

The application shall be accompanied by a fee in an amount which shall be set by the City Council by resolution from time to time.

The applicant or permit holder shall pay a fee for all permit inspections, reinspections and inspections resulting from allegations of non-compliance. Such payment shall be a condition of the permit.

(3) Inspection of Facilities

When an application has been filed in due form, the City Manager or his delegate shall inspect the facilities wherein the animals or fowl are to be kept. If the premises are in compliance with the ordinance, the City Manager or his delegate shall issue a permit which shall be valid for a period of one year from the date of the inspection.

(4) Variances

- (a) Variances to the terms of this ordinance may be granted by the Zoning Board of Adjustment. In the event of a request for variance, the City Manager or his delegate shall prepare an opinion as to whether the same is in compliance with the regulations and submit it to the board for its consideration. Prior to review by the board, the City Manager or his delegate shall notify in writing, by U.S. Mail, all property owners within two hundred feet (200') of the applicant's property.
- (b) The Zoning Board of Adjustment shall hold a hearing and provide all interested persons an opportunity to appear and present evidence. Upon the close of the hearing, the Zoning Board of Adjustment shall issue an order granting or denying the permit.
- (c) The Zoning Board of Adjustment, when so requested and after a hearing, may vary the application of any provision of this ordinance to any particular case when, in its opinion, the enforcement thereof would do manifest injustice and would be contrary to the spirit and purpose of this ordinance or the public interest, and also finds all of the following:

- (i) Special conditions and circumstances exist that are peculiar and are
 - (ii) Special conditions and circumstances that result from the action of the applicant;
 - (iii) Granting the variance requested will not confer on the applicant any special privilege that is denied by this ordinance;
 - (iv) Granting of the variance will be in the harmony with the general intent and purpose of this ordinance and will not be detrimental to the public health, safety and general welfare.
- (d) In granting the variance, the Board may prescribe a reasonable time limit within which the action for which the variance is required shall be commenced and/or completed. In addition, the Board may prescribe appropriate conditions and safeguards in conforming with this ordinance. Violations of the conditions of the variance shall be deemed a violation of this ordinance.

(5) Permit Renewals

A permit shall be valid for one (1) year from the date of issuance. The same may be renewed by the filing of a renewal application from the City Manager or his delegate on a form provided by him for that purpose and the payment of a renewal application fee in the amount set by resolution from time to time.

(6) Permit Violations; Hearings by City Judge

The City Manager or his delegate may make periodic inspections at the permitted premises. As a condition of this permit, the permittee shall allow the City Manager or his delegate onto the premises for the purpose of inspection during normal business hours. Permittee shall pay a re-inspection fee, as set by resolution from time to time, whether the inspection is an annual permit renewal inspection or an unannounced inspection to ascertain whether the regulations as hereinbefore provided are being observed. If the City Manager or his delegate finds that the aforesaid regulations are violated, he may issue a citation for the permittee or applicant to appear in Municipal Court before the judge to answer such charges. If, after a hearing, the judge finds the aforesaid regulations have been violated, it shall then order the permit cancelled.

(7) Exemptions from Permit Fee

Youth programs shall be exempt from the permit fee.

C. PENALTY FOR VIOLATIONS

Violations of this section of the ordinance shall be punished in accordance with Chapter 1, Section 5 of this Code of Ordinances.

(Ordinance No. 1970 of August 27, 1992)

SECTION 4: VICIOUS ANIMALS

A. DEFINITIONS

- (1) "Animal" shall mean any and all types of animals, both domesticated and wild, male or female, singular and plural, warm or cold-blooded.
- (2) "Guard Dogs" shall mean any of the domesticated forms of the species Canidae Canis familiaris maintained within secured designated premises for the purposes of protecting life and property.

(Ordinance No. 1970 of August 27, 1992)

- (3) "Vicious Animals" shall mean:
- (a) any animal that without clear provocation bites or attacks or in a vicious or terrorizing manner approaches in an apparent attitude of attack whether or not the attack is consummated or capable of being consummated;
 - (b) any animal which because of its vicious propensity is capable of inflicting serious physical harm or death to a human and which would constitute a danger to human life or property;
 - (c) any animal which has previously attacked or bitten a human being other than the type of circumstances that would be justifiable under Section D of this ordinance;
 - (d) any animal which has behaved in such a manner that the owner thereof knows or should reasonably know that the animal is possessed of tendencies to attack or bite human beings other than the type which would be justified under Section D of this ordinance.

(Ordinance No. 1706 of May 14, 1987)

- (4) "Wild Animals" shall mean all undomesticated animals including, but not limited to, any form of lions, tigers, bears, wolves, apes, foxes, baboons, and all forms of poisonous reptiles, skunks, and squirrels.

(Ordinance No. 1970 of August 27, 1992)

B. PROHIBITIONS

- (1) It shall be unlawful for any person to keep or harbor a vicious animal.
- (2) It shall be unlawful for any person to leave any guard dog unattended in any place, in or out of any building, unless a warning sign has been placed in a clearly visible location at the premises located so that it can be seen by any person before entering the place to which the dog has access, warning that a guard dog is present. No guard dog shall be left unattended in any place, except inside a building or other structure, that will not allow the dog to exit such building on its own volition. No guard dog shall be let out of doors unless it is in a fenced yard with a fence adequate to prevent the dog from leaving the premises.

(Ordinance No. 1706 of May 14, 1987)

C. PROCEEDINGS

- (1) Any animal not in compliance herewith may be taken into custody by the Animal Control Authority or member of the Police Department and impounded in the animal shelter in a humane manner for a period of not less than three days, upon payment of all requisite fees, and unless a complaint has been filed in the Municipal Court pursuant to Section C. In the event that there has been human injury no animal may be released until there is a final court order with regard to the viciousness of the animal. The owner shall be responsible for all impoundment fees in the event that the animal is determined to be vicious. No wild animal will be returned within the City limits.
- (2) Court proceedings against animal owner. If an animal is impounded, the Animal Control Authority or member of the Police Department, or a complaining citizen may institute proceedings in the Municipal Court on behalf of the City against an animal owner, if known, charging the owner with violation of this ordinance.
 - (a) Nothing herein shall be construed as preventing the Animal Control Authority, a member of the Police Department, or a complaining citizen from

instituting a proceeding in the Municipal Court for violation of this section where there has been no impoundment.

- (b) When an animal is in violation of this section, and its ownership is known to the Animal Control Authority or police officer investigating, such animal need not be impounded if no human injury has occurred, but such authority may issue a complaint and the court may summons the owner to appear in Municipal Court to answer charges of violation of this ordinance. This provision shall not apply where the animal has caused an injury."

(Ordinance No. 1970 of August 27, 1992)

- (3) Court findings; release of animal under this section. If a complaint has been filed in the Municipal Court against the owner of the animal impounded for violation of this section, whether filed by a complaining citizen or by the Animal Control Authority or member of the Police Department, the animal shall not be released from impoundment or disposed of except on the order of the Municipal Judge, who may also direct the owner to pay all impoundment fees, boarding fees, and treatment charges in addition to any penalties for violation of this section.
 - (i) Surrender of any animal by the owner thereof to the Animal Control Authority shall not relieve or render the owner immune from the decision of the Court or from the fees and fines that may result from a violation of this ordinance.
 - (ii) The Municipal Judge may upon making a finding that such animal is vicious, pursuant hereto, order the animal to be destroyed in a humane manner under the supervision of the Animal Control Authority.

D. DEFENSES

It is a defense to prosecution that an animal which has attacked, bitten, or taken an apparent attitude of attack did so when it was not unreasonable to conclude that it, the animal, was acting in defense of itself, a third person, or property.

(Ordinance No. 1706 of May 14, 1987)

E. PENALTY FOR VIOLATIONS

Violations of this section of the ordinance shall be punished in accordance with Chapter 1, Section 5 of this Code of Ordinances.

(Ordinance No. 1970 of August 27, 1992)