



**Mayor**  
Ben White  
**Mayor Pro Tem**  
Lynn McIlhaney  
**City Manager**  
Glenn Brown

**Councilmembers**  
John Crompton  
James Massey  
Dennis Maloney  
Lawrence Stewart  
David Ruesink

**Agenda**  
**College Station City Council**  
**Regular Meeting**  
**Thursday, October 09, 2008 at 7:00 PM**  
**City Hall Council Chamber, 1101 Texas Avenue**  
**College Station, Texas**

1. Pledge of Allegiance, Invocation, Consider absence request.  
Introduction of Youth Advisory Council Members

Hear Visitors: A citizen may address the City Council on any item which does not appear on the posted Agenda. Registration forms are available in the lobby and at the desk of the City Secretary. This form should be completed and delivered to the City Secretary by 6:30 pm. Please limit remarks to three minutes. A timer alarm will sound after 2 1/2 minutes to signal thirty seconds remaining to conclude your remarks. The City Council will receive the information, ask staff to look into the matter, or place the issue on a future agenda. Topics of operational concerns shall be directed to the City Manager.

ON BEHALF OF THE CITIZENS OF COLLEGE STATION, HOME OF TEXAS A&M UNIVERSITY, WE WILL CONTINUE TO PROMOTE AND ADVANCE THE COMMUNITY'S QUALITY OF LIFE.

### **Consent Agenda**

Individuals who wish to address the City Council on a consent or regular agenda item not posted as a public hearing shall register with the City Secretary prior to the Mayor's reading of the agenda item. Registration forms are available in the lobby and at the desk of the City Secretary. The Mayor will recognize individuals who wish to come forward to speak for or against the item. The speaker will state their name and address for the record and allowed three minutes. A timer will sound at 2 1/2 minutes to signal thirty seconds remaining for remarks.

2. Presentation, possible action and discussion of consent agenda items which consists of ministerial or "housekeeping" items required by law. Items may be removed from the consent agenda by majority vote of the Council.

- a. Presentation, possible action, and discussion of minutes for September 25, 2008.

- b. Presentation, possible action and discussion of policy renewal for Excess Liability and Workers Compensation to Star National Insurance Company for \$276,264; policy renewal for

Property/Boiler & Machinery to Affiliated FM for \$93,870; policy renewal for Crime coverage to Federal Insurance Company for \$4,522; and policy renewal for EMT Liability to Western World Insurance Company for \$5,077.64.

c. Presentation, possible action, and discussion regarding approval of a Resolution that will authorize City staff to negotiate for the purchase of easements needed for the Westminster Sewer Barron Road Water Service Extension Project.

d. Presentation, possible action, and discussion regarding approval of two Resolutions that will authorize the City Attorney to condemn easements needed for the Parallel Wellfield Collection Line Project and the Water Production Project.

e. Presentation, possible action, and discussion to approve Contract #08-245 to KEMA Inc. for \$163,620.00 for consultation services in setting up an electric compliance program.

f. Presentation, possible action, and discussion regarding adoption of a resolution to award Contract 08-285 to Brazos Valley Services in the amount of \$1,087,305.26 for the construction of Well #7 Collection Line.

g. Discussion and possible action on a rate resolution setting landfill special waste rates for the Brazos Valley Solid Waste Management Agency.

h. Presentation, possible action and discussion on approving the budget of the Brazos Valley Convention and Visitors Bureau (CVB); and presentation, possible action and discussion on a funding agreement between the City of College Station and the Brazos Valley Convention and Visitors Bureau for FY09 in the amount of \$1,160,000.

i. Presentation, possible action and discussion on a funding agreement between the City of College Station and the Research Valley Partnership for FY09 in the amount of \$343,287.

j. Presentation, possible action and discussion on approving the budget of the Arts Council of Brazos Valley; and presentation, possible action and discussion on three (3) funding agreements between the City of College Station and the Arts Council of Brazos Valley for FY09 totaling \$440,000.

k. Presentation, possible action, and discussion on the City's health plan renewal expenditures for the period of January 1, 2009 through December 31, 2009. The projected amount is \$ 5,904,750.

### **Regular Agenda**

Individuals who wish to address the City Council **on a regular agenda item not posted as a public hearing** shall register with the City Secretary prior to the Mayor's reading of the agenda item. The Mayor will recognize you to come forward to speak for or against the item. The speaker will state their name and address for the record and allowed three minutes. A timer will sound at 2 1/2 minutes to signal thirty seconds remaining for remarks.

Individuals who wish to address the City Council on an item **posted as a public hearing** shall register with the City Secretary prior to the Mayor's announcement to open the public hearing. The Mayor

will recognize individuals who wish to come forward to speak for or against the item. The speaker will state their name and address for the record and allowed three minutes. A timer alarm will sound at 2 1/2 minutes to signal thirty seconds remaining to conclude remarks. After a public hearing is closed, there shall be no additional public comments. If Council needs additional information from the general public, some limited comments may be allowed at the discretion of the Mayor.

If an individual does not wish to address the City Council, but still wishes to be recorded in the official minutes as being in support or opposition to an agenda item, the individual may complete the registration form provided in the lobby by providing the name, address, and comments about a city related subject. These comments will be referred to the City Council and City Manager.

1. Public hearing, presentation, possible action, and discussion on an ordinance rezoning 0.48 acres from C-2 Commercial Industrial and R-6 High Density Multi-Family to C-1 General Commercial for the properties located at 104, 106 and 108 Poplar Street, and generally located along the south side of Poplar Street, east of its intersection with Texas Avenue.
2. Public hearing, presentation, possible action, and discussion regarding a rezoning of 14.19 acres from A-O, Agricultural-Open, to approximately 3.76 acres of C-1 General Commercial and 10.44 acres of R-1 Single Family Residential located at 4270 State Highway 6 South, generally located north of the Spring Creek Gardens Subdivision. Case #08-500152 (LH).
3. Presentation, possible action, and discussion of designating three Council members to serve on the Joint City/CSISD Committee. .
4. Adjourn.

If litigation issues arise to the posted subject matter of this Council Meeting an executive session will be held.

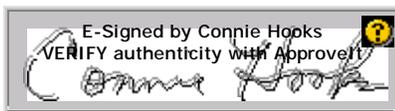
APPROVED:

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City Manager

Notice is hereby given that a Regular Meeting of the City Council of the City of College Station, Texas will be held on the Thursday, October 09, 2008 at 7:00 PM at the City Hall Council Chambers, 1101 Texas Avenue, College Station, Texas. The following subjects will be discussed, to wit: See Agenda.

Posted this 6<sup>th</sup> day of October, 2008 at 2:00 pm



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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](http://www.cstx.gov) . The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on October 6, 2008 at 2:00 pm and remained so posted continuously for at least 72 hours preceding the scheduled time of said meeting.

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

Dated this \_\_\_\_ day of \_\_\_\_\_, 2008 By \_\_\_\_\_

Subscribed and sworn to before me on this the \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Notary Public – Brazos County, Texas      My commission expires: \_\_\_\_\_

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

**October 9, 2008**  
**Consent Agenda Item 2b**  
**Excess Liability/Workers Compensation Coverage and Property, Boiler & Machinery, Mobile Equipment, Crime and EMT.**

**To:** Glenn Brown, City Manager

**From:** Kathy Merrill, Assistant City Manager/Interim Human Resources Director

**Agenda Caption:** Presentation, possible action and discussion of policy renewal for Excess Liability and Workers Compensation to Star National Insurance Company for \$276,264; policy renewal for Property/Boiler & Machinery to Affiliated FM for \$93,870; policy renewal for Crime coverage to Federal Insurance Company for \$4,522; and policy renewal for EMT Liability to Western World Insurance Company for \$5,077.64.

**Recommendation(s):** Staff recommends approval of each of these policy renewals.

**Summary:** The City of College Station requested our Broker, McGriff Seibels & Williams of Texas, Inc. to obtain renewal quotes from our present insurance carriers. The renewal quotes obtained are for the same coverage as in the prior fiscal year. This renewal is effective October 1, 2008.

Excess Liability & Workers Compensation insurance covers Auto liability, General liability, Directors and Officials, Law Enforcement liability, Employment Practices liability and Worker's Compensation claims. Property, Boiler & Machinery insurance covers Buildings, Contents, Fine Arts, Valuable Papers & Records, Extra Expense and Motor Vehicle Coverage including Mobile Equipment. Crime insurance covers Employee Theft coverage, Premises Coverage, Transit coverage, Depositors Forgery coverage and Computer Theft & Fund Transfer Fraud. EMT Liability covers bodily injury, property damage, or personal injury arising out of a "Professional Incident".

**Budget & Financial Summary:** Funds are available in the FY 09 budget in the Property Casualty Fund and Workers Compensation Fund for these expenditures. The Excess Liability and Worker's Compensation policy renewal represents an increase of 5.7% over last year's premium. This increase is due primarily to increases in payroll. The Property, Boiler, & Machinery represents a 1.8% decrease over last year, while our insured values increased by approximately \$15 million. There are no changes on the Crime or EMT Liability policy renewals.

**Attachments:**

Letter from Broker with recommendations.



**MCGRIFF. SEIBELS & WILLIAMS OF TEXAS. INC.**

5949 Sherry Lane, Suite 1300 • Dallas, TX 75225 • TEL – (469) 232-2100 • FAX – (469) 232-2101

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September 26, 2008

Mr. Ernie Pyle  
Risk Manager  
City of College Station  
1101 Texas Ave.  
College Station, TX 77840

Re: Renewal Recommendation  
October 1, 2008

Dear Ernie:

In previous correspondence, we have sent you the City's renewal quotes for the Property/Boiler & Machinery, Crime Coverage, Excess Liability and Workers' Compensation and EMT Liability Insurance. Our recommendation for your renewal is as follows:

- Property/Boiler & Machinery Insurance - \$93,870 Premium with Affiliated FM
- Crime Coverage - \$4,522 Premium with Federal Insurance Company
- Excess Liability and Workers' Compensation Coverage - \$276,264 Premium with Star National Insurance Company
- EMT Liability - \$5,077.64 with Western World Insurance Company

These premiums are an increase of 3.63% over the expiring insurance costs. The Property/Boiler & Machinery premium dropped slightly due to a 10.6% rate decrease offset by a 10.12% increase in values. This increase in premium is not due to rate increases, rather, it is because the City has a 15.75% increase in payroll which is what the Excess Liability/Workers Compensation policy is rated on. We negotiated this increase down to an overall increase of 5.75% for the coverage renewal.

Please review this information and let us know if you have any questions. We look forward to continuing our relationship with the City of College Station. Thank you.

Sincerely,

Johnny Fontenot, CPCU, ARM, AIC  
Senior Vice President

tkh/JF

**October 9, 2008**  
**Consent Agenda 2c**  
**Resolution Determining Need (Easement Acquisition)**  
**Westminster Sewer / Barron Road Water Service Extension Project**

**To:** Glenn Brown, City Manager

**From:** Chuck Gilman, Director of Capital Projects

**Agenda Caption:** Presentation, possible action, and discussion regarding approval of a Resolution that will authorize City staff to negotiate for the purchase of easements needed for the Westminster Sewer / Barron Road Water Service Extension Project.

**Recommendation(s):** Staff recommends approval of the Resolution.

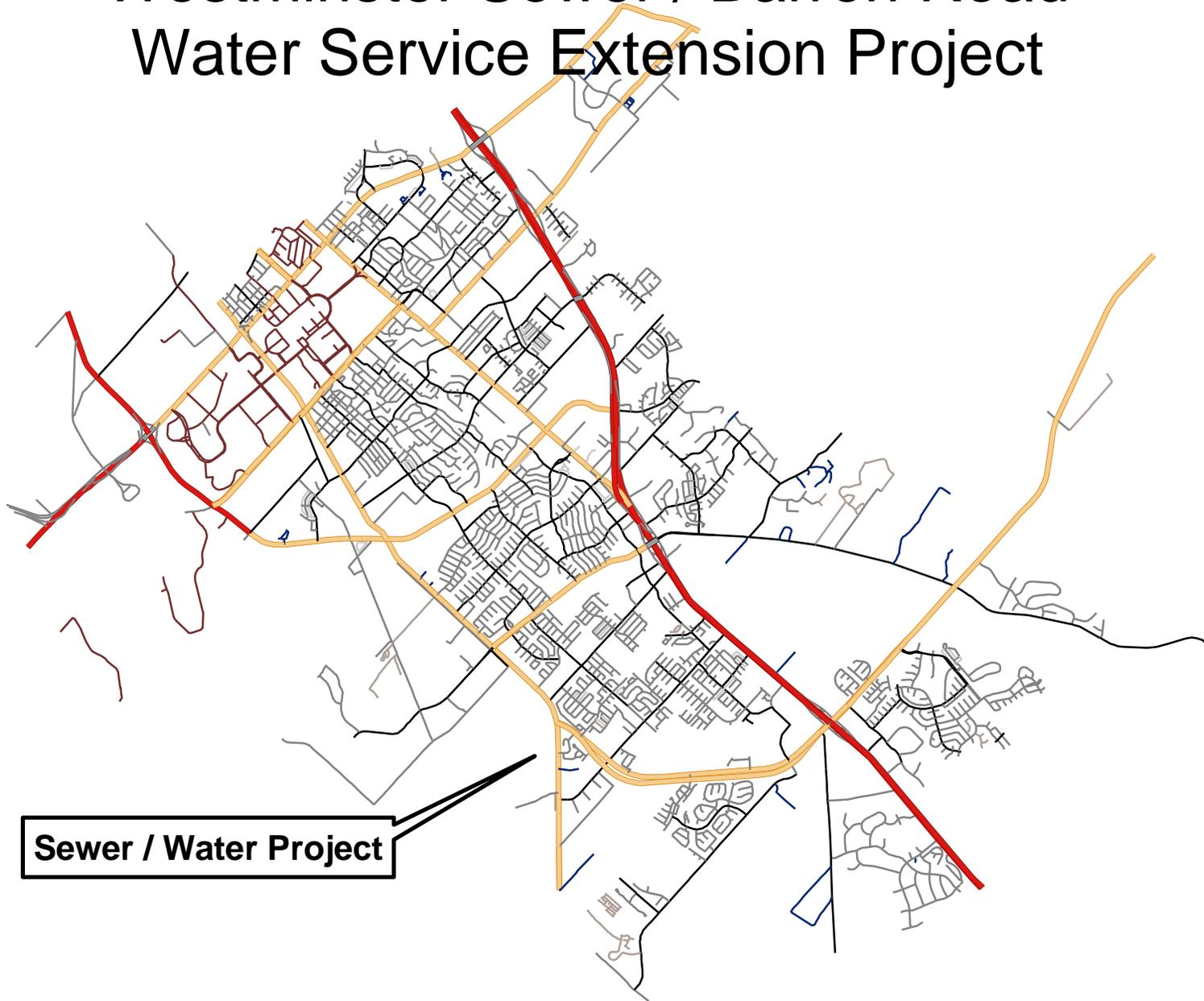
**Summary:** The Westminster Sewer / Barron Road Water Service Extension Project is needed to serve neighborhoods on the southern side of College Station that were annexed in 1995. Much of the area along Wellborn Road, south of WD Fitch Parkway (SH 40), is served by Wellborn Water SUD and on site sewerage facilities. Proposed development in the area will require higher capacities of water and sewer service.

Authorization of the attached resolution will enable staff to proceed with negotiations for the twenty foot (20') wide permanent public utility easements and the thirty foot (30') wide temporary construction easements along the east side of Wellborn Road.

**Budget & Financial Summary:** Funds for the Barron Road Water Services Extension portion of this project are budgeted and available in the Water Capital Improvement Projects Fund. Funds for the Westminster Sewer Extension portion of this project were not included in the FY09 CIP budget. Funds for land acquisition and design will be transferred from the West Park Sewer project. The West Park Sewer project is now complete and came in under budget. These funds are budgeted and available in the Wastewater Capital Improvement Projects Fund.

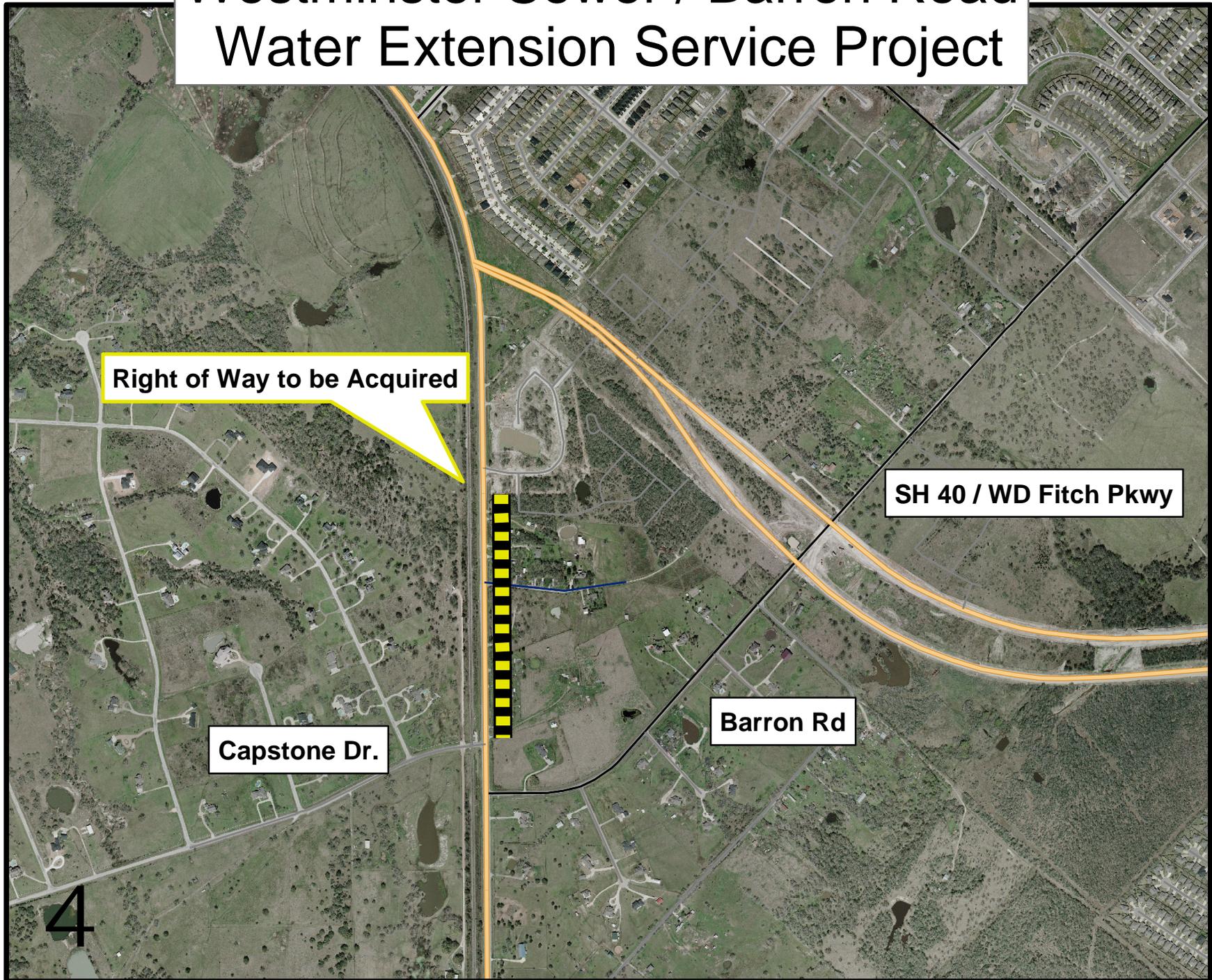
**Attachments:** Project Maps (2)  
Resolution Determining Need  
Exhibit "A" on file in City Secretary office

# Westminster Sewer / Barron Road Water Service Extension Project



4

# Westminster Sewer / Barron Road Water Extension Service Project



Right of Way to be Acquired

SH 40 / WD Fitch Pkwy

Capstone Dr.

Barron Rd

4

**RESOLUTION DETERMINING NEED**

RESOLUTION NO. \_\_\_\_\_

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, RELATING TO: (1) THE AUTHORITY OF THE CITY TO INITIATE, COMPLETE, AND ACQUIRE, BY PURCHASE OR CONDEMNATION, RIGHT-OF-WAY AND EASEMENT INTEREST IN CERTAIN PROPERTY FOR THE WESTMINSTER SEWER / BARRON ROAD WATER SERVICE EXTENSION PROJECT; (2) A DECLARATION THAT PUBLIC NECESSITY EXISTS FOR THE CITY TO ACQUIRE SUCH INTEREST, THROUGH PURCHASE OR CONDEMNATION; AND (3) ESTABLISHING PROCEDURES FOR THE ACQUISITION OF SUCH INTEREST IN THE PROPERTY.

WHEREAS, the City of College Station, Texas (“City”) is a home rule municipality duly incorporated and chartered under the Constitution and laws of Texas; and

WHEREAS, the City owns, operates, constructs, re-constructs, repairs and maintains a city water / wastewater system as a public service; and

WHEREAS, the City’s ownership, operation, construction, re-construction, repair, and maintenance of the city water / wastewater system is a benefit to the public; and

WHEREAS, the City, through a condemnation proceeding, may exercise the power of eminent domain to acquire property in order to carry out the ownership, operation, construction, re-construction, repair, and maintenance of its water / wastewater system pursuant to Chapter 251 of the Texas Local Government Code, Chapter 21 of the Texas Property Code, and Article II of the City’s Charter; and

WHEREAS, the City is engaged in the following project regarding improvements to the Westminster Sewer / Barron Road Water Service Extension Project, including ownership, operation, construction, re-construction, repair, and maintenance of the water / wastewater system and installation of other public utilities, (the “Project”); and

WHEREAS, the City determines that the best interests and needs of the public, including the health, safety and welfare of the public, require that the City carry out the Project, through the City’s acquisition, by purchase or condemnation proceeding, of the right-of-way and easements as provided in Exhibits A, attached hereto and incorporated herein by reference for all purposes (the “Right-of-Way and Easements”); now, therefore;

BE IT RESOLVED by the City Council of the City of College Station, Texas:

- PART 1: That the City Council of the City of College Station, Texas, hereby officially determines that there is a public necessity for the Right-of-Way and Easements, and the public welfare and convenience will be served by the acquisition of the Right-of-Way and Easements.
- PART 2: That the City Manager is hereby authorized to contract, on behalf of the City of College Station, with a professional appraiser for the appraisal services, with a professional real estate agent to act as a Land Agent for the City and with attorneys for preparation of title opinions needed by the City from time to time in connection with acquisition of the Right-of-Way and Easements.
- PART 3: That the City's Land Agent or other staff appraiser is hereby authorized and directed to examine the independent appraisal reports as they are submitted to the City to determine whether said appraisal reports are supported by sufficient data. Based upon such examination of said appraisal reports, the Land Agent or other staff appraiser shall make a recommendation to the City Manager as to the establishment and approval of the amount of the just compensation for the Right-of-Way and Easements.
- PART 4: After consideration of said recommendation, the City Manager shall establish and approve the amount determined for acquisition of the Right-of-Way and Easements.
- PART 5: Upon establishment and approval by the City Manager of the amount of just compensation for the acquisition of the Right-of-Way and Easements, the City's Land Agent or other staff appraiser is authorized to communicate a written offer to the property owners for the acquisition of such interest at the full amount determined and established to be just compensation therefore and to negotiate with said owners on behalf of the City.
- PART 6: That the Mayor after approval by City Council, or the City Manager as delegated, is hereby authorized to execute all documents necessary to acquire said Right-of-Way and Easements for the Project, on behalf of the City of College Station.
- PART 7: That, if necessary, and should a property owner fail to accept a bona fide, good faith offer from the City to purchase the required Right-of-Way and Easements, City representatives shall have the authority to initiate and complete condemnation proceedings against said owner, in order to

acquire through condemnation all required property interests and title regarding such property.

PART 8: That the City Manager be and is hereby authorized to sell any such surplus improvements, or order the demolition thereof, if any, located on the real property acquired in connection with this Project.

PART 9: That this resolution shall take effect immediately from and after its passage.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2008.

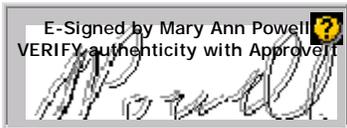
ATTEST:

APPROVED:

\_\_\_\_\_  
City Secretary

\_\_\_\_\_  
Mayor

APPROVED:



\_\_\_\_\_  
City Attorney

**EXHIBIT “A” to RESOLUTION DETERMINING NEED**

**Permanent Public Utility Easements – Twenty Feet (20’) in Width**

<b>TractNo.</b>	<b>Tract Name</b>	<b>Property Owner (current or former)</b>
Tract 1	Maines and Aschton Tract	Maines, Jason Bradford & Stacy Diane Aschton
Tract 2	Clendon E. Adams Tract	Adams, Clendon E.
Tract 3	Betty Albright Batchelor Tract	Batchelor, Betty Albright
Tract 4	Krenek and Riley Tract	Krenek, Stanley & B M Riley
Tract 5	Stanley J. Krenek Tract	Stanley J. Krenek
Tract 6	Norton Lane Tract	Dale, Christopher, et al
Tract 7	Ricks Tract	Brazos Valley Church of Christ
Tract 8	Irene Casimiro Tract	Casimiro, Irene
Tract 9	McGill Tract	McGill, Robert C.
Tract 10	Rocha Tract	Breckenridge Group IV, LP
Tract 11	Park and Youm Tract	Park, Jehoon & Monique Youm

All of the above mentioned Permanent Public Utility Easements are more particularly described by field notes and plat, attached hereto and incorporated herein.

**Temporary Construction Easements – Thirty Feet (30’) in Width**

Being a thirty foot (30’) wide strip of easements extending along and adjoining the east side of each and every above mentioned Permanent Public Utility Easement.

**October 9, 2008  
Consent Agenda Item 2d  
Resolutions to Condemn  
Parallel Wellfield Collection Line and Well 1 Sanitary Control Project**

**To:** Glenn Brown, City Manager

**From:** Chuck Gilman, Director of Capital Projects

**Agenda Caption:** Presentation, possible action, and discussion regarding approval of two Resolutions that will authorize the City Attorney to condemn easements needed for the Parallel Wellfield Collection Line Project and the Water Production Project.

**Recommendation(s):** Staff recommends approval of both Resolutions.

**Summary:** On June 14, 2007, Council authorized staff to negotiate for the purchase of easements and rights of way needed for the Parallel Wellfield Collection Line project. The project is required to move water from the wells in northwest of Bryan to the Sandy Point Pump Station. The existing single line is at capacity and creates back pressure that reduces pumping efficiency. Staff has been able to purchase all of the easements except for the permanent public utility easement and the temporary construction easement located upon land owned by D'Anne R. Johnson and Richard T. Britten.

Staff has also purchased several Sanitary Control Easements for the Well 1 Sanitary Control Project in order to protect water wells from contamination. These easements are required by TCEQ for public water wells. It prohibits certain activities near the well head such as feed lots, sewer systems, and other sources of contamination. Staff has been unable to purchase two Sanitary Control Easements – one from the previously mentioned landowners and another from Pearl G. Britten, Individually, and Richard T. Britten and Randall D. Britten as Co-Trustees of the Walter S. Britten Testamentary Trust.

Although staff has negotiated in good faith with all of the property owners, the City and owners have been unable to agree upon just compensation for the easements. Approval of both resolutions will authorize the City Attorney to acquire the property through condemnation.

**Budget & Financial Summary:** Funds for this project are budgeted in the Water Capital Improvement Projects Fund as part of the Parallel Wellfield Collection Line project.

**Attachments: Project Map**  
Resolution and Exhibits Parallel Wellfield Collection Line  
Resolution and Exhibits Water Production Project



**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS RELATING TO: (1) THE AUTHORITY OF THE CITY TO INITIATE, COMPLETE, AND ACQUIRE BY CONDEMNATION AN EXCLUSIVE, PERMANENT PUBLIC UTILITY EASEMENT REGARDING 1.956 ACRES (85,221 SQUARE FEET) OF LAND MORE OR LESS, AND A RELATED TEMPORARY CONSTRUCTION EASEMENT REGARDING 1.956 ACRES (85,214 SQUARE FEET) OF LAND MORE OR LESS, IN BRAZOS COUNTY, TEXAS, A PART OF THE THOMAS WEBB SURVEY, ABSTRACT NO. 240; (2) A DECLARATION THAT A PUBLIC NECESSITY EXISTS FOR THE CITY TO ACQUIRE SAID EASEMENTS BY CONDEMNATION IN ORDER TO ACCOMPLISH AN AUTHORIZED AND DECLARED PUBLIC USE AND PURPOSE; (3) THE RATIFICATION OF ALL PRIOR CITY ACTS AND RESOLUTIONS; AND (4) THE ESTABLISHMENT OF AN EFFECTIVE DATE AND COMPLIANCE WITH THE OPEN MEETING STATUTES.

**WHEREAS**, the City of College Station, Texas (“City”) is a home rule municipality which is duly incorporated and chartered under the constitution and laws of Texas; and

**WHEREAS**, the City owns, operates, constructs, repairs, and maintains a municipal water utility system (“water utility system”) as a public service, in order to provide water service to the public and the City, now and in the future; and

**WHEREAS**, the City’s ownership, operation, construction, repair, and maintenance of the water utility system is a benefit to the public, because the system currently provides, and will provide in the future, an important source of water to the public and the City. Therefore, the water utility system, including the City’s ownership, operation, construction, repair, and maintenance of the system, now and in the future, are hereby declared to be worthwhile public uses and purposes; and

**WHEREAS**, the City, through a condemnation proceeding, may exercise the power of eminent domain to acquire property, inside or outside the municipality, in order to efficiently carry out the ownership, operation, construction, repair, and maintenance of its water utility system pursuant to the following, non-exclusive authority, the contents of which are incorporated by reference: Chapters 251 and 402 of the Texas Local Government Code; Chapter 21 of the Texas Property Code; and articles I and II of the City Charter; and

**WHEREAS**, the City is engaged in the following project regarding the improvement and expansion of its water utility system: the Parallel Wellfield Collection Line Project also referred to as the Water Project (“project”). This project will benefit the public and the City because its completion and operation will enhance and improve the source, collection, transmission and distribution of water available to the community at large. Therefore, this project, which includes the acquisition of the easements herein described, is hereby declared to be a worthwhile public use and purpose; and

**WHEREAS**, the City determines that the best interests and needs of the public, including the health, safety, and welfare of the public, require that the City's water utility system should be improved and expanded through the City's acquisition, by a condemnation proceeding, of the following easements: (a) an exclusive, permanent public utility easement and right of way ("permanent public utility easement") regarding the project, on, in, over, along, under, across, and through a certain tract or parcel of land, being and situated in Brazos County, Texas, containing 1.956 acres (85,221 square feet) more or less, a part of the Thomas Webb Survey, Abstract No. 240, and for the payment of reasonable, adequate, and just compensation by the City to the owner or owners thereof, as required by law, said property being more particularly described by metes and bounds and survey plat in Exhibit A, which is attached hereto and incorporated by reference; and (b) a related temporary construction easement ("temporary construction easement") regarding the project, on, in, over, along, under, across, and through a certain tract or parcel of land, being and situated in Brazos County, Texas, containing 1.956 acres (85,214 square feet) more or less, a part of the Thomas Webb Survey, Abstract No. 240, and for the payment of reasonable, adequate, and just compensation by the City to the owner or owners thereof, as required by law, said property being more particularly described by metes and bounds and survey plat in Exhibit B, which is attached hereto and incorporated by reference; and (c) said permanent utility easement and temporary construction easement being hereafter referred to as the subject property unless otherwise designated; and

**WHEREAS**, pursuant the authority stated herein, the City intends and seeks to acquire the aforementioned easements regarding the subject property for the following, declared public uses and purposes regarding the project: (a) the construction, installation, inspection, placement and removal of water lines, water pipelines, and related water utility infrastructure, facilities, and improvements by the City, on, in, over, above, along, under, across, and through said property, in order to improve, expand, and maintain the source, collection, transmission and distribution of water within the City's water utility system, now and in the future, for the benefit of the public and the City, as described herein; and (b) the permanent ownership, operation, construction, repair, inspection, placement, removal, and maintenance of the water utility system at the location of said permanent utility easement on the subject property, including all utility infrastructure, facilities, or improvements placed on, in, over, above, along, under, across, and through said property, in order to improve, expand, and maintain the source, collection, transmission and distribution of water within the City's water utility system, now and in the future, for the benefit of the public and the City, as described herein; and

**WHEREAS**, pursuant to the project, a public necessity exists for the City to acquire by condemnation proceeding the permanent public utility easement and the temporary construction easement regarding the subject property for the public uses and purposes described herein, and

**WHEREAS**, pursuant to the project, the City's acquisition of the permanent public utility easement and the temporary construction easement regarding the subject property by a condemnation proceeding is necessary to accomplish, achieve, and advance the public uses and purposes described herein; and

**WHEREAS**, upon acquisition of the permanent public utility easement, the City shall allow the owner of the subject property to use all or any part of the easement acquired for any purpose that does not damage, destroy, injure, or interfere with the City’s efficient, safe, or convenient use of the easement acquired, as described herein, including the specific use limitations of said owner as described herein; now, therefore,

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

PART 1: Singular nouns and pronouns shall include the plural, and the masculine gender shall include the feminine gender, where necessary for a correct meaning of this resolution.

PART 2: All prior resolutions or orders regarding the project, the permanent public utility easement, the temporary construction easement, and the subject property are hereby supplemented and incorporated by reference.

PART 3: All prior acts of the City, including the acts of its elected officials, officers, employees, agents, or attorneys, regarding the project, the permanent public utility easement, the temporary construction easement, and the subject property are hereby authorized, ratified, approved, confirmed, and validated.

PART 4: All statements made in the caption, preamble, preliminary recitals, and the documents attached to this resolution are true, correct, and incorporated by reference.

PART 5: The best interests and needs of the public, including the health, safety, and welfare of the public, pursuant to the utility project described above, require that the water utility system of the City be improved and expanded by the City’s acquisition of the permanent public utility easement and the temporary construction easement regarding the subject property, as described herein.

PART 6: The permanent public utility easement and the temporary construction easement regarding the subject property, pursuant to the project and as described herein, is sought and shall be acquired by the City for the following public uses and purposes:

- a. the construction, installation, inspection, placement and removal of water lines, water pipelines, and related water utility infrastructure, facilities, and improvements by the City, on, in, over, above, along, under, across, and through said property, including but not limited to water collection lines, transmission lines, connecting water pipelines, access facilities, attachment

structures and equipment, and communication lines specifically related thereto, in order to improve, expand, and maintain the source, collection, transmission, and distribution of water within the City's water utility system, now and in the future, for the benefit of the public and the City; and

- b. the permanent ownership, operation, construction, repair, inspection, placement, removal, and maintenance of the water utility system at the location of said permanent utility easement, including all utility infrastructure, facilities, or improvements placed on, in, over, above, along, under, across, and through said property, as described herein, in order to improve, expand, and maintain the source, collection, transmission, and distribution of water within the City's water utility system, now and in the future, for the benefit of the public and the City;
- c. any other public use and purpose described in this resolution.

PART 7: All public uses and purposes described in this resolution are hereby declared to be worthwhile, convenient, and necessary to justify and support the acquisition of the permanent public utility easement and the temporary construction easement by the City through a condemnation proceeding.

PART 8: Regarding the permanent public utility easement, temporary construction easement, and subject property described in this resolution, and pursuant to the project, the City hereby declares the following:

- a. The City made a bona fide, good faith offer to purchase said easements from the owner of the subject property. Said offer was rejected or not accepted by the owner. Thus, the City and said owner are unable to agree on the issue of damages or compensation. Therefore, a public necessity and convenience exists for the City to acquire said easements through a condemnation proceeding for the public uses and purposes stated in this resolution.
- b. The City's acquisition of said easements through a condemnation proceeding is necessary and convenient to accomplish, achieve, and advance the public uses and purposes stated in this resolution.

PART 9: Pursuant to the project, the City's elected officials, officers, employees, agents, representatives, and attorneys are hereby authorized to engage in the following conduct regarding the permanent public utility easement, the temporary construction easement, and the subject property:

- a. Said representatives shall have the authority to lay-out or map the exact location of the land needed regarding the subject property.
- b. Said representatives shall have the authority to hire, engage, or direct such City staff, engineers, surveyors, appraisers, title companies, architects, attorneys, or other persons or entities needed to effect: the mapping or design of the necessary utility infrastructure, facilities, or improvements on the subject property; the establishment and acquisition of the necessary title to the subject property; and the construction, operation, inspection, and maintenance of the necessary utility infrastructure, facilities, or improvements on the subject property.
- c. Said representatives shall have the authority, with the consent of the property owner or through a court order, to enter upon the subject property for the purpose of: surveying and establishing title; determining reasonable, adequate, and just compensation; conducting tests; or negotiating with the owner for the purchase of the required property interests.
- d. Said representatives shall have the authority, after determining reasonable, adequate, and just compensation for said easements, to negotiate with the property owner for the purpose of acquiring for the City the required property interests by purchase.
- e. Said representatives shall have the authority to initiate and complete condemnation proceedings against said owner, in order to acquire through condemnation all required property interests and title regarding the subject property.
- f. Said representatives shall have the authority to initiate and complete all other actions deemed necessary and appropriate to effect the accomplishment of the public uses and purposes described herein.

PART 10: Upon acquisition of the permanent public utility easement, the City shall allow the owner of the subject property to use all or any part of the easement acquired for any purpose that does not damage, destroy, injure, or interfere with the City's efficient, safe, or convenient use of the easement acquired; however: (a) said owner shall not be allowed to lay-out, dedicate, construct, maintain, or use any house, structure, or reservoir, or to permit same to be accomplished, on, over, under, through or within said easement except as provided herein; but (b) said owner shall be allowed to lay-out, dedicate, construct, maintain, or use roads, streets, alleys, and driveways, on, over, or within said easement, provided that

said use does not change the grade over the land of said easement without the prior written consent of the City.

PART 11: Upon acquisition of the temporary construction easement, said easement shall exist only for such period of time as is required for the construction, installation, completion, and inspection of all utility infrastructure, facilities, or improvements placed on, in, over, above, along, under, across, and through the subject property, as described herein, after which time said temporary construction easement shall cease to operate or be effective.

PART 12: This resolution and order shall take effect immediately from and after its passage.

PART 13: This resolution was considered and passed at a meeting held in compliance with Chapter 551 of the Texas Government Code, the Texas Open Meetings Act.

ADOPTED this \_\_\_\_\_ day of October, A.D. 2008.

ATTEST:

APPROVED:

\_\_\_\_\_  
City Secretary

\_\_\_\_\_  
Mayor

APPROVED:



\_\_\_\_\_  
City Attorney

Resolution No. \_\_\_\_\_

**Exhibit "A" - Proposed Permanent Public Utility Easement**

**and**

**Exhibit "B" – Proposed Temporary Construction Easement**



## LANDTECH CONSULTANTS, INC.

Civil Engineering • Land Surveying

Parcel No. 8  
Rev. June 26, 2008  
Page 1 of 2

June 26, 2008

BEING A 1.956 ACRE (85,221 SQUARE FOOT) TRACT OF LAND IN THE THOMAS WEBB SURVEY, ABSTRACT NUMBER 240 AND BEING A PORTION OF A CALLED 165.00 ACRE TRACT OF LAND DESCRIBED IN A DEED TO D'ANNE R. JOHNSON RECORDED IN VOLUME 1306, PAGE 259 OF THE BRAZOS COUNTY DEED RECORDS, SAID 1.956 ACRE (85,221 SQUARE FOOT) TRACT OF LAND BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (Bearing orientation is based on the Texas State Plane Coordinate System, Central Zone, North American Datum of 1983.)

**COMMENCING** at a TxDOT concrete monument found for the northwest corner of said 165.00 acre tract and being at the intersection of the southeast right-of-way line of Britten Road (variable width, as occupied, no deed found) and the southerly right-of-way line of Sandy Point Road (FM 1687) (80 feet wide) as defined per Texas Highway Department (TxDOT) plans dated March 7, 1952, CSJ Number 1560-1-2;

**THENCE**, South 42° 04' 28" West, along the common line between said 165.00 acre tract and said Britten Road, a distance of 34.46 feet to the northwest corner and **POINT OF BEGINNING** of the herein described tract;

**THENCE**, South 69° 11' 29" East, a distance of 555.15 feet to an angle point;

**THENCE**, South 69° 02' 30" East, a distance of 348.94 feet to an angle point;

**THENCE**, South 69° 52' 09" East, a distance of 367.37 feet to an angle point;

**THENCE**, North 65° 06' 00" East, a distance of 64.49 feet to an angle point in the southerly right-of-way line of said Sandy Point Road (FM 1687);

**THENCE**, South 69° 54' 00" East, along the southerly right-of-way line of said Sandy Point Road (FM 1687), a distance of 1504.87 feet to point for the northeast corner of said 165.00 acre tract and the northwest corner of a called 9.15 acre tract of land described in a deed to Richard T. Britten recorded in Volume 283, Page 232 of the Brazos County Deed Records;

Landtech Consultants, Inc. Job No. 02-1-0186  
Drawing No. 0210186.dwg  
fn0210186Parcel8r1-Paul

**THENCE**, South 42° 22' 42" West, along the common line of said 165 acre tract and said 9.15 acre tract, a distance of 32.42 feet to a point for the southeast corner of the herein described tract;

**THENCE**, North 69° 54' 00" West, a distance of 1480.15 feet to an angle point;

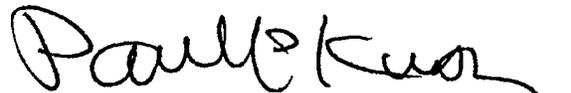
**THENCE**, South 65° 06' 00" West, a distance of 64.50 feet to an angle point;

**THENCE**, North 69° 52' 09" West, a distance of 380.03 feet to an angle point;

**THENCE**, North 69° 02' 30" West, a distance of 349.12 feet to an angle point;

**THENCE**, North 69° 11' 29" West, a distance of 566.78 feet to a point in the southeast right-of-way line of said Britten Road for the southwest corner of the herein described tract;

**THENCE**, North 42° 04' 28" East, along the southeast right-of-way line of said Britten Road and the west line of said 165.00 acre tract, a distance of 32.19 feet to the **POINT OF BEGINNING** and containing 1.956 acre (85,221 square feet) of land.



Paul P. Kwan  
Registered Professional Land Surveyor  
Texas Registration Number 4313  
June 26, 2008

A survey map was prepared in conjunction with this metes and bounds description.



## LANDTECH CONSULTANTS, INC.

Civil Engineering • Land Surveying

Parcel No. 8A

Page 1 of 2

June 26, 2008

BEING A 1.956 ACRE (85,214 SQUARE FOOT) TRACT OF LAND IN THE THOMAS WEBB SURVEY, ABSTRACT NUMBER 240 AND BEING A PORTION OF A CALLED 165.00 ACRE TRACT OF LAND DESCRIBED IN A DEED TO D'ANNE R. JOHNSON RECORDED IN VOLUME 1306, PAGE 259 OF THE BRAZOS COUNTY DEED RECORDS, SAID 1.956 ACRE (85,214 SQUARE FOOT) TRACT OF LAND BEING DESCRIBED BY METES AND BOUNDS AS FOLLOWS: (Bearing orientation is based on the Texas State Plane Coordinate System, Central Zone, North American Datum of 1983.)

**COMMENCING** at a TxDOT concrete monument found for the northwest corner of said 165.00 acre tract and being at the intersection of the southeast right-of-way line of Britten Road (variable width, as occupied, no deed found) and the southerly right-of-way line of Sandy Point Road (FM 1687) (80 feet wide) as defined per Texas Highway Department (TxDOT) plans dated March 7, 1952, CSJ Number 1560-1-2;

**THENCE**, South 42° 04' 28" West, along the common line between said 165.00 acre tract and said Britten Road, a distance of 66.65 feet to the northwest corner and **POINT OF BEGINNING** of the herein described tract;

**THENCE**, South 69° 11' 29" East, a distance of 566.78 feet to an angle point;

**THENCE**, South 69° 02' 30" East, a distance of 349.12 feet to an angle point;

**THENCE**, South 69° 52' 09" East, a distance of 380.03 feet to an angle point;

**THENCE**, North 65° 06' 00" East, a distance of 64.50 feet to an angle point;

**THENCE**, South 69° 54' 00" East, a distance of 1,480.15 feet to point in the common line of said 165.00 acre tract and a called 9.15 acre tract of land described in a deed to Richard T. Britten recorded in Volume 283, Page 232 of the Brazos County Deed Records;

**THENCE**, South 42° 22' 42" West, along the common line of said 165 acre tract and said 9.15 acre tract, a distance of 32.42 feet to a point for the southeast corner of the herein described tract;

Revised 6/26/08  
Landtech Consultants, Inc. Job No. 07-1-0260  
Ref.: 02-1-0186  
Drawing No. 1896-D-2563  
fn0210186Parcel8A-2008

**THENCE**, North 69° 54' 00" West, a distance of 1,455.44 feet to an angle point;

**THENCE**, South 65° 06' 00" West, a distance of 64.51 feet to an angle point;

**THENCE**, North 69° 52' 09" West, a distance of 392.68 feet to an angle point;

**THENCE**, North 69° 02' 30" West, a distance of 349.34 feet to an angle point;

**THENCE**, North 69° 11' 29" West, a distance of 578.38 feet to a point in the southeast right-of-way line of said Britten Road for the southwest corner of the herein described tract;

**THENCE**, North 42° 04' 28" East, along the southeast right-of-way line of said Britten Road and the west line of said 165.00 acre tract, a distance of 32.19 feet to the **POINT OF BEGINNING** and containing 1.956 acre (85,214 square feet) of land.



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Paul P. Kwan  
Registered Professional Land Surveyor  
Texas Registration Number 4313  
June 26, 2008

A survey map was prepared in conjunction with this metes and bounds description.

**RESOLUTION NO. \_\_\_\_\_**

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS RELATING TO: (1) THE AUTHORITY OF THE CITY TO INITIATE, COMPLETE, AND ACQUIRE BY CONDEMNATION TWO EXCLUSIVE, SANITARY CONTROL EASEMENTS REGARDING 0.06 ACRE OF LAND MORE OR LESS, AND 0.10 ACRE OF LAND, MORE OR LESS IN BRAZOS COUNTY, TEXAS, A PART OF THE THOMAS WEBB SURVEY, ABSTRACT NO. 240; (2) A DECLARATION THAT A PUBLIC NECESSITY EXISTS FOR THE CITY TO ACQUIRE SAID EASEMENTS BY CONDEMNATION IN ORDER TO ACCOMPLISH AN AUTHORIZED AND DECLARED PUBLIC USE AND PURPOSE; (3) THE RATIFICATION OF ALL PRIOR CITY ACTS AND RESOLUTIONS; AND (4) THE ESTABLISHMENT OF AN EFFECTIVE DATE AND COMPLIANCE WITH THE OPEN MEETING STATUTES.

**WHEREAS**, the City of College Station, Texas (“City”) is a home rule municipality which is duly incorporated and chartered under the constitution and laws of Texas; and

**WHEREAS**, the City owns, operates, constructs, repairs, and maintains a municipal water utility system (“water utility system”) as a public service, in order to provide water service to the public and the City, now and in the future; and

**WHEREAS**, the City’s ownership, operation, construction, repair, and maintenance of the water utility system is a benefit to the public, because the system currently provides, and will provide in the future, an important source of water to the public and the City. Therefore, the water utility system, including the City’s ownership, operation, construction, repair, maintenance and protection of the system, now and in the future, are hereby declared to be worthwhile public uses and purposes; and

**WHEREAS**, the City, through a condemnation proceeding, may exercise the power of eminent domain to acquire property, inside or outside the municipality, in order to efficiently carry out the ownership, operation, construction, repair, maintenance and protection of its water utility system pursuant to the following, non-exclusive authority, the contents of which are incorporated by reference: Chapters 251 and 402 of the Texas Local Government Code; Chapter 21 of the Texas Property Code; and articles I and II of the City Charter; and

**WHEREAS**, the City is engaged in the following project regarding the improvement and expansion of its water utility system: the Well 1 Sanitary Control Project also referred to as the Water Project (“project”). This project will benefit the public and the City because its completion and operation will enhance, improve and protect the source and distribution of water available to the community at large. Therefore, this project, which includes the acquisition of the easements herein described, is hereby declared to be a worthwhile public use and purpose; and

**WHEREAS**, the City determines that the best interests and needs of the public, including the health, safety, and welfare of the public, require that the City’s water utility system should be improved, expanded and protected through the City’s acquisition, by a condemnation proceeding, of the following easements: (a) an exclusive, permanent sanitary control easement (“permanent sanitary control easement”) regarding the project, on, in, over, along, under, across, and through a certain tract or parcel of land, being and situated in Brazos County, Texas, containing 0.06 acre more or less, a part of the Thomas Webb Survey, Abstract No. 240, and for the payment of reasonable, adequate, and just compensation by the City to the owner or owners thereof, as required by law, said property being more particularly described by metes and bounds and survey plat in Exhibit A, which is attached hereto and incorporated by reference; and (b) an exclusive permanent sanitary control easement (“permanent sanitary control easement”) regarding the project, on, in, over, along, under, across, and through a certain tract or parcel of land, being and situated in Brazos County, Texas, containing 0.10 acres more or less, a part of the Thomas Webb Survey, Abstract No. 240, and for the payment of reasonable, adequate, and just compensation by the City to the owner or owners thereof, as required by law, said property being more particularly described by metes and bounds and survey plat in Exhibit B, which is attached hereto and incorporated by reference; and (c) said permanent sanitary control easements being hereafter referred to as the subject property unless otherwise designated; and

**WHEREAS**, pursuant the authority stated herein, the City intends and seeks to acquire the aforementioned easements regarding the subject property for the following, declared public uses and purposes regarding the project: the protection of source water from contamination of prohibited activities within a specific distance from the water well head. in order to improve, expand, and maintain the production, transmission and distribution of water within the City’s water utility system, now and in the future, for the benefit of the public and the City, as described herein; and

**WHEREAS**, pursuant to the project, a public necessity exists for the City to acquire by condemnation proceeding the permanent sanitary control easements regarding the subject property for the public uses and purposes described herein, and

**WHEREAS**, pursuant to the project, the City’s acquisition of the permanent sanitary control easements regarding the subject property by a condemnation proceeding is necessary to accomplish, achieve, and advance the public uses and purposes described herein; and

**WHEREAS**, upon acquisition of the sanitary control easements, the City shall allow the owner of the subject property to use all or any part of the easement acquired for any purpose that does not damage, destroy, injure, or interfere with the City’s efficient, safe, or convenient use of the easement acquired, as described herein, including the specific use limitations of said owner as described herein;

**NOW, THEREFORE, BE IT RESOLVED AND ORDERED** by the City Council of the City of College Station, Texas:

1. Singular nouns and pronouns shall include the plural, and the masculine gender shall include the feminine gender, where necessary for a correct meaning of this resolution.
2. All prior resolutions or orders regarding the project, the permanent sanitary control easements, and the subject property are hereby supplemented and incorporated by reference.
3. All prior acts of the City, including the acts of its elected officials, officers, employees, agents, or attorneys, regarding the project, the permanent sanitary control easements, and the subject property are hereby authorized, ratified, approved, confirmed, and validated.
4. All statements made in the caption, preamble, preliminary recitals, and the documents attached to this resolution are true, correct, and incorporated by reference.
5. The best interests and needs of the public, including the health, safety, and welfare of the public, pursuant to the utility project described above, require that the water utility system of the City be improved and expanded by the City's acquisition of the permanent sanitary control easements regarding the subject property, as described herein.
6. The permanent sanitary control easements regarding the subject property, pursuant to the project and as described herein, is sought and shall be acquired by the City for the following public uses and purposes: the protection of source water from contamination of prohibited activities within a specific distance from the water well head. in order to improve, expand, and maintain the production, transmission and distribution of water within the City's water utility system, now and in the future, for the benefit of the public and the City, as described herein. In order to carry out said public use and purposes, the following uses of the subject property shall be prohibited and City shall be entitled to enter said property to prevent or abate such uses:
  1. Cesspool;
  2. Septic tank or septic tank open jointed drainfield;
  3. Sewerage treatment plant;
  4. Sewerage well;
  5. Sewerage pumping station;
  6. Drainage ditches with industrial waste discharges or wastes from sewerage treatment systems;
  7. Animal feed lots;
  8. Solid waste disposal site or landfills;
  9. Lands irrigated by sewerage effluent;
  10. Any other facilities that might create a danger or pollution to the water to be produced from the well to be located at the

center of this circular easement, with a radius of one hundred fifty five feet (155').

- b. any other public use and purpose described in this resolution.
- 7. All public uses and purposes described in this resolution are hereby declared to be worthwhile, convenient, and necessary to justify and support the acquisition of the permanent sanitary control easement the City through a condemnation proceeding.
- 8. Regarding the permanent sanitary control easements, and subject property described in this resolution, and pursuant to the project, the City hereby declares the following:
  - a. The City made a bona fide, good faith offer to purchase said easements from the owners of the subject property. Said offers were rejected or not accepted by the owners. Thus, the City and said owners are unable to agree on the issue of damages or compensation. Therefore, a public necessity and convenience exists for the City to acquire said easements through a condemnation proceeding for the public uses and purposes stated in this resolution.
  - b. The City's acquisition of said easements through a condemnation proceeding is necessary and convenient to accomplish, achieve, and advance the public uses and purposes stated in this resolution.
- 9. Pursuant to the project, the City's elected officials, officers, employees, agents, representatives, and attorneys are hereby authorized to engage in the following conduct regarding the permanent sanitary control easements, and the subject property:
  - a. Said representatives shall have the authority to lay-out or map the exact location of the land needed regarding the subject property.
  - b. Said representatives shall have the authority, with the consent of the property owner or through a court order, to enter upon the subject property for the purpose of: surveying and establishing title; determining reasonable, adequate, and just compensation; conducting tests; or negotiating with the owner for the purchase of the required property interests.
  - c. Said representatives shall have the authority, after determining reasonable, adequate, and just compensation for said easements, to negotiate with the property owner for the purpose of acquiring for the City the required property interests by purchase.

- d. Said representatives shall have the authority to initiate and complete condemnation proceedings against said owner, in order to acquire through condemnation all required property interests and title regarding the subject property.
  - e. Said representatives shall have the authority to initiate and complete all other actions deemed necessary and appropriate to effect the accomplishment of the public uses and purposes described herein.
10. Upon acquisition of the permanent sanitary control easement, the City shall allow the owner of the subject property to use all or any part of the easement acquired for any purpose that does not damage, destroy, injure, or interfere with the City's efficient, safe, or convenient use of the easement acquired, however, the following uses of such property shall be prohibited City shall be entitled to enter said property to prevent or abate such uses:
- 1. Cesspool;
  - 2. Septic tank or septic tank open jointed drainfield;
  - 3. Sewerage treatment plant;
  - 4. Sewerage well;
  - 5. Sewerage pumping station;
  - 6. Drainage ditches with industrial waste discharges or wastes from sewerage treatment systems;
  - 7. Animal feed lots;
  - 8. Solid waste disposal site or landfills;
  - 9. Lands irrigated by sewage effluent;
  - 10. Any other facilities that might create a danger of pollution to the water to be produced from the well to be located at the center of this circular easement, with a radius of one hundred fifty five feet (155').
11. This resolution and order shall take effect immediately from and after its passage.
12. This resolution was considered and passed at a meeting held in compliance with Chapter 551 of the Texas Government Code, the Texas Open Meetings Act.

ADOPTED this 9th day of October, A.D. 2008.

ATTEST:

APPROVED:

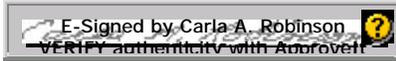
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City Secretary

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Mayor

APPROVED:



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City Attorney

Resolution No. \_\_\_\_\_

**Exhibit “A” and Exhibit “B”**

**Proposed Sanitary Control Easements**

**Thomas Webb Survey, Abstract No. 240, Brazos County, Texas**

**Joe Orr, Inc.**  
*Surveyors & Engineers*  
2167 Post Oak Circle  
College Station, TX 77845  
(979) 690-3378

Proposed Sanitary Control Easement  
D'Anne R. Johnson Tract  
Thomas Webb survey A-240  
Brazos County, Texas  
August 7, 2007

All that certain tract or parcel of land lying and being situated in the Thomas Webb survey, Abstract No. 240 in Brazos County, Texas, being a part of that 165 acre tract partial interest of which was conveyed to D'Anne R. Johnson by deed Volume 1306, Page 259 of the Official Public Records of Brazos County, Texas being a portion of circle of 155 foot radius centered on the City of College Station Water Well No.1 and being more particularly described as follows:

Commencing at the center of the said City of College Station Water Well No. 1 in that 1.01 acre tract conveyed to the City of College Station by deed recorded in Volume 436, Page 422 of the Deed Records of Brazos County, Texas, from where GPS monument BZ136 bears S 81° 35' 34" W – 12956.4'.

Thence S 79° 53' 05" E – 155.00 feet along the radius of said circle to the **Point of Beginning** of this easement on the northwest line of the said Johnson 165.00 acre tract, at a point from where a concrete monument found at the north corner of the said Johnson tract in the southwest line of F.M. 1687 (Sandy Point Road) bears N 42° 49' 45" E – 96.8 feet;

Thence along the arc of said circle in a clockwise direction through a central angle of 65° 25' 41" through the said D'Anne Johnson tract back to the northwest line of same;

Thence N 42° 49' 45" E – 167.54 feet along the northwest line of the said Johnson tract to the Point of Beginning and containing 0.06 acres of land more or less.

Bearings are Texas State Plane, NAD83(1993) datum, based on Brazos County GPS monuments BZ136 and BZ133 (N 35° 20' 24" E).

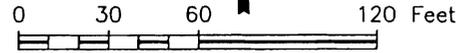
See survey plat dated August 2007.



**EXHIBIT "A"**

Proposed Sanitary Control Easement  
 D'Anne Johnson Tract  
 Thomas Webb survey A-240  
 Brazos County, Texas

August 2007



Bearings are Texas State Plane, NAD83(1993) datum, based on Brazos County GPS monuments BZ136 and BZ133 (N 35°20'24"E).

All existing easements and utilities are not shown on this plat.

See separate metes and bounds description prepared with this plat.

F.M. 1687 (Sandy Point Road)  
 80' right-of-way

Existing Location of City of College Station Water Well No. 1 (pump shaft)  
 City of College Station  
 1.01 acres  
 Vol. 436, Pg. 422

S 81°35'34"W - 12956.4'  
 to GPS mon. BZ136

S 79°53'05"E - 155.00'

155' radius

approximate survey line  
 CM found  
 S 69°53'15"E  
 2936.3' to conc.  
 ROW marker found

N 42°49'45"E - 96.8' to CM

approximate dead line (1949/304)

Britten Road  
 variable-width prescriptive R.O.W.  
 N 42°49'45"E - 167.54'

Proposed Easement  
 0.06 acres

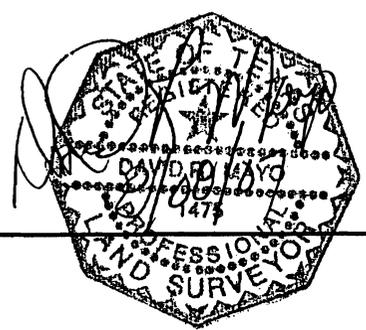
Al Brandt, Jr. and wife, Susan J. Brandt  
 12.00 acres  
 Vol. 3819, Pg. 153

D'Anne R. Johnson  
 (partial interest in) 165.00 ac.  
 Vol. 1306, Pg. 259

also see:  
 (partial interest in) 185.85 ac.  
 Vol. 1949, Pg. 304 (& others)

barbed-wire fence  
 Francis W. Smith survey A-219  
 Thomas Webb survey A-240

Joe Orr, Inc.  
 Surveyors & Engineers  
 2167 Post Oak Circle  
 College Station, TX 77845  
 (979) 690-3378



C:\Program Files\AutoCAD 2002\DWG\CS\_Wells07a.dwg, Model, 8/7/2007 5:22:03 PM

**Joe Orr, Inc.**  
*Surveyors & Engineers*  
2167 Post Oak Circle  
College Station, TX 77845  
(979) 690-3378

Proposed Sanitary Control Easement  
Britten Road R.O.W. Adjoining Johnson Tract  
Thomas Webb survey A-240  
Brazos County, Texas  
June 4, 2008

All that certain tract or parcel of land lying and being situated in the Thomas Webb survey, Abstract No. 240 in Brazos County, Texas, being a part of Britten Road adjoining that 165.00 acre tract conveyed to D'Anne R. Johnson by deed recorded in Volume 1306, page 259 of the Official Public Records of Brazos County, Texas, being a portion of circle of 155 foot radius centered on the City of College Station Water Well No. 1 and being more particularly described as follows:

Beginning in the line between the said Johnson tract and Britten Road from where a concrete monument was found N 42° 49' 45" E – 96.8 feet at the most northerly corner of the said Johnson tract.

Thence S 42° 49' 45" W – 167.54 feet along the line between the said Johnson tract and Britten Road to the beginning of a non-tangent curve to the right (R=155');

Thence along the arc of said curve through a central angle of 12° 07' 46", the chord of which bears S 81° 36' 29" W – 32.75 feet to the line between the said Thomas Webb survey and the Francis W. Smith survey, abstract no. 219, which is the approximate centerline of Britten Road;

Thence N 41° 47' 00" E – 222.58 feet along the survey line and the approximate center to the most northerly corner of this tract and the beginning of a non-tangent curve to the right (R=155');

Thence along the arc of said curve through a central angle of 14° 13' 17", the chord of which bears S 3° 00' 16" W – 38.37 feet to the Point of Beginning and containing 0.10 acres of land more or less.

Bearings are Texas State Plane, NAD83(1993) datum, based on Brazos County GPS monuments BZ136 and BZ133 (N 35° 20' 24" E).

See survey plat dated June 2008.



**EXHIBIT "B"**

Proposed Sanitary Control Easement  
 Britten Rd. R.O.W. at Johnson Tract  
 Thomas Webb survey A-240  
 Brazos County, Texas

June 2008



Bearings are Texas State Plane, NAD83(1993) datum, based on Brazos County GPS monuments BZ136 and BZ133 (N 35°20'24"E).

All existing easements and utilities are not shown on this plat.

See separate metes and bounds description prepared with this plat.

F.M. 1687 (Sandy Point Road)  
 80' right-of-way

Deer Trail  
 Vol. 628  
 Pg. 657

1/2" IR found at west corner of Deer Trail subdivision honored for original survey line

Existing Location of City of College Station Water Well No. 1 (pump shaft)

$\Delta = 14^{\circ}13'17''$  Rad. = 155'  
 Ch. = S 3°00'16"W - 38.37'

S 81°35'34"W - 12956.4' to GPS mon. BZ136

City of College Station  
 1.01 acres  
 Vol. 436, Pg. 422

S 79°53'05"E - 155.00'

approximate survey line\*  
 N 47°47'00"E - 145.3' to 1/2" IR  
 CM found

S 69°53'15"E  
 2936.3' to conc.  
 ROW marker found

\* Survey Line Note:  
 The exact location of this original survey line can not be determined. For these easements, the line was determined by extending the property line northeast of Sandy Point Rd.

Al Brandt, Jr. and wife, Susan J. Brandt  
 12.00 acres  
 Vol. 3819, Pg. 153

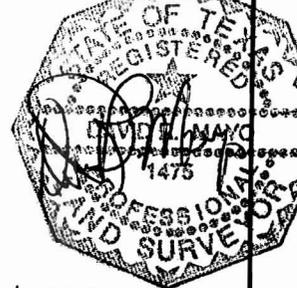
Francie W. Smith survey A-219  
 N 47°47'00"E - 222.58'  
 Thomas Webb survey A-240  
 S 42°49'45"W - 167.54'

Proposed Easement  
 0.10 acres

D'Anne R. Johnson  
 (partial interest in) 165.00 ac.  
 Vol. 1306, Pg. 259

also see:  
 (partial interest in) 185.85 ac.  
 Vol. 1949, Pg. 304 (& others)

Note:  
 The deed to Walter S. Britten in volume 168, page 409, may include the southeast portion of Britten Road, but this could not be verified, due to inadequate property descriptions.



Joe Orr, Inc.  
 Surveyors & Engineers  
 2167 Post Oak Circle  
 College Station, TX 77845  
 (979) 690-3378

Britten Road  
 variable-width prescriptive R.O.W.  
 deed line (1306/259)  
 deed line (1949/304)

**October 9, 2008**  
**Consent Agenda Item 2e**  
**Electric Compliance Program Contract**

**To:** Glen Brown, City Manager

**From:** David Massey, Director of College Station Electric Utilities Department

**Agenda Caption:** Presentation, possible action, and discussion to approve Contract #08-245 to KEMA Inc. for \$163,620.00 for consultation services in setting up an electric compliance program.

**Recommendation(s):** Staff recommends Council approve this contract.

**Summary:** This contract is for consultation services in setting up an electric compliance program to meet Texas Regional Entity (TRE) and North American Electric Reliability Council (NERC) regulations and standards. This project includes: develop and prepare a Compliance Manual that documents CoCS's Compliance Program; design and populate a compliance database for the Compliance Program monitoring; develop policies, procedures, and forms for cyber security compliance; develop operating processes and procedures as required for objective evidence; develop operating procedures to accommodate maintaining objective evidence of compliance; assist in the identification and cataloging of objective evidence; and, perform a third party mock audit for testing the compliance readiness.

**Budget & Financial Summary:** Funds for this program were included as an approved SLA in the FY09 Electric Utility operating budget.

**Attachments:**

Contract on file in City Secretary Office

**October 9, 2008  
Consent Agenda Item 2f  
Construction of Well #7 Collection Line**

**To:** Glenn Brown, City Manager

**From:** David Coleman, Director of Water Services.

**Agenda Caption:** Presentation, possible action, and discussion regarding adoption of a resolution to award Contract 08-285 to Brazos Valley Services in the amount of \$1,087,305.26 for the construction of Well #7 Collection Line.

**Recommendation:** Staff recommends Council adopt this resolution.

**Summary:** Projected water demands make it necessary to transport additional water supply from the well field area to the City of College Station before next summer's peak consumption period. Well #7 has been drilled and completed, and is ready to be put into service. This project will construct the Collection Line (3,817 feet long) to connect well #7 into our water system, to supply the City with the necessary capacity to meet future demand. The location of the line is shown on the attached map.

Invitation to Bid 08-90 resulted in six bids:

- |                            |                |
|----------------------------|----------------|
| • Brazos Valley Services   | \$1,087,305.26 |
| • Future Telecon, Inc      | \$1,161,000.00 |
| • Lewis Contractors, Inc   | \$1,305,796.80 |
| • Elliot Construction, Inc | \$1,310,177.25 |
| • Knife River              | \$1,391,202.55 |
| • Sendero                  | \$1,401,688.75 |

Since Brazos Valley Services is the low bidder, and because they are currently doing highly satisfactory work on our Parallel Transmission Line Phase III, staff recommends approval of this resolution.

**Budget & Financial Summary:** Funds in the amount of \$3,719,876 are budgeted for this project in the Water Capital Improvement Projects fund. \$395,857.40 has been encumbered or expended to date, leaving a balance of \$3,324,018.60. The "Resolution Declaring Intention to Reimburse Certain Expenditures with Proceeds from Debt" is necessary for this item because a portion of the long term debt has not been issued for the project. This debt is scheduled to be issued later this fiscal year.

**Attachments:**

Resolution  
Bid Tab  
Map  
Reimbursement Resolution



RESOLUTION NO. \_\_\_\_\_

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING A CONSTRUCTION CONTRACT FOR THE CONSTRUCTION OF WATER WELL # 7 COLLECTION LINE PROJECT AND AUTHORIZING THE EXPENDITURE OF FUNDS.**

WHEREAS, the City of College Station, Texas, solicited bids for the construction phase of the Water Well #7 Collection Line Project; and

WHEREAS, the selection of Brazos Valley Services is being recommended as the lowest responsible bidder for the construction services related to the Water Well #7 Collection Line Project; now, therefore,

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

PART 1: That the City Council hereby finds that Brazos Valley Services is the lowest responsible bidder.

PART 2: That the City Council hereby approves the contract with Brazos Valley Services for \$1,087,305.26 for the labor, materials and equipment required for the improvements related the Water Well #7 Collection Line Project.

PART 3: That the funding for this Contract shall be as budgeted from the Water Capital Improvements Project Fund, in the amount of \$1,087,305.26

PART 4: That this resolution shall take effect immediately from and after its passage.

ADOPTED this ninth day of October, A.D. 2008.

ATTEST:

APPROVED:

\_\_\_\_\_  
City Secretary

\_\_\_\_\_  
MAYOR

APPROVED:



\_\_\_\_\_  
City Attorney

**WELL 7 - COLLECTION LINE  
WATER SERVICES  
BID NO. 08-90 TABULATION**

Item No.	Item Description	Unit	Quantity	Brazos Valley Services		Future TeleCon Inc.		Lewis Contractors Inc.		Elliott Construction		Knife River		Sendero	
				Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
1	Mobilization/Demobilization	LS	1	\$ 28,000.00	\$ 28,000.00	\$ 48,634.00	\$ 48,634.00	\$ 25,000.00	\$ 25,000.00	\$ 53,000.00	\$ 53,000.00	\$ 60,000.00	\$ 60,000.00	\$ 44,700.00	\$ 44,700.00
2	Trench Safety Systems	LF	7,200	1	\$ 7,200.00	1	\$ 7,200.00	1	\$ 7,200.00	1	\$ 7,200.00	1	\$ 7,200.00	0.5	\$ 3,600.00
3	Traffic Control and Regulation	LS	1	1500	\$ 1,500.00	2800	\$ 2,800.00	800	\$ 800.00	1000	\$ 1,000.00	3000	\$ 3,000.00	11250	\$ 11,250.00
4	Clearing	SY	25,603	0.5	\$ 12,801.50	0.20	\$ 5,120.60	0.10	\$ 2,560.30	0.35	\$ 8,961.05	0.4	\$ 10,241.20	1.75	\$ 44,805.25
5	Hydromulch Seeding	SY	41,737	0.5	\$ 20,868.50	0.20	\$ 8,347.40	0.50	\$ 20,868.50	0.35	\$ 14,607.95	0.55	\$ 22,955.35	0.5	\$ 20,868.50
6	Erosion and Sedimentation Control	LS	1	1000	\$ 1,000.00	8400	\$ 8,400.00	12000	\$ 12,000.00	8000	\$ 8,000.00	1500	\$ 1,500.00	44000	\$ 44,000.00
7	Tree Protection and Trimming	LS	1	1000	\$ 1,000.00	900	\$ 900.00	1000	\$ 1,000.00	2000	\$ 2,000.00	3000	\$ 3,000.00	19000	\$ 19,000.00
8	Pavement Replacement	SY	176	46	\$ 8,096.00	40	\$ 7,040.00	100	\$ 17,600.00	40	\$ 7,040.00	70	\$ 12,320.00	125	\$ 22,000.00
9	Gravel Road	SY	830	15	\$ 12,450.00	16	\$ 13,280.00	20	\$ 16,600.00	17	\$ 14,110.00	23	\$ 19,090.00	43	\$ 35,690.00
10	Concrete Collar	EA	5	500	\$ 2,500.00	500	\$ 2,500.00	600	\$ 3,000.00	1000	\$ 5,000.00	900	\$ 4,500.00	4000	\$ 20,000.00
11	Jacked Casing for 30" Carrier Pipe (including carrier pipe)	LF	182	778	\$ 141,596.00	880	\$ 160,160.00	975	\$ 177,450.00	806	\$ 146,692.00	1050	\$ 191,100.00	500	\$ 91,000.00
12	Jacked Casing for 4" Conduit (including conduit)	LF	212	1	\$ 212.00	120	\$ 25,440.00	120	\$ 25,440.00	144	\$ 30,528.00	180	\$ 38,160.00	50	\$ 10,600.00
13	Casing for 30" Carrier Pipe by Open Cut (including carrier pipe)	LF	75	606	\$ 45,450.00	500	\$ 37,500.00	500	\$ 37,500.00	395	\$ 29,625.00	480	\$ 36,000.00	265	\$ 19,875.00
14	Casing for 4" Conduit by Open Cut (including conduit)	LF	75	1	\$ 75.00	70	\$ 5,250.00	40	\$ 3,000.00	75	\$ 5,625.00	65	\$ 4,875.00	60	\$ 4,500.00
15	30" Piping	LF	3,817	147	\$ 561,099.00	173	\$ 660,341.00	150	\$ 572,550.00	177	\$ 675,609.00	173	\$ 660,341.00	200	\$ 763,400.00
16	16" Piping	LF	46	120	\$ 5,520.00	90	\$ 4,140.00	150	\$ 6,900.00	95	\$ 4,370.00	85	\$ 3,910.00	115	\$ 5,290.00
17	30" Butterfly Valve	EA	6	13000	\$ 78,000.00	14000	\$ 84,000.00	26000	\$ 156,000.00	15550	\$ 93,300.00	17000	\$ 102,000.00	17000	\$ 102,000.00
18	16" Gate Valve	EA	1	8525	\$ 8,525.00	5800	\$ 5,800.00	9500	\$ 9,500.00	8100	\$ 8,100.00	5000	\$ 5,000.00	5500	\$ 5,500.00
19	Combination Air Valve Manhole in 30" Collection Line	EA	3	21050	\$ 63,150.00	3000	\$ 9,000.00	21000	\$ 63,000.00	20145	\$ 60,435.00	27000	\$ 81,000.00	6500	\$ 19,500.00
20	Drain Stations	EA	2	8750	\$ 17,500.00	2500	\$ 5,000.00	4500	\$ 9,000.00	2745	\$ 5,490.00	4300	\$ 8,600.00	3500	\$ 7,000.00
21	Fiber Optic 4" PVC Conduit	LF	6,921	7.06	\$ 48,862.26	7	\$ 48,447.00	18	\$ 124,578.00	9.25	\$ 64,019.25	10	\$ 69,210.00	10	\$ 69,210.00
22	Fiber Optic Pull Box	EA	11	1900	\$ 20,900.00	700	\$ 7,700.00	750	\$ 8,250.00	5315	\$ 58,465.00	3200	\$ 35,200.00	900	\$ 9,900.00
23	Corrosion Monitoring Test Station	EA	4	250	\$ 1,000.00	1000	\$ 4,000.00	1500	\$ 6,000.00	1750	\$ 7,000.00	3000	\$ 12,000.00	7000	\$ 28,000.00
					\$ 1,087,305.26		\$ 1,161,000.00		\$ 1,305,796.80		\$ 1,310,177.25		\$ 1,391,202.55		\$ 1,401,688.75
Bid Certification					Y		Y		Y		Y		Y		Y
Addendum Received					Y		Y		Y		Y		Y		Y
Bid Bond					Y		Y		Y		Y		Y		Y
Exceptions					N		N		N		N		N		N

RESOLUTION NO. \_\_\_\_\_

RESOLUTION DECLARING INTENTION TO REIMBURSE CERTAIN EXPENDITURES WITH  
PROCEEDS FROM DEBT

WHEREAS, the City of College Station, Texas (the "City") is a home-rule municipality and political subdivision of the State of Texas;

WHEREAS, the City expects to pay expenditures in connection with the design, planning, acquisition and construction of the projects described on Exhibit "A" hereto (collectively, the "Project") prior to the issuance of obligations by the City in connection with the financing of the Project from available funds;

WHEREAS, the City finds, considers, and declares that the reimbursement of the City for the payment of such expenditures will be appropriate and consistent with the lawful objectives of the City and, as such, chooses to declare its intention, in accordance with the provisions of Section 1.150-2 of the Treasury Regulations, to reimburse itself for such payments at such time as it issues obligations to finance the Project;

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

Section 1. The City reasonably expects it will incur debt, as one or more series of obligations, with an aggregate maximum principal amount not to exceed \$3,700,000, for the purpose of paying the aggregate costs of the Project.

Section 2. All costs to be reimbursed pursuant hereto will be capital expenditures. No tax-exempt obligations will be issued by the City in furtherance of this Statement after a date which is later than 18 months after the later of (1) the date the expenditures are paid or (2) the date on which the property, with respect to which such expenditures were made, is placed in service.

Section 3. The foregoing notwithstanding, no tax-exempt obligation will be issued pursuant to this Statement more than three years after the date any expenditure which is to be reimbursed is paid.

PASSED AND APPROVED THIS 9th DAY OF OCTOBER, 2008.

\_\_\_\_\_  
Ben White, Mayor

ATTEST:

\_\_\_\_\_  
Connie Hooks, City Secretary

(Seal)

APPROVED:



McCall, Parkhurst & Horton L.L.R.  
Bond Counsel

**Exhibit "A"**

**The projects to be financed that are the subject of this Statement are:**

**Well #7 Collection Line**

**October 9, 2008  
Consent Agenda Item 2g  
BVSWMA Landfill Rate Resolution**

**To:** Glenn Brown, City Manager

**From:** Mark Smith, Director of Public Works

**Agenda Caption:** Discussion and possible action on a rate resolution setting landfill special waste rates for the Brazos Valley Solid Waste Management Agency.

**Recommendation(s):** Staff recommends approval of the rate resolution setting landfill special waste rates and fees for the Brazos Valley Solid Waste Management Agency. This Rate Resolution was approved by the BVSWMA Policy Board at their meeting held on September 9, 2008.

**Summary:** This rate resolution establishes rates charged for customers utilizing the BVSWMA Landfill for disposal of special wastes. Special waste is defined as any solid waste or combination of solid wastes that because of its quantity, concentration, physical or chemical characteristics, or biological properties requires special handling and disposal to protect human health or the environment.

Currently, special waste is assessed the same tipping fee as regular waste, or \$24.05 per ton. The charge for disposal of contaminated soils which have been approved by the Texas Commission on Environmental Quality (TCEQ) and Management Staff for use as daily and/or intermediate cover is \$5.40 per measured ton.

The basic landfill tipping fee for special wastes that require special handling and/or documentation or any item listed as a special waste by the State of Texas will be assessed the basic landfill tipping fee of \$35.00 per measured ton. However, the cities of Bryan and College Station will continue to be charged a rate of \$20.25 per ton for special wastes.

In addition, the charge for disposal of contaminated soils which have been approved by the TCEQ and Management Staff for use as daily and/or intermediate cover will be assessed on the basis of \$12.00 per measured ton.

Although the resolution included rates for other services including the basic tipping fees, white goods disposal fees, unsecured load fees, fees for other services, and the state surcharge fee, these rates remain unchanged.

The City of Bryan council approved the rate resolution at their September 23, 2008 meeting.

**Budget & Financial Summary:** The changes established by this rate resolution should have minimal impact on total landfill revenues.

**Attachments:**

1. Rate Resolution
2. Redline Rate Resolution

**A RESOLUTION ESTABLISHING CHARGES FOR DISPOSAL SERVICES PROVIDED BY THE BRAZOS VALLEY SOLID WASTE MANAGEMENT AGENCY'S ROCK PRAIRIE ROAD LANDFILL; REVOKING ALL PREVIOUS RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Cities of Bryan and College Station, Texas, through the Brazos Valley Solid Waste Management Agency Interlocal Agreement (BVSWMA) jointly own the Rock Prairie Road Landfill (the "Landfill"), and

**WHEREAS**, BVSWMA requires that each City adopt the charges for landfill disposal services provided to the various customers of the Landfill, and

**WHEREAS**, the BVSWMA Policy Board has reviewed and approved the operating budget and charges assessed under BVSWMA; now, therefore,

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

**PART 1:** Charges for disposal services shall be assessed on the following basis:

**A. NORMAL MUNICIPAL SOLID WASTE**

1. The basic landfill tipping fee for normal municipal solid waste shall be assessed on the basis of \$24.05 per measured ton.
2. A customer class including the Cities of Bryan and College Station, Texas shall be charged \$20.25 per measured ton of waste material brought into the landfill.

**B. SPECIAL WASTES**

1. The basic landfill tipping fee for special wastes which requires special handling and/or documentation or any item listed as a special waste by the State of Texas, in accordance with Texas Administrative Code (TAC), Section 330.171, or other relevant statutes as amended, shall be assessed the basic landfill tipping fee of \$35.00 per measured ton.
2. The customer class including the Cities of Bryan and College Station, Texas shall be charged \$20.25 per measured ton for any special waste disposed of at the landfill.

**C. TIRES**

1. The fee charged for tires brought to the landfill for disposal shall be:
  - A. \$3.25 per tire for tires up to 19.5 inches in diameter

B. \$8.65 per tire for tires between 19.6 inches and 24.5 inches in diameter

C. \$21.60 per tire for tires in excess of 24.5 inches in diameter.

D. WHITE GOODS, APPLIANCES, REFRIGERATION DEVICES.

1. The fee charged to recover Freon from refrigeration devices brought to the landfill shall be \$10.80 per unit and shall be assessed the basic landfill tipping fee of \$24.05 per measured ton. Refrigeration devices that have undergone Freon removal and have been stamped by a certified Freon extractor prior to arriving at the landfill will be assessed the basic landfill tipping fee of \$24.05 per measured ton.
2. All other white goods and appliances shall be assessed the basic landfill tipping fee of \$24.05 per measured ton.

E. UNSECURED LOAD FEES

1. Users of the landfill who enter the landfill with waste materials not secured in a manner as to prevent spillage or blowing of waste from the vehicle and/or container used to transport the waste during the transportation of waste shall be assessed a surcharge of \$10.80 per measured ton over the base tipping fee with a minimum charge of \$10.80.

F. PULLOFF/CLEAN-OUT FEES

1. Users of the landfill upon execution of a waiver of liability and at the discretion of landfill personnel may be allowed to utilize equipment and/or devices provided by the landfill to assist in the unloading or clean-out of waste for a charge of \$10.80 per load occurrence and/or trip into the landfill.

G. CONTAMINATED/CLEAN SOILS

1. The charge for the disposal of contaminated soils received at the landfill which have been approved by the Texas Commission On Environmental Quality and the Management Staff of the landfill for use as daily and/or intermediate cover material shall be assessed on the basis of \$12.00 per measured ton.
2. No charge will be assessed for clean soils that can be utilized as daily and/or intermediate cover material.

H. CHARGES BY CUBIC YARD

- 1. In the event that it becomes impossible or impractical to assess fees on a per weight basis, the following schedule of rates will be assessed based upon the estimated capacity of the vehicle and/or container used to transport waste into the landfill.
  - A. A customer class including the Cities of Bryan and College Station shall be charged \$9.20 per cubic yard.
  - B. All other customers shall be charged \$10.80 per cubic yard.
- I. In addition to the fees established above, each customer shall pay any fees, charges, or taxes as required by the State of Texas, in accordance with 30 Texas Administrative Code (TAC), Section 330.602, or other relevant statutes as amended.

PART 2: These rates shall become effective on all services provided by the Rock Prairie Road Landfill on or after November 1, 2008.

PART 3: This resolution shall become effective from and after its passage in accordance with the terms and conditions of the inter-local agreement between the Cities of College Station and Bryan, Texas and with the City Charter of the City of College Station, Texas.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2008.

ATTEST:

APPROVED

\_\_\_\_\_  
City Secretary

\_\_\_\_\_  
Mayor

APPROVED:



\_\_\_\_\_  
City Attorney

**A RESOLUTION ESTABLISHING CHARGES FOR DISPOSAL SERVICES PROVIDED BY THE BRAZOS VALLEY SOLID WASTE MANAGEMENT AGENCY'S ROCK PRAIRIE ROAD LANDFILL; REVOKING ALL PREVIOUS RESOLUTIONS AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the Brazos Valley Solid Waste Management Agency (BVSWMA) is an entity created under an interlocal agreement between the Cities of Bryan and College Station, Texas, and

**WHEREAS**, the interlocal agreement requires that each City adopt the charges for landfill disposal services provided to the various customers of any landfill operated by BVSWMA, and

**WHEREAS**, the BVSWMA Board of Directors has reviewed and approved the operating budget and charges assessed by the Agency; now, therefore,

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

**PART 1:** Charges for disposal services shall be assessed on the following basis:

**A. NORMAL MUNICIPAL SOLID WASTE**

1. The basic landfill tipping fee for normal municipal solid waste shall be assessed on the basis of \$24.05 per measured ton.
2. A customer class including the Cities of Bryan and College Station, Texas shall be charged \$20.25 per measured ton of waste material brought into the landfill.

**B. SPECIAL WASTES**

1. The basic landfill tipping fee for special wastes which ~~does not~~ requires special handling and/or documentation or any item listed as a special waste by the State of Texas, in accordance with Texas Administrative Code (TAC), Section 330.171, or other relevant statutes as amended, shall be assessed the basic landfill tipping fee of ~~\$24.05~~ \$35.00 per measured ton.
2. The customer class including the Cities of Bryan and College Station, Texas shall be charged \$20.25 per measured ton for any special waste disposed of at the landfill.

**C. TIRES**

1. The fee charged for tires brought to the landfill for disposal shall be:
  - A. \$3.25 per tire for tires up to 19.5 inches in diameter

- B. \$8.65 per tire for tires between 19.6 inches and 24.5 inches in diameter
- C. \$21.60 per tire for tires in excess of 24.5 inches in diameter.
- D. WHITE GOODS, APPLIANCES, REFRIGERATION DEVICES.
  - 1. The fee charged to recover Freon from refrigeration devices brought to the landfill shall be \$10.80 per unit and shall be assessed the basic landfill tipping fee of \$24.05 per measured ton. Refrigeration devices that have undergone Freon removal and have been stamped by a certified Freon extractor prior to arriving at the landfill will be assessed the basic landfill tipping fee of \$24.05 per measured ton.
  - 2. All other white goods and appliances shall be assessed the basic landfill tipping fee of \$24.05 per measured ton.
- E. UNSECURED LOAD FEES
  - 1. Users of the landfill who enter the landfill with waste materials not secured in a manner as to prevent spillage or blowing of waste from the vehicle and/or container used to transport the waste during the transportation of waste shall be assessed a surcharge of \$10.80 per measured ton over the base tipping fee with a minimum charge of \$10.80.
- F. PULLOFF/CLEAN-OUT FEES
  - 1. Users of the landfill upon execution of a waiver of liability and at the discretion of landfill personnel may be allowed to utilize equipment and/or devices provided by the landfill to assist in the unloading or clean-out of waste for a charge of \$10.80 per load occurrence and/or trip into the landfill.
- G. CONTAMINATED/CLEAN SOILS
  - 1. The charge for the disposal of contaminated soils received at the landfill which have been approved by the Texas Commission On Environmental Quality and the Management Staff of the landfill for use as daily and/or intermediate cover material shall be assessed on the basis of ~~\$5.40~~ \$12.00 per measured ton.
  - 2. No charge will be assessed for clean soils that can be utilized as daily and/or intermediate cover material.

H. CHARGES BY CUBIC YARD

1. In the event that it becomes impossible or impractical to assess fees on a per weight basis, the following schedule of rates will be assessed based upon the estimated capacity of the vehicle and/or container used to transport waste into the landfill.

A. A customer class including the Cities of Bryan and College Station shall be charged \$9.20 per cubic yard.

B. All other customers shall be charged \$10.80 per cubic yard.

I. In addition to the fees established above, each customer shall pay any fees, charges, or taxes as required by the State of Texas, in accordance with 30 Texas Administrative Code (TAC), Section 330.602, or other relevant statutes as amended.

PART 2: These rates shall become effective on all services provided by the Rock Prairie Road Landfill on or after November 1, 2008.

PART 3: This resolution shall become effective from and after its passage in accordance with the terms and conditions of the inter-local agreement between the Cities of College Station and Bryan, Texas and with the City Charter of the City of College Station, Texas.

ADOPTED this \_\_\_\_\_ day of \_\_\_\_\_, A.D. 2008.

ATTEST:

APPROVED

\_\_\_\_\_  
City Secretary

\_\_\_\_\_  
Mayor

APPROVED:

\_\_\_\_\_  
City Attorney

**October 9, 2008**  
**Consent Agenda Item 2h**  
**Brazos Valley Convention and Visitors Bureau Budget and Funding Agreement**

**To:** Glenn Brown, City Manager

**From:** Jeff Kersten, Chief Financial Officer

**Agenda Caption:** Presentation, possible action and discussion on approving the budget of the Brazos Valley Convention and Visitors Bureau (CVB); and presentation, possible action and discussion on a funding agreement between the City of College Station and the Brazos Valley Convention and Visitors Bureau for FY09 in the amount of \$1,160,000.

**Recommendation(s):** Staff recommends approval of the CVB budget and the funding agreement for FY09.

**Summary:** As part of the 2008-2009 budget process the City Council approved funding for the Brazos Valley Convention and Visitors Bureau in the amount of \$1,160,000. This funding is for the provision of tourism related services.

**Budget & Financial Summary:** The funds for this agreement are budgeted and available in the 2008-2009 Hotel Tax Fund Budget. A total of \$1,160,000 is to be used for the operations of the Convention and Visitors Bureau next year.

State law requires that the City Council adopt the budget of any organization that is to be funded through the Hotel Tax Fund.

**Attachments:**

1. Brazos Valley Convention and Visitors Bureau Budget (To be provided prior to meeting)
2. Funding Agreement (To be provided prior to meeting)

**October 9, 2008  
Consent Agenda Item 2i  
Funding Agreement With Research Valley Partnership**

**To:** Glenn Brown, City Manager

**From:** Jeff Kersten, Chief Financial Officer

**Agenda Caption:** Presentation, possible action and discussion on a funding agreement between the City of College Station and the Research Valley Partnership for FY09 in the amount of \$343,287.

**Recommendation(s):** Staff recommends approval of the funding agreement.

**Summary:** As part of the 2007-2008 budget process the City Council approved funding for the Research Valley Partnership in the amount of \$343,287. This funding is for the provision of economic development services for the area.

**Budget & Financial Summary:** The funds for this agreement are budgeted and available in the 2008-2009 General Fund and Economic Development Fund in the total amount of \$343,287. \$293,287 is to be used for the operations and maintenance of the Research Valley Partnership next year and is funded from the General Fund. \$50,000 is to be used for marketing efforts of the Research Valley Partnership and is funded from the Economic Development Fund. The \$50,000 in the Economic Development Fund will not be paid until the City Council provides further direction to pay it after making policy decisions on economic development.

**Attachments:**

Research Valley Partnership Funding Agreement (To be provided prior to Council Meeting)

**October 9, 2008  
Consent Agenda Item 2j  
Arts Council Budget and  
Funding Agreements With Arts Council of Brazos Valley**

**To:** Glenn Brown, City Manager

**From:** Jeff Kersten, Chief Financial Officer

**Agenda Caption:** Presentation, possible action and discussion on approving the budget of the Arts Council of Brazos Valley; and presentation, possible action and discussion on three (3) funding agreements between the City of College Station and the Arts Council of Brazos Valley for FY09 totaling \$440,000.

**Recommendation(s):** Staff recommends approval of the Arts Council budget and approval of the funding agreements.

**Summary:** As part of the 2008-2009 budget process the City Council approved funding for the Arts Council of Brazos Valley in the amount of \$440,000.

Of this total, \$100,000 is from the General Fund for operations and maintenance of the Arts Council. \$140,000 is from the Hotel Tax fund for operations and maintenance associated with the administration of Hotel Tax funds. Finally, \$200,000 is from the Hotel Tax fund for affiliate grants.

This item is consideration of the 3 funding agreements.

State law requires that the City Council adopt the budget of any organization that is to be funded through the Hotel Tax.

**Budget & Financial Summary:** The funds for this agreement are budgeted and available in the 2008-2009 General Fund in the amount of \$100,000 and the Hotel Tax Fund Budget in the amount of \$340,000, and .

**Attachments:** The following documents will be made available prior to the meeting:  
Arts Council of Brazos Valley Budget  
Arts Council of Brazos Valley General Fund Funding Agreement  
Arts Council of Brazos Valley Hotel Tax Fund O&M Funding Agreement  
Arts Council of Brazos Valley Affiliate Funding Agreement

**October 9, 2008  
Consent Agenda Item 2k  
Health Plan Renewal Expenditures  
January 1, 2009 – December 31, 2009**

**To:** Glenn Brown, City Manager  
**From:** Kathy Merrill, Assistant City Manager

**Agenda Caption:** Presentation, possible action, and discussion on the City's health plan renewal expenditures for the period of January 1, 2009 through December 31, 2009. The projected amount is \$ 5,904,750.

**Recommendation(s):** Staff recommends approval of renewal expenditures

**Summary:** The original contracts for the City's health plan were approved in 2008. This 2009 renewal is the first of three renewals under the approved contracts. The City's health plan includes:

- § Medical/Dental/Stop Loss Coverage;
- § Prescription Drug Coverage;
- § Basic Life Insurance and Basic Accidental death and dismemberment;
- § Long-term Disability;
- § Employee Assistance Program; and
- § Vision Program

For 2009, BlueCross/BlueShield requested a total increase of 6.6% on the medical and dental administration fees combined. These fees are in alignment with the three year rate caps provided in the Administrative Service Agreement effective January 1, 2008. BlueCross/BlueShield did not request a renewal increase for the Specific and Aggregate Stop Loss contracts, while increasing the Lifetime Maximum from \$2,000,000 to \$5,000,000. The City's Aggregate Stop Loss contract renewal was decreased by 2%, while the national average is increasing by approximately 10%.

The City's Prescription Drug Coverage, Basic Life/AD&D, LTD, EAP, and Vision programs are currently under a rate guarantee period and therefore will renew at the existing rate structure.

The 2009 plan year projected costs are based on a monthly average of 814 employees on the plan. This represents a cost to the City of \$ 605 per employee per month.

**Budget and Financial Summary:** Funds are available and budgeted in the employee benefits fund.

**Attachments:**

1. Consultant Recommendation Letter
2. 2009 Cost Projections



September 11, 2008

Ms. Carolyn Sanders  
Assistant HR Director  
City of College Station  
1101 Texas Avenue  
College Station, TX 77824

Re: Health and Welfare Renewals

Dear Carolyn,

In August we met and presented you with the renewal analysis of the City of College Station's health and welfare programs. Specifically, the self-funded medical and dental programs provided to the employees of the City. As your Broker of Record, we wanted to provide you with an explanation of the general state of the marketplace of health and welfare programs and how they relate to the City of College Station.

Overall from a national perspective, total health care costs continue to outpace normal inflation and average salary increases in the workplace. The projected national average cost of providing medical benefits per employee per year for 2009 is projected to increase 9.6%. During the most recent 12 month period, the City of College Station has averaged a per employee per year net claim cost of \$5,152 (Medical, Dental, & RX) which is well below the national average ranging between \$7,790 – \$8,452.

It is important to note that the City's self-funded medical plan is made up of three components. These include administrative fees, re-insurance premium (stop-loss), and actual claims. BC/BS has requested a total increase of 6.6% on the medical and dental administration fees combined. These fees are inline with the three year rate caps provided in the Administrative Service Agreement effective 1/1/08.

From a re-insurance prospective, the market has been slightly better in the last few years. However, annual stop loss renewals have commonly renewed between 10% and 25%. The driving force behind increasing stop loss premium is leveraged trend, which is due to inflationary increases in medical technology, advanced procedures, and large claims. BC/BS has paid \$83,753 in Stop Loss reimbursements over the last 12 months. However, we were able to



negotiate a 0% increase on both the Specific and Aggregate Stop Loss contracts while increasing the Lifetime Maximum from \$2,000,000 to \$5,000,000.

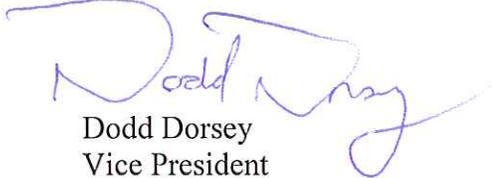
The third component of self-funding is the actual claim liability. This is the City's largest expense and greatest exposure. During the most recent 12-month period, the City's actual paid claims were \$4,241,226; as previously mentioned, reinsurance paid \$83,753 bringing the City's total liability down to \$4,157,473. Furthermore, the City's Aggregate renewal came in at a 2% discount while the national average is around a 10% increase.

In summary, the fixed costs (administrative fees and re-insurance) premiums are well within normative range or lower than general market conditions.

The City's Basic Life/AD&D, EAP, LTD, Vision, and PBM programs are currently under a rate guarantee period and therefore will renew at the existing rate structure.

We believe that the recommended health and welfare renewals are the most beneficial and cost effective options for the City of College Station. McGriff appreciates the opportunity to continue working with the City of College Station on the health and welfare programs. If you should have any questions please do not hesitate to call.

Regards,



Dodd Dorsey  
Vice President

## Executive Summary

### Projected Program Costs for Claims and Administrative Fees 01-01-2009 to 12-31-2009

**Average Monthly Employees on Health Plan** **814**

<u>Administration</u>	<u>PEPM</u>	<u>Annual Expense</u>
Medical (including wellness)	\$38.82	\$ 379,194
Dental	\$3.72	\$ 36,337
Pharmacy	\$0.00	\$ -
Vision	Voluntary	Voluntary
EAP	\$1.27	\$ 12,405
Specific Stop Loss	\$27.83	\$ 271,843
Aggregate Stop Loss	\$3.78	\$ 36,923
Basic Life Insurance	rate = .009% payroll volume	\$ 80,020
Basic AD&D	rate = .003% payroll volume	\$ 26,673
Long Term Disability	rate = .18% payroll volume	\$ 66,683
<b>Total Fixed Costs</b>	<b>\$93.17</b>	<b>\$910,078.56</b>

<u>Claims</u>	<u>PEPM</u>	<u>Annual Expense</u>
Medical	\$352.96	\$3,447,713.28
Dental	\$42.42	\$414,358.56
Pharmacy	\$115.95	\$1,132,599.60
<b>Total Claims</b>	<b>\$511.33</b>	<b>\$4,994,671.44</b>

<b>Total Projected Cost</b>	<b>\$604.50</b>	<b>\$5,904,750.00</b>
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**October 9, 2008  
Regular Agenda Item 1  
Poplar Rezoning**

**To:** Glenn Brown, City Manager

**From:** Bob Cowell, AICP, Director of Planning & Development Services

**Agenda Caption:** Public hearing, presentation, possible action, and discussion on an ordinance rezoning 0.48 acres from C-2 Commercial Industrial and R-6 High Density Multi-Family to C-1 General Commercial for the properties located at 104, 106 and 108 Poplar Street, and generally located along the south side of Poplar Street, east of its intersection with Texas Avenue.

**Recommendation(s):** The Planning & Zoning Commission heard this item at their September 18, 2008 regular meeting and unanimously recommended approval of this request with a vote of 7-0. Staff also recommended approval of the rezoning request.

**Summary:** The request was analyzed for compliance with the review criteria for a rezoning, as stated in the Unified Development Ordinance, as follows:

**Review Criteria**

- 1. Consistency with the Comprehensive Plan:** The Land Use Plan designates this property and the surrounding area as Redevelopment. The Comprehensive Plan defines Redevelopment as "currently developed areas which will experience redevelopment as a result of increased land value. Redevelopment will occur as mixed use developments...Mixed use redevelopment areas are projected for areas close to the University..." It further describes mixed use developments as "areas which encourage mixing of compatible land uses such as retail/commercial, office, parks, multifamily, and attached single-family. These uses are developed together in a manner that allows interaction between the uses and that allows each use to support the other uses. The residential uses provide the patrons for the office and commercial uses. The layout of these land uses must take into consideration pedestrian linkages, landscape buffers between the uses, shared site improvements and vehicular circulation. The success of these mixed use areas is directly related to the sensitive master planning of the site layout."

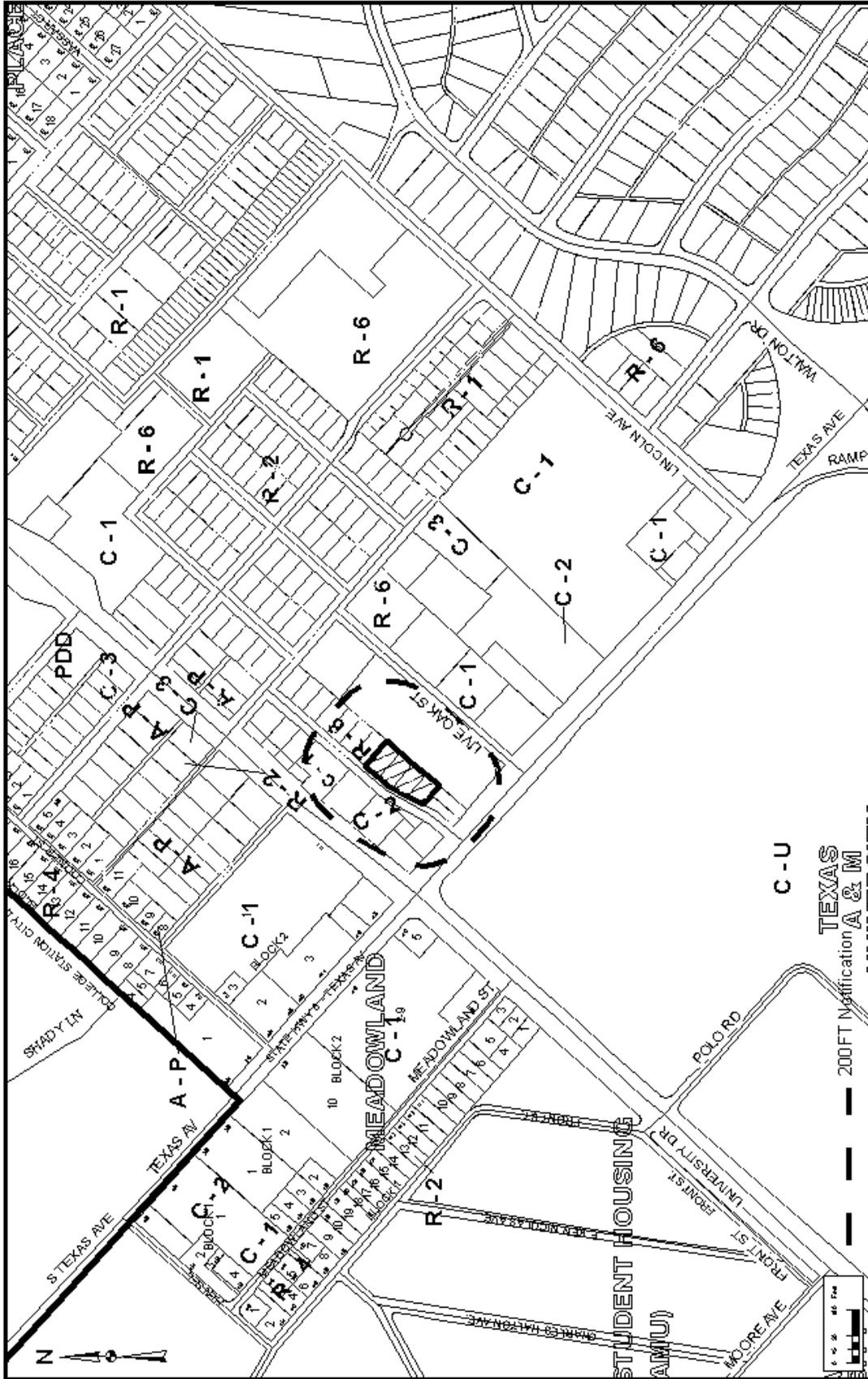
The applicant has proposed to redevelop the subject property in conjunction with the adjacent former Adult Video site as a two-story office building, although the rezoning would allow for the development of any of the permitted uses in the C-1 district. Because it is a single use, the proposed development does not itself meet the definition or intent of mixed use. While there is a mix of uses in the general vicinity, including limited retail, restaurants, a hotel and single-family homes, the area is distinctly missing the density created by a multi-family component. Further, the uses existing in the area do not lend themselves toward support of one another – a small group of detached, non-conforming, single-family homes, a hotel, vehicle rental and service do not create the synergy expected in a mixed-use area. As this larger area redevelops, there is an opportunity to work toward consolidation of properties and a larger-scaled redevelopment that meets the intent of mixed use.

2. **Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:** The surrounding properties are largely developed with general commercial uses, the same as those allowed by the proposed C-1 General Commercial zoning on the subject property. The property located directly to the east is zoned R-6 High Density Multi-family, but is developed as a single-family home. Since single-family homes are not a permitted use in the R-6 district, the home is not a conforming use. General commercial uses are generally compatible with the uses permitted in a high-density multi-family district.
3. **Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment:** The proposed district is designed to provide locations for general commercial purposes, that is, retail sales and service uses that function to serve the entire community and its visitors. Poplar Street was designed and built as a residential street to serve adjacent single-family lots. Many of these lots have since redeveloped (primarily to the north) as commercial uses. The subject property is less than a half of an acre in size and has limited visibility from a major roadway. Because of this, not all general commercial uses may be appropriate on the property.
4. **Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment:** The property is currently zoned C-2 Commercial Industrial and R-6 High Density Multi-Family. The Commercial Industrial district is designed to provide a location for outlets offering goods and services to a limited segment of the general public. The uses included primarily serve other commercial and industrial enterprises. The High Density Multi-Family district contains land used for a variety of housing types, but primarily multiple family dwellings. The district is designed to provide the highest density in the community for developments in close proximity to the University. These uses don't generally rely on visibility to major roadways, but again, because of the size of the property not all uses permitted in these districts may be appropriate on the property.
5. **Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment:** The existing zoning allows the property to be marketed for commercial industrial and multi-family uses. The proposed rezoning would generally allow for the property to be marketed for general commercial development.
6. **Availability of water, wastewater, stormwater, and transportation facilities generally suitable and adequate for the proposed use:** There is an existing 12-inch water line along the north side of Poplar Street available to serve the property. There is also an 8-inch sanitary sewer line along Poplar Street at the front of the property. Site drainage is primarily to the southeast within the Wolf Pen Creek drainage basin. Access to the site is available through Poplar Street. All utilities shall be designed in accordance with BCS Unified Design Guidelines at the time of Platting and Site Development.

**Budget & Financial Summary:** None

**Attachments:**

1. Small Area Map
2. Draft Planning & Zoning Commission Meeting minutes, September 18, 2008
3. Ordinance



**Zoning Districts**

A-O	Agricultural Open	C-3	Light Commercial	WPC	Walden Creek Dev. Corridor
A-OR	Rural Residential Subdivision	M-1	Light Industrial	NG-1	Core Northgate
R-1	Single Family Residential	M-2	Heavy Industrial	NG-2	Transitional Northgate
R-1B	Single Family Residential	C-U	College and University	NG-3	Residential Northgate
R-2	Duplex Residential	R&D	Research and Development	OV	Corridor Overlay
		P-MUD	Planned Mixed-Use Development	RDD	Redevelopment District
		PDD	Planned Development District	KO	Krenk Tap Overlay
R-3	Townhouse				
R-4	Multi-Family				
R-6	High Density Multi-Family				
R-7	Manufactured Home Park				
A-P	Administrative/Professional				
C-1	General Commercial				
C-2	Commercial-Industrial				

**TEXAS**  
200FT Modification A & M

108 POPLAR

DEVELOPMENT REVIEW

Case: 08-169

REZONING



**MINUTES**  
**PLANNING AND ZONING COMMISSION**  
**Regular Meeting**  
**Thursday, September 18, 2008**  
**at 7:00 p.m.**  
**City Hall Council Chambers**  
**1101 Texas Avenue**  
**College Station, Texas**

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**COMMISSIONERS PRESENT:** Chairman John Nichols, Bill Davis, Noel Bauman, Paul Greer, Doug Slack, Thomas Woodfin and Hugh Stearns

**COMMISSIONERS ABSENT:** None

**CITY COUNCIL MEMBERS PRESENT:** None

**CITY STAFF PRESENT:** Planning Administrator Molly Hitchcock, Senior Planners Lindsay Boyer and Jennifer Prochazka, Staff Planners Jason Schubert, Lauren Hovde, Matt Robinson, Graduate Civil Engineer Erika Bridges, Assistant City Engineer Josh Norton, Senior Assistant City Engineer Carol Cotter, Transportation Planning Coordinator Joe Guerra, City Engineer Alan Gibbs, Assistant Directors Lance Simms and Gabriel Elliott, First Assistant City Attorney Carla Robinson, Action Center Representative Kerry Mullins and Staff Assistants Nicole Padilla and Amber Carter

**Regular Agenda**

5. Public hearing, presentation, possible action, and discussion regarding a rezoning from C-2 Commercial Industrial and R-6 High Density Multi-Family to C-1 General Commercial for 0.48 acres located at 104, 106 and 108 Poplar Street, and more generally located on the south side of Poplar Street, east of its intersection with Texas Avenue. **Case #08-500169 (JP)**

Senior Planner, Jennifer Prochazka, presented the item for a rezoning from C-2 Commercial Industrial and R-6 High Density Multi-Family to C-1 General Commercial and recommended approval with limited guidance from the Comprehensive Plan. She answered questions in general from the Commissioners.

Chairman Nichols opened the public hearing.

James Allen, 171253 Nacogdoches, explained his proposed future uses of the property for office buildings. He answered questions in general from the Commissioners.

Chairman Nichols closed the public hearing.

**Commissioner Davis motioned to approve the item as submitted. Commissioner Woodfin seconded the motion, motion passed (7-0).**

DRAFT

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," SECTION 4.2, "OFFICIAL ZONING MAP," OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES AS DESCRIBED BELOW; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1: That Chapter 12, "Unified Development Ordinance," Section 4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this 9th day of October, 2008

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Secretary

APPROVED:

  
\_\_\_\_\_  
City Attorney

**EXHIBIT "A"**

That Chapter 12, "Unified Development Ordinance," Section 4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas, is hereby amended as follows:

The following property is rezoned from C-2 Commercial Industrial and R-6 High Density Multi-Family to C-1 General Commercial and is graphically shown in EXHIBIT "B":

*A 0.2575 OF AN ACRE OR 11,216 SQUARE FEET MORE OR LESS, TRACT OF LAND, OUT OF THE RICHARD CARTER LEAGUE, BRAZOS COUNTY, TEXAS AND BEING ALL OF LOTS 9 AND 10 OF THE ARMSTRONG ADDITION OF COLLEGE STATION OF RECORD IN VOLUME 155 PAGE 376, DEED RECORDS OF BRAZOS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:*

*BEGINNING: AT A FOUND 1/2" IRON ROD IN THE SOUTHEAST RIGHT OF WAY LINE OF POPLAR STREET, A 50 FOOT RIGHT OF WAY DEDICATED IN VOLUME 155 PAGE 376, DEED RECORDS OF BRAZOS COUNTY, TEXAS, FOR THE NORTHWEST CORNER OF LOT 11 OF THE ARMSTRONG ADDITION AND THE SOUTHWEST CORNER OF LOT 10 OF THE ARMSTRONG ADDITION AND THIS TRACT.*

*THENCE: N27°35'36"E WITH THE SOUTHEAST RIGHT OF WAY LINE OF POPLAR STREET AND THE NORTHWEST LINE OF LOTS 10 AND 9, AT A DISTANCE OF 59.39 FEET PASSING A FOUND 1/2" IRON ROD FOR THE NORTHWEST CORNER OF LOT 10 AND THE SOUTHWEST CORNER OF LOT 9 AND CONTINUING FOR A TOTAL DISTANCE OF 119.08 FEET TO A SET 1/2" IRON ROD WITH A BLUE PLASTIC CAP STAMPED "KFW SURVEYING" FOR THE NORTHWEST CORNER OF LOT 9 AND THIS TRACT AND THE SOUTHWEST CORNER OF LOT 8 OF THE ARMSTRONG ADDITION, FROM WHICH A FOUND 1/2" IRON ROD FOR THE NORTHWEST CORNER OF A TRACT OF LAND CONVEYED TO GEORGE C. CHEN ET UX BEARS N40°30'12"E, A DISTANCE OF 86.56 FEET;*

*THENCE: S49°19'05"E WITH THE NORTHEAST LINE OF LOT 9 AND THE SOUTHWEST LINE OF LOT 8, A DISTANCE OF 110.00 FEET TO A SET 1/2" IRON ROD WITH A BLUE PLASTIC CAP STAMPED "KFW SURVEYING" IN THE NORTHWEST LINE OF A TRACT OF LAND CONVEYED TO LQM OPERATING PARTNERS, LP OF RECORD IN VOLUME 1007 PAGE 488, OFFICIAL PUBLIC RECORD OF BRAZOS COUNTY, TEXAS, FOR THE SOUTHEAST CORNER OF LOT 8 AND THE NORTHEAST CORNER OF LOT 9 AND THIS TRACT;*

*THENCE: S40°30'12"W WITH THE NORTHWEST LINE OF THE LQM TRACT AND THE SOUTHEAST LINE OF LOTS 9 AND 10 AND THIS TRACT, AT A DISTANCE OF 58.14 FEET PASSING A SET 1/2" IRON ROD WITH A BLUE PLASTIC CAP STAMPED "KFW SURVEYING" FOR THE COMMON LOT CORNER 9/10, AND CONTINUING FOR A TOTAL DISTANCE OF 115.99 FEET TO A SET 1/2" IRON ROD WITH A BLUE PLASTIC CAP STAMPED "KFW SURVEYING" FOR THE SOUTHEAST CORNER OF LOT 10 AND THE NORTHEAST CORNER OF A TRACT OF LAND BEING A PORTION OF LOT 29 OF THE D. A. SMITH SUBDIVISION (CALLED THE SOUSARES TRACT ON THE ARMSTRONG ADDITION PLAT) OF RECORD IN VOLUME 49 PAGE 106, DEED RECORDS OF BRAZOS COUNTY, TEXAS.*

*THENCE: N49°19'05"W WITH THE NORTHEAST LINE OF THE SOUSARE TRACT AND LOT 11 AND THE SOUTHWEST LINE OF LOT 10 AND THIS TRACT, A DISTANCE OF 83.40 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.2575 OF AN ACRE. SAID TRACT BEING DESCRIBED IN ACCORDANCE WITH A SURVEY PREPARED BY KFW SURVEYING.*

A 0.2186 OF AN ACRE OR 9,522 SQUARE FEET MORE OR LESS, TRACT OF LAND, OUT OF THE RICHARD CARTER LEAGUE, BRAZOS COUNTY, TEXAS AND BEING ALL OF LOT 8 AND A SOUTH PORTION OF LOT 7 OF THE ARMSTRONG ADDITION OF COLLEGE STATION OF RECORD IN VOLUME 155 PAGE 376, DEED RECORDS OF BRAZOS COUNTY, TEXAS, AND BEING ALL OF THAT TRACT OF LAND CONVEYED TO GEORGE C. AND MARIAN C. CHEN, TRUSTEE OF RECORD IN VOLUME 2302 PAGE 59, OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

**BEGINNING:** AT A SET 1/2" IRON ROD WITH A BLUE PLASTIC CAP STAMPED "KFW SURVEYING" IN THE SOUTHEAST RIGHT OF WAY LINE OF POPLAR STREET, A 50 FOOT RIGHT OF WAY DEDICATED IN VOLUME 155 PAGE 376, DEED RECORDS OF BRAZOS COUNTY, TEXAS, FOR THE NORTHWEST CORNER OF LOT 9 OF THE ARMSTRONG ADDITION AND THE SOUTHWEST CORNER OF LOT 8 OF THE ARMSTRONG ADDITION, THE CHEN TRACT AND THIS TRACT, FROM WHICH A FOUND 1/2" IRON ROD FOR THE SOUTHWEST CORNER OF LOT 9 BEARS S27°35'36"W, A DISTANCE OF 59.69 FEET.

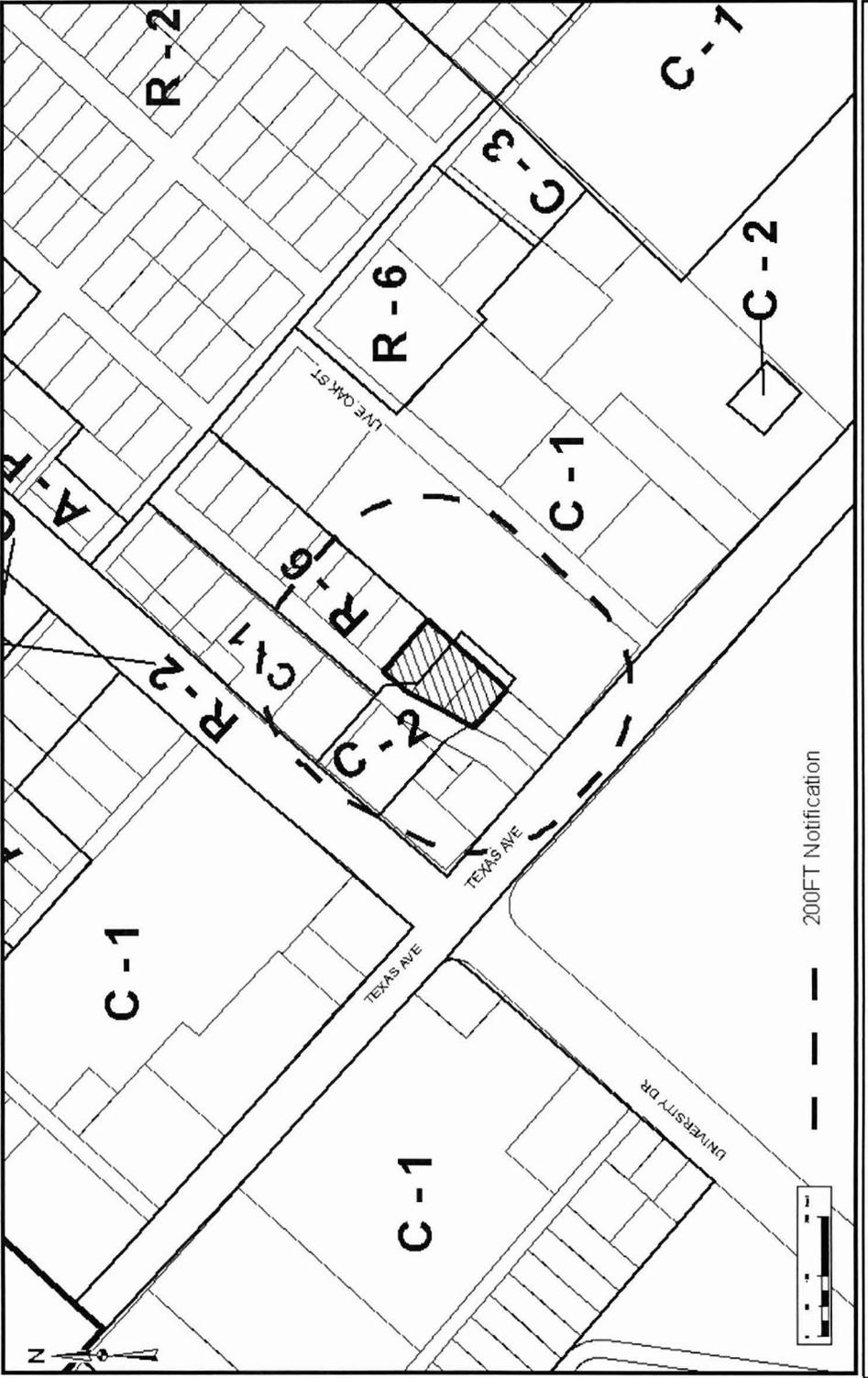
**THENCE:** N40°30'12"E WITH THE SOUTHEAST RIGHT OF WAY LINE OF POPLAR STREET AND THE NORTHWEST LINE OF THE CHEN TRACT AND LOTS 8 AND 7, A DISTANCE OF 86.56 FEET TO A FOUND 1/2" IRON ROD FOR THE NORTHWEST CORNER OF THE CHEN TRACT AND THIS TRACT AND THE SOUTHWEST CORNER OF A TRACT OF LAND CONVEYED TO JOHN B. JANIK, TRUSTEE.

**THENCE:** S49°19'05"E WITH THE NORTHEAST LINE OF THE CHEN TRACT AND THIS TRACT AND THE SOUTHWEST LINE OF THE JANIK TRACT, DISTANCE OF 110.00 FEET TO A FOUND 1/2" IRON PIN IN THE NORTHWEST LINE OF A TRACT OF LAND CONVEYED TO LQM OPERATING PARTNERS, LP OF RECORD IN VOLUME 1007 PAGE 488, OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, FOR THE SOUTHEAST CORNER OF THE JANIK TRACT AND THE NORTHEAST CORNER OF THE CHEN TRACT AND THIS TRACT.

**THENCE:** S40°30'12"W WITH THE NORTHWEST LINE OF THE LQM TRACT AND THE SOUTHEAST LINE OF THE CHEN TRACT AND LOTS 7 AND 8, A DISTANCE OF 86.56 FEET TO A SET 1/2" IRON ROD WITH A BLUE PLASTIC CAP STAMPED "KFW SURVEYING" FOR THE SOUTHEAST CORNER OF LOT 8 AND THIS TRACT AND THE NORTHEAST CORNER OF LOT 9.

**THENCE:** N49°19'05"W WITH THE NORTHEAST LINE OF LOT 9 AND THE SOUTHWEST LINE OF LOT 8 AND THIS TRACT, A DISTANCE OF 110.00 FEET TO THE POINT OF BEGINNING AND CONTAINING 0.2186 OF AN ACRE. SAID TRACT BEING DESCRIBED IN ACCORDANCE WITH A SURVEY PREPARED BY KFW SURVEYING.

EXHIBIT "B"



**October 9, 2008**  
**Regular Agenda Item 2**  
**4270 State Highway 6 South Rezoning**

**To:** Glenn Brown, City Manager

**From:** Bob Cowell, AICP, Director of Planning & Development Services

**Agenda Caption:** Public hearing, presentation, possible action, and discussion regarding a rezoning of 14.19 acres from A-O, Agricultural-Open, to approximately 3.76 acres of C-1 General Commercial and 10.44 acres of R-1 Single Family Residential located at 4270 State Highway 6 South, generally located north of the Spring Creek Gardens Subdivision. Case #08-500152 (LH)

**Recommendation(s):** The Planning and Zoning Commission unanimously recommended approval in their September 18, 2008 meeting. Staff also recommended approval.

**Summary: REVIEW CRITERIA**

1. **Consistency with the Comprehensive Plan:** The request to rezone the A-O property to C-1, Commercial will be appropriate for the Comprehensive Plan designation of Retail Regional for the tract abutting Highway 6. The tract abutting Decatur has a Comprehensive Plan designation of Single Family High Density which allows for a zoning of R-1, Single Family Residential.
2. **Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:** The subject property is abutted on its north side by a commercial property, which is occupied by a church, and vacant single family residential property. To the south, a PDD is utilized for townhouse and single-family (Spring Creek Townhomes and Spring Creek Gardens – two separate subdivisions) development – also there is C-1 on the front (part of Tower Point Subdivision). Both the east and west sides of the subject property are met by rights-of way designated on the City of College Station Thoroughfare Plan which are Decatur Drive, Major Collector, and State Highway 6, Freeway/Expressway. Across Decatur Drive, to the west, is the Shenandoah Subdivision, a single family residential development. Therefore, C-1 in the front is compatible with the commercial uses already along State Highway 6 and R1 is compatible with residential uses approved along Decatur.
3. **Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment:** The subject property does not contain floodplain and is sufficiently large enough, with direct access to Longmire Drive and State Highway 6, for the mix of uses proposed with this rezoning.
4. **Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment:** A-O, Agricultural-Open, is not a suitable use for the subject property due to the residential and commercial environment of the area. However, it is of sufficient size to be developed into a rural residential subdivision, which is a permitted use in A-O.
5. **Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment:**

The existing zoning allows the property to be marketed for agricultural related or rural residential uses. The proposed rezoning would generally allow for the property to be marketed for general commercial development along State Highway 6 and single family residential along Decatur.

6. **Availability of water, wastewater, stormwater, and transportation facilities generally suitable and adequate for the proposed use:** There are existing water and sanitary sewer mains available to serve this property. Drainage is mainly to the southeast within the Spring Creek drainage basin. All utilities shall be designed in accordance with BCS Unified design Guidelines at the time of Platting and Site Development. The property proposes taking access from the State Highway 6 South Frontage Rd. and Decatur Dr.

**Budget & Financial Summary:** N/A

**Attachments:**

1. Item Background
2. Draft Planning and Zoning Commission Minutes, September 18, 2008
3. Ordinance

**NOTIFICATIONS**

Advertised Commission Hearing Date: September 18, 2008

Advertised Council Hearing Dates: October 9, 2008

The following neighborhood organizations that are registered with the City of College Station's Neighborhood Services have received a courtesy letter of notification of this public hearing:  
 Springcreek Gardens Homeowner Association

Property owner notices mailed: 52  
 Contacts in support: 0  
 Contacts in opposition: 0  
 Inquiry contacts: 3

**ADJACENT LAND USES**

Direction	Comprehensive Plan	Zoning	Land Use
North	Retail Commercial, Single Family Residential Medium Density, Retail Neighborhood	C-1, Commercial and M-1, Light Industrial	Korean Mission Church
South	Retail Regional, Single Family Residential High Density	C-1, Commercial and PDD, Planned Development District	Vacant, Spring Creek Garden (Townhomes)
East	Freeway/Expressway Thoroughfare	N/A	State Highway 6
West	Major Collector Thoroughfare, Single Family Residential Medium Density	N/A, R-1, Single Family Residential	Decatur Drive, Shenandoah Subdivision

**DEVELOPMENT HISTORY**

**Annexation:** October 13, 1983  
**Zoning:** A-O, Agricultural Open since annexation  
**Final Plat:** Unplatted  
**Site development:** Undeveloped



**MINUTES**  
**PLANNING AND ZONING COMMISSION**  
**Regular Meeting**  
**Thursday, September 18, 2008**  
**at 7:00 p.m.**  
**City Hall Council Chambers**  
**1101 Texas Avenue**  
**College Station, Texas**

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**COMMISSIONERS PRESENT:** Chairman John Nichols, Bill Davis, Noel Bauman, Paul Greer, Doug Slack, Thomas Woodfin and Hugh Stearns

**COMMISSIONERS ABSENT:** None

**CITY COUNCIL MEMBERS PRESENT:** None

**CITY STAFF PRESENT:** Senior Planners Lindsay Boyer and Jennifer Prochazka, Staff Planners Jason Schubert, Lauren Hovde, Matt Robinson, Graduate Civil Engineer Erika Bridges, Assistant City Engineer Josh Norton, Senior Assistant City Engineer Carol Cotter, Transportation Planning Coordinator Joe Guerra, City Engineer Alan Gibbs, Assistant Directors Lance Simms and Gabriel Elliott, First Assistant City Attorney Carla Robinson, Action Center Representative Kerry Mullins and Staff Assistants Nicole Padilla and Amber Carter

1. Call Meeting to Order.

Chairman Nichols called the meeting to order at 7:05 p.m.

2. Hear Citizens.

None

3. **Consent Agenda.**

3.1 Consideration, discussion and possible action on Absence Requests from meetings.

3.2 Consideration, discussion, and possible action to approve meeting Minutes.

- August 21, 2008 ~ Workshop
- August 21, 2008 ~ Regular

3.3 Presentation, possible action, and discussion on a Preliminary Plat for the Cutting Edge Addition at 7103 Rock Prairie Road East, consisting of one lot on 5.05 acres

generally located along Rock Prairie Road across from the Landfill. **Case #08-00500179 (MR)**

- 3.4 Presentation, possible action, and discussion on a Preliminary Plat for Creek Meadows subdivision consisting of 896 lots on 293.222 acres located at 3659 Greens Prairie Trail generally located along Greens Prairie Trail between Royder Ridge and Greens Prairie Road West. **Case #08-00500175 (LB)**

**Commissioner Davis motioned to approve Consent Agenda items 3.1 and 3.3. Commissioner Bauman seconded the motion, motion passed (7-0).**

### **Regular Agenda**

4. Consideration, discussion, and possible action on items removed from the Consent Agenda by Commission action.

Item 3.4 the Preliminary Plat for Creek Meadows was removed from the Consent Agenda at Commissioner Stearn's request.

Commissioner Stearns expressed his view that Creek Meadows was not an efficient way to develop.

**Commissioner Davis motioned to approve the Preliminary Plat as submitted. Commissioner Bauman seconded the motion, motion passed (6-1). Commissioner Stearns voted against the motion.**

5. Presentation, possible action, and discussion of a Variance Request to Section 8-I.2, Utility Easements, of the Subdivision Regulations and presentation, possible action, and discussion on a Preliminary Plat for Spring Creek Commons consisting of 15 lots on 47.717 acres located at 4405 State Hwy. 6 South, generally located at the northeast corner of State Hwy. 6 and William D. Fitch Pkwy. **Case #08-00500188 (JS)**

Jason Schubert, Staff Planner, presented the Variance Request to Section 8-I.2, Utility Easements, of the Subdivision Regulations and the proposed Preliminary Plat. He further explained that if the variance was approved, staff recommended approval of the preliminary plat with the condition that the attached staff review comments be addressed.

There was general discussion regarding the variance request.

Veronica Morgan, 511 University Drive, presented the utility easements that she felt showed easy accessibility for city employees and health care. She then requested that the Commissioners vote on the Variance Request before moving on with the Preliminary Plat presentation.

**Commissioner Davis motioned to approve the variance requests. Commissioner Bauman seconded the motion, motion passed (7-0).**

Veronica Morgan, 511 University, presented a brief history of the property and explained the joint ownership of the property. She requested that Commissioners approve the Preliminary Plat with the condition that Staff Comments #1 be addressed only. Ms. Morgan further requested that each of the property owners pay for their side of Lakeway Drive and that Commissioners not require St. Joseph to pay for the construction of Lakeway Drive in its entirety.

Alan Gibbs, City Engineer, acknowledged that the issue is challenging and is that staff's concern is that a portion of Lakeway Drive may not get constructed if surrounding projects do not move forward as planned.

Commissioner Bauman requested a clarification of rough proportionality from City Engineer Alan Gibbs.

There was general discussion of the construction of Lakeway Drive.

Tony Pfitzer, CEO of St. Joseph Health System, 6420 Ravenstone Loop, explained to the Commissioners that if they were required to construct the entire Lakeway Drive it would be an unreasonable burden on them.

Brad Sharpe, Attorney for the Ellison Firm, 302 Holleman Drive East, College Station, Texas 77840, stressed that requiring St. Joseph to build the entire Lakeway Drive was not fair nor roughly proportionate.

Darrel Kotzer, Ballard & Braughton Engineering, 3815 Old Bullard Road, clarified that Lowe's does not own the property and that Lowe's is continuing to evaluate this site because of construction costs.

There was further discussion of the construction of Lakeway Drive and sureties.

**Commissioner Stearns motioned to approve the Preliminary Plat with both of the staff review comments and notes included. Commissioner Greer seconded the motion, motion passed (7-0).**

5. Public hearing, presentation, possible action, and discussion regarding a rezoning from C-2 Commercial Industrial and R-6 High Density Multi-Family to C-1 General Commercial for 0.48 acres located at 104, 106 and 108 Poplar Street, and more generally located on the south side of Poplar Street, east of its intersection with Texas Avenue. **Case #08-500169 (JP)**

Senior Planner, Jennifer Prochazka, presented the item for a rezoning from C-2 Commercial Industrial and R-6 High Density Multi-Family to C-1 General Commercial and recommended approval with limited guidance from the Comprehensive Plan. She answered questions in general from the Commissioners.

Chairman Nichols opened the public hearing.

James Allen, 171253 Nacadoches, explained his proposed future uses of the property for office buildings. He answered questions in general from the Commissioners.

Chairman Nichols closed the public hearing.

**Commissioner Davis motioned to approve the item as submitted. Commissioner Woodfin seconded the motion, motion passed (7-0).**

6. Public hearing, presentation, possible action, and discussion regarding a rezoning of 14.19 acres from A-O, Agricultural-Open, to approximately 3.76 acres of C-1 General Commercial and 10.44 acres of R-1 Single Family Residential located at 4270 State Highway 6 South, generally located north of the Spring Creek Gardens Subdivision. **Case #08-500152 (LH)**

Lauren Hovde, Staff Planner, presented the rezoning from Agricultural-Open to C-1 General Commercial and R-1 Single Family Residential and recommended approval. She answered questions in general from Commissioners.

Carol Cotter, Senior Assistant City Engineer, explained that an additional driveway will be allowed by TXDOT but will be shared with Tower Point Subdivision and the commercial lot will have another access through the Korean Mission Church.

Chairman Nichols opened the public hearing

Jeremiah Kellam, 22803 Timberlake Creek Road, made himself available for questions by the Commissioners. The Commissioners had no questions for the Applicant.

Chairman Nichols closed the public hearing.

**Commissioner Davis motioned to approve the item as submitted. Commissioner Bauman seconded the motion, motion passed (7-0).**

7. Discussion and possible action on future agenda items – A Planning and Zoning 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.

Commissioner Woodfin would like an update from the Greenways Program Manager.

8. Adjourn.

**Commissioner Davis motioned to adjourn the meeting. Commissioner Woodfin seconded the motion, motioned passed (7-0).**

**Meeting adjourned at 9:30 p.m.**

**Approved:**

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John Nichols, Chairman  
Planning and Zoning Commission

**Attest:**

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Nicole Padilla, Staff Assistant  
Planning and Development Services

DRAFT

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE AMENDING CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," SECTION 4.2, "OFFICIAL ZONING MAP," OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES AS DESCRIBED BELOW; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1: That Chapter 12, "Unified Development Ordinance," Section 4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

PART 2: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this 9th day of October, 2008.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
City Secretary

APPROVED:

*Hawley Cargill*  
\_\_\_\_\_  
City Attorney

**EXHIBIT “A”**

That Chapter 12, “Unified Development Ordinance,” Section 4.2, “Official Zoning Map,” of the Code of Ordinances of the City of College Station, Texas, is hereby amended as follows:

I.

The following property is rezoned from A-O, Agricultural Open to R-1, Single-Family Residential:

BEING A 10.44 ACRE TRACT OR PARCEL OF LAND, LYING AND BEING SITUATED IN THE ROBERT STEVENSON SURVEY – ABSTRACT NO. 54, COLLEGE STATION, BRAZOS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN 14.28 ACRE TRACT DESCRIBED IN THE DEED FROM FIRST FEDERAL SAVINGS BANK, BRYAN, TEXAS, TO K.S. MOSS CAPITAL CORP, RECORDED IN VOLUME 2763, PAGES 147 OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS SHOWN IN EXHIBIT “A”, AND GRAPHICALLY SHOWN IN EXHIBIT “E”.

II.

The following property is rezoned from A-O, Agricultural Open to C-1, General Commercial:

BEING A 3.76 ACRE TRACT OR PARCEL OF LAND, LYING AND BEING SITUATED IN THE ROBERT STEVENSON SURVEY – ABSTRACT NO. 54, COLLEGE STATION, BRAZOS COUNTY, TEXAS, AND BEING A PORTION OF THAT CERTAIN 14.28 ACRE TRACT DESCRIBED IN THE DEED FROM FIRST FEDERAL SAVINGS BANK, BRYAN, TEXAS, TO K.S. MOSS CAPITAL CORP, RECORDED IN VOLUME 2763, PAGES 147 OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS SHOWN IN EXHIBIT “B”, AND GRAPHICALLY SHOWN IN EXHIBIT “E”.

**EXHIBIT A:**

K. S. Moss Capital Corp.  
 10.44 Acre Tract - Rezoning Request to R-1  
 Robert Stevenson Survey, A-54  
 College Station, Brazos County, Texas

Field notes of a 10.44 acre tract or parcel of land, lying and being situated in the Robert Stevenson Survey, Abstract No. 54, College Station, Brazos County, Texas, and being part of a 14.28 acre tract described in the deed from First Federal Savings Bank, Bryan, Texas, to K. S. Moss Capital Corp, recorded in Volume 2763, Page 147, of the Official Records of Brazos County, Texas, and said 10.44 acre tract, being more particularly described as follows:

**COMMENCING** at a ½" iron rod set at the common corner between the beforementioned 14.28 acre tract and the 3.838 acre - Tract No. 3 described in the deed to College Station Market Place, recorded in Volume 6647, Page 207, of the Official Records of Brazos County, Texas, same being in the southwest right-of-way line of State Highway No. 6 (320' right-of-way);

THENCE S 43° 45' 31" W along the common line between the beforementioned 14.28 acre tract and the following two tracts: the beforementioned 3.838 acre tract, and the remainder of a 14.0679 acre tract described in the deed to Spring Creek CS Development, Ltd., recorded in Volume 5583, Page 120, of the Official Records of Brazos County, Texas, at a distance of 13.6 feet pass a ½" iron rod found at a 2" iron pipe fence post, continue on, for a total distance of 620.76 feet to a ½" iron rod set; at the **PLACE OF BEGINNING** of this description:

THENCE S 43° 45' 31" W along the common line between the beforementioned 14.28 acre tract and the following three tracts: the remainder of a 14.0679 acre tract described in the deed to Spring Creek College Station Development Ltd. recorded in Volume 5583, Page 120, of the Official Records of Brazos County, Texas; Spring Creek Gardens Subdivision - Phase 2, according to the plat recorded in Volume 7402, Page 119, of the Official Records of Brazos County, Texas, and Spring Creek Gardens Subdivision - Phase 1, according to the plat recorded in Volume 6663, Page 31, of the Official Records of Brazos County, Texas, at a distance of 12.72 feet, pass the north corner of Common Area "E" - 0.059 acre, Spring Creek Gardens - Phase 2, continue on, at a distance of 513.74 feet pass the north corner of Common Area "C" - 0.159 acre, Spring Creek Gardens - Phase 1, continue on, for a total distance of 1393.28 feet and corner in the northeast line of a proposed 5' right of way dedication Decatur Drive, a ¾" iron rod found marking the south corner of the said 14.28 acre tract, and in the present northeast right of way line of Decatur Drive 70' right of way;

THENCE N 45° 52' 42" W along the northeast line of a proposed 5' right-of-way dedication - Decatur Drive for a distance of 307.60 feet to a ½" iron rod set in the common line between the beforementioned 14.28 acre tract and an 18.848 acre tract described in the deed to K.T.H. Investments, recorded in Volume 3899, Page 309, of the Official Records of Brazos County, Texas;

THENCE N 43° 45' 50" E along the common line between the beforementioned 14.28 acre tract and the following two tracts: the remainder of the beforementioned 18.848 acre tract, and Lot 1, Block 1 - K.T.H. Commercial Addition, according to the plat recorded in Volume 4377, Page 206, of the Official Records of Brazos County, Texas, at a distance of 858.71 feet, pass the south corner of Lot 1, Block 1 - 3.935 acres - K.T.H. Commercial Addition, continue on, for a total distance of 1562.82 feet to a ½" iron rod set on the east bank of a tributary to Spring Creek (current tributary now a pond 10-15' deep), as follows:

- S 45° 52' 05" E      for a distance of 20.26 feet,
- S 07° 13' 22" E      for a distance of 27.99 feet,
- S 02° 58' 15" W      for a distance of 27.67 feet,
- S 31° 52' 31" W      for a distance of 38.27 feet,
- S 14° 40' 45" E      for a distance of 20.89 feet,

EXHIBIT A CONTINUED:

K. S. Moss Capital Corp.  
10.44 Acre Tract - Rezoning Request to R-1  
Robert Stevenson Survey, A-54  
College Station, Brazos County, Texas  
Continued - Page 2

S 55° 12' 48" E	for a distance of 98.87 feet,
S 14° 16' 14" E	for a distance of 30.58 feet,
S 06° 33' 25" E	for a distance of 40.46 feet,
S 10° 35' 46" W	for a distance of 26.45 feet,
S 20° 21' 43" W	for a distance of 26.99 feet,
S 27° 44' 44" W	for a distance of 19.27 feet,
S 07° 48' 39" E	for a distance of 13.28 feet,
N 86° 08' 53" E	for a distance of 17.34 feet,
S 58° 19' 33" E	for a distance of 14.70 feet to a 1/2" iron rod set at the <b>POINT OF BEGINNING</b> containing 10.44 acres of land more or less.



Surveyed April 2008  
By:   
S. M. Kling  
R.P.L.S. No. 2003

Prepared: 07/03/08  
kes08-dvd/moss-10.44ac rezoning request.apd

EXHIBIT B:

K. S. Moss Capital Corp.  
3.76 Acre Tract - Rezoning Request to C-1  
Robert Stevenson Survey, A-54  
College Station, Brazos County, Texas

Field notes of a 3.76 acre tract or parcel of land, lying and being situated in the Robert Stevenson Survey, Abstract No. 54, College Station, Brazos County, Texas, and being part of a 14.28 acre tract described in the deed from First Federal Savings Bank, Bryan, Texas, to K. S. Moss Capital Corp. recorded in Volume 2763, Page 147, of the Official Records of Brazos County, Texas, and said 3.76 acre tract, being more particularly described as follows:

**BEGINNING** at a 1/2" iron rod set at the common corner between the beforementioned 14.28 acre tract and the 3.838 acre - Tract No. 3 described in the deed to College Station Market Place, recorded in Volume 6647, Page 207, of the Official Records of Brazos County, Texas, same being in the southwest right-of-way line of State Highway No. 6 (320' right-of-way).

**THENCE** S 43° 45' 31" W along the common line between the beforementioned 14.28 acre tract and the following two tracts: the beforementioned 3.838 acre tract, and the remainder of a 14.0679 acre tract described in the deed to Spring Creek CS Development, Ltd., recorded in Volume 5583, Page 120, of the Official Records of Brazos County, Texas, at a distance of 13.6 feet pass a 1/2" iron rod found at a 2" iron pipe fence post, continue on, for a total distance of 620 76 feet to a 1/2" iron rod set;

**THENCE** along the east bank of a tributary to Spring Creek, (current tributary now a pond 10 - 15 feet deep), as follows:

- N 58° 19' 33" W for a distance of 14.70 feet,
- S 86° 08' 53" W for a distance of 17.34 feet,
- N 07° 48' 39" W for a distance of 13.28 feet,
- N 27° 44' 44" E for a distance of 19.27 feet,
- N 20° 21' 43" E for a distance of 26.99 feet,
- N 10° 35' 46" E for a distance of 26.45 feet,
- N 06° 33' 25" W for a distance of 40.46 feet,
- N 14° 16' 14" W for a distance of 30.58 feet,
- N 55° 12' 48" W for a distance of 98.87 feet,
- N 14° 40' 45" W for a distance of 20.89 feet,
- N 31° 52' 31" E for a distance of 38.27 feet,
- N 02° 58' 15" E for a distance of 27.67 feet,
- N 07° 13' 22" W for a distance of 27.99 feet,
- N 45° 52' 05" W for a distance of 20.26 feet to a 1/2" iron rod set in the common line between the beforementioned 14.28 acre tract and Lot 1, Block 1 - 3.935 acres - K. T. H. Commercial Addition, according to the plat recorded in Volume 4377, Page 206, of the Official Records of Brazos County, Texas;

**THENCE** N 43° 45' 50" E along the common line between the beforementioned 14.287 acre tract and Lot 1, Block 1, K. T. H. Commercial Addition, adjacent to a fence, for a distance of 443.48 feet to the common corner between the said 14.27 acre tract and Lot 1, Block 1, K.T.H. Commercial Addition in the southwest right-of-way line of State Highway No. 6:

**THENCE** S 47° 19' 17" E along the southwest right-of-way line of the beforementioned State Highway No. 6, for a distance of 307.47 feet to the **PLACE OF BEGINNING**, containing 3.76 acres of land, more or less.

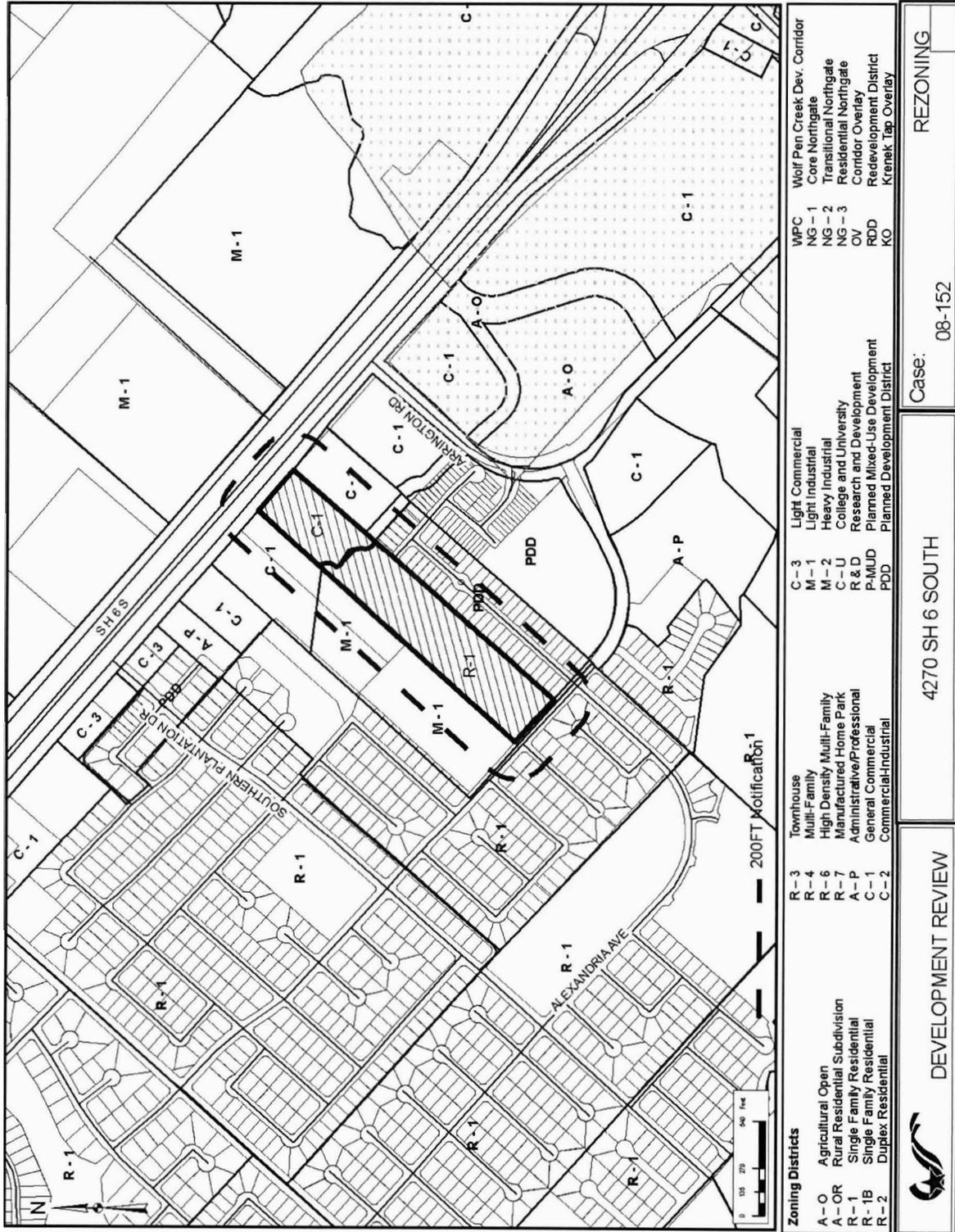


By: *[Signature]*  
S. M. Kling  
R.P.L.S. No. 2003

Prepared: 07/03/08  
2008/moss-3.76ac rezoning request

KLING ENGINEERING AND SURVEYING  
BRYAN, TEXAS

EXHIBIT C:



**October 9, 2008  
Regular Agenda Item 3  
Council appointees to City/CSISD Joint Committee**

**To:** Glenn Brown, City Manager

**From:** Connie Hooks, City Secretary

**Agenda Caption:** Presentation, possible action, and discussion regarding appointments to the College Station City/CSISD Joint Committee. The Committee shall consist of three members from City Council and three members from School Board of Trustees.

**Recommendation(s):**

**Summary:**

**Budget & Financial Summary:**

**Attachments:**