



**Mayor**

Ben White

**Mayor Pro Tem**

Ron Gay

**City Manager**

Glenn Brown

**Councilmembers**

John Crompton

James Massey

Lynn McIlhane

Chris Scotti

David Ruesink

**Agenda**

**College Station City Council**

**Regular Meeting**

**Thursday, February 28, 2008 at 7:00 PM**

**City Hall Council Chamber, 1101 Texas Avenue**

**College Station, Texas**

1. Pledge of Allegiance, Invocation, Consider absence request.  
Historic Building Marker #8 – Washington Chapel Baptist Church, 1801 S. Texas Avenue  
Presentation of Proclamation from the Office of the Mayor to Fire Department declaring the week of February 24 – March 1, 2008 Severe Weather Awareness Week.

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 special meeting December 4, 2007, workshop and regular meetings February 14, 2008.

- b. Presentation, possible action, and discussion regarding a contract with Motorola Inc. for equipment and services to support Rebanding of the City's 800MHz Radio System in an amount not to exceed \$258,191.28.
- c. Presentation, possible action, and discussion regarding ratification of Change Order 2 to contract 07-213 with Brazos Valley Services in the amount of \$37,953.50 to improve drainage at the Carter's Creek wastewater treatment plant.
- d. Presentation, possible action, and discussion to approve a Needs Resolution for easements related the Tauber and Stasney Streets Rehabilitation Project. The easements are along the east and west borders of Tauber Street and Stasney Street between University Drive and Cherry Street.
- e. Presentation, possible action, and discussion regarding Change Order 1 to Contract 07-085 with Malcolm-Pirnie in the amount of \$28,981 to provide engineering design services to add fiber optic conduit to the bid package for the Well 7 Collection Line.
- f. Presentation, possible action, and discussion regarding renewing contract with Dan Shelley for state legislative and consulting services in the amount of \$48,000
- g. Presentation, possible action, and discussion regarding approval of a contract with Meyers & Associates for federal legislative and consulting services in the amount of \$78,000 plus expenses.
- h. Presentation, possible action, and discussion to approve a resolution to award Contract 08-099 to HDR Engineers, Inc. in the amount of \$102,900 for a Socio-Economic Impact study to determine the potential results of large groundwater exports from Brazos and Robertson Counties.
- i. Presentation, possible action, and discussion to approve an Inter-Local Agreement with the City of Bryan to share the cost of a Socio-Economic Impact study on groundwater exports.
- j. Presentation, possible action, and discussion on the purchase of a set of refurbished compactor wheels to be used by the Brazos Valley Solid Waste Management Agency's 836G compactor in the amount of \$85,237.00.
- k. Presentation, possible action and discussion regarding the award of an annual price agreement to Superior Crushed Stone, LC in an amount not to exceed \$500,200 for three types crushed stone to be used by BVSWMA, Public Works and College Station Utilities.
- l. Presentation, possible action and discussion regarding the racial profile report required annually by Senate Bill 1074, of the Texas 77th legislative session.
- m. Presentation, possible action, and discussion on the consideration of an ordinance amending Chapter 10, "Traffic Code," Section 2.C of the Code of Ordinances of the City of College Station changing the traffic control at the intersection of Dartmouth Street and Krenek Tap Road from one-way stop controlled operation to four-way stop controlled operation.
- n. Presentation, possible action, and discussion of a resolution approving an interlocal government agreement between the City of College Station and the College Station ISD, for the purpose of ordering a general election to be held on May 12, 2008 for the purpose of electing three City Councilmembers to Places 1, 3, and 5 and school board of trustees, Positions 6 and 7,

- o. Presentation, discussion and possible action regarding a Release of the Deed of Trust as executed by College Station Gameday, L.L.C. to the City of College Station to secure the original Economic Development Agreement.
- p. Presentation, possible action, and discussion regarding a Resolution Determining Need that identifies properties needed for the Northgate Redevelopment Project.
- q. Presentation, possible action, and discussion regarding approval of a resolution declaring intention to reimburse certain expenditures with proceeds from debt for the Southwood Valley Little League Light project..

### **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. Presentation, possible action, and discussion regarding annexation development agreements.
- 2. Presentation, possible action, and discussion regarding an ordinance annexing several properties within the City of College Station's extraterritorial jurisdiction under the exempt status.
- 3. Public hearing, presentation, possible action, and discussion on an ordinance rezoning 5.7 acres located at 3101 Texas Avenue generally located northeast of the intersection of Deacon Drive and Texas Avenue from PDD, Planned Development to PDD, Planned Development in order to add Vehicle Rental as an accessory use.
- 4. Public hearing, presentation, possible action, and discussion on an ordinance amending Chapter 12 of the City of College Station Code of Ordinances, Unified Development Ordinance Section 7.9.B.6 (Traffic Impact Analysis), Section 7.9.H (Submittal Requirements) and adding Section 7.12 (Traffic Impact Analysis).

5. Public hearing, presentation, possible action, and discussion on an ordinance rezoning from PDD, Planned Development District to PDD, Planned Development District in order to add a car wash facility as an accessory use for 0.778 acres located at 1910 Texas Avenue South generally located along Texas Avenue South between Holleman Drive and Park Place.
6. Public hearing, presentation, possible action and discussion on a ordinance amending the Comprehensive Plan to realign Holleman Drive, Jones-Butler Road and Dowling Road along the south side of Harvey Mitchell Parkway, located at 1430 Harvey Mitchell Parkway.
7. Public hearing, presentation, possible action, and discussion on an ordinance amending the Comprehensive Land Use Plan for 10.434 acres from Single-Family Residential, Low Density to Residential Attached located at 3180 Cain Road generally located southwest of the intersection of Cain Road and Jones Butler Road in the City's ETJ.
8. Public hearing, presentation, possible action, and discussion on consideration of an ordinance amending Chapter 10, "Traffic Code," to restrict parking on the alley south of the 4200 Block of Alexandria Avenue.
9. Public hearing, presentation, possible action and discussion of an ordinance amending Chapter 10 "Traffic Code", to remove parking along Patricia Street and a section of Lodge Street.
10. Presentation, possible action and discussion of an ordinance amending Chapter 10 "Traffic Code", to make Patricia Street one way from Lodge to College Main.
11. Public hearing, presentation, possible action, and discussion on a resolution calling a special election to be held on May 10, 2008 for the purpose of a voter consideration of a tax freeze limiting the amount of ad valorem taxes imposed on the residential homestead of a person who is 65 years of age or older in the City of College Station; and providing for publication of said notice.
12. Adjourn.

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

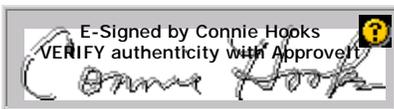
APPROVED:

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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, February 28, 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 the 25<sup>th</sup> day of February, 2008 at 5:00 pm.



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 February 25<sup>th</sup> 2008 at 5:00 pm and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

This public notice was removed from the official 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.



**Mayor**  
Ben White  
**Mayor Pro Tem**  
Ron Gay  
**City Manager**  
Glenn Brown

**Council members**  
John Crompton  
James Massey  
Lynn McIlhaney  
Chris Scotti  
David Ruesink

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**Draft Minutes**  
**City Council Special Meeting**  
**Tuesday, December 04, 2007 at 2:00 p.m.**  
**City Hall Council Chambers, 1101 Texas Avenue**  
**College Station, Texas**

**COUNCIL MEMBERS PRESENT:** Mayor White, Mayor Pro Tem Gay, Council members Crompton, Massey, McIlhaney, Scotti, Ruesink

**STAFF PRESENT:** City Manager Brown, City Attorney Cargill Jr., City Secretary Hooks, Assistant City Secretary Casares, Management Team

**Regular Agenda Item No. 1 -- Pledge of Allegiance, Invocation Hear visitors.**

Mayor White called the meeting to order at 2:00 p.m.

**Special Agenda Item No. 1 -- Presentation, possible action, and discussion regarding the 2008 Planning & Zoning Commission Plan of Work.**

Bob Cowell, AICP, Director of Planning and Development Services introduced this item.

Commissioners Present: Marsha Sanford, John Nichols, Glenn Schroeder and Ken Reynolds.

John Nichols, Planning and Zoning Commissioners Chair opened the meeting at 2:03 p.m. He presented a brief overview of the 2008 Planning and Zoning Commission Plan of Work.

No formal action was taken.

The Planning and Zoning commission adjourned at 2:27 p.m.

**Special Agenda Item 2 -- Presentation, possible action and discussion on the performance, progress and future plans of the Bryan/College Station Convention and Visitors Bureau.**

Director of Economic and Community Development David Gwin introduced this item.

Barry Bigger, Executive Director of the Bryan/College Station Convention and Visitors Bureau presented a status report on its performance, progress, and future plans of the Bryan/College Station Convention and Visitors Bureau.

No formal action was taken.

**Special Agenda Item No. 3 -- Presentation, possible action and discussion regarding proposed City Hall and Masterplan for Krenek Tap Road property.**

Deputy City Manager Terry Childers presented the following: an overview of policy options, a brief history of the project, City Hall conceptual plan and funding options.

Mayor and Council members discussed the factors associated with the proposed City Hall and Master plan for Krenek Tap Road property.

No formal action was taken.

**Special Agenda Item No. 4 -- presentation, possible action and discussion approving an ordinance amending Chapter 1 “General Provisions” of the Code of Ordinances by adding a new section establishing the Municipal Court in College Station, Texas as a Municipal Court of Record, providing for the term and appointment of a judge of the Municipal court of Record; and authorizing the City Manager or his designee to appoint a municipal court clerk.**

Municipal Court Judge Ed Spillane explained the purpose of the proposed ordinance. Staff recommended approval of the proposed ordinance establishing a municipal court of record in College Station.

Mayor Pro Tem Gay moved approval of **Ordinance No. 3024a** amending Chapter 1 of the Code of Ordinances adding a new section establishing a Municipal Court of Record and authorizing the City Manager to appoint a municipal court clerk. Council member Massey seconded the motion, which carried unanimously, 7-0.

FOR: Gay, Massey, McIlhaney, Crompton, White, Scotti, Ruesink

AGAINST: None

**Special Agenda Item No. 5 -- Presentation, possible action, and discussion regarding Citizen Engagement Policy and the application of Community Problem solving Model in College Station.**

Item was removed by staff.

**Special Agenda Item No. 6 -- Presentation, possible action, and discussion regarding policies related to operations and events at the Wolf Pen Creek Amphitheater.**

Item introduced by Ric Ploeger, Asst. Director of Parks and Recreation.

Recreation Superintendent Peter Lamont reviewed the proposed policy changes for operations of the Wolf Pen Creek Amphitheater.

Council member Ruesink moved to approve the proposed guidelines for the amphitheater. Council member Gay seconded the motion which carried 5-1.

FOR: Ruesink, Gay, Scotti, White and Massey

AGAINST: Crompton

ABSENT: McIlhaney

**Special Agenda Item No. 7 -- Presentation, possible action, and discussion regarding a resolution of the City Council of the City of College Station, Texas, approving and setting fees for Parks and Recreation activities and facilities.**

Item introduced by Ric Ploeger, Asst. Director of Parks and Recreation.

Peter Lamont, Recreation Superintendent presented the annual review of user fees to determine direct costs, as well as local “market” rates for individual programs and facilities. Further, the Parks and Recreation Advisory Board established a departmental fee policy statement to provide guidance in the establishment of fees.

Recommended additions: Lincoln Center Late Fee, Veterans Park Package Rental, Wolf Pen Creek Green Room and Plaza area.

Council member Massey moved to approve the fee changes and the departmental fee policy, Council member Crompton seconded the motion, approved.6-0.

FOR: Massey, Gay, White, Crompton, Scotti and Ruesink

AGAINST: None

**Special Agenda Item No. 8 -- Presentation, possible action and discussion regarding public input on capital roadway construction projects.**

Item removed by staff.

**Special Agenda Item No. 9 -- Presentation, possible action, and discussion on the Super Freeport Exemption.**

Chief Financial Officer Jeff Kersten explained that a Super Freeport is an exemption for goods that reside temporarily in house, within a City, while awaiting shipment to other location within or outside of Texas. The Super Freeport exemption can be described as a local option property tax exemption of the “opt out” variety. The exemption automatically applies to a city unless a city takes action to void the exemption. Council member Crompton moved to schedule a public hearing and adopt an ordinance Council member Massey seconded the motion which carried 6-0

FOR: White, Massey, Crompton, Gay, Ruesink and Scotti

AGAINST: None  
ABSENT: McIlhaney

**Special Agenda Item No. 10 --Adjourn.**

Hearing no objections, the special meeting adjourned at 6:23 p.m. on Tuesday, December 4, 2007.

PASSED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2008

APPROVED:

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

ATTEST:

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

DRAFT



**Mayor**  
Ben White  
**Mayor Pro Tem**  
Ron Gay  
**City Manager**  
Glenn Brown

**Council members**  
John Crompton  
James Massey  
Lynn McIlhaney  
Chris Scotti  
David Ruesink

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**Draft Minutes**  
**City Council Workshop Meeting**  
**Thursday February 14, 2008 at 3:00 p.m.**  
**City Hall Council Chambers, 1101 Texas Avenue**  
**College Station, Texas**

**COUNCIL MEMBERS PRESENT:** Mayor White, Mayor Pro Tem Gay, Council members Crompton, Massey, Scotti, Ruesink, McIlhaney

**STAFF PRESENT:** City Manager Brown, City Attorney Cargill Jr., City Secretary Hooks, Assistant City Secretary McNutt, Management Team.

Mayor White called meeting to order at 3:00 p.m.

**Workshop Agenda Item No. 1 – Presentation, possible action, and discussion on items listed on the consent agenda.**

Items E and F were removed from discussion.

Council member Massey asked for clarification on consent agenda items C, I, and K.

Assistant Fire Chief Jon Mies briefly clarified Item C regarding fees increasing after five years. He explained that original fees were not equivalent to existing cost of services. Additional test fees have also increased.

City Engineer Alan Gibbs briefly explained the impact fees on item K.

Director of Public Works Mark Smith discussed the projects that have been identified with funding issues by TXDOT.

**Workshop Agenda Item No. 2 – Presentation, possible action, and discussion regarding the proposed annexation of six areas being considered under the exempt status and the associated service plan.**

Introduced by Bob Cowell, AICP, Director of Planning and Development Services.

Assistant Director of Planning and Development Services presented a brief overview to provide information on the proposed annexation of six areas and sought direction from the City Council to proceed forward with designated areas for ordinance preparation.

Mayor White and Council expressed support of annexation for all of Area 1.

Mayor White and Council expressed support of annexation for all of Area 2.

Council member Crompton expressed support of annexation for all of Area 3.

Mayor White, Council members Massey, Ruesink, Scotti, & McIlhaney expressed support of Area 3 with the exception of the areas shaded in red on the map displayed.

Council member Ruesink supported annexation for all of Area 4.

Mayor White, Council members Massey, Scotti, Crompton, & McIlhaney supported Area 4 with the exception of the area shaded as red on the map displayed.

Council member Gay did not support annexation for Area 4.

Mayor White and Council supported annexation for all of Area 5.

Mayor White and Council support annexation for all of Area 6.

Mayor White and Council recommended the City staff construct the annexation ordinance and with these changes provide for an effective date of 30 days after adoption of the ordinance.

**Workshop Agenda Item No. 3 – Presentation, possible action, and discussion regarding municipal cemetery operations.**

Introduced by Warren Struss, Interim Director of Parks and Recreation.

Forestry Superintendent Ross Albright presented a discussion on four action items listed on the Consent Agenda for the City Council meeting. He provided an update on the construction bid and the setting of prices for the cemetery space sales in the Memorial Cemetery. He highlighted points of interest in the InterLocal Agreement with TAMU for the lease of 8.6 acres of the Memorial Cemetery site for grazing.

No formal action was taken.

**Workshop Agenda Item No. 4 – Presentation, possible action, and discussion of the Extension of Eagle Avenue so that it connects from CSISD property eastward to Longmire.**

Director of Public Works Mark Smith described the Eagle Avenue extension costs, the funding options, project timeline, and design.

Mayor Pro Tem Gay moved to proceed forward with the construction of the Eagle Avenue project. Council member Massey seconded the motion which carried 7-0.

FOR: White, Ruesink, Gay, Scotti, Crompton, Massey and McIlhaney

AGAINST: None

**Workshop Agenda Item No. 5 – Presentation, possible action, and discussion on a report by the City Secretary on the verification process of Voter Registration Poll Lists used during the May 12, 2007 and June 23, 2007 elections.**

Connie Hooks, City Secretary introduced this item. Kristen Roe; Chief Voter Registrar addressed the City Council about the voter registration process and the County’s responsibilities to update the voter records.

Council member Crompton explained the serious nature of accountability to ensure the records reflect accurate data.

Kristen Roe agreed with Council member Crompton of the situation but explained the software had been fixed for the 2008 elections and reassured him that the 2007 voting count was separate from their count and it did not affect the 2007 elections.

No action was taken.

**Workshop Agenda Item No. 6 -- Presentation, possible action and discussion regarding community meetings held in January to gather public input about possible capital projects to consider.**

Director of Public Works Mark Smith presented a summary of the public meetings held in January regarding the capital projects bond package.

**Workshop Agenda Item No. 7 -- Presentation, possible action and discussion regarding appointment of Green College Station Technical Advisory Task Force.**

Deputy City Manager Terry L. Childers asked the Council to provide the City Manager with the direction to appoint a Task Force.

Council member Crompton moved to direct the City Manager to recommend nine or ten names to the Technical Advisory Task force in addition to the standard application process. Council member McIlhaney seconded the motion which carried 7-0.

FOR: White, Ruesink, Gay, McIlhaney, Massey, Crompton, Scotti  
AGAINST: None

**Workshop Agenda Item No. 8 – Council Calendar**

- February 11                      First Day to file for City Council positions
- February 12                      Special P&Z meeting, 6:00 pm Council Chambers
- February 13                      Valley Park Center Opening, 11:30 pm
- February 14                      Workshop and Regular Meetings, 7:00 pm
- February 19                      IGC Meeting, 12:00 pm BVCOG offices may cancel
- February 21                      Chancellor’s Reception, 6:30 pm

Council reviewed their upcoming events.

**Workshop Agenda Item No. 9 – Presentation, possible action, and discussion on future agenda items: A Council Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.**

Council member Scotti moved to add a workshop item to discuss the city's plan for ETJ development and the options for incenting infill development. Council member McIlhaney seconded the motion which carried 7-0.

FOR: Scotti, White, Massey, McIlhaney, Gay, Ruesink and Crompton  
AGAINST: None

**Workshop Agenda Item No. 10 – Discussion, review and possible action regarding the following meeting: Arts Council Subcommittee of the Council, Audit Committee, Brazos County Health Dept., Brazos Valley Council of Governments, Cemetery Committee, Design Review Board, Historic Preservation Committee, Interfaith Dialogue Association, Intergovernmental Committee, Joint Relief Funding Review Committee, Library Committee, Metropolitan Planning Organization, Outside Agency Funding Review, Parks and Recreation Board, Planning and Zoning Commission, Sister City Association, TAMU Student Senate, Research Valley Partnership, Regional Transportation Committee for Council of Governments, Transportation Committee, Wolf Pen Creek Oversight Committee, Wolf Pen Creek TIF Board, Zoning Board of Adjustments (Notice of Agendas posted on City Hall Bulletin Board).**

Council member Crompton – no report  
Council member Massey – no report  
Council member Ruesink – Funding related to technical issues for EOC  
Council member Scotti – no report  
Council member McIlhaney – Arts Council Board: Three agencies have sought Arts Council funding.  
Council member Gay – no report  
Mayor White – reported on BVCOG meeting

**Workshop Agenda Item No. 11 – Executive Session will immediately follows the workshop meeting in the Administrative Conference Room.**

At 5:46 p.m., Mayor White announced in open session that the City Council would convene into executive session pursuant to Sections 551.071 and 551.087 of the Open Meetings Act, to seek the advice of our attorney with respect to pending and contemplated litigation, and economic development negotiations.

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

Application with TCEQ in Westside/Highway 60 area, near Brushy Water Supply Corporation.

Civil Action No. H-04-4558, U.S. District Court, Southern District of Texas, Houston Division, *College Station v. U.S. Dept. of Agriculture, etc., and Wellborn Special Utility District*.

Cause No. GN-502012, Travis County, *TMPA v. PUC* (College Station filed Intervention 7/6/05)

Sewer CCN request.

Legal aspects of Water Well and possible purchase of or lease of another water site.

Civil Action No. H-04-3876, U.S. District Court, Southern District of Texas, Houston Division, *JK Development v. College Station*.

Cause No. 06-002318-CV-272, 272<sup>nd</sup> Judicial District Court, Brazos County, Texas, *Taylor Kingsley v. City of College Station, Texas and Does 1 through 10, inclusive*.

Cause No. 485-CC, County Court at Law No. 1, Brazos County, Texas, *City of College Station v. David Allen Weber, et al.*

Bed & Banks Water Rights Discharge Permits for College Station and Bryan

Cause No. 07-001241-CV-361, 361<sup>st</sup> Judicial District Court, Brazos County, Texas *Gregory A. & Agnes A. Ricks v. City of College Station*

Water CCN request

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

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

- a. Hotel Conference Center

**Workshop Agenda Item No. 12 – Action on executive session, or any workshop agenda item not completed or discussed in today’s workshop meeting will be discussed in tonight’s Regular Meeting if necessary.**

Council concluded its executive session at 6:40 pm.

No formal action taken.

**Workshop Agenda Item No 13 – Adjourn.**

The workshop meeting adjourned at the same time as the regular meeting.

PASSED and APPROVED this 28<sup>th</sup> day of February, 2008

APPROVED:

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

ATTEST

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

DRAFT



**Mayor**

Ben White

**Mayor Pro Tem**

Ron Gay

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Glenn Brown

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Chris Scotti

David Ruesink

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**Draft Minutes  
City Council Regular Meeting  
Thursday, February 14, 2008 at 7:00 p.m.  
City Hall Council Chambers, 1101 Texas Avenue  
College Station, Texas**

**COUNCIL MEMBERS PRESENT:** Mayor White, Mayor Pro Tem Gay, Council members Crompton, Massey, Scotti, and Ruesink

**STAFF PRESENT:** City Manager Brown, City Attorney Cargill Jr., City Secretary Hooks, Deputy City Secretary McNutt, Management Team

**Regular Agenda Item No. 1 -- Pledge of Allegiance, Invocation, Hear visitors.**

Mayor White called the meeting to order at 7:00 p.m. He led the audience in the Pledge of Allegiance. Mayor White provided the invocation.

Mayor White presented a plaque for the Historic Home Marker # 19 Loupot / Isenhart Home at 1201 Walton Drive.

City Manager Glenn Brown introduced Chuck Gilliam the New Capital Improvements Director.

**Hear Visitors**

Jessica Guidry, Executive Director of the Northgate District Association addressed the City Council on was called to speak. She requested to speak at the public hearing on item 3 and 4.

Gary Shaffer spoke briefly on annexation (Chapter 43.0562) and expressed his disappointment in the Councils support on annexing area 5.

**Item No 2 Consent Agenda: 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 council.**

a. Approval of minutes for January 24, 2008 and January 29, 2008.

b. Item was approved to reject the bid proposals received from Bid Number 07-101 and Bid Number 08-02 for construction of a scale house addition at the Rock Prairie Road Landfill.

c. Approval of the assessment of fees for certain services provided by the Fire Department.

d. Approval of First Amendment to the Development Agreement with Lonestar – College Station Golf Academy, Ltd.

e. Presentation, possible action, and discussion regarding a development agreement to improve access to the Central Station shopping center and to generally improve traffic flow in the immediate area.

Item removed by staff.

f. Presentation, possible action, and discussion on an Advance Funding Agreement (AFA) with the Texas Department of Transportation (TxDOT) in a total amount of \$223,268 to improve access to the Central Station shopping center and to improve general traffic flow in the immediate area.

Item removed by staff.

g. Approval of **Resolution 2-14-08-2g** modifying and extending the Note for the loan of HOME Investment Partnership (HOME) Program funds for the Santour Court Housing Tax Credit development; and authorization for the Mayor to sign the resolution.

h. Approval of **Ordinance No. 3043** amending Chapter 10, “Traffic Code,” Section 2(N) of the Code of Ordinances of the City of College Station to prohibit u-turns for northbound traffic on Texas Avenue at the intersection of Harvey Road.

i. Approval of **Resolution 2-14-08-2i** authorizing the Mayor to execute an Advance Funding Agreement (AFA) with THE TEXAS DEPARTMENT OF TRANSPORTATION (TxDOT) to provide funds for the acquisition of property for the widening of FM 60.

j. Approval of Semi-Annual Report for Impact Fee 03-02 known as Steeplechase Sewer Impact Fee.

k. Approval of **Resolution 2-14-08-2k** setting a public hearing to update Impact Fees 92-01, 97-01, 97-02B, and 99-01.

l. Approval of **Resolution 2-14-08-2L** amending Resolution No. 4-25-96-3-B describing the use of funds that are in the endowment fund created for the College Station Cemetery, and providing an effective date.

m. Approval of **Resolution 2-14-08-2m** of the City Council of College Station, Texas, establishing an Endowment Fund for the Memorial Cemetery of College Station.

n. Approval of revisions to Code of Ordinances, Chapter 1, "General Provisions", Section 29, "College Station Cemetery Rules and Regulations.

o. Approval of **Ordinance No. 3045** approving a Licensing Agreement with Texas A&M University regarding the use of trademarked items and indicia for use with the Aggie Field of Honor.

p. Approval of revised **Resolution 2-14-08-2p** authorizing the purchase or condemnation of property, water rights, right-of-way and easement interest in certain properties for the Groundwater Wells 8, 9, and 10 Project.

Mayor Pro Tem Gay moved to approve Consent Agenda items A thru D and G thru P as presented. Council member McIlhane seconded the motion which carried 7-0.

FOR: Gay, McIlhane, White, Crompton, Scotti, Massey and Ruesink

AGAINST: None

**Regular Agenda Item No. 1 – Public hearing, presentation, possible action, and discussion on an amendment to the Comprehensive Plan, Land Use Plan from Regional Retail and Residential Attached to Redevelopment for 0.95 acres located at 317 and 321 Redmond Drive.**

Item removed from the agenda.

**Regular Agenda Item No 2 – Public hearing, presentation, possible action and discussion on a rezoning from C-1 General Commercial, P-MUD Planned Mixed Use District, and A-O Agricultural Open to P-MUD Planned Mixed Use District and A-O Agricultural Open for 4.905 acres located at 1502 Texas Avenue South and 317 & 321 Redmond Drive.**

Item removed from the agenda.

**Regular Agenda Item No. 3 – Presentation, public hearing, possible action and discussion of an ordinance amending Chapter 10 “Traffic Code”, to remove parking along Patricia Street and a section of Lodge Street.**

Introduced by Mark Smith, Director of Public Works.

Troy Rother, City Traffic Engineer presented Items No. 3 and 4 simultaneously.

**Regular Agenda Item No. 4 – Presentation, possible action and discussion of an ordinance amending Chapter 10 “Traffic Code” to make Patricia Street one way from Lodge to College Main.**

Mayor White opened the public hearing.

Jessica Guidry, Executive Director of the Northgate District Association noted that she did not support these changes because the Northgate association members were not informed about the

abandonment. She further expressed their frustration with the lack of information with the removal of parking and the change to a one way street.

Mayor White closed the public hearing at 7:24 pm.

Mayor Pro Tem Gay moved to table items 3 and 4 until the next agenda to allow time for staff and merchants to engage in communication about these concerns. Council member Scotti seconded the motion which carried 7-0.

FOR: White, Gay, Scotti, Ruesink, Massey, Crompton and McIlhaney  
AGAINST: None

**Regular Agenda Item No. 5 – Presentation, possible action and discussion of the design of the Church Avenue Phase II Project.**

Public Works Director Mark Smith presented the design of the Church Avenue Phase II Project (improving Northgate). He also explained this project will be within the budget.

Mayor Pro tem Gay made the motion to move forward on the Church Avenue Phase II Project. Council member Crompton seconded the motion which carried 7-0.

FOR: White, McIlhaney, Massey, Ruesink, Scotti, Gay, Crompton  
AGAINST: None

**Regular Agenda Item No. 6 – Public hearing, presentation, possible action, and discussion approving an ordinance vacating and abandoning 0.292 acre of public utility easement, which is located on Lot One of The Woodlands of College Station Subdivision according to the plat recorded in Volume 7420, Pages 255, 256 and 257 of the Deed Records of Brazos County.**

Introduced by Mark Smith, Director of Public Works.

Alan Gibbs, City Engineer presented an ordinance to vacate and abandon 0.292 acre of public utility easement which is located on Lot One of The Woodlands of College Station Subdivision.

Mayor White opened the public hearing. No public input was received. Mayor White closed the public hearing.

Council member Massey moved to approve **Ordinance No. 3046** on vacating and abandoning 0.292 acre of public utility easement. Mayor Pro tem Gay seconded the motion which carried 7-0.

FOR: White, Massey, Crompton, McIlhaney, Gay, Ruesink and Scotti  
AGAINST: None

**Regular Agenda Item No. 7 – Public Hearing, presentation, possible action, and discussion approving an ordinance vacating and abandoning 0.586 acre of public drainage easement, which is located on Lot 2, Block One of the Wheeler Subdivision, Phase Two according to the plat recorded in Volume 3490, Page 269 of the Deed Records of Brazos County, Texas.**

Introduced by Mark Smith, Director of Public Works.

Alan Gibbs, City Engineer presented an ordinance to abandon 0.586 acre public drainage easement, which is located on Lot 2, Block One of the Wheeler Subdivision, Phase Two.

Mayor White opened the public hearing. No one spoke. Mayor White closed the public hearing.

Mayor Pro tem Gay moved to approve **Ordinance No. 3047** to abandon .0586 acre public drainage easement. Council member Scotti seconded motion which carried 7-0.

FOR: White, Scotti, McIlhaney, Crompton, Ruesink, Gay and Massey  
AGAINST: None

**Regular Agenda Item No. 8 – Presentation, possible action, and discussion regarding appointments to the Bryan College Station Library Board and the College Station Zoning Board of Adjustments.**

Connie Hooks, City Secretary presented to the City Council three (3) applicants of the College Station representatives on the Joint Library Board and one (1) alternate member to the Zoning Board of Adjustments.

Mayor Pro Tem Gay moved to approve the appointment of Robert Hunter as an alternate member to the Zoning Board of Adjustments, and approve the appointments of Larry Ringer, Mary Fran Troy, and Charles Smith to the Joint Library Board. Council member Massey seconded the motion which carried 7-0.

FOR: White, Gay, Massey, Ruesink, Crompton, McIlhaney and Scotti  
AGAINST: None

**Regular Agenda Item No. 9 -- Adjourn**

Hearing no objections, Mayor White adjourned the meetings at 8:00 p.m. on Thursday, February, 14, 2008.

PASSED and APPROVED this 28th day of February, 2008.

APPROVED:

\_\_\_\_\_  
Mayor White

ATTEST:

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

**February 28, 2008**  
**Consent Agenda Item 2b**  
**Radio Rebanding Required by FCC – Motorola Contract**

**To:** Glenn Brown, City Manager

**From:** Ben Roper, IT Director

**Agenda Caption:** Presentation, possible action, and discussion regarding a contract with Motorola Inc. for equipment and services to support Rebanding of the City's 800MHz Radio System in an amount not to exceed \$258,191.28.

**Recommendation(s):** Staff recommends approval.

**Summary:** On August 6, 2004, the FCC issued Report and Order FCC 04-168 that modified its rules governing the 800 MHz frequency band to minimize harmful interference to public safety communications systems. The City's radio communications system operates in the 800MHz band and is affected by the FCC order. In the long run additional spectrum (range of frequencies) will be opened up for Public Safety use. In the short term, some existing spectrum that is in use by Public Safety agencies, including the City's Fire and Police Departments, must be vacated, thus the need to change the system control and some existing radios to operate in the newly assigned frequency band. This change is generally referred to as "rebanding".

The rebanding project is under FCC mandated timelines and oversight. The City of College Station is collaborating with the City of Bryan (also representing Brazos County and Brazos County Emergency Communications District) and Texas A&M University on the planning and implementation of this project.

The City executed a Planning Funding Agreement with Sprint Nextel on November 3, 2006 for the Planning Phase of the Rebanding Process and a Frequency Reconfiguration Agreement (FRA) on January 17, 2008. This contract covers Rebanding services and equipment to be provided by Motorola.

**Budget & Financial Summary:** The FCC order requires that Nextel Communications pay all costs associated with the rebanding effort to provide "comparable facilities" to those in place prior to the rebanding process. This contract price includes Motorola cost of \$183,018.28 to be paid by Sprint Nextel. The City elected to upgrade radios that must be replaced and will pay the upgrade cost of \$75,173.00 from the Radio Replacement project (CO0601) funds. This action leverages approximately \$87,000 in Sprint Nextel funds to upgrade these radios.

**Attachments:**

City of College Station contract # 08-137 with Motorola is available in the City Secretary's Office

February 28, 2008

Consent Agenda Item 2c

Carter's Creek Parking Lot and Roads, Change Order 2

To: Glenn Brown, City Manager

From: David Coleman, Director of Water Services

**Agenda Caption:** Presentation, possible action, and discussion regarding ratification of Change Order 2 to contract 07-213 with Brazos Valley Services in the amount of \$37,953.50 to improve drainage at the Carter's Creek wastewater treatment plant.

**Recommendation:** Staff recommends Council ratify this change order.

**Summary:** This project was designed in 2005, started construction in Fall 2007, and is now useably complete. The project provided a new parking lot for the Carter's Creek meeting room and various road improvements in the plant area for operational efficiency. This change order includes some minor quantity adjustments, but the majority of the cost was to correct a drainage problem that was necessary to prevent future damage to the new pavement.

In the common area behind the main building, and between the maintenance buildings and the laboratory, poor drainage resulted in severe ponding that was a nuisance and had caused water damage to the pavement. Under the original design, the repair was expected to be an easy fix, but as actual construction progressed, it became obvious that more extensive demolition and re-grading would be required. The pavement over the entire area had to be removed, and it was re-graded to provide proper drainage and repaved with concrete. This additional work was completed in conjunction with the contract work, since delaying the work would have caused extended overhead and remobilization costs that would have exceeded the value of the work itself.

Since the work was essential to be done, and not cost effective to delay, staff recommends Council approve this ratification.

**Budget & Financial Summary:** Contract 07-213 was issued in the amount of \$525,700.60. Change Order 1 increased the amount by \$3,500.00 to \$529,200.06. The net effect of Change Order 2 will be to increase the contract an additional \$37,593.50 for a grand total of \$567,154.10. Wastewater Capital Projects funds are budgeted and available.

**Attachment:**  
Change Order 2

CHANGE ORDER NO 2 DATE 2-3-08  
 CONTRACT #07-213 PROJECT DESCRIPTION Carter Creek Parking Lot and Roads  
 P O # 071085 PROJECT #WGWOC WF0567890

**OWNER** City of College Station  
 P O Box 9960  
 College Station, Texas 77842

**CONTRACTOR** Brazos Valley Services  
 P O Box 985  
 Bryan Texas 77805

Ph 979 255 3977  
 Fax 936 399 7012

- PURPOSE OF THIS CHANGE ORDER**
- Item 1 Delete Landscape allowance
  - Item 2 Additional 24 concrete culvert
  - Item 3 Delete removal of existing pavement from 425 sq ft of maintenance common area
  - Item 4 Delete concrete paving of 425 sq ft of maintenance common area
  - Item 5 Remove existing pavement: cut to grade and replace with concrete 822 sq yds of maintenance common area
  - Item 6 Increase in pothole repair area
  - Item 7 Delete 30 linear feet of 6 Sch 40 PVC sleeve
  - Item 8 Delete 20 linear feet of 12 Sch 40 PVC sleeve
  - Item 9 Decrease the size of the sludge disposal area concrete apron
  - Item 10 Increase the concrete portion of the sludge loading area concrete apron
  - Item 11 Decrease the asphalt portion of the sludge loading area
  - Item 12 Addition of pavement markings inadvertently left off of the b/d form

ITEM NO.	UNIT	DESCRIPTION	UNIT PRICE	ORIGINAL QUANTITY	REVISED QUANTITY	ADDED COST
1	Lot	Landscape allowance	\$5 000 00	1	0	-\$5 000 00
2	Lin Ft	24 concrete culvert	\$75 00	60	100	\$3 000 00
3	Lot	Pavement demo	\$1 500 00	1	0	-\$1 500 00
4	Sq Ft	Concrete pavement	\$15 00	425	0	-\$6 375 00
5	Sq Yds	Concrete Pavement	\$54 25	0	822	\$44 593 50
6	Sq Yds	Pothole Repair	\$30 00	150	154	\$120 00
7	Lin Ft	6" PVC Sch 40 sleeve	\$15 00	30	0	-\$450 00
8	Lin Ft	12 PVC Sch 40 sleeve	\$30 00	20	0	-\$600 00
9	Sq Ft	Concrete Apron	\$6 00	2 780	2 780	-\$180 00
10	Sq Ft	Concrete Apron	\$5 00	961	1 918	\$4 785 00
11	Sq Yds	Asphalt Pavement	\$10 00	356	162	-\$1 940 00
12	Lot	Pavement Markings	\$1 500 00	0	1	\$1 500 00

THE NET AFFECT OF THIS CHANGE ORDER IS A \$37 783 50 Increase

ORIGINAL CONTRACT AMOUNT	\$525 700 60	
Change Order No 1	\$ 3 500 00	0.7 % of Original Contract Amount
Change Order No 2	\$ 37 953 50	7.2 % of Original Contract Amount
Change Order No 3	\$	% of Original Contract Amount
<b>REVISED CONTRACT AMOUNT</b>	<b>\$567 154 10</b>	

<b>ORIGINAL CONTRACT TIME</b>	<b>120 Days</b>
Change Order No. 1 Time Extension or Reduction	0 Days
Change Order No. 2 Time Extension or Reduction	27 Days
Change Order No. 3 Time Extension or Reduction	Days
<b>REVISED CONTRACT TIME</b>	<b>147 Days</b>

ORIGINAL SUBSTANTIAL COMPLETION DATE	12/3/07
REVISED SUBSTANTIAL COMPLETION DATE	12/31/07

APPROVED

A/E CONTRACTOR

CONSTRUCTION CONTRACTOR

PROJECT MANAGER

DEPARTMENT DIRECTOR/ ADMINISTRATOR

*[Signature]*  
Date 02/08/08

*[Signature]*  
Date 2/8/08

*[Signature]*  
Date 02-08-08

*[Signature]*  
Date 12 Feb 08

DIRECTOR OF FISCAL SERVICES

CITY ATTORNEY

CITY MANAGER

MAYOR

CITY SECRETARY

Date

Date

Date

Date

Date

2-14-08

**February 28, 2008**  
**Consent Agenda Item 2d**  
**Tauber and Stasney Streets Rehabilitation Project**  
**Needs Resolution**

**To:** Glenn Brown, City Manager

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

**Agenda Caption:** Presentation, possible action, and discussion to approve a Needs Resolution for easements related the Tauber and Stasney Streets Rehabilitation Project. The easements are along the east and west borders of Tauber Street and Stasney Street between University Drive and Cherry Street.

**Recommendation(s):** Staff recommends approval of the Needs Resolution for Public Utility, Public Access and Landscape Easements; Public Utility Easements; and Temporary Construction Easements.

**Summary:** This item is for the approval of a Needs Resolution for Public Utility, Public Access and Landscape Easements; Public Utility Easements; and Temporary Construction Easements in order to construct sidewalks in accordance with City Design Standards, to improve pedestrian safety, and to improve pedestrian mobility in the Northgate area as part of the Tauber and Stasney Streets Rehabilitation Project. The sidewalks are needed to provide safe pedestrian access from residential areas of Northgate to the commercial areas of Northgate and the A&M campus.

Improvements in the proposed right-of-way include a store sign (Subway), part of a canopy (Aggieland Credit Union), fencing, trees, landscaping, paving, sidewalks, curbing and a few privately owned parking spaces. A large number of parking spaces that serve the apartments are within the City's existing street right-of-way. Those spaces will be redesigned as part of the project. This project is going through the Northgate Engagement process.

The described parking impacts presented to Council on February 16, 2006. The Northgate Merchants Association was also informed of these plans at that time.

This is the third of three needs resolutions for this project; the first was part of the April 26, 2007 Council Agenda and the second was part of the June 14, 2007 Council Agenda. The purpose for this Resolution is to include Temporary Construction Easements, Public Utility Easements and to make final adjustments to two previously submitted easements.

**Budget & Financial Summary:** The total budget for this project is \$2,492,110. From this amount, \$2,252,110 will be paid from the Streets Capital Improvement Projects, \$120,000 will be paid from the Water Capital Improvement Projects Fund and \$120,000 will be paid from the Wastewater Capital Improvement Projects Fund. A total of \$258,179 has been expended or committed to date, leaving a balance of \$2,233,931. The cost of purchasing the easements is unknown at this time.

**Attachments:**

1. Needs Resolution
2. Exhibit A - Property Descriptions (Copies available in City Secretary office)
3. Location Map of the Tauber and Stasney Streets Rehabilitation Project.

# Tauber and Stasney Street Rehabilitation Project Location Map



February 28, 2008

Consent Agenda Item 2e

Change Order to Design Contract for Well 7 Collection Line

To: Glenn Brown, City Manager

From: David Coleman, Director of Water Services

**Agenda Caption:** Presentation, possible action, and discussion regarding Change Order 1 to Contract 07-085 with Malcolm-Pirnie in the amount of \$28,981 to provide engineering design services to add fiber optic conduit to the bid package for the Well 7 Collection Line.

**Recommendation:** Staff recommends Council approve this change order.

**Summary:** College Station's water wells and one pump station are located approximately 14 miles northwest of the City. This system is remotely operated and monitored by an electronic system called SCADA (Supervisory Control Data Acquisition). For security and reliability, SCADA communications are carried on fiber optic lines wherever possible, and on secure radio links where fiber is impractical.

Water well number 7 is presently under construction on Old San Antonio Road, and the collection pipe line that will carry water from Well 7 into our collection system is under design by Malcolm-Pirnie. Originally, this well was planned to be linked into the SCADA system by secure radio.

However, our situation has recently changed dramatically, because the City is in the process of purchasing land for future well sites in the area north and west of Well 7. The topography of the area and the location of the Well 7 site make it an ideal location for a secure radio link to the future wells, which can be achieved if a fiber optic cable is run to Well 7. This configuration is the most cost effective method to achieve reliable SCADA controls in the future well field.

The most efficient way to get a fiber optic cable to Well 7 is to install a conduit alongside the collection pipe line. Since this pipe line is presently under design, it is a simple matter to incorporate the fiber optic conduit into the construction bid package, so that the pipe line and the conduit will be bid and constructed simultaneously.

Staff recommends Council approve this change order to add the fiber optic conduit to the design contract, so that Malcolm-Pirnie can incorporate the conduit into the bid package.

**Budget & Financial Summary:** The original amount of Contract 07-085 was \$177,598. Change Order 1 in the amount of \$28,981 will increase the contract amount to \$206,579. Water Capital Improvements Funds are budgeted and available.

**Attachments:**

Change Order 1  
Scope of Work

CHANGE ORDER NO.1 DATE: January 25, 2008  
 CONTRACT # 07-085 PROJECT DESCRIPTION: Well 7 Collection Line  
 P.O.#070371 WF0353621/001

**OWNER:** City of College Station  
 P.O. Box 9960  
 College Station, Texas 77842

**CONTRACTOR:** MALCOLM PIRNIE INC  
 12400 COIT ROAD  
 SUITE1200  
 DALLAS, TEXAS 75251

Ph:972 934 9711  
 Fax:972 934 3662

**PURPOSE OF THIS CHANGE ORDER:**  
 Item 1. Engineering services for the installation of a fiber optic conduit from Rye School Road and Sandy Point Road to Well 7  
 Item 2:  
 Item 3:

ITEM NO.	UNIT	DESCRIPTION	UNT PRICE	ORIGINAL QUANTITY	REVISED QUANTITY	ADDED COST
1	Lump sum	Engineering Services	\$28,981.00	0	\$28,981.00	\$28,981.00
2			\$			
3			\$			

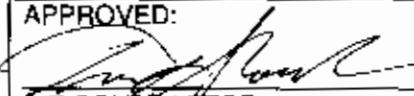
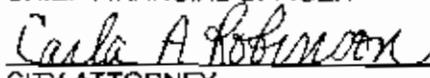
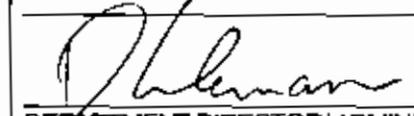
THE NET AFFECT OF THIS CHANGE ORDER IS A INCREASE

ORIGINAL CONTRACT AMOUNT \$177,598.00  
 Change Order No. 1 \$28,981.00 16 % of Original Contract Amount  
 Change Order No. 2 \$ \_\_\_\_\_ % of Original Contract Amount  
 REVISED CONTRACT AMOUNT \$206,579.00

ORIGINAL CONTRACT TIME Days  
 Change Order No. 1 Time Extension or Reduction 30 Days  
 REVISED CONTRACT TIME Days

ORIGINAL SUBSTANTIAL COMPLETION DATE Oct 31, 2008  
 REVISED SUBSTANTIAL COMPLETION DATE Nov 30, 2008

**APPROVED:**

 A/E CONTRACTOR	1-29-08 Date	CHIEF FINANCIAL OFFICER  Date
 PROJECT MANAGER	1-31-08 Date	CITY ATTORNEY Date
 DEPARTMENT DIRECTOR/ADMINISTRATOR	12 Feb 08 Date	CITY MANAGER Date
		MAYOR Date
		CITY SECRETARY Date

CHANGE ORDER NO.1  
 CONTRACT # 07-085  
 P.O.#070371  
 WF0353621/001  
 DATE: January 25, 2008  
 PROJECT DESCRIPTION: Well 7 Collection Line

**OWNER:**  
 City of College Station  
 P.O. Box 9960  
 College Station, Texas 77842

**CONTRACTOR:**  
 MALCOLM PIRNIE INC  
 12400 COIT ROAD  
 SUITE1200  
 DALLAS, TEXAS 75251

Ph:972 934 9711  
 Fax:972 934 3662

**PURPOSE OF THIS CHANGE ORDER:**  
 Item 1: Engineering services for the installation of a fiber optic conduit from Rye School Road and Sandy Point Road to Well 7

Item 2:  
 Item 3:

ITEM NO.	UNIT	DESCRIPTION	UNIT PRICE	ORIGINAL QUANTITY	REVISED QUANTITY	ADDED COST
1	Lump sum	Engineering Services	\$28,981.00	0	\$28,981.00	\$28,981.00
2			\$			
3			\$			

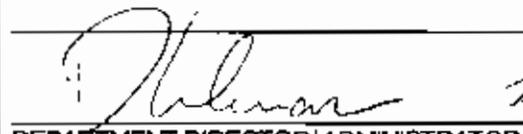
THE NET AFFECT OF THIS CHANGE ORDER IS A INCREASE

ORIGINAL CONTRACT AMOUNT	\$177,598.00	
Change Order No. 1	\$28,981.00	16 % of Original Contract Amount
Change Order No. 2	\$	_____ % of Original Contract Amount
REVISED CONTRACT AMOUNT	\$206,579.00	

<b>ORIGINAL CONTRACT TIME</b>		<b>Days</b>
Change Order No. 1 Time Extension or Reduction	30	Days
<b>REVISED CONTRACT TIME</b>		<b>Days</b>

ORIGINAL SUBSTANTIAL COMPLETION DATE	Oct 31, 2008
REVISED SUBSTANTIAL COMPLETION DATE	Nov 30, 2008

**APPROVED:**

 A/E CONTRACTOR	1-29-08 Date	_____	CHIEF FINANCIAL OFFICER	_____	Date
_____	_____	_____	CITY ATTORNEY	_____	Date
 PROJECT MANAGER	2-7-08 Date	_____	CITY MANAGER	_____	Date
_____	_____	_____	MAYOR	_____	Date
 DEPARTMENT DIRECTOR/ADMINISTRATOR	20 Jan 08 Date	_____	CITY SECRETARY	_____	Date

## I. SCOPE OF SERVICES

The City of College Station (OWNER) intends to extend the limits of the fiber optic conduit transmission within the well collection system. The limit increase will be achieved by the addition of a new 4-inch diameter fiber optic conduit along Rye School Road from Sandy Point Road to Well No. 4. Malcolm Pirnie, Inc. (ENGINEER) will perform professional engineering services to include the 4-inch diameter fiber optic conduit (PROJECT) in the final design, bidding, and construction phase services for the Well 7 Collection Line Pipeline. The basis for payment for each task required to include the 4-inch conduit in the Well 7 Collection Pipeline is a lump sum **fee of \$28,981**, with the exception of meeting attendance, site visits and resident project representative services which are reimbursable, not to exceed amounts. The following is a list and brief description of the elements that form the basis of the scope of work and fee proposal.

### ***Fiber Optic Conduit***

- Approximately 3,200 feet of 4-inch fiber optic conduit from Well 4 to Sandy Point Road. The conduit will be designed in the existing Rye School Road right-of-way.
- Field topographic survey of the final conduit alignment. Properly boundary survey and all easement acquisition documents will be prepared by others contracted with the City.
- Environmental reviews and permitting if necessary.
- All tasks will be conducted in conjunction with and included in the Well 7 Collection Pipeline project authorized under Purchase Order 070371 and approved by City Council on December 14,2006.

## II. BID PACKAGES

The scope of work and fee is based on preparing and bidding the PROJECT with the Well 7 Collection Pipeline.

## III. DETAILED TASK DESCRIPTIONS

The professional engineering services will be divided into three phases as follows:

- Design Phase
- Bid Phase
- Construction Phase

The individual tasks to be provided are described below.

## **A. DESIGN PHASE**

ENGINEER will perform Design **Services** for the PROJECT as detailed in the following tasks.

### **Task 1 – Data Collection and Review**

Collect supplemental information utilizing existing data where available related to the existing mapping along the conduit alignment and other data collected under previous projects. Provide letter documenting items collected and additional needs from the OWNER. Data collection for the additional area for the conduit alignment will be conducted in conjunction with the data collection and review for the Well 7 Collection Pipeline.

### **Task 2 – Site Reconnaissance**

Conduct a tour of the anticipated conduit alignment to review surface features and photograph components subject to improvement for record purposes. The tour for the additional area for the conduit alignment will be conducted in conjunction with the tour for the Well 7 Collection Pipeline.

### **Task 3 – Technical Design Memorandum**

A short letter memo will be prepared and serve as the Technical Design Memorandum. The letter will document the scope outlined herewith and the design requirements for the fiber optic conduit.

### **Task 4 – Environmental Reviews**

Conduct a preliminary wetlands determination along the conduit alignment to determine if wetlands exist, and if mitigation is required. Coordinate with the U.S. Fish and Wildlife Service and Texas Department of Parks and Wildlife to ensure that any known endangered species along the conduit alignment will not be negatively impacted. Conduct survey to identify the presences or absences of threatened and endangered species **and/or** critical habitat. Coordinate with the Texas Historical Commission to ensure that no known historical or archeological sites will be negatively impacted. Malcolm Pirnie will complete wetland field surveys in accordance with the procedures outlined in the 1987 US Army Corps of Engineers (**USACE**) Field Guide for Wetland Delineation. The field survey for the additional area for the conduit alignment will be conducted in conjunction with the field survey for the Well 7 Collection Pipeline.

## Task 5 – Environmental Permitting

Following completion of the field work, Malcolm Pirnie will prepare and submit a **USACE** – Nationwide Permit 12 if it is required. Two copies of all information collected and produced during Task 4 shall be delivered to the OWNER and an electronic copy shall be placed on the OWNER's ftp site.

Environmental Permitting, if required, will be conducted in conjunction with the permitting for the Well 7 Collection Pipeline as an additional service as defined in Purchase Order 070371.

## Task 6 – Perform Geotechnical Investigation

No additional geotechnical investigations will be conducted for the conduit.

## Task 7 – Conduct Field Surveys

Provide field surveys, through a subcontract, of the conduit alignment. Topographic and alignment information will be **prepared** in electronic format (**AutoCAD**). **Property** boundary survey and all easement acquisition documents, if **required**, will be **prepared** by others contracted with the City. Available records of utilities (electric, water, sewer, gas, cable, petroleum, and cable) will be reviewed and appropriate information included on the mapping to document subsurface and otherwise non-visible conditions. The OWNER'S forces, if required, will conduct physical excavation of existing utilities. This task does not include ENGINEER'S effort to coordinate with the OWNER'S land agent or property owners. The conduit will be constructed inside the County right-of-way.

## Task 8 – Regulatory and Utility Coordination

Prepare documents and permits for the County approval for construction plans, pipeline crossings, and portions of the pipeline located within the County rights-of-way, respectively. Coordinate the review of permit applications with County personnel. This includes transmitting one set of permits to County, attending one meeting at County offices, answering questions via telephone that may arise during the review process, and providing supplemental information to support the permit application.

Coordinate the location of the existing utilities (in proximity of new facilities) with the pertinent utility companies including telephone **and/or** written contact, forwarding of pertinent drawings, and coordination of specific utility company requirements.

The Regulatory and Utility Coordination will be conducted in conjunction with the Well 7 Collection Pipeline.

## Task 9 – Prepare Drawings and Specifications

Prepare detailed drawings for the construction contract of the PROJECT. The drawings and specifications for the PROJECT will be completed in conjunction with the Well 7 Collection Pipeline.

The Plan and profile drawings of the fiber optic conduit will be at a scale of 1:40 in the plan view and 1:4 in the profile view. Drawings will be prepared in electronic format. The design will incorporate applicable Malcolm Pirnie and the OWNER'S standards. The basis of document preparation was delineated in the technical design memoranda. Substantial deviations from the technical memoranda and scope (e.g. change in conduit route, etc) are not budgeted and will be considered an additional service.

Prepare project specifications using the sixteen-division, modified three-part format of the Construction Specifications Institute. Front-end documents (Division 0) will be OWNER'S standard documents as modified by Malcolm Pirnie in the Special Conditions. The remaining technical specifications will be prepared by the ENGINEER using Malcolm Pirnie documents and the OWNER's standard requirements as applicable.

Meet with the OWNER to discuss operational issues and facility shut-down. Prepare a Maintenance of Plant Operations specification section to define the time limitations and work sequence for constructing the conduit while maintaining continuous operations.

At the 50 and 90 percent milestones, at OWNER'S option, submit five 22 x 34 inch copies of the drawings and electronic version of documents to the OWNER for review. At the 50 percent milestone, five paper copies and one electronic copy of the Division 1 specifications will be furnished and table of contents delineating the remaining sections. At the 90 percent milestone, five copies of the complete specifications and one electronic copy will be submitted. The OWNER will review the deliverables within two weeks after receipt for the 50 percent set and two weeks for the 90 percent set. The ENGINEER will provide detailed written confirmation of the changes resulting from the OWNER'S review of the documents. One electronic copy of the 100 percent set shall be placed on the OWNER'S ftp site.

## Task 10 – Opinion of Probable Construction Cost

The opinion of probable construction cost for the PROJECT will be included with the Well 7 Collection Pipeline Project.

## Task 11 – Deliverable Review Workshops (Reimbursable Not to Exceed Task)

The workshops for the PROJECT will be included with the Well 7 Collection Pipeline Project.

## Task 12 – Regulatory Approval

Coordinate the review of drawings and specifications with County personnel for initial construction approval of the PROJECT. The Regulatory Approval will be conducted in conjunction with the Well 7 Collection Pipeline Project.

## Task 13 – Quality Assurance and Control

All work products shall receive an in-house quality control review by at least one of Malcolm Pirnie's technical director qualified designates. The quality reviewer will be either a Professional Engineer who is specialized and has experience in completing similar projects of similar size. A review will be completed on the drawing and specifications at the 50, 90, and 100 percent design point. The 50, 90, and 100 percent review will include a constructability review by an experienced Malcolm Pirnie field engineer.

## Task 14 - Progress Reports

The Progress Reports for the PROJECT will be included with the Well 7 Collection Pipeline Project.

### **Design Phase Deliverables (electronic files shall be uploaded to City ftp site)**

- List of data requirements; data log; and follow-up data request letter as required.
- Summary from the meetings **and/or** conversations with TxDOT and TCEQ.
- Final environmental and permitting report (or data) – 2 print copies and 1 electronic.
- Field survey of the pipeline alignment in electronic format.
- County permits for pipeline crossings; and pipeline constructed in County **rights-of-ways**.
- Drawings and specifications at 50, 90 and 100 percent completion, as described above.
- Opinion of probable construction cost at the 50 and 90 percent and final design points.

### **B. BID PHASE**

The fiber optical conduit will be included in the base bid for the Well 7 Collection Pipeline Project. Bid Phase Services for the PROJECT will be included with the Well 7 Collection Pipeline Project.

## **C. CONSTRUCTION PHASE**

ENGINEER will perform Construction Phase Services as detailed in the following tasks.

### **Task 1 – Notice to Proceed**

The Notice to Proceed for the PROJECT will be included with the Well 7 Collection Pipeline Project.

### **Task 2 – Preconstruction Conference**

The Preconstruction Conference Services for the PROJECT will be included with the Well 7 Collection Pipeline Project.

### **Task 3 – Review Submittals and Shop Drawings**

Submittals from the CONTRACTOR shall be received, logged, distributed to the City, and reviewed by the ENGINEER with a response for to the CONTRACTOR within ten working days of ENGINEER'S receipt. A total of 2 submittals (including resubmittals) are anticipated for the Project.

### **Task 4 – Interpretations and Clarifications**

Requests for Information, Requests for Field Alteration, and Field Alterations shall be received, logged, and reviewed. Responses will be distributed to the CONTRACTOR and copied to the City within five working days of ENGINEER'S receipt. One response is anticipated for the Project.

### **Task 5 – On-site Resident Project Representative(Not Used)**

### **Task 6 – Visits to the Site by Office Engineers (Reimbursable Not to Exceed Task)**

The Visits to the Site for the PROJECT will be included with the Well 7 Collection Pipeline Project.

### **Task 7 – Review Contractor's Schedule and Payment Requests**

The Review of Contractor's Schedule and Payment Requests for the PROJECT will be included with the Well 7 Collection Pipeline Project.

#### Task 8 – Change Orders and Time Extensions

The Review of Change Orders and Time Extensions for the PROJECT will be conducted in conjunction with the Well 7 Collection Pipeline Project.

#### Task 9 – Soils and Materials Testing

The Review of Soils and Material Testing for the PROJECT will be conducted in conjunction with the Well 7 Collection Pipeline Project.

#### Task 10 – Record Drawings

The ENGINEER will provide the City an electronic copy on CD-ROM of the record drawings for the construction contract showing the changes made during construction, including changes to electrical diagrams, schematics and other design drawings. The electronic files will include a portable document file (PDF) and an **AutoCAD** file. The changes made by the ENGINEER on the drawings will be based on the marked-up prints, drawings, and other data furnished by the CONTRACTOR to the ENGINEER.

#### Task 11 – O&M Manuals

The O&M Manuals the PROJECT will be included with the Well 7 Collection Pipeline Project.

#### Task 12 – Substantial **Completion** and Final Inspection

- The ENGINEER shall participate in an inspection with the OWNER and determine if the project is substantially complete and to determine if the work has been completed in general accordance with the Contract Documents and issue a Certificate of Substantial Completion with appropriate punch list developed from the observations made at the inspection for Substantial Completion.
- The ENGINEER shall participate in a final inspection with the OWNER and the CONTRACTOR to determine whether the project is complete. ENGINEER shall prepare a final punch-list of items to be completed or corrected by the CONTRACTOR and conduct one follow-up inspection of the site.
- The inspection will be included with the Well 7 Collection Pipeline Project.

#### Task 13 – Progress Meetings (Reimbursable Not to Exceed Task)

The Progress Meetings for the PROJECT will be included with the Well 7 Collection Pipeline Project.

**Construction Phase Deliverables (electronic files shall be uploaded to City ftp site)**

- Shop drawing review letters.
- Written response to RFI'S, RFO'S, and Field Orders.
- Preparation of change orders and time extension requests.
- Non-conformance letters.
- CD-ROM electronic file of record drawings.

**D. ADDITIONAL SERVICES**

All services requested of the ENGINEER by the OWNER during the PROJECT that are not specifically described in the scope of work shall be provided by the ENGINEER as Additional Services.

**IV SCHEDULE**

The PROJECT will be included in the Well 7 Collection Pipeline. The additional work requires 14 calendar days be added to the 273-calendar day Well 7 Collection Pipeline schedule.

**February 28, 2008**  
**Consent Agenda Item 2f**  
**Renewal of State Legislative Consultant Contract**

**To:** Glenn Brown, City Manager

**From:** Kathy Merrill, Assistant City Manager

**Agenda Caption:** Presentation, possible action, and discussion regarding renewing contract with Dan Shelley for state legislative and consulting services in the amount of \$48,000.

**Recommendation(s):** Staff recommends renewal of the contract for state legislative and consulting services.

**Summary:** Professional legislative services have been provided by Dan Shelley over the past two years. These services have been beneficial for the City of College Station in pursuing our legislative priorities at the staff level. The City will also be working with the Shelleys to develop the City's 2009 legislative agenda.

The contract with Dan Shelley requires renewal after one year. Staff has been satisfied with service performance from the Shelley Group.

**Budget & Financial Summary:** The negotiated renewal price for this contract is \$48,000

**Attachments:**

1. Contract
2. Renewal Acceptance to Dan Shelley

## CONSULTANT CONTRACT

This Contract is by and between the **City of College Station**, a Texas Municipal Home-Rule Corporation (the "City") and Dan Shelley Attorney at Law, a Sole Proprietor (the "Contractor"), whereby Contractor agrees to perform and the City agrees to pay for the work described herein.

### ARTICLE I

1.01 This Contract is for Legislative and Lobbying Consulting Services (the "Project"). The scope and details of the work to be provided to the City by Contractor are set forth in **Exhibit "A"** to this Contract and are incorporated as though fully set forth herein by reference. Contractor agrees to perform or cause the performance of all the work described in **Exhibit "A."**

1.02 Contractor agrees to perform the work described in **Exhibit "A"** hereto and the City agrees to pay Contractor a fee based on the rates set forth in **Exhibit "B"** to this Contract for the services performed by Contractor. The invoices shall be submitted to the City following the 15th day and the last day of each month. The payment terms are net payable within thirty (30) calendar days of the City's receipt of the invoice. Upon termination of this Contract, payments under this paragraph shall cease, provided, however, that Contractor shall be entitled to payments for work performed in accordance with this Contract before the date of termination and for which Contractor has not yet been paid.

1.03 The total amount of payments, excluding expense reimbursements, by the City to Contractor for all services to be performed under this contract may not, under any circumstances, exceed **Forty Eight Thousand and no/100 (\$48,000)**. The Consultant will separately invoice the City for expenses related to representing the City including, but not limited to travel, lodging and business meals incurred on behalf of the City. Such itemized expenses, with corresponding paid receipts, shall be paid separately and shall be reviewed and approved in advance by an authorized City representative.

1.04 The City may from time to time request changes in the scope and focus of the activities, investigations, and studies conducted or to be conducted by Contractor pursuant to this Contract, provided, however, that any such change that in the opinion of Contractor, the City Manager, or the City's Project Manager varies significantly from the scope of the work set out herein and would entail an increase in cost or expense to the City shall be mutually agreed upon in advance in writing by Contractor and the City's Project Manager. Written change orders may be approved by the City Manager or his delegate provided that the change order does not increase the amount set forth in paragraph 1.03 of this Contract to more than **Fifty Thousand Dollars (\$50,000.00)**. Changes in the scope which would require an expenditure by the City of more than **Fifty Thousand Dollars (\$50,000.00)** shall be approved in advance by the City Council. **Any request by the Contractor for an increase in the Scope of Services and an**

**increase in the amount listed in paragraph 1.03 of this Contract shall be made and approved by the City prior to the Contractor providing such services or the right to payment for such additional services shall be waived.**

1.05 Except as provided in Article VI hereinbelow, the term of this Contract shall be for one (1) year from the effective date of this Contract. Thereafter, upon the mutual consent of both parties, including budget approval by the City, this Contract may be renewed on an annual basis, under the same terms and conditions, for up to two (2) additional years (three (3) years total). If, for any reason, funds are not appropriated to continue the contract, the contract shall become null and void and shall terminate.

1.06 **Time is of the essence of this Contract.** The Contractor shall be prepared to provide the professional services in the most expedient and efficient manner possible in order to complete the work by the times specified.

1.07 At any time, the City may terminate the Project for convenience, in writing. At such time, the City shall notify Contractor, in writing, who shall cease work immediately. Contractor shall be compensated for the services performed. In the event that the City terminates this Contract for convenience, the City shall pay Contractor for the services performed and expenses incurred prior to the date of termination.

1.08 Contractor promises to work closely with the City Manager or his designee (the "Project Manager") or other appropriate City officials. Contractor agrees to perform any and all Project-related tasks reasonably required of it by the City in order to fulfill the purposes of the work to be performed. The work of Contractor under this Contract may be authorized by the Project Manager in various phases as set forth in **Exhibit "A."**

1.09 In all activities or services performed hereunder, the Contractor is an independent contractor and not an agent or employee of the City. The Contractor, as an independent contractor, shall be responsible for the final product contemplated under this Agreement. Except for materials furnished by the City, the Contractor shall supply all materials, equipment and labor required for the execution of the work on the Project. The Contractor shall have ultimate control over the execution of the work under this Contract. The Contractor shall have the sole obligation to employ, direct, control, supervise, manage, discharge, and compensate all of its employees and subcontractors, and the City shall have no control of or supervision over the employees of the Contractor or any of the Contractor's subcontractors except to the limited extent provided for in this Contract. Contractor shall be liable for any misrepresentations. Any negotiations by the Contractor on the City's behalf are binding on the City only when within the scope of work contained herein and approved by the City.

## ARTICLE II

2.01 The City shall direct Contractor to commence work on the Project by sending Contractor a "letter of authorization" to begin work on the Project.

2.02 Upon receipt of the letter of authorization to begin work on the implementation of the Project, Contractor shall meet with the City for the purpose of determining the nature of the Project, including but not limited to the following: meeting with the City's staff to coordinate Project goals, schedules, and deadlines; coordinating data collection; briefing the City's management staff; documenting study assumptions and methodologies; devising the format for any interim reports and the final report to the City.

2.03 Contractor shall consult with the City and may, in some limited circumstances, act as the City's representative, but it is understood and agreed by the parties that for all purposes related to this Contract, Contractor shall be an independent contractor at all times and is not to be considered either an agent or an employee of the City.

## ARTICLE III

3.01 As an experienced and qualified professional, Contractor warrants that the information provided by Contractor reflects high professional and industry standards, procedures, and performances. Contractor warrants the design, preparation of drawings, the designation or selection of materials and equipment, the selection and supervision of personnel, the fitness and operation of its recommendations, and the performance of other services under this Contract, pursuant to a high standard of performance in the profession. Contractor warrants that it will exercise diligence and due care and perform in a good and workmanlike manner all of the services pursuant to this Contract. Approval or acceptance by the City of any of Contractor's work product under this Contract shall not constitute, or be deemed, a release of the responsibility and liability of Contractor, its employees, agents, or associates for the exercise of skill and diligence necessary to fulfill Contractor's responsibilities under this Contract. Nor shall the City's approval or acceptance be deemed to be the assumption of responsibility by the City for any defect or error in the Project's work products prepared by Contractor, its employees, associates, agents, or subcontractors.

3.02 Contractor shall keep the City informed of the progress of the work and shall guard against any defects or deficiencies in its work.

3.03 Contractor shall be responsible for using due diligence to correct errors, deficiencies or unacceptable work product. Contractor shall, at no cost to the City, remedy any errors, deficiencies or any work product found unacceptable, in the City's sole discretion, as soon as possible, but no longer than fifteen (15) calendar days after receiving notice of said errors, deficiencies or unacceptable work product.

3.04 Contractor's work product shall be the exclusive property of the City. Upon completion or termination of this Contract, Contractor shall promptly deliver to the City all records, notes, data, memorandum, models, and equipment of any nature that are within Contractor's possession or control and that are the City's property or relate to the City or its business.

#### ARTICLE IV

**4.01 Indemnification.** Contractor agrees to and shall indemnify and hold harmless and defend the City, its officers, agents, and employees from and against any and all claims, losses, damages, causes of action, suits and liability of every kind, including all expenses of litigation, court costs, and attorney's fees, for injury to or death of any person, for damage to any property, or for any breach of contract, arising out of, or in connection with the work done by Contractor under this Contract. In the event of personal injury to or death of Contractor' employees, such indemnity shall apply regardless of whether the claims, losses, damages, causes of action, suits or liability arise in whole or in part from the negligence of the City. Such indemnity shall not apply, however, to liability arising from the personal injury, death, or property damage of persons other than the Contractor or its employees where such liability is caused by or results from the negligence of the City.

**4.02** Contractor assumes full responsibility for the work to be performed hereunder and hereby releases, relinquishes, and discharges the City, its officers, agents, and employees from all claims, demands, and causes of action of every kind and character, including the cost of defense thereof, for any injury to or death of any person (whether employees of either of the parties hereto or other third parties) and any loss of or damage to property (whether property of either of the parties, their employees, or other third parties) that is caused by or alleged to be caused by, arising out of, or in connection with Contractor's work to be performed hereunder. This release shall apply regardless of whether said claims, demands, and causes of action are covered, in whole or in part, by insurance and regardless of whether such loss, damage, injury, or death was caused in whole or in part by the negligence of the City.

#### ARTICLE V Insurance

5.00 The Contractor shall procure and maintain at its sole cost and expense for the duration of this Agreement insurance against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the work hereunder by the Contractor, its agents, representatives, volunteers, employees or subcontractors. The policies, limits and endorsements required are as set forth on **Exhibit "C"**.

## ARTICLE VI

6.01 At any time, the City may terminate the Project for convenience, in writing. At such time, the City shall notify Contractor, in writing, who shall cease work immediately. Contractor shall be compensated for the services performed. In the event that the City terminates this Contract for convenience, the City shall pay Contractor for the services performed and expenses incurred prior to the date of termination.

6.02 No term or provision of this Contract shall be construed to relieve the Contractor of liability to the City for damages sustained by the City or because of any breach of contract by the Contractor. The City may withhold payments to the Contractor for the purpose of setoff until the exact amount of damages due the City from the Contractor is determined and paid.

## ARTICLE VII

7.01 This Contract has been made under and shall be governed by the laws of the State of Texas. The parties agree that performance and all matters related thereto shall be in Brazos County, Texas.

7.02 Notices shall be mailed to the addresses designated herein or as may be designated in writing by the parties from time to time and shall be deemed received when sent postage prepaid U.S. Mail to the following addresses:

City:  
City of College Station  
Attn: Don Fazzino,  
Manager of Special Projects & Legislative Affairs  
P.O. Box 9960  
College Station, Texas 77842

Contractor:  
Dan Shelley, Attorney at Law  
Attn: Dan Shelley  
305 W. 13<sup>th</sup> Street (78701)  
P.O. Box 1316  
Austin, TX 78767-1316

7.03. Contractor, its employees, associates or subcontractors shall perform all the work hereunder. Contractor agrees that all of its associates, employees, or subcontractors who work on this Project shall be fully qualified and competent to do the work described hereunder. Contractor shall undertake the work and complete it in a timely manner.

7.04 The Contractor shall comply with all applicable federal, state, and local statutes, regulations, ordinances, and other laws, including but not limited to the Immigration Reform and Control Act (IRCA). The Contractor may not knowingly obtain the labor or services of an unauthorized alien. The Contractor, not the City, must verify eligibility for employment as required by IRCA.

7.05 No waiver by either party hereto of any term or condition of this Contract shall be deemed or construed to be a waiver of any other term or condition or subsequent waiver of the same term or condition.

7.06 This Contract and all rights and obligations contained herein may not be assigned by Contractor without the prior written approval of the City.

7.07 If any provision of this Contract shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court of competent jurisdiction finds that any provision of this Contract is invalid or unenforceable, but that by limiting such provision it may become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

7.08 This Contract represents the entire and integrated agreement between the City and Contractor and supersedes all prior negotiations, representations, or agreements, either written or oral. This Contract may only be amended by written instrument approved and executed by the parties.

7.09 The parties acknowledge that they have read, understood, and intend to be bound by the terms and conditions of this Contract.

7.10 This Contract will be effective when signed by the last party whose signing makes the Contract fully executed.

**DAN SHELLEY, ATTORNEY AT LAW**

**CITY OF COLLEGE STATION**

By: \_\_\_\_\_  
Printed Name: \_\_\_\_\_  
Title: \_\_\_\_\_  
Date: \_\_\_\_\_

By: \_\_\_\_\_  
Ron Silvia, Mayor  
Date: \_\_\_\_\_

ATTEST:

\_\_\_\_\_  
Connie Hooks, City Secretary  
APPROVED:

\_\_\_\_\_  
Date

\_\_\_\_\_  
Glenn Brown, Interim City Manager

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Jeff Kersten, Finance and Strategic  
Planning Director

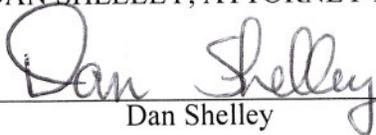
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Date

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**RENEWAL ACCEPTANCE**

By signing herewith, I acknowledge and agree to renew contract number 06-002A; RFP number 06-48, for State Legislative and Lobbying Services in accordance with all terms and conditions previously agreed to and accepted.

I understand this renewal term will be for the period beginning February 17, 2008 through February 16, 2009 for a total amount not to exceed Forty Eight Thousand Dollars and no/100 (\$48,000).

DAN SHELLEY, ATTORNEY AT LAW

  
\_\_\_\_\_  
Dan Shelley

  
\_\_\_\_\_  
DATE

**CITY OF COLLEGE STATION**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
DATE

**ATTEST:**

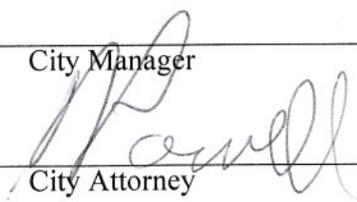
\_\_\_\_\_  
City Secretary

\_\_\_\_\_  
DATE

**APPROVED:**

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
DATE

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

  
\_\_\_\_\_  
DATE

\_\_\_\_\_  
Chief Financial Officer

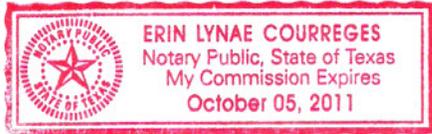
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DATE

STATE OF TEXAS

CORPORATE ACKNOWLEDGMENT

COUNTY OF Travis

This instrument was acknowledged on the 5th day of February, 2008,  
by Dan Shelley in his/her capacity as owner of  
Offices of Dan Shelley, a TEXAS Corporation, on behalf of said corporation.



Erin Lynae Courreges  
Notary Public in and for the  
State of Texas

STATE OF TEXAS

ACKNOWLEDGMENT

COUNTY OF BRAZOS

This instrument was acknowledged on the \_\_\_\_\_ day of \_\_\_\_\_, 2008,  
by Ben White, in his capacity as Mayor of the City of College Station, a Texas  
home-rule municipality, on behalf of said municipality.

\_\_\_\_\_  
Notary Public in and for the  
State of Texas

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**February 28, 2008  
Consent Agenda Item 2g  
Renewal of Federal Legislative Consultant Contract**

**To:** Glenn Brown, City Manager

**From:** Terry Childers, Deputy City Manager

**Agenda Caption:** Presentation, possible action, and discussion regarding approval of a contract with Meyers & Associates for federal legislative and consulting services in the amount of \$78,000 plus expenses.

**Recommendation(s):** Staff recommends renewal of the contract for federal legislative and consulting services.

**Summary:** Staff has reviewed the services provided at the federal level and has focused our efforts to meet the city's current needs. At this point we have directed the consultant to focus on three priorities plus miscellaneous issues that may arise: (This is subject to Council concurrence)

- Pursuing funding under Economic and Community Development for the Convention Center
- Providing leadership for the I-69 project
- Assisting with issues related to 7 U.S.C. 1926 (b) Rural Water Districts
- Any miscellaneous issues that may impact cities at the federal level

**Budget & Financial Summary:** The recommended price for this contract is \$78,000 plus expenses.

It is proposed that these expenditures be funded in the General Fund, Streets Capital Projects Fund, and Water Fund in equal amounts. Funds are budgeted in the General Fund, and Streets Capital Projects fund for this expenditure. A contingency transfer or budget transfer in the Water Fund will need to be done to provide the budget appropriation.

**Attachments:**

1. Renewal Acceptance to Larry Meyers

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**RENEWAL ACCEPTANCE**

By signing herewith, I acknowledge and agree to renew contract number 07-185, for Federal Legislative and Lobbying Services in accordance with all terms and conditions previously agreed to and accepted.

I understand this renewal term will be for the period beginning March 1, 2008 through February 28, 2009 for a total amount not to exceed Seventy Eight Thousand and no/100 (\$78,000) plus \$1,000 per month for expenses (excluding airfare).

**MEYERS AND ASSOCIATES**

*Larry Meyers*  
Larry Meyers

22 FEBRUARY 08  
DATE

**CITY OF COLLEGE STATION**

\_\_\_\_\_  
Mayor

\_\_\_\_\_  
DATE

**ATTEST:**

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

\_\_\_\_\_  
DATE

**APPROVED:**

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
DATE

*Carla A Robinson*  
City Attorney

\_\_\_\_\_  
DATE

\_\_\_\_\_  
Chief Financial Officer

\_\_\_\_\_  
DATE

\*\*\*\*\*

February 28, 2008

Consent Agenda Item 2h

Economic Impact Study of Groundwater Exports

To: Glenn Brown, City Manager

From: David Coleman, Director of Water Services.

**Agenda Caption:** Presentation, possible action, and discussion to approve a resolution to award Contract 08-099 to HDR Engineers, Inc. in the amount of \$102,900 for a Socio-Economic Impact study to determine the potential results of large groundwater exports from Brazos and Robertson Counties.

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

**Summary:** Both Brazos and Robertson Counties rely heavily on the Simsboro aquifer as a water supply for municipal, farming and ranching uses. Presently, the amount of water that may be withdrawn from the Simsboro has an annual cap, which was established by hydrology studies conducted under the State Water Planning process of the Texas Water Development Board. However, the current cap is a temporary measure that will be replaced within two years under a process called Desire Future Conditions (DFC).

Under this DFC process, the Brazos Valley Groundwater Conservation District (BVGCD) will work with other Districts in our area to determine what future condition will be allowed for the aquifer. Their goal will be to ensure a reliable water supply in perpetuity, and withdrawals will be limited to ensure future generations will have adequate water supply.

However, it is likely that the DFC we establish will be challenged by outside groups who would like to produce water from the Simsboro, well beyond its ability to recharge, to export that water to other regions of the State. If this were allowed, the impact on this region could be tremendous. Under the rules of the Texas Water Development Board, the DFC can be defended by demonstrating the socio-economic impact to a region.

This study is essential to defend a reasonable Desired Future Condition of the Simsboro aquifer, and staff recommends approval.

Please note that staff members of the City of Bryan and Texas A&M University have expressed willingness to share the cost of this study, in thirds. However, time is of the essence, and this study must be completed in time for the BVGCD to incorporate the results into the DFC process. Staff requests Council approve this expense in whole, with the expectation that in the future, two-thirds will be reimbursed. The City of Bryan will consider a reimbursement ILA at their City Council meeting on February 26, 2008.

**Budget & Financial Summary:** Funds are available in the Water Fund.

**Attachments:**  
Resolution

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, SELECTING A PROFESSIONAL CONTRACTOR, APPROVING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE ECONOMIC IMPACT OF GROUNDWATER EXPORTS STUDY PROJECT.**

WHEREAS, the selection of HDR Engineers is being recommended as the most highly qualified provider of the Engineering study services; 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 HDR Engineers is the most highly qualified provider of the services for the Economic Impact of Groundwater Export Study Project on the basis of demonstrated competence and qualifications.

PART 2: That the City Council hereby approves the contract with HDR Engineers for an amount not to exceed \$102,900 for the engineering services related to the Economic Impact of Groundwater Export Study Project.

PART 3: That the funding for this Contract shall be as budgeted from the Water Fund in the amount of \$102,900.

PART 4: 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

February 28, 2008

Consent Agenda Item 2i

**ILA for Impact Study of Groundwater Exports**

**To:** Glenn Brown, City Manager

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

**Agenda Caption:** Presentation, possible action, and discussion to approve an Inter-Local Agreement with the City of Bryan to share the cost of a Socio-Economic Impact study on groundwater exports.

**Recommendation:** Staff recommends Council approve this contract.

**Summary:** As a separate item on this Consent Agenda, City Council is considering the award of a consulting contract with HDR Engineers to determine the socio-economic impact of large groundwater exports from Brazos and Robertson Counties. This study will greatly assist the process of determining the "Desire Future Condition" (DFC) of the Simsboro aquifer, which is vitally important to our region.

Staff members of the City of Bryan and Texas A&M University have expressed willingness to share the cost of this study, in thirds, for approximately \$35,000 each. This ILA with the City of Bryan would formalize that agreement, and staff recommends approval.

The City Council of Bryan will consider this ILA at their February 26, 2008 meeting.

**Budget & Financial Summary:** None

**Attachments:**

ILA

**INTERLOCAL AGREEMENT  
BETWEEN THE CITY OF BRYAN  
AND THE CITY OF COLLEGE STATION  
STUDY OF ECONOMIC IMPACT OF WATER WITHDRAWAL**

This **Interlocal Agreement** (“Agreement”) is effective as of the \_\_\_\_\_ day of \_\_\_\_\_, 2008, by and between the City of Bryan, a Texas Home Rule Municipal Corporation, (hereinafter referred to as “**BRYAN**”) and the City of College Station, a Texas Home Rule Municipal Corporation, (hereinafter referred to as “**COLLEGE STATION**”) each acting herein by and through its City Council.

WHEREAS, Chapter 791 of the TEXAS GOVERNMENT CODE, also known as the INTERLOCAL COOPERATION ACT, allows local governments to contract with each other to perform functions or services that each party to the contract is authorized to perform individually; and

WHEREAS, BRYAN and COLLEGE STATION each desire to enter into an Interlocal Agreement to share the cost of a study to determine the economic impact of water withdrawals; and

meetings with HDR on the progress of the Economic Impact Study as it relates to their progress and any questions they may have with the study.

- 1.2 The cost of the study is expected to be \$105,000 and BRYAN is expected to pay \$35,000.
- 1.3 COLLEGE STATION expects to enter into a similar agreement with Texas A&M University, for TAMU to also pay \$35,000.

## **ARTICLE II GENERAL PROVISIONS**

- 2.1 **Notice.** Written notice shall be deemed to have been duly served if delivered in person to the individual listed below or if it is delivered or sent by certified mail to the business address as listed below. Each city has the right to change its business address by giving at least thirty (30) days advance written notice of the change to the other city in writing.

BRYAN:

City of Bryan  
Attn: City Manager  
300 South Texas Avenue  
Bryan, Texas 77801

agent or employee of the cities, either before or after the execution of this Agreement, shall affect or modify any terms or obligations hereunder.

- 2.6 This Agreement remains in effect until either party terminates the Agreement.
- 2.7 Each city has the full power and authority to enter into and perform this Agreement, and the person signing this Agreement on behalf of each city has been properly authorized and empowered to enter into this Agreement. The persons executing this Agreement hereby represent that they have authorization to sign on behalf of their respective cities.
- 2.8 Failure of any party, at any time, to enforce a provision of this Agreement, shall in no way constitute a waiver of that provision, nor in anyway affect the validity of this Agreement, any part hereof, or the right of either party thereafter to enforce each and every provision hereof. No term of this Agreement shall be deemed waived or breach excused unless the waiver shall be in writing and signed by the party claimed to have waived. Furthermore, any consent to or waiver of a breach will not constitute consent to or waiver of or excuse of any other different or subsequent breach.
- 2.9 This Agreement and all rights and obligations contained herein may not be assigned without the prior written approval of the other party.

SIGNED this the \_\_\_\_\_ day of \_\_\_\_\_, 2008.

CITY OF BRYAN

CITY OF COLLEGE STATION

BY: \_\_\_\_\_  
MAYOR

BY: \_\_\_\_\_  
MAYOR

ATTEST:

ATTEST:

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

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

APPROVED:

APPROVED:

**February 28, 2008  
Consent Agenda Item 2j  
Compactor Wheel Purchase**

**To:** Glenn Brown, City Manager

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

**Agenda Caption:** Presentation, possible action, and discussion on the purchase of a set of refurbished compactor wheels to be used by the Brazos Valley Solid Waste Management Agency's 836G compactor in the amount of \$85,237.00

**Recommendation(s):** Staff recommends the purchase of a set (4) of refurbished compactor wheels from Caron Compactor Company.

**Summary:** This purchase is to replace a set of worn compactor wheels for (1) 2001 836G Compactor (unit# 73-70). The machine has operated over 13,000 hours and the teeth are more than 60% worn which results in ineffective compaction and grinding of the waste. Caron wheels with Pin-On teeth feature a unique combination of traction teeth and contour teeth in a pattern that has proven to provide the best possible combination of machine traction and demolition effect that produces maximum compaction density. The patented wire safeguard group pattern and seal protection group in conjunction with front and rear axle guards are specifically designed to reduce the amount of wire wrap damage. This purchase is exempt from competitive bidding statutes because it is available from only one source due to patents, copyrights, secret processes, or natural monopolies – LGC 252.022 (a)(7)(A).

**Budget & Financial Summary:** Funds for this purchase were appropriated with Budget Amendment 1 approved by Council on January 28, 2008. Funds are available in the Fleet Replacement Fund.

**Attachments:**  
Caron Compactor Company Quotation



OVER 38 YEARS OF SERVICE TO THE SOLID WASTE DISPOSAL INDUSTRY

1204 ULLREY AVENUE  
 ESCALON CA 95320  
 www.caroncompactor.com  
 caronsales@caroncompactor.com

PHONE: (209) 838-2062  
 PHONE: (800) 54CARON  
 FAX: (209) 838-1404  
 FAX: (800) 68CARON

QUOTATION TO:				DATE:		LF #:	
<b>Brazos Valley Landfill</b>				12/13/2007		596	
ATTENTION:				QUOTATION NO.:			
<b>Samantha Best</b>				07Q1201B.BH			
ADDRESS:				PHONE:			
7600 East Rock Prairie Road				(979) 764-3878			
CITY:			STATE:	ZIP CODE:		FAX:	
College Station			TX	77845			
Manufacturer:	Model:	Year:	Machine Serial No.:	Wheel/Blade Serial No.:	Email:		
CAT	836G	2001	7MZ0292		<a href="mailto:sbest@cstx.gov">sbest@cstx.gov</a>		

Estimate Ship Date:	Quotation Valid For:	Shipped FOB:	Terms in U.S. Currency:
2 - 3 Weeks	30 Days	Joliet, IL	Net 30 Days

Part Number	Quantity	Description of Material and Labor	Material	Labor
8380-DYB7X	1 Set of 4	836G Set of Standard 55" Used Exchange Wheels with NEW 7" DURAMAX, B MAX and Contour Pin-On® Teeth in a 5 Row/ 9 Teeth Per Row Intermittent Wire Safeguard Group® (WSG®) Pattern Compatible with Cat Striker Bars and Cleaner Fingers. Includes Inner Cone Wearbars and Outer Drum Edge Hardfacing.	\$68,435.00	
	<b>Note:</b>	<b>Above price is based on exchange; cores once removed and cleaned of debris for same day shipment as delivery become the property of Caron Compactor Company.</b>		
8486-HMI	1 Each	836G Seal Protection Group® (SPG®).	\$9,891.00	
1951-11	1 Each	836G Stapp Ring (Center Hinge Protection Ring).	\$961.00	
	Freight	of Wheels, SPG and Stapp Ring to College Station, TX	\$5,950.00	
		<i>We at Caron Compactor Company appreciate your business.</i>		

ALL APPLICABLE TAXES, TARIFFS, DUTIES, OVERSEAS PACKAGING AND INSURANCE IS THE FULL RESPONSIBILITY OF THE PURCHASER.

- Terms are subject to credit approval.
- If payment is not received within 30 days or according to terms, a late payment charge of 1.5% will be added for each month the account remains unpaid. Should this amount be referred for collection, all collection costs including reasonable attorney's fees shall be added to the unpaid balance.
- Prices and terms listed are not subject to verbal changes or other agreements unless approved in writing by an authorized CARON representative.
- Delivery of orders based on this estimate may be delayed by the seller due to strikes, accidents, fire, availability of material and other causes beyond our control.
- Data entry, clerical or computation errors are subject to corrections.
- Conditions not specified herein shall be governed by established trade customs.
- Terms inconsistent with this estimate will not be binding on the seller.
- Orders will be priced in accordance with quantities quoted and released for shipment at one time unless customer is notified of a variation.

QUOTED BY:	TITLE:		
Barbara Humphrey	Assistant Sales Coordinator		
cc: MS, DW, DH, Brazos Valley Landfill LF-596 (file) and QB		58	
		<b>GRAND TOTAL</b>	<b>See Above</b>

**February 28, 2008**  
**Consent Agenda 2k**  
**Annual Price Agreement for the Purchase of Crushed Stone**

**To:** Glenn Brown, City Manager

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

**Agenda Caption:** Presentation, possible action and discussion regarding the award of an annual price agreement to Superior Crushed Stone, LC in an amount not to exceed \$500,200 for three types crushed stone to be used by BSWMA, Public Works and College Station Utilities.

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

**Summary:** Superior Crushed Stone, LC submitted the low bid of \$500,200. There were three other bids from Statewide Materials Transport, Brazos Site Works and Knife River South with the next lowest bid being from Statewide Materials Transport at \$597,160. The other two bids from Brazos Site Works and Knife River South were incomplete. Crushed rock is used by the landfill, Street and Drainage Divisions and College Station Utilities operations to maintain all weather roads and tipping areas, streets, and utilities.

**Budget & Financial Summary:** Funds to purchase crushed stone are budgeted and available in the BSWMA, General and Utilities Funds within the Operations Budgets.

**Attachments:** Bid Tab 08-31

**ANNUAL CRUSHED STONE, LIMESTONE and RIP RAP  
 BID TABULATION #08-31  
 BVWSMA, PUBLIC WORKS, PUBLIC UTILITIES**

Item	(Est) Qty	Unit	Description	Superior Crushed Stone, LC		Statewide Materials Transport		Brazos Site Works		Knife River South	
				Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total
1	16,000	tons	Crushed Stone, Type A, Grade 2	17.950	\$ 287,200.00	21.360	\$ 341,760.00	19.500	\$ 312,000.00	19.700	\$ 315,200.00
2	8,000	tons	Crushed Limestone	20.500	\$ 164,000.00	24.660	\$ 197,280.00	24.000	\$ 192,000.00	23.600	\$ 188,800.00
3	2,000	tons	Rip Rap	24.500	\$ 49,000.00	29.060	\$ 58,120.00	No Bid		No Bid	
<b>TOTAL</b>					\$ 500,200.00		\$ 597,160.00		Incomplete Bid		Incomplete Bid

Estimated usage Line 1:  
 BVWMA 8,000 tons  
 Public Works 7,000 tons  
 Public Utilities 1,000 tons

Estimated usage Line 2:  
 BVWSMA 8,000 tons

Estimated usage Line 3:  
 BVWSMA 2,000 tons

**February 28, 2008  
Consent Agenda Item 2L  
2007 Racial Profiling Analysis Report**

**To:** Glenn Brown, City Manager

**From:** Bobby Whitmire, Interim Chief of Police

**Agenda Caption:** Presentation, possible action and discussion regarding the racial profile report required annually by Senate Bill 1074, of the Texas 77<sup>th</sup> legislative session.

**Recommendation(s):** This item is presented according to statutory requirements. Staff requests Council's acceptance of this report.

**Summary:** Each year, in an effort to remain transparent to our community, the Police Department employs an independent consultant to analyze traffic stop data and develop this report. This year's analysis yields remarkable similarities to past year results with no significant anomalies to give rise for concern. A copy of this report was provided to Council prior to March 1<sup>st</sup> in compliance with statutory requirements.

Since January 1, 2002, the College Station Police Department, in accordance with the Texas Racial Profiling Law (SB No. 1074), has been required to implement and maintain policy and procedures to satisfy the requirements of the law. The requirements include:

- Development of a policy, which clearly defines the acts that constitute racial profiling and prohibits any peace officer employed by the department from engaging in racial profiling.
- Conduct Racial Profiling Training to Law Enforcement Officers.
- Implementation and publication of complaint and disciplinary processes for addressing racial profiling complaints.
- Development of a policy which establishes procedures for reviewing video and audio documentation.
- Collection of tier 1 traffic stop data.
- Production of an annual report on police traffic contacts (tier 1) and conveyance of that report to the City Council before March 1 of each year.

**Budget & Financial Summary:** n/a

**Attachments:**

2007 Racial Profiling Analysis Report can be viewed in the City Secretary's Office.

**February 28, 2008**  
**Consent Agenda Item 2m**  
**Four-way Stop Control for the intersection of**  
**Dartmouth Street at Krenek Tap Road**

**To:** Glenn Brown, City Manager

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

**Agenda Caption:** Presentation, possible action, and discussion on the consideration of an ordinance amending Chapter 10, "Traffic Code," Section 2.C of the Code of Ordinances of the City of College Station changing the traffic control at the intersection of Dartmouth Street and Krenek Tap Road from one-way stop controlled operation to four-way stop controlled operation.

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

**Summary:** The existing intersection of Dartmouth Street and Krenek Tap Road is a T-intersection created by the termination of Dartmouth at Krenek Tap, which extends east and west between Texas Avenue and the SH 6 West Frontage Road. Dartmouth Street is a four lane divided roadway classified as a Minor Arterial and is stop controlled at the intersection, while Krenek Tap Road is a two lane undivided Major Collector that is not stop controlled at the intersection. Because Krenek Tap is the through street of the intersection and it provides connectivity between to Major Arterials, the traffic volumes on this roadway are higher than those on Dartmouth.

The city recently began a project to extend Dartmouth from Krenek Tap to FM 2818, creating an alternative north/south route to Texas Avenue and SH 6 for the area. As part of the project the entire intersection will be closed for reconstruction and reopened a few weeks later.

Upon reopening of the intersection, under the current ordinance, drivers traveling along Dartmouth will be required to stop while drivers on Krenek Tap Road will continue through the intersection without stopping. However, because the width of Dartmouth is much larger than Krenek Tap, motorists on Dartmouth will expect that motorists on Krenek Tap will also be required to stop. This violation of driver expectancy will likely result in crashes at the intersection, which can be avoided by changing the traffic control at the intersection from one-way to four-way.

It is expected that traffic volumes at the intersection will increase due to the Dartmouth extension, but they are not likely to meet the volume warrants for Multi-way Stop Controlled Intersections identified in the Texas Manual of Uniform Traffic Control Devices in the near future. However, because the new intersection will violate driver expectancy as previously mentioned, it is recommended to modify the intersection control.

**Budget & Financial Summary:** The "Stop" signs are planned operation and maintenance expenses accounted for in the Public Works Traffic Operation budget.

**Attachments:**

1. Ordinance
2. Location Map

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

AN ORDINANCE AMENDING CHAPTER 10, "TRAFFIC CODE", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING SECTION TWO "TRAFFIC CONTROL DEVICES", SUB-SECTION C "FOUR WAY STOP INTERSECTIONS" TO INCLUDE THE INTERSECTION OF DARTMOUTH STREET AND KRENEK TAP ROAD; PROVIDING A SEVERABILITY CLAUSE; 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 10, "Traffic Code", 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 if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: 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 Hundred Dollars (\$200.00). 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.

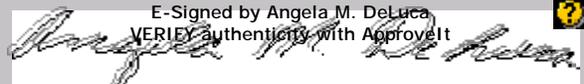
PASSED, ADOPTED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

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

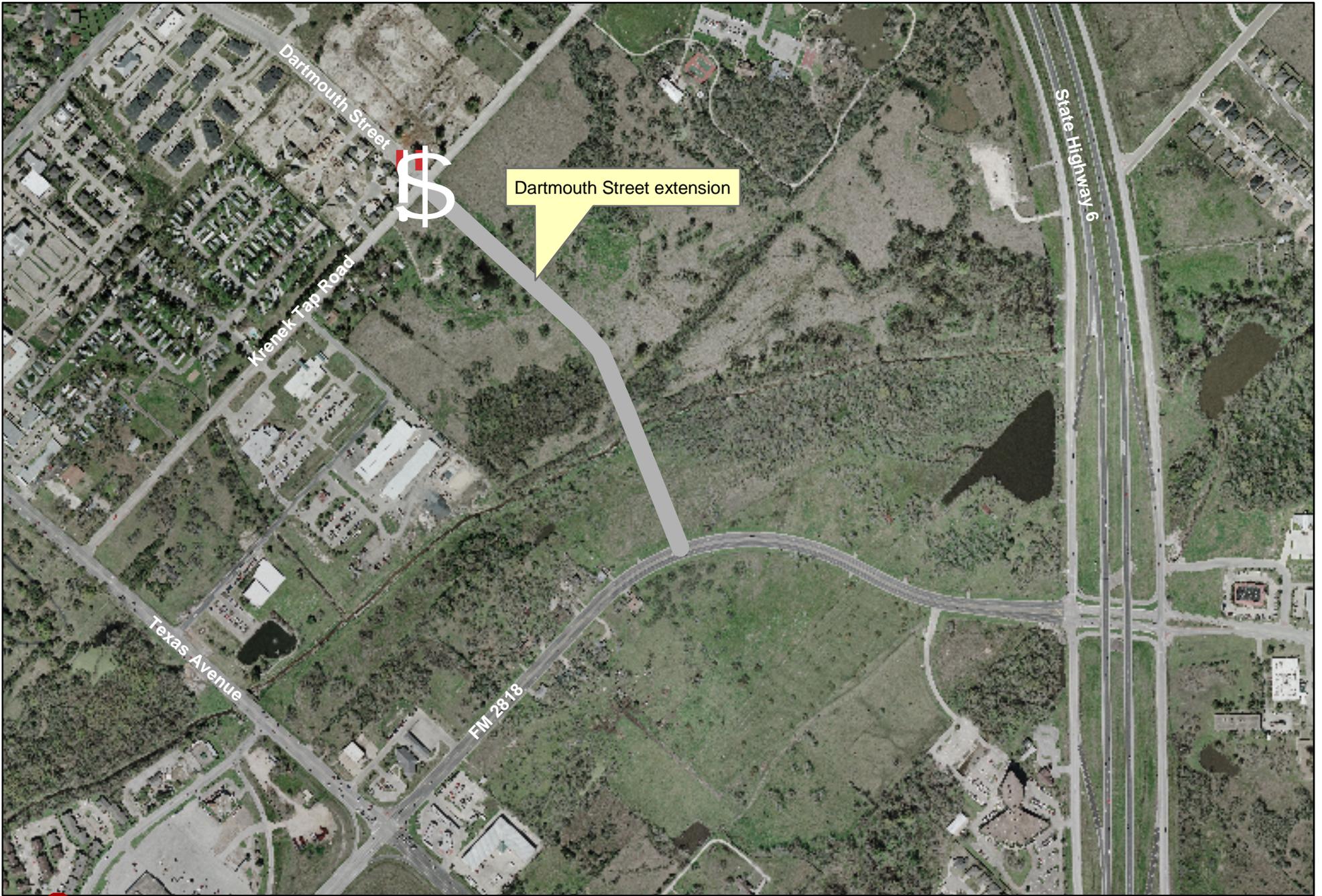
E-Signed by Angela M. DeLuca  
VERIFY authenticity with ApproveIt   


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

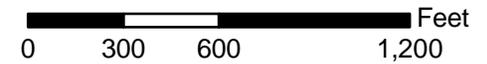
**EXHIBIT “A”**

That Traffic Control Device Inventory - Schedule II as referenced in Chapter 10, “Traffic Code”, Section 2 “Traffic Control Devices”, sub-section C “Four Way Stop Intersections” is hereby amended to include the following:

“Dartmouth Street at Krenk Tap Road”



**Dartmouth Street at Krenek Tap Road  
Proposed Multi-way Stop Controlled Intersection**



February 28, 2008

**February 28, 2008  
Consent Agenda Item 2n**

**Resolution approving the Interlocal Agreement with College Station Independent School District for Joint Elections**

**To:** Glenn Brown, City Manager

**From:** Connie Hooks, City Secretary

**Agenda Caption:** Presentation, possible action, and discussion of a resolution approving an interlocal agreement between the City of College Station and the College Station Independent School District for the purpose of holding a joint election for the May 10, 2008 College Station General and Special Election. La presentacion, la accion posible y la discusion con respecto a la aprobacion de un acuerdo interlocal entre la Ciudad de College Station y el Distrito Independiente de la Escuela con el fin de llevar acabo una eleccion comenzando el dia 10 de Mayo 2008 de el ano 2008 en la eleccion general y la Ciudad de College Station.

**Recommendation(s):** Staff recommends approval.

**Summary:** The Texas Election Code Section 271.002 (c) authorizes more than one political subdivision to hold joint elections. It is deemed to be in the best interest of the voters who reside within the jurisdictions of the City of College Station and the College Station Independent School District to hold elections jointly for the purpose of electing City Council and School Board of Trustees.

**Attachments:**

Resolution  
Interlocal agreement (Exhibit A)  
Notice of Election

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

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING THE INTERLOCAL AGREEMENT FOR THE PURPOSE OF HOLDING A JOINT ELECTION WITH THE COLLEGE STATION INDEPENDENT SCHOOL DISTRICT ON SATURDAY, MAY 10, 2008.

WHEREAS, it is necessary to hold an election in the City of College Station, Texas, to elect persons to fill the positions of Place 1, 3, and 5 on the City Council of the City of College Station, Texas, and the positions of Places 6 and 7 on the Board of Trustees of the College Station Independent School District; and,

WHEREAS, the City and College Station Independent School District will hold elections on the same day; to-wit: May 10, 2008; and,

WHEREAS, Section 271.002 of the Texas Election Code authorizes more than one political subdivision to hold joint elections; and,

WHEREAS, the City Council of the City of College Station, Texas and the Board of Trustees of the College Station Independent School District deem it to be in the best interest of their respective subdivisions and in the interest of the voters who reside within their respective jurisdictions to hold such elections jointly; now, therefore,

BE IT JOINTLY RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, AND THE BOARD OF TRUSTEES OF THE COLLEGE STATION INDEPENDENT SCHOOL DISTRICT:

PART 1: That the City Council hereby approves the Interlocal Agreement for participation in the joint elections.

PART 2: That the City Council of the City of College Station hereby authorizes the Mayor to sign and the City Secretary to attest the Interlocal Agreement referred to above.

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

ADOPTED this 28<sup>th</sup> day of February, A.D. 2008.

ATTEST:

APPROVED:

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

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

APPROVED:

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

## NOTICE OF GENERAL AND SPECIAL ELECTION

### TO THE REGISTERED VOTERS OF THE CITY OF COLLEGE STATION, TEXAS AND COLLEGE STATION INDEPENDENT SCHOOL DISTRICT.

Notice is hereby given that the polling places listed below will be open from 7:00 a.m. to 7:00 p.m. on Saturday, May 10, 2008 for voting in a general election to elect City Council Places 1, 3 and 5, and voting in a special election for voter consideration of the City of College Station establishing a limitation on the amount of ad valorem taxes imposed on the residential homestead of a person who is disabled or is sixty-five (65) years of age or older and receives a residential homestead exemption, as authorized by Article VIII, Section 1-b(h) of the Texas Constitution.

#### LOCATION OF POLLING PLACES:

<b>City Precincts</b>	<b><u>CSISD Precincts</u></b>	<b><u>Polling Places</u></b>
	1, 02A, 82	Wellborn Community Center 4119 Greens Prairie Road
8	8	South Knoll Elementary School 1220 Boswell
9	9	College Station Conference Center 1300 George Bush Drive
10A, 10B, 34	10A, 10B, 34	College Station City Hall 1101 Texas Avenue
20, 21	20, 21	Saint Mary's Catholic Church 603 Church Street
24	24	College Hills Elementary School 1101 Williams
31	31	A&M Consolidated High School 1801 Harvey Mitchell Parkway
32	32	Larry Ringer Public Library 1818 Harvey Mitchell Parkway
33, 72, 74	29, 33, 62, 64, 72, 74	Lincoln Center 1000 Eleanor
02C, 35A, 35B	02C, 35A, 35B	College Station ISD 1812 Welsh
02B, 39	02B, 39	Rock Prairie Elementary School 3400 Welsh

40	40	Aldersgate Methodist Church 2201 Earl Rudder Freeway South
41, 68	41, 42, 28A, 28B, 68	Pebble Creek Elementary School 500 Park view
80	80	Cypress Grove Intermediate 900 Graham Road

Joint early voting shall be conducted by personal appearance and by mail. The period for early voting by personal appearance for the general election shall be April 28, 2008 through May 6, 2008, excluding weekends. Optical scan ballots shall be used for early voting by mail and direct recording electronic voting machines shall be used for early voting by personal appearance. The Joint Early Voting Clerk for said elections shall be the City Secretary. She shall determine the number of election workers to hired and arrange for training of all election workers and assign to three early voting locations. The Election Coordinator for the College Station Independent School District shall serve as Regular Early Voting Clerk in said elections. The main early voting polling place by personal appearance shall be in the City Hall Council Chambers, 1101 Texas Avenue, College Station, Texas. Two branch early voting locations shall be designated for these elections.

Main Early Voting Location: College Station City Hall  
 1101 Texas Avenue  
 8:00 am to 5:00 pm April 28, 29, 30 2008  
 8:00 am to 5:00 pm May 1 - 2, 2008  
 7:00 am to 7:00 pm May 5 – 6, 2008

Branch Location: College Station School District Administration Bldg.  
 1812 Welsh  
 8:00 am to 5:00 pm April 28, 29, 30 2008  
 8:00 am to 5:00 pm May 1 – 2, 2008  
 7:00 am to 7:00 pm May 5 - 6, 2008

Branch Location: Memorial Student Center  
 100 Lamar TAMU Campus  
 8:00 am to 5:00 pm April 28, 29, 30, 2008  
 8:00 am to 5:00 pm May 1 -2, 2008  
 7:00 am to 7:00 pm May 5-6, 2008

Last day to receive an application for ballot by mail is Friday, May 2, 2008 at 5:00 pm. Requests for application by mail can be made by contacting the Early Voting Clerk at the address below:  
 Connie Hooks, Early Voting Clerk, P.O. Box 9960, College Station, Texas 77842  
 979-764-3541, beginning Tuesday, March 11, 2008.

For more information please contact the City Secretary’s office at 979-764-3541 or [chooks@cstx.gov](mailto:chooks@cstx.gov) .

PASSED AND APPROVED this 28th day of February, 2008.

ATTEST:

APPROVED:

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

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

O:\group\council\election08\notice of general election2008.doc

INTERLOCAL GOVERNMENT AGREEMENT  
Joint Election

AN INTERLOCAL AGREEMENT BETWEEN THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, AND THE BOARD OF TRUSTEES, COLLEGE STATION INDEPENDENT SCHOOL DISTRICT ORDERING A GENERAL ELECTION TO BE HELD IN SAID CITY AND SCHOOL DISTRICT ON MAY 10, 2008; FOR THE PURPOSE OF ELECTING PLACES 1, 3 AND 5 ON THE COLLEGE STATION CITY COUNCIL, AND POSITIONS 6 AND 7 ON THE BOARD OF TRUSTEES FOR THE COLLEGE STATION INDEPENDENT SCHOOL DISTRICT; PROVIDING PROCEDURES RELATING TO THE CONDUCT OF SAID ELECTIONS; AND PROVIDING FOR A RUNOFF ELECTION IN THE CITY OF COLLEGE STATION, IF NECESSARY.

WHEREAS, it is necessary to hold an election in the City of College Station, Texas, to elect persons to fill the positions of Places 1, 3 and 5 on the City Council of the City of College Station, Texas; and,

WHEREAS, it is necessary to hold an election within the College Station Independent School District to fill the positions of Places 6 and 7 on the Board of Trustees of the College Station Independent School District; and,

WHEREAS, the City and College Station Independent School District will hold elections on the same day; to-wit: May 10, 2008; and,

WHEREAS, Section 271.002 of the Texas Election Code authorizes more than one political subdivision to hold joint elections; and,

WHEREAS, the City Council of the City of College Station, Texas and the Board of Trustees of the College Station Independent School District deem it to be in the best interest of their respective subdivisions and in the interest of the voters who reside within their respective jurisdictions to hold such elections jointly; now, therefore,

BE IT JOINTLY RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, AND THE BOARD OF TRUSTEES OF THE COLLEGE STATION INDEPENDENT SCHOOL DISTRICT:

PART 1: That joint elections be, and the same are hereby ordered to be held within the jurisdictions of the City of College Station, Texas, and the College Station Independent School District, on the 10<sup>th</sup> day of May, 2008, pursuant to the laws of the State of Texas and the Charter of the City of College Station, Texas. Such elections shall be held for the following purposes:

- A. To fill the positions of Places 1, 3 and 5 on the College Station City Council.
- B. To fill the positions of Places 6 and 7 on the Board of Trustees of the College Station Independent School District.

PART 2: That a runoff election, is hereby ordered to be held within the City of College Station, Texas on **Saturday June 14, 2008**, if necessary, to determine the election of one or more candidates for Council positions in the City of College Station.

PART 3: That there shall be one ballot that contains all appropriate races and propositions available for qualified voters of the two entities. Additional ballot formats will be programmed for the voters who do not reside in the City of College Station and live in the College Station Independent School District, (School only ballot) and voters who live in the City of College Station and Bryan Independent School District, (City only ballot).

PART 4: That said elections shall be held in accordance with the Constitution and laws of the State of Texas and the City Charter, and all duly qualified voters of the City of College Station and College Station Independent School District shall be entitled to vote; provided, however, that no voter shall be given a ballot containing any office or proposition on which the voter is ineligible to vote.

PART 5: That the election forms and records shall be combined in a manner convenient and adequate to record and report the results of the election for the City of College Station and College Station Independent School District. The joint tabulation of the precinct results shall be in a manner to facilitate the independent canvass of returns by both entities.

PART 6: That the implementation and management of said elections shall be by the City Secretary, City of College Station. The City Secretary, City of College Station, is hereby designated as the Chief Election Official and Early Voting Clerk for the two entities for the election to be held on May 10, 2008 and runoff election, if necessary. The implementation, conduct and management of the elections shall include, but not be limited to:

- A. The securing of qualified individuals to serve as election judges for each polling place within a voting precinct.
- B. The securing of locations and facilities where the election is to be conducted.

- C. The securing of election materials and supplies requisite to the proper administration of the elections, and the programming and preparation of Direct Recording voting equipment to be used in the election.
- D. The securing of a contract with Texas Voting Systems, Inc. for election services and supplies.
- E. City shall be responsible for conducting early voting for said elections.
- F. City shall serve as general custodian of election records in the joint election.

PART 7: Election expenses incurred as the result of the services rendered by the City in the May 10, 2008 election shall be apportioned as follows:

- A. The City will first fund all costs in full, other than the publication of each entity's Notice of Election.
- B. CSISD will reimburse the City of College Station for certain costs as follows:

100 percent of all costs incurred for polling places, election workers, and other expenses associated with polling locations within the school's jurisdiction outside the city limits of College Station.

CSISD will fund one-half (1/2) of the cost of early voting.

CSISD will fund one-half (1/2) of the cost of publication of all jointly required notices.

CSISD will fund one-half (1/2) of the cost of programming, rental of DRE voting equipment for joint precincts, election supplies, election worker training session, Early Ballot Board, Central Counting Station, and the tabulation supervisor and data processing manager.

PART 8: Said elections shall be held in the following election precincts, and voting shall be conducted at the polling places shown below:

**BRAZOS COUNTY PRECINCTS**

<u>City Precincts</u>	<u>CSISD Precincts</u>	<u>Polling Places</u>
	1, 2A, 82	Wellborn Community Center 4119 Greens Prairie Road

8	8	South Knoll Elementary School 1220 Boswell
9	9	College Station Conference Center 1300 George Bush Drive
10A, 10B, 34	10A, 10B, 34	College Station City Hall 1101 Texas Avenue
20, 21	20, 21	Saint Mary's Catholic Church 701 Church
24	24	College Hills Elementary School 1101 Williams
31	31	A&M Consolidated High School 1801 Harvey Mitchell Parkway South
32	32	College Station Public Library 1818 Harvey Mitchell Parkway South
33, 72, 74	29, 33, 62, 64, 72, 74	Lincoln Center 1000 Eleanor
2C, 35A, 35B	2C, 35A, 35B	College Station ISD Adm. Bldg. 1812 Welsh
2B, 39	2B, 39	Rock Prairie Elementary School 3400 Welsh
40	40	Aldersgate Methodist Church 2201 Earl Rudder Freeway South
41, 68	41, 28A, 42, 68, 28B	Pebble Creek Elementary School 200 Park view
80	80	Cypress Grove Intermediate School 900 Graham Road

PART 9: Early voting shall be conducted by personal appearance and by mail. The period for early voting for the general election shall be April 28, 2008 through May 6, 2008. Optical scan ballots shall be used for early voting by mail and direct recording

electronic voting machines shall be used for early voting by personal appearance. The Early Voting Clerk for said elections shall be the City Secretary. She shall appoint city employees and additional assistance by qualified individuals of the community to serve as deputy early voting clerks to assist her at the early voting polling places. The Election Coordinator for the College Station Independent School District shall serve as Deputy Early Voting Clerk in said elections. The main early voting polling place by personal appearance shall be in City Hall, 1101 Texas Avenue, College Station, Texas. Two branch early voting locations shall be designated for these elections.

Main Early Voting Location: College Station City Hall  
 1101 Texas Avenue  
 College Station, Texas  
 8:00 am to 5:00 pm April 28, 29, 30, 2008  
 8:00 am to 5:00 pm May 1, 2, 2008  
 7:00 am to 7:00 pm May 5, 6, 2008

Branch Location: College Station School District Administration Bldg.  
 1812 Welsh  
 College Station, Texas  
 8:00 am to 5:00 pm April 28, 29, 30, 2008  
 8:00 am to 5:00 pm May 1, 2, 2008  
 7:00 am to 7:00 pm May 5, 6, 2008

Branch Location: Memorial Student Center (MSC)  
 Texas A&M University Campus  
 College Station TX  
 8:00 am to 5:00 pm April 28, 29, 30, 2008  
 8:00 am to 5:00 pm May 1, 2, 2008  
 7:00 am to 7:00 pm May 5, 6, 2008

- PART 10: Each entity shall be responsible for any necessary submissions to the U.S. Department of Justice for preclearance under the Federal Voting Rights Act and giving notice of their election in a newspaper of general circulation.
- PART 11: The City Manager or his designee is hereby authorized to negotiate and execute an election services contract with Texas Voting Systems for services in connection with the joint election with the City of College Station and College Station Independent School District.
- PART 12: In accordance with Section 123.001 of the Texas Election Code, the Hart Intercivic Direct Recording Electronic Voting System, Optical Scan Voting System and Electronic Management System for Brazos County, Texas and approved by the Secretary of State on January 3, 2002, and identified

as eSLATE is hereby adopted for the general election and special runoff election.

PART 13: Elections called by this interlocal agreement shall be held in accordance with the requirements for bilingual elections as set forth in the Voting Rights Act amendments for 1975 (42USC 1973aa-1a) and in Section 272.001 of the Election Code. All election forms and material shall be printed in both English and Spanish, and bilingual oral assistance shall be made available within the requirements of the law.

PART 14: The Mayor of the City of College Station is hereby authorized to sign an official NOTICE OF GENERAL ELECTION and NOTICE OF RUNOFF ELECTION listing the precincts and polling place locations for the joint election. A copy of the NOTICE OF GENERAL ELECTION and RUNOFF ELECTION, when published in a newspaper of general circulation in English and Spanish, shall serve as proper notice of the City's election.

PART 15: That this interlocal agreement shall take effect immediately from and after its passage.

PASSED AND APPROVED this 28<sup>th</sup> day of February, 2008.

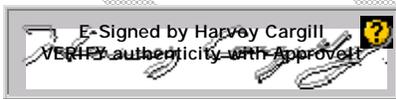
ATTEST:

APPROVED:

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

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

APPROVED:



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

PART 16: That this interlocal agreement shall take effect immediately from and after its passage.

ADOPTED by the Board of Trustees of the College Station Independent School District this 19<sup>th</sup> day of February, 2008.

COLLEGE STATION INDEPENDENT SCHOOL DISTRICT:

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TIM JONES, Board President

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RANDALL PITCOCK, Board Secretary

DRAFT

**February 28, 2008  
Consent Agenda Item 2o  
Release of the Deed of Trust as Executed by  
College Station Gameday, L.L.C.**

**To:** Glenn Brown, City Manager

**From:** David Gwin, Director of Economic and Community Development

**Agenda Caption:** Presentation, discussion and possible action regarding a Release of the Deed of Trust as executed by College Station Gameday, L.L.C. to the City of College Station to secure the original Economic Development Agreement.

**Recommendation(s):** Staff recommends approval of the Release of the Deed of Trust as attached.

**Summary:** In June 2006, the City executed an Amended and Restated Economic Development Agreement (EDA) with Gameday Centers Southeastern, L.L.C. for the development of a luxury condominium development in Northgate. As part of the original EDA the City committed to sell 0.752 acres (Lots 8 – 11 and 22, Block 11 of the W.C. Boyett Estate Partition) of City-owned land as part of a development incentive package. The sale was secured with a Deed of Trust.

Unfortunately, the developer failed to realize the specified development and, as such, the City has reimbursed the developer \$320,182.81 to reassert clear title to the five (5) lots. The final step in the overall process to reclaim the City's property is the release of the Deed of Trust.

**Budget & Financial Summary:** This Release of the Deed of Trust is routine and it has no negative fiscal impact on the City of College Station.

**Attachments:**

Copy of the Release of the Deed of Trust

**RELEASE OF DEED OF TRUST**

**Date:** \_\_\_\_\_

**Note:** \_\_\_\_\_

**Date of Origination:** October 2, 2006

**Original Amount:** \$350,501.18

**Maker:** College Station Gameday, L.L.C.

**Payee:** City of College Station

**Date of Maturity:**

**Holder of Note and Lien:** College Station, Gameday, L.L.C.

**Holder's Mailing Address (including county):**  
1555 East New Circle Rd, Suite 190  
Fayette County  
Lexington, KY 40503

**Note and Lien Are Described in  
the Following Documents, Recorded in:**

Deed of Trust dated October 2, 2006, executed by College Station Gameday, L.L.C. to City Manager of the City of College Station, Texas, Trustee, securing the payment of Amended and Restated Economic Development Agreement payable to Research Valley Partnership on behalf of City of College Station, Texas, in the amount of \$350,501.18, recorded in Volume 7653, page 125, Official Records of Brazos County, Texas.

**Property Subject to Lien  
(including any improvements):**

See Exhibits A and B attached hereto and made a part hereof.

**Holder of the note acknowledges the fulfillment of lien terms and conditions and hereby releases the property from the lien.**

**When the context requires, singular nouns and pronouns include the plural.**

CITY OF COLLEGE STATION

BY: \_\_\_\_\_  
Ben White, Mayor

ATTEST:

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

STATE OF TEXAS        )  
                                  )  
COUNTY OF BRAZOS    )

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_, 2008, by Ben White, as Mayor of the City of College Station, a Texas home rule municipality, on its behalf.

\_\_\_\_\_  
Notary Public in and for the State of Texas

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

Lots 8 through 11 Block 11  
W.C. Boyett Estate Partition  
J.E. Scott League  
College Station, Texas  
25 April 2006

All that certain tract or parcel of land lying and being situated in the J.E. Scott League, Abstract No 50, in College Station, Brazos County, Texas, being all of Lots 8 through 11 in Block 11 of the W.C. Boyett Estate Partition as described by plat recorded in Volume 100 Page 441 of the Deed Records of Brazos County, Texas, and being more particularly described as follows:

Beginning at a ½" iron rod with an orange plastic cap stamped 'H.P. Mayo RPLS 5045' set at the rear common corner of Lots 11 and 12 of Block 11 of the said W.C. Boyett Estate Partition, in the southeast line of Louise Avenue.

Thence S 40° 21' 34" E - 201.69 feet along the line between Lots 8 through 11 and Lots 12 through 15 in the said Block 11 to a ½" iron rod with an orange plastic cap stamped 'H.P. Mayo RPLS 5045' set at the rear common corner of Lots 7, 8, 15 and 16 of the said Block 11;

Thence S 41° 45' 21" W - 134.81 feet along the line between Lots 7 and 8 of the said Block 11 to a ½" iron rod with an orange plastic cap stamped 'H.P. Mayo RPLS 5045' set at the common corner of Lots 7 and 8 of the said Block 11 in the northeast line of F.M. 2154 (Wellborn Road) from which the City of College Station 1994 GPS control monument no. 110 bears N 40° 16' 59" W - 655.71 feet;

Thence N 40° 21' 34" W - 154.13 feet along the northeast line of F.M. 2154 to a ½" iron rod found at the beginning of a tangent curve to the right (T=50');

Thence along the arc of said curve in a clockwise direction through a central angle of 83° 08' 40" to a Magnail set in concrete at the end of said curve in the southeast line of Louise Avenue;

Thence N 42° 47' 05" E - 84.50 feet along the northeast line of Louise Avenue to the Point of Beginning and containing 0.610 acres of land more or less.

Bearings are Texas State Plane, NAD83(1986) datum, based on 1994 City of College Station GPS monument no. 110 and NGS monument "Texas A&M 1935" (S 34° 15' 20" E).

See survey plat prepared with this written description.

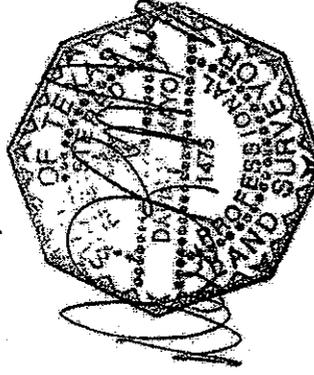


EXHIBIT A



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

Lot 22 Block 11  
W.C. Boyett Estate Partition  
J.E. Scott League  
College Station, Texas  
14 February 2006

All that certain tract or parcel of land lying and being situated in the J.E. Scott League, Abstract No. 50, in College Station, Brazos County, Texas, being all of Lot 22 in Block 11 of the W.C. Boyett Estate Partition as described by plat recorded in Volume 100 Page 441 of the Deed Records of Brazos County, Texas, and being more particularly described as follows:

Beginning at a Magnail set in the pavement in the northwest line of Church Avenue at the common corner of Lots 1 and 22 in Block 11 of the said W.C. Boyett Estate Partition.

Thence N 41° 45' 21" E - 84.81 feet along the northwest line of Church Avenue to a Magnail set in pavement at the beginning of a tangent curve to the left (T=50');

Thence along the arc of said curve in a counterclockwise direction through a central angle of 82° 06' 55" to a ½" iron rod with an orange plastic cap stamped "H.P. Mayo RPLS 5045" set at the end of said curve at the common corner of Lots 21 and 22 in the southwest line of First Street;

Thence S 41° 45' 21" W - 134.81 feet along the line between Lots 21 and 22 to a ½" iron rod with an orange plastic cap stamped "H.P. Mayo RPLS 5045" set at the rear common corner of Lots 1, 2, 21 and 22 of the said Block 11;

Thence S 40° 21' 34" E - 50.00 feet along the line between Lots 1 and 22 of the said Block 11 to the Point of Beginning and containing 0.142 acres of land more or less.

Bearings are Texas State Plane, NAD83(1986) datum, based on 1994 City of College Station GPS monument no. 110 and NGS monument "Texas A&M 1935" (S 34° 15' 20" E).

See survey plat prepared with this written description.

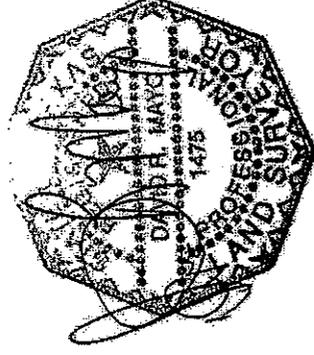
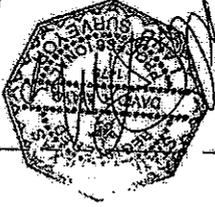


EXHIBIT B

**JOE GRB, INC.**  
 SURVEYORS & ENGINEERS  
 2107 POST OFFICE BUILDING  
 COLLEGE STATION, TEXAS 77840  
 (409) 783-2272

**BOUNDARY SURVEY**  
 LOT 22, BLOCK 11  
 W.C. BOYETT ESTATE PARTITION  
 COLLEGE STATION, TEXAS

DATE: 12 SEPTEMBER 2008  
 DRAWN BY: M. MOYD  
 CHECKED BY: M. MOYD



At existing monuments and adjacent lots not be shown on this plat, there are no monuments shown on the recorded plat (100/441).  
 Building setback lines are as prescribed by city ordinance.  
 Boundaries shown here are not located and shown on this map.  
 1/2"=100' scale & 1/4"=100' scale with an orange plastic cap stamped "SURVEYED THIS DATE".  
 No part of this property lies within the 100' fire road with exception to that part of the 100' fire road with 21,192'.  
 This site meets a boundary description proposed with this plat.

Block 10

- Legend**
- 1/2"=100' scale
  - 1/4"=100' scale
  - 1/8"=100' scale
  - 1/16"=100' scale
  - 1/32"=100' scale
  - 1/64"=100' scale
  - 1/128"=100' scale
  - 1/256"=100' scale
  - 1/512"=100' scale
  - 1/1024"=100' scale
  - 1/2048"=100' scale
  - 1/4096"=100' scale
  - 1/8192"=100' scale
  - 1/16384"=100' scale
  - 1/32768"=100' scale
  - 1/65536"=100' scale
  - 1/131072"=100' scale
  - 1/262144"=100' scale
  - 1/524288"=100' scale
  - 1/1048576"=100' scale
  - 1/2097152"=100' scale
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  - 1/8388608"=100' scale
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**February 28, 2008  
Consent Agenda 2p  
Resolution Determining Need  
for the Northgate Redevelopment Project**

**To:** Glenn Brown, City Manager

**From:** David Gwin, Director of Economic and Community Development

**Agenda Caption:** Presentation, possible action, and discussion regarding a Resolution Determining Need that identifies properties needed for the Northgate Redevelopment Project.

**Recommendation(s):** Staff recommends approval of the attached resolution identifying the referenced properties which will then authorize staff to negotiate for the purchase of land needed for realization of the project. Upon completion of negotiations, staff plans to return with Real Estate Contracts for further City Council consideration and action.

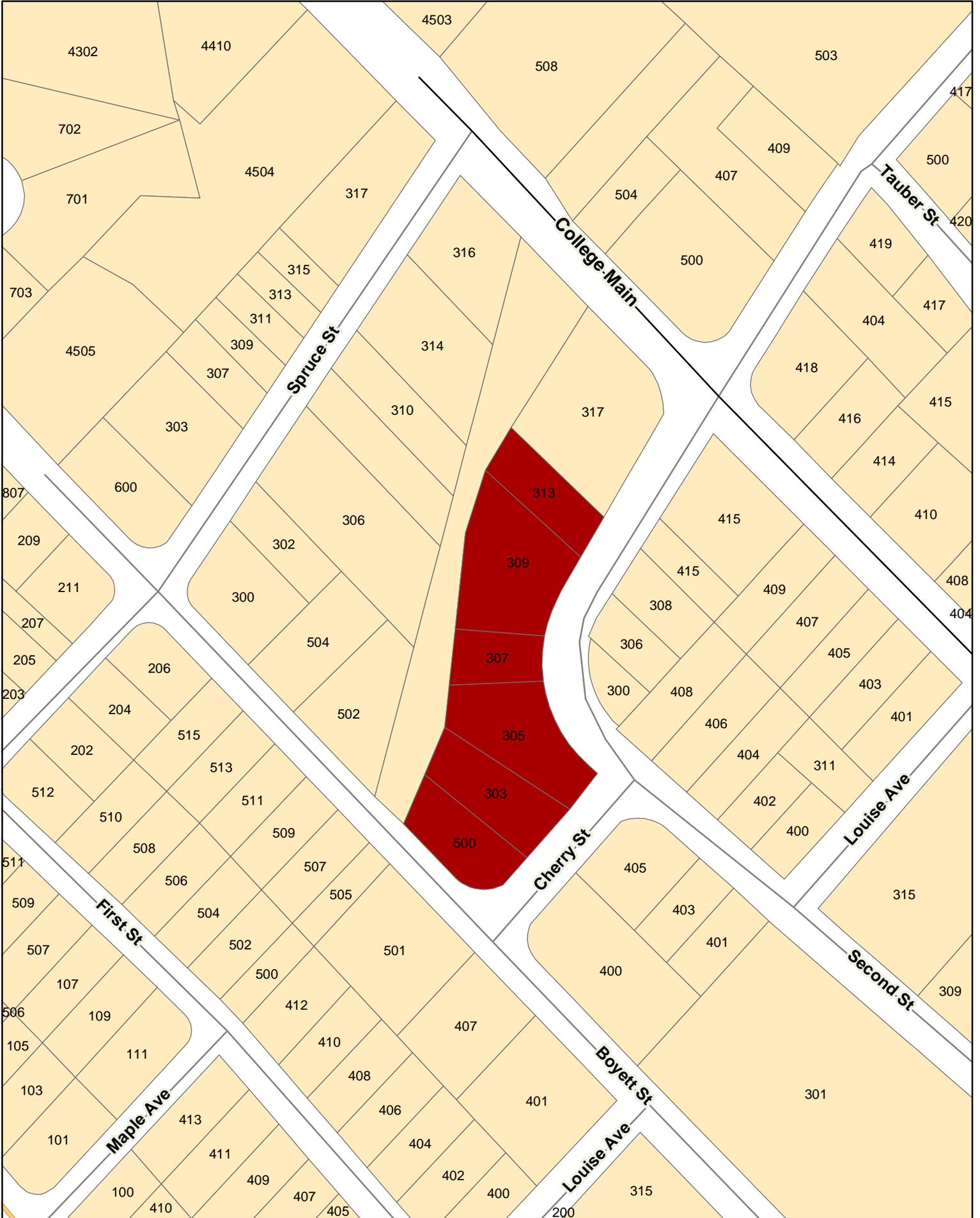
**Summary:** The properties identified in the resolution total 1.3845 acres located on Boyett and Cherry Streets. The intended use of these properties is to provide housing opportunities for income-eligible households and promote reinvestment in this area of the community.

**Budget & Financial Summary:** The exact purchase price for these properties will be determined based on future appraisals and negotiations. The current appraised value of these properties by the Brazos County Appraisal District for property tax assessment is \$797,860. Funding for these acquisitions is available in the City's FY 2007 – 2008 Community Development budget.

**Attachments:**

Resolution Determining Need  
Location Map

# Location Map



**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, ACQUIRE AND PURCHASE, WITHOUT CONDEMNATION, FEE SIMPLE INTEREST IN CERTAIN PROPERTIES FOR THE NORTHGATE REDEVELOPMENT PROJECT; (2) A DECLARATION THAT PUBLIC NECESSITY EXISTS FOR THE CITY TO ACQUIRE SUCH INTEREST THROUGH PURCHASE; AND (3) ESTABLISHING PROCEDURES FOR THE ACQUISITION OF SUCH INTEREST IN THE PROPERTIES

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 construction of affordable housing and economic development in low and moderate-income neighborhoods is in accordance with the City of College Station 2005 – 2009 Consolidated Plan adopted pursuant to Chapter 373 of the TEXAS LOCAL GOVERNMENT CODE; and

WHEREAS, the construction of affordable housing and economic development in low and moderate-income neighborhoods is a benefit to the public; and

WHEREAS, the City is engaged in the following project regarding development of affordable housing and economic development in the Northgate District at the northwest corner of the intersection of Boyett and Cherry Streets, said project to include demolition of existing buildings and construction of a development consisting of affordable housing and other economic development activities, (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 construct the above described Project, through the City’s acquisition by purchase, of fee simple interest in the properties as provided in Exhibit A, attached hereto and incorporated herein by reference for all purposes (the “Properties”); 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 Project, and the public welfare and convenience will be served by the acquisition of the Properties.

- 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 Properties.
- 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 or his designee as to the establishment and approval of the amount of the just compensation for the Properties.
- PART 4: After consideration of said recommendation, the City Manager shall establish and approve the amount determined for acquisition of the Properties.
- PART 5: Upon establishment and approval by the City Manager of the amount of just compensation for the acquisition of the Properties, Land Agent or other designated City staff 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 Properties for the Project, on behalf of the City of College Station.
- PART 7: That the City shall acquire the Properties by voluntary purchase only, and shall not be authorized to acquire any property through condemnation proceedings.
- 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.

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

Page 3

ATTEST:

APPROVED:

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

\_\_\_\_\_  
Mayor

APPROVED:



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

## EXHIBIT "A"

## TRACT ONE: A.G. NEELEY ESTATE

Being Boyett, Block 19, Lot 1, Brazos County, College Station, Texas, also known as 500 Boyett Street, consisting of .2021 acres, more or less, and a 1,260 square foot, wood-frame single-family dwelling. This property is currently tenant-occupied. This tract will be more particularly described by plat and field notes prepared by a Registered Professional Land Surveyor at a subsequent date and time.

## TRACT TWO: MRS. R.J. BOND ESTATE

Being Boyett, Block 19, Lot 2, Brazos County, College Station, Texas, also known as 303 Cherry Street, consisting of .2057 acres, more or less. This property is undeveloped. This tract will be more particularly described by plat and field notes prepared by a Registered Professional Land Surveyor at a subsequent date and time.

## TRACT THREE: PITNER FAMILY LIMITED PARTNERSHIP

Being Boyett, Block 19, Lot 3, PT of 4, Brazos County, College Station, Texas, also known as 305 Cherry Street, consisting of .2877 acres, more or less. This property is undeveloped. This tract will be more particularly described by plat and field notes prepared by a Registered Professional Land Surveyor at a subsequent date and time.

## TRACT FOUR: HELEN LEE, DBA LEE PROPERTIES (LOT 4, PT OF)

Being Boyett, Block 19, Lot 4 (PT of), Brazos County, College Station, Texas, also known as 307 Cherry Street, consisting of .1925 acres, more or less, and a 1,405 square foot, wood-frame single-family dwelling. This property is currently unoccupied and has been since March 14, 2007. This tract will be more particularly described by plat and field notes prepared by a Registered Professional Land Surveyor at a subsequent date and time.

## TRACT FIVE: HELEN LEE, DBA LEE PROPERTIES (LOTS 5 AND 6)

Being Boyett, Block 19, Lots 5 and 6, Brazos County, College Station, Texas, also known as 309 A&B Cherry Street, consisting of .3358 acres, more or less, and a 1,528 square foot, wood-frame duplex dwelling. This property is currently unoccupied and has been since June 1, 2004. This tract will be more particularly described by plat and field notes prepared by a Registered Professional Land Surveyor at a subsequent date and time.

## TRACT SIX: NELSON RENTALS, INC.

Being Boyett, Block 19, Lot 7, Brazos County, College Station, Texas, also known as 313 Cherry Street, consisting of .1607 acres, more or less, and a 1,140 square foot, wood-frame single-family dwelling. This property is currently tenant-occupied. This tract will be more particularly described by plat and field notes prepared by a Registered Professional Land Surveyor at a subsequent date and time.

**February 28, 2008**  
**Consent Agenda Item 2q**  
**Reimbursement Resolution for Southwood Valley Little League Lights**

**To:** Glenn Brown, City Manager

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

**Agenda Caption:** Presentation, possible action, and discussion regarding approval of a resolution declaring intention to reimburse certain expenditures with proceeds from debt for the Southwood Valley Little League Light project.

**Recommendation(s):** Staff recommends approval of the resolution declaring intention to reimburse certain expenditures with proceeds from debt.

**Summary:** The construction contract for the Southwood Valley Little League Light project was approved by Council on January 10, 2008. It is anticipated that debt in the form of Certificates of Obligation will be issued for this project. On projects for which the expenditures will occur prior to the debt issue, a resolution declaring intention to reimburse certain expenditures with proceeds from debt must be adopted within 60 days of expenditure on the project. The resolution is typically adopted at the time the contract is awarded, but was inadvertently left off of the agenda when the construction contract was brought to Council in January.

**Budget & Financial Summary:** The "Resolution Declaring Intention to Reimburse Certain Expenditures with Proceeds from Debt" is necessary for this item because the long term debt has not been issued for the project. This debt is scheduled to be issued later this fiscal year.

**Attachments:**

1. Resolution Declaring Intention to Reimburse Certain Expenditures with Proceeds from Debt

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 \$400,000, 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 28th DAY OF FEBRUARY, 2008.

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

ATTEST:

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

(Seal)

APPROVED:



---

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

**Exhibit "A"**

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

**Southwood Valley Little League Lights**

**28 February 2008  
Regular Agenda Item 1  
Annexation Development Agreements**

**To:** Glenn Brown, City Manager

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

**Agenda Caption:** Presentation, possible action, and discussion regarding annexation development agreements.

**Recommendation(s):** Staff recommends approval of the annexation development agreements.

**Summary:** This purpose of this agenda item is to provide the Council with the opportunity to approve six annexation development agreements (five in annexation area two and one in annexation area six). In November of 2007, Council approved 29 development agreements for property under consideration for annexation and appraised by the Brazos County Appraisal District as agricultural use. As a result, several small voids were created within annexation area two that were not feasible to annex. Consequently, the City of College Station offered the same development agreement to owners of property within these voids. Five property owners have entered into the development agreement (see attached summary for more information).

The last development agreement is from within annexation area six. This property owner chose to enter into a development agreement on property appraised for agricultural use in lieu of annexation.

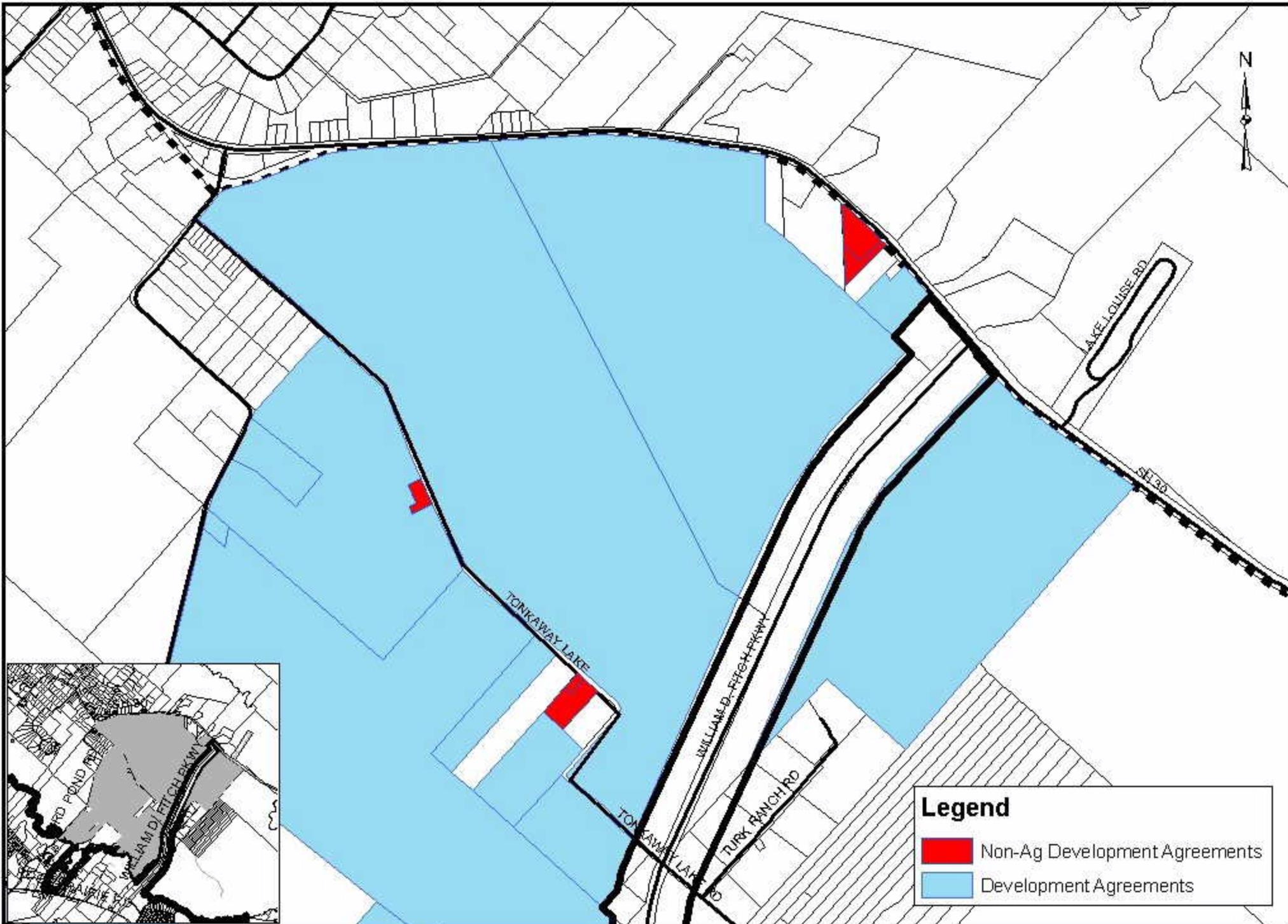
The development agreements contain the following provisions:

- A guarantee that the City will not annex the property for a period of ten (10) years unless the terms of the agreement are violated.
- A promise by the owner(s) to use the property in a way that is consistent with the City's A-O (Agricultural Open) zoning district.
- A promise by the owner that no person will file a plat or related development document for the property.
- A provision that a violation of the agreement by the landowner by commencing development will constitute a petition for voluntary annexation.
- A provision requiring building construction allowed by the agreement to comply with the applicable City codes and ordinances.
- A provision that the agreement be recorded in the property records at the County Clerk's Office so that the agreement will run with the land.

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

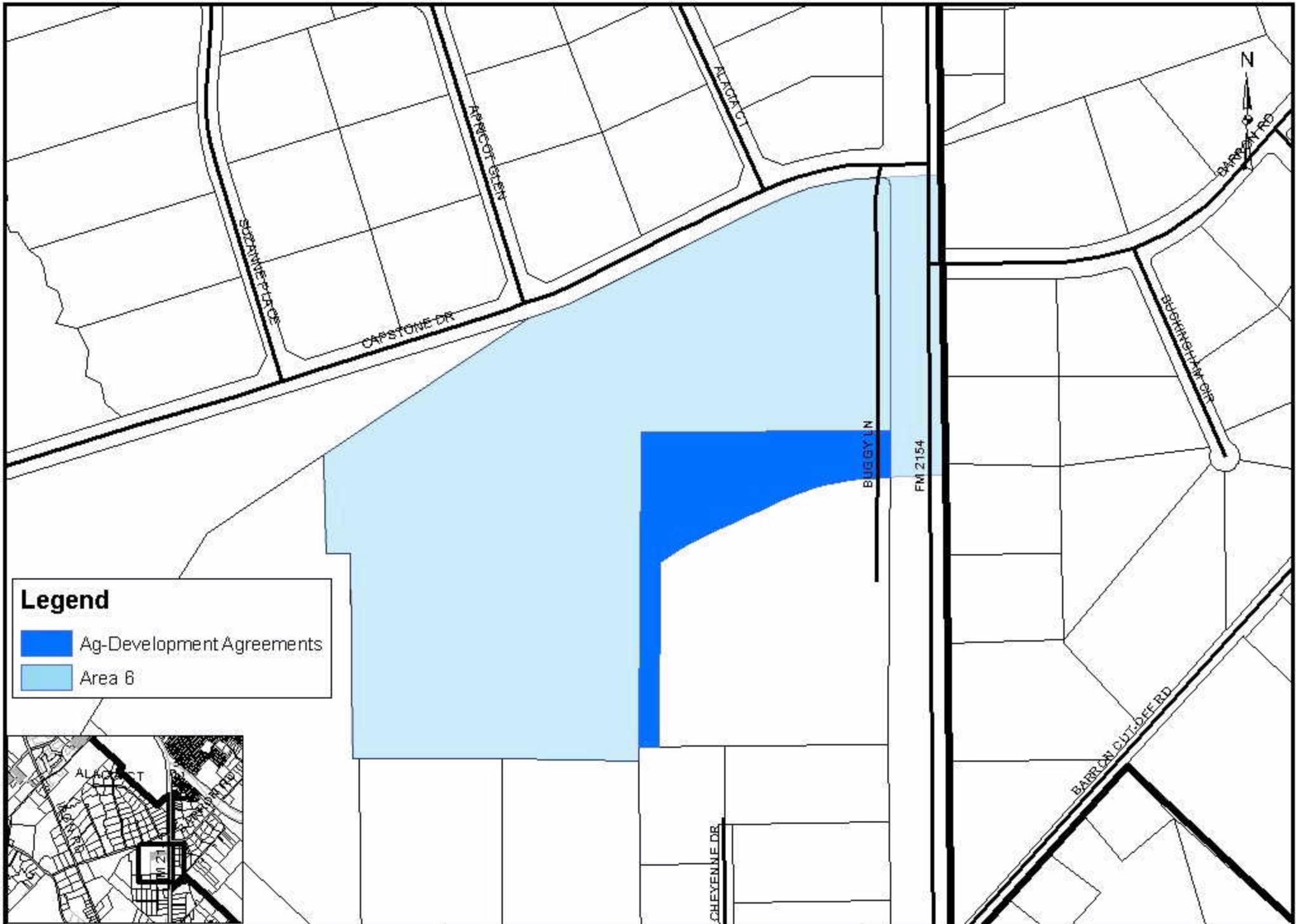
**Attachments:**

1. Area 2 Map
2. Area 6 Map
3. Development Agreement Summary
4. Standard Development Agreement (hard copies of all development agreements are available in the City Secretary's Office)



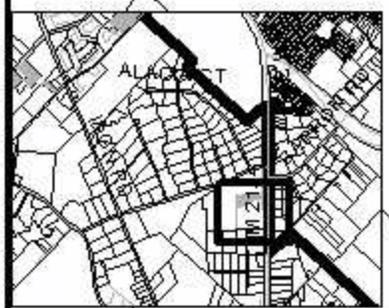
**Legend**

- Non-Ag Development Agreements
- Development Agreements



**Legend**

- Ag-Development Agreements
- Area 6



**ANNEXATION DEVELOPMENT AGREEMENT SUMMARY**

	FIRST	LAST	SUBJECT PROPERTY	ANNEXATION AREA
1	Steven	Emert	Lot 1, Oats Acres	2
2	Steven	Emert	Lot 2, Oats Acres	2
3	Anthony	Ruiz	Tract 16.41, Augustus Williams	2
4	Anthony	Ruiz	Tract 16.4, Augustus Williams	2
5	Clyde	Goen	Tract 1.3, Augustus Williams	2
6	Penelope	Thomas	A portion of A McMahon, Tract 29	6
				<b>Total</b>

ACRES
1
7.246
6.83
3.17
3
6.09
27.336

**CHAPTER 43 TEXAS LOCAL GOVERNMENT CODE  
DEVELOPMENT AGREEMENT**

This Agreement is entered into pursuant to Sections 43.035 and 212.172 of the Texas Local Government Code by and between the City of College Station, Texas (the “City”) and the undersigned property owner(s) (the “Owner”). The term “Owner” includes all owners of the Property.

**WHEREAS**, the Owner owns a parcel of real property (the “Property”) in Brazos County, Texas, which is more particularly and separately described in the attached Exhibit “A”; and

**WHEREAS**, the Owner desires to have the Property remain in the City’s extraterritorial jurisdiction, in consideration for which the Owner agrees to enter into this Agreement; and

**WHEREAS**, this Agreement is entered into pursuant to Sections 43.035 and 212.172 of the Texas Local Government Code, in order to address the desires of the Owner and the procedures of the City; and

**WHEREAS**, the Owner and the City acknowledge that this Agreement is binding upon the City and the Owner and their respective successors and assigns for the term (defined below) of this Agreement; and

**WHEREAS**, this Development Agreement is to be recorded in the Real Property Records of Brazos County.

**NOW, THEREFORE**, in consideration of the mutual covenants contained herein, the parties hereto agree as follows:

**Section 1.** The City guarantees the continuation of the extraterritorial status of the Owner’s Property, its immunity from annexation by the City, and its immunity from City property taxes, for the term of this Agreement, subject to the provisions of this Agreement. Except as provided in this Agreement, the City agrees not to annex the Property, agrees not to involuntarily institute proceedings to annex the Property, and further agrees not to include the Property in a statutory annexation plan for the Term of this Agreement. However, if the Property is annexed pursuant to the terms of this Agreement, then the City shall provide services to the Property pursuant to Chapter 43 of the Texas Local Government Code.

**Section 2.** The Owner covenants and agrees not to use the Property for any use other than for agriculture, wildlife management, and/or timber land consistent with Chapter 23 of the Texas Tax Code, except for existing single-family residential use of the property, without the prior written consent of the City. The Owner covenants and agrees that the Owner will not file any type of subdivision plat or related development document for the Property with Brazos County or the City until the Property has been annexed into, and

zoned by, the City. The Owner covenants and agrees not to construct, or allow to be constructed, any buildings on the Property that would require a building permit if the Property were in the city limits, until the Property has been annexed into, and zoned by, the City. The Owner also covenants and agrees that the City's A-O (Agricultural Open) District zoning requirements apply to the Property, and that the Property shall be used only for A-O (Agricultural Open) District zoning uses that exist on that Property at the time of the execution of this Agreement, unless otherwise provided in this Agreement. However, the Owner may construct an accessory structure to an existing single-family dwelling or an accessory structure for the benefit of agricultural uses in compliance with all applicable City ordinances and codes. The Owner acknowledges that each and every owner of the Property must sign this Agreement in order for the Agreement to take full effect, and the Owner who signs this Agreement covenants and agrees, jointly and severably, to indemnify, hold harmless, and defend the City against any and all legal claims, by any person claiming an ownership interest in the Property who has not signed the Agreement, arising in any way from the City's reliance on this Agreement.

**Section 3.** The Owner acknowledges that if any plat or related development document is filed in violation of this Agreement, or if the Owner commences development of the Property in violation of this Agreement, then in addition to the City's other remedies, such act will constitute a petition for voluntary annexation by the Owner, and the Property will be subject to annexation at the discretion of the City Council. The Owner agrees that such annexation shall be voluntary and the Owner hereby consents to such annexation as though a petition for such annexation had been tendered by the Owner. If annexation proceedings begin pursuant to this Section, the Owner acknowledges that this Agreement serves as an exception to Local Government Code Section 43.052, requiring a municipality to use certain statutory procedures under an annexation plan. Furthermore, the Owner hereby waives any and all vested rights and claims that they may have under Section 43.002(a)(2) and Chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of any actions Owner has taken in violation of Section 2 herein.

**Section 4.** Pursuant to Sections 43.035(b)(1)(B) of the Texas Local Government Code, the City is authorized to enforce all of the City's regulations and planning authority that do not materially interfere with the use of the Property for agriculture, wildlife management, or timber, in the same manner the regulations are enforced within the City's boundaries. The City states and specifically reserves its authority pursuant to Chapter 251 of the Texas Local Government Code to exercise eminent domain over property that is subject to a Chapter 43 and/or Chapter 212 development agreement.

**Section 5.** The term of this Agreement (the "Term") is ten (10) years from the date that the Mayor's signature to this Agreement is acknowledged by a public notary. The Owner, and all of the Owner's heirs, successors and assigns shall be deemed to have filed a petition for voluntary annexation before the end of the Term, for annexation of the Property to be completed on or after the end of the Term. Prior to the end of the Term, the City may commence the voluntary annexation of the Property. In connection with annexation pursuant to this section, the Owners hereby waive any vested rights they may

have under Section 43.002(a)(2) and Chapter 245 of the Texas Local Government Code that would otherwise exist by virtue of any plat or construction any of the owners may initiate during the time between the expiration of this Agreement and the institution of annexation proceedings by the City.

**Section 6.** Property annexed pursuant to this Agreement will initially be zoned A-O (Agricultural Open) pursuant to the City's Code of Ordinances, pending determination of the property's permanent zoning in accordance with the provisions of applicable law and the City's Code of Ordinances.

**Section 7.** Any person who sells or conveys any portion of the Property shall, prior to such sale or conveyance, give written notice of this Agreement to the prospective purchaser or grantee, and shall give written notice of the sale or conveyance to the City. Furthermore, the Owner and the Owner's heirs, successor, and assigns shall give the City written notice within 14 days of any change in the agricultural exemption status of the Property. A copy of either notice required by this section shall be forwarded to the City at the following address:

City of College Station  
Attn: City Manager  
P.O. Box 9960  
College Station, Texas 77842

**Section 8.** This Agreement shall run with the Property and be recorded in the real property records of Brazos County, Texas.

**Section 9.** If a court of competent jurisdiction determines that any covenant of this Agreement is void or unenforceable, including the covenants regarding involuntary annexation, then the remainder of this Agreement shall remain in full force and effect.

**Section 10.** This Agreement may be enforced by any Owner or the City by any proceeding at law or in equity. Failure to do so shall not be deemed a waiver to enforce the provisions of this Agreement thereafter.

**Section 11.** No subsequent change in the law regarding annexation shall affect the enforceability of this Agreement or the City's ability to annex the properties covered herein pursuant to the terms of this Agreement.

**Section 12.** Venue for this Agreement shall be in Brazos County, Texas.

**Section 13.** This Agreement may be separately executed in individual counterparts and, upon execution, shall constitute one and same instrument.

**Section 14.** This Agreement shall survive its termination to the extent necessary for the implementation of the provisions of Sections 3, 4, and 5 herein.

Entered into this \_\_\_\_ day of \_\_\_\_\_, 2008.

\_\_\_\_\_  
Owner  
Printed Name: \_\_\_\_\_

**CITY OF COLLEGE STATION**

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

\_\_\_\_\_  
Date

ATTEST:

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

\_\_\_\_\_  
Date

APPROVED:

\_\_\_\_\_  
City Manager

\_\_\_\_\_  
Date

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

\_\_\_\_\_  
Date

\_\_\_\_\_  
Chief Financial Officer

\_\_\_\_\_  
Date

STATE OF \_\_\_\_\_ )  
 )  
COUNTY OF \_\_\_\_\_ )

ACKNOWLEDGMENT

This instrument was acknowledged before me on the \_\_\_\_ day of \_\_\_\_\_, 2008,  
by \_\_\_\_\_ in his/her capacity as owner of  
\_\_\_\_\_.

\_\_\_\_\_  
Notary Public in and for  
the State of \_\_\_\_\_

STATE OF TEXAS )  
 )  
COUNTY OF BRAZOS )

ACKNOWLEDGMENT

This instrument was acknowledged before me on the \_\_\_\_\_ day of \_\_\_\_\_  
\_\_\_\_\_, 2008, by Ben White, in the capacity as Mayor of the City of College Station, a  
Texas home-rule municipality, on behalf of said municipality.

\_\_\_\_\_  
Notary Public in and for  
the State of Texas

**28 February 2008  
Regular Agenda Item 2  
Annexation Ordinance**

**To:** Glenn Brown, City Manager

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

**Agenda Caption:** Presentation, possible action, and discussion regarding an ordinance annexing several properties within the City of College Station's extraterritorial jurisdiction under the exempt status.

**Recommendation:** Staff recommends approval of the ordinance as presented.

**Summary:** This ordinance provides for the annexation of six areas (further described in the attachments) based on direction received from Council at the 14 February Workshop. The total size of all six annexation areas is approximately 2,800 acres.

Council approved an ordinance directing staff to prepare an annexation service plan and received information regarding the annexation Fiscal Impact Analysis at the regular meeting on 10 January 2008. Two annexation public hearings were also held before the City Council, one on 24 January and one on 29 January.

The annexation service plan is attached to the ordinance and effectively acts as a contract between the City and the residents of the annexed areas.

**Budget & Financial Summary:** Overall, the annexation Fiscal Impact Analysis projects that upon build-out the proposed annexation will result in annual revenues of \$1,037,992.

**Attachments:**

1. Annexation Areas Map
2. Service Plan
3. Ordinance (final version to be provided to Council at meeting)

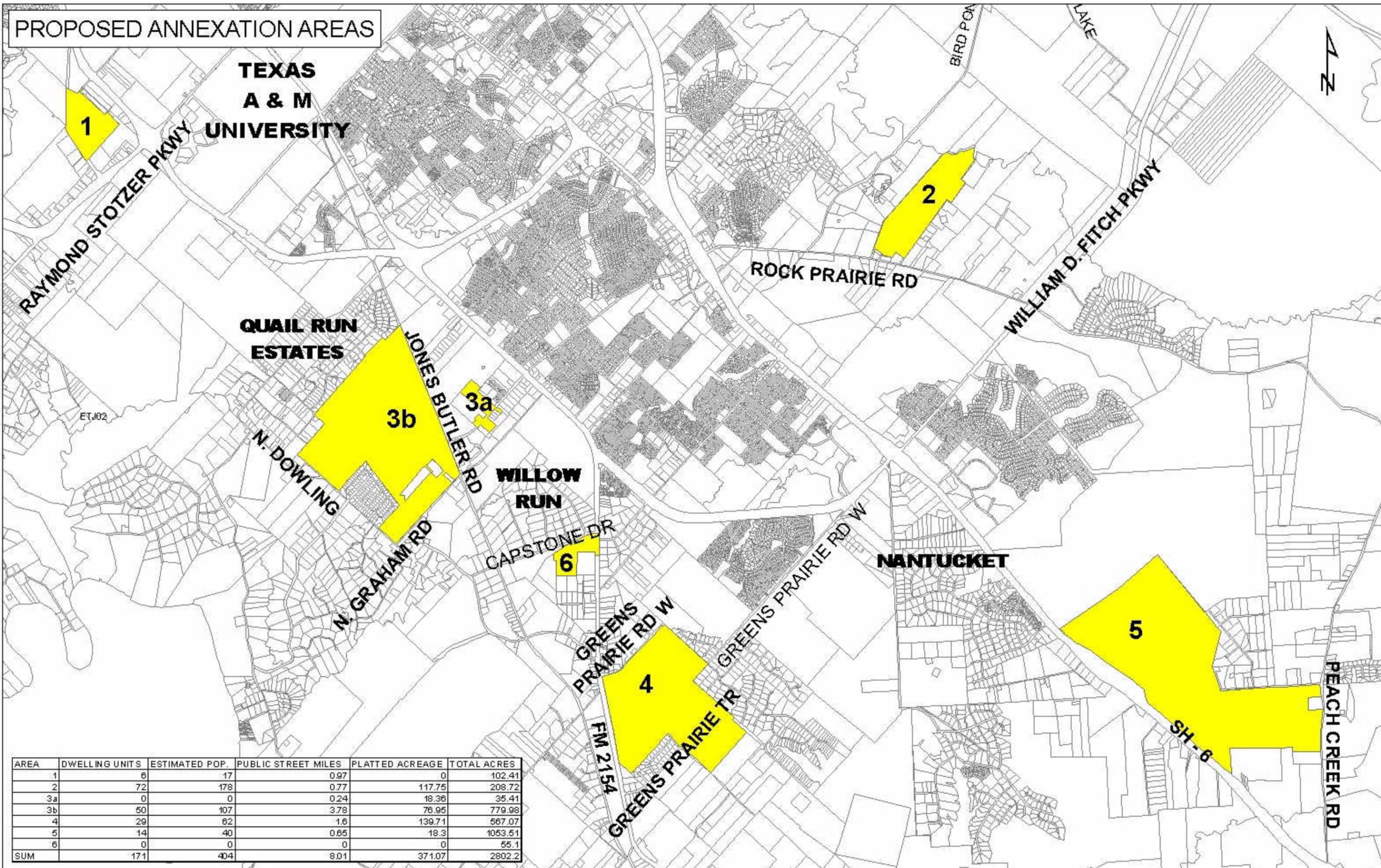
**PROPOSED ANNEXATION AREAS**

**TEXAS  
A & M  
UNIVERSITY**

**QUAIL RUN  
ESTATES**

**WILLOW  
RUN**

**NANTUCKET**



AREA	DWELLING UNITS	ESTIMATED POP.	PUBLIC STREET MILES	PLATTED ACREAGE	TOTAL ACRES
1	6	17	0.97	0	102.41
2	72	178	0.77	117.75	208.72
3a	0	0	0.24	18.36	35.41
3b	50	107	3.78	76.95	779.98
4	29	62	1.6	139.71	567.07
5	14	40	0.65	18.3	1053.51
6	0	0	0	0	55.1
SUM	171	404	8.01	371.07	2802.2

**CITY OF COLLEGE STATION SERVICE PLAN  
FOR AREAS TO BE ANNEXED  
FEBRUARY 28, 2008**

**I. ANNEXATION AREAS**

The annexation areas are located in various parts of the City of College Station's Extraterritorial Jurisdiction. These properties are illustrated in Figure 1 and described below.

- Area 1** - located generally at the intersection of Raymond Stotzer Parkway and Turkey Creek Road and containing approximately 102 acres.
- Area 2** - located generally on the north side of Rock Prairie Road at its intersection of Harris Drive and Bradley Road, consisting largely of Carter Lake Subdivision and containing approximately 209 acres.
- Area 3a** - located generally along Rock Prairie Road West and containing approximately 35 acres.
- Area 3b** - located generally at the intersection of Rock Prairie Road West and Jones Butler Road and consisting of approximately 780 acres.
- Area 4** - located generally at the intersection of Greens Prairie Road and Wellborn Road, bisected by Greens Prairie Trail, and containing approximately 567 acres.
- Area 5** - located generally on the east side of State Highway 6, south of the existing city limits and containing approximately 1,053 acres.
- Area 6** - located generally on the west side of FM 2154 (AKA Wellborn Road) at the intersection of Capstone Drive and containing approximately 55 acres.

**II. INTRODUCTION**

This service plan has been prepared in accordance with the TEXAS LOCAL GOVERNMENT CODE, Sections 43.021, 43.065, and 43.056(b)-(o) (Vernon 1999, AND VERNON SUPP. 2007, as amended from time to time). Municipal facilities and services to the annexed areas described above will be provided or made available on behalf of the City in accordance with the following plan. This plan provides a program under which the City of College Station will provide full municipal services to the annexed areas. All services will be provided within the time provided in TEXAS LOCAL GOVERNMENT CODE, Section 43.056(B).

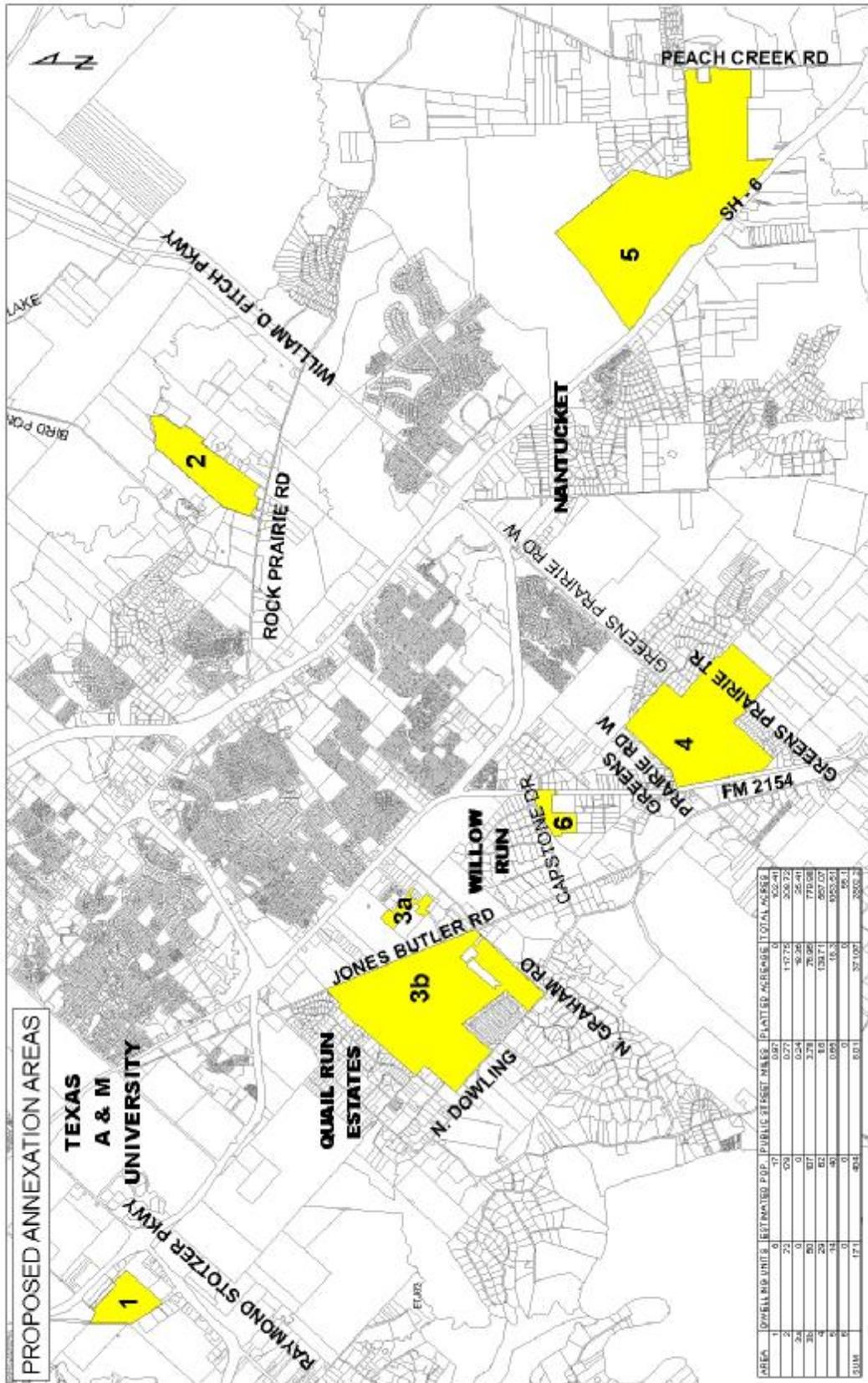
This Service Plan does not:

- require the creation of another political subdivision;
- require a landowner in the area to fund the capital improvements necessary to provide municipal services in a manner inconsistent with Chapter 395, Texas Local Government Code; or
- provide services in the area in a manner that would have the effect of reducing by more than a negligible amount the level of fire and police protection and emergency medical services provided within the corporate boundaries of the municipality before annexation.

The level of services, infrastructure, and infrastructure maintenance provided to the annexed areas is comparable to the level of services, infrastructure, and infrastructure maintenance available in other

parts of the City with topography, land use, and population density similar to those contemplated or projected in the annexed area.

FIGURE 1



2/16/2008

### III. SERVICE COMPONENTS

This plan contains three service components: (1) Immediate Services, (2) Additional Services, and (3) Capital Improvement Program.

#### **Immediate Services**

As required by TEXAS LOCAL GOVERNMENT CODE, SECTION 43.056(B), certain municipal services will be provided by the City of College Station immediately upon the effective date of annexation. These services include:

- police protection;
- fire protection;
- emergency medical services;
- solid waste collection, except as provided by Subsection 43.056(o);
- operation and maintenance of water and wastewater facilities in the annexed area that are not within the service area of another water or wastewater utility;
- operation and maintenance of roads, and streets, including road and street lighting;\*
- operation and maintenance of public parks, playgrounds, and swimming pools; and
- operation and maintenance of any other publicly owned facility, building, or service.

**\*Note:** Street lighting will be maintained for fixtures located within the service territory of College Station Utilities.

#### **A. Police Protection**

The College Station Police Department will provide police service, including routine patrol, traffic enforcement, and dispatch response to emergency and non-emergency service calls.

#### **B. Fire Protection**

The College Station Fire Department will be provide fire protection, including response to emergency calls for assistance, fire prevention education, pre-fire planning, and target hazard inspections. In general, the Fire Department's goal is to provide a fire response time of five minutes or less.

Construction and development activities undertaken after the effective date of annexation shall comply with all building, life safety and fire safety codes of the City of College Station. All structures shall comply with the address standards of the College Station Code of Ordinances within ninety (90) days of the effective annexation date.

#### **C. Emergency Medical Services**

The College Station Fire Department will provide emergency medical services (EMS). Each Fire Department ambulance, engine, and ladder truck is capable of providing EMS, including defibrillation, medical administration, IV therapy, advanced airway management, and initial treatment of injuries. In general, the Fire Department's goal is to provide an EMS response time of five minutes or less.

#### **D. Solid Waste Collection**

The College Station Public Works Department will provide fee-based solid waste collection service for residential and commercial customers. Customers in the annexed area may elect to continue using a private solid waste management service provider for a period of two years after the effective date of annexation in accordance with provisions of the TEXAS LOCAL GOVERNMENT

CODE. The City will not charge a fee to a person who continues to use the services of a privately owned solid waste management service provider.

Residential Service – Residential solid waste collection (including brush and bulk items) is provided once per week. All residential service will be provided at a point of collection adjacent to, and accessible from, a public right-of-way or an improved surface acceptable to the City. Residential solid waste collection vehicles will not conduct operations on private property. However, residential service may be provided on private streets that comply with the Sanitation Division’s requirements for surface material, vehicle clearance and turning radii. In the case of multiple residences located on a privately owned road or drive, the City may require the establishment of a mass collection point at an area adjacent to the nearest public right-of-way. The City will provide residential solid waste containers.

Commercial Service - Containers and collection points may be located on private property, provided that it can be easily accessed from a public right of way, and both the route of access and the collection point meet the Sanitation Division’s requirements for approved surfaces, vehicle clearance and turning radii. The City will provide standard commercial containers.

In order to secure solid waste collection services in the annexed areas, each property owner must establish a utility account with the City of College Station. The City will not be responsible for damage to private drives, streets, or parking areas by service trucks servicing containers.

**E. Water and Wastewater Facilities**

The City of College Station will provide water and wastewater service to areas that are not located within the certificated service territory of another utility through existing facilities located within or adjacent to the area. The level of water and wastewater service, infrastructure and infrastructure maintenance provided in the annexed area will be comparable to the level of services, infrastructure and infrastructure maintenance available in other parts of the City before annexation with topography, land use, and population density similar to those reasonably contemplated or projected in the area. Municipal services to be provided within the annexed area may be provided by any of the methods in which the City provides services to other comparable areas.

**F. Roads and Streets**

The Public Works Department will maintain public roads and streets at a level comparable to the maintenance prior to annexation. These services include emergency pavement repair and preventative street maintenance. Right-of-way mowing activities along State highways are addressed in the City's maintenance agreement with Texas Department of Transportation and will be added to the City's maintenance activities immediately following annexation. Maintenance priorities are determined on a City-wide basis taking into consideration factors such as age, traffic volume, surface conditions, nature of the maintenance, public safety hazards, and available funding.

Existing street and traffic control signs shall conform to the City of College Station’s standards within ninety (90) days of the annexation. The City will install public street signs in accordance with College Station’s standards for same within ninety (90) days of the effective date of annexation.

**G. Parks and Recreation Facilities**

The City of College Station is not aware of the existence of any public parks, playgrounds or swimming pools in the areas proposed for annexation. In the event any such public facilities exist, they will be maintained to the same degree and extent that the City maintains public parks, playgrounds and swimming pools within the current City limits.

**H. Other Publicly Owned Buildings and Facilities**

The City of College Station is not aware of the existence of any publicly owned buildings in the areas proposed for annexation. In the event any such public facilities exist, they will be maintained to the same degree and extent that the City maintains such facilities within the current City limits.

## **Additional Services**

### **A. Building Permitting and Inspections**

Upon the effective date of annexation, the City will provide building permits and inspection services. This service will be made available to the annexed areas on the same basis and at the same level of service as similar facilities throughout the City. Service is provided on a “cost recovery” basis, and permit fees partially offset the costs of services delivered. Construction activities underway prior to annexation may continue provided that all construction after annexation must comply with City codes and ordinances.

All permits required by City codes and ordinances must be obtained for construction underway at the time of annexation. Permit fees will be waived for building construction underway prior to annexation.

### **B. Planning and Development Services**

Planning and development services will be made available on the effective date of the annexation. Planning & Development Services currently services this property by way of administration of the Subdivision Regulations, Chapter 9 of the College Station Code of Ordinances.

Upon annexation, planning and development services will be provided by way of the Unified Development Ordinance and other applicable codes and standards. The College Station City Council adopted the current Comprehensive Plan in August of 1997. The Comprehensive Plan contains a Land Use Plan that designates future land uses to manage the quality and quantity of growth by matching land use intensity with planned infrastructure. Upon annexation, all properties will be zoned A-O (Agricultural Open). The City's Comprehensive Plan will be used as the basis for evaluating rezoning requests after properties are annexed.

### **C. Animal Control**

The Police Department will provide animal control service upon the effective date of annexation. Animal control services include response and investigation of reported animal bites, response to reports of stray or “at large” animals, and response and investigation of animal cruelty and neglect reports.

### **D. Community Enhancement**

The Fire Department will provide Community Enhancement services upon the effective date of annexation. Community Enhancement services include response and investigation of sanitation issues, illegal signs, abandoned or inoperable motor vehicles, and zoning violations.

### **E. Recycling Collection**

For residential customers electing solid waste collection from the City of College Station, curbside recycling collection is also provided once per week. Items accepted in the curbside recycling program include:

- Newspapers and magazines
- Aluminum and steel food cans
- Clear and brown glass
- Plastic bottles
- Lead acid car batteries



#### **IV. WATER AND WASTEWATER SERVICE PROVISION**

This Water and Wastewater Service Plan (“Plan”) provides a program under which the City of College Station will provide full municipal services to the annexed area. For the purpose of this plan, “full municipal services” includes water and sewer services provided by the City within its full-purpose boundaries. The level of water and sewer service, infrastructure and infrastructure maintenance provided in the annexed area will be comparable to the level of services, infrastructure and infrastructure maintenance available in other parts of the City before annexation with topography, land use, and population density similar to those reasonably contemplated or projected in the area. Municipal services to be provided within the annexed area may be any of the methods by which the City provides services to other comparable areas. All services will be provided within the time provided in TEXAS LOCAL GOVERNMENT CODE SEC. 43.056(B). The City may extend facilities under this plan or otherwise serve this area through the use of *Impact Fees* as permitted under CHAPTER 395 OF THE TEXAS LOCAL GOVERNMENT CODE.

Water and Wastewater facilities for future development that increases densities beyond the capital improvements specified in this plan will be extended in accordance with the City’s Water and Wastewater policy in existence at the time of development. The water and wastewater extension policy is discussed in Section V, Water and Wastewater Capital Improvements. In general, the policy for extension of utility service is “development driven” in that utility line extensions are typically installed by developers, in conjunction with major development projects. The City may accept ownership and maintenance of major facilities, such as gravity sewer lines, manholes, lift stations and/or wastewater package plants, as required by the particular development. The City may elect to pay for upgrades or oversize of infrastructure projects being installed by developers. As an area develops, developers or homeowners extend water distribution and wastewater collection lines to individual lots.

Until an area becomes densely populated, the cost of utility extension is not feasible to be borne by a few lot owners. Also, in the case of wastewater treatment, developments with large lots will normally be constructed with on-site sewage facilities that are privately owned and operated.

##### **AREA 1**

###### ***Water***

The City of College Station currently holds the Water Certificate of Convenience and Necessity (CCN) for the majority of Annexation Area 1. Generally, the area south of F&B Road and east of Turkey Creek Road is within the City’s CCN. This area is served by a small diameter water line located along the south side of a portion of F&B Road. This line turns south and also serves properties along a portion of Turkey Creek Road (see Exhibit “A”). The City of College Station currently maintains the waterline, water meters and billing process.

The City is also constructing an 8” diameter water line along the north side of Raymond Stotzer Parkway to serve the new City Cemetery. This line will be available for extension to serve future development per the City’s water extension policy.

Brushy Water Supply Corporation holds the CCN service territory for a small portion of Area 1. Therefore, this area will continue to receive its water supply from Brushy Water Supply Corporation.

###### ***Wastewater***

Properties within Annexation Area 1 are currently served by private on-site sewer facilities (OSSF). As in other areas of College Station with similar topography, land use, and population density, this area will remain on private systems until such time as significant development occurs to warrant the extension of an organized sanitary sewer collection system.

## **AREA 2**

### ***Water***

Annexation Area 2 is in the water CCN service territory of Wellborn Special Utility District (WSUD). The City of College does not have the right to provide water service in annexation Area 2, therefore, no water infrastructure will be provided by the City in the area after annexation.

### ***Wastewater***

Properties within Annexation Area 2 are currently served by private on-site sewer facilities with the exception of 18 homes in the Carter Lake Subdivision that are served by an aerated lagoon operated by the Carter Lake Water Supply Corporation (see Exhibit “B”). The City of College Station will assume ownership, operation, and maintenance of the Carter Lake wastewater treatment facility (aerated lagoons) once the following is provided:

- 1) A survey of the existing wastewater collection lines;
- 2) Standard City easements for the existing wastewater collection lines;
- 3) The deed to the wastewater treatment lagoon property (or other acceptable means to operate the facility);
- 4) Written agreements from the property owners served by the Carter Lake Water Supply Corporation acknowledging that their private septic tanks will be cleaned every two years, and;
- 5) Transfer of CCN and discharge permit from the Carter Lake Water Supply Corporation to the City of College Station.

Once the City takes ownership, maintenance and operation of the wastewater treatment system, the individuals connected to the system will pay a flat monthly sewer service fee per the City’s adopted fee schedule.

As in other similarly developed areas of College Station, the remaining properties in Area 2 will remain on private systems until such time as significant development occurs to warrant the extension of an organized sanitary sewer collection system.

## **AREA 3a**

### ***Water***

Water service in Annexation Area 3a is currently within the water service territory of WSUD. The City of College Station does not have the right to serve areas outside of our CCN, therefore, no water infrastructure will be provided to Area 3a after annexation.

### ***Wastewater***

Wastewater service in Area 3a is currently provided by private on-site sewer facilities. The City recently extended the Steeplechase sewer line across Rock Prairie Road West, near I&GN Road. Exhibit “C” illustrates this sewer service line. Future development in area 3a may access this sewer line through a combination of gravity lines and/or force mains.

As in other areas of College Station with similar topography, land use, and population density, the area currently served by private sewer treatment systems will remain on private systems until such time as significant development occurs to warrant the extension of an organized sanitary sewer collection system.

## **AREA 3b**

### ***Water***

Water service in Annexation Area 3b is currently within the water service territory of WSUD. The City of College Station does not have the right to serve areas outside of our CCN, therefore, no water infrastructure will be provided to Area 3b after annexation.

### ***Wastewater***

Wastewater service in Area 3b is currently provided by the private on-site sewer facilities and the City of College Station. The City serves Area 3b via a 12" sewer trunk line recently installed north of Cain Road and extending through Las Palomas Subdivision. Exhibit "D" illustrates this sewer service line. The City Council recently granted an exception to the sewer extension policy to Great Oaks Subdivision and Oakland Ridge Subdivision, both located within Annexation Area 3b. This exception allows future phases of those developments to connect to the City's sewer system.

As in other areas of College Station with similar topography, land use, and population density, the area currently served by private sewer treatment systems will remain on private systems until such time as significant development occurs to warrant the extension of an organized sanitary sewer collection system.

## **AREA 4**

### ***Water***

Annexation Area 4 is located entirely within the water CCN service territory of WSUD. The City of College Station does not have the right to serve areas outside of our CCN. Therefore, no water infrastructure will be provided by the City after annexation.

### ***Wastewater***

Waster water service for Annexation Area 4 is currently provided by the City of College Station and private on-site sewer facilities. College Station principally serves Creek Meadows Subdivision, a new residential development, via a gravity line and force main that runs along Greens Prairie Trail and Greens Prairie Road West (see Exhibit "E"). The balance of Area 4 is currently served by private OSSFs. As in other areas of College Station with similar topography, land use, and population density, this will continue until such time as significant development occurs to warrant the extension of an organized sanitary sewer collection system.

## **AREA 5**

### ***Water***

The City holds the water CCN for a portion of Annexation Area 5 (the area west of Pipeline Road and north of Peach Creek Cut-off, including the Texas World Speedway). An 8" water line currently serves the Speedway as stated on Exhibit "F". This line is available for developers to upgrade and/or extended into other portions of our water CCN area as development occurs. The remainder of Area 5 is in the water CCN service territory of WSUD, therefore, no water infrastructure will be provided to this area after annexation.

### ***Wastewater***

Properties within Annexation Area 5 are currently served by private on-site sewer facilities. The Speedway is currently served by a treatment system located in the northeast corner of the property. As in other areas of College Station with similar topography, land use, and population density, this area will continue to be served by private systems until such time as significant development

or redevelopment occurs to warrant the extension of an organized sanitary sewer collection system.

## **AREA 6**

### ***Water***

Annexation Area 6 is located with the water CCN service territory of WSUD, therefore, no water infrastructure will be provided to this area after annexation.

### ***Wastewater***

Currently, there are no structures located within Annexation Area 6. However, a new development (Kyle View Estates) is proposed within annexation area 6 and the developer has agreed to annexation as a condition to receive City sewer service. The developer proposes to construct the necessary sewer line and lift station to connect Kyle View Estates to the City' sewer system (see Exhibit "G"). The City has entered into a Development Agreement with the developer, whereby the developer will build a larger lift station on the east side of Wellborn Road, to enhance the City's sewage collection system and open a larger area for potential sewer service. As part of the Development Agreement, the City is paying the difference for the increased sewer system capacity.

V. **CAPITAL IMPROVEMENTS**

Should the City make capital improvements to serve the annexed areas, the City reserves the right to levy an impact fee to the properties annexed according to Chapter 395 of the Texas Local Government Code and the City's Code of Ordinances. The City may, from time to time, include construction of new, expanded or replacement facilities in its Capital Improvements Program (CIP). Facilities to be included in the CIP shall be determined on a City-wide basis. Priorities shall be established by the CIP plans of the City, projected growth trends, and the City Council through its development plans and policies.

**A. Police Protection (including animal control)**

Police protection will be provided to the annexed areas through existing City facilities at a level of service comparable to the level of service in other parts of the City before annexation with topography, land use and population density similar to those reasonable contemplated or projected in the area.

**B. Fire Protection (including EMS and Community Enhancement)**

Fire protection will be provided to the annexed areas through existing City facilities and mutual aid agreements at a level of service comparable to the level of service in other parts of the City before annexation with topography, land use and population density similar to those reasonable contemplated or projected in the area.

The City will evaluate and update, as needed, its Strategic Plan to address the response time, personnel, facility and equipment needs for these areas of the City as the annexed areas develop.

**C. Solid Waste Collection**

Solid waste collection services will be provided to the annexed areas through the City's existing facilities or through franchise agreements with private services at a level of service comparable to the level of service in other parts of the City before annexation with topography, land use and population density similar to those reasonable contemplated or projected in the area.

**D. Maintenance of Public Roads and Streets**

Right-of-way maintenance will be provided through the existing facilities at a level of service not less than exists in the area immediately preceding annexation. The improvement and enlargement of roads within existing rights-of-way will be included in future capital improvements programs as practical and where needed to facilitate the maneuvering of emergency and sanitation service vehicles.

**E. Parks, Playgrounds and Swimming Pools**

Parks and recreation services will be provided through the existing facilities at a level of service not less than exists in the area immediately preceding annexation.

Additional park development in the annexed areas will be addressed through the development standards and procedures of the City as residential development occurs. Such park development includes, but is not limited to, dedication of park land and/or money in lieu of land in accordance with the City of College Station Subdivision Regulations.

**F. Other Public Building and Facilities**

Other public facilities, buildings or services will be provided through the existing facilities at a level of service not less than exists in the area immediately preceding annexation.

## **WATER AND WASTEWATER CAPITAL IMPROVEMENTS**

The water and wastewater utility extension policy of the City of College Station is as follows:

The cost of off-site extension of water and wastewater facilities to serve a lot, tract, plat, or land development shall be borne by the owner or developer of the lot, tract, plat, or land by direct installation or through the use of *Impact Fees*. Where such extension is consistent with plans for the development of the City and its utility system the City may, by decision of the City Council, participate in the cost of construction so as to provide for additional capacity for the overall development of an area.

The cost of water and wastewater facilities necessary to serve existing lots or new development within a subdivision plat or land development shall be borne by the lot owner or developer of the plat or land by direct installation or through the use of *Impact Fees*. Standard tap fees or other installation fees in effect on a citywide basis are in addition to impact fees levied.

### **AREA 1**

#### ***Water***

The City of College Station will continue to serve the portion of Annexation Area 1 located within our CCN via the existing service line. No additional water infrastructure will be provided to this area after annexation. Properties located within the water CCN service territory of Brushy Water Supply Corporation will continue to be served by Brushy Water Supply Corporation after annexation.

#### ***Wastewater***

Area 1 will continue to be served by private on-site sewer treatment systems until such time as development warrants the extension of an organized sanitary collection system.

### **AREA 2**

#### ***Water***

Area 2 is located within the water CCN service territory of WSUD. Therefore, these properties will continue to be served by WSUD after annexation.

#### ***Wastewater***

Area 2 will continue to be served by private on-site sewer treatment systems until such time as development warrants the extension of an organized sanitary collection system.

### **AREA 3a**

#### ***Water***

Area 3a is located within the water CCN service territory of WSUD. No water infrastructure will be provided to this area after annexation. Properties located within the water CCN service territory of WSUD will continue to be served by WSUD after annexation.

#### ***Wastewater***

Properties within Area 3a are currently served by private on site sewer treatment systems and will continue to be served by private systems until such time as development and/or redevelopment warrants the extension of an organized sanitary collection system.

### **AREA 3b**

#### ***Water***

Area 3b is located within the water CCN service territory of WSUD. No water infrastructure will be provided to this area after annexation. Properties located within the water CCN service territory of WSUD will continue to be served by WSUD after annexation.

***Wastewater***

The City of College Station currently provides wastewater service to a portion of Area 3b. The properties within Area 3b currently served by private on site sewer treatment systems will continue to be served by private systems until such time as development and/or redevelopment warrants the extension of an organized sanitary collection system.

**AREA 4**

***Water***

Area 4 is located with the water CCN service territory of WSUD. Therefore, no water infrastructure will be provided to this area after annexation. Properties located within the water CCN service territory of WSUD will continue to be served by WSUD after annexation

***Wastewater***

The City of College Station currently provides wastewater service to a portion of Area 4. The properties within Area 4 currently served by private on-site sewer treatment systems will continue to be served by private systems until such time as development and/or redevelopment warrants the extension of an organized sanitary collection system.

**AREA 5**

***Water***

The City of College Station will continue to serve the portion of Annexation Area 5 located within our CCN via the existing water line. No additional water infrastructure will be provided to this area after annexation. Properties located within the water CCN service territory of WSUD, will continue to be served by WSUD after annexation.

***Wastewater***

Area 5 will remain on private on-site sewer treatment systems until such time as development and/or redevelopment warrants the extension of an organized sanitary collection system.

**AREA 6**

***Water***

Area 6 is located with the water CCN service territory of WSUD. Therefore, no water infrastructure will be provided to this area after annexation. Properties located within the water CCN service territory of WSUD will continue to be served by WSUD after annexation

***Wastewater***

Area 6 will remain without sewer service until such time as development warrants the extension of an organized sanitary collection system.

**VI. LEVEL OF SERVICES TO BE PROVIDED**

It is the intent of the City of College Station to provide the level of services required by State law. The City Council finds and determines that the services, infrastructure and infrastructure maintenance proposed by this plan are comparable to that provided to other parts of the City with topography, land use, and population density reasonably similar to the annexed area and will not reduce the level of services available to the territory prior to annexation.

Nothing in this plan shall require the City to provide a uniform level of full municipal services to each area of the City, including the annexed area, if different characteristics of topography, land use, and population density are considered a sufficient basis for providing different levels of service.

**VII. TERM**

This service plan shall be valid for a term of ten (10) years. Renewal of the service plan shall be at the discretion of City Council.

**VIII. AMENDMENTS**

The service plan may be amended if the City Council determines at a public hearing that changed conditions or subsequent occurrences make this service plan unworkable or obsolete. The City Council may amend the service plan to conform to the changed conditions or subsequent occurrences pursuant to the TEXAS LOCAL GOVERNMENT CODE, Section 43.056 (Vernon 1999 and Vernon Supp. 2007).

**APPENDIX**

Exhibit "A"

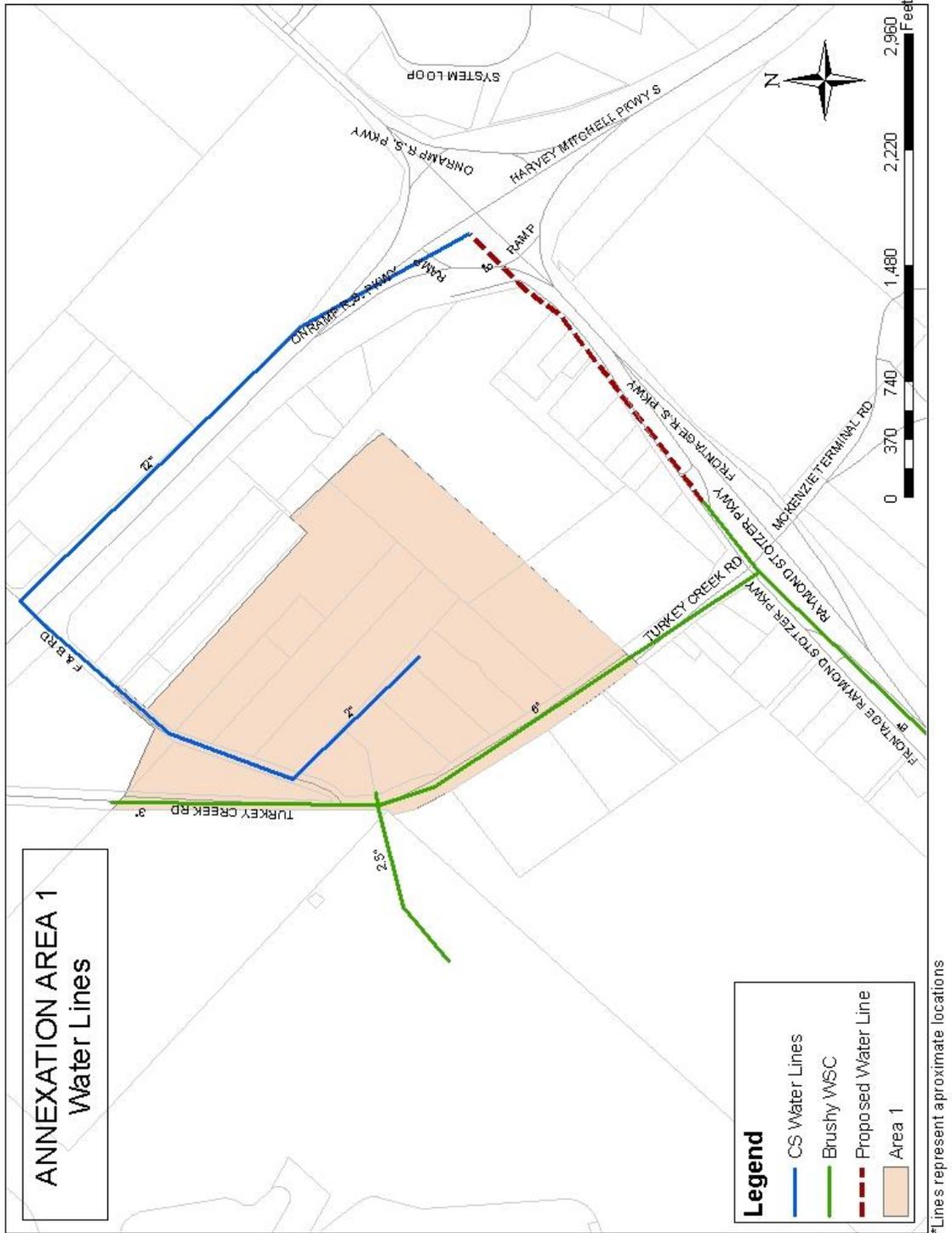




Exhibit "C"

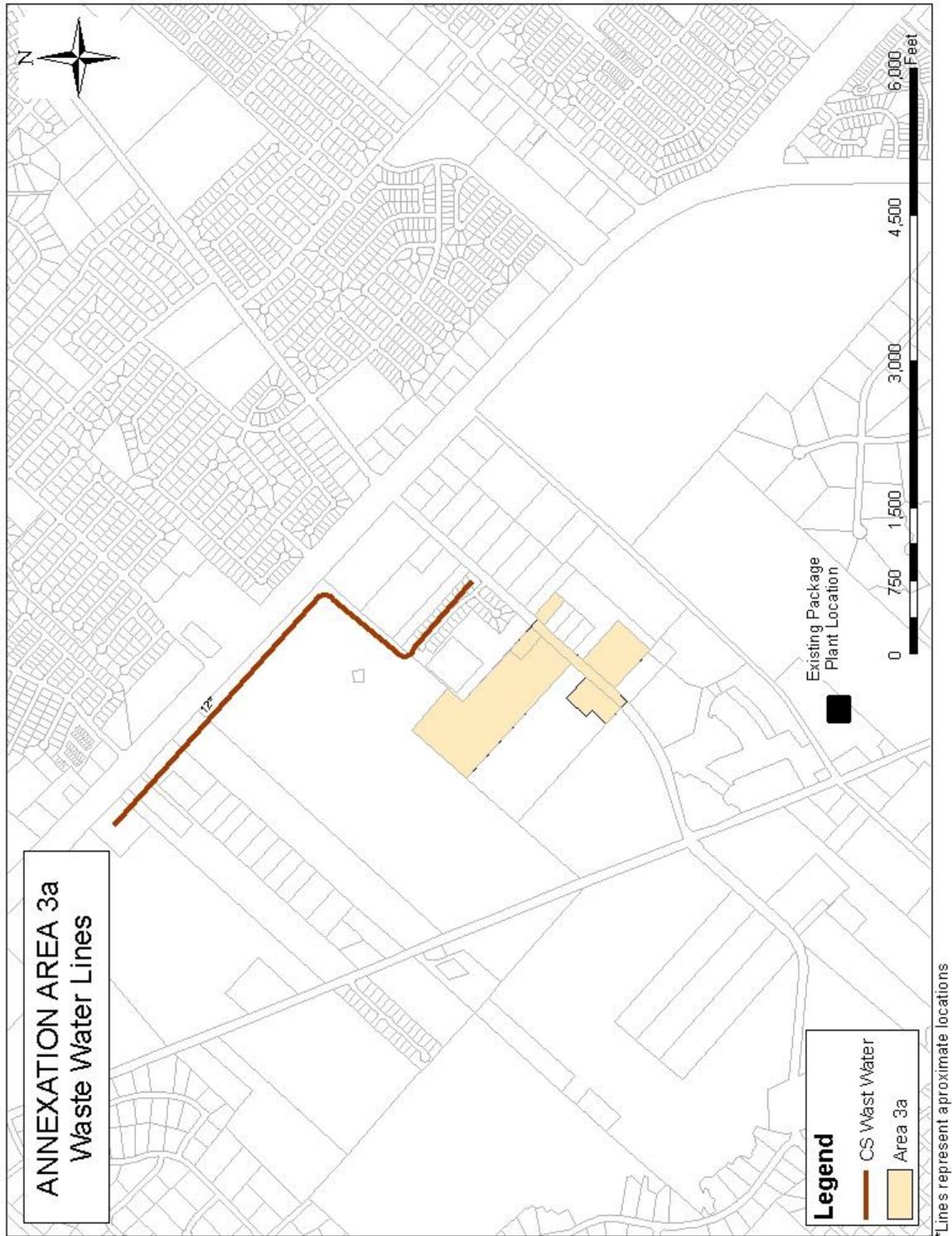


Exhibit "D"

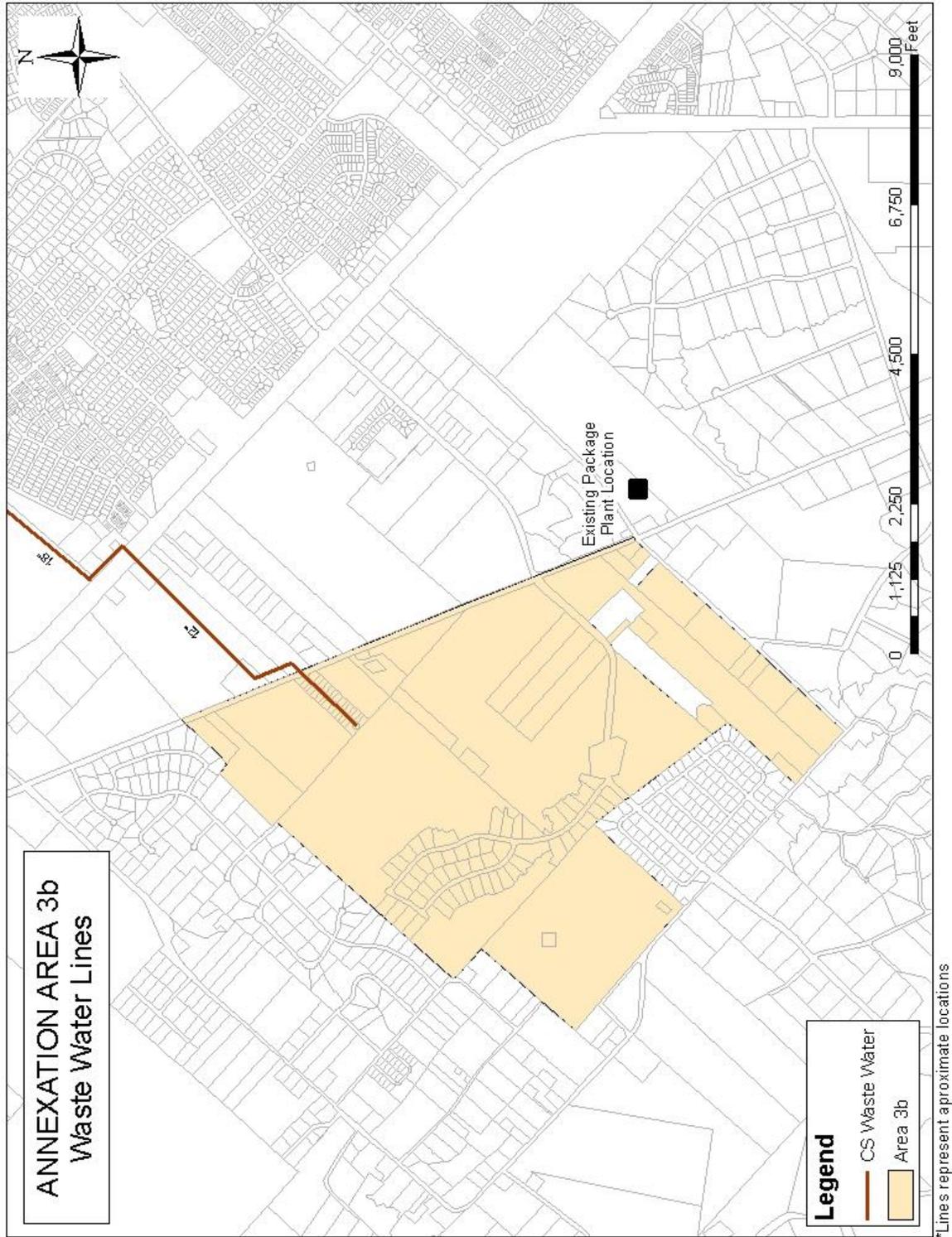




Exhibit "F"

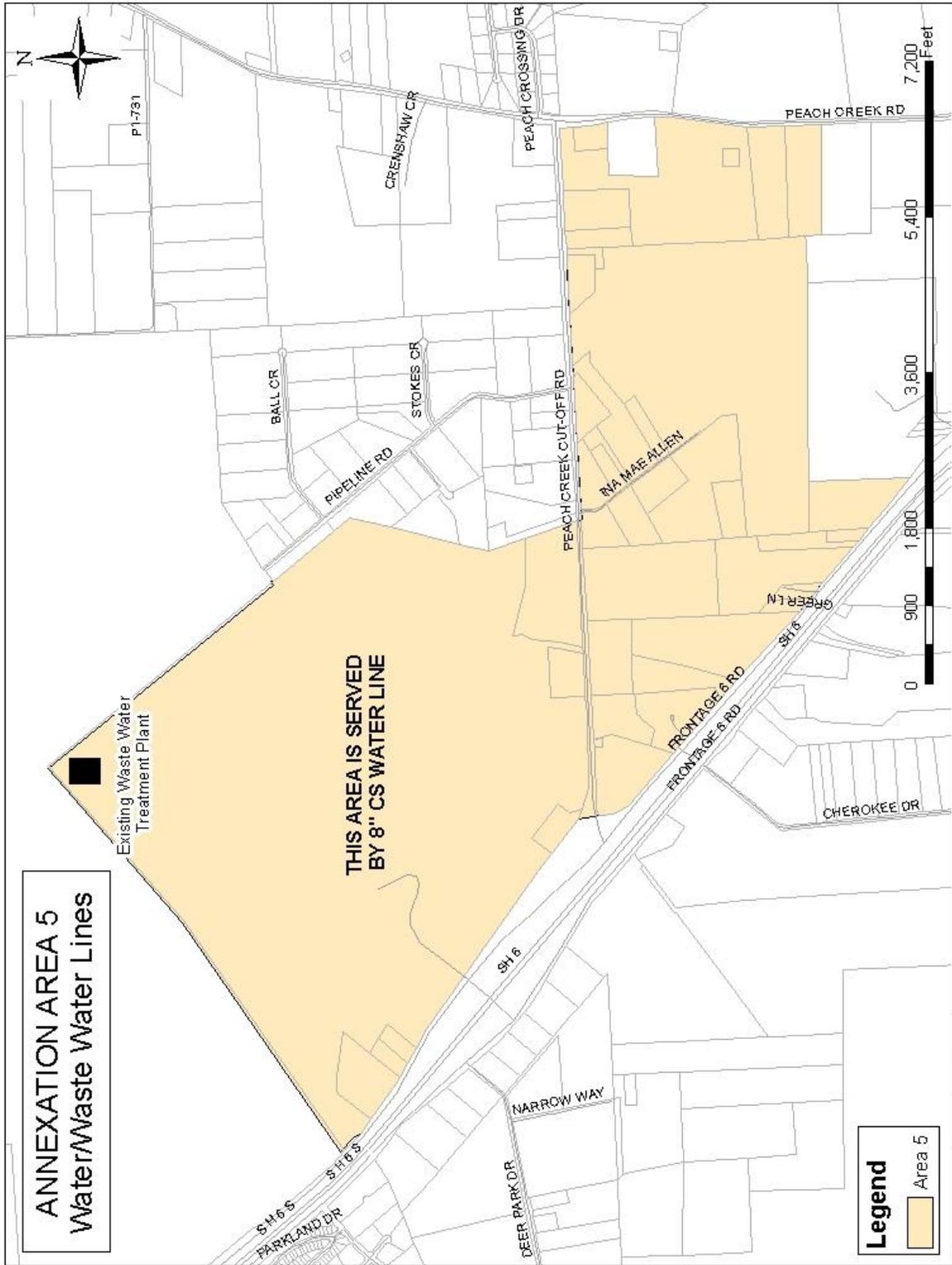
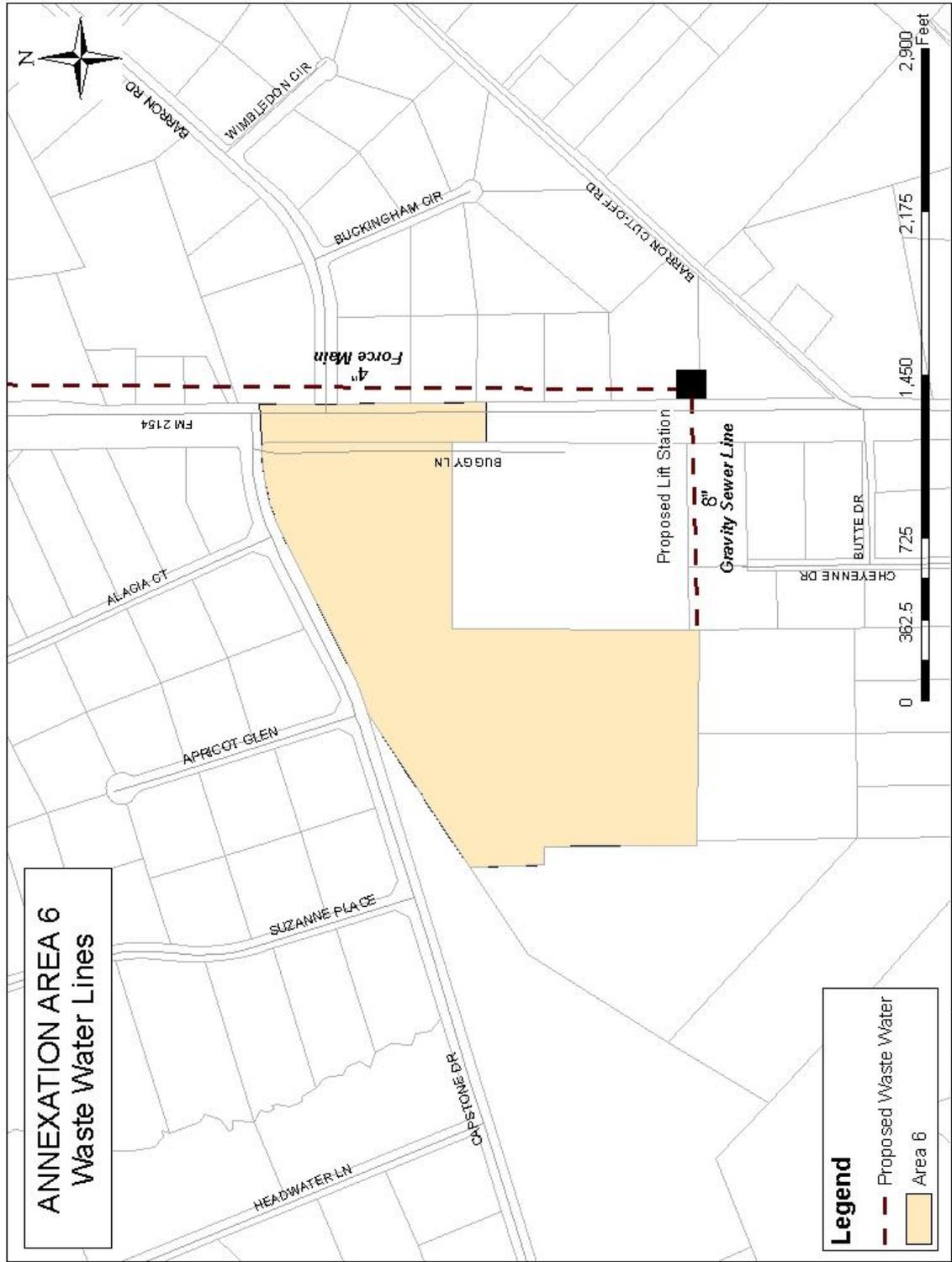


Exhibit "G"



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

AN ORDINANCE OF THE CITY OF COLLEGE STATION, TEXAS, PROVIDING FOR THE EXTENSION OF THE BOUNDARY LIMITS OF THE CITY OF COLLEGE STATION, ANNEXING CERTAIN TERRITORY ADJACENT TO THE PRESENT BOUNDARY LIMITS OF THE CITY OF COLLEGE STATION; APPROVING A SERVICE PLAN FOR THE ANNEXED PROPERTY; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of College Station has the power by ordinance to fix the boundary limits of the City of College Station and to provide for the extension of such boundary limits and the annexation of additional territory lying adjacent to City of College Station by the City Charter of the City of College Station, Texas, Article II, Section 7; and

WHEREAS, on January 10, 2008, the City Council of the City of College Station directed staff to prepare a service plan for approximately 6,822 acres of land identified for annexation; and

WHEREAS, the City Council finds that all the required notices were given in the time and manner required by law; and

WHEREAS, public hearings before the City Council were held in the Council Chambers on January 24, 2008 and January 29, 2008, both dates being on or after the 20<sup>th</sup> day but before the 40<sup>th</sup> day before the date of the institution of the annexation proceedings to allow all interested persons to state their views regarding the annexation; and

WHEREAS, the City Council finds that the annexation will ensure consistent and orderly development of the annexed areas; now, therefore,

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

PART 1: The tracts of land described in Exhibits A1, A2, A3, A4, A5, and A6 attached hereto and made a part of this ordinance for all purposes, are hereby added to and annexed to the City of College Station, Texas.

PART 2: The Service Plan, Exhibit B, attached hereto and made a part of this ordinance for all purposes, which provides for the extension of municipal services to the annexed property, is approved as part of this ordinance. The Service Plan was made available for public inspection and explained at the public hearings held on January 24, 2008 and January 29, 2008.

PART 3: Should any part of this ordinance be held illegal or invalid for any reason, the holding shall not affect the remaining sections or portion of sections or provisions of this ordinance.

PART 4: That upon final approval and after the effective date of this ordinance, all property annexed shall be zoned A-O (Agricultural Open).

PART 5: That, upon final passage hereof and after the effective date of this ordinance, the annexed territory shall be a part of the City of College Station, Texas, and the property situated shall bear its pro rata portion of the taxes levied by the City of College Station and the inhabitants thereof shall be entitled to all of the rights and privileges of all the citizens and shall be bound by the acts, ordinances, resolutions, and regulations of the City of College Station.

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

Page 2

PART 6: That this ordinance shall become effective 30days after its passage by the City Council.

PASSED, ADOPTED and APPROVED this 28th day of February, 2008.

APPROVED:

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

ATTEST:

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

APPROVED:

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

**February 28, 2008  
Regular Agenda Item 3  
Rezoning for 3101 Texas Avenue**

**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 5.7 acres located at 3101 Texas Avenue generally located northeast of the intersection of Deacon Drive and Texas Avenue from PDD, Planned Development to PDD, Planned Development in order to add Vehicle Rental as an accessory use.

**Recommendation(s):** The Planning and Zoning Commission voted 5-2 to recommend approval with conditions at the February 12<sup>th</sup> meeting. Staff recommended approval.

**Summary:** This item is for the rezoning of the property located at 3101 Texas Avenue to add Vehicle Rental as a use for the existing PDD development (All-Size Storage). A rezoning for this use came before the Planning and Zoning Commission November, 2004 which was recommended for denial by the Commission and was pulled before the item was heard by City Council. The applicant went before the Planning and Zoning Commission on January 3, 2008 and the item was tabled in order for the owner to meet with more of the residents about the proposal. A meeting was held on January 10, 2008, and the residents in attendance representing 14 of the 16 properties do not support the rezoning.

In 1988, this property was rezoned from A-P, Administrative Professional to C-3, Planned Commercial after an agreement was reached between the residents of Mile Drive and the owners of the subject property. The agreement included a greenbelt reserve and an adjacent access easement to serve as a 70-foot setback from the residential property for future structures on this site, and the use of the property under C-3, Planned Commercial, a less intense commercial district. Under the current regulations, mini-storage no longer was a permitted use in C-3, which was renamed to Light Commercial.

A PDD, Planned Development District zoning was requested to allow the construction of the mini-storage development that is now in this location. The PDD restored this original agreement between the property and the adjacent neighborhood with the exception of vehicle rental.

The P&Z recommended that the parking area for vehicles be limited to parking for 8 trucks (42 x 36 sf), that the area for overflow parking be halved, solid fencing be provided in all of the gaps between the buildings and extending to the property line to the west, and that screening be provided around the truck parking area with 4-foot plantings to create a solid hedgerow.

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

**Attachments:**

1. Item Background
2. Draft Planning and Zoning Commission Meeting Minutes, February 12, 2008
3. Planning and Zoning Commission Meeting Minutes, January 3, 2008
4. Planning and Zoning Commission Minutes, November 18, 2004
5. Ordinance

## ITEM BACKGROUND

**Comprehensive Plan Considerations:** The Comprehensive Land Use Plan designates this property as Retail Neighborhood. The property has frontage on Texas Avenue and the East Bypass, a major arterial and freeway respectively on the City's Thoroughfare Plan.

**Item Background:** Commercial zoning on this property has been contentious in the past. Prior to the recent PDD rezoning, Staff, Mile Drive residents, and the property owners met and agreed on uses to be included in the PDD. The applicant has again met with the neighborhood about the addition of vehicle rental to the site.

- 1976 C-1 request denied
- 1978 C-1 request denied
- 1979 C-1 and A-P request approved with the A-P as a buffer between the commercial property and the neighborhood
- 1982 P&Z initiated a rezoning to A-P for the entire tract after petition by the Mile Drive residents
- 1984 C-1 request denied
- 1985 C-1 request denied
- 1985 C-3 request denied
- 1988 C-3 approved with support of neighborhood with the addition of the greenbelt
- 1988 Property replatted to reflect the greenbelt
- 2004 PDD approved to restore original agreement
- 2004 Vehicle rental denied as an additional use to the PDD (recommended by P&Z, no action by Council)



**MINUTES**  
**PLANNING AND ZONING COMMISSION**  
**Regular Meeting**  
**Thursday, February 12, 2008**  
**at 6:00 p.m.**  
**City Hall Council Chambers**  
**1101 Texas Avenue**  
**College Station, Texas**

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**COMMISSIONERS PRESENT:** Chairman John Nichols, Marsha Sanford, Bill Davis, Harold Strong, Derek Dictson, Glenn Schroeder and Noel Bauman

**COMMISSIONERS ABSENT:** None

**CITY COUNCIL MEMBERS PRESENT:** Lynn McIlhaney and Dave Ruesink

**CITY STAFF PRESENT:** Senior Planner Lindsay Boyer, Staff Planners Crissy Hartl, Jason Schubert and Matt Robinson, City Engineer Alan Gibbs, Deputy City Manager Terry Childers, Director Bob Cowell, Assistant Director Lance Simms, Planning Administrator Molly Hitchcock, First Assistant City Attorney Carla Robinson, Action Center Representative Kerry Mullins and Staff Assistant Brittany Caldwell

5. Public hearing, presentation, possible action, and discussion on a rezoning from PDD, Planned Development to PDD, Planned Development in order to add Vehicle Rental as an accessory use for 5.7 acres located at 3101 Texas Avenue South generally located northeast of the intersection of Deacon Drive and Texas Avenue South. **Item #07-500299 (LB)**

Lindsay Boyer, Senior Planner, presented the rezoning and recommended approval.

Jane Kee, 211 University Drive Suite 205, stated that the applicant met with the residents on Mile Drive on January 10, 2008, but that the rezoning proposal was unanimously opposed by the neighbors with 14 out of the 16 residents signing a petition. She also stated that the owner is willing to make physical and operational changes to the site.

Mr. Drake, owner, stated that the existing trucks would be taken off of the site immediately so that there would not be overcrowding, and that there would not be 24-hour access for Budget Trucks.

Darrell Davis, 115 Mile Drive, College Station, Texas; Al Boreman, 113 Mile Drive, College Station, Texas; David Borsack, 108 Mile Drive, College Station,

Texas. Some of the concerns of the citizens were increased activity and overcrowding of Budget Trucks.

Director Cowell reminded the Commission that storage of the Budget Trucks was currently not permitted.

**Commissioner motioned to recommend denial of the rezoning. Motion failed for lack of a second.**

**Commissioner Schroeder motioned to recommend approval of the rezoning with the condition that the overflow parking be reduced by half, addition of a wooden fence between the storage buildings on the northwest side of the property and extension of the fence beyond the storm water detention area. Commissioner Strong seconded the motion.**

**Commissioner Sanford amended the motion to include screening the truck parking and recommended to the owner that the operational conditions that were outlined in the presentation be enacted. Commissioner Bauman seconded the motion.**

**Commissioner Sanford amended the motion to include a solid hedge of ligustrums be planted with a minimum of four feet in height around the truck parking area. Commissioner Bauman seconded the amended motion, amendment passed (7-0).**

**Chairman Nichols called for the vote on the original motion, which passed (5-2). Chairman Nichols and Commissioner Davis were in opposition.**

Chairman Nichols stated that he believes that it would be difficult to maintain and enforce the number of trucks on the property.



**MINUTES**  
**PLANNING AND ZONING COMMISSION**  
**Regular Meeting**  
**Thursday, January 03, 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, Harold Strong, Derek Dictson, Glenn Schroeder, Marsha Sanford and Noel Bauman

**COMMISSIONERS ABSENT:** None

**CITY COUNCIL MEMBERS PRESENT:** Ron Gay

**CITY STAFF PRESENT:** Senior Planner Lindsay Boyer, Transportation Planner Ken Fogle, City Engineer Alan Gibbs, Director Bob Cowell, Assistant Director Lance Simms, Planning Administrator Molly Hitchcock, First Assistant City Attorney Carla Robinson, Action Center Supervisor Mandi Luedecke and Staff Assistant Brittany Caldwell

2. Public hearing, presentation, possible action, and discussion on a rezoning from PDD, Planned Development to PDD, Planned Development in order to add Vehicle Rental as an accessory use for 5.7 acres located at 3101 Texas Avenue South generally located northeast of the intersection of Deacon Drive and Texas Avenue. **Case #07-500299 (LB)**

Lindsay Boyer, Senior Planner, presented the rezoning and recommended approval.

Commissioner Davis stated that he felt the overflow parking area was too intense and that there was a need for buffering between the two commercial properties.

Ms. Boyer stated that a condition could be made that there be buffering.

Commissioner Strong expressed concern about the impact the SH 6 construction and changes would have on the property.

Ken Fogle, Transportation Planner, stated that no changes would be made on that corner and the ingress and egress would not be impacted.

Jane Kee, IPS Group, stated that since 2004 there have been significant changes including the second phase of the storage building being completed, ownership changes, and on-site management changes. She also stated that Mr. Wright,

owner of Burger King, had no objections to the proposal. She said the owner would be willing to keep the Budget trucks to a minimum if possible.

Ray Drake, owner of Metro Mini Storage, stated that they would be calling Budget to pick up trucks as soon as they arrived on the property so there would not be an excess of trucks. He also stated that the designated area, which is approximately 2000 square feet would allow about six to nine trucks to park.

Daryl Davis, 115 Mile Drive, College Station, Texas; David Borsak, 108 Mile Drive, College Station, Texas; Arthur Harrison, 101 Mile Drive, College Station, Texas. Some concerns of the citizens were that the number of trucks being kept on the property would not be enforceable, noise, and that the neighborhood as a whole was not approached by the applicant to discuss what was being proposed.

Ms. Boyer stated that the notification letters were sent out on December 18, 2007.

**MINUTES**  
**Regular Meeting**  
**Planning and Zoning Commission**  
**Thursday, November 18, 2004, at 6:30 p.m.**  
**Council Chambers, College Station City Hall**  
**1101 Texas Avenue**  
**College Station, Texas**



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**COMMISSIONERS PRESENT:** Chairman Shafer, Commissioners Reynolds, Fedora, Hooton & Davis.

**COMMISSIONERS ABSENT:** Commissioners White & Nichols.

**CITY COUNCIL MEMBERS PRESENT:** None.

**DEVELOPMENT SERVICES STAFF PRESENT:** Staff Planners Hitchcock & Reeves, Development Manager George, Planning & Development Services Director Dunn, Graduate Civil Engineers Thompson & Cotter, Senior Assistant City Engineer Gibbs, Transportation Planner Fogle, Planning Intern Brown, Senior Planner Fletcher and Staff Assistant Grace.

**OTHER CITY STAFF PRESENT:** First Assistant City Attorney Nemcik.

- 6. Public hearing, discussion, and possible action on a Rezoning for Lot 2, Block A and Lots 1 & 2, Block B of the Haney-Highway 6 Subdivision consisting of 5.69 acres generally located near the Northeast corner of Texas Avenue at Deacon to amend the current PDD Planned Development District to include Vehicle Rental as a permitted use. (04-248)**

Staff Planner Reeves presented the staff report and stated that a PDD zoning was requested on this property to allow the construction of mini-storage development that is now in its second phase. Staff recommended the approval of the original PDD because the purpose was to restore an agreement between the owners of the subject property and the adjacent Mile Drive neighborhood. The resulting PDD has a combination of uses from the original agreement and uses in the current C-3 zoning district in the UDO.

The property owners now see a need to provide truck rental on their property. This use was permitted in the original agreement between the landowners and the Mile Drive residents. Staff feels that it should be permitted on a limited basis and

is therefore recommending that it be permitted as accessory to the principle use on the property.

Commissioner Davis asked for clarification to “limited use”. Ms. Reeves stated that if the Commission approved the use, the landowner would have to turn in a concept plan that would go before the Design Review Board. The Board can then limit the size, the trucks, how it is going to be screened and where the vehicles are going to be located on the site.

Commissioner Davis asked as an accessory use, what percent of the business is going to be vehicle rental. Ms. Reeves replied that if the Commission approves it as an accessory use, the Design Review Board could limit the size or area. Ms. Reeves asked for legal clarification.

Ms. Nemcik replied that the size of the accessory use is in relation to the site and primary use. Therefore, you could not have an accessory use where the building was larger than the primary use. Ms. Nemcik offered for clarification that if the primary use goes away, so does the accessory use.

Commissioner Hooton asked if the Design Review Board had the authority to limit the number of vehicles. Ms. Nemcik replied that she did not have the rules and procedures for the Design Review Board and could not answer that question.

The topic of accessory use consumed much of the time allowed for discussion.

Commissioner Reynolds asked for clarification to the original agreement between the Mile Drive residents and the landowners. Ms. Reeves stated that in the adoption of the UDO, truck rental use was dropped out of C-3.

Discussion ensued concerning the greenbelt reserve.

Chairman Shafer asked when this was renegotiated, was a buffer a part of that approval. Ms. Reeves replied yes.

Chairman Shafer opened the public hearing.

The following residents spoke in opposition to the rezoning:

- Daryl Davis, 115 Mile Drive
- Jim Morris, 102 Mile Drive
- Matt Willis, 104 Mile Drive
- David Borsak, 108 Mile Drive

Ruthie Gray, 3122 Texas Avenue, spoke with concerns about the proposed changes to the highway and to the environment.

Chairman Shafer closed the public hearing.

Discussions continued concerning the zoning and use of the property.

**Commissioner Davis made the motion to deny the rezoning.  
Commissioner Reynolds seconded the motion.**

Commissioner Davis stated that he does understand the intent of the applicant to provide a service for the people using the storage units; he just does not see any way of controlling it. Commissioner Davis ended by saying that a vehicle rental place fits into a much more intense zoning requirement.

Chairman Shafer stated he is not willing to approve the rezoning.

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 \_\_\_\_\_ day of \_\_\_\_\_, 2007.

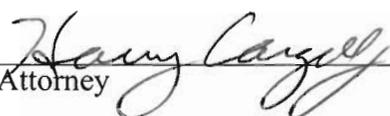
APPROVED:

\_\_\_\_\_  
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 PDD, Planned Development District is amended to include vehicle rental as an accessory use for mini-storage warehouse:

ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE HANEY-HIGHWAY 6 SUBDIVISION, COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID TRACT BEING LOT 1 BLOCK B, LOT 2 BLOCK B, LOT 2 BLOCK A, AND BEING ALL OF THE CALLED 5.69 ACRE TRACT OF LAND AS DESCRIBED BY A DEED DATED AUGUST 5, 1985 AND RECORDED IN VOLUME 814 PAGE 395 OF THE BRAZOS COUNTY DEED RECORDS AND BEING SHOWN GRAPHICALLY IN THE ATTACHED EXHIBIT "B."

Purpose Statement: The intended allowable uses proposed for this PDD are to be low traffic generators, non-noise generating, no obnoxious fumes emissions, non-polluting, and generally those uses compatible with a residential neighborhood.

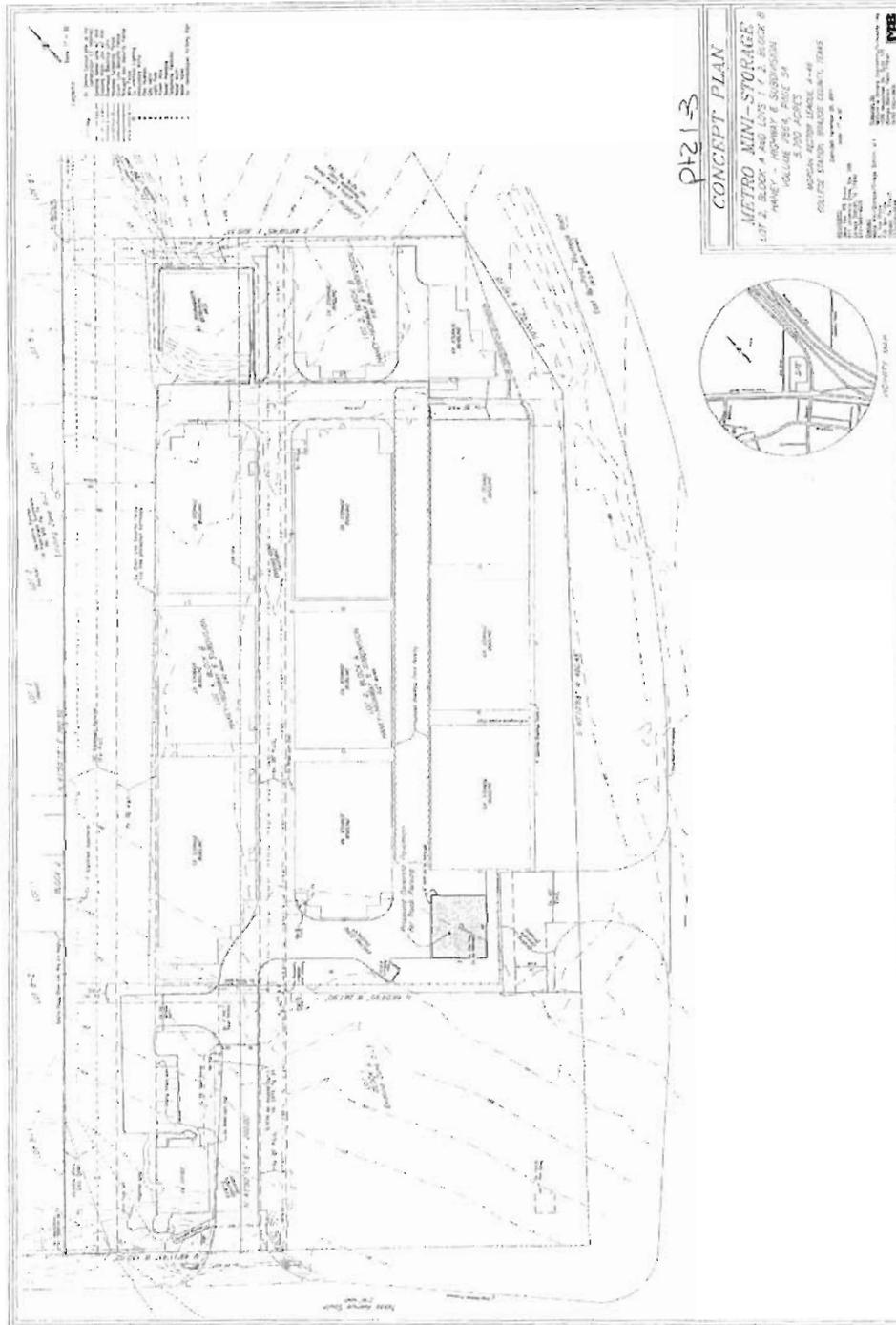
Uses Allowed: Overall maximum height of 2 stories and the following uses:  
Animal Care Facilities, Indoor  
Art Studio/Gallery  
Educational Facility, Indoor  
Health Care / Medical Clinics  
Mini-Storage Warehouse (with an accessory living unit and vehicle rental)  
Offices  
Personal Service Shop  
Printing / Copy Shop  
Radio / TV Station / studios (no towers)  
Retail Sales and Services

Modifications Possible: None Requested



EXHIBIT "C"

07-299 12-10-07 9:15 AC



**February 28, 2008  
Regular Agenda Item 4**

**UDO Amendment, Section 7.9.B.6 (Traffic Impact Analysis), Section 7.9.H (Submittal Requirements) and adding Section 7.12 (Traffic Impact Analysis)**

**To:** Glenn Brown, City Manager

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

**Agenda Caption:** Public hearing, presentation, possible action, and discussion on an ordinance amending Chapter 12 of the City of College Station Code of Ordinances, Unified Development Ordinance Section 7.9.B.6 (Traffic Impact Analysis), Section 7.9.H (Submittal Requirements) and adding Section 7.12 (Traffic Impact Analysis)

**Recommendation(s):** The Planning & Zoning Commission heard this item at their meeting on February 12, 2008 and voted 5-2 to recommend approval with the condition of a reduction of the threshold requiring TIA's for areas designated as "Redevelopment" on the Land Use Plan in the Comprehensive Plan and with the recommendation that staff conduct one additional meeting with interested parties prior to the Council decision. This meeting was conducted on February 25<sup>th</sup>. Staff recommended approval of the ordinance as presented.

**Summary:** Traffic Impact Analyses are currently required as a portion of the non-residential architectural standards for projects meeting specific thresholds. At their meetings in June and August, 2007, the City Council directed staff to broaden the applicability and standards of the TIA. Specifically, Council requested that staff prepare regulations that:

1. apply to all rezoning requests that are projected to generate at least 250 vehicle trips in the peak hour.
2. apply to all site plan requests that are projected to generate at least 250 vehicle trips in the peak hour.
3. require evaluation of specific impact on near-by residential streets.

Staff has prepared draft language for the Council's consideration. Specifically, staff has proposed the elimination of Sections 7.9.B.6 and 7.9.H.1.h of the UDO and replacement with the new section 7.12 (attached).

The proposal identifies the applicability to all rezoning and site plan proposals projected to exceed 250 vehicle trips in the peak hour. The proposal establishes the trip generation rates that shall be used for rezoning requests, identifies what is required to be included in the TIA, specifies how the TIA will be analyzed, and how traffic impacts are to be mitigated.

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

**Attachments:**

1. Red-Lined Version of current UDO section
2. Ordinance
3. P&Z Draft Minutes

#### ~~1. Traffic Impact Analysis~~

~~This section establishes requirements and procedures pertaining to traffic impact analysis (TIA) for non-residential developments. These requirements are intended to inform the applicant of the City's expectations, expedite the City staff's review process of TIA reports, provide standard criteria for evaluating development proposals, and establish equitable mitigation and cost sharing policies.~~

~~The TIA is intended to develop public/private partnerships to coordinate land use and transportation facility development. Both the City of College Station and the land developer share in the responsibility to consider all reasonable solutions to identified transportation problems.~~

##### ~~a. Purpose~~

~~This process is done simultaneously with the submittal of a site plan. The goal of this study is to look at a specific development of known size and use and to determine the effect of that use on the existing roadway system. It uses existing traffic volumes and assumes the existing roadway configuration to be used for analysis. This process should ensure that the roadway system is adequate to accommodate the proposed use and may recommend mitigation measures necessary to ensure efficient traffic flow around the proposed site (as based on intersection and roadway levels of service).~~

##### ~~b. Objective~~

~~A TIA is intended to define the immediate impacts of the proposed development and any necessary transportation improvements (public or private) required to ensure a satisfactory level of service on all affected thoroughfares. A TIA is designed to mitigate traffic impacts by optimizing roadway capacity, access design, and traffic control. A TIA may not be used to deny development permitted by zoning, nor shall it be used to modify road design contrary to the Comprehensive Plan. Specific improvements to the existing roadways consistent with the Thoroughfare Plan may be needed to gain approval of site plan proposals.~~

##### ~~c. Definitions~~

- ~~1) Trip Generation Rates - The City's criteria for trip generation for various categories of land use and density shall be those set forth in the latest edition of the trip generation informational report published by the Institute of Transportation Engineers (ITE) unless the proposed use does not have a corresponding rate in the Trip Generation Manual. Alternate trip generation rates shall not be accepted but shall instead be adopted for City-wide use on the basis of a general study of local conditions.~~
- ~~2) Design Year - The design year is the point in time upon which assumptions pertaining to land use, population, employment, and transportation facilities are based. All TIAs shall use a design year based on the expected date of project occupancy.~~
- ~~3) Base Volumes - Base volumes shall be based on current traffic counts adjusted to the expected date of project occupancy. When available, all base data shall be supplied by the City Traffic Engineer. In all cases when ground counts are needed and are not available, the developer or his agent shall be required to collect such data.~~
- ~~4) Level of Service (LOS) - Level of service is a measure of the level of congestion experienced on roadways. The desirable~~

minimum level of service of the City of College Station is Level of Service D in the peak hour. Level of service shall be measured of both link and intersection operations.

~~d. — **Applicability**~~

~~A TIA will be required for non-residential site plans submitted for approval that generate 5,000 trips or more per day. A TIA may be required for non-residential site plans submitted for approval that generate less than 5,000 trips per day, where the peaking characteristics could have a detrimental impact on the transportation system as determined by the Administrator or his designee.~~

~~All TIAs shall be performed by a consultant qualified to perform such studies. Requirements for mitigating negative traffic impacts shall apply to all cases. In certain cases, due to project phasing, a TIA might be required with a concept plan submittal.~~

~~It is the responsibility of the applicant to demonstrate that a TIA is not required for a non-residential site plan application, as defined in Section 3.5. In cases where a TIA is required, the site plan application will be considered incomplete until the TIA is submitted.~~

~~e. — **Methodology**~~

~~A pre-submission consultation with the Administrator or his designee is required. Details of the required analysis and the study area will be determined at this meeting. In certain instances, traffic from other approved but not built developments may have to be accounted for in traffic assignments. Staff may also require specific assumptions such as percent trucks be altered to match local conditions. Peak hour analysis might be directed to reflect the peak 15 minutes for certain types of land uses. All of these types of issues will be addressed at the pre-submission consultation.~~

~~f. — The following procedures shall be followed in preparing traffic impact studies submitted to the City:~~

~~**Content:**~~

- ~~1) — Study Area — A map(s) shall be included delineating the TIA study area and all existing and planned streets therein. The study area will be defined in the pre-submission consultation meeting with the Administrator or his designee;~~
- ~~2) — Existing Zoning and Development — Describe existing zoning including land area (gross and net) by zoning classification, square footages, numbers of hotel rooms, dwelling units, etc. Also, describe any existing development on-site and how it will be affected by development proposals;~~
- ~~3) — Thoroughfare Network — Describe existing thoroughfares, signals and signal phasing, and traffic volumes within the study area;~~
- ~~4) — Proposed Development — Describe the proposed development including land area (gross and net), square footage, number of hotel rooms, dwelling units, etc. Also describe roadway conditions as expected by date of occupancy. Indicate roadway and intersection capacities at study date;~~
- ~~5) — Impact Determination — Determine the level of service for all thoroughfares and intersections in the study area. The analysis shall contain the following minimum information:
  - ~~(a) — Proposed Trip Generation — Calculate total trip generation by use (assuming full development and occupancy) and report any reductions for passer-by, mixed~~~~

~~use, etc. Show trip generation by use in tabular form with land use trip generation rates and trips generated.~~

~~(b) Trip Distribution and Assignment — Trips generated by the proposed development are to be added to the base volumes projected for the design year. Peak hour volumes must be calculated. Distribution assumptions and assignment calculations must be provided.~~

~~(c) Level of Service Analysis — Show in tabular form, 24 hour and peak hour V/C ratios for links and intersections within the study area. This analysis should be done for the following traffic conditions: existing traffic, background traffic, background plus project traffic. Analyze all points of ingress and egress, median breaks, and turn lanes associated with the proposed site.~~

~~(d) Conclusions — Provide a summary of points of conflict and congestion. Identify all thoroughfare links or intersections exceeding a Level of Service D and the percent increase in total traffic produced by the proposed site plan. Identify any operational problems (e.g., drives, median openings, and signalization) within the study area.~~

#### ~~6) Mitigation~~

~~(a) Traffic levels exceeding Level of Service D, where the development is contributing 5% or more of the total trips shall be mitigated to predevelopment levels. Problems demonstrated by the TIA can be corrected by:~~

~~(b) Access Management requirements in addition to those provided in Article 7.3 and the City of College Station Engineering Design Guidelines relating to driveway and median opening spacing.~~

~~(c) Modifying density or intensity of use (e.g., reduction in square footage or percentage of commercial use);~~

~~(d) Phasing construction until additional roadway capacity becomes available;~~

~~(e) On-site improvements including access controls and site circulation adjustments; and~~

~~(f) Off-site improvements including the construction of additional lanes where the surrounding thoroughfares are not fully developed or intersection improvements, including signalization, where the surrounding area is approaching full development.~~

#### ~~7) Costs of Mitigation~~

~~Mitigation improvements which are attributable to the proposed development shall be funded at the developer's expense. Any other improvements shown which are consistent with the Thoroughfare Plan may be repaid by the City in accordance with its cost-sharing policies.~~

### Submittal Requirements

When non-residential architectural standards are applicable, submitted site plans shall include the following, in addition to other site plan application requirements:

Accurate building footprint(s);

Mechanical screening details;  
Detention pond screening details  
Location and number of bicycle parking facilities;  
Park lot configuration in compliance with 7.9.B.6 Parking Lots, if applicable (120 parking spaces or more);  
Additional landscaping requirements, if applicable (50,000 square feet and greater);  
Location of pedestrian walkways, if applicable (50,000 square feet and greater);  
~~Traffic Impact Analysis, if applicable (5,000 trips per day or greater);~~  
Location and details of public plaza and amenities, if applicable (150,000 square feet and greater).

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

AN ORDINANCE AMENDING CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," BY DELETING SECTION 7.9.B.6, "TRAFFIC IMPACT ANALYSIS,;" AMENDING SECTION 7.9.H, "SUBMITTAL REQUIREMENTS," AND ADDING SECTION 7.12, "TRAFFIC IMPACT ANALYSIS" TO THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; 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," be amended so as to delete Section 7.9.B.6, "Traffic Impact Analysis,;" amend Section 7.9.H, "Submittal Requirements," and add Section 7.12, "Traffic Impact Analysis" to the Code of Ordinances of the City of College Station, Texas, as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.
- PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.
- PART 3: 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 28<sup>th</sup> day of February, 2008.

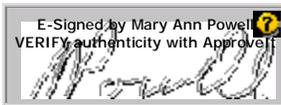
APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

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

APPROVED:



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

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**EXHIBIT "A"**

**I.**

That Section 7.9.B.6, "Traffic Impact Analysis," of Chapter 12, "Unified Development Ordinance," of the Code of Ordinances of the City of College Station, Texas, is hereby deleted.

**II.**

That Section 7.9.H, "Submittal Requirements," of Chapter 12, "Unified Development Ordinance," of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read in its entirety as follows:

**H. Submittal Requirements**

1. When non-residential architectural standards are applicable, submitted site plans shall include the following, in addition to other site plan application requirements:
  - a. Accurate building footprint(s);
  - b. Mechanical screening details;
  - c. Detention pond screening details;
  - d. Location and number of bicycle parking facilities;
  - e. Park lot configuration in compliance with 7.9.B.7 Parking Lots, if applicable (120 parking spaces or more);
  - f. Additional landscaping requirements, if applicable (50,000 square feet and greater);
  - g. Location of pedestrian walkways, if applicable (50,000 square feet and greater);
  - h. Location and details of public plaza and amenities, if applicable (150,000 square feet and greater).
  
2. When non-residential architectural standards are applicable, submitted building plans shall include the following, in addition to other building permit application requirements:
  - a. Scaled building elevations for each façade, depicting the following:
    - 1) Required architectural relief; and
    - 2) Location of building materials.
  - b. Accurate building footprint(s);
  - c. Sample building materials and color details; and
  - d. Table of vertical square footage and percentage of building materials for each façade.

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**III.**

That Section 7.12, "Traffic Impact Analysis," of Chapter 12, "Unified Development Ordinance," of the Code of Ordinances of the City of College Station, Texas, is hereby added to read as follows:

**7.12 Traffic Impact Analysis**

This section establishes requirements and procedures pertaining to traffic impact analysis ("TIA"). This Article is intended to inform the applicant of the City's expectations to ensure adequate traffic flow and connectivity attributable to their proposal, expedite the City's review of TIA reports, provide standard criteria for evaluating proposals, and identify various mitigation measures.

The TIA is intended to coordinate proposed land use with the transportation needs resulting therefrom. Both the City of College Station and the developer share responsibility to identify and solve transportation issues arising from development.

College Station requires TIAs accompany certain zoning applications and certain site plan applications. The TIA required for each complements the overall goal of ensuring adequate transportation facilities are in place. Below is an elaboration of some of the purposes.

**A. Purpose**

**1. Zoning TIA**

The goal of submitting a TIA when making a zoning request is to determine the effect allowed uses within various proposed zones will have on existing roadway systems, and to ensure there is a balance between future land uses and future transportation systems. Zoning applications that are required to have a TIA performed are evaluated using both current and long-term traffic scenarios.

The TIA will determine whether acceptable levels of service are being maintained for traffic flow in the area. Different mitigation solutions will be analyzed where service levels fall below acceptable standards. A TIA for a zoning request should not recommend mitigation methods that are inconsistent with the City's Comprehensive Plan, including the Thoroughfare Plan. The Planning and Zoning Commission and the City Council shall consider the TIA in approving or disapproving zoning changes to the degree allowed by law.

**2. Site Plan TIA**

The goal of a TIA when submitting a site plan is to determine the effect a specific proposed development will have on current and future land development and roadway systems. Generally, it uses current and anticipated near-term traffic volumes and roadway configurations for the analysis. The process should ensure that the roadway system is adequate to accommodate the proposed use.

Different mitigation measures may be recommended where the TIA shows levels of service falling below acceptable minimums. Different mitigation techniques that may be recommended include adding turn lanes, improving driveway access, providing connectivity, modifying traffic control devices, etc. A TIA for a site plan should not recommend mitigation methods that are inconsistent with the City's Comprehensive Plan, including the Thoroughfare Plan. The Planning and Zoning

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Commission shall consider the TIA in approving or disapproving site plans to the degree allowed by law.

**B. Definitions**

- 1. Trip Generation Rates** - Trip Generation Rates means the rate of vehicular traffic generated from the proposed rezoning or proposed site plan. For Zoning TIAs, these rates are shown by zoning district in the tables below. Site plan TIAs shall use those rates set forth in the latest edition of the Trip Generation informational report published by the Institute of Transportation Engineers (ITE) unless the proposed use does not have a corresponding rate in the Trip Generation report. Alternate trip generation rates shall not be accepted.

Table 1 Trip Generation: Residential Land Uses				
Zoning Classification	Maximum Units / Acre	ITE Land Use Code	Trip Rate / Unit	Trip Rate / Acre
A-O	0.2	210	1.01	0.2
A-OR	1.0	210	1.01	1
R-1	8.0	210	1.01	8
R-1B	6.0	210	1.01	6
R-2	12.0	210	1.01	12
R-3	14.0	230	0.52	7.3
R-4	20.0	220	0.62	12.4
R-6	30.0	220	0.62	18.6
R-7	Determined by Administrator			
P-MUD	Determined by Administrator			

Table 2 Trip Generation: Non-Residential Land Uses				
Zoning Classification	Maximum Units/Acre*	ITE Land Use Code	Trip Rate / KSF	Trip Rate / Acre
A-P	16,000 sf	710	1.55	25
C-1	13,500 sf	820	3.75	50
C-2	16,000 sf	710	1.55	25
C-3	11,000 sf	820	3.75	40
M-1	N/A	110	N/A	7.5
M-2	N/A	120	N/A	2.2
C-U	Determined by Administrator			
R&D	N/A	760	N/A	16.8
PDD	Determined by Administrator			

\* Density maximum calculated based on existing (2007) developments in the City of College Station.

- 2. Design Year** - The design year is the point in time upon which assumptions pertaining to land use, population, employment, and transportation facilities are based. All TIAs shall use a design year based on the expected date of project occupancy, and shall include consideration of nearby development that has been approved and will impact the proposed project's area of traffic impact.
- 3. Peak Hour** – Peak hour means the time of day during the weekday that generates the most vehicular traffic. Typically, this is either between 7:00

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to 9:00 am or 4:00 p.m. to 6:00 pm.

- 4. **Base Volumes** - Base volumes shall be based on current traffic counts adjusted to the expected date of project occupancy plus volumes generated by nearby future development (all phases) that has been approved by the City. When available, all base data shall be supplied by the City Traffic Engineer. In all cases when traffic counts are needed and are not available, the developer or his agent shall be required to collect such data.
- 5. **Level of Service (LOS)** - Level of Service means the measure of the level of congestion experienced on roadways as measured by both link and intersection operations as presented in the latest edition of the Transportation Research Board's Highway Capacity Manual.

**C. Applicability**

**1. Zoning TIA**

Any zoning request which is expected to generate at least 250 trips in the a.m. or p.m. peak hour requires a TIA. A TIA is not required if a zoning request is for property designated "Redevelopment" on the Land Use Plan in the Comprehensive Plan and is expected to generate less than 250 additional trips in the a.m. or p.m. peak hour than those generated by the currently approved use(s) on the property.

A zoning request involving multiple zoning districts is required to have a TIA based on the total traffic generated for all the proposed districts. A TIA may be required for a zoning request that generates less than 250 trips in the peak hour, where the peaking characteristics could have a detrimental impact on the transportation system as determined by the Administrator.

A TIA shall be required unless the applicant demonstrates to the satisfaction of the Administrator that a TIA is not required for a rezoning request. In cases where a TIA is required, the rezoning application will be considered incomplete until the TIA is submitted.

**2. Site Plan TIA**

Any proposed development excluding developments located in the zoning classifications of NG-1, NG-2, or NG-3 shown on a site plan which is expected to generate at least 250 trips in the a.m. or p.m. peak hour requires a TIA. A TIA may be required for site plans submitted for approval that generate less than 250 trips in the a.m. or p.m. peak hour where the peaking characteristics could have a detrimental impact on the area's vehicular transportation system as determined by the Administrator.

A TIA shall be required unless the applicant demonstrates to the satisfaction of the Administrator that a TIA is not required for a rezoning request. In cases where a TIA is required, the site plan application will be considered incomplete until the TIA is submitted.

**D. Methodology**

- 1. **Professional Engineer to perform TIA.** All required TIAs shall be

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performed by a professional engineer licensed in the State of Texas qualified to perform such analyses. Qualifications may include, but are not limited to certification as a Professional Traffic Operations Engineer or Professional Transportation Planner by the Transportation Professional Certification Board or certification by the Texas Department of Transportation to conduct traffic engineering studies.

2. **Pre-submittal meeting.** A pre-submission consultation with the Administrator is required at the time of the Pre-Application Conference to discuss relevant aspects of the TIA. Details of the procedures, assumption used, data to be collected method of analysis and identification of the study area will be determined at this meeting. Traffic from other approved but not built nearby developments will be accounted for in the TIA as determined by the Administrator. The Administrator may require other specific assumptions such as the percent of trucks to be altered to match local conditions. The City may require analyses of peak 15 minute intervals for certain types of land uses that generate major traffic surges such as, but not limited to stadiums, movie theaters, arenas, and schools.

3. **Zoning TIA Content**

- a. **Study Area** - A map(s) delineating the TIA study area and all existing and planned streets therein. The study area shall be determined based upon identifying the geographical area most affected by the proposed zoning request as determined by the Administrator after conferring with the applicant.
- b. **Existing Zoning** - A description by zoning classification of the existing zoning in the area proposed for rezoning.
- c. **Proposed Zoning** – A description of the proposed zoning including land area by zoning classification.
- d. **Thoroughfare Network** - A description of the existing and proposed thoroughfares, and traffic volumes within the study area.
- e. **Impact Determination** - A description of the volume/capacity (V/C) ratio for all thoroughfares and delay projections for intersections in the studied area to determine if a Level of Service D is maintained. The analysis shall contain the following minimum information:
  - 1) **Proposed Trip Generation** - Show in tabular form trip generation rates (see Table 1 or 2, as applicable) and the total trips generated based on proposed zoning.
  - 2) **Existing Trip Generation** – Show in tabular form trip generation rates (see Table 1 or 2, as applicable) and the total trips generated based on existing zoning.
  - 3) **Net Increased Trip Distribution and Assignment** - Show proposed trip generation minus existing trips and the calculation of new trips generated. The net increase in trips generated by the zoning request is to be added to the base volumes projected by design year. Twenty-four hour and peak hour volumes must be calculated. Distribution and assignment calculations must be provided.

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- 4) **Level of Service Analysis** - Show in tabular form peak hour Level of Service for existing and proposed zoning. Calculations shall include all thoroughfare links and intersections. Calculate level of service and percentage change (when compared to base volumes) for each link and intersection.
  - 5) **Neighborhood Traffic Analysis** – If a proposed rezoning could increase the traffic on a minor collector or residential street at least ten percent (10%), a neighborhood traffic analysis shall be performed. This analysis will include an evaluation of existing and projected traffic levels of the affected streets. If the projected traffic levels exceed the limits indicated in the BCS Design Guidelines, mitigation to lower this traffic shall be required.
  - 6) **Conclusions** - Summarize points of conflict and congestion, identify all thoroughfare links and intersections exceeding Level of Service D and the percentage change by the proposed zoning change.
- f. **Mitigation** - A description of the mitigation techniques to achieve acceptable service thresholds shall be shown. Traffic produced by the proposed zoning request plus current traffic levels should not fall below a Level of Service D. Locations not meeting the Level of Service D where the proposed zoning contributes five percent (5%) or more of the traffic should be mitigated by the applicant. Acceptable methods of mitigating negative traffic impacts include but are not limited to the following:
- 1) Modifying the zoning request to meet Level of Service D.
  - 2) Modify the access plan.
  - 3) Limit development densities within one or more zoning classifications or land parcels.
  - 4) Making minor thoroughfare or intersection improvements, such as adding or relocating turn lanes, acceleration and deceleration lanes and median openings.

Amendments to the City's Thoroughfare Plan shall not be accepted as a means of mitigating negative impacts.

- g. **Planning and Zoning Commission Report** - The Planning and Zoning Commission shall make a report to the City Council on all TIAs it considers in conjunction with requests for rezoning. The Planning and Zoning Commission may make a recommendation for approval, modification, or denial of the zoning case based on other planning factors in addition to its review of the TIA.

Where the identified impacts of the proposed zoning cannot be adequately mitigated, the Planning and Zoning Commission may recommend to the City Council one or more of the following actions:

- 1) Denial of the zoning case in total or in part.
- 2) Any other action deemed appropriate to mitigate negative traffic impacts.

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4. **Site Plan TIA Content** - Submittals of TIAs for site plans shall include the following:
  - a. **Study Area** - A map(s) delineating the TIA study area and all existing and planned streets therein. The study area will be determined by identifying the geographical area most affected by the proposed development shown on the site plan as determined by the Administrator after conferring with the applicant. In general the study area will cover all intersections through which at least ten percent (10%) of the proposed development's site traffic passes, and shall extend to at least the first traffic signal in each direction if within one mile of the site.
  - b. **Existing Zoning and Development** - A description of existing zoning including land area (gross and net) by zoning classification, square footage, density of hotel rooms, dwelling units, etc. Also, a description of development currently within the proposed site plan, including showing how it will be affected by the new development proposal;
  - c. **Thoroughfare Network** - A description of existing thoroughfares, signals, signal phasing and traffic volumes within the study area;
  - d. **Proposed Development** - A description of the proposed development including land area (gross and net), square footage, density of hotel rooms, dwelling units, etc. Also a description of anticipated roadway conditions expected by the date of occupancy of the proposed development shall be included. Roadway and intersection capacities shall be shown;
  - e. **Proposed access** – Identification of the location and number of lanes and proposed traffic controls for each point of access serving the proposed development, including proposed modifications to adjacent roads shall be included. All access points shall meet the current access management and roadway design policies of the entity responsible for the condition of that portion of roadway.
  - f. **Impact Determination** - A determination of the Level of Service for all thoroughfares and intersections in the study area shall be included, as shall an evaluation of pedestrian, bicycle, and motor vehicle safety conditions adjacent to the site. The analysis shall contain the following minimum information:
    - 1) **Proposed Trip Generation** - A calculation of the total trip generation by use within the study area assuming full development and occupancy. Show any reductions attributed to passers-by, mixed use, etc. Show trip generation by use in tabular form with land use trip generation rates and trips generated.
    - 2) **Trip Distribution and Assignment** - A calculation of trips generated by the proposed development as added to the base volumes projected for the design year. Peak hour volumes must be calculated. Distribution assumptions and assignment calculations must be provided.
    - 3) **Level of Service Analysis** - A depiction shown in tabular form, twenty-four hour and peak hour volume/capacity ratios for links and intersections within the study area. This analysis should be

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done for the following traffic conditions: existing traffic, existing traffic plus projected traffic. Analyze all points of ingress and egress, median breaks, and turn lanes associated with the proposed site.

- 4) **Neighborhood Traffic Analysis** – If the TIA calculations show that a proposed site plan increases traffic on a minor collector or residential street by at least ten percent (10%), a neighborhood traffic analysis shall be performed. This analysis will include an evaluation of existing and projected traffic levels of the affected streets. If the projected traffic levels exceed the limits indicated in the BCS Design Guidelines mitigation to lower this traffic may be required.
- 5) **Conclusions** - A provision of a summary of findings showing all adjacent streets and intersections noting those that exceed a Level of Service D, the percent increase in total traffic produced by the proposed site plan, and the adequacy of site access. Identification of any safety and operational problems (e.g., drives, sight distances, median openings, and signalization) within the study area shall be shown.

**g. Mitigation** - A description of the mitigation techniques meeting acceptable service thresholds shall be shown. Traffic levels exceeding a Level of Service D where the development is contributing five percent (5%) or more of the total trips should be mitigated to predevelopment levels by the applicant. Acceptable methods of mitigating negative traffic impacts include the following:

- 1) Modifying the density or intensity of use, such as a reduction in square footage or percentage of commercial use to meet a minimum Level of Service D;
- 2) Phasing construction until additional roadway capacity becomes available;
- 3) Making on-site improvements including access controls and site circulation adjustments;
- 4) Making off-site improvements including the construction of additional lanes, modifying signalization, etc.

**h. Costs of Mitigation** - Mitigation improvements which are attributable to the proposed development shall be funded at the developer's expense. Any other improvements shown which are consistent with the Thoroughfare Plan may be repaid by the City in accordance with its cost sharing policies.

**E. Criteria for Approval.**

The City shall consider the following standards in determining whether a proposed rezoning or submitted site plan meets an acceptable Level of Service:

- 1. **Design Requirement.** The proposed rezoning of site plan is consistent with the City's adopted access management and design requirements and is consistent with the design requirements on Texas Department of Transportation on roads maintained by such agency.
- 2. **Level of Service D.** The desirable minimum Level of Service for the City

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of College Station is a Level of Service D as that term is described in the Transportation Research Board's Highway Capacity Manual.

3. **Determination of adequate mitigation.** Notwithstanding anything to the contrary herein, the appropriate Administrator and the appropriate reviewing body, where required, shall determine whether adequate mitigation has occurred to meet an acceptable level of service utilizing the requirements set forth herein.

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**MINUTES**  
**PLANNING AND ZONING COMMISSION**  
**Regular Meeting**  
**Thursday, February 12, 2008**  
**at 6:00 p.m.**  
**City Hall Council Chambers**  
**1101 Texas Avenue**  
**College Station, Texas**

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**COMMISSIONERS PRESENT:** Chairman John Nichols, Marsha Sanford, Bill Davis, Harold Strong, Derek Dictson, Glenn Schroeder and Noel Bauman

**COMMISSIONERS ABSENT:** None

**CITY COUNCIL MEMBERS PRESENT:** Lynn McIlhaney and Dave Ruesink

**CITY STAFF PRESENT:** Senior Planner Lindsay Boyer, Staff Planners Crissy Hartl, Jason Schubert and Matt Robinson, City Engineer Alan Gibbs, Deputy City Manager Terry Childers, Director Bob Cowell, Assistant Director Lance Simms, Planning Administrator Molly Hitchcock, First Assistant City Attorney Carla Robinson, Action Center Representative Kerry Mullins and Staff Assistant Brittany Caldwell

2. Public hearing, presentation, possible action, and discussion regarding an ordinance amendment to Chapter 12 of the Code of Ordinances, Section 7.9.B.6 of the Unified Development Ordinance, regarding Traffic Impact Analysis; Section 7.9.H, Submittal Requirements; and adding Section 7.12, Traffic Impact Analysis. **(BC)**

Director Cowell presented the ordinance amendments for the Unified Development Ordinance, regarding Traffic Impact Analysis.

Mr. Cowell answered questions in general regarding Traffic Impact Analysis.

Steve Arden, 311 Cecelia Loop, College Station, Texas; 1275 Flying Acre Ranch, College Station, Texas; Keith Ellis, 101 Grove, College Station, Texas; Victor Draus, Home Builders Association; Nora Perez Hernandez; Roy Robinson, 4820 Greens Prairie Trail, College Station, Texas. Some of the concerns of the citizens were the difficulties of developing in the city limits, the recommendation being open ended and pushing people out of the City.

Commissioner Strong stated that the City needs a viable comprehensive plan that extends to the ETJ line.

Commissioner Dictson stated that the ordinance needs to be something consistent, predictable, objective and have the flexibility to allow for creative solutions. He said that all of the fees that are required to develop in the City are pushing developers away.

**Commissioner Davis motioned to recommend the adoption of the ordinance with the correction of typographical errors. Commissioner Bauman seconded the motion.**

Commissioner Sanford said she would like for the area developers and builders to meet again so the City would be able to receive more feedback.

Commissioner Schroeder stated that the ordinance was something that was needed.

**Commissioner Dictson motioned to amend the motion to add a section specifically on redevelopment that has an incremental trigger and to hold one more meeting with the public. Commissioner Strong seconded the motion, motion passed (6-1). Commissioner Nichols was in opposition.**

**Chairman Nichols called for the vote on the original motion, which passed (5-2). Commissioner Dictson and Sanford were in opposition.**

**February 28, 2008  
Regular Agenda Item 5  
Rezoning for 1910 Texas Avenue South**

**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 from PDD, Planned Development District to PDD, Planned Development District in order to add a car wash facility as an accessory use for 0.778 acres located at 1910 Texas Avenue South generally located along Texas Avenue South between Holleman Drive and Park Place.

**Recommendation(s):** The Planning and Zoning Commission unanimously recommended approval with the condition that landscaping be provided along the drive aisle parallel to Texas which is evergreen (at least 3 feet in height) and will screen headlights from oncoming traffic (spaced to provide 100% opacity) at their February 12<sup>th</sup> meeting. Staff recommended approval.

**Summary:** This item is for the rezoning of the property located at 1910 Texas Avenue South so that the applicant can add an automated car wash facility as a use for the existing PDD development (HEB Fuel Center).

In 2001, a PDD-B, Planned Development District – Business zoning district was requested to allow development of a shopping center and the relocation of the City's water tower, both of which have been accomplished. The proposed uses at that time were for a shopping center that would include a grocery store, gas pumps, and retail use. When the fuel center was initially constructed, an accessory car wash use was not anticipated. Accessory uses are those that are subordinate to the primary use in area, extent, and/or purpose.

The concept plan shows the car wash facility being located at the north end of the subject property. The driveway for the car wash facility is located on the eastern portion of the property along Texas Avenue and curves back in to the west facing the HEB Grocery Store. At its closest point the driveway is setback 10 feet from the Texas Avenue right-of-way. The carwash facility is located approximately 47 feet from the Texas Avenue right-of-way at its closest point. The concept plan does not show landscaping or buffering to Texas Avenue, but the Planning and Zoning Commission recommends its addition to mitigate the impact of this development.

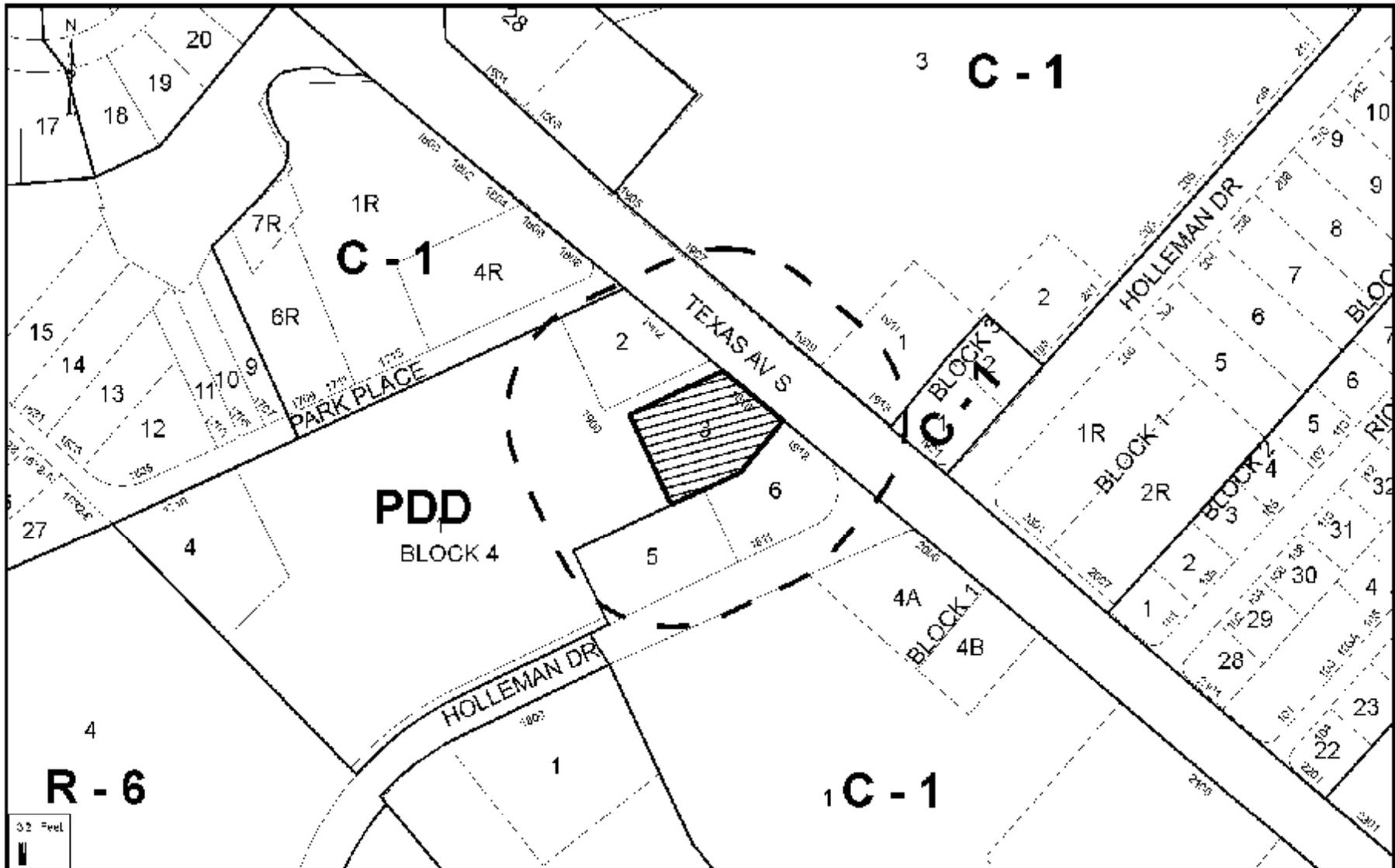
Non-Residential Architectural (NRA) standards will require that the car wash facility be compatible with the material and colors of the existing structures located in the shopping center.

The Comprehensive Land Use Plan designates this property as Retail Regional. The property has frontage on Texas Avenue, a major arterial on the City's Thoroughfare Plan.

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

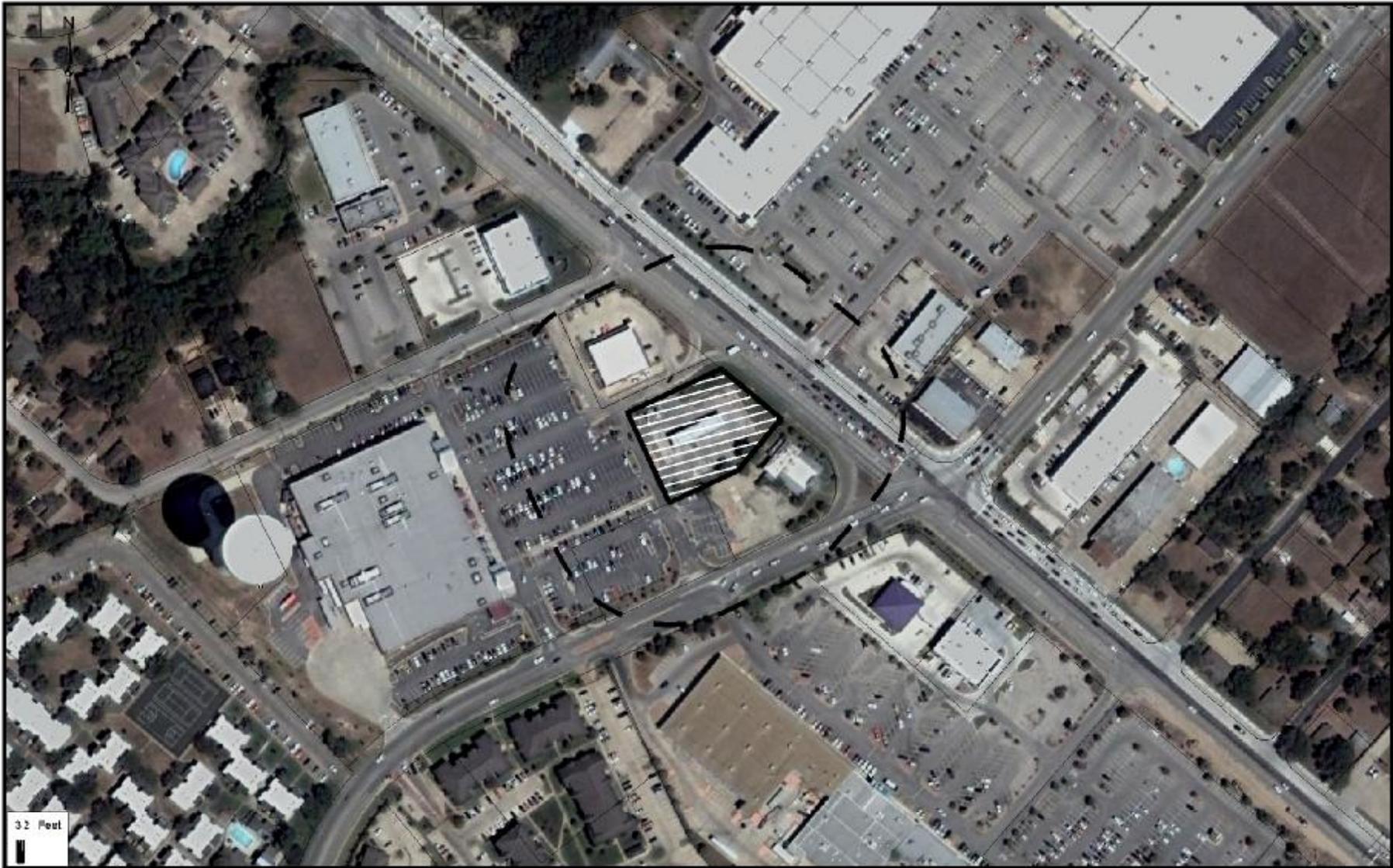
**Attachments:**

1. Small Area Map (SAM) and Aerial
2. Item Background
3. Draft Planning and Zoning Commission Meeting Minutes, February 12, 2008
4. Ordinance



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

 <b>DEVELOPMENT REVIEW</b>	<b>1910 TEXAS AVES</b>	<b>Case:</b> <b>07-339</b>	<b>REZONING</b>
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**Zoning Districts**

A - O Agricultural Open  
 A - OR Rural Residential Subdivision  
 R - 1 Single Family Residential  
 R - 1B Single Family Residential  
 R - 2 Duplex Residential

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

C - 3 Light Commercial  
 M - 1 Light Industrial  
 M - 2 Heavy Industrial  
 C - U College and University  
 R & D Research and Development  
 P-MUD Planned Mixed-Use Development  
 PDD Planned Development District

WPC Wolf Pen Creek Dev. Corridor  
 NG - 1 Core Northgate  
 NG - 2 Transitional Northgate  
 NG - 3 Residential Northgate  
 OV Corridor Overlay  
 RDD Redevelopment District  
 KO Krenek Tap Overlay



DEVELOPMENT REVIEW

1910 TEXAS AVES

Case: 07-339

REZONING

## **ITEM BACKGROUND**

The subject property was annexed in 1956 and platted in 1985 as lot 3 of the Anderson Ridge Subdivision Phase Four.

On February 22<sup>nd</sup> of 2001, City Council approved the rezoning of 10.25 acres of which the subject property is part of from R-1 Single Family, C-1 General Commercial, C-3 Planned Commercial, and A-P Administrative Professional, to PDD-B Planned Development District – Business. At the time of rezoning, issues were raised regarding the traffic impact of the overall shopping center development, the use of Park Place, lighting and landscaping along Park Place, and the water tower. A traffic impact analysis (TIA) was done for the development and it was found that the new development would cause service to become marginally worse. Through neighborhood meetings, the concerns over lighting, landscaping, and the use of Park Place were addressed.

In 2003 with the implementation of the Unified Development Ordinance (UDO), PDD-B was combined into PDD.



**MINUTES**  
**PLANNING AND ZONING COMMISSION**  
**Regular Meeting**  
**Thursday, February 12, 2008**  
**at 6:00 p.m.**  
**City Hall Council Chambers**  
**1101 Texas Avenue**  
**College Station, Texas**

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**COMMISSIONERS PRESENT:** Chairman John Nichols, Marsha Sanford, Bill Davis, Harold Strong, Derek Dictson, Glenn Schroeder and Noel Bauman

**COMMISSIONERS ABSENT:** None

**CITY COUNCIL MEMBERS PRESENT:** Lynn McIlhaney and Dave Ruesink

**CITY STAFF PRESENT:** Senior Planner Lindsay Boyer, Staff Planners Crissy Hartl, Jason Schubert and Matt Robinson, City Engineer Alan Gibbs, Deputy City Manager Terry Childers, Director Bob Cowell, Assistant Director Lance Simms, Planning Administrator Molly Hitchcock, First Assistant City Attorney Carla Robinson, Action Center Representative Kerry Mullins and Staff Assistant Brittany Caldwell

2. Public hearing, presentation, possible action, and discussion on a rezoning from PDD-B, Planned Development Business to PDD, Planned Development District in order to add a car wash facility as an accessory use for 0.778 acres located at 1910 Texas Avenue South generally located along Texas Avenue South between Holleman Drive and Park Place.  
**Item #07-500339 (MR)**

Matt Robinson, Staff Planner, presented the rezoning and recommended approval. He answered questions in general regarding the car wash facility.

Commissioner Strong expressed concern of the oncoming traffic headlights at night and suggested landscaping along the drive that is parallel to Texas Avenue.

Jane Kee, 211 University Drive Ste. 205, stated that the car wash facility would be a single bay and that the applicant would be willing to add shrubs to screen the headlights of oncoming traffic.

**Commissioner Strong motioned to recommend approval of the Rezoning with the condition that evergreen landscaping be planted along the drive that is parallel to Texas Avenue to screen headlights of oncoming traffic and that the landscaping be double the ordinance requirements. Commissioner Davis seconded the motion, motion passed (7-0).**

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 \_\_\_\_\_ day of \_\_\_\_\_, 2007.

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:

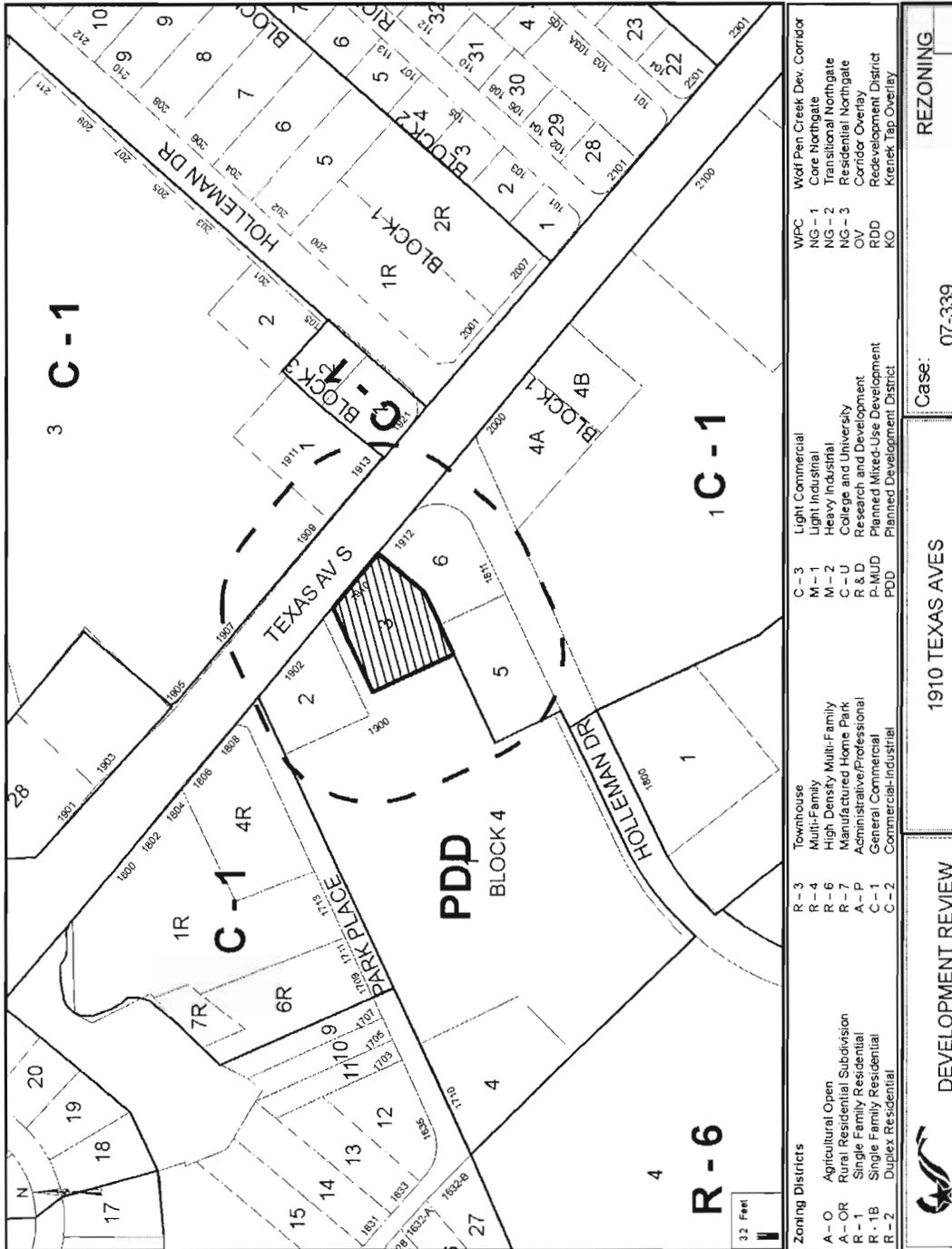
The following PDD, Planned Development District is amended to include a single-story automated car wash as an accessory use for fuel station:

LOT 3, BLOCK 4, ANDERSON RIDGE SUBDIVISION, PHASE 4, BEING SHOWN GRAPHICALLY IN THE ATTACHED EXHIBIT “B.”

Purpose Statement:                      The purpose of our proposed development is to provide the community of College Station with a shopping experience that meets the community’s needs. Our project will include an HEB grocery store, multi-tenant retail shop building, and fuel station with an accessory one bay car wash. This district will also allow for the location and operation of a 3 million-gallon water tank.

Modifications Possible:              None Requested

EXHIBIT "B"



3.2 Feet

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

DEVELOPMENT REVIEW

1910 TEXAS AVES

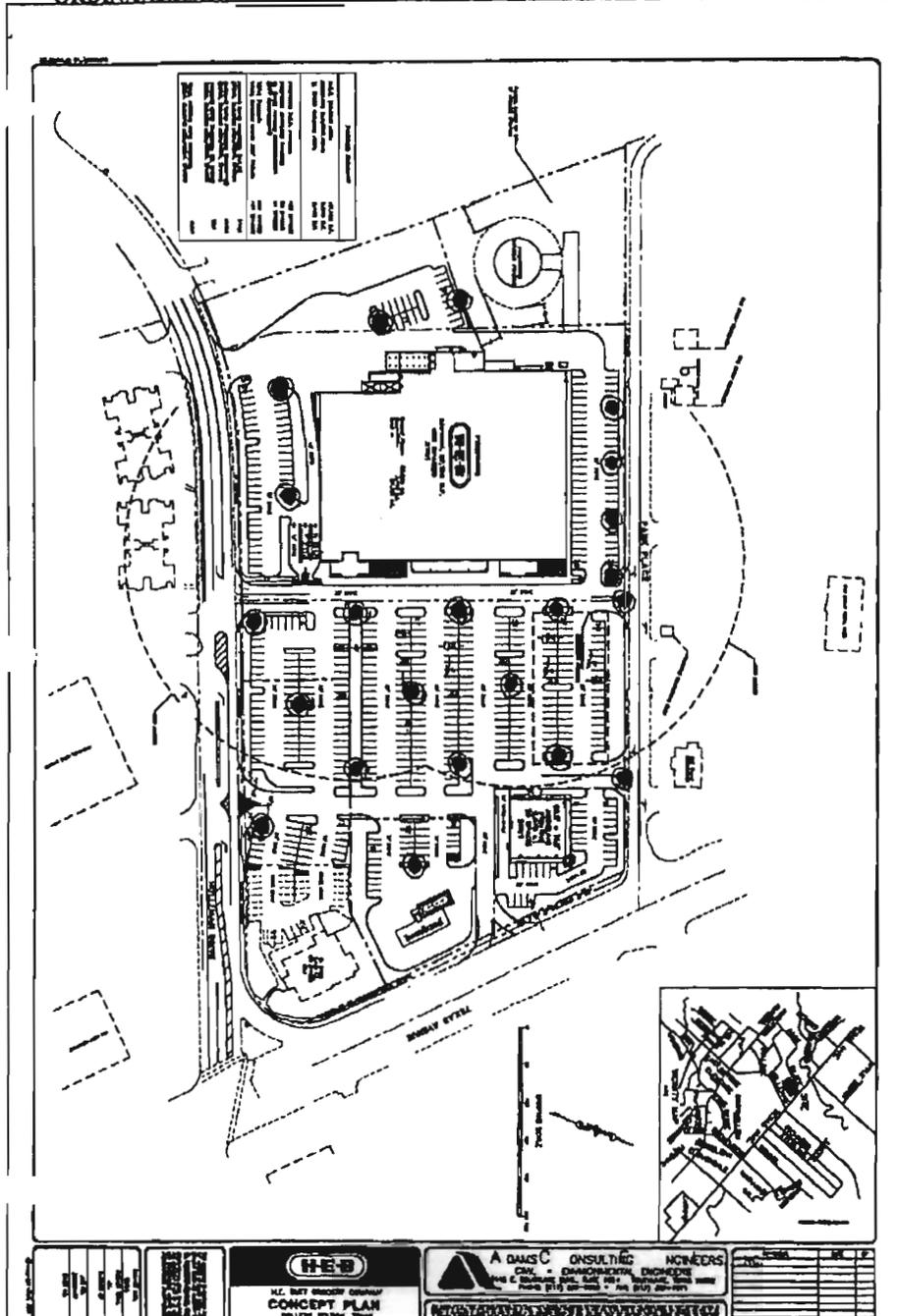
REZONING

Case: 07-339

**EXHIBIT "C"**

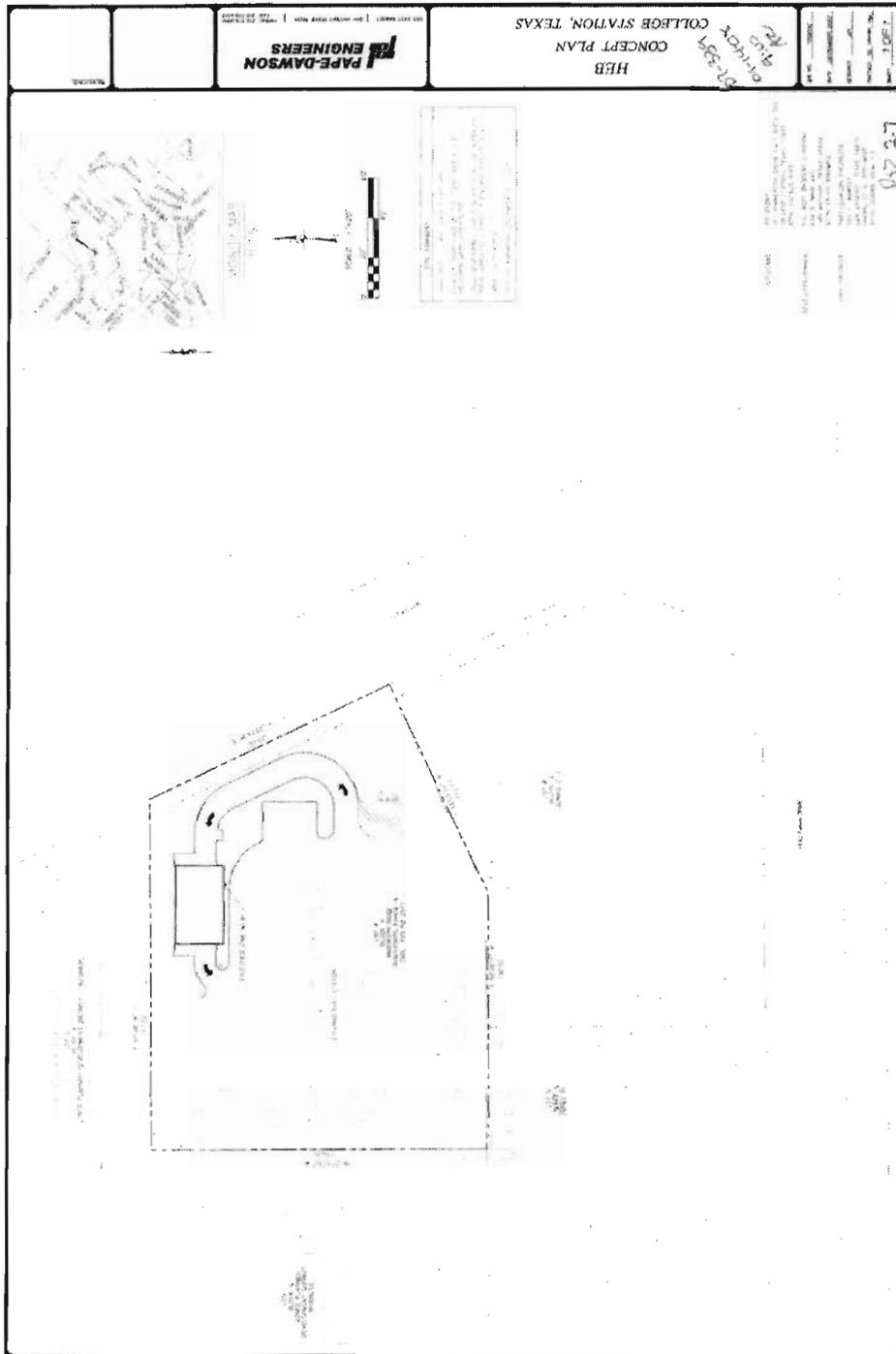
Original Concept Plan, Adopted February, 8, 2001, Ordinance 2491

ORDINANCE NO. 2491 EXHIBIT "I" PAGE 17 OF 17



**EXHIBIT "D"**

Amended Concept Plan, Lot 3, Block 4, Anderson Ridge Phase 4



**February 28, 2008**  
**Regular Agenda Item 6**  
**Comprehensive Plan Amendment: Thoroughfare Plan Amendment to realign  
Holleman Drive/Jones-Butler Road/Dowling Road**

**To:** Glenn Brown, City Manager

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

**Agenda Caption:** Public hearing, presentation, possible action and discussion on a Comprehensive Plan Amendment to realign Holleman Drive, Jones-Butler Road and Dowling Road along the south side of Harvey Mitchell Parkway, located at 1430 Harvey Mitchell Parkway.

**Recommendation(s):** At their meeting on February 12<sup>th</sup>, the Planning & Zoning Commission voted 7-0 to recommend approval of the Comprehensive Plan Amendment. Staff also recommended approval of the proposed amendment.

**Summary:** The subject request was analyzed by Staff as follows:

1. **Changed or changing conditions in the subject area or the City:** The Texas Department of Transportation has planned a graded interchange at the intersection of Harvey Mitchell Parkway and Wellborn Road that will result in the removal of the Jones-Butler Road and Dowling Road connections to Harvey Mitchell Parkway. The applicant has proposed an amendment to the Thoroughfare Plan to realign Jones-Butler Road with the Holleman extension, which will extend south across Harvey Mitchell Parkway. The applicant is also proposing to connect Dowling Road to this new thoroughfare, allowing all traffic traveling north to utilize the existing traffic light at Holleman Drive and Harvey Mitchell Parkway. The proposed roadways would all be classified as Major Collectors.
2. **Compatibility with the remainder of the Comprehensive Plan:** The Comprehensive Plan strives to balance the relationship between land use development and the transportation system, while maintaining a high degree of mobility and protecting the integrity of surrounding land uses. Staff agrees that the proposed Thoroughfare Plan amendment will support the traffic of the existing and planned land uses in the vicinity of the realignment, given the changing conditions in the area.

**Budget & Financial Summary:** None requested at this time.

**Attachments:**

1. Map of existing and proposed Thoroughfare Plan
2. Draft minutes from the Planning & Zoning Commission meeting on February 12, 2008
3. Ordinance





**MINUTES**  
**PLANNING AND ZONING COMMISSION**  
**Regular Meeting**  
**Thursday, February 12, 2008**  
**at 6:00 p.m.**  
**City Hall Council Chambers**  
**1101 Texas Avenue**  
**College Station, Texas**

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**COMMISSIONERS PRESENT:** Chairman John Nichols, Marsha Sanford, Bill Davis, Harold Strong, Derek Dictson, Glenn Schroeder and Noel Bauman

**COMMISSIONERS ABSENT:** None

**CITY COUNCIL MEMBERS PRESENT:** Lynn McIlhaney & Dave Ruesink

**CITY STAFF PRESENT:** Senior Planner Lindsay Boyer, Staff Planners Crissy Hartl, Jason Schubert and Matt Robinson, City Engineer Alan Gibbs, Deputy City Manager Terry Childers, Director Bob Cowell, Assistant Director Lance Simms, Planning Administrator Molly Hitchcock, First Assistant City Attorney Carla Robinson, Action Center Representative Kerry Mullins and Staff Assistant Brittany Caldwell

1. Public hearing, presentation, possible action and discussion on a Comprehensive Plan Amendment to realign Holleman Drive, Jones-Butler Road and Dowling Road along the south side of Harvey Mitchell Parkway, located at 1430 Harvey Mitchell Parkway. **Item #07-00500332 (CH)**

Crissy Hartl, Staff Planner, presented the Comprehensive Plan Amendment and recommended approval.

There was general discussion regarding the Comprehensive Plan Amendment.

Troy Rother, City Traffic Engineer, stated that when funding was available, Harvey Mitchell Parkway would be constructed like State Highway 6 and the anticipated speed limit on Jones-Butler Road would be 35-40 mph.

Veronica Morgan, 511 University Drive Ste. 204, stated that the thoroughfare realignment would affect the City of College Station tract of land and the College Station Water Department would be taking a portion of the land being abandoned for the new Substation. She also stated that the access roads would not cross the railroad tracks.

Bob Rogers, River Run Subdivision, asked for clarification on the realignment.

Commissioner Schroeder expressed concern on the traffic impact of the realignment at George Bush Drive & Marion Pugh.

**Commissioner Davis motioned to recommend approval. Commissioner Sanford seconded the motion, motion passed (7-0).**

DRAFT

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

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING THE THOROUGHFARE PLAN, FOR THE AREA GENERALLY LOCATED ON THE SOUTH SIDE OF HARVEY MITCHELL PARKWAY ACROSS HOLLEMAN DRIVE, PROVIDING A SEVERABILITY CLAUSE; 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 the "Comprehensive Plan of the City of College Station" be amended by amending the "Thoroughfare Plan" as set out in Exhibits "A" and "B", for the identified area and made a part of this ordinance for all purposes.

PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: 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 28<sup>th</sup> day of February, 2008.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
MAYOR

APPROVED:

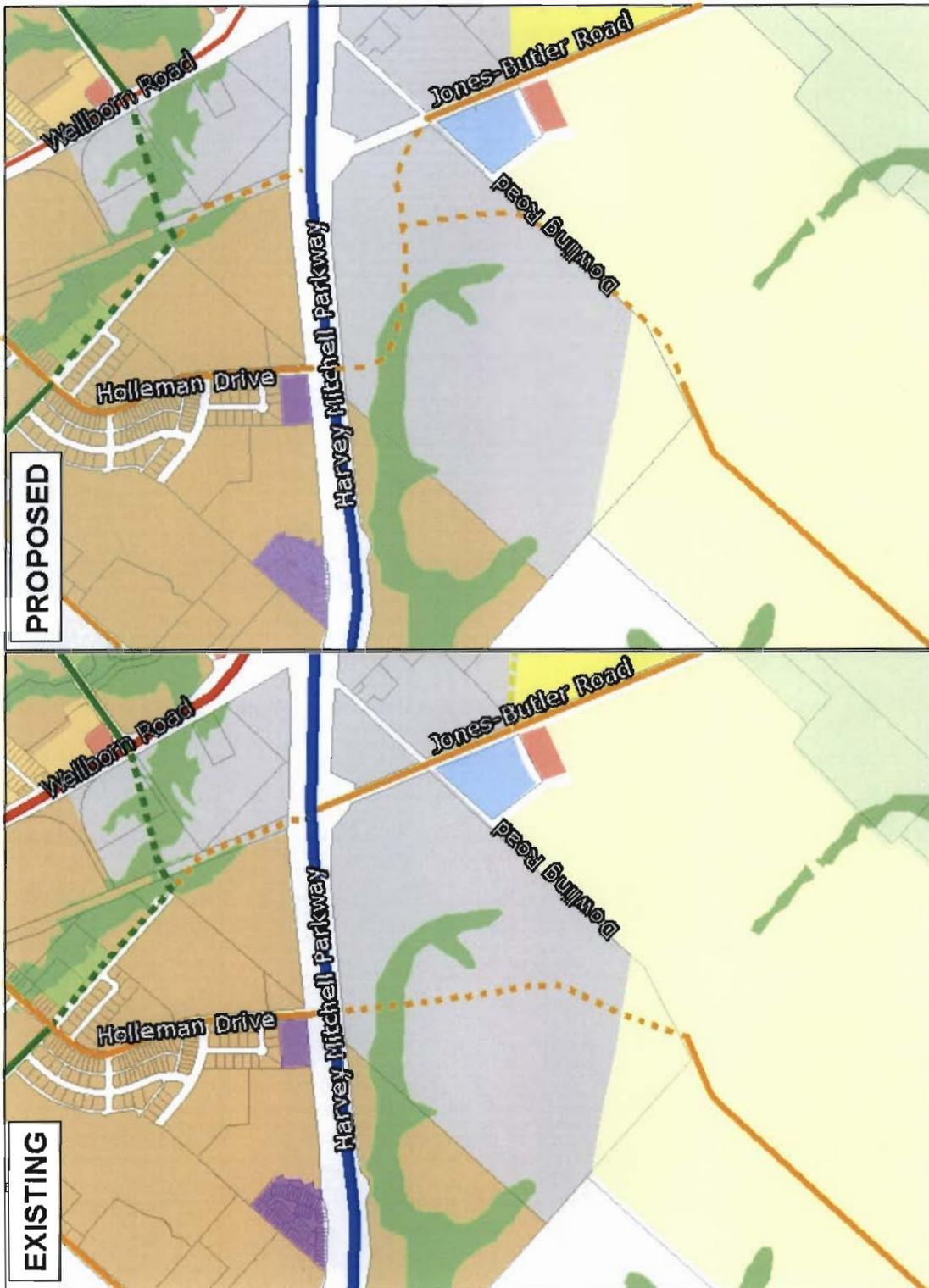
  
\_\_\_\_\_  
City Attorney

**EXHIBIT "A"**  
**AMENDED AREA OF**  
**COLLEGE STATION THOROUGHFARE PLAN MAP**

That the "Comprehensive Plan" of the City of College Station, Texas, is hereby amended by amending the College Station Thoroughfare Plan Map as follows:

The Holleman Drive, Jones-Butler Road and Dowling Road thoroughfares generally located on the south side of Harvey Mitchell Parkway are amended, as shown on the attached Exhibit "B".

EXHIBIT "B"



Case: 07-332

Holleman/Jones-Butler Realignment

February 28, 2008  
Regular Agenda Item 7  
Comprehensive Plan Amendment for 3180 Cain Road

**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 amending the Comprehensive Land Use Plan for 10.434 acres from Single-Family Residential, Low Density to Residential Attached located at 3180 Cain Road generally located southwest of the intersection of Cain Road and Jones Butler Road in the City's ETJ.

**Recommendation(s):** The Planning and Zoning Commission recommended denial at their February 12<sup>th</sup> meeting through a failed motion to recommend approval of Single Family Residential, High Density (3-4). Staff recommended denial.

**Comprehensive Plan Review Criteria:**

1. **Changed or changing conditions in the subject area or the City:** The subject area has had several changes since the adoption of the Comprehensive Plan. The property to the north is now developed as duplexes (Las Palomas – 8.8 acres) and has developed at a density of 6 dwelling units per acre, falling within a medium density range. The property to the west was also Master Planned for medium density single family uses (Great Oaks Subdivision – 224 acres). The properties to the east across Jones Butler are planned for Single-Family Medium Density development and are currently large agricultural and homestead tracts except for the duplex units along Cain Road. A majority of the remaining property located between Jones Butler and Dowling Road is platted as large lot residential, or unplatted agricultural land (944 acres). The average lot size in the area is 4 acres.

The subject property is also included in the exempt area annexation package which is slated to go before City Council on February 28<sup>th</sup>; however it is currently outside the City Limits and outside the City's authority to regulate land use. The owner is requesting this change in anticipation of annexation of this area in late February. This would bring the subject property into the City Limits and would be zoned A-O, Agricultural Open upon annexation. The fiscal impact analysis that was conducted for Exempt Area 3 was based on this area developing as a mix of Single-Family Medium and Low density.

Along with an annexation plan to aid in land use control, the City is also in the process of adopting a number of strategies to help manage growth in the ETJ and urban fringe in order to help maintain a defined community edge, manage traffic congestion, and the cost of infrastructure demands from urban development located outside the urban core.

2. **Compatibility with the remainder of the Comprehensive Plan:** The subject property is located more than two miles from the edge of campus. Comprehensive Plan policies support the development of multi-family for the student population. However, these areas should be focused near TAMU, generally within one mile or less for access to the A&M bus system as well as bicycle and pedestrian facilities.

The City should also maintain an appropriate balance of land uses. Over the past 4 years, the City has added over 1,500 new multi-family units just within the City limits, bringing the total number of multi-family units to almost 19,000 (55% of all housing

units). In addition, over 400 additional acres in the ETJ were identified on approved Master Plans for some use more dense than rural residential in the past year.

The Comprehensive Plan currently has 1,206 acres planned for multi-family, all within the City limits, and located mainly in the City core, with only the Luther area and the Place Properties development being west of Wellborn. Overall, this makes up 4% of the land within the City limits. However, 1,702 acres are zoned for a multi-family use in the City, and 1,414 acres are built as multi-family – 5.5% and 5.1% of land within the City, respectively. When the Comprehensive Plan was adopted in 1997, the City had 1,000 acres planned for multi-family and 500 acres developed as multi-family.

Planning principles also discourage leapfrog development. With the majority of the property east of Jones Butler not yet fully developed, the City should focus denser development in these areas before moving west in order to maintain a consistent community edge.

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

**Attachments:**

1. Item Background
2. Growth Management Report Excerpt
3. Draft Planning and Zoning Commission Meeting Minutes, February 12, 2008
4. Ordinance

## ITEM BACKGROUND

### NOTIFICATIONS

Advertised Commission Hearing Date: 02-12-08

Advertised Council Hearing Dates: 02-28-08

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:

None

### ADJACENT LAND USES

Direction	Comprehensive Plan	Zoning	Land Use
North	SF Residential, Low Density	None-outside City Limits	Currently being developed as Los Polomas, a duplex development
South	SF Residential, Low Density	None-outside City Limits	Large lot residential/agricultural
East	Jones Butler and SF Residential, Medium Density	A-O, Agricultural Open	Large lot residential/agricultural and duplexes on Cain Road
West	SF, Low Density	None-outside City Limits	Currently vacant, but part of Great Oaks Master Plan, planned for single-family medium density

### DEVELOPMENT HISTORY

**Annexation:** Anticipated, February 28, 2008

**Zoning:** None, outside City Limits

**Final Plat:** Unplatted

**Site development:** Currently developed with approximately 30 duplex units on site

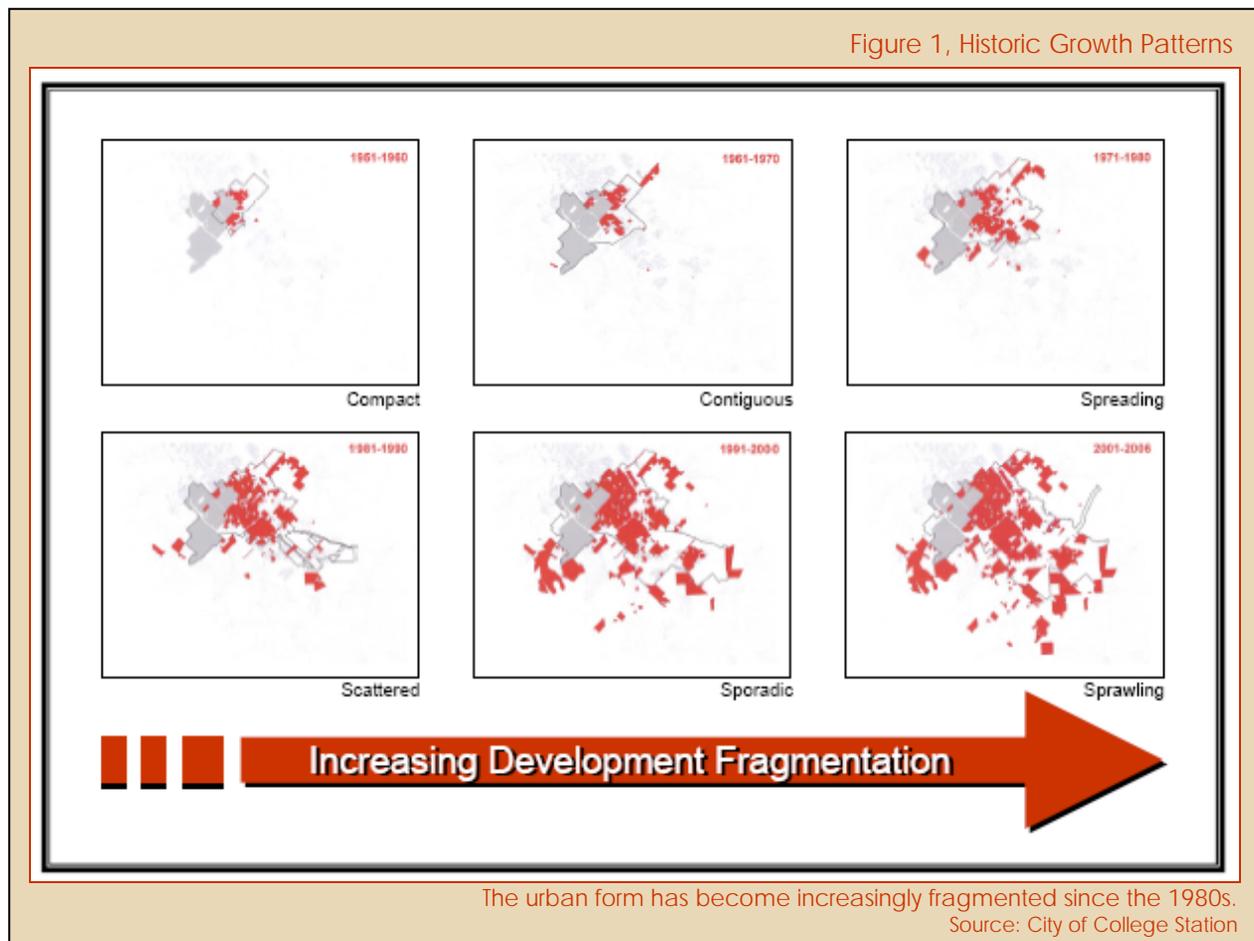
**TOOLBOX OF GROWTH MANAGEMENT TECHNIQUES  
CITY OF COLLEGE STATION, TEXAS**

*"The best way to predict your future is to create it."*<sup>1</sup>

**INTRODUCTION**

Over the course of the last six decades, College Station has experienced rapid growth, averaging 90 percent per decade. Excluding the 1940s (263 percent) and 1970s (111 percent), the average rate of growth per decade has been 42 percent. While the amount of growth has slowed since 1980, with 29 percent growth during the 1990s (compared to 111 percent and 41 percent during the 1970s and 1980s, respectively) it exceeds the rate of growth of Brazos County (34 percent) and Texas (22 percent).<sup>2</sup> From an economic perspective, the increase in population and corresponding employment growth is a positive indicator of the City's economic competitiveness and stability. A continuation of this economic growth is – and must remain – a primary goal of the community.

Figure 1, Historic Growth Patterns



The urban form has become increasingly fragmented since the 1980s.  
Source: City of College Station

<sup>1</sup> ~ Peter Drucker

<sup>2</sup> This is partially explained by the relative size of the respective jurisdictions.

A question confronting this community, however, is not only how to attract and sustain economic development but how to maximize its net fiscal benefits. The pattern of growth and efficiency of service provision are contributing factors, among others. As displayed in **Figure 1, Historic Growth Patterns**, beginning in the 1970s the form of development has become increasingly scattered. In fact, since the Year 2000, the number of platted lots in the ETJ has averaged 16.6 percent of the total annual platted lots.<sup>3</sup> As for the projected population, assuming a continuation of recent trends, the ETJ is expected to increase in population by 17 percent by the Year 2016.<sup>4</sup> The trend of peripheral growth is long-standing as development began to scatter in 1980s and has since increasing sprawled outward. Continuation of this pattern – and trend – will become increasingly problematic, resulting in an increased inefficiency of services thereby lessening the economic gain and placing a growing strain on the fiscal resources of the community.

### Reasons for the Growth Pattern

There are several reasons why this growth pattern has occurred, including, but not limited to, the following:

- ◆ There is a lure to green field development due to the ease of development approval, particularly since the City has no authority within its ETJ to regulate:
  - The use of any building or property for business, industrial, residential, or other purposes;
  - The bulk, height, or number of buildings constructed on a particular tract;
  - The size of a building that can be constructed on a particular tract of land, including without limitation any restriction on the ratio of building floor space to the land square footage;
  - The number of residential units that can be built per acre of land; or
  - The size, type, or method of construction of a water or wastewater facility that can be constructed to serve a developed tract of land, subject to specified criteria.<sup>5</sup>
- ◆ The City's oversize participation ordinance allows the City to pay up to 100 percent of the total cost for any over-sizing of improvements that it requires in anticipation of future development. There are no stated exceptions or criteria regarding its cost effectiveness; financial feasibility; or conformance with utility master plans, the comprehensive plan, or other development policies. Furthermore, the current Comprehensive Plan does not define a designated growth area nor is it directly coordinated with the utility master plans. Therefore, there is no mechanism to coordinate the pattern and timing of development and ensure cost efficiency in the provision of adequate public facilities and services. This must be a focus of the current Comprehensive Plan, coordinated with updates of the City's water, wastewater, and drainage master plans.
- ◆ The City's decision to extend its Certificate of Convenience and Necessity (CCN) boundary for sewer service to coincide generally with its ETJ enables development to occur throughout the ETJ. While there are advantages by way of limiting the number of private package plants and controlling the quality of sewer infrastructure, this contributes to an inefficient pattern of development. Without a growth sequencing plan to direct the location and timing of development, consistent with the City's infrastructure planning and capital programming, the City has limited control of its development pattern.
- ◆ The fiscal impact analysis used to judge the feasibility of annexation appears to be an abbreviated model that does not fully account for the long-term operating and maintenance costs, the distance

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<sup>3</sup> Based upon plat data provided by the City

<sup>4</sup> Based on a City forecast, "Development Trends in the Extra-territorial Jurisdiction (ETJ)"

<sup>5</sup> Section 212.003, Extension of Rules to Extraterritorial Jurisdiction

required to extend utility services, or the timing of build-out. Further, the City's future land use plan and corresponding zoning districts are too general and thus, do not offer a clear indication of the likely uses and densities. Therefore, to more accurately determine the net fiscal benefit of annexation a more elaborate, robust model must be developed and used.

- ◆ There are both allowances and limitations within the zoning ordinance, including:
  - The minimum lot size within the Agricultural-Open "A-O" district is only five acres. Instead, the minimum lot size could be increased to 20 acres or larger ensuring preservation of the agricultural character and enabling the City to determine the timing by which facilities will be provided and urban development is allowed. Zoning, in this case, may serve as an effective growth management tool.
  - The Rural Residential Subdivision "A-OR" district allows a minimum lot size of one acre meaning that residences on septic systems and wells are permitted. Use of this district in the outlying areas of the corporate limits where adequate municipal facilities are not yet available is contributing to development fragmentation.
  - There are a relatively large number of use-based zoning districts. Essentially, this means that a zone change is necessary to respond to a shift in the market, which adds process and delays development. This is a disincentive for development to occur in the City rather than the ETJ where it is much easier and with less delay. Instead, the ordinance should allow more flexibility while increasing the development standards in line with the City's expectations and desired outcomes.
  - There is a multi-step process required for the Planned Mixed-Use "P-MUD" and Planned Development "PDD" districts, which lengthens the review and approval time, increases development costs, and is a disincentive for what is otherwise a preferred development type.
  - The ordinance allows for zoning classification at the time of annexation without any criteria as to when and under what circumstances the City will consider a change in zoning. Therefore, a zone change to a more intensive district may be allowed without consideration as to its consistency with the City's growth plan, capital improvement plan, or other criterion.
  - There are no incentives, such as density bonuses, integrated into the ordinance to encourage certain development types. An increased density in exchange for development clustering and increased open space could allow a rural development environment within the City limits rather than necessitating ETJ development to achieve this character.
  - The requirements for use transitions and buffering are generally ineffective providing reason to develop in the open countryside in relief of the impacts of abutting development.
- ◆ There are several rural water providers (Wellborn Special Utility District, Brushy Creek Water Supply Corporation, and Wickson Creek Special Utility District) and sewer providers (Carter Lake Water Supply Corporation and River Side Wastewater Treatment Plan) around the periphery of the City and ETJ, meaning that development may get access to public water and sewer systems that meets the standards of the Texas Council on Environmental Quality (TCEQ) without requiring connection to the City's utility systems.
- ◆ The Brazos County Health Department's requirements for permitting septic systems is a minimum of a one acre lot, whether there is public water available or a private well. This exceeds the State's one-half acre minimum, and is now being considered by the County Commission for an increase to a minimum of two acres. While an increase in the minimum allowable lot size for authorization to construct a septic system is both warranted and helpful, unless it is further increased it still allows rural development throughout the ETJ.

- ◆ There is a five-acre exemption of the platting requirements within State law that allows rural development to occur without platting and thus, without any provision for right-of-way dedication, delineation of easements, or other applicable – and warranted - development requirements.<sup>6</sup>
- ◆ The City’s parkland dedication requirements apply only within the City limits meaning that there are no requirements for the provision of parkland or payment in-lieu of land dedication. Therefore, effectively, this is an economic advantage for developing outside of the City limits to avoid payment of these fees.
- ◆ Development outside the City limits does not pay City taxes. Therefore, residents and businesses outside the City limits benefit from access to municipal facilities and services, such as parks, trails, libraries, and other community facilities, but do not share the tax burden associated with constructing and maintaining those facilities and services. Over time this increases the tax burden on in-City residents.
- ◆ Land is less expensive outside the City limits due, in part, to the absence of public infrastructure and improvements, which equates to cheaper development and hence, lower home costs.
- ◆ There is an attraction to the open, rural landscape, which will slowly disappear with increasing development over time and a lack of land use controls to protect the desirable character.

### Potential Implications of Sprawl

While the growth of the community has brought great opportunity, without adequate foresight and preparedness it may involve long-term consequences, including:

- ◆ Erosion of a defined community edge thereby blurring its boundaries and contributing to a loss of community identity. This can be most readily seen along each of the entrances into the community where there is a proliferation of uses extending well beyond the City limits.
- ◆ Degradation of environmental resources, e.g. floodplains, wetlands, habitat, vegetated areas, etc.
- ◆ Overwhelmed public infrastructure (e.g., roads, water, and wastewater systems) and services (e.g., police and fire protection, parks, libraries, and schools), in some cases, creating unsafe conditions.
- ◆ A lack of coordinated planning between individual developments leading to, among other things, a discontinuous and disjointed street system and inability to plan for linear linkages and greenways.
- ◆ Premature and unexpected shifts in traffic patterns causing congestion and environmental impacts as development occurs in an uncoordinated fashion before adequate road infrastructure is in place.
- ◆ The provision of private streets and infrastructure systems such as package treatment plants, for which the burden may shift to the City in future years without the requisite funding to pay for it.
- ◆ Cumulative impacts on the natural environment due to stormwater runoff and non-point source pollution of area streams and watercourses.
- ◆ Inefficient provision of services meaning a larger investment in infrastructure systems with fewer than the optimal number of connections to pay for it.
- ◆ Increased traffic, as vehicles have to traverse relatively longer distances to reach places of work, shopping, services, education, recreation, and entertainment. This means that more public dollars must be expended on road building, expansion, maintenance, street lighting, and traffic enforcement.
- ◆ Declining community character and agricultural operations, as formerly large, contiguous farms are broken up by scattered development and the proliferation of “exurban”, 5-plus acre lots. The agricultural industry is a significant sector of the regional economy, and the presence of local

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<sup>6</sup> Section 212.004. Plat required (a)

agricultural products is good for local consumers. Moreover, farming is an important part of the region's heritage that continues to contribute to the quality of life and identity of the community.

## GROWTH MANAGEMENT APPROACHES

Often, the elements that fuel growth (*e.g.*, community livability, quality schools, economic diversity, etc.) are slowly and ultimately sacrificed by the pattern, quality, and character of development. The integrity of public fiscal resources is also compromised because the new development is inefficient and does not contribute sufficient revenues to cover the costs of the services it demands. Modern "growth management" is a combination of techniques that allow municipalities to direct its pattern of growth and the timing of infrastructure provision, leading to better long-term economic sustainability. In broad terms, growth management techniques include:

- ◆ Comprehensive planning to establish the policy basis for the institution and administration of growth regulations;
- ◆ Regulatory approaches, including zoning and subdivision controls, which to varying degrees, directly impact the character, form, location, and quality of development.
- ◆ Annexation, which expands the geographic jurisdiction of the City to implement a full range of regulatory and fiscal approaches to growth management.
- ◆ Development and/or participation agreements, which provide for infrastructure funding (and may, in some instances, include land use controls).
- ◆ Impact fees, which provide funding for capital improvements that are needed to serve new development.
- ◆ Improvement districts and political subdivisions, which are independent entities that provide for infrastructure funding and operation.
- ◆ Interlocal cooperation contracts as a means for local governments to agree with other units of government with regard to providing administrative functions, infrastructure, and public services.
- ◆ Extension of publicly-owned utilities by way of capital improvement programming.

In Texas, state law provides a complex set of rules regarding which growth management techniques are available, and how those techniques may be implemented. The purpose of this issue paper is to summarize the provisions that may serve as viable and practical solutions for the City to manage its community character, efficient provision of adequate public infrastructure and services, and long-term fiscal health. This paper also establishes a framework for growth management, with strategic directions as to the changes in policies and practices to better manage future growth and development.<sup>7</sup>

There are an array of strategies for managing the pattern and timing of development, ranging from simply minimizing the impacts of growth without affecting the pattern to strictly controlling it. Given the limitations of Texas law there are few, if any, mechanisms currently available to entirely prevent sprawl. For the purposes of this discussion the growth management techniques are as follows:

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<sup>7</sup> This review of the applicable statutes is intended to provide a general overview of available tools and techniques, and shall not be considered legal advice with regard to the validity of any of the identified approaches or the potential legal consequences of implementing any particular approach. Potential risks are identified only if explicitly set out in the statutes. KKC recommends that the City consult with its attorney with respect to the legality and potential risks and exposures presented by any particular approach.



**MINUTES**  
**PLANNING AND ZONING COMMISSION**  
**Regular Meeting**  
**Thursday, February 12, 2008**  
**at 6:00 p.m.**  
**City Hall Council Chambers**  
**1101 Texas Avenue**  
**College Station, Texas**

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**COMMISSIONERS PRESENT:** Chairman John Nichols, Marsha Sanford, Bill Davis, Harold Strong, Derek Dictson, Glenn Schroeder and Noel Bauman

**COMMISSIONERS ABSENT:** None

**CITY COUNCIL MEMBERS PRESENT:** Lynn McIlhaney and Dave Ruesink

**CITY STAFF PRESENT:** Senior Planner Lindsay Boyer, Staff Planners Crissy Hartl, Jason Schubert and Matt Robinson, City Engineer Alan Gibbs, Deputy City Manager Terry Childers, Director Bob Cowell, Assistant Director Lance Simms, Planning Administrator Molly Hitchcock, First Assistant City Attorney Carla Robinson, Action Center Representative Kerry Mullins and Staff Assistant Brittany Caldwell

6. Public hearing, presentation, possible action and discussion on a Comprehensive Plan Amendment from Single-Family Residential, Low Density to Residential Attached for 10.434 acres located at 3180 Cain Road generally located southwest of the intersection of Cain Road and Jones Butler Road. **Item #07-00500338 (LB)**

Lindsay Boyer, Senior Planner, presented the Comprehensive Plan Amendment and recommended denial. She stated that the property is included in the exempt area annexation package, and that the owner is requesting the change in anticipation of annexation of the area.

Commissioner Dictson inquired if there were utilities to support the development.

Alan Gibbs, City Engineer, stated that the property had Wellborn Water and the topography of the drainage was flowing westwardly.

Joe Schulze, 2033 Harvey Mitchell Parkway South, stated that the property was currently serviced by BTU Electric, Wellborn Water, and has its own sewer package plant, but has the capacity to connect to City sewer. He also stated that the applicant foresees the development being rental property.

Rick Lightsey, 9153 Whispering Ridge, stated that the current duplexes are not in good condition and would not be affordable to renovate.

Steve Arden, 311 Cecelia Loop, spoke in favor of the request stating that he has property that is being developed near the subject property and would not be able to put nice homes near the existing duplexes because of the condition they are in.

Commissioner Strong asked if the property was not annexed would the City have land use control.

Ms. Boyer stated that the City would not have land use control.

**Commissioner Bauman motioned to recommend approval of the Comprehensive Plan Amendment with the condition that the owner develops the property using single-family residential high density. Commissioner Strong seconded the motion, motion failed (3-4). Chairman Nichols, Commissioner Davis, Dictson and Sanford were in opposition.**

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

AN ORDINANCE AMENDING THE COMPREHENSIVE PLAN OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING THE COMPREHENSIVE LAND USE PLAN, FOR THE AREA GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF JONES BUTLER ROAD AND CAIN ROAD, PROVIDING A SEVERABILITY CLAUSE; 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 the "Comprehensive Plan of the City of College Station" be amended by amending the "Comprehensive Land Use Plan" as set out in Exhibits "A" and "B", for the identified area and made a part of this ordinance for all purposes.

PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: 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 \_\_\_\_\_ day of \_\_\_\_\_, 2006.

ATTEST:

APPROVED:

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

\_\_\_\_\_  
MAYOR

APPROVED:

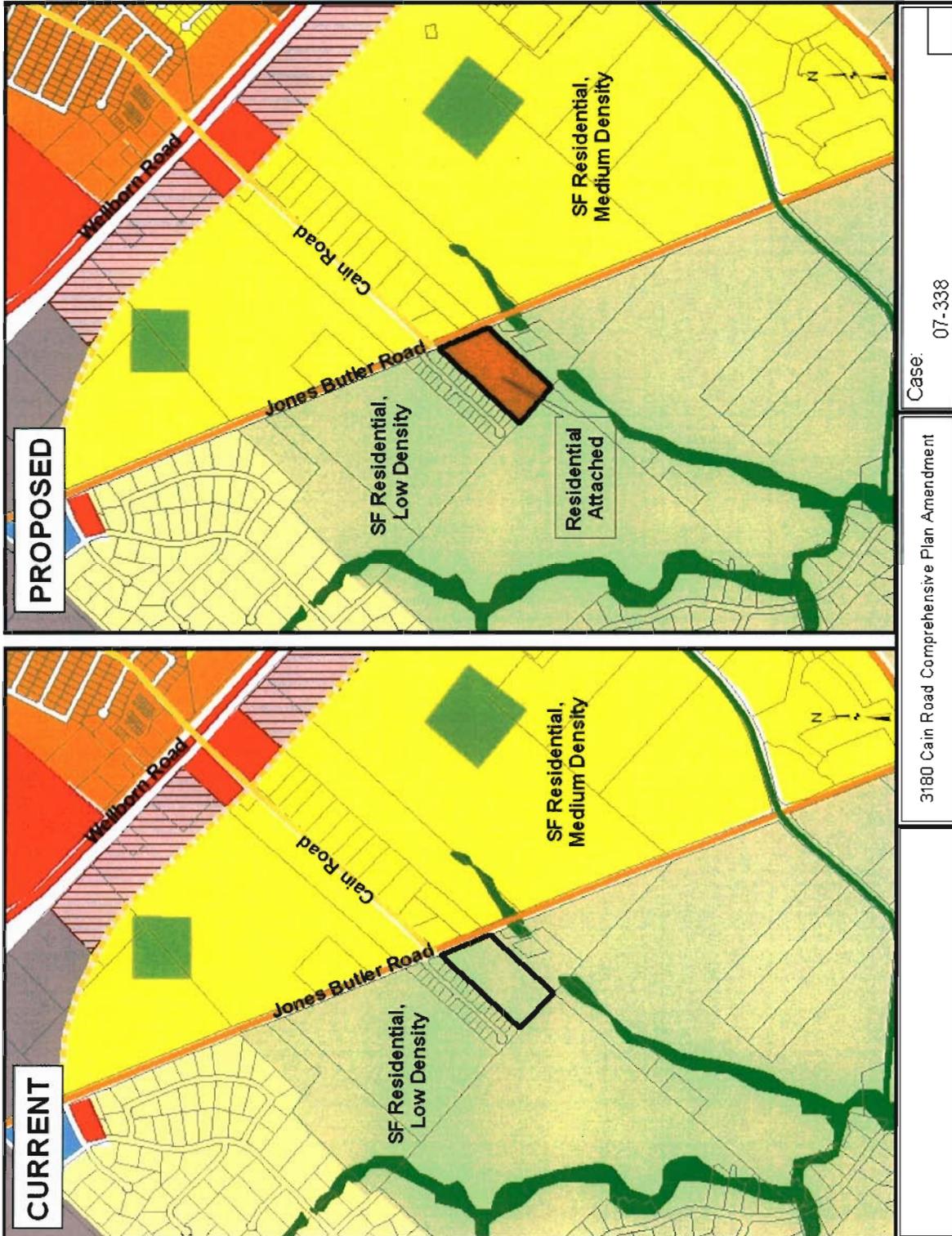
  
\_\_\_\_\_  
City Attorney

**EXHIBIT "A"**  
**AMENDED AREA OF**  
**COLLEGE STATION LAND USE MAP**

That the "Comprehensive Plan" of the City of College Station, Texas, is hereby amended by amending the College Station Land Use Plan Map as follows:

The 10.434 acres generally located at 3108 Cain Road, southwest of the intersection Jones Butler and Cain Road is amended from Single-Family Residential, Low Density to Residential Attached, as shown on the attached Exhibit "B".

**EXHIBIT "B"**



**February 28, 2008  
Regular Agenda Item 8  
Alexandria Avenue Alley Parking Restrictions**

**To:** Glenn Brown, City Manager

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

**Agenda Caption:** Presentation, public Hearing, possible action, and discussion on consideration of an ordinance amending Chapter 10, "Traffic Code," to restrict parking on the alley south of the 4200 Block of Alexandria Avenue.

**Recommendation(s):** Staff does not object to the ordinance amendment.

**Summary:** If approved, this item will amend Chapter 10, "Traffic Code," by temporarily removing parking from the alley south of the 4200 Block of Alexandria Avenue from March 8, 2008 to March 8, 2009.

The City of College Station was contacted by Wallace Phillips of Spring Creek CS Development Ltd regarding the development of the 10.23 acres south of the 4200 Block of the Alexandria Avenue. The development has recently had a Final Plat approved titled Spring Creek Gardens, Phase 3 and is a single family residential subdivision consisting of 37 lots served with internal local streets. Mr. Phillips has requested the issuance of Building Permits on the proposed lots adjacent to the subject alley before construction of the associated internal local streets. This request was reviewed by Fire Department, Planning and Development Services Department, and the Public Works Department. It was concluded that parking must be temporarily removed from the subject alley to ensure emergency service vehicular access for the issuance of the subject Building Permits.

The owners adjacent to the requested parking removal from the alley were notified by mail.

**Budget & Financial Summary:** The "No Parking" signs are planned operation and maintenance expenses accounted for in the Public Works Traffic Operation budget.

**Attachments:**

1. Ordinance
2. Location Map

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

AN ORDINANCE AMENDING CHAPTER 10, "TRAFFIC CODE", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING SECTION 4E "NO PARKING" TO INCLUDE PROHIBITING PARKING ON THE PUBLIC ALLEY SOUTH OF THE 4200 BLOCK OF ALEXANDRIA UNTIL MARCH 8, 2009; PROVIDING A SEVERABILITY CLAUSE; 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 10, "Traffic Code", 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 if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed liable for a civil offense and/or guilty of a Class C misdemeanor, and, upon a finding of liability thereof, shall be punished by a civil penalty of not less than One Dollar (\$1.00) nor more than Two Thousand Dollars (\$2,000.00), or upon conviction thereof, shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00). Said Ordinance becomes effective ten (10) days after 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 \_\_\_\_\_ day of \_\_\_\_\_, 2008.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

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

E-Signed by Angela M. DeLuca  
VERIFIED authenticity with ApprovalIt   


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

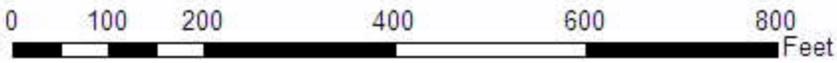
**EXHIBIT “A”**

That the Traffic Control Device Inventory – Schedule XII (dated February 22, 2007) as referenced in Chapter 10, “Traffic Code”, Section 4 “Administrative Adjudication of Parking Violations”, Sub-section E “NO PARKING” is hereby amended to include the following:

“On both sides of the entire alley south of the 4200 Block of Alexandria Avenue. This parking restriction expires March 8, 2009.”



**Proposed Parking Restriction**



**Alexandria Avenue Alley  
Parking Restriction**

**February 28, 2008  
Regular Agenda Item 9  
Patricia and Lodge Parking Removal**

**To:** Glenn Brown, City Manager

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

**Agenda Caption:** Presentation, public hearing, possible action and discussion of an ordinance amending Chapter 10 "Traffic Code", to remove parking along Patricia Street and a section of Lodge Street.

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

**Summary:** This item was tabled at the February 14<sup>th</sup> meeting. Staff will report on progress with parking discussions with the Methodist Church and Northgate merchants.

The process we are currently using (per our Community Engagement Policy) involves all departments working through the Director of Economic and Community Development on the front-end with Northgate projects/issues before a given stakeholder(s) is significantly engaged. Hopefully, this new process will help us avoid conflict as we engage the various stakeholders in that very volatile part of our community. Unfortunately, we had not implemented this policy back when we did the Lodge Street abandonment.

This ordinance works in conjunction with the one-way operation ordinance. With the abandonment of the section of Lodge Street between Patricia Street and Church Avenue, emergency vehicles and sanitation vehicles entering the area on Lodge will exit to College Main by using Patricia Street. Patricia Street is 15 feet wide and Lodge Street is 26 feet wide with metered parking on both sides reducing the travel lane to 12 feet. Any parked cars along Patricia or on Lodge near the intersection with Patricia will block the access for these emergency and sanitation vehicles. This action only removes 3 parking spaces.

**Budget & Financial Summary:** The "NO PARKING" signs are planned operation and maintenance expenses accounted for in the Public Works Traffic Operation budget.

**Attachments:**

1. Ordinance
2. Project Location Map

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

AN ORDINANCE AMENDING CHAPTER 10, "TRAFFIC CODE", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING SECTION 4E "NO PARKING" TO INCLUDE PROHIBITING PARKING ON PATRICIA STREET BEGINNING AT ITS INTERSECTION WITH COLLEGE MAIN AND ENDING AT ITS INTERSECTION WITH LODGE STREET AND PROHIBITING PARKING ON THE EAST SIDE OF LODGE STREET BEGINNING AT ITS INTERSECTION WITH PATRICIA STREET AND EXTENDING 50 SOUTH AND ON THE WEST SIDE OF LODGE STREET BEGINNING AT ITS INTERSECTION WITH PATRICIA STREET AND EXTENDING 65 FEET SOUTH; PROVIDING A SEVERABILITY CLAUSE; 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 10, "Traffic Code", 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 if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed liable for a civil offense and/or guilty of a Class C misdemeanor, and, upon a finding of liability thereof, shall be punished by a civil penalty of not less than One Dollar (\$1.00) nor more than Two Thousand Dollars (\$2,000.00), or upon conviction thereof, shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00). Said Ordinance becomes effective ten (10) days after 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 \_\_\_\_\_ day of \_\_\_\_\_, 2008.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

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

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

Page 2



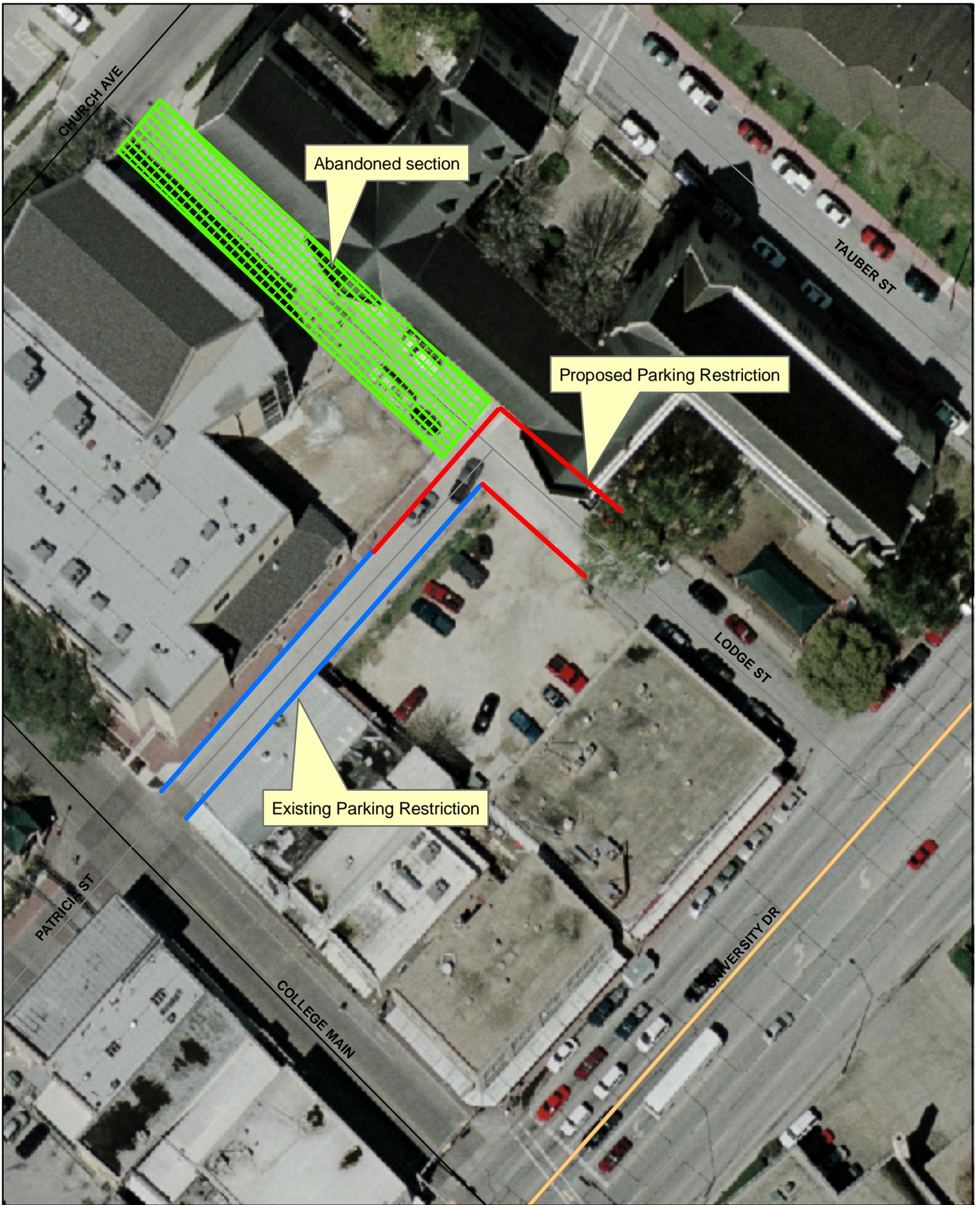
\_\_\_\_\_  
City Attorney

**EXHIBIT “A”**

That the Traffic Control Device Inventory – Schedule XII (dated February 22, 2007) as referenced in Chapter 10, “Traffic Code”, Section 4, “Administrative Adjudication of Parking Violations,” Sub-section E “No Parking” is hereby amended to include the following:

“Patricia Street – NO PARKING on both sides of Patricia Street from its intersection with College Main to its intersection with Lodge Street.

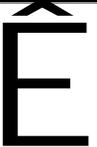
Lodge Street – NO PARKING on the east side of Lodge Street beginning at its intersection with Patricia Street and extending 50 feet south, and NO PARKING on the west side of Lodge Street beginning at its intersection with Patricia Street and extending 65 feet south.”



Abandoned section

Proposed Parking Restriction

Existing Parking Restriction



# Patricia Street and Lodge Street Parking Removal

0 25 50 Feet

**February 28, 2008  
Regular Agenda Item 10  
Patricia Street One Way**

**To:** Glenn Brown, City Manager

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

**Agenda Caption:** Presentation, possible action and discussion of an ordinance amending Chapter 10 "Traffic Code", to make Patricia Street one way from Lodge to College Main.

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

**Summary:** This item was tabled at the February 14th meeting. Staff will report on progress with parking discussions with the Methodist Church and Northgate merchants.

The process we are currently using (per our Community Engagement Policy) involves all departments working through the Director of Economic and Community Development on the front-end with Northgate projects/issues before a given stakeholder(s) is significantly engaged. Hopefully, this new process will help us avoid conflict as we engage the various stakeholders in that very volatile part of our community. Unfortunately, we had not implemented this policy back when we did the Lodge Street abandonment.

The current operation for Lodge Street and Patricia Street is one-way northbound and one-way eastbound respectively. However, the recent abandonment of Lodge Street between Patricia Street and Church Avenue to the A&M Methodist Church has resulted in two city streets dead ending into each other and the only legal vehicular outlet is through the abandoned Lodge Street ROW. Since the A&M Methodist Church could prohibit motor vehicles from accessing this northern section of Lodge Street, this ordinance is being sent to the City Council to reverse the operation of Patricia from one-way eastbound to one-way westbound. This will allow vehicles to enter at Lodge Street and exit the area from Patricia Street.

With the passage of this ordinance, devices and signage are planned for installation at the Lodge Street and Patricia Street intersection directing the northbound Lodge Street traffic onto Patricia Street, which will provide for continuous traffic flow from University Drive to College Main.

**Budget & Financial Summary:** The "ONE WAY" signs are planned operation and maintenance expenses accounted for in the Public Works Traffic Operation budget.

**Attachments:**

1. Ordinance
2. Project Location Map

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

AN ORDINANCE AMENDING CHAPTER 10, "TRAFFIC CODE", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING SECTION TWO "TRAFFIC CONTROL DEVICES", SUB-SECTION J "ONE-WAY STREETS AND ALLEYWAYS" TO INCLUDE PATRICIA STREET; PROVIDING A SEVERABILITY CLAUSE; 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 10, "Traffic Code", 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 if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: 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 Hundred Dollars (\$200.00). 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 May 14, 2008.

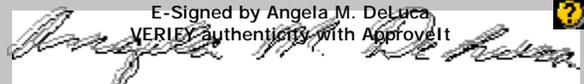
PASSED, ADOPTED and APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

APPROVED:

\_\_\_\_\_  
MAYOR

ATTEST:

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

E-Signed by Angela M. DeLuca  
VERIFY authenticity with ApproveIt   


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

**EXHIBIT “A”**

That the Traffic Control Device Inventory – Schedule VII as referenced in Chapter 10, “Traffic Code”, Section 2, “Traffic Control Devices,” Sub-section J, “One Way Streets and Alleyways” is hereby amended to include the following:

“Patricia Street beginning at its intersection with College Main and ending at its intersection with Lodge Street to be one-way westbound.”



Abandoned section

Proposed Operation

CHURCH AVE

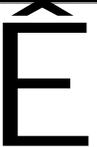
TAUBER ST

PATRICIA ST

LODGE ST

COLLEGE MAIN

UNIVERSITY DR



# Patricia Street ONE WAY Operation



**February 28, 2008**  
**Regular Agenda Item 11**  
**Public hearing and calling Election for Senior Tax Freeze Proposition**

**To:** Glenn Brown, City Manager

**From:** Connie Hooks, City Secretary

**Agenda Caption:** Public hearing, presentation, possible action, and discussion regarding approval of a resolution for the purpose of authorizing a special election to be held on May 10, 2008 for voter consideration of the constitutional amendment authorizing a tax freeze limiting the amount of ad valorem taxes imposed on the residential homestead of a person who is disabled or 65 years of age or older in the City of College Station, and providing note of said election.

**Summary:** On September 13, 2003, Texas voters approved Proposition 13 which allowed a county, city or junior college district to limit taxes for homeowners disabled or 65 years of age or older. Proposition 13 is now codified in the Texas Tax Code Section 11.261, and the law allows a city to call an election to allow the voters to decide whether to allow for the tax freeze.

City Council accepted the certified petition on January 27, 2008 and authorized staff to bring back resolution calling a special election on May 10, 2008 for the purpose of designating this proposition on the ballot.

Brazos County and City of Bryan voters have implemented the tax limitation for its residents upon petition by registered voters in their jurisdictions and approval at special elections.

**Financial Summary:** Presentation will be made on fiscal impact of this tax limitation on City of College Station financial conditions, in the event the proposition is adopted by the voters.

**Attachments:**  
Resolution

**RESOLUTION \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, ORDERING A SPECIAL ELECTION TO BE HELD IN SAID CITY ON MAY 10, 2008, FOR VOTER CONSIDERATION OF THE CONSTITUTIONAL AMENDMENT AUTHORIZING A TAX FREEZE LIMITING THE AMOUNT OF AD VALOREM TAXES IMPOSED ON THE RESIDENTIAL HOMESTEAD OF A PERSON WHO IS DISABLED OR 65 YEARS OF AGE OR OLDER IN THE CITY OF COLLEGE STATION; AND PROVIDING FOR PUBLICATION OF SAID ELECTION.**

**WHEREAS**, on September 13, 2003, Texas voters approved Proposition 13 which allows a county, city or junior college district to limit taxes for homeowners disabled or 65 years of age or older.

**WHEREAS**, Proposition 13 is now codified in the Texas Tax Code Section 11.261; and

**WHEREAS**, the law allows a city to call an election to allow the voters to decide whether to allow for the tax freeze;

**WHEREAS**, the City of College Station, Texas, is authorized by law to hold such election on May 10, 2008 in conjunction with the state of county elections; now, therefore,

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

**PART 1:** That an election is, and the same is hereby ordered to be held within the jurisdiction of the City of College Station, Texas, on the 10<sup>th</sup> day of May, 2008, pursuant to the laws of the State of Texas and a contract between the City, Texas Voting Systems, and Brazos County for election services. Such election shall be held for the following purposes:

To provide for voting for or against the following proposition:

For or Against:

The City of College Station establishing a limitation on the amount of ad valorem taxes imposed on the residential homestead of a person who is disabled or is sixty-five (65) years of age or older and receives a residential homestead exemption, as authorized by Article VIII, Section 1-b(h) of the Texas Constitution.

**PART 2:** The election called by this resolution shall be held in accordance with the requirements for bilingual elections as set forth in the Voting Rights Act amendments for 1975 (42 USC 1973aa-1a) and in Section 272.001 of the Election Code. All election forms and material shall be printed in both English and Spanish, and bilingual oral assistance shall be made available within the requirements of the law.

**PART 3:** Said election shall be held in the following election precincts, and voting shall be conducted on May 10, 2008 between the hours of 7:00 a.m. and 7:00 p.m. at the City's regular polling places shown below:

LOCATION OF POLLING PLACES:

<u>City Precincts</u>	<u>CSISD Precincts</u>	<u>Polling Places</u>
	1, 02A, 82	Wellborn Community Center 4119 Greens Prairie Road
8	8	South Knoll Elementary School 1220 Boswell
9	9	College Station Conference Center 1300 George Bush Drive
10A, 10B, 34	10A, 10B, 34	College Station City Hall 1101 Texas Avenue
20, 21	20, 21	Saint Mary's Catholic Church 603 Church Street
24	24	College Hills Elementary School 1101 Williams
31	31	A&M Consolidated High School 1801 Harvey Mitchell Parkway
32	32	Larry Ringer Public Library 1818 Harvey Mitchell Parkway
33, 72, 74	29, 33, 62, 64, 72, 74	Lincoln Center 1000 Eleanor
02C, 35A, 35B	02C, 35A, 35B	College Station ISD 1812 Welsh
02B, 39	02B, 39	Rock Prairie Elementary School 3400 Welsh
40	40	Aldersgate Methodist Church 2201 Earl Rudder Freeway South
41, 68	41, 42, 28A, 28B, 68	Pebble Creek Elementary School 500 Park view

80

80

Cypress Grove Intermediate  
900 Graham Road

Early voting shall be conducted by personal appearance and by mail. The period for early voting by personal appearance for the special election shall be April 28, 2008 through May 6, 2008. Optical scan ballots shall be used for early voting by mail and direct recording electronic voting machines shall be used for early voting by personal appearance. The Early Voting Clerk for said elections shall be the City Secretary. She shall determine the number of election workers to hire and arrange for training of all election workers and assign to three early voting locations. The main early voting polling place by personal appearance shall be in the City Hall Council Chambers, 1101 Texas Avenue, College Station, Texas. Two branch early voting locations shall be designated for these elections.

Main Early Voting Location: College Station City Hall

1101 Texas Avenue

8:00 am to 5:00 pm April 28, 29, 30, 2008

8:00 am to 5:00 pm May 1 - 2, 2008

7:00 am to 7:00 pm May 5 - 6, 2008

Branch Location: College Station School District Administration Bldg.

1812 Welsh

8:00 am to 5:00 pm April 28, 29, 30, 2008

8:00 am to 5:00 pm May 1 - 2, 2008

7:00 am to 7:00 pm May 5 - 6, 2008

Branch Location: Memorial Student Center

100 Lamar TAMU Campus

8:00 am to 5:00 pm April 28, 29, 30, 2008

8:00 am to 5:00 pm May 1 - 2, 2008

7:00 am to 7:00 pm May 5 - 6, 2008

Applications for ballot by mail shall be received no later than 5:00 pm on May 2, 2008 in the office of: Connie Hooks, Joint Early Voting Clerk, P.O. Box 9960, College Station, Texas 77842, 979-764-3541 or [chooks@cstx.gov](mailto:chooks@cstx.gov).

**PART 4:** That all resident, qualified electors of said City shall be entitled to vote at said election.

**PART 5:** In accordance with Section 123.001 of the Texas Election Code, the Hart Intercivic Direct Recording Electronic Voting System, Optical Scan Voting System and Electronic Management System for Brazos County, Texas is hereby adopted for the general election and special election. The City Council further determines that all early ballots voted in person and by mail shall be voted by ballots to be counted by the electronic voting system. The College Station City Hall is hereby designated as the Central Counting Station for the automatic counting and tabulating of ballots.

**PART 6:** The Mayor of the City of College Station is hereby authorized to sign a NOTICE OF SPECIAL ELECTION. A copy of the NOTICE OF SPECIAL ELECTION, when published in a newspaper of general circulation in English and Spanish, shall serve as proper notice.

**PART 7:** This resolution shall take effect immediately from and after its passage.

PASSED AND APPROVED this \_\_\_\_\_ day of \_\_\_\_\_, 2008.

ATTEST:

APPROVED:

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

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

APPROVED:

\_\_\_\_\_  
City Attorney Harvey Cargill