



Mayor
Ben White
Mayor Pro Tem
Dave Ruesink
City Manager
Glenn Brown

Council members
John Crompton
James Massey
Dennis Maloney
Katy-Marie Lyles
Lawrence Stewart

Agenda
College Station City Council
Regular Meeting
Thursday, September 10, 2009 at 7:00 PM
City Hall Council Chamber, 1101 Texas Avenue
College Station, Texas

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

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.

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 Council workshop and regular meeting held on Thursday, August 27, 2009.

b. Presentation, possible action, and discussion on a Construction Contract with Alsay Incorporated, in the amount of \$2,236,250 for the construction of the Groundwater Well No. 8.

c. Presentation, possible action, and discussion regarding Change Order # 1 to Contract 08-099, Water/Wastewater Master Plan Study, with HDR Engineers, in the amount of \$38,300.00.

d. Presentation, possible action, and discussion approving a modified Advance Funding Agreement with the Texas Department of Transportation (TxDOT) and the City of Bryan, to design and construct additional lanes on State Highway 30 from 4.20 miles west of F.M. 244 to 4.63 miles west of F.M. 244 and adjacent to

the BWSWA Twin Oaks Landfill site for the purpose of providing safe ingress and egress from said facility.

e. Presentation, possible action, and discussion regarding renewal of contract #08-084 with Envirosolve and the City of College Station and City of Bryan to provide Household Hazardous Waste collection services in an amount not to exceed \$229,510.00.

f. Presentation, possible action and discussion on an Agreement for Services with Emergicon to provide ambulance billing services in an amount not to exceed \$75,000.

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 on an ordinance adopting the City of College Station 2009-2010 Budget; and presentation, possible action and discussion ratifying the property tax increase reflected in the budget.
2. Presentation, possible action, and discussion on approval of an ordinance adopting the City of College Station 2009-2010 advertised ad valorem tax rate of \$0.439400 per \$100 assessed valuation, the debt service portion being \$0.229433 per \$100 assessed valuation and the operations and maintenance portion being \$0.209967 per \$100 assessed valuation.
3. Presentation, possible action, and discussion regarding an ordinance amending Chapter 11, "Utilities" Section 4, "Electric Service" of the Code of Ordinances of the City of College Station, Texas having the effect of raising revenues for electric services approximately nine percent (9%).
4. Public hearing, presentation, possible action, and discussion regarding 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 changing the zoning district boundaries of an area consisting of 14.27 acres located at 2429 Earl Rudder Freeway, north of Raintree Drive, from R-1 Single-Family Residential and A-O Agricultural Open to PDD Planned Development District.

5. Public hearing, presentation, possible action, and discussion regarding an Ordinance amending Chapter 12, Section 4.2, "Official Zoning Map" of the Code of Ordinances of the City of College Station, Texas changing the Zoning District Boundaries of 3.364 acres from R-1 Single-Family Residential to R-4 Multi-Family and A-O Agricultural Open located at 1270 Harvey Mitchell Parkway.
6. Public hearing, presentation, possible action, and discussion on an ordinance amending the Unified Development Ordinance, Section 5.6.A.11 regarding signage in the Wolf Pen Creek District.
7. Presentation, possible action, and discussion regarding approval of a resolution establishing the sale price of cemetery spaces for the College Station Municipal Cemetery System.
8. Presentation, possible action, and discussion designating the chair of the Council Transportation Committee.
9. Adjourn.

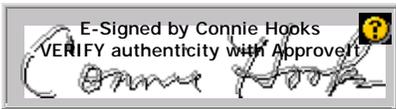
If litigation issues arise to the posted subject matter of this Council Meeting an executive session will be held.

APPROVED:

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, September 10, 2009 at 7:00 PM at the City Hall Council Chambers, 1101 Texas Avenue, College Station, Texas. The following subjects will be discussed, to wit: See Agenda.

Posted this 4th day of September, 2009 at 5:00 p.m.



City Secretary

I, the undersigned, do hereby certify that the above Notice of Meeting of the Governing Body of the City of College Station, Texas, is a true and correct copy of said Notice and that I posted a true and correct copy of said notice on the bulletin board at City Hall, 1101 Texas Avenue, in College Station, Texas, and the City's website, www.cstx.gov. The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on September 4, 2009 at 5:00 p.m. and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

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

Dated this ____ day of _____, 2009 By _____

Subscribed and sworn to before me on this the ____ day of _____, 2009.

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. Council meetings are broadcast live on Cable Access Channel 19.



Mayor
Ben White
Mayor Pro Tem
Dave Ruesink
City Manager
Glenn Brown

Councilmembers
John Crompton
James Massey
Dennis Maloney
Katy-Marie Lyles
Lawrence Stewart

Minutes
City Council Workshop Meeting
Thursday, August 27, 2009 at 3:00 p.m.
City Hall Council Chambers, 1101 Texas Avenue
College Station, Texas

COUNCIL PRESENT: Mayor White, Mayor Pro Tem Ruesink, Council members Crompton, Massey, Maloney, Lyles, and Stewart

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

1. Presentation, possible action, and discussion on items listed on the consent agenda.
Item No. 2g -- Council member Massey inquired about TxDot beautification project on University Drive and maintenance responsibility. Chuck Gilman, Director of Capital projects explained that City will assume maintenance after the completion of the project.

2. Presentation, possible action, and discussion regarding an update on the European Union Center and Grant Symposium projects, programs and activities impacting the City of College Station.
Mario Rojo Del Busto, Director of International Faculty & Scholar Services for Texas A&M University updated the Council on several upcoming symposiums being coordinated through the European Union Center. John Happ, Director of the Easterwood Airport, Royce Hickman, Executive Director of Chamber of Commerce, and Chuck Martinez from Research Valley Partnership expressed support of the symposiums.

No formal action was taken.

4. Presentation, possible action, and discussion on an update for Council regarding the public engagement process and park site recommendation.

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Chuck Gilman, Director of Capital Projects presented an overview of the data collected from an on-line poll and comments received during public meetings. Staff recommended approval of the skate park location at Southwood Athletic Complex and to proceed with preliminary design of the College Station Skate Park at the Southwood Athletic Complex.

Council directed staff to proceed with the process of the construction of College Station Skate Park. No formal action was taken.

5. Presentation, possible action and discussion regarding Cell Phone Use in School Zones.

Mark Smith, Director of Public Works reported on new state legislation to the Transportation Code, allowing Cities to enforce the prohibition of wireless communication devices by drives in school zones

Clark Ealy, Superintendent of CSISD stated the school's support of the legislation. However, no discussion between school and city has been held about funding the posting of signs, etc.

Jeff Capps, Interim Chief of Police commented about the enforcement. There are several exemptions in the new law that may require an officer to ask the driver of vehicle additional questions before citing an individual.

With a 4-3 vote, Council recommended the issue be discussed by the Transportation Committee for research and review, and bring back to Council at a later date. No formal action was taken.

3. Presentation, possible action, and discussion on the FY 2009-2010 Proposed Budget.

Jeff Kersten, Chief Financial Officer presented an overview of the FY '10 proposed budget. Staff sought Council direction regarding changes to the budget. Mr. Kersten reviewed the following items.

Budget Issues

- General Fund Financial Forecast
 - Fire Station #6 Operations and Maintenance
 - Police Blue Print Implementation
 - Revised General Fund Financial Forecast
- General Fund Purchased Services
- Legal Fees
- Enterprise Fund for Athletics
- Parks and Recreation Costs
- Property Taxes paid by Residents and Investors
- Historic Program Service Levels
- Cost of Rental Facility for Senior Center
- Convention and Visitors Bureau Funding
- Arts Council Building

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- Arts Council Funding – Council recommended 7-0 for Option 2
- Bush Library Funding
- Veteran's Memorial Funding

No formal action was taken.

6. Council Calendar

Council reviewed upcoming events.

7. 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.

Councilmember Lyles made a motion for a future workshop item on the proposed convention center. Councilmember Massey seconded motion, which failed, 1-6.

FOR: Council member Lyles

AGAINST: Mayor White, Council members Crompton, Massey, Maloney, Ruesink, Stewart

Council member Massey made a motion for a future workshop item to discuss the animal control ordinance. Council member Maloney seconded motion, which carried 7-0.

8. Discussion, review and possible action regarding the following meetings: Arts Council of the Brazos Valley, Audit Committee, Brazos County Health Dept., Brazos Valley Council of Governments, Brazos Valley Wide Area Communications Task Force, Cemetery Committee, Design Review Board, Historic Preservation Committee, Interfaith Dialogue Association, Intergovernmental Committee, Joint Relief Funding Review Committee, Library Committee, Metropolitan Planning Organization, National League of Cities, 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, Texas Municipal League, Transportation Committee, Wolf Pen Creek Oversight Committee, Wolf Pen Creek TIF Board, Zoning Board of Adjustments, BVSWMA, Signature Event Task Force, (Notice of Agendas posted on City Hall bulletin board).

No discussion was held.

At 5:30 pm, Mayor White announced that the City Council would convene into executive session pursuant to Sections 551.071, and 551.072 of the Open Meetings Act to seek the advice of our city attorney, and to consider the purchase of real property.

9. Executive Session will immediately follow the workshop meeting in the Administrative Conference Room.

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

- a. Application with TCEQ for permits in Westside/Highway 60 area, near Brushy Water Supply Corporation
- b. Sewer CCN permit requests for Brushy & Wellborn Services Areas
- c. Water CCN permit requests for Brushy & Wellborn Services Areas
- d. Bed & Banks Water Rights Discharge Permits for College Station and Bryan
- e. Legal aspects of Water Well, permits and possible purchase of or lease of water well sites
- f. Cliff A. Skiles, DVM & C.A. Skiles Family Partnership, Ltd. Water permit applications with the Brazos Valley Groundwater Conservation District
- g. TMPA v. PUC (College Station filed Intervention)
- h. City of Bryan suit filed against College Station, Legal issues and advise on Brazos Valley Solid Waste Management Agency contract, on proposed methane gas contract
- i. Update on legal proceedings for Grimes County Landfill site and contracts for development of Grimes County site
- j. Weingarten Realty Investors v. College Station, Ron Silvia, David Ruesink, Lynn McIlhaney, and Ben White
- k. Chavers et al v. Tyrone Morrows, Michael Ikner, City of Bryan, City of College Station, et al
- l. Rogers Sheridan v. Barbara Schob & Greg Abbott
- m. Clancey v. College Station, Glenn Brown, and Kathy Merrill
- n. Legal issues related to Economic Development Agreement between City of College Station & Sahara Realty
- o. Legal Aspects of Petition, Possibilities of and Restrictions on Political Activity regarding Upcoming City Election

Real Estate {Gov't Code Section 551.072}; possible action The City Council may deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a

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third person. After executive session discussion, any final action or vote taken will be in public. The following subject(s) may be discussed:

- a. Possible Purchase or Exchange of Property near E. University and Tarrow

- 10. **Action on executive session or any workshop agenda item not completed or discussed in today's workshop meeting may be discussed in tonight's Regular Meeting if necessary.**

Council recessed from the executive session at 7:00 p.m. No formal action was taken.

- 11. **Adjourn.**

The workshop meeting concluded at 7:00 p.m.

PASSED AND APPROVED this September 1, 2009

ATTEST:

APPROVED:

City Secretary Connie Hooks

Mayor Ben White



Mayor
Ben White
Mayor Pro Tem
David Ruesink
City Manager
Glenn Brown

Councilmembers
John Crompton
James Massey
Dennis Maloney
Katy-Marie Lyles
Lawrence Stewart

Minutes
City Council Regular Meeting
Thursday, August 27, 2009 at 7:00 p.m.
City Hall Council Chambers, 1101 Texas Avenue
College Station, Texas

COUNCIL PRESENT: Mayor White, Mayor ProTem Ruesink, Council members Crompton, Maloney, Massey, Lyles, and Stewart

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

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

Mayor White called the meeting to order at 7:00 pm with all Council members present. Mayor White led the audience in the Pledge of Allegiance. Fire Chief R.B. Alley provided the invocation.

Hear Visitors:

Beverly Arnold, 3502 Carter Creek, Bryan – mentioned a concern about the pool water temperature at the natatorium. Many senior citizens participate in the water aerobatics class.

Jacque Flagg, new Director of the Brazos Valley Museum of Natural History invited Mayor and City Council members to visit Brazos Valley Museum of Natural History.

Mike Luther, 614 Welsh thanked the Council for their consideration of maintaining the Heritage Programs and Project Hold.

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. Approved minutes for Council workshop meeting held on Thursday, July 23, 2009.

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- b. Approved furniture purchases for the Municipal Court Renovations Project (GG-0701). Furniture purchases will be made through the TxMAS contract (state contract) to Vanguard Environments in an amount not to exceed \$130,000.00.
- c. Approved change order to the Professional Services Contract 07-174 with Edwards and Kelcey in the amount of \$73,449 for the engineering services associated with the College Station Memorial Cemetery and Aggie Field of Honor.
- d. Approved change order credit (reduction to the contract amount) in the amount of \$1,464.59 to Construction Contract 08-116 with Acklam Construction for the construction of the College Station Memorial Cemetery and Aggie Field of Honor.
- e. Presentation, possible action, and discussion of a Resolution authorizing a special election to be held on November 3, 2009 in the City of College Station for the purpose of proposing ordinance, submitted as Section 83, initiative petition, providing that camera enforcement of red light violations shall be unenforceable; authorizing the Mayor to sign notice of election designating early voting and election day precincts; providing a severability clause; and providing an effective date. **Removed from Agenda and rescheduled for September 1, 2009 Agenda**
- f. Approved **Resolution No. 08-27-09-2f** adopting an interlocal agreement between the City of College Station and Brazos County for the conduct and management of the City of College Station special election to be held on Tuesday November 3, 2009.
- g. Approved **Resolution No. 08-27-09-2g** on an Advance Funding Agreement (AFA) with the Texas Department of Transportation (TxDOT) to construct the first phase of the University Drive Beautification Project at the interchange with HWY 6.
- h. Approved real estate contract in the amount of \$413,880 between the City of College Station (Buyer) and Janie A. Cargill and Thomas H. Cargill (Sellers) for the purchase of four lots at 310, 314 and 316 Spruce Street.
- i. Approved change order to Contract #08-277 to Brazos Valley Services in the amount of \$113,912.94 for additional construction services related to the College Park/Breezy Heights Rehabilitation Project.
- j. Approved change order to the Design Contract 08-266 with Jacobs Edwards & Kelcey in the amount of \$80,775, for the re-design of the Discovery Drive Phase I Extension and design of Raymond Stotzer Sidewalks & Traffic Signal.
- k. Approved **Resolution No. 08-27-09-2k** awarding a construction contract for the Discovery Drive Extension Phase I to Brazos Paving, Inc. of Bryan, TX, in the amount of \$434,217.25.

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Council member Lyles moved to approve items 2a thru 2h and 2j thru 2k. Council member Maloney seconded the motion, which carried 7-0. Council member Maloney abstained from item 2i.

FOR: Mayor Ben White, Mayor Pro Tem Ruesink, Crompton, Massey, Maloney, Lyles and Stewart

AGAINST: None

ABSTAINED ITEM 2i: Council member Maloney

1. Presentation possible action and discussion of an ordinance providing for a special election on an ordinance submitted by petition, providing that camera enforcement of red light violations shall be unenforceable.

Connie Hooks, City Secretary presented an ordinance calling special election on November 3, 2009 ballot for the purpose to submit question to voters regarding red light camera enforcement system in College Station and submitted as Section 83, initiative petition, providing that camera enforcement of red light violators shall be unenforceable.

Council member Maloney moved to approve **Ordinance No. 3199** for a special election submitted by petition. Council member Lyles seconded the motion, which carried 7 - 0.

FOR: Mayor Ben White, Mayor Pro Tem Ruesink, Crompton, Massey, Maloney, Lyles, and Stewart

AGAINST: None

3. Public hearing, presentation, possible action and discussion on the City of College Station 2009-2010 advertised ad valorem tax rate of \$0.439400 per \$100 valuation resulting in an increase in tax revenues. Also discussion and possible action on announcing the meeting date, time and place to adopt the tax rate.

Jeff Kersten, Chief Financial Officer presented an overview of the FY '10 ad valorem tax rate and the first public hearing of the tax rate.

Ad Valorem Tax Rate

■ Current Tax Rate	43.9400 cents
■ Effective Tax Rate	42.9033 cents
■ Rollback Tax Rate	44.5815 cents
■ Proposed Tax Rate	43.9400 cents
■ Public Hearing Rate	43.9400 cents
■ Proposed Tax Rate	
– Debt Service	22.9433 cents
– <u>General Fund</u>	<u>20.9967 cents</u>
– Total	43.9400 cents
■ Shift from Debt Service to General Fund	
■ Funds the proposed General Fund budget.	

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Thursday, August 27, 2009

Mayor White opened the public hearing: Dick Birdwell, 3 Forest Dr. spoke against the increase of ad valorem tax rate. James Woodall, 2902 Colton Pl., concurred with Dick Birdwell. Mayor White closed the public hearing.

Mayor White announced that Council will vote on the ad valorem tax rate on Thursday, September 10, 2009, regular city council meeting at 7:00 p.m. in the Council Chambers at College Station City Hall.

No formal action was taken.

2. Presentation, possible action, and discussion regarding a resolution of the City Council of the City of College Station, Texas repealing Resolution 8-23-2001-11.06 adopted on August 23, 2001 and establishing fees for development review applications, permits, and services provided by the Planning & Development Services Department and the Public Works Department.

Bob Cowell, ACIP, Director of Planning and Development Services presented Council a resolution increasing fees for development review services in two phases. The first phase will be effective on October 1, 2009 and the second phase will be effective on October 2010. Staff recommended Council to approve this resolution.

Council member Crompton moved to approve **Resolution No. 08-27-09-02** of the increase of fees for development review services in two phases. Council member Maloney seconded the motion, which carried 6 - 1.

FOR: Mayor Ben White, Mayor Pro Tem Ruesink, Crompton, Massey, Maloney, and Stewart

AGAINST: Council member Lyles

4. Public hearing, presentation, possible action, and discussion on the City of College Station 2009-2010 Proposed Budget.

Jeff Kersten, Chief Financial Officer, presented Council a brief overview of the 2009-2010 Proposed Budget.

Mayor White opened the public hearing:

Citizens speaking for a Senior Citizens Building:

Joanna Yeager, 100 Mortier 1004

Clifford Linsey, 9100 Stonebrook

Jean Roberts, 5007 Commonwealth Ct.

Anne Hazen, 1309 Wilshire Ct.

Citizens supporting the retention of Historic Programs full time position:

Earl Apgar, 4413 Rocky Meadows

Barbara Althaus, 2101 Hillside, Bryan

Susan Irza, 605 Summerglenn Dr.

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Thursday, August 27, 2009

Henry Dethloff, 8709 Bent Tree
 Tom Turbiville, 3205 Innsbruck
 Jerry Cooper, 602 Bell Street
 W.M.T. Harper, 4752 Tiffany Pk.
 Linda Harvell, 504 Guernsey

Citizens supporting the Arts Council's budget:

Carol Wagner, President of the Arts Council, 203 Emberglow
 Beth Taylor, Executive Director of Arts Council, 422 University Oaks
 Mike Green, 824 Pine Valley

Citizens against particular items within the FY10 proposed budget:

Les Fiechtner, upset with the increase of baseball fees
 Buck Pruitt, encouraged Council to be more conservative.

Mayor White closed the public hearing. No formal action was taken.

5. Public hearing, possible action, and discussion on an ordinance Budget Amendment #4 amending ordinance number 3114 which will amend the budget for the 2008-2009 Fiscal Year and authorizing amended expenditures in the amount of \$1,623,743 and increase the number of regular full-time positions in the budget by two; and presentation, possible action and discussion on an interfund transfer.

Jeff Kersten, Chief Financial Officer presented an overview of Amendment #4 amending the FY 09 Budget.

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

Council member Crompton moved to approve **Ordinance No. 3200** on Budget Amendment #4 for the FY'09 Budget in the amount of \$1,623,743 and to increase the budget by two positions. . Council member Massey seconded the motion, which carried 7 - 0.

FOR: Mayor Ben White, Mayor Pro Tem Ruesink, Crompton, Massey, Maloney, Lyles, and Stewart

AGAINST: None

6. Public hearing, presentation, possible action, and discussion regarding an Ordinance amending Chapter 12, Section 4.2, "Official Zoning Map" of the Code of Ordinances of the City of College Station, Texas changing the Zoning District Boundaries of 3.714 acres from R-1, Single-Family Residential and PDD, Planned Development District to PDD, Planned Development District located at 1600, 1600A, 1604, 1606A, 1608A, 1624, 1624A, 1626, 1626A, 1626B and 1628 Park Place and more generally located east of Scandia Apartments.

Matt Robinson, Staff Planner presented staff report on a rezoning request of 3.714 acres from R-1, Single-Family Residential and PDD, Planned Development District to PDD,

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Planned Development District located at 1600, 1600A, 1604, 1606A, 1608A, 1624, 1624A, 1626, 1626A, 1626B and 1628 Park Place and more generally located east of Scandia Apartments. Staff recommended approval. Planning and Zoning Commission unanimously recommended approval.

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

Council member Maloney moved to approve **Ordinance No. 3201** to rezone 3.714 acres from R-1, Single-Family Residential and PDD, Planned Development District to PDD, Planned Development District located at 1600, 1600A, 1604, 1606A, 1608A, 1624, 1624A, 1626, 1626A, 1626B and 1628 Park Place located east of Scandia Apartments. Council member Stewart seconded the motion, which carried 7 - 0.

FOR: Mayor Ben White, Mayor Pro Tem Ruesink, Crompton, Massey, Maloney, Lyles and, Stewart
AGAINST: None

7. Adjourn.

Hearing no objections, Mayor White adjourned the meeting at 9:00 p.m. on Thursday, August 27, 2009.

PASSED AND APPROVED September 10, 2009

ATTEST:

APPROVED:

City Secretary Connie Hooks

Mayor Ben White

**September 10, 2009
Consent Agenda Item No. 2b
Project Number WF1097966
Groundwater Well No. 8**

To: Glenn Brown, City Manager

From: Chuck Gilman, Director of Capital Projects

Agenda Caption: Presentation, possible action, and discussion on a Construction Contract with Alsay Incorporated, in the amount of \$2,236,250 for the construction of the Groundwater Well No. 8.

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

Summary: The scope of the Groundwater Well No. 8 is for construction of the water well. With the projected construction budget of \$2,236,250 Alsay Incorporated was selected to construct the project because they were the lowest responsible bidder in response to the city's solicitation of bids.

Budget & Financial Summary: The budget for this project is currently \$4,200,000. It is anticipated, however, that a total of \$3,200,000 or less will be needed for the project. \$394,869.30 has been expended on design and bidding. The construction portion of this budget has not yet been appropriated. Therefore, funds will be transferred from projects that have established budgets which are available for transfer due to delays or changes in priorities. \$500,000 is currently appropriated for this project. \$1,300,000 will be transferred from the Purchased Annexed Areas project, \$900,000 from Raymond Stotzer West and \$500,000 from Land Acquisition – Future Well Sites. The budgets for the Raymond Stotzer West and Land Acquisition project will be re-established in FY10. The revised project budget for the Well #8 project will be \$3,200,000. A debt reimbursement resolution for the Well #8 project was approved by Council on October 23, 2008 when the engineering contract was awarded.

Attachments:

- 1.) Resolution
- 2.) Project Location Map
- 3.) Summary of Bid Tabulation

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING A CONSTRUCTION CONTRACT AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE GROUNDWATER WELL NO. 8 PROJECT.

WHEREAS, the City of College Station, Texas, solicited bids for the construction of the Groundwater Well No. 8; and

WHEREAS, the selection of Alsay Incorporated is being recommended as the lowest responsible bidder; 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 Alsay Incorporated is the lowest responsible bidder

PART 2: That the City Council hereby approves the contract with Alsay Incorporated for an amount not to exceed \$2,236,250 for the labor, materials and equipment required for the improvements related to the Groundwater Well No. 8 Project.

PART 3: That the funding for this Contract shall be as budgeted from the Water Services Fund in the amount of \$2,236,250.

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

ADOPTED this _____ day of _____, A.D. 2009.

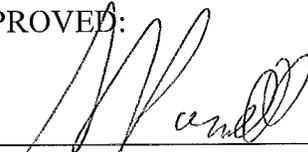
ATTEST:

APPROVED:

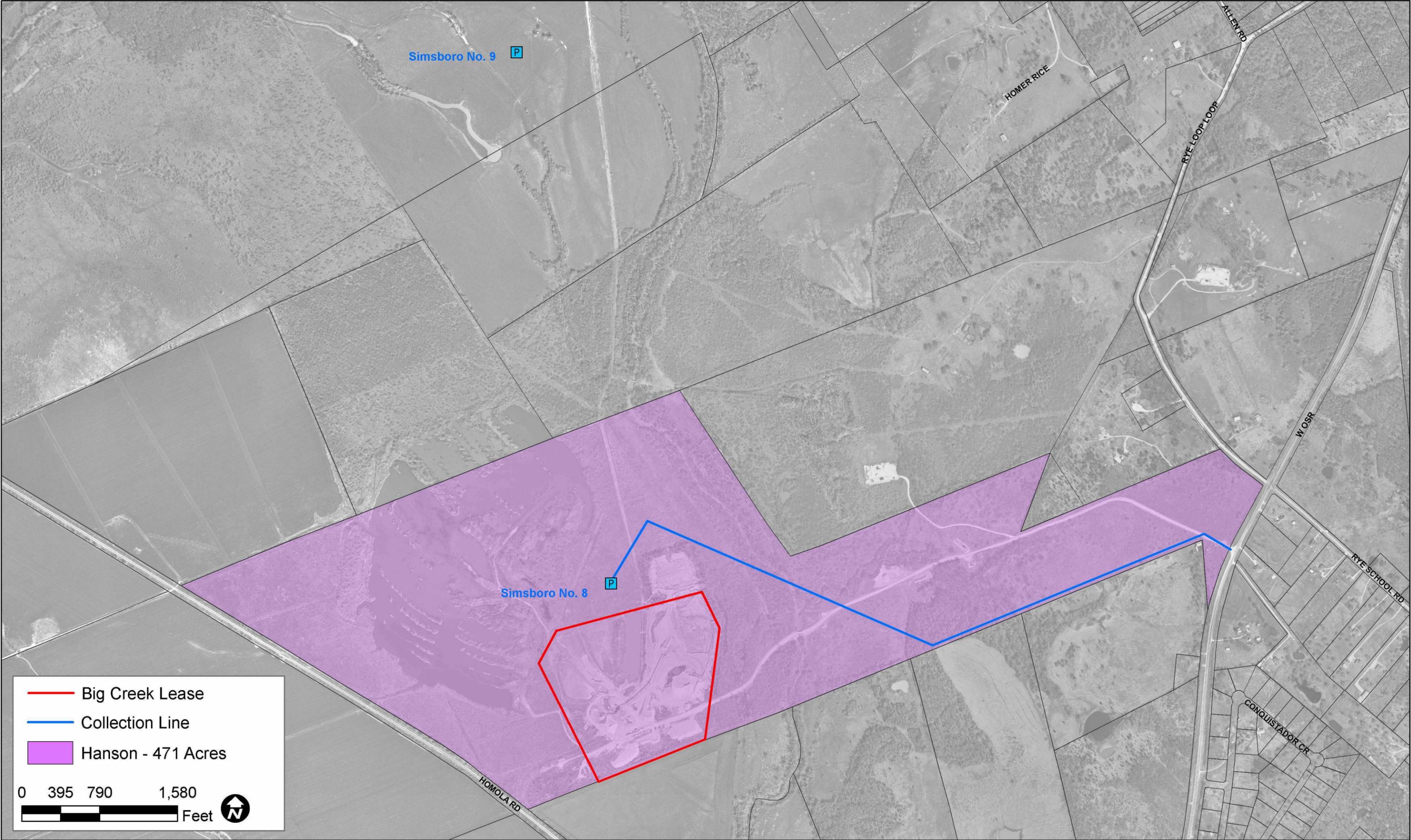
City Secretary

MAYOR

APPROVED:



City Attorney





Summary of Bid Tabulation
ITB #09-84, Water Well No. 8
Opens: Thursday, August 13, 2009 @ 2:00 p.m.

BIDDER	TOTAL BASE BID	TOTAL BASE BID + ALTERNATE BID ITEMS ACCEPTED
Alsay Incorporated - Houston, TX	\$2,197,000.00	\$2,236,250.00
Weisinger Water Well, Inc. - Conroe, TX	\$2,217,290.00	\$2,254,260.00
W. W. Payton Corporation - Katy, TX	\$2,450,000.00	\$2,497,850.00
Friedel Drilling Company - Hochheim, TX	\$4,763,720.00	\$4,822,860.00

September 10, 2009
Consent Agenda Item No. 2c
Change Order #1 to Water/Wastewater Master Plans

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 08-099, Water/Wastewater Master Plan Study, with HDR Engineers, in the amount of \$38,300.00.

Recommendation: Staff recommends Council approve this change order.

Summary: The Master Plan contract, 08-099, was approved by City Council on January 24, 2008 to update our 10 year old water and wastewater master plans. These master plans will be used to assist in determining system improvements and rehabilitation as areas develop or re-develop. These master plans will also be used to help determine City-wide Water and Wastewater Impact Fees should Council decide to implement such fees.

Several important tasks were omitted from the original contract due to budget constraints. However, as the updated master plans have been developed and the impact fee study has progressed, it has become obvious that some of these tasks must be done. The completed study needs to compare the relative costs of possible alternative sludge handling methods with our current ATAD system, to ensure we are using the most cost-effective disposal method. Funds are available in the 2009 budget, and staff recommends this important aspect of the wastewater master plan be put back into the scope of the study.

Budget & Financial Summary: Funds are available in the FY-09 Wastewater Operating Budget.

Attachments:
Change Order #1

**CHANGE OF PROPOSAL REQUEST NO. 1
EXHIBIT AA**

**CITY OF COLLEGE STATION
WASTEWATER SYSTEMS INVESTIGATION**

Task 3.0A – Sludge Processing Alternatives Additional Analysis

Reason for Change:

The City and Contractor entered into an Agreement on February 2, 2008, to perform engineering services. The City has requested additional services be performed by the Contractor. The terms and conditions therein remain unchanged other than those outlined in Exhibit AA, and any previously executed change orders.

Description of Change:

Prepare revised *Wastewater Facilities Planning Study* Technical Memorandum (TM) to include planning level analysis of up to three additional sludge processing alternatives, as directed by the City Project Manager.

The scope of work for the Sludge Processing Alternatives Additional Analysis is to:

- Evaluate the combustion of sludge and yard waste at Carter’s Creek and Lick Creek Wastewater Treatment Plants (WWTPs). The planning level evaluation will include an energy recovery system for power generation and heat recovery.
- Expand the anaerobic digestion evaluation to include:
 - an energy recovery system for power generation and heat recovery
 - a grease receiving station to directly feed brown grease to the anaerobic digesters
- Increase capacity of the existing ATAD system at Carter’s Creek WWTP to include processing sludge received from the Lick Creek WWTP.

Subtask 3A–1 Technical Memorandum

The existing TM, *Section 6.0: Sludge Treatment and Disposal Options*, will be revised and include:

- an evaluation of the additional three sludge processing options
- a life cycle cost for all alternatives discussed
- an update to the recommendations

Subtask 3A-2 Opinion of Probable Construction Cost

HDR will develop a planning level construction cost estimate for the additional sludge processing alternatives, and review and update the costs for the existing alternatives. The costs will be included in the TM.

Subtask 3A-3 Life Cycle Cost

HDR will develop a life cycle cost for all sludge processing alternatives and include in the TM. Equipment is assumed to have a 15 year life. Structures are assumed to have a 30 year life.

Subtask 3A-4 Deliverables

- Draft Technical Memorandum report for WW Task 3.0A (3 copies).
- Final Technical Memorandum report for WW Task 3.0A (5 copies).

Subtask 3A-5 Workshops

Two workshops are anticipated for Task 3.0A.

Workshop #1: Task kickoff meeting to discuss goals and objectives. Collect sludge data.

Workshop #2: This workshop would be at the draft submittal of the evaluation to present the report and findings, and receive City comments.

SCHEDULE

HDR will provide draft deliverables within the following timeframe from date of executed change order:

Revised Wastewater Facility Planning Study TM	2 months
-----------------------------------------------	----------

FEE

HDR will perform the above outlined work for a not-to-exceed, lump sum fee of:

Task 3.0A: Sludge Processing Alternatives Additional Analysis	\$38,300
---------------------------------------------------------------	----------

September 10, 2009
Consent Agenda Item 2d
Modified Advanced Funding Agreement with the Texas
Department of Transportation for the State Highway 30 Widening Project

To: Glenn Brown, City Manager

From: Mark Smith, Director of Public Works

Agenda Caption: Presentation, possible action, and discussion approving a modified Advance Funding Agreement with the Texas Department of Transportation (TxDOT) and the City of Bryan, to design and construct additional lanes on State Highway 30 from 4.20 miles west of F.M. 244 to 4.63 miles west of F.M. 244 and adjacent to the BVSWMA Twin Oaks Landfill site for the purpose of providing safe ingress and egress from said facility.

Recommendation(s): Staff recommends approval of the modified Advance Funding Agreement.

Summary: In order to issue a driveway permit for the Twin Oaks Landfill, the Texas Department of Transportation (TxDOT) is requiring BVSWMA to design and construct improvements on State Highway 30 in order to ensure safe vehicle ingress and egress to the facility. Improvements will consist of 3330 feet or 0.63 miles of deceleration and acceleration lanes, signage, and related infrastructure. BVSWMA's participation rate will be at 100%, and no right-of-way acquisition or utility relocation will be required for this project. TxDOT has waived direct state costs such as plan review, inspection, and construction oversight expenses related to this project. The total construction cost for the project is an estimated \$656,750.

On May 18, 2009, the College Station City Council approved a TXDOT AFA for the State Highway 30 Widening Project, and the Bryan City Council approved the agreement on May 26, 2009. However, while the agreement was being routed at TXDOT, their legal counsel determined that the entity description was not suitable for execution. TXDOT changed all references to the Cities from 'Local Governments' to 'City of Bryan and the City of College Station' and returned the modified document to the Cities with the original executed signature sheet attached. The modifications to the document do not change the terms and conditions of the agreement, and only clarify the names of the municipal entities that will be participating in the project.

Budget & Financial Summary: Funding for this Advance Funding Agreement is available in the BVSWMA Capital Improvements Fund.

Attachments:

1. Modified Advance Funding Agreement

STATE OF TEXAS §
COUNTY OF TRAVIS §

**ADVANCE FUNDING AGREEMENT
FOR A LOCAL GOVERNMENT TO
CONSTRUCT AN ON-SYSTEM IMPROVEMENT
WITH 50% to 100% LOCAL FUNDS**

THIS AGREEMENT (the Agreement) is made by and between the State of Texas, acting by and through the Texas Department of Transportation hereinafter called the "State", and the City of Bryan and the City of College Station, acting by and through their duly authorized officials.

WITNESSETH

WHEREAS, Transportation Code, Section 201.209 authorizes the State and a Local Government to enter into agreements to increase the efficiency and effectiveness of government within the scope of their authorized duties; and,

WHEREAS, Texas Transportation Code, Section 222.052 allows a Local Government to contribute funds for the development and construction of the public roads and state highway system; and,

WHEREAS, the City of Bryan and the City of College Station have proposed to jointly provide for the design and construction of additional lanes on SH 30 adjacent to the proposed Brazos Valley Solid Waste Management Agency (BWSWMA) landfill site (the Project) to improve the safety and operations of the public roads and state highway system as approved by a resolution or ordinance which is attached hereto and made a part hereof as Attachment "A"; and,

WHEREAS, on November 16, 2006, the Texas Transportation Commission passed Minute Order 110753, authorizing the State to enter into the necessary agreements with the City of Bryan and the City of College Station to allow the City of Bryan and the City of College Station to make such improvements at their own cost;

NOW, THEREFORE, in consideration of the premises and of the mutual covenants and agreements of the parties hereto, to be by them respectively kept and performed as hereinafter set forth, it is agreed as follows:

AGREEMENT

- 1. Period of the Agreement.** This Agreement becomes effective when signed by the last party whose signing makes the Agreement fully executed. This Agreement shall remain in effect until the Project is completed or unless terminated as provided herein.
- 2. Scope of Work.** The City of Bryan and the City of College Station will jointly fund and develop the Project described as the design and construction of additional lanes on SH 30 adjacent to the proposed BWSWMA landfill site for the purpose of providing safe ingress and egress from this facility. The project is at the location described in Project Location Map, attached hereto and made a part hereof as Attachment "B".

3. Right of Way.

Right-of-way and real property acquisition shall be the joint responsibility of the Cities of Bryan and College Station. Title to right-of-way and other related real property must be acceptable to the State before funds may be expended for the improvement of the right of way or real property. If the Cities of Bryan and/or College Station are the owners of any part of the project site under this Agreement, the Cities of Bryan and/or College Station shall permit the State or its authorized representative access to occupy the site to perform all activities required to execute the work.

All parties to this agreement will comply with and assume the costs for compliance with all the requirements of Title II and Title III of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, Title 42 U.S.C.A. Section 4601 et seq., including those provisions relating to incidental expenses incurred by the property owners in conveying the real property to the Cities of Bryan and College Station, and benefits applicable to the relocation of any displaced person as defined in 49 CFR Section 24.2(g). Documentation to support such compliance must be maintained and made available to the State and its representatives for review and inspection.

- A. The Cities of Bryan and College Station shall jointly assume all costs and perform necessary requirements to provide any necessary evidence of title or right of use in the name of the Cities of Bryan and College Station to the real property required for development of the Project. The evidence of title or rights shall be acceptable to the State and be free and clear of all encroachments. The Cities of Bryan and College Station shall secure and provide easements and any needed rights of entry over any other land needed to develop the Project according to the approved Project plans. The Cities of Bryan and College Station shall be jointly responsible for securing any additional real property required for completion of the Project.
- B. In the event real property is donated to the Cities of Bryan and College Station after the date of the State's authorization, the Cities of Bryan and College Station will provide all documentation to the State regarding fair market value of the acquired property. The State will review the Cities of Bryan and College Station's appraisal, determine the fair market value and credit that amount towards the Cities of Bryan and College Station's financial share. If donated property is to be used as a funding match, it may not be provided by the Cities of Bryan and College Station. The State will not reimburse the Cities of Bryan and College Station for any real property acquired before execution of this agreement and the State's issuance of a letter of funding authority.
- C. The Cities Bryan and College Station shall prepare real property maps, property descriptions, and other data as needed to properly describe the real property and submit them to the State for approval prior to the Cities of Bryan and College Station acquiring the real property. Tracings of the maps shall be retained by the Cities of Bryan and College Station for a permanent record.
- D. The Cities of Bryan and College Station agree to make a determination of property values for each real property parcel by methods acceptable to the State and to submit to the State a tabulation of the values so determined, signed by the appropriate City of Bryan and the City of College Station representative. The tabulations shall list the parcel numbers, ownership, acreage and recommended compensation. Compensation shall be shown in the component parts of land acquired, itemization of improvements acquired, damages (if any) and the amounts by which the total compensation will be reduced if the owner retains improvements. This tabulation shall be accompanied by an explanation to support the determined values, together with a copy of information or reports used in calculating all determined values.

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Expenses incurred by the Cities of Bryan and College Station in performing this work may be eligible for reimbursement after the Cities of Bryan and College Station have received written authorization by the State to proceed with determination of real property values. The State will review the data submitted and may base its reimbursement for parcel acquisitions on these values.

- E. Condemnation shall not be used to acquire real property for this Project.
- F. Reimbursement for real property costs will be made to the Cities of Bryan and College Station for real property purchased in an amount not to exceed eighty percent (80%) of the cost of the real property purchased in accordance with the terms and provisions of this agreement. Reimbursement will be in an amount not to exceed eighty percent (80%) of the State's predetermined value of each parcel, or the net cost thereof, whichever is less. In addition, reimbursement will be made to the Cities of Bryan and College Station for necessary payments to appraisers, expenses incurred in order to assure good title, and costs associated with the relocation of displaced persons and personal property as well as incidental expenses.
- G. If the Project requires the use of real property to which the Cities of Bryan and College Station will not hold title, a separate agreement between the owners of the real property and the Cities of Bryan and College Station must be executed prior to execution of this Agreement. The separate agreement must establish that the Project will be dedicated for public use for a period of not less than 10 (ten) years after completion. The separate agreement must define the responsibilities of the parties as to the use of the real property and operation and maintenance of the Project after completion. This agreement must be approved by the State prior to its execution. A copy of the executed agreement shall be provided to the State.

4. Project Funding.

- a. The City of Bryan and the City of College Station jointly shall provide 100% (one hundred percent) of the necessary funds for development of the Project, including but not limited to: survey; right-of-way acquisition; required utility work; environmental assessment and remediation; preliminary and final design work; all costs associated with advertising and letting the Project to contract; all construction bid item costs; all construction contract management costs; all construction bid item change order costs, should they become necessary; and all construction bid item material and equipment testing costs. An Estimated Project Budget is attached as Attachment C.
- b. The state auditor may conduct an audit or investigation of any entity receiving funds from the state directly under the contract or indirectly through a subcontract under the contract. Acceptance of funds directly under the contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

- 5. **Project Responsibilities.** The Cities of Bryan and College Station are jointly responsible for all aspects of the Project unless otherwise indicated in this Agreement.

a. Utilities.

The Cities of Bryan and College Station shall be jointly responsible for the adjustment, removal, or relocation of utility facilities in accordance with applicable State laws, regulations, rules, policies, and procedures, including any cost to the State of a delay resulting from the City of Bryan's and the City of College Station's failure to ensure that utility facilities are adjusted, removed, or relocated before the scheduled beginning of construction. The Cities of Bryan and College Station will not be reimbursed with federal or state funds for the cost of required utility work. The Cities of Bryan and College Station must obtain advance approval for any variance from established procedures. Before a construction contract is let, the Cities of Bryan and College Station shall provide, at the State's request, a certification stating that the Cities of Bryan and College Station have completed the adjustment of all utilities that must be adjusted before construction is completed.

The Cities of Bryan and College Station will be jointly responsible for all costs associated with additional adjustment, removal, or relocation during the construction of the project, unless this work is provided by the owners of the utility facilities:

- i. per agreement;
- ii. per all applicable statutes or rules, or;
- iii. as specified otherwise in a LPAFA.

Prior to letting a construction contract for a local project, a utility certification must be made available to the State upon request stating that all utilities needing to be adjusted for completion of the construction activity have been adjusted.

b. Environmental Assessment and Mitigation.

- i. The Cities of Bryan and College Station must comply with all applicable federal, state, and local environmental laws and regulations and permitting requirements.
- ii. The Cities of Bryan and College Station are jointly responsible for preparing the appropriate environmental documents necessary to obtain environmental clearance.
- iii. The Cities of Bryan and College Station are jointly responsible for the identification and assessment of any environmental problems associated with the Project.
- iv. The State is responsible for coordination with the applicable resource agencies and for obtaining the final environmental clearance.
- v. The Cities of Bryan and College Station are jointly responsible for the cost of the mitigation or remediation of any environmental problems identified during the process of securing the environmental clearance of the Project.
- vi. The Cities of Bryan and City of College Station are jointly responsible for providing any public meetings or public hearings, if required.
- vii. The Cities of Bryan and College Station shall provide the State with written certification that identified environmental problems have been mitigated or remediated in accordance with the terms of the environmental documents and the coordination with the applicable resource agencies.

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c. Compliance with Texas Accessibility Standards and ADA.

The Cities of Bryan and College Station shall ensure that the plans for and the construction of the Project are in compliance with the Texas Accessibility Standards (TAS) issued by the Texas Department of Licensing and Regulation, under the Architectural Barriers Act, Article 9102, Texas Civil Statutes. The TAS establishes minimum accessibility requirements to be consistent with minimum accessibility requirements of the Americans with Disabilities Act (P.L. 101-336) (ADA).

d. Preliminary Engineering.

- i. The Cities of Bryan and College Station will be jointly responsible for the preparation of all the engineering contract documents required for the construction of the Project.
- ii. The Cities of Bryan and College Station shall jointly prepare, or cause to be prepared, the preliminary engineering, specifications and estimates (PS&E) to be let by the Cities of Bryan and College Station in accordance with the latest AASHTO or State standards or the City of Bryan's and the City of College Station's standards, as approved by the State. The Cities of Bryan and College Station shall submit shop drawings for all materials intended for use on the traffic signals and related items to the State for the State's approval, prior to fabrication and/or use.
- iii. The Cities of Bryan and College Station shall submit the completed PS&E to the State for review and approval. The Cities of Bryan and College Station shall not advertise for the construction contract until the State has approved the PS&E documents.
- iv. The State shall review all plan work and associated documentation in a timely manner.

e. Bidding.

The Project will be let to contract using the City of College Station's own construction contract letting and award procedures approved by the State or the Cities of Bryan and College Station shall agree to use the applicable procedures provided by the State at the following website: <http://the.State-webdev/business/localgov.htm>. The Cities Bryan and College Station shall advertise for construction bids and issue bid proposals. The City of College Station shall receive and tabulate the bids. The Cities of Bryan and College Station shall jointly award a contract for construction of the Project in accordance with existing procedures and applicable laws.

The Cities of Bryan and College Station shall notify the State once the project is advertised for bids. Once the bid tabulations have been received, the Cities of Bryan and College Station shall obtain approval from the State prior to awarding the contract to the successful bidder. The Cities of Bryan and College Station must submit a right of way certification stating that right of way acquisition is complete or no right of way is needed before the State will approve the bid.

f. Construction.

- i. The State will be responsible for auditing and construction oversight.
- ii. The Cities of Bryan and College Station shall notify the State before actual construction work on State right of way begins. Said notification shall include, but is not limited to: invitation to all pre-letting and pre-construction meetings; invitation to all work-in-progress meetings; and a minimum of 3 workdays notice prior to performing major items of work

(such as placing or modifying traffic control plans, pouring any concrete items, and/or performing any work items on the existing or proposed traffic signal system) on the Project.

- iii. The Cities of Bryan and College Station shall submit all change order plan work and associated items to the State for their review and approval prior to enacting any change order associated with the Project. The Cities of Bryan and College Station or their engineer will supervise and inspect all work performed by the construction contractor and will provide such engineering, inspection and testing services as may be required to ensure that the construction of the Project is accomplished in accordance with the approved PS&E.

The Cities of Bryan and College Station shall test (or cause to be tested) all construction bid item materials and equipment in accordance with the State testing standards. The Cities of Bryan and College Station shall provide written results of the various tests to the State within 3 workdays following the completion of each test. In cases where a material or an equipment test indicates that the material or equipment fails to meet the state standards, the Cities of Bryan and College Station shall recommend a course of corrective action to the State. The State shall have the authority to accept or reject the corrective action. If the corrective action plan is rejected by the State, the Cities of Bryan and College Station shall continue to seek-out a corrective action plan until it develops one that is acceptable to the State. All costs associated with material and/or equipment corrective actions shall be borne jointly by the Cities of Bryan and College Station.

- iv. The Cities of Bryan and College Station or their engineer shall inspect all construction bid item work to ensure that it is performed in accordance with applicable state standards and specifications.
- v. The Cities of Bryan and College Station shall submit all concrete mix designs to the State for approval prior to use on the project.
- vi. The State shall have and retain oversight of all inspection of all items of work performed within the State right-of-way.

The State shall periodically inspect the project's signs, barricades and traffic control plan to ensure compliance with the Texas Manual on Uniform Traffic Control Devices (TxMUTCD). The State shall attend all pre-work and pre-construction meetings.

6. **Final Inspection.** The Cities of Bryan and College Station shall request by letter within fifteen (15) days of physical completion of the work that the local state office perform its final inspection and acceptance.
7. **Project Maintenance.** The Cities of Bryan and College Station shall be responsible for maintenance of its own local public roads after completion of the Project and the State shall be responsible for maintenance of the state highway system after completion of the Project.
8. **Termination of this Agreement.** This Agreement shall remain in effect until the Project is completed and accepted by all parties, unless the:
 - a. Agreement is terminated in writing with the mutual consent of the parties;
 - b. Agreement is terminated because one or both the City of Bryan or the City of College Station has breached the contract.
 - c. The City of Bryan or the City of College Station elects not to provide funding after the completion of preliminary engineering, specifications and estimates (PS&E) and the Project does not proceed because of insufficient funds, in which case the Cities of Bryan and

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College Station jointly agree to reimburse the State for its reasonable actual costs incurred during the Project.

If the Agreement is terminated then the Cities of Bryan and College Station jointly must reimburse the State for all Project costs incurred by the State.

- 9. **Amendments.** Amendments to this Agreement due to changes in the character of the work or terms of the Agreement, or responsibilities of the parties relating to the Project must be enacted through a mutually agreed upon, written amendment.
- 10. **Remedies.** This Agreement shall not be considered as specifying the exclusive remedy for any agreement default, but all remedies existing at law and in equity may be availed of by either party to this Agreement and shall be cumulative.
- 11. **Notices.** All notices to either party by the other required under this Agreement shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to such party at the following addresses:

The City of Bryan and the City of College Station:		State:
Glenn Brown City Manager City of College Station P.O. Box 9960 College Station, TX 77842	David Watkins City Manager City of Bryan P.O. Box 1000 Bryan, TX 77805	Robert (Bob) A. Appleton, P.E. Director of Transportation Planning and Development Texas Department of Transportation 1300 North Texas Avenue Bryan, Texas 77903-2760

All notices shall be deemed given on the date so delivered or so deposited in the regular mail, unless otherwise provided herein. Any party may change the above address by sending written notice of the change to the other parties. Any party may request in writing that such notices shall be delivered personally or by certified U.S. mail and such request shall be honored and carried out by the other parties.

- 12. **Legal Construction.** In case one or more of the provisions contained in this Agreement shall for any reason be held invalid, illegal or unenforceable in any respect, such invalidity, illegality or unenforceability shall not affect any other provisions and this Agreement shall be construed as if it did not contain the invalid, illegal or unenforceable provision.
- 13. **Responsibilities of the Parties.** The State and the City of Bryan and the City of College Station agree that neither party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.
- 14. **Ownership of Documents.** Upon completion or termination of this Agreement, all documents prepared by the State shall remain the property of the State. All data prepared under this Agreement shall be made available to the State without restriction or limitation on their further use. All documents produced or approved or otherwise created by the Cities of Bryan and College Station shall be transmitted to the State in the form of photocopy reproduction on a monthly basis as required by the State.

Upon the completion of the Project, the Cities of Bryan and College Station shall transmit the original as-built construction plans to the State for its permanent records. The Cities of Bryan

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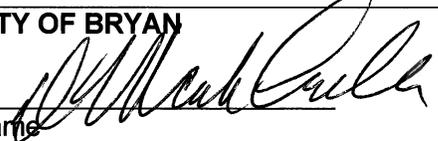
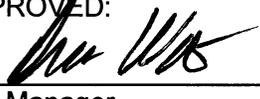
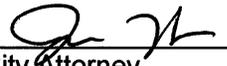
and College Station will also furnish the State an electronic copy of this information in a Microstation format.

- 15. Compliance with Laws.** The parties shall comply with all applicable federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this Agreement. When required, the Cities of Bryan and College Station shall furnish the State with satisfactory proof of this compliance.
- 16. Sole Agreement.** This Agreement constitutes the sole and only Agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the Agreement's subject matter.
- 17. Retention of Records and Inspection.** The Cities of Bryan and College Station shall keep a complete and accurate record to document the performance of the work and to expedite any audit that might be conducted. The Cities of Bryan and College Station shall maintain all books, documents, papers, accounting records and other documentation relating to costs. Records shall include, but not be limited to, diaries, materials received (invoices), test reports, manufacturer's certificates, warranties, change orders, and time extensions. The Cities Bryan and College Station shall make such materials available to the State, to each other, or their duly authorized representatives for verification, review and inspection at its office during the contract period and for four (4) years from the date of completion of work defined under this contract or until any impending litigation, or claims are resolved.
- 18. Insurance.** If this agreement authorizes the Cities of Bryan and/or College Station or its contractor to perform any work on State right of way, before beginning work the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately and the State may recover damages and all costs of completing the work.
- 19. Debarment Certification.** The parties are prohibited from making any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549, "Debarment and Suspension." By executing this agreement, the City of Bryan and the City of College Station both certify that they are not currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549. The parties to this contract shall require any party to a subcontract or purchase order awarded under this contract to certify its eligibility to receive Federal funds and, when requested by the State, to furnish a copy of the certification.
- 20. Signatory Warranty.** The signatories to this Agreement warrant that each has the authority to enter into this Agreement on behalf of the party represented.

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 CDFA: N/A

IN TESTIMONY HEREOF, the parties hereto have caused these presents to be executed in triplicate counterparts.

THE LOCAL GOVERNMENTS

CITY OF BRYAN	CITY OF COLLEGE STATION
 Name	 Name
<u>D. Mark Conlee, Mayor, City of Bryan</u> Printed Name and Title	<u>Ben White, Mayor, City of College Station</u> Printed Name and Title
<u>6-5-09</u> Date	<u>5.28.09</u> Date
ATTEST:	ATTEST:
 Mary Lynne Stratfa, City Secretary	 Connie Hooks, City Secretary
Date: <u>6-5-09</u>	Date: <u>5-29-09</u>
APPROVED:	APPROVED:
 City Manager	 City Manager
Date: <u>6/4/09</u>	Date: <u>5-27-09</u>
 City Attorney	 City Attorney
Date: <u>6-4-09</u>	Date: <u>05/27/09</u>
 Chief Financial Officer	 Chief Financial Officer
Date: <u>6/4/09</u>	Date: <u>5-26-09</u>

THE STATE OF TEXAS

Executed for the Executive Director and approved for the Texas Transportation Commission for the purpose and effect of activating and/or carrying out the orders, established policies or work programs heretofore approved and authorized by the Texas Transportation Commission.


 Janice Mullenix
 Director of Contract Services
 Texas Department of Transportation

July 28, 2009
 Date

ATTACHMENT A
Resolution or Ordinance
City of College Station

RESOLUTION NO. 05-18-09-2u

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, AUTHORIZING THE MAYOR TO SIGN AN ADVANCE FUNDING AGREEMENT WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE WIDENING OF STATE HIGHWAY 30 ADJACENT TO THE PROPOSED BVSWMA LANDFILL SITE; AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, the City of College Station is required to design and construct additional lanes on State Highway 30 from 4.20 miles west of F.M. 244 to 4.63 miles west of F.M. 244 and adjacent to the proposed BVSWMA landfill site for the purpose of providing safe ingress and egress from said facility (the" Project"); and

WHEREAS, the City and the State have agreed upon a plan to widen State Highway 30 adjacent to the proposed BVSWMA landfill site; and

WHEREAS, detailed construction plans have been prepared; and

WHEREAS, the City will bid the Project to contract, administer and inspect the construction, and fund the construction of the Project; and

WHEREAS, the Texas Department of Transportation permits construction to be performed in their rights-of-way following the execution of an Advanced Funding Agreement between the City of College Station and the Texas Department of Transportation; and

WHEREAS, there will be no funding or reimbursements from the Texas Department of Transportation for any of the Project costs; now therefore,

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

PART 1: The matters set forth in the preamble are true and correct.

PART 2: The City Council of the City of College Station agrees to execute an Advanced Funding Agreement with the Texas Department of Transportation, which will permit the City to perform work within the State right-of-way.

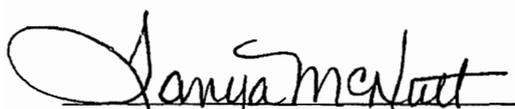
PART 3: The City Council of the City of College Station hereby authorizes the Mayor to execute said Advanced Funding Agreement on behalf of the City of College Station, Texas and to transmit the same to the State of Texas for appropriate action.

PART 4: This Resolution shall be effective immediately upon its adoption.

ADOPTED by the City Council of the City of College Station, Texas, this 18th day of May, 2009.

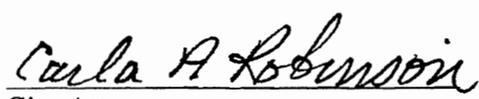
ATTEST:

APPROVED:


Connie Hooks, City Secretary
Deputy


Ben White, Mayor

APPROVED:


Carla A. Robinson
City Attorney

ATTACHMENT A
Resolution or Ordinance
City of Bryan

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING
MAY 26, 2009**

A regular meeting of the Bryan City Council was held on Tuesday, May 26, 2009, in Room 305 and the Council Chambers of the Bryan Municipal Building, a notice of said meeting having been posted at least 72 hours in advance in accordance with Section 551, Texas Government Code. Mayor Mark Conlee and Councilmembers Al Saenz, Paul Madison, Jason Bienski, Ann Horton, Art Hughes and Mike Southerland were present. Also present were City Manager David Watkins, City Attorney Janis Hampton and City Secretary Mary Lynne Stratta.

1. CALL TO ORDER

The meeting was called to order at 4:04 p.m.

2. EXECUTIVE SESSION

The meeting was called into a closed to the public session at 4:05 p.m. under the provisions of Section 551, Texas Government Code, to discuss under the authority of Section 551.071, consultation with attorney - seek legal advice concerning the Brazos Valley Solid Waste Management Agency gas-to-energy project contracts and the Bryan Texas Utilities common pole use agreement and franchise agreement, seek legal advice concerning the Brazos Valley Solid Waste Management Agency agreement, seek legal advice regarding Cause Number 08-001626CV272, *City of Bryan v. City of College Station*, in the 272nd District Court, Brazos County, Texas, seek legal advice concerning Grimes County condemnation proceedings for Twin Oaks Landfill, seek legal advice regarding acquisition of real property for Twin Oaks Landfill and related contracts relative to Twin Oaks Landfill, seek advice of legal counsel regarding *Texas Municipal Power Agency, et al v. The Public Utility Commission of Texas, et al*, Cause No. 04-0751, and related litigation pending in the Third Court of Appeals, the Travis County District Courts, the Grimes County District Court, and the Public Utility Commission of Texas, including litigation relating to Docket 35011 and the Ex Parte Texas Municipal Power Agency–TMPA II Cause No. D-1-GN-08-003693 pending in Travis County and related litigation in Brazos County, seek legal advice regarding justice center construction contract, seek legal advice regarding solicitation ordinance, seek legal advice regarding Skiles contested case before the Brazos Valley Groundwater District, Bryan, Texas, seek legal advice regarding *Thomas Chavers vs. City of Bryan, et al*, Case No. 08-CV-3286 in the United States District Court in the Southern District of Texas, seek legal advice regarding *City of Bryan, Texas vs. Black Cliffs Investments, LLC*, Cause No. 499-CC in the County Court at Law No. 1, of Brazos County, Texas, seek legal advice regarding the Traditions partnership and development agreements and reclaimed water agreement, receive legal advice regarding employment status of Police Chief, receive legal advice regarding acquisition of property north of Bryan for economic development purposes and associated partnership proposal, receive legal advice regarding the Brazos Valley Wide Area Communications System interlocal agreement and contracts for the acquisition and installation of Brazos Valley Wide Area Communications System equipment, seek legal advice regarding annexation and annexation development agreement, seek legal advice regarding *Alexander Constancio, Jr., v. Sanderson Farms, Inc., et al*; Cause No. 08-001717-CV-272; in the 272nd District Court of Brazos County, Texas, seek legal advice regarding code enforcement violations at 2411 Morris Lane, receive legal advice regarding implementation of Charter amendment, receive legal advice regarding Brazos County Health District Cooperative agreement, and receive legal advice

regarding the Brazos County Expo development agreement; under the authority of Section 551.074, personnel – discussion of appointment of Mayor Pro Tem; under the authority of Section 551.072, real estate – discussion regarding evaluation and negotiation for the possible sale of real property located on West Villa Maria Road, between Finfeather Road and Forestwood Drive, being Lot 3, Block 1, Villa West Subdivision, Section 1; and under the authority of Section 551.086, public utility competitive matters – discussion regarding BTU competitive matters.

3. OPEN SESSION FOR ACTION FOLLOWING EXECUTIVE SESSION

The meeting was called into open session at 6:10 p.m. Councilmember Madison made a motion to appoint Councilmember Jason Bienski as Mayor Pro Tem for the next year. The motion was seconded by Councilmember Horton and carried unanimously.

4. INVOCATION AND PLEDGE OF ALLEGIANCE

Pastor Chad Gonzales, Lighthouse Bible Church, gave the invocation and Mayor Conlee led the pledge.

5. PROCLAMATIONS AND PRESENTATIONS

A civilian citation was presented to Mr. Armando Cavazos for saving the life of a fellow citizen by removing him from a burning vehicle. Information regarding the Mayor's Action Challenge for Children and Families was presented.

6. HEAR CITIZENS

Mr. N. J. Pritchard, 1809 Beck, spoke in favor of the aggressive panhandling ordinance. He also expressed concern about curb cuts on Beck Street. He added the City was making progress.

7. HISTORIC PRESERVATION ORDINANCE

a. Public Hearing – Historic Preservation Ordinance

Staff presented information regarding an amendment of Chapter 2, Administration, by adding Division 15, Subsections 2-407 through 2-409 and Chapter 130, Zoning, amending Subsections 130-3, 130-24 and 130-30 and repealing Chapter 54, Historic Preservation, of the City of Bryan Code of Ordinances, providing for the alignment of historic preservation codes with modern historic preservation theories and practices; providing for penalty and providing for publication. Questions posed by the Council were answered. The public hearing closed at 6:40 p.m. with no comments from the public.

b. First Reading of an Ordinance – Historic Preservation Ordinance

Councilmember Southerland made a motion to approve the first reading of an ordinance of the City of Bryan, Texas, amending Chapter 2, Administration, by adding Division 15, Subsections 2-407 through 2-409 and Chapter 130, Zoning, amending Subsections 130-3, 130-24 and 130-30 and repealing Chapter 54, Historic Preservation, of the City of Bryan Code of Ordinances, providing for the alignment of historic preservation codes with modern historic preservation theories and practices; providing for penalty and providing for publication; with the following conditions: that members of the Commission shall be citizens of Bryan and that the definition of property owner be more clearly defined. The motion was seconded by Councilmember Saenz.

Councilmember Madison moved to amend by adding that the majority of Commission members must be citizens of Bryan. The motion was seconded by Councilmember Southerland and carried unanimously. The main motion as amended carried unanimously.

8. CONSENT (AUTOMATIC APPROVAL) AGENDA

Councilmember Horton made a motion to approve the consent agenda with the exception of agenda item 8 g, which was removed for separate consideration. The motion was seconded by Councilmember Madison and carried unanimously.

a. Approval of Minutes – Special Meeting of May 6, 2009

b. Consideration – Annual Price Agreement for Hot Mix Paving

Consider approving an annual contract with Brazos Valley Services of Bryan, Texas, for hot mix paving material in an amount not to exceed \$75,000. Source of Funds: General Fund.

c. Consideration – Annual Price Agreement for Liquid Chlorine

Consider approving a one-year extension to a contract for an annual price agreement with DXI Industries, Inc., of Houston, Texas, for liquid chlorine in the amount of \$122,309.38. Source of Funds: Water and Wastewater Operating Funds.

d. Consideration – Annual Price Agreement for Sulfur Dioxide

Consider approving an extension to a one-year contract for an annual price agreement with DXI Industries, Inc., of Houston, Texas, for sulfur dioxide in the amount of \$62,700. Source of Funds: Wastewater Operating Funds.

e. Second and Final Reading of an Ordinance – Rezoning Request (RZ 09-05)

Second and final reading of Ordinance No. 1806 of the City of Bryan, Texas, amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by approving an amended development plan with standards for additional wall signage for a previously approved Planned Development District (PD) on property at 3100 Wildflower Drive at the south corner of Wildflower Drive and Towne Centre Way, being Lot 3 in Block 4 of Bryan Towne Center Subdivision in Bryan, Brazos County, Texas.

f. Second and Final Reading of an Ordinance – Rezoning Request (RZ 09-06)

Second and final reading of Ordinance No. 1807 of the City of Bryan, Texas, amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances, changing the zoning classification from Agricultural-Open District (A-O) to a combination of Multiple-Family District (MF) and Retail District (C-2) on 24.95 acres of land out of Stephen F. Austin League No. 10, Abstract No. 63, adjoining the north side of Old Reliance Road and extending approximately 700-1,500 feet northeast from its intersection with North Earl Rudder Freeway (State Highway 6) in Bryan, Brazos County, Texas.

h. Second and Final Reading of an Ordinance – Alley Closing (AC 09-01)

Second and final reading of Ordinance No. 1808 of the City of Bryan, Texas, providing for the abandonment and closing of a 20-foot wide and approximately 150-foot long segment of public right-of-way for an alley in Block 25, extending generally east-to-west and bisecting most of Block 25, except for the eastern 100 feet of said alley right-of-way in the Bryan Original Townsite in Bryan, Brazos County, Texas; authorizing the conveyance thereof to the abutting property owners; and providing for the terms and conditions of abandonment and conveyance.

i. Second and Final Reading of an Ordinance – Street Closing (SC 09-03)

Second and final reading of Ordinance No. 1809 of the City of Bryan, Texas, providing for the abandonment and closing of a 100-foot wide and approximately 250-foot long segment of public right-of-way for South Washington Avenue extending generally north-to-south between East 26th and 27th Streets and between Blocks 25 and 7 in the Bryan Original Townsite in Bryan, Brazos County, Texas; authorizing the conveyance thereof to the abutting property owners; and providing for the terms and conditions of abandonment and conveyance.

j. Second and Final Reading of an Ordinance – Street Closing (SC 09-04)

Second and final reading of Ordinance No. 1810 of the City of Bryan, Texas, providing for the abandonment and closing of a 5-foot wide and approximately 400-foot long segment of public right-of-way for East 27th Street extending generally east-to-west between North Texas and Regent Avenues and between Block 25, 7 and 24 in the Bryan Original Townsite in Bryan, Brazos County, Texas; authorizing the conveyance thereof to the abutting property owners; and providing for the terms and conditions of abandonment and conveyance.

Council then discussed the item removed from the consent agenda for separate consideration.

g. Second and Final Reading of an Ordinance - Amending Chapter 62, Land and Site Development and Chapter 110, Subdivisions, of the City of Bryan Code of Ordinances – Establishing a Sidewalk Fund

Deputy City Manager Joey Dunn presented information regarding the second and final reading of Ordinance No. 1811 of the City of Bryan, Texas, amending Chapter 62, Land and Site Development, and Chapter 110, Subdivisions, of the City of Bryan Code of Ordinances by adding Subsections 62-295 (d) and (e) and Subsections 110-59 (k) and (l), providing for the establishment of a sidewalk fund in lieu of actual sidewalk construction in conjunction with a development project. He stated this recommendation came from the Comprehensive Plan. Councilmember Bienski moved the adoption of Ordinance No. 1811. The motion was seconded by Councilmember Horton. Concern was expressed about the ordinance while positive aspects of the ordinance were pointed out. Mr. Dunn provided additional information. Councilmember Madison moved the previous question. The motion was seconded by Councilmember Bienski and carried with five yeases and two noes (Councilmembers Saenz and Southerland). The main motion carried with five yeases and two noes (Councilmembers Southerland and Saenz).

9. STATUTORY AGENDA

Councilmember Madison made a motion to approve the statutory agenda. The motion was seconded by Councilmember Horton and carried unanimously.

a. Consideration – Amendment to the 2008 Consolidated Action Plan

Consider approving the substantial amendment to the City's 2008 Consolidated Action Plan, as required by the U.S. Department of Housing and Urban Development (HUD) for the Community Development Block Grant Recovery Program (CDBG-R) of \$250,205 to be used for an infrastructure project that meets the eligibility criteria of the CDBG-R guidelines. Source of Funds: \$250,205 (\$25,000 for eligible administrative activity and \$225,205 for the MLK Sidewalk project including construction and program delivery) Community Development Block Grant American Recovery and Reinvestment Act of 2008; \$974,000 – Certificates of Obligation (combination tax and revenue Certificates of Obligation, Series 2009 as approved by City Council July 8, 2008).

b. First Reading of an Ordinance – Aggressive Solicitation Ordinance

First reading of an ordinance of the City of Bryan, Texas, amending Chapter 82, "Offenses and Miscellaneous Provisions" of the Bryan City Code of Ordinances by adding Section 82-11 "Aggressive Solicitation Prohibited"; declaring a penalty; and providing for publication.

10. REGULAR AGENDA

a. Consideration – Appointment of Councilmembers to Various Boards and Committees

Councilmember Madison made a motion to appoint Councilmember Hughes as Council liaison to the Bryan Business Council and Coulter Airfield Advisory Committee; remove Councilmember Horton from the Water Committee and add her to the Intergovernmental Committee; add Councilmember Hughes to the Water Committee; and remove Councilmember Southerland as Texas A&M University Student Senate liaison and add Councilmember Hughes to that position. The motion was seconded by Councilmember Bienski and carried unanimously.

b. Consideration – Advance Funding Agreement

Staff presented information regarding an advance funding agreement with the State of Texas, acting by and through the Texas Department of Transportation and the City of College Station to construct additional lanes on State Highway 30 from 4.20 miles west of FM 244 to 4.63 miles west of FM 244 and adjacent to the Brazos Valley Solid Waste Management Agency Twin Oaks Landfill site for the purpose of providing safe ingress and egress to the facility. Councilmember Madison moved approval. The motion was seconded by Councilmember Bienski and carried unanimously.

c. Discussion, Consideration and Possible Action

Councilmember Southerland moved to approve a Council appointed committee, Councilmember Mike Southerland as chair, to review and report back to Council on the needs of the homeless children in Bryan. The motion was seconded by Councilmember Saenz. It was pointed out that after a previous Council workshop presentation, a coalition of about 75 members representing 40 different organizations had been formed to address homelessness in Bryan and College Station. After discussion, it was agreed that Councilmember Southerland should join the coalition and report back to the Council, along with staff member Alsie Bond, chair of the coalition, as to specific areas of concern where the City could assist. Accordingly, Councilmember Southerland withdrew his motion.

d. Discussion and Policy Direction – Charter Amendment

City Attorney Janis Hampton interpreted the new Section 5 (j) (1) (a) added to the City Charter during the past election. During discussion and policy direction to staff regarding implementation of the City Charter amendment adding Section 5 (j) (1) (a) to the City Charter, it was indicated that the Council wished to maintain the current agenda structure, including the use of consent and statutory agendas. It was indicated that discussion regarding the number of Councilmembers required to remove an item from the consent agenda was needed. It was requested that the City Attorney draft a policy for Council consideration. Accordingly, Councilmember Southerland moved to postpone consideration until the next regular meeting. The motion was seconded by Councilmember Saenz and carried unanimously.

11. COUNCIL COMMITTEE REPORTS

Councilmember Bienski provided a report on a recent Intergovernmental Committee meeting.

12. CITY MANAGER REPORT

City Manager Watkins provided an update on capital improvement, development and redevelopment projects, staff/citizen recognition, reports on attendance at meetings and events, and information to the public about upcoming public meetings and events, as follows: Public Works Appreciation Week, Texas Public Works Association Award (top award for Bryan Avenue project), City of Bryan employee picnic, Texas Reds Festival, recognition of new International Institute of Municipal Clerks President Mary Lynne Stratta, Insurance Services Organization rating review, Brownfield Grant recipient, Community Development Block Grant and FM 60 widening project.

13. ADJOURN

Without objection, the meeting was adjourned at 7:34 p.m.

For Cynthia J. Bowman
 City Secretary Mary Lynne Stratta

D. Mark Conlee
 Mayor D. Mark Conlee

ATTACHMENT B
Project Location Map
Showing Project

ATTACHMENT C

Estimated Project Budget

Description	Total Estimated Cost	Federal Participation		State Participation		Local Participation	
		%	Cost	%	Cost	Bryan	College Station
						Cost	Cost
PRELIMINARY ENGINEERING COSTS							
Preliminary Engineering (Includes environmental documents, right-of-way documents, utility layouts and the complete PS&E)	\$36,000	0%	\$0	0%	\$0	\$18,000	\$18,000
CONSTRUCTION, CONSTRUCTION ENGINEERING AND CONTINGENCIES							
Construction	\$603,750	0%	\$0	0%	\$0	\$301,875	\$301,875
Construction Management (Includes preparing the contract documents, advertising for bids, awarding the contract, construction management, inspection and testing)	\$17,000	0%	\$0	0%	\$0	\$8,500	\$8,500
Direct State Costs (including plan review, inspection and oversight)	Waived	n/a	\$0	n/a	\$0	n/a	\$0
Indirect State Costs (no local participation required except for service projects)	n/a	n/a	\$0	n/a	\$0	n/a	\$0
TOTAL	\$656,750		\$0		\$0	\$328,375	\$328,375

The estimated costs shown above reflect an equal (50-50) participation by both the City of Bryan and the City of College Station.

**September 10, 2009
Consent Agenda Item No. 2e
Contract Renewal w/ EnviroSolve**

To: Glenn Brown, City Manager

From: Mark Smith, Director of Public Works

Agenda Caption: Presentation, possible action, and discussion regarding renewal of contract #08-084 with EnviroSolve and the City of College Station and City of Bryan to provide Household Hazardous Waste collection services in an amount not to exceed \$229,510.00.

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

Summary: EnviroSolve was the successful bidder for a 2008 annual contract to supply the Cities with collection and disposal services for household hazardous waste. The total cost of all services provided under contract #08-084 may not exceed One Hundred Fourteen Thousand Seven Hundred Fifty-Five and No/100 Dollars (\$114,755.00) for completed and accepted work for each collection event held during the term of said contract as set forth and adjusted in accordance with the terms of the contract documents; provided, however, that the total maximum expenditure for the total number of collection events shall not exceed Two Hundred Twenty-Nine Thousand Five Hundred and no/100 Dollars (\$229,510.00). This 2009 renewal is the first of two optional annual renewals of the 2008 contract #08-084. This agreement will be good for the term of November 14, 2009 through November 14, 2010.

Budget & Financial Summary: Funds are available and budgeted in the Brazos Valley Solid Waste Management Agency. This purchase exceeds \$50,000, thus requiring approval by both College Station and Bryan City Councils as per the BVSWMA mediated settlement between the two cities.

Attachments:

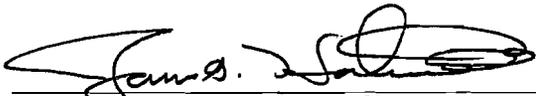
1. Renewal Letter

RENEWAL ACCEPTANCE

By signing herewith, I acknowledge and agree to renew contract No. 08-084, for Household Hazardous Waste Collection Services in accordance with all terms and conditions previously agreed to and accepted.

I understand this renewal term will be for the period beginning October 20, 2009 through October 19, 2010

ENVIROSOLVE, INC.



AUTHORIZED REPRESENTATIVE

8-14-09

DATE

CITY OF COLLEGE STATION

Mayor

DATE

ATTEST:

City Secretary

DATE

APPROVED:

City Manager

DATE



City Attorney

DATE

Chief Financial Officer

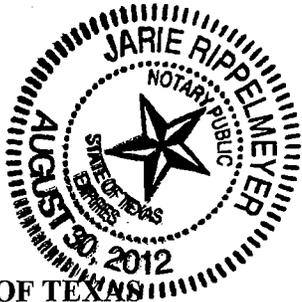
DATE

STATE OF TEXAS

CORPORATE ACKNOWLEDGMENT

COUNTY OF Harris

This instrument was acknowledged on the 14th day of August, 2009,
by James G. Hortenstine in his/her capacity as Vice President of
Envirosolve, Inc., a Delaware (state) Corporation, on behalf of said
corporation.



Jarie Rippe Meyer
Notary Public in and for the
State of Texas

STATE OF TEXAS

ACKNOWLEDGMENT

COUNTY OF BRAZOS

This instrument was acknowledged on the _____ day of _____, 2009,
by _____, 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

CITY OF BRYAN

Mayor

DATE

ATTEST:

City Secretary

DATE

APPROVED:

City Manager

DATE

City Attorney

DATE

Chief Financial Officer

DATE

STATE OF TEXAS

ACKNOWLEDGMENT

COUNTY OF BRAZOS

This instrument was acknowledged on the _____ day of _____, 2009,
by _____, in the capacity as Mayor of the City of Bryan, a Texas
home-rule municipality, on behalf of said municipality.

Notary Public in and for the
State of Texas

Cancellation

The City reserves the right to cancel this contract or any portion thereof immediately should supplier's delivery or service be unsatisfactory or for suppliers failure to comply with terms stated in contract.

Certification

Bids must be completed and submitted on the form included within the specifications of this bid. Certification of Bid must be fully completed.

Collusion

Advanced disclosures of any information to any particular bidder which gives that particular bidder any advantage over any other interested bidder in advance of the opening of bids, whether in response to advertising or an informal request for bids, made or permitted by a member of the governing body or an employee or representative thereof, will cause to void all proposals of that particular bid solicitation or request.

Communication

The City shall not be responsible for any verbal communication between any employee of the City and potential bidder(s). Only written specifications and price quotations will be considered.

Confidentiality

Public agencies in Texas are subject to the Public Information Act.

Delivery

All prices quoted shall be F.O.B. City of College Station. No freight or delivery charges will be accepted unless shown on bid.

Exceptions

The bidder will note any exceptions to the conditions of this bid. If no exceptions are stated, it will be understood that all general and specific conditions will be complied with, without exception.

Extension of Contract

Upon completion of the term of the original contract and mutual agreement of both parties, the contract may be extended for up to two (2) additional one (1) year terms [three (3) years total]. In the event a new contract cannot be executed at the anniversary date of the original term or any renewal term, the contract may be renewed month-to-month until a new contract is executed.

Financial Condition

Contractor must provide audited financial statements, if requested, to the City.

Fiscal Funding

This contract includes fiscal funding provisions. If, for any reason, funds are not appropriated to continue this contract, said contract shall become null and void.



CITY OF COLLEGE STATION

*1101 Texas Avenue
College Station, TX 77840
www.cstx.gov*

**ANNUAL PRICE AGREEMENT
AND
SPECIFICATIONS
FOR HOUSEHOLD HAZARDOUS WASTE COLLECTION SERVICES
BID #08-88**

BID OPENING DATE: AUGUST 18, 2008 @2:00 P.M. CST

Bids will be received at the City of College Station Purchasing Department, 1101 Texas Avenue, College Station, TX 77842, until Monday, August 18, 2008, at 2:00 p.m. CST, and publicly opened and read aloud at City Hall, 1101 Texas Avenue, College Station, TX. Any questions concerning the bid should be directed to Cynthia Sciulli, C.P.M., Buyer, Purchasing Services Division, 979.764.3437. **Clearly mark return bid envelope with Bid # and Bid Opening Date.**

INTRODUCTION

Bids are solicited for Household Hazardous Waste Collection Services with the following definitions, term and conditions of bidding. Should this bid contain the City's standard contract terms, conditions and insurance requirements, they will be attached as Exhibit A.

The bid will be for the categorization, packaging, manifesting, transporting, and disposal of household hazardous waste (HHW) in accordance with Federal, State, and Local environmental regulations on behalf of the Brazos Valley Solid Waste Management Agency (BVSWMMA). BVSWMMA is a solid waste management agency jointly owned by the Cities of College Station and Bryan and operated for the Cities by College Station under the authority of an interlocal cooperation agreement and is hereinafter referred to in this bid as "BVSWMMA". BVSWMMA is planning a series of HHW collection events for at least two weekends during a twelve (12) month period. The first collection will be held October 4, 2008 and the second event will be Spring 2009. The collections events will take place regardless of weather conditions. This program will give the citizens of College Station and Bryan and other cities within the Brazos Valley region an environmentally safe and convenient method to dispose of hazardous household wastes.

NOTE: Bid opportunities are posted on our website at www.cstx.gov. Some bids, but not all, are conducive to receipt of bids via the City of College Station's On-Line Bidding System. These bids are encrypted and remain effectively locked until the due date and time. If you

September 10, 2009
Consent Agenda Item No. 2f
Agreement with Emergicon for Ambulance Billing Services

To: Glenn Brown, City Manager

From: Jeff Kersten, Chief Financial Officer

Agenda Caption: Presentation, possible action and discussion on an Agreement for Services with Emergicon to provide ambulance billing services in an amount not to exceed \$75,000.

Recommendation(s): Staff recommends the approval of the Agreement for Services with Emergicon.

Summary: A total of 7 responses were received on an RFP for ambulance billing services. Interviews with a staff team were held with 3 firms, and Emergicon was the top ranked firm.

This Agreement for Services provides ambulance billing services for the City's EMS operation. This billing is currently being performed by National Reimbursement Services (NRS).

Ambulance billing is unique in that it requires specialized knowledge, training, and software in order to code the transports for billing, and it requires a tremendous amount of follow-up after the bill is sent to work with Medicare, Medicaid, and private insurance companies. Dealing with patient confidential information necessitates specialized training in federal HIPPA and Privacy Act legislation compliance.

Budget & Financial Summary: Funds are available in the General Fund - Accounting Division. The fee that will be charged for all new bills is 5% of the amount collected. The current service provider, NRS, is receiving 7% of the amount collected.

Attachments:

Contract #09-260 is available in the City Secretary's Office.

September 10, 2009
Regular Agenda Item No. 1
Fiscal Year 2009 - 2010 Budget Adoption

To: Glenn Brown, City Manager

From: Jeff Kersten, Chief Financial Officer

Agenda Caption: Presentation, possible action, and discussion on an ordinance adopting the City of College Station 2009-2010 Budget; and presentation, possible action and discussion ratifying the property tax increase reflected in the budget.

Recommendation(s): Staff recommends the City Council approve the ordinance adopting the proposed 2009-2010 budget with any changes the Council wishes to include. A summary of changes the City Council has discussed will be presented to the Council for consideration.

Staff also recommends the Council ratify the property tax increase reflected in the budget.

Summary: There are two actions in this agenda item.

First is the consideration of the 2009 - 2010 proposed budget. The City Council received the proposed budget on August 17, 2009 and held budget workshops on July 7, August 17, and August 20. The City Council held a public hearing on the proposed budget on August 27. The charter requires that the City Council adopt a budget no later than September 27.

The City Council will need to include any proposed revisions to the budget in the motion to adopt the budget.

The second action is ratification of the property tax increase reflected in the budget. This action is required due to legislation approved in 2008. House Bill 3195 amends the local government code to say the following:

"(c) Adoption of a budget that will require raising more revenue from property taxes than in the previous year requires a separate vote of the governing body to ratify the property tax increase reflected in the budget. A vote under this subsection is in addition to and separate from the vote to adopt the budget or a vote to set the tax rate as required by Chapter 26, Tax Code, or other law."

The proposed budget will result in additional property tax revenues over last year totaling \$1,563,007, or 7.1%, and of that amount \$909,109 is tax revenue to be raised from new property added to the tax roll this year.

The proposed tax rate is \$0.4394 per \$100 assessed valuation which is the same as the FY 2008-2009 tax rate.

Budgetary and Financial Summary: The following is an overall summary of the proposed budget.

Subtotal Operation and Maintenance:	\$206,289,546
<u>Subtotal Capital:</u>	<u>53,210,063</u>
Total Proposed Budget:	\$259,499,609

Attachments:

1. FY 10 Budget Ordinance

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A BUDGET FOR THE 2009-10 FISCAL YEAR AND AUTHORIZING EXPENDITURES AS THEREIN PROVIDED.

WHEREAS, a proposed budget for the fiscal year October 1, 2009, to September 30, 2010, was prepared and presented to the City Council and a public hearing held thereon as prescribed by law and the Charter of the City of College Station, Texas, notice of said hearing having first been duly given; and

WHEREAS, the City Council has reviewed and amended the proposed budget and changes as approved by the City Council have been identified and their effect included in the budget; now therefore,

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

PART 1: That the proposed budget as amended by the City Council of the City of College Station, which is made a part hereof to the same extent as if set forth at length herein, is hereby adopted and approved, a copy of which is on file in the Office of the City Secretary in College Station, Texas.

PART 2: That authorization is hereby granted for the expenditure of the same under the respective items contained in said budget with the approved fiscal procedures of the City.

PART 3: That the City Manager and his authorized and designated employees, at his discretion, be, and are hereby authorized to sign or release utility easements; to negotiate and sign documents related to the settlement of disputed assessments for paving, weed mowing, demolition, and other disputes based on legal questions of whether the assessments are enforceable or other extenuating circumstances; to sign contracts and documents authorizing the payment of funds and to expend public funds for expenditures that are \$50,000 or less; to sign change orders authorizing the expenditure of funds pursuant to SECTION 252.048 of the TEXAS LOCAL GOVERNMENT CODE or as provided in the original contract document. The intent of this section is to provide the ability to conduct daily affairs of the City which involve numerous decisions of a routine nature.

PART 4: That the City Manager and his authorized and designated employees, at his discretion, be, and are hereby, authorized to provide for transfers of any unexpended or unencumbered appropriation balance within each of the various departments in the General Fund and within any other fund of the City and to authorize transfers of Contingent Appropriations within a fund up to an amount equal to expenditures that are \$15,000 or less.

PART 5: That the City Council hereby approves the funding for the outside agencies and organizations in this budget and authorizes the City Manager and his authorized and designated employees, at his discretion, to sign contracts and documents authorizing the payment of funds,

Ordinance No. _____

and to expend public funds for expenditures that are \$50,000 or less that have been expressly approved and appropriated in this budget, as set out in Appendix J of the 2009-10 Fiscal Year Budget.

PART 6: That the City Council hereby approves the funding and the purchases that are made pursuant to interlocal agreements as provided by CHAPTER 271, SUBCHAPTERS (D) AND (F) of the TEXAS LOCAL GOVERNMENT CODE, in this budget and authorizes the City Manager and his authorized and designated employees, at his discretion, to sign contracts and documents authorizing the payment of funds, and to expend public funds that have been expressly designated, approved, and appropriated in this budget, as set out in the 2009-10 Fiscal Year Equipment Replacement Fund, and Attachment "A" to this Ordinance.

PART 7: That this ordinance shall become effective immediately after passage and approval.

PASSED AND APPROVED THIS 10th DAY OF SEPTEMBER, 2009.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:

Hany Cayel

City Attorney

Attachment "A"

Potential FY10 Technology Purchases through GSA Schedule 70,
 HGAC, TXMAS, Texas Department of Information Resources, TCPN or Buy Board Purchases

ITEM	Quantity	Estimated Unit Cost	Projected Total
Scheduled Replacement/Repair/Additions			
Replacement PCs	100	1,000.00	100,000.00
Replacement Monitors	50	190.00	9,500.00
Replacement Printers	12	2,200.00	26,400.00
Replacement Laptops	20	1,200.00	24,000.00
Replacement Copiers			65,000.00
Printer replacement Parts			20,000.00
PC Replacement Parts (Video Cards, Hard Drive & Memory)			25,000.00
Replace 3servers	3	7,500.00	22,500.00
Server replacement parts			20,000.00
Server OS replacement			10,000.00
Replacement UPS battery/units			35,000.00
Estimated Additional Desktop Software			80,000.00
Includes but not limited to New & Upgrade versions of Adobe Acrobat, PageMaker, Photoshop Illustrator, Premier, Audition, Microsoft Publisher, Windows XP, Frontpage, Project, Visio, Vstudio.net, AutoCAD, ESRI ArcGIS, Crystal, Corel Draw, Cognos, Novell			
Public Safety MDT replacement			246,873.00
Handheld Radio Battery Replacement			10,000.00
Computer Network Maint and Equipment Replacement			55,500.00
Motorola Radio Repair/Replacement			35,000.00
Telephone Repair/Replacement			25,000.00
Fiber installation on Texas Avenue			30,000.00
BVWACS radio equipment purchases			2,500,000.00
Municourt Upstairs Phone and Computer Network equipment			25,000.00
SCADA Replacement Wastewater			205,000.00
SCADA Man Machine Upgrade Wastewater			60,000.00
Communications Infrastructure Improvements Wastewater			30,000.00
Subtotal - Scheduled Replacement			3,659,773.00
Service Level Adjustments			
SLA - new position equipment			4,024.00
includes desktop pc, extended warranty, network card, added memory, monitor, laptop, printer, standard software, additional phones and radios			
SLA - Brazos Valley Crime Center Information Database			10,000.00
SLA - Automated system to call customers and deliver a prerecorded message			11,200.00
SLA - GPS Peer to Peer CAES Upgrade			60,000.00
SLA - BVSWMMA Transition to Grimes County			17,000.00
SLA - SAN Drives			20,000.00
Subtotal - Service Level Adjustments			122,224.00

Unscheduled Replacements/Additions

Estimated Additional PC setups not identified specifically in budget includes but not limited to: Monitor, network card, extended warranty, added memory	15	2,100.00	31,500.00
Estimated Standard Desktop Software not identified specifically in budget Includes but not limited to: Microsoft Office 2007, Norton Antivirus, Microsoft Windows client access license	15	415.00	6,225.00
Estimated Additional Desktop Software Includes but not limited to New & Upgrade versions of Adobe Acrobat, PageMaker, Photoshop Illustrator, Premier, Audition Microsoft Publisher, Windows XP Frontpage, Project, Visio, Vstudio.net AutoCAD, ESRI ArcGIS, Crystal Corel Draw, Cognos, Novell			45,000.00
Estimated Additional Printers/Plotters			40,000.00
Estimated Memory upgrades includes: desktop pcs, printers laptops	300	100.00	30,000.00
Estimated PC misc parts includes: CD Burners, harddrives modems, network cards, DVD Burner mice, network cables			10,000.00
Estimated Monitor upgrades includes: Flat Panel and larger than 19" monitor			30,000.00
Estimated Additional Scanners	10	1,200.00	12,000.00
Estimated Additional Laptops/Toughbooks	15	4,000.00	60,000.00
Estimated Network Upgrades			50,000.00
Sub-Total Unscheduled Replacement/Additions			314,725.00
Phone System Maintenance			
Cisco			30,400.00
Subtotal - Phone System Maintenance			30,400.00

Network Software on Master License Agreement (MLA)		
Border Manager - 652 nodes (Dropped)		0.00
GroupWise - 262 additional mailboxes		5,502.00
Novell Open Workgroup Suite (1Zen/1Groupwise/1 ODES) -721		47,586.00
Netware ODES - 160 additional nodes		4,160.00
ZenWorks Asset Management -721 nodes		3,605.00
ZenWorks Patch Management - 721 nodes		7,931.00
Subtotal - Network Software on MLA		68,784.00
PC Hardware and Software Maintenance		
VIPRE/Ghost		6,130.00
HP Printer Maintenance		4,345.00
AutoCAD		12,904.00
Barracuda Spam/Spyware		1,750.00
Subtotal - PC Software Maintenance		25,129.00
IBM Hardware and Software Maintenance		
Hardware Maintenance (2 i5s and 2 p-series)		20,320.00
i5 Software Subscription and Support	2	7,595.00
AIX Software Subscription and Support	2	1,338.00
Subtotal - IBM Hardware and Software Maintenance		29,253.00
GIS Software Maintenance		
ArcInfo Concurrent Use License Annual Maintenance (Primary 1)		3,250.00
ArcInfo Concurrent Use License Annual Maintenance (Secondary 9)		11,500.00
Primary Maintenance for ArcView Concurrent Use License (2)		1,450.00
Secondary Maintenance for ArcView Concurrent Use License (13)		7,000.00
Primary Maintenance for ArcView Single Use License (3)		1,325.00
Secondary Maintenance for ArcView Single Use License (26)		7,800.00
Primary Maintenance for ArcGIS Spatial Analyst Concurrent Use License (1)		550.00
Secondary Maintenance for ArcGIS Spatial Analyst Concurrent Use License (2)		450.00
Primary Maintenance for ArcGIS 3D Analyst Concurrent Use License (1)		550.00
Secondary Maintenance for ArcGIS 3D Analyst Concurrent Use License (1)		200.00
Primary Maintenance for ArcGIS Tracking Analyst Concurrent Use License (1)		550.00
ArcIMS 1Server/2 CPU ArcSDE developer Support Group 1SVR 2CPUs 5 Read Write		6,000.00
Primary Maintenance for ArcCOGO Concurrent Use License (1)		550.00
Secondary Maintenance for ArcCOGO Concurrent Use License (1)		225.00
Primary Maintenance for MAPLEX Concurrent Use License (1)		550.00
Secondary Maintenance for MAPLEX Concurrent Use License (1)		200.00
MapObjects Win Ed Developers Kit Maint. (1)		1,300.00
Primary ArcGIS Publisher Concurrent (1)		550.00
Subtotal - GIS Software Maintenance		44,000.00
	Grand Total	4,294,288.00

**September 10, 2009
Regular Agenda Item No. 2
Ad Valorem Tax Rate Adoption**

To: Glenn Brown, City Manager

From: Jeff Kersten, Chief Financial Officer

Agenda Caption: Presentation, possible action, and discussion on approval of an ordinance adopting the City of College Station 2009-2010 advertised ad valorem tax rate of \$0.439400 per \$100 assessed valuation, the debt service portion being \$0.229433 per \$100 assessed valuation and the operations and maintenance portion being \$0.209967 per \$100 assessed valuation.

Recommendation(s): Adopt tax rate of \$0.439400 per \$100 assessed valuation, the debt service portion being \$0.229433 per \$100 assessed valuation and the operations and maintenance portion being \$0.209967 per \$100 assessed valuation.

Summary: The Texas Property Tax Code requires that if an entity wishes to increase tax revenues over the effective tax rate then that entity must call and hold two public hearings on the proposed tax rate. The City Council called public hearings on a tax rate of \$0.439400 per \$100 assessed valuation. Following each public hearing the City Council announced the meeting date, time and place to adopt the tax rate. The two public hearings were held on August 27 and on September 1.

If the City Council wishes to adopt a tax rate above the effective tax rate of \$0.429033 cents per \$100 assessed valuation, the motion to adopt such a tax rate will need to be stated as follows: "I move that property taxes be increased by the adoption of a tax rate of \$0.439400 per \$100 assessed valuation, which is effectively a 2.416364 percent increase in the tax rate".

The current tax rate of \$0.439400 per \$100 assessed valuation was used to prepare the proposed budget. If the City Council adopts a tax rate lower than the current rate, the budget will have to be amended and reduced.

Budgetary and Financial Summary: The current tax rate of \$0.43940 per \$100 assessed valuation will generate approximately \$23.71 million. The property taxes are used to fund the general debt service of the City as well as a portion of the operations and maintenance costs of the General Fund. The property tax revenue also provides funds for the TIF in Wolf Pen Creek.

For the current tax rate of \$0.439400 per \$100 assessed valuation, the debt service portion is \$0.229433 per \$100 assessed valuation and the operations and maintenance portion is \$0.209967 per \$100 assessed valuation.

Attachments:

1. Tax Rate Ordinance - \$0.4394 per \$100 assessed valuation

AN ORDINANCE LEVYING THE AD VALOREM TAXES FOR THE USE AND SUPPORT OF THE MUNICIPAL GOVERNMENT OF THE CITY OF COLLEGE STATION, TEXAS, AND PROVIDING FOR THE GENERAL DEBT SERVICE FUND FOR THE YEAR 2009-10 AND APPORTIONING EACH LEVY FOR THE SPECIFIC PURPOSES.

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

SECTION 1. That there is hereby levied and there shall be collected for the use and support of the municipal government of the City of College Station, Texas, and to provide General Debt Service for the 2009-10 fiscal year upon all property, real, personal and mixed within the corporate limits of said city subject to taxation, a tax of forty three and ninety four hundredths cents (\$0.439400) on each one hundred dollar (\$100.00) valuation of property, and said tax being so levied and apportioned to the specific purpose herein set forth:

1. For the maintenance and support of the general government (General Fund), twenty and ninety nine hundredths and sixty seven thousandths cents (\$0.209967) on each one hundred dollar (\$100.00) valuation of property; and
2. For the general obligation debt service (Debt Service Fund), twenty two and ninety four hundredths and thirty three thousandths cents (\$0.229433) on each one hundred dollars (\$100.00) valuation of property to be used for principal and interest payments on bonds and other obligations of the fund.

SECTION II. All moneys collected under this ordinance for the specific items therein named, shall be and the same are hereby appropriated and set apart for the specific purpose indicated in each item and the Assessor and Collector of Taxes and the Chief Financial Officer shall keep these accounts so as to readily and distinctly show the amount collected, the amounts expended and the amount on hand at any time, belonging to such funds. It is hereby made the duty of the Tax Assessor and Collector to deliver a statement at the time of depositing any money, showing from what source such taxes were received and to what account (General Fund or General Debt Service Fund) the funds were deposited.

Section III. THIS TAX RATE WILL RAISE MORE TAXES FOR MAINTENANCE AND OPERATIONS THAN LAST YEAR'S TAX RATE. THE TAX RATE WILL EFFECTIVELY BE RAISED BY 2.416364% AND WILL RAISE TAXES FOR MAINTENANCE AND OPERATIONS ON A \$100,000 HOME BY APPROXIMATELY \$16.62.

SECTION IV. That this ordinance shall take effect and be in force from and after its passage.

PASSED AND APPROVED THIS 10th DAY OF September, 2009.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:

Hawz Carigill

City Attorney

**September 10, 2009
Regular Agenda Item No. 3
Electric Rate Ordinance**

To: Glenn Brown, City Manager

From: David Massey, Director of Electric Utilities

Agenda Caption: Presentation, possible action, and discussion regarding an ordinance amending Chapter 11, "Utilities" Section 4, "Electric Service" of the Code of Ordinances of the City of College Station, Texas having the effect of raising revenues for electric services approximately nine percent (9%).

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

Summary: The attached ordinance authorizes the implementation of a rate increase to raise revenues by approximately nine percent (9%).

This rate increase is necessary to cover increased wholesale power costs resulting from higher fuel, transmission and administrative fees in the Electric Reliability Council of Texas (ERCOT) market. In addition, the rate increase is necessary due to CSU system expansion projects associated with transmission, substation and distribution.

Budget & Financial Summary: The proposed rates will increase revenues by approximately nine percent (9%) and are needed to continue to meet financial policies and bond covenants.

Attachments:

1. Electric Rate Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 11, "UTILITIES" OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY CHANGING ELECTRICITY RATES TO VARIOUS CUSTOMERS; PROVIDING A SEVERABILITY CLAUSE AND PROVIDING AN EFFECTIVE DATE.

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

PART 1: That Chapter 11, "Utilities" 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 affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: This amendment is effective October 1, 2009.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2009.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:

Carla A. Robinson

City Attorney

The customer operating the submetering system shall provide electric service to his tenants and render bills therefore in strict accordance with the electric submetering rules and regulations as established by the Public Utility Commission of Texas in Substantive Rule No. 25.142, a copy of which is on file in the office of the City Secretary and on the Internet at:

www.puc.state.us.tx/rules/subrules/electric/25.142/25.142.doc.

All records and reports provided for in these rules and regulations, other than those specified below, shall be made available to the City upon request.

The customer shall not impose any additional charges on his tenants over and above those charges that are billed by the City. For verification purposes, the customer shall, within five days (5) after his tenant's bills are rendered each month, file a written report with the City showing a reconciliation of his billing to his tenants plus the billing for owner used energy with the charges that are billed by the City. This report shall provide as a minimum the following information:

A calculation of the average cost per kilowatt-hour for the current month.

A listing of all submeter readings and billings, including kilowatt-hour usage metered and total rate charge, for the current month.

(4) Electric Rate-Schedule SC (Small Commercial Customers)

- (a) Applicable to non-residential customers billed through a single meter whose monthly kilowatt demand does not exceed 15 kW. Service will be furnished under this rate schedule subject to the established rules and regulations of the City covering this type of service.
- (b) Character of Service - A.C., 60 cycles per second, single-phase, 120/240 volts; three phase 120/240, 120/208, 240/480, 277/480 volts as available at point of service. Three-phase customers served via under-ground primary to pad-mounted transformers will be furnished only 120/208 or 277/480 volt service.
- (c) Rate:
- | | |
|-----------------|-------------------------------------------------------------------------------------|
| Service Charge: | \$9.00 per month, plus |
| Energy Charge: | \$0.1281 per kWh for the first 1000 kWh;
\$0.0979 per kWh for all kWh over 1000. |
- (d) Billing Demand - Demand meters may be installed on all such customers if (1) the installed load would indicate that demands over 15 kW would be experienced; or (2) if the monthly energy usage exceeds 5,250 kWh. A customer on this schedule whose metered demand exceeds 15 kW for any billing period shall be billed under Schedule LP-1 for the next twelve-month period beginning with the current month.
- (e) Transmission Delivery Adjustment - The monthly charges under this rate schedule shall be increased or decreased as necessary to reflect the application of a transmission delivery adjustment calculated in accordance with Schedule TDA provided however that the adjustment shall never be less than zero (0).

- (5) Electric Rate-Schedule LP-1 (Medium Commercial Customers)
- (a) Applicable to all commercial or industrial customers where service is taken through one meter at one point of delivery and where the monthly kilowatt demand is between 15 kW and 300 kW. Before service is furnished hereunder, an individual service agreement contract between the Customer and the City may be required outlining all details of the service to be supplied, the terms of the contract, and the obligations of each party.
- (b) Character of Service - A.C., 60 cycles per second, single-phase, 120/240 volts; three phase 120/240, 120/208, 240/480, 277/480 volts as available at point of service. Three-phase customers served via under-ground primary to pad-mounted transformers will be furnished only 120/208 or 277/480 volt service.
- (c) Rate:
- Service Charge: \$25.00 per month, plus
Demand Charge: \$10.40 per kW of monthly
billing demand,
plus
Energy Charge: \$0.0694 per kWh for all kWh
- (d) Minimum Monthly Charge - The minimum monthly charge under this rate schedule shall be the highest one of the following charges:
- (i) \$181.00 per month plus applicable transmission delivery adjustment on the kilowatt-hours used.
- (ii) The sum of service, demand and energy charges under the above rate plus applicable transmission delivery adjustment on the kilowatt-hours used.
- (iii) The minimum monthly charge specified in customer's service contract with the City plus applicable transmission delivery adjustment on the kilowatt-hours used.
- (e) Billing Demand - The billing demand shall be in the maximum 15 minute measured kilowatt demand in the billing period, but not less than 50% of the peak demand measured in the twelve month period ending with the current month. Unless otherwise specified in a firm electric service contract agreement, if at any time a customer billed under this schedule continues for a period of twelve consecutive months without a metered demand in excess of 15 kW, Schedule SC shall apply beginning with the first month succeeding such twelve month period. Likewise, a customer on this schedule whose metered demand exceeds 300 kW for any billing period shall be billed under Schedule LP-2 for the next twelve-month period beginning with the current month.
- (f) Power Factor - Should the power factor be lower than 0.90 lagging, the City may adjust the measured demand by multiplying by the ratio of 0.90 to the actual power factor.
- (g) Primary Service - Where service is taken by the customer at the City's available primary voltage and where the customer owns, operates, and maintains all service facilities except metering equipment, required to take service at such voltage, a credit of 2% of the base rate charges will

be allowed. Metering may be primary or secondary (corrected for the transformer losses) at the City's option.

- (h) Transmission Delivery Adjustment - The monthly charges under this rate schedule shall be increased or decreased as necessary to reflect the application of a transmission delivery adjustment calculated in accordance with Schedule TDA provided however that the adjustment shall never be less than zero (0).

- (i) Electric Off Peak Rider

This rider is used in lieu of demand fees when the off-peak demand exceeds the on-peak demand.

- (I) This off-peak rider shall apply in computing the customer's monthly electric bill. Under this rider, the demand for billing purposes shall be adjusted to be as follows:

$$\text{Off-peak Rider} = \frac{(X + Y)}{2}$$

Where:

X = the peak demand measured during the on-peak period

Y = the peak demand measured during the off-peak period

- (II) However, in no case shall the billing demand in any month be less than 50% of the peak demand measured in the twelve-month period ending with the current month.

The periods for application of this rider are defined as follows:

On-Peak Period - 6:00 AM through 11:00 PM on Monday through Friday

Off-Peak Period - 11:00 PM through 6:00 AM on Monday through Friday and 11:00 PM on Friday through 6:00 AM on Monday

- (6) Electric Rate Schedule LP-2 (Large Commercial)

- (a) Applicable to all commercial or industrial customers where service is taken through one meter at one point of delivery and where the monthly kilowatt demand is from 300 kW to 1500 kW. Service will be furnished under this rate schedule subject to the established rules and regulations of the City covering this type of service. Before service is furnished hereunder, an individual service agreement contract between the customer and the City may be required outlining all details of the service to be supplied, the terms of the contract, and the obligations of each party.

- (b) Character of Service - A.C., 60 cycles per second, single-phase, 120/240 volts; three phase 120/240, 120/208, 240/480, 277/480 volts as available at point of service. Three-phase customers served via under-ground primary to pad-mounted transformers will be furnished only 120/208 or 277/480 volt service.

- (c) Rate:

Service Charge: \$75.00 per month, plus
Demand Charge: \$10.40 per kW of monthly billing demand,

Energy Charge: \$0.0670 per kWh for all kWh
plus

- (d) Minimum Monthly Charge - The minimum monthly charge under this rate schedule shall be the highest one of the following charges:
- (I) \$3,195.00 per month plus applicable transmission delivery adjustment on the kilowatt-hours used.
 - (II) The sum of service, demand and energy charges under the above rate plus applicable transmission delivery adjustment on the kilowatt-hours used.
 - (III) The minimum monthly charge specified in the customer's service contract with the City, plus applicable transmission delivery adjustment on the kilowatt-hours used.
- (e) Billing Demand - The billing demand shall be in the maximum 15 minute measured kilowatt demand in the billing period, but not less than 50% of the peak demand measured in the twelve month period ending with the current month. Unless otherwise specified in a firm electric service contract agreement, if at any time a customer, billed under this schedule continues for a period of twelve consecutive months without a metered demand in excess of 300 kW, Schedule LP-1 shall apply beginning with the first month succeeding such twelve month period.
- (f) Power Factor - Should the power factor be lower than 0.90 lagging, the City may adjust the measured demand by multiplying by the ratio of 0.90 of the actual power factor.
- (g) Primary Service - Where service is taken by the customer at the City's available primary voltage and where the customer owns, operates and maintains all service facilities, except metering equipment, required to take service at such voltage, a credit of 2% of the base rate charges will be allowed. Metering may be primary or secondary (corrected for the transformer losses) at the City's option.
- (h) Transmission Delivery Adjustment - The monthly charges under this rate schedule shall be increased or decreased as necessary to reflect the application of a transmission delivery adjustment calculated in accordance with Schedule TDA provided however that the adjustment shall never be less than zero (0).
- (i) Electric On-Peak/Off-Peak Rider
- (I) Upon the customer's request, this rider shall be made available to customers billed under the rate schedule LP-2, whose monthly demand is greater than 300 kW, and who can reduce their load during the City's On-Peak time between 5:00 p.m. and 8:00 p.m. Under this rider, the demand for billing purposes shall be adjusted to be as follows:
 - (II) Rate: The applicable rate schedule demand charges shall be replaced by the following on-peak/off-peak rates:

On-Peak Demand Charge: \$6.65,
plus
Off-Peak Demand Charge: \$3.75

However, in no case shall the off-peak billing demand in any month be less than 50% of the off-peak demand measured in the twelve-month period ending with the current month.

The periods for application of this rider are defined as follows:

On-Peak Period - 5:00 PM through 8:00 PM, daily.
Off-Peak Period - 8:00 PM through 5:00 PM, daily.

(7) Electric Rate Schedule LP - 3 (Industrial)

- (a) Applicable to all industrial customers where service is taken through one meter at one point of delivery and where the monthly kilowatt demand is greater than 1500 kW. Service will be furnished subject to the established rules and regulations of the City covering this type of service. Before service is furnished hereunder, an individual service agreement contract between the customer and the City may be required outlining all details of the service to be supplied, the terms of the contract, and the obligations of each party.
- (b) Character of Service - A.C., 60 cycles per second, single-phase, 120/240 volts; three phase 120/240, 120/208, 240/480, 277/480, 2400/4160, 7200/12,470 volts as available at point of service. Three-phase customers served via under-ground primary to pad-mounted transformers will be furnished only 120/208 or 277/480 volt service.
- (c) Rate:
- Service Charge: \$250.00 per month, plus
Demand Charge: \$9.85 per kW of monthly billing demand,
plus
Energy Charge: \$0.0650 per kWh for all kWh
- (d) Minimum Monthly Charge - The minimum monthly charge under this rate schedule shall be the highest of the following charges:
- (I) \$15,034.85 per month plus applicable transmission delivery adjustment on the kilowatt-hours used.
- (II) The sum of service, demand and energy charges under the above rate plus applicable transmission delivery adjustment on the kilowatt-hours used.
- (III) The minimum monthly charge specified in the customer's service contract with the City, plus applicable transmission delivery adjustment on the kilowatt-hours used.
- (e) Billing Demand - The billing demand shall be in the maximum 15 minute measured kilowatt demand in the billing period, but not less than 50% of the peak demand measured in the twelve-month period ending with the current month. Unless otherwise specified in a firm electric service contract agreement, if at any time a customer, billed under the schedule continues for a period of twelve consecutive months without a metered demand in excess of 1500 kW, Schedule LP-2 shall apply beginning with the first month succeeding such twelve month period.
- (f) Power Factor - Should the power factor be lower than 0.90 lagging, the City may adjust the measured demand by multiplying by the ratio of 0.90 of the actual power factor.

- (g) Primary Service - Where service is taken by the customer at the City's available primary voltage and where the customer owns, operates and maintains all service facilities, except metering equipment, required to take service at such voltage, a credit of 2% of the base rate charges will be allowed. Metering may be primary or secondary (corrected for the transformer losses) at the City's option.
- (h) Transmission Delivery Adjustment - The monthly charges under this rate schedule shall be increased or decreased as necessary to reflect the application of a transmission delivery adjustment calculated in accordance with Schedule TDA provided however that the adjustment shall never be less than zero (0).
- (i) Electric On-Peak/Off-Peak Rider
 - (I) Upon the customer's request, this rider shall be made available to customers billed under the rate schedule LP-3, whose monthly demand is 300 kW or greater, and who can reduce their load during the City's On-Peak time between 5:00 p.m. and 8:00 p.m. Under this rider, the demand for billing purposes shall be adjusted to be as follows:
 - (II) Rate: The applicable rate schedule demand charges shall be replaced by the following on-peak/off-peak rates:

On-Peak Demand Charge:	\$6.30, plus
Off-Peak Demand Charge:	\$3.55

However, in no case shall the billing demand in any month be less than 50% of the peak demand measured in the twelve-month period ending with the current month.

The periods for application of this rider are defined as follows:

On-Peak Period -	5:00 PM through 8:00 PM, daily.
Off-Peak Period -	8:00 PM through 5:00 PM, daily.

(8) Electric Rate-Schedule SL (Security Lights)

- (a) Applicable to all security lights installed and maintained by the City for customers at their request. The customer will be required to contract for security light service for a minimum period of three (3) years. Service will be furnished under this rate schedule subject to the established rules and regulations of the City covering this type of service.
- (b) Additional construction costs for installing security lights:
The standard security light monthly fee includes installation of the security light on existing city-owned utility poles. The total cost for any additional poles, cables or other equipment as calculated by the Electrical Division must be paid in full by the customer prior to the installation of the security light.
- (c) Rates per month per light:
 - i) 100 Watt \$11.00
 - ii) 200 Watt \$16.00
 - iii) 400 Watt \$33.00

September 10, 2009
Regular Agenda Item No. 4
2429 Earl Rudder Freeway South - Rezoning

To: Glenn Brown, City Manager

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

Agenda Caption: Public hearing, presentation, possible action, and discussion regarding 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 changing the zoning district boundaries of an area consisting of 14.27 acres located at 2429 Earl Rudder Freeway, north of Raintree Drive, from R-1 Single-Family Residential and A-O Agricultural Open to PDD Planned Development District.

Recommendation(s): The Planning and Zoning Commission recommended approval of the amendment and the associated Concept Plan (including the requested meritorious modifications as shown on the Plan) with the condition that neither restaurants nor drive-thrus of any kind be permitted. The motioned passed by a vote of 4 to 1 at their August 20th meeting. Staff recommended approval of the PDD Planned Development District as presented with the exception of the requested modification to Section 8.2.A.7.e of the Unified Development Ordinance that would allow Appomattox Drive to remain a dead-end street. The City has current sanitation service issues in this location and anticipated fire service issues if the need arises. Staff recommended a turn-around at the end of Appomattox Drive.

Summary: The Unified Development Ordinance provides the following review criteria for zoning map amendments:

REVIEW CRITERIA

- 1. Consistency with the Comprehensive Plan:** With the adoption of the City's Comprehensive Plan, the subject property was designated Suburban Commercial and Natural Areas – Reserved. The Suburban Commercial designation is intended for commercial activities that cater primarily to nearby residents and are areas that tend to be small in size and located adjacent to major roadways. The design of these structures is compatible is size, roof type and pitch, architecture, and lot coverage with the surrounding single-family residential uses. The Natural Areas – Reserved designation is intended for areas that should be preserved for their natural function or open space qualities.

The PDD Planned Development District proposes open space on the north side of the property and neighborhood commercial uses on the south side of the property. Since the adoption of the Comprehensive Plan, City staff has begun the process of creating new zoning districts to better implement the form-based nature of the new Land Use and Character Map. During the interim, the PDD Planned Development District is the most appropriate zoning district to implement the Suburban Commercial land use designation.

- 2. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:** In July, the City hosted a meeting

with the developer and neighborhood representatives from the Windwood and Raintree subdivisions.

The purpose of the meeting was to discuss issues of land use compatibility, buffering, building placement and architectural compatibility. Approximately 10 neighborhood representatives were in attendance. The proposed land uses and concept plan reflect the agreements that were reached during the meeting.

- 3. Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment:** The proposed PDD would permit the following land uses: natural areas of floodplain and open space; sit-down restaurants without drive-thru facilities (aggregate square footage up to 22,000); professional offices; medical clinics; banks, pharmacies and dry cleaners (all with drive-thru options); and other neighborhood retail uses or personal service shops that could serve the surrounding area.

The subject property is located along and takes access to Earl Rudder Freeway (SH 6). A large portion of the property is proposed to remain undeveloped for floodplain protection. The property is suitable for the development of neighborhood commercial uses.

- 4. Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment:** The property is currently zoned R-1 Single Family Residential and A-O Agricultural Open which would generally allow for the development of single-family homes. Because of the limited area zoned for single-family development, the large amount of floodplain on the property, and access to State Highway 6, single-family development may not be the most appropriate use of the property.
- 5. Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment:** Because few lots could be developed on the property and an extensive amount of infrastructure and fill would be necessary in this area, marketability of the property for single-family development may be limited.
- 6. Availability of water, wastewater, stormwater, and transportation facilities generally suitable and adequate for the proposed use:** The subject tract is located adjacent to a 12-inch water main that runs along State Highway 6. The subject tract is located adjacent to a 15-inch sanitary sewer main which runs through the middle of the property, west to east. The subject tract is located in the Wolf Pen Creek Drainage Basin and is encroached by a FEMA-regulated Special Flood Hazard Area, Zone AE, with base flood elevation established, per FEMA FIRM Panel 144C & 163D. The subject tract will take access from State Highway 6 (Freeway/Expressway) pending TxDOT approval.

A Traffic Impact Analysis (TIA) was completed for this project. Based on the trip generation of 50 VPH or more for the proposed driveway, a right turn deceleration lane will have to be provided as mitigation on the State Highway 6 northbound frontage road. The proposed driveway should be located at the furthest southern most location on subject tract in order to provide enough weaving distance for traffic wanting to get on the entrance ramp to State Highway 6.

REVIEW OF CONCEPT PLAN

The following land uses are proposed for the PDD: natural areas of floodplain and open space; sit-down restaurants without drive-thru facilities (aggregate square footage up to

22,000); professional offices; medical clinics; banks, pharmacies and dry cleaners (all with drive-thru options); and other neighborhood retail uses or personal service shops that could serve the surrounding East Bypass area.

The applicant has provided the following information related to the purpose and intent of the proposed zoning district:

"The PDD zoning district will allow the development of this tract to include restaurant, retail and office uses compatible with the adjacent neighborhood while also acknowledging freeway frontage that is attractive to retail and restaurant users. Issues of concern can be addressed through collaboration by the developer, existing nearby residents and the City. There will be a maximum of three restaurants in the development. The pad sites may contain retail office or restaurant uses. The aggregate square footage of uses will not exceed that which results in a total number of trip ends greater than 319 PM peak hour trips. According to the UDO, for this site, an acceptable level of service is maintained up to 319 trip ends as per the Traffic Impact Analysis. At the detailed site plan stage, as specific square footage is allocated per lot, trip ends will be reviewed based on the specific use to ensure aggregate trip ends to not exceed 319 in the PM peak hour.

"The type, scale and design of the buildings will be more residential in character in that there will be no flat roof lines. Buildings shall not exceed 35 feet in height to the highest point of the roof. Maximum number of stories for restaurant or retail uses will be one-story and for office uses will be 2.5 stories. Any use having a drive-thru facility that may occur on the pad site nearest Raintree will have the drive-thru located on the north side of the building. Pedestrian access to the development from the adjacent neighborhood will be provided. Vehicular connectivity is not desired from this development via Appomattox by either this developer or the neighborhood residents.

"The developer has met with the City's Greenways Manager and is currently negotiating transfer of the majority of the existing floodplain portion of the tract and will be consolidating development on the southern portion. There will be a 15-foot buffer area adjacent to the neighborhood. Any parking lot lighting adjacent to the Raintree property line will utilize back light deflectors to preclude light from spilling over the property line."

Through the PDD, the applicant is requesting meritorious modifications to the following:

1. Section 8.2.A.7.e "Dead-End Streets" of the Unified Development Ordinance

The applicant is requesting to allow Appomattox Drive to remain as a dead-end street and requests that no vehicular access be provided between this development and the Raintree subdivision through Appomattox.

2. Section 7.6.F "BufferStandards" of the Unified Development Ordinance

The applicant is requesting to allow flexibility in the design of the landscape buffer adjacent to the Raintree subdivision. The buffer area is proposed to be 15 feet in width, but the location of the wall will vary (up to 15 feet from the property line) to protect existing natural vegetation. Any canopy trees (4" caliper or larger) located in the buffer area, up to 12 feet away from the property line, that are removed during construction will be replaced with one or more canopy trees equaling the tree points removed. The goal of the buffer area will be the preservation of existing vegetation in lieu of specific buffer plantings.

The Unified Development Ordinance provides the following review criteria for PDD Concept Plans:

1. **The proposal will constitute an environment of sustained stability and will be in harmony with the character of the surrounding area;** The applicant has proposed neighborhood retail uses. City staff, the developer, and representatives from the Windwood and Raintree neighborhoods met in July to discuss issues of land use, building, and site compatibility. The proposal is the result of the discussion during that meeting. The large majority of the floodplain, as well as areas outside of the floodplain, will remain as open and undeveloped.
2. **The proposal is in conformity with the policies, goals, and objectives of the Comprehensive Plan, and any subsequently adopted Plans, and will be consistent with the intent and purpose of this Section:** The proposed concept plan is in conformity with the policies, goals and objectives of the Comprehensive Plan. The Future Land Use and Character Map calls for Suburban Commercial and Natural Areas – Reserved in this area, which is what is currently proposed on the concept plan.
3. **The proposal is compatible with existing or permitted uses on abutting sites and will not adversely affect adjacent development:** The proposed development calls for neighborhood retail uses that are proposed to be compatible in scale, size, roof pitch and architecture with the adjacent single-family residential. Approximately half of the property is in the floodplain and will remain undeveloped.
4. **Every dwelling unit need not front on a public street but shall have access to a public street directly or via a court, walkway, public area, or area owned by a homeowners association:** No dwelling units are proposed with this development.
5. **The development includes provision of adequate public improvements, including, but not limited to, parks, schools, and other public facilities:** The development includes a provision for public pedestrian access from the end of Appomattox Drive in Raintree to the proposed development.
6. **The development will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity:** The concept plan includes protection of the floodplain. In addition, the concept plan includes a 15-foot buffer that will help preserve the natural vegetation along the property line adjacent to Raintree Subdivision.
7. **The development will not adversely affect the safety and convenience of vehicular, bicycle, or pedestrian circulation in the vicinity, including traffic reasonably expected to be generated by the proposed use and other uses reasonably anticipated in the area considering existing zoning and land uses in the area:** A Traffic Impact Analysis (TIA) was completed for the proposed development. Based on the trip generation of 50 VPH or more for the proposed driveway, a right turn deceleration lane will be provided as mitigation on the State Highway 6 northbound frontage road. A public pedestrian access has been provided on the concept plan that will extend from the end of Appomattox Drive in Raintree to the proposed development.

Budget & Financial Summary: N/A

Attachments:

1. Background Information
2. Aerial & Small Area Map (SAM)
3. Concept Plan
4. Draft Planning & Zoning Commission Minutes – August 20, 2009
5. Ordinance

BACKGROUND INFORMATION

NOTIFICATIONS

Advertised Commission Hearing Date: August 20, 2009
 Advertised Council Hearing Dates: September 10, 2009

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:

Raintree HOA
 Windwood HOA

Property owner notices mailed: 24
 Contacts in support: None as of date of staff report
 Contacts in opposition: None as of date of staff report
 Inquiry contacts: One as of date of staff report.

ADJACENT LAND USES

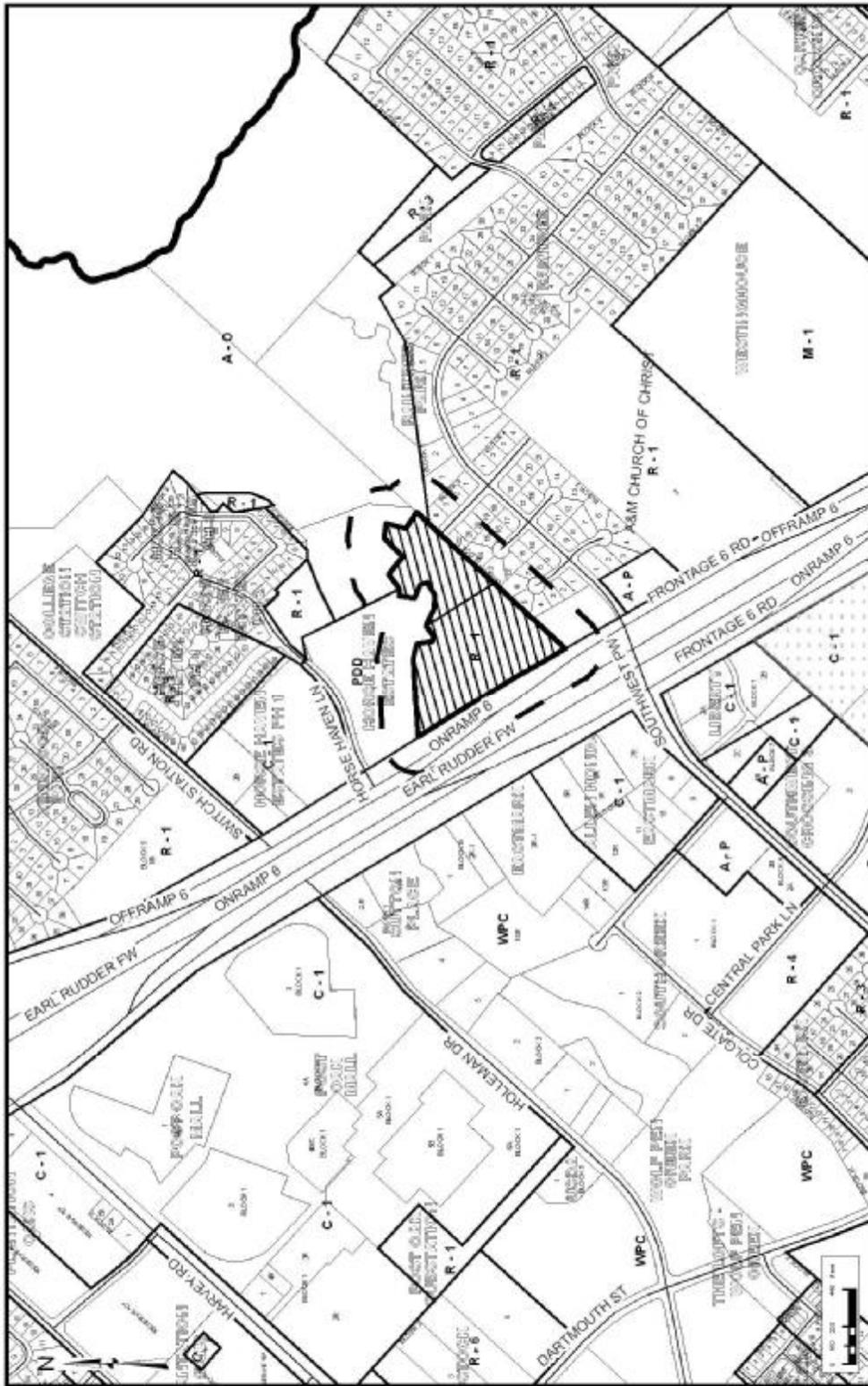
Direction	Comprehensive Plan	Zoning	Land Use
North	Natural Areas - Reserved & General Commercial	PDD Planned Development	Floodplain & Academy
South	Restricted Suburban & Suburban Commercial	R-1 Single Family	Raintree Subdivision & Vacant along SH 6
East	Natural Areas - Reserved	A-O Agricultural Open	Vacant
West	Highway	N/A	Earl Rudder Freeway (SH 6)

DEVELOPMENT HISTORY

Annexation: 1971 and 1977
Zoning: Front portion zoned R-1 Single Family Residential upon annexation
 Rear portion zoned A-O Agricultural Open upon annexation
Final Plat: Unplatted
Site development: Vacant



	DEVELOPMENT REVIEW	MCGILL TRACT	Case: 09-139	REZONING
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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
KD	Krenek Tap Overlay

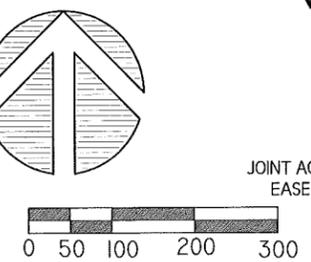
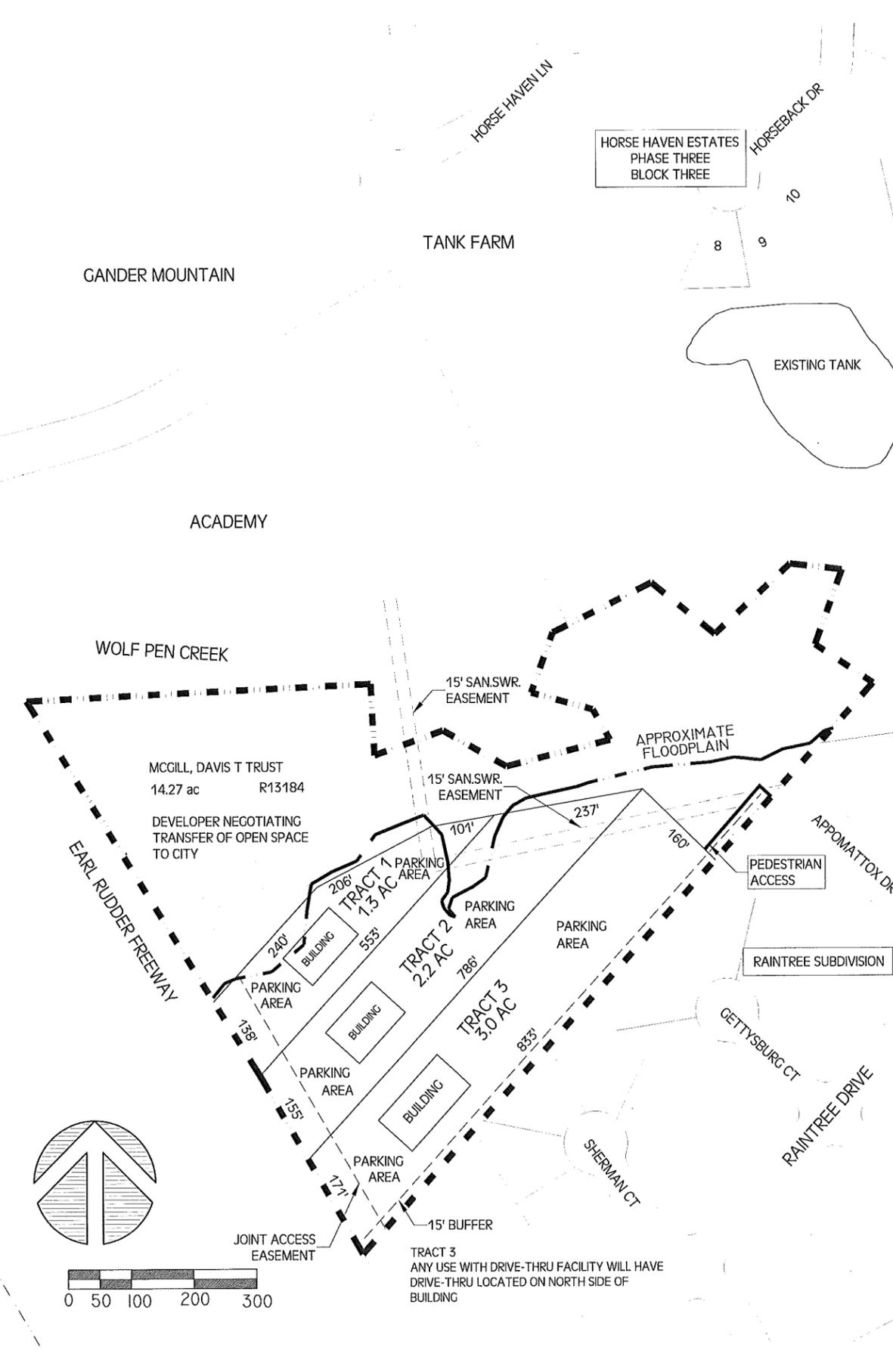


DEVELOPMENT REVIEW

MCGILL TRACT

Case: **09-139**

REZONING



STEWART TITLE GUARANTY COMPANY
 SCHEDULE A File No. 147873

4. LEGAL DESCRIPTION OF THE LAND:

Being all that certain 14.27 acres of land lying and being situated in the MORGAN RECTOR LEAGUE, Abstract No. 46, College Station, Brazos County, Texas and being part of that V. J. Boriskie tract described by deeds recorded in Volume 47, page 489, Volume 136, page 389 and Volume 152, page 608, Deed Records of Brazos County, Texas and being more particularly described as follows:

BEGINNING at the intersection of the southeast line of the said Boriskie tract and the northeast line of State Highway No. 6 (East By-Pass), which is also the most westerly corner of Raintree, Section One, an addition to the City of College Station, Texas, according to plat recorded in Volume 373, page 461, Deed Records of Brazos County, Texas;

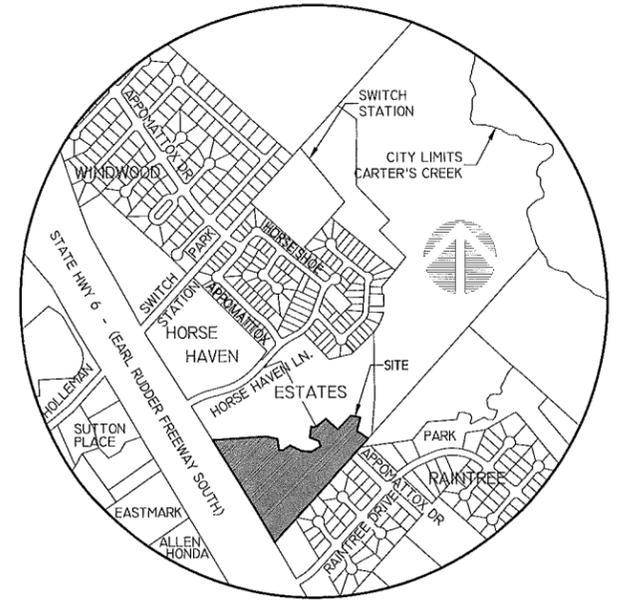
THENCE N 42° 14' 12" E - 1207.0' along the southeast line of the said Boriskie tract to the center of Wolf Pen Creek;

THENCE up the center of Wolf Pen Creek with its meanders as follows:

- N 56° 31' 27" W - 109.71 feet;
- N 19° 59' 12" E - 125.3 feet;
- N 63° 37' 33" W - 82.7 feet;
- S 47° 29' 13" W - 182.7 feet;
- N 51° 12' 51" W - 129.2 feet;
- S 63° 26' 33" W - 173.8 feet;
- S 19° 55' 21" W - 100.5 feet;
- S 74° 41' 25" E - 100.0 feet;
- S 29° 35' 00" E - 55.3 feet;
- S 76° 53' 05" W - 183.6 feet;
- N 60° 38' 41" W - 116.8 feet;
- S 70° 29' 51" W - 116.2 feet;
- N 02° 54' 31" W - 112.4 feet;
- S 87° 18' 38" W - 546.8 feet to the northeast line of State Highway No. 6 (East By-Pass);

THENCE S 32° 02' 50" E - 693.00 feet along the northeast line of State Highway No. 6 (East By-Pass) to a concrete right of way marker;

THENCE S 34° 01' 28" E - 325.08 feet continuing along the northeast line of State Highway No. 6 to the POINT OF BEGINNING and containing 14.27 acres of land, more or less. And being the same tract described in Deed from Lydia Frances Boriskie to Davis McGill, Trustee, dated August 22, 1993, recorded in Volume 597, page 226, Deed Records of Brazos County, Texas.



KEYMAP

PROPOSED USES INCLUDE:
 NATURAL AREAS OF FLOODPLAIN AND OPEN SPACE,
 SIT-DOWN RESTAURANTS WITHOUT DRIVE-THRU FACILITIES (AGGREGATE SF UP TO 22,000),
 PROFESSIONAL OFFICES, MEDICAL CLINICS,
 BANKS, PHARMACIES AND/OR DRY CLEANERS ALL WITH DRIVE-THRU OPTIONS, OTHER NEIGHBORHOOD RETAIL USES OR PERSONAL SERVICE SHOPS THAT COULD SERVE THE SURROUNDING EAST BY-PASS AREA.

TRAFFIC IMPACT ANALYSIS:
 THE UDO ANALYSIS USED AT ZONING STAGE SHOWS THE LIMIT OF 319 NET TRIP ENDS AT THE PM PEAK HOUR, WITH A 10% PASS BY APPLICABLE FOR MOST COMMERCIAL USES, IS THE UPPER LIMIT FOR THIS SITE WHERE THE CURRENT LEVEL OF SERVICE IS MAINTAINED WITH A DECEL LANE PROVIDED.

CONCEPT PLAN

DAVIS MCGILL TRACT

14.27 ACRE

MORGAN RECTOR LEAGUE A-46

COLLEGE STATION, BRAZOS COUNTY, TEXAS

PROPERTY OWNER
 MCGILL-DAVIS TRUST
 Thelma McGill, Trustee

SCALE: 1"=100' ~ JULY, 2009

ALTON OFCZARZAK, MANAGING MEMBER
 TDG MANAGEMENT, LP
 4060 HIGHWAY 6 SOUTH
 COLLEGE STATION, TEXAS 77845
 (979) 690-1504

IPS GROUP
 511 UNIVERSITY DRIVE E. SUITE 205
 COLLEGE STATION, TEXAS 77840
 (979) 846-9259

HESTER ENGINEERING COMPANY
 7607 EASTMARK DRIVE, SUITE 253-B
 COLLEGE STATION, TEXAS 77840
 (979) 693-1100 ~ FIRM NO. F-3476



MINUTES
PLANNING AND ZONING COMMISSION
Regular Meeting
Thursday, August 20, 2009,
7:00 p.m.
City Hall Council Chambers
1101 Texas Avenue
College Station, Texas

COMMISSIONERS PRESENT: Acting Chairman Scott Shafer, Doug Slack, Paul Greer, Mike Ashfield, Tom Woodfin, and Hugh Stearns

COMMISSIONERS ABSENT: Chairman John Nichols and Tom Woodfin

CITY COUNCIL MEMBERS PRESENT: Dennis Maloney and Larry Stewart

CITY STAFF PRESENT: Senior Planners Jennifer Prochazka and Jason Schubert, Staff Planner Matthew Hilgemeier, Planning Intern Felix Landry, Assistant City Engineer Josh Norton, City Engineer Alan Gibbs, Transportation Planning Coordinator Joe Guerra, Greenways Program Manager Venessa Garza, Graduate Engineer Donald Harmon, Budget/Management Analyst Courtney Kennedy, Assistant IT Director Erin Provazek, Senior Parks Planner Pete Vanacek, Planning Administrator Molly Hitchcock, Assistant Director Lance Simms, Director Bob Cowell, First Assistant City Attorney Carla Robinson, Action Center Representative Kerry Mullins, and Staff Assistant Brittany Caldwell

Regular Agenda

7. Public hearing, presentation, possible action, and discussion regarding a Rezoning from R-1 Single-Family Residential and A-O Agricultural Open to PDD Planned Development District for 14.27 acres located at 2429 Earl Rudder Freeway South, generally located 300 feet northwest of the intersection of Raintree Drive and Earl Rudder Freeway. **Case #09-00500139 (JP)**

Jennifer Prochazka, Senior Planner, presented the Rezoning and recommended approval of the PDD Planned Development District with the exception of the requested modification to Section 8.2.A.7.e of the Unified Development Ordinance that would allow Appomattox Drive to remain a dead-end street. She stated that the City has current sanitation service issues in the location and anticipated fire service issues if the need arises. She said that staff recommends a turn-around at the end of Appomattox Drive.

There was general discussion regarding the Rezoning.

Acting Chairman Scott Shafer opened the public hearing.

Jane Kee, IPS Group, stated that she thought that an agreement had been reach with Raintree at the neighborhood meeting that was held. She said that the Rezoning is appropriate for the Suburban Commercial designation.

Commissioner Stearns said that he did not feel like the development was neighborhood appropriate.

Susan Irza, 605 Summerglen Drive, College Station, Texas; John and Sherry Ellison, 2705 Brookway Drive, College Station, Texas; Adrian Vogel, 2218 Raintree Drive, College Station, Texas; Myra Bright, 7701 Sherman Court, College Station, Texas; Charles Hamilton, 7714 Appomattox, College Station, Texas; Robert Striker, 2501 Antietam Drive, College Station, Texas; Mr & Mrs. Alton Sorell, 7704 Sherman Court, College Station, Texas; Ronald Ross, 7717 Appomattox, College Station, Texas; Mark Buxkemper, 7708 Sherman Court, College Station, Texas; Simaan Shini, 7715 Appomattox, College Station, Texas; Paul Pausky, 2510 Sumter, College Station, Texas. Some of the concerns of the citizens were the smells that come from restaurants, traffic generated by restaurants, crime, noise, neighborhood integrity and the turn-around at Appomattox.

Acting Chairman Scott Shafer closed the public hearing.

Commissioner Ashfield asked if coffee shops and ice cream shops would be considered sit-down restaurants.

Ms. Prochazka stated that coffee shops and ice cream shops would be considered sit-down restaurants.

Commissioner Greer stated the he was concerned that the traffic generated by students was not included in the Traffic Impact Analysis since it was completed in July.

Joe Guerra, Transportation Planning Coordinator, stated that the Traffic Impact Analysis that was completed for the subject tract also added a 15% increase to account for the traffic generated by students. He said that the numbers given in the Traffic Impact Analysis were comparable to the East College Station Transportation Study that was completed in 2007 before the 15% increase. He said that there was an increase of 881 vehicles per day from when the East College Station Transportation Study was completed until now.

Commissioner Stearns motioned to recommend approval of the Rezoning as submitted with the condition that sit-down restaurants and banks, pharmacies and dry cleaners with drive-thru options are not permitted. Commissioner Slack seconded the motion, motion passed (4-1). Commissioner Ashfield was in opposition.

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", Exhibit "B", Exhibit "C" and Exhibit "D", 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 10th day of September, 2009

APPROVED:

MAYOR

ATTEST:

City Secretary

APPROVED:



City Attorney

EXHIBIT "A"

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

The following property is rezoned from R-1 Single-Family Residential and A-O Agricultural Open to PDD Planned Development District, with the restrictions listed in Exhibit "B" and according to the Concept Plan shown in Exhibit "C", and as graphically shown in Exhibit "D":

14.27 Acres
Morgan Rector League, Abstract No. 46
College Station, Brazos County, Texas

"Being all that certain 14.27 acres of land lying and being situated in the **MORGAN RECTOR LEAGUE**, Abstract No. 46, College Station, Brazos County, Texas and being part of that V.J. Boriskie tract described by deeds recorded in Volume 47, page 499, Volume 136, page 359 and Volume 152, page 608, Deed Records of Brazos County, Texas and being more particularly described as follows:

BEGINNING at the intersection of the southeast line of the said Boriskie tract and the northeast line of State Highway No. 6 (East By-Pass), which is also the most westerly corner of Raintree, Section One, an addition to the City of College Station, Texas, according to plat recorded in Volume 373, page 461, Deed Records of Brazos County, Texas;

THENCE N 42° 14' 12" E – 1207.0' along the southeast line of the said Boriskie tract to the center of Wolf Pen Creek;

THENCE up the center of Wolf Pen Creek with its meanders as follows:

N 56° 31' 27" W - 109.71 feet;
 N 19° 59' 12" E - 125.3 feet;
 N 83° 32' 33" W - 82.7 feet;
 S 47° 29' 13" W – 162 feet;
 N 51° 12' 51" W - 129.2 feet;
 S 63° 25' 33" W - 173.8 feet;
 S 19° 55' 21" W - 100.5 feet;
 S 74° 41' 25" E - 100.0 feet;
 S 29° 35' 30" E - 55.3 feet;
 S 75° 53' 05" W - 168.6 feet;
 N 60° 38' 41" W - 115.6 feet;
 S 70° 26' 51" W - 115.2 feet;

N 02° 55' 31" W - 112.4 feet;

S 87° 19' 38" W - 546.9 feet to the northeast line of State Highway No. 6 (East By-Pass);

THENCE S 32° 02' 50" E - 693.00 feet along the northeast line of State Highway No. 6 (East By-Pass) to a concrete right of way marker;

THENCE S 30° 01' 28" E - 325.08 feet continuing along the northeast line of State Highway No. 6 to the **POINT OF BEFINNING** and containing 14.27 acres of land, more or less. And being the same tract described in Deed from Lydia Frances Boriskie to Davis McGill, Trustee, dated August 22, 1983, recorded in Volume 597, page 226, Deed Records of Brazos County, Texas."

EXHIBIT "B"**Purpose & Intent Statement:**

The PDD zoning district will allow the development of this tract to include restaurant, retail and office uses compatible with the adjacent neighborhood while also acknowledging freeway frontage that is attractive to retail and restaurant users. Issues of concern have been addressed through collaboration by the developer, existing nearby residents and the City. There will be a maximum of three restaurants in the development. The pad sites may contain retail office or restaurant uses. The aggregate square footage of uses will not exceed that which results in a total number of trip ends greater than 319 PM peak hour trips. According to the UDO, for this site, an acceptable level of service is maintained up to 319 trip ends as per the Traffic Impact Analysis. At the detailed site plan stage, as specific square footage is allocated per lot, trip ends will be reviewed based on the specific use to ensure aggregate trip ends to not exceed 319 in the PM peak hour.

The developer has met with the City's Greenways Manager and is currently negotiating transfer of the majority of the existing floodplain portion of the tract and will be consolidating development on the southern portion.

Permitted Uses:

- Natural areas of floodplain and open space;
- Sit-down restaurants without drive-thru facilities (aggregate square footage up to 22,000);
- Professional offices;
- Medical clinics;
- Banks, pharmacies and dry cleaners (all with drive-thru options); and
- Other neighborhood retail uses or personal service shops.

Restrictions:

- Dimensional standards shall be those of the C-1 General Commercial zoning district, unless otherwise stated.
- Maximum of three pad sites.
- No drive-thru restaurants.
- Any use having a drive-thru facility that may occur on the pad site nearest Raintree will have the drive-thru located on the north side of the building.
- The type, scale and design of the buildings will be more residential in character in that there will be no flat roof lines. Pitched, residential style roofs are required.
- Buildings shall not exceed 35 feet in height to the highest point of the roof.
- Maximum number of stories for restaurant or retail uses will be one-story and for office uses will be 2.5 stories.

- Sanitation services (dumpsters) will be consolidated on the northern tract, furthest away from Raintree.
- Pedestrian access (but no vehicular access) to the development from the end of Appomattox will be provided with this development.
- There will be a 15-foot buffer area and masonry wall adjacent to the neighborhood.
- Any parking lot lighting adjacent to the Raintree property line will utilize back light deflectors to preclude light from spilling over the property line.
- Signs will follow the rules for general commercial signage.
- The subject property will be considered one building plot for signage, landscaping, Non-Residential Architectural Standards.
- Cross-access will be provided to the undeveloped tract to the south.
- Based on the trip generation of 50 VPH or more for the proposed driveway, a right turn deceleration lane will have to be provided as mitigation on the State Highway 6 northbound frontage road. The proposed driveway should be located at the furthest southern most location on subject tract in order to provide enough weaving distance for traffic wanting to get on the entrance ramp to State Highway 6.

Meritorious Modifications:

1. **Section 8.2.A.7.e “Dead-End Streets” of the Unified Development Ordinance**
Allows Appomattox Drive to remain as a dead-end street with no vehicular access provided to the subject property via Appomattox Drive.
2. **Section 7.6.F “BufferStandards” of the Unified Development Ordinance**
Allows flexibility in the design of the landscape buffer adjacent to the Raintree subdivision. The buffer area is 15 feet in width, but the location of the wall will vary (up to 15 feet from the property line) to protect existing natural vegetation. Any canopy trees (4” caliper or larger) located in the buffer area, up to 12 feet away from the property line, that are removed during construction will be replaced with one or more canopy trees equaling the tree points removed. The goal of the buffer area will be the preservation of existing vegetation in lieu of specific buffer plantings.

EXHIBIT "C"

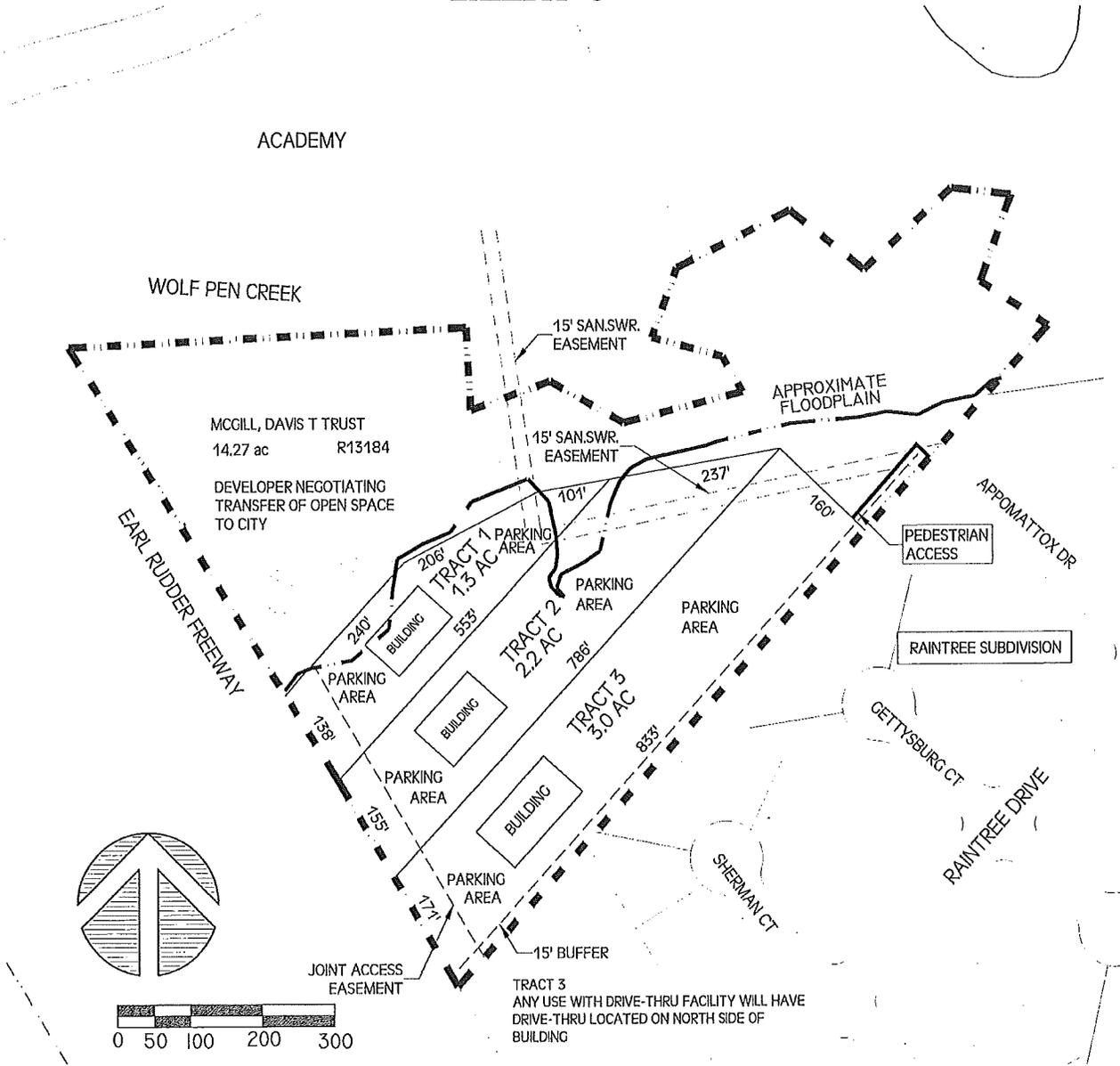
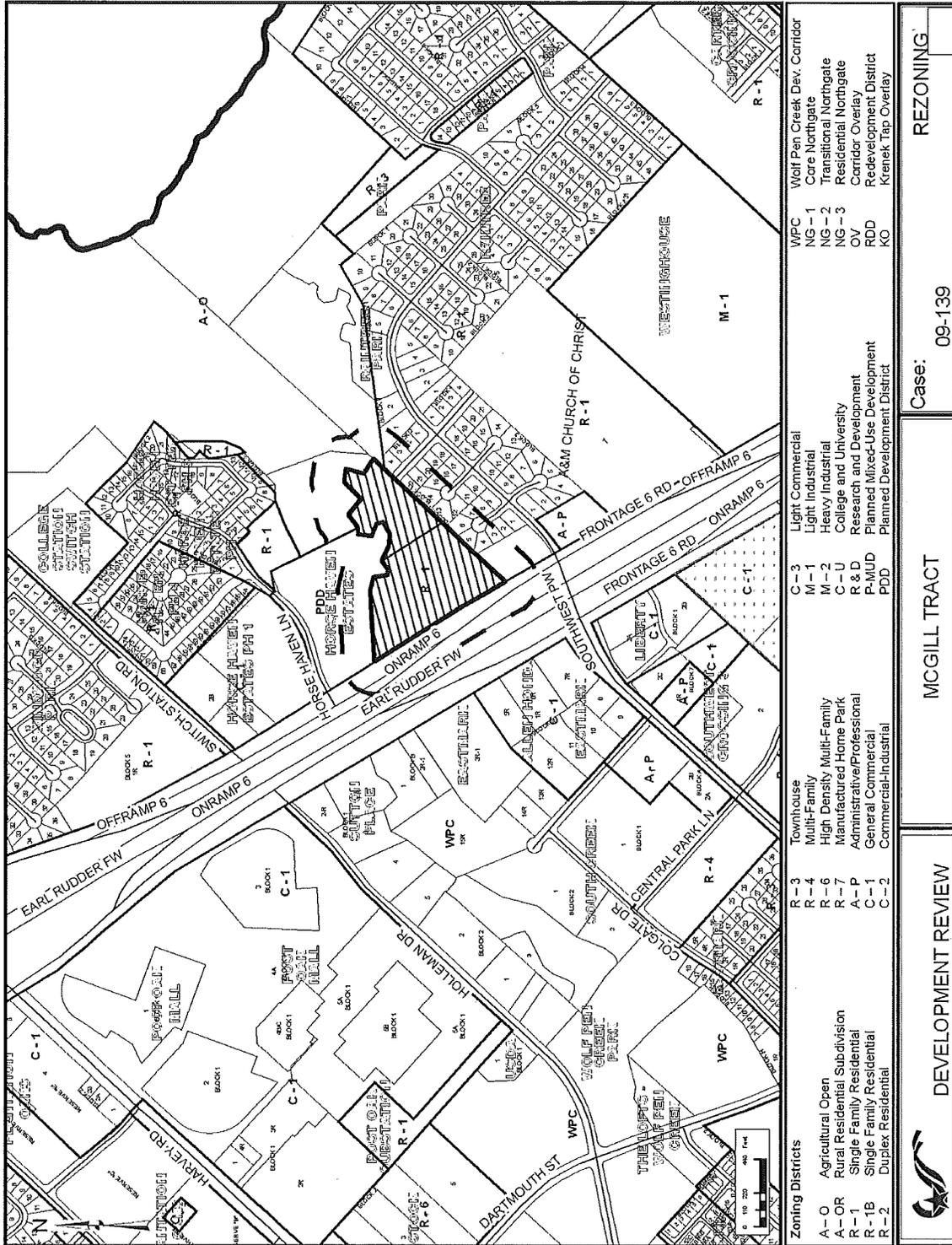


EXHIBIT "D"



Zoning Districts	A - O Agricultural Open	R - 1 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 Krensek Tap Overlay
DEVELOPMENT REVIEW												REZONING												
MCGILL TRACT												Case: 09-139												

September 10, 2009
Regular Agenda Item No. 5
1270 Harvey Mitchell Parkway – Rezoning

To: Glenn Brown, City Manager

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

Agenda Caption: Public hearing, presentation, possible action, and discussion regarding an Ordinance amending Chapter 12, Section 4.2, "Official Zoning Map" of the Code of Ordinances of the City of College Station, Texas changing the Zoning District Boundaries of 3.364 acres from R-1 Single-Family Residential to R-4 Multi-Family and A-O Agricultural Open located at 1270 Harvey Mitchell Parkway.

Recommendation(s): The Planning and Zoning Commission recommended approval of the amendment as presented by Staff by a vote of 4 to 1 at their August 20th meeting. Staff also recommended approval with the condition that the subject tract provides a shared driveway to Harvey Mitchell Parkway with the adjacent lift station and 6.2-acre tract. The driveway and access is to meet the requirements of a TxDOT driveway permit, Unified Development Ordinance Section 7.3 Access Management and Circulation, and the City's fire lane standards.

Summary:

REVIEW CRITERIA

- 1. Consistency with the Comprehensive Plan:** The subject tract is designated as Urban and Natural Areas – Reserved on the Comprehensive Plan Future Land Use and Character Map. It is also located within Growth Area VI which states that the "growth area should be used for intense land use activities including general commercial, office uses, townhomes, high-density apartments, and vertical mixed use. Single-family uses (excluding townhomes) should be prohibited from this area due to issues of incompatibility." While multi-family is one of the broad range of uses that can be contemplated for this tract, it is important to consider the implications of any particular one given the context of its relationship to the surrounding area and properties. These implications will be further discussed in the other Review Criteria items.

The Comprehensive Plan states that Natural Areas – Reserved are "generally for areas that represent a constraint to development and that should be preserved for their natural function or open space qualities. These areas include floodplains and riparian buffers, as well as recreational facilities." A portion of the request lies within the floodplain and is being rezoned with this request to A-O Agricultural Open to be retained for its natural function.

- 2. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:** The majority of the nearby properties are zoned and developed as multi-family uses. The 6.2-acre tract to the northwest is zoned R-1 Single-Family Residential but is vacant and utilized for minor agricultural uses and a City sanitary sewer lift station. To the south and west is a tract over 500 acres in size owned by Texas A&M University and zoned C-U College and University. Current facilities in the vicinity on the A&M tract include the Poultry Science Center and some

A&M Sanitation facilities. The proposed request is not immediately adjacent to the A&M tract as a 0.765 remainder of the original tract will remain zoned R-1 Single-Family Residential and provide a buffer ranging from 85 to 115 feet in depth. This remainder portion is heavily encumbered by floodplain and easements. The closest portion of the proposed request is over 450 feet away from the existing A&M Sanitation facilities, about 1,000 feet away from the Poultry Science Center, and about a half mile from Disaster City training facilities (See Figure 1). These distances provide sufficient buffer between these industrial type uses and future multi-family uses on the subject tract. In May 2008, a Comprehensive Plan Amendment to Residential Attached (multi-family) for the adjacent 6.2 acre tract was recommended for denial by Staff and denied by Council. The denial was largely based on the incompatibility of any type of residential uses in immediate proximity to these facilities. This request, however, has a significant more amount of distance from these uses and would be compatible with other uses in the area.

Figure 1: Distance of Request from Texas A&M Facilities



3. **Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment:** Like other multi-family uses in the area, the subject tract is located along Harvey Mitchell Parkway, a freeway on the Thoroughfare Plan. With the R-4 Multi-family district having a maximum density of 20 multi-family units per acre, up to 63 multi-family units could potentially be developed with this 3.178-acre request. As discussed later, the subject tract will have access to Harvey Mitchell Parkway at an unsignalized location and therefore traffic safety is a concern for this or any other potential use.

The subject tract has approximately a five percent slope from Harvey Mitchell Parkway down to the back of the request. Typically residential buildings have more flexibility in their footprint and layout than non-residential uses and buildings and can better incorporate existing slopes and grades. Though 63 units would be possible, building

layout, number of bedrooms per unit, parking, landscaping and other site requirements may constrain the total number units. The Comprehensive Plan designates Harvey Mitchell Parkway as Primary Image Corridor though no specific plans have been developed to address this designation. Streetscaping consisting of one canopy tree for every 25 feet of frontage will be required of any proposed use.

4. **Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment:** Upon annexation into the City in 1970, the subject tract is zoned R-1 Single-Family Residential. As stated in the Urban land use designation description, single-family residential should be prohibited from the area due to issues of incompatibility. In addition, single family uses are not desirable on this tract as it is located along Harvey Mitchell Parkway, a freeway on the Thoroughfare Plan, and in close proximity to Easterwood Airport.
5. **Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment:** The current owner purchased a portion of the subject tract in February of this year and has submitted this request to enhance the marketability of the property for multi-family uses.
6. **Availability of water, wastewater, stormwater, and transportation facilities generally suitable and adequate for the proposed use:** The subject tract will be served by the City of College Station for water, sanitary sewer and electric utilities. The tract is located adjacent to an 18-inch water main which runs along Harvey Mitchell Parkway and a 10-inch main which runs along the eastern property line. The subject tract is located adjacent to an 18-inch sanitary sewer main which runs across the rear portion of the property. The subject tract is located in the Whites Creek Drainage Basin and is encroached by a FEMA-regulated Special Flood Hazard area, Zone AE, with base flood elevations established, per FEMA FIRM Panel 182C.

The subject tract will take access off Harvey Mitchell Parkway (FM 2818), a freeway on the Thoroughfare Plan, and require TxDOT approval. Based on the size of the rezoning, a traffic impact analysis (TIA) is not required with this request and will not likely be required at the time of site plan. A map of Existing Traffic Volumes in the Comprehensive Plan shows this roadway has over 40,000 trips per day, though Levels of Service A or B have been maintained as of 2007. In October 2007, the City installed traffic signals on Harvey Mitchell Parkway at the intersections with Luther Street West and Holleman Drive. The subject tract and the adjacent 6.2-acre tract to the northwest do not have access to either of these signalized locations, though they will likely benefit from breaks in traffic resulting from them. A driveway to the City's sanitary sewer lift station is also located on the adjacent tract. The consolidation of driveways in this area of Harvey Mitchell Parkway will help to mitigate traffic safety issues.

Budget & Financial Summary: N/A

Attachments:

1. Background Information
2. Aerial & Small Area Map (SAM)
3. Draft Planning and Zoning Commission Minutes, August 20, 2009
4. Ordinance

BACKGROUND INFORMATION

NOTIFICATIONS

Advertised Commission Hearing Date: August 20, 2009
Advertised Council Hearing Dates: September 10, 2009

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

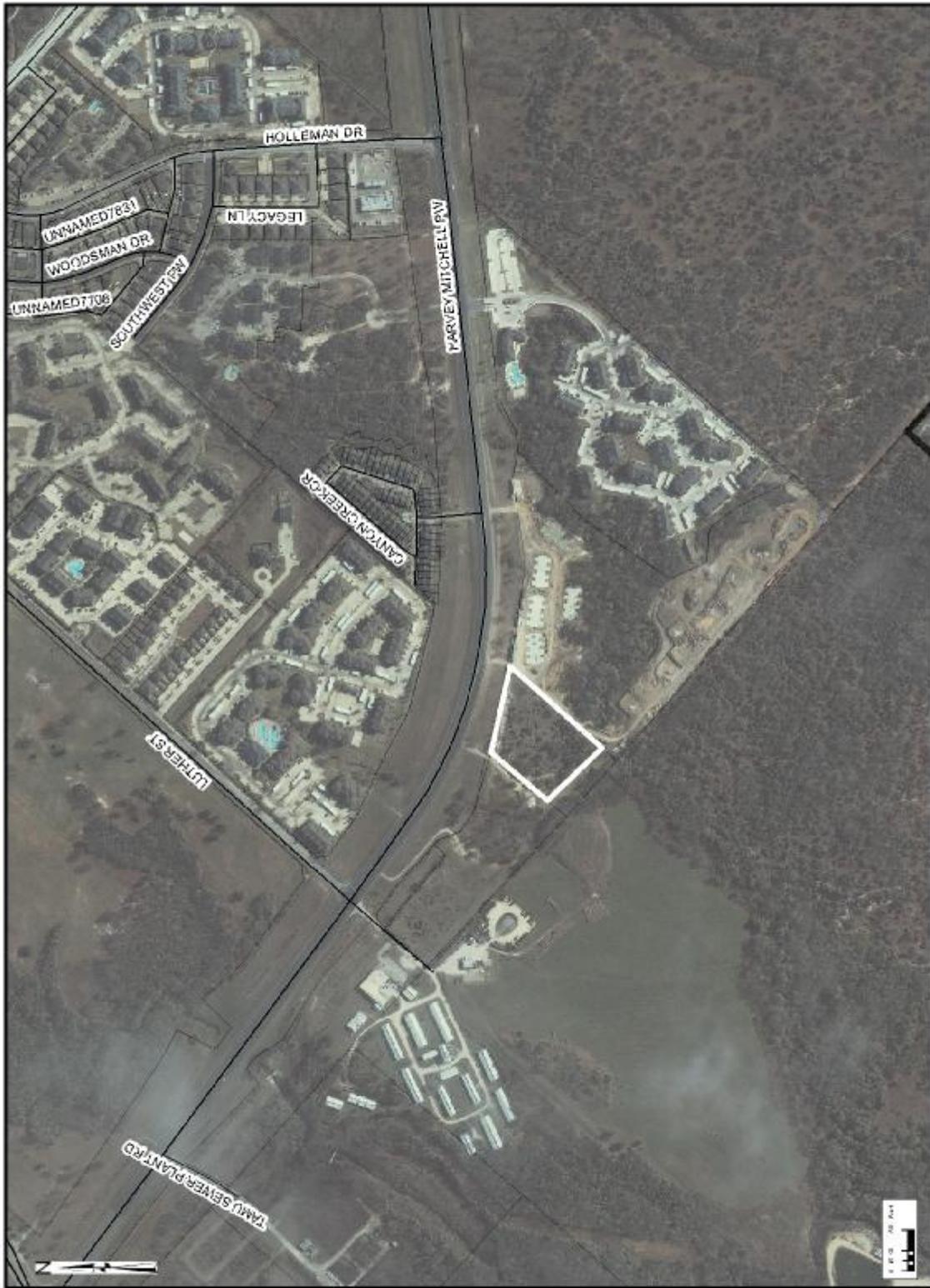
Property owner notices mailed: Five
Contacts in support: None
Contacts in opposition: One, letter in opposition from Texas A&M University System
Inquiry contacts: Two

ADJACENT LAND USES

Direction	Comprehensive Plan	Zoning	Land Use
North	Thoroughfare - Highway	N/A	Harvey Mitchell Parkway
South	Texas A&M University	C-U	Texas A&M sanitation area
East	Urban and Natural Areas- Reserved	R-4 and A-O	Multi-family
West	Urban	R-1	Vacant

DEVELOPMENT HISTORY

Annexation: 1970
Zoning: R-1 (upon annexation)
Final Plat: Not Platted
Site development: Vacant



REZONING

Case: C9-140

1270 HARVEY MITCHELL PKWY S

DEVELOPMENT REVIEW





MINUTES
PLANNING AND ZONING COMMISSION
Regular Meeting
Thursday, August 20, 2009,
7:00 p.m.
City Hall Council Chambers
1101 Texas Avenue
College Station, Texas

COMMISSIONERS PRESENT: Acting Chairman Scott Shafer, Doug Slack, Paul Greer, Mike Ashfield, Tom Woodfin, and Hugh Stearns

COMMISSIONERS ABSENT: Chairman John Nichols and Tom Woodfin

CITY COUNCIL MEMBERS PRESENT: Dennis Maloney and Larry Stewart

CITY STAFF PRESENT: Senior Planners Jennifer Prochazka and Jason Schubert, Staff Planner Matthew Hilgemeier, Planning Intern Felix Landry, Assistant City Engineer Josh Norton, City Engineer Alan Gibbs, Transportation Planning Coordinator Joe Guerra, Greenways Program Manager Venessa Garza, Graduate Engineer Donald Harmon, Budget/Management Analyst Courtney Kennedy, Assistant IT Director Erin Provazek, Senior Parks Planner Pete Vanacek, Planning Administrator Molly Hitchcock, Assistant Director Lance Simms, Director Bob Cowell, First Assistant City Attorney Carla Robinson, Action Center Representative Kerry Mullins, and Staff Assistant Brittany Caldwell

1. Call meeting to order.

Acting Chairman Scott Shafer called the meeting to order at 7:05 p.m.

6. Public hearing, presentation, possible action, and discussion regarding a Rezoning from R-1 Single-Family Residential to R-4 Multi-Family and A-O Agricultural Open for 3.364 acres located at 1270 Harvey Mitchell Parkway. **Case #09-00500140 (JS)**

Jason Schubert, Senior Planner, presented the Rezoning and recommended approval with the condition that the subject tract provide a shared driveway to Harvey Mitchell Parkway with the adjacent lift station and 6.2-acre tract. The driveway and access is to meet the requirements of TxDOT driveways and Unified Development Section 7.3 Access Management and Circulation.

There was general discussion regarding the shared driveway.

Acting Chairman Scott Shafer opened the public hearing.

Fred Bayliss, 7610 River Ridge, stated that the Rezoning was consistent with the Comprehensive Plan and the 6.2-acre tract would provide a buffer to Texas A&M's property.

Acting Chairman Scott Shafer closed the public hearing.

Commissioner Stearns stated that he would like to encourage a connection with Parkway Place Apartments to create a better connected community.

Commissioner Ashfield motioned to recommend approval of the Rezoning with the condition that the subject tract provide a shared driveway to Harvey Mitchell Parkway with the adjacent lift station and 6.2-acre tract that meets the requirements of TxDOT requirements and the Unified Development Section 7.3 Access Management and Circulation. Commissioner Stearns seconded the motion, motion passed (4-1). Commissioner Greer was in opposition.

9. Adjourn.

Commissioner Greer motioned to adjourn the meeting. Commissioner Ashfield seconded the motion, motion passed (5-0).

Meeting adjourned at 10:20 p.m.

Approved:

John Nichols, Chairman
Planning and Zoning Commission

Attest:

Brittany Caldwell, Staff Assistant
Planning and Development Services

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", Exhibit "B", and Exhibit "C", 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 10th day of September, 2009

APPROVED:

MAYOR

ATTEST:

City Secretary

APPROVED:



City Attorney

EXHIBIT "A"

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

The following property is rezoned from R-1 Single-Family Residential to R-4 Multi-Family and A-O Agricultural Open and as shown graphically on the Small Area Map in Exhibit "B" and Rezoning Map in Exhibit "C" with the condition that the subject tract provides a shared driveway to Harvey Mitchell Parkway with the adjacent City of College Station sanitary sewer lift station and 6.2-acre tract to the northwest. The driveway and access is to meet the requirements of a TxDOT driveway permit, Unified Development Ordinance Section 7.3 Access Management and Circulation, and the City's fire lane standards:

Tract 1: 3.178 acres from R-1 Single-Family Residential to R-4 Multi-Family:

**METES AND BOUNDS DESCRIPTION
OF A
3.178 ACRE TRACT
CRAWFORD BURNETT SURVEY, A-7
COLLEGE STATION, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OF LAND LYING AND BEING SITUATED IN THE CRAWFORD BURNETT SURVEY, ABSTRACT NO. 7, COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF A CALLED 3.364 ACRE TRACT AS DESCRIBED BY A DEED TO SF BUSINESS INVESTMENTS, LLC RECORDED IN VOLUME 8969, PAGE 64 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS.

SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

BEGINNING AT A 5/8 INCH IRON ROD FOUND ON THE SOUTHERLY LINE OF HARVEY MITCHELL PARKWAY SOUTH (FM 2818 – VARIABLE WIDTH R.O.W. AT THIS POINT) MARKING THE NORTHEAST CORNER OF SAID 3.364 ACRE TRACT AND THE NORTHWEST CORNER OF 2818 PLACE, ACCORDING TO THE PLAT RECORDED IN VOLUME 8721, PAGE 259 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: S 41° 50' 29" W ALONG THE COMMON LINE OF SAID 3.364 ACRE TRACT AND 2818 PLACE FOR A DISTANCE OF 461.97 FEET TO A POINT, FOR REFERENCE A 5/8 INCH IRON ROD FOUND MARKING THE SOUTH CORNER OF SAID 3.364 ACRE TRACT BEARS: S 41° 50' 29" W FOR A DISTANCE OF 82.40 FEET;

THENCE: N 59° 55' 09" W THROUGH SAID 3.364 ACRE TRACT FOR A DISTANCE OF 89.89 FEET TO A POINT;

THENCE: N 84° 04' 46" W CONTINUING THROUGH SAID 3.364 ACRE TRACT FOR A DISTANCE OF 86.33 FEET TO A POINT ON THE COMMON LINE OF SAID 3.364 ACRE TRACT AND THE REMAINDER OF A CALLED 4.23 ACRE TRACT AS DESCRIBED BY A DEED TO LINDA PRESTON-SHEPARD RECORDED IN VOLUME 7043, PAGE 287 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: N 43° 17' 51" W ALONG THE COMMON LINE OF SAID 3.364 ACRE TRACT AND SAID REMAINDER OF 4.23 ACRE TRACT FOR A DISTANCE OF 177.15 FEET TO A 5/8 INCH IRON ROD FOUND ON THE SOUTHEAST LINE OF A CALLED 6.21 ACRE TRACT AS DESCRIBED BY A DEED TO ERVIN M. WILLIAMS, SR. AND WIFE, MILDRED WILLIAMS RECORDED IN VOLUME 433, PAGE 39 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS, SAID IRON ROD FOUND MARKING THE WEST CORNER OF SAID 3.364 ACRE TRACT;

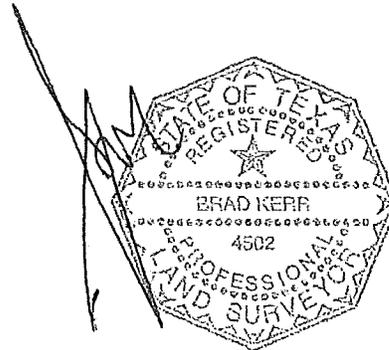
THENCE: N 40° 45' 44" E ALONG THE COMMON LINE OF SAID 3.364 ACRE TRACT AND SAID 6.21 ACRE TRACT FOR A DISTANCE OF 326.49 FEET TO A ½ INCH IRON ROD FOUND ON THE SOUTHERLY LINE OF HARVEY MITCHELL PARKWAY SOUTH MARKING THE COMMON CORNER OF SAID 3.364 ACRE TRACT AND SAID 6.21 ACRE TRACT;

THENCE: S 76° 41' 20" E ALONG THE SOUTHERLY LINE OF HARVEY MITCHELL PARKWAY

SOUTH FOR A DISTANCE OF 339.44 FEET TO A CONCRETE RIGHT-OF-WAY MARKER FOUND;

THENCE: S 81° 01' 54" E CONTINUING ALONG THE SOUTHERLY LINE OF HARVEY MITCHELL PARKWAY SOUTH FOR A DISTANCE OF 50.43 FEET TO THE POINT OF BEGINNING CONTAINING 3.178 ACRES OF LAND, MORE OR LESS. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION.

BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4502



Tract 2: 0.178 acres of R-1 Single-Family Residential to A-O Agricultural Open:

**METES AND BOUNDS DESCRIPTION
OF A
0.186 ACRE TRACT
CRAWFORD BURNETT SURVEY, A-7
COLLEGE STATION, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OF LAND LYING AND BEING SITUATED IN THE CRAWFORD BURNETT SURVEY, ABSTRACT NO. 7, COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF A CALLED 3.364 ACRE TRACT AS DESCRIBED BY A DEED TO SF BUSINESS INVESTMENTS, LLC RECORDED IN VOLUME 8969, PAGE 64 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS.

SAID TRACT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING AT A 5/8 INCH IRON ROD FOUND ON THE SOUTHERLY LINE OF HARVEY MITCHELL PARKWAY SOUTH (FM 2818 – VARIABLE WIDTH R.O.W. AT THIS POINT) MARKING THE NORTHEAST CORNER OF SAID 3.364 ACRE TRACT AND THE NORTHWEST CORNER OF 2818 PLACE, ACCORDING TO THE PLAT RECORDED IN VOLUME 8721, PAGE 259 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: S 41° 50' 29" W ALONG THE COMMON LINE OF SAID 3.364 ACRE TRACT AND 2818 PLACE FOR A DISTANCE OF 461.97 FEET TO THE POINT OF BEGINNING OF THIS HEREIN DESCRIBED TRACT;

THENCE: S 41° 50' 29" W CONTINUING ALONG THE COMMON LINE OF SAID 3.364 ACRE TRACT AND 2818 PLACE FOR A DISTANCE OF 82.40 FEET TO A 5/8 INCH IRON ROD FOUND MARKING THE SOUTH CORNER OF SAID 3.364 ACRE TRACT;

THENCE: N 43° 17' 51" W ALONG THE COMMON LINE OF SAID 3.364 ACRE TRACT AND THE REMAINDER OF A CALLED 4.23 ACRE TRACT AS DESCRIBED BY A DEED TO LINDA PRESTON-SHEPARD RECORDED IN VOLUME 7043, PAGE 287 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, FOR A DISTANCE OF 158.49 FEET TO A POINT, FOR REFERENCE A 5/8 INCH IRON ROD FOUND MARKING THE WEST CORNER OF SAID 3.364 ACRE TRACT BEARS: N 43° 17' 51" W FOR A DISTANCE OF 177.15 FEET;

THENCE: S 84° 04' 46" E THROUGH SAID 3.364 ACRE TRACT FOR A DISTANCE OF 86.33 FEET TO A POINT;

THENCE: S 59° 55' 09" E CONTINUING THROUGH SAID 3.364 ACRE TRACT FOR A DISTANCE OF 89.89 FEET TO THE POINT OF BEGINNING CONTAINING 0.186 OF AN ACRE OF LAND, MORE OR LESS. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION.

BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4502

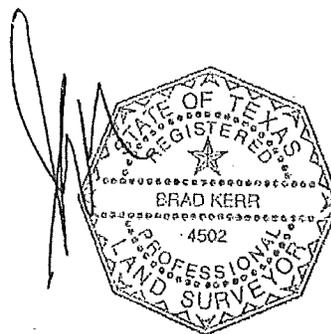


EXHIBIT "B": SMALL AREA MAP

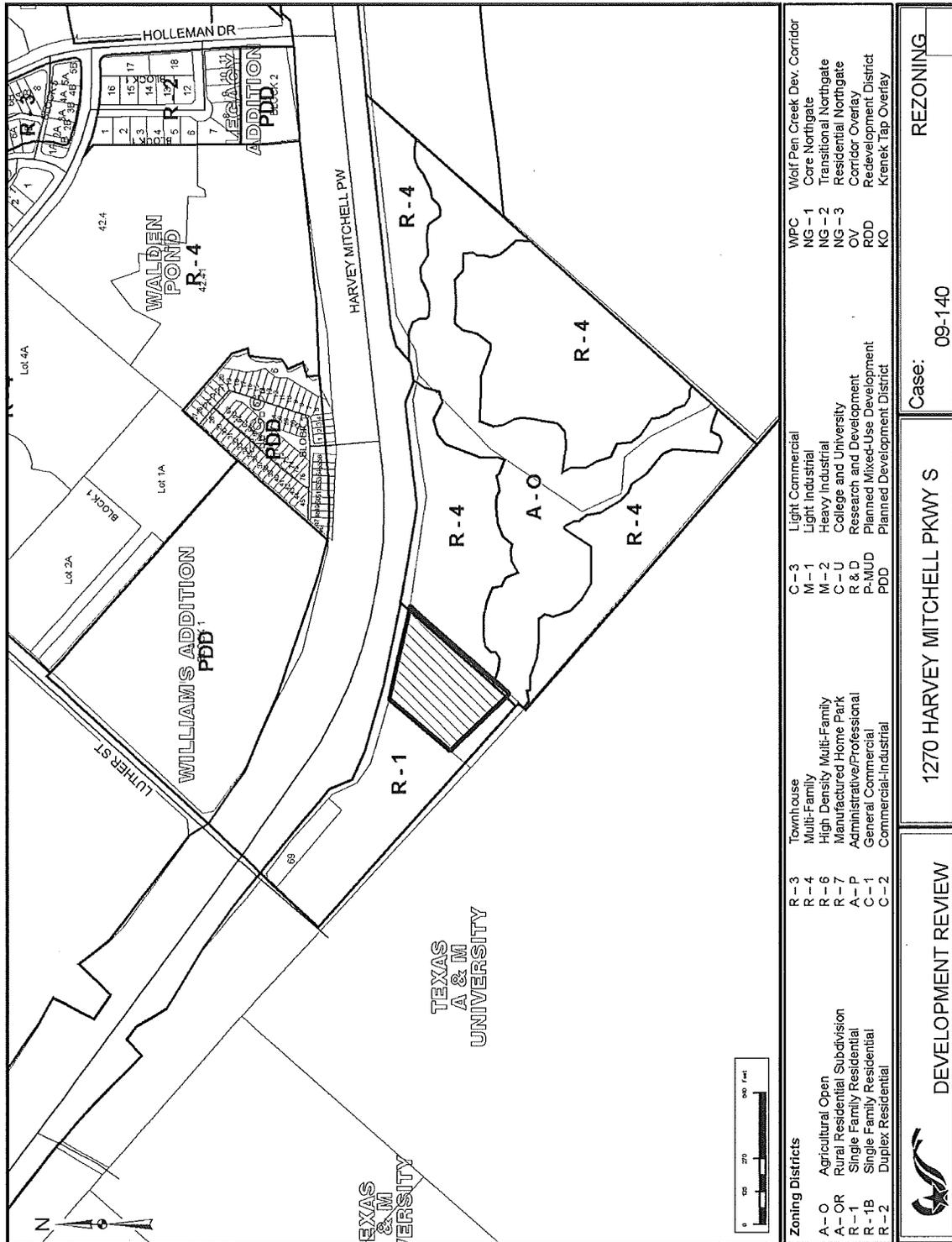
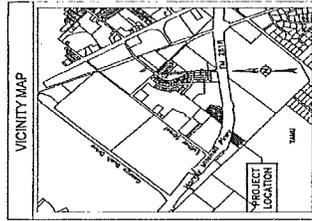


EXHIBIT "C": REZONING MAP

- NOTES:
1. A PORTION OF THIS TRACT LIES WITHIN A DESIGNATED 100 YEAR FLOOD ZONE AS SHOWN ON THE FLOODPLAIN MAP, COMMUNITY PANEL NO. 4804101212 C, PER TEXAS REGULATORY AGENCY, DATE 05-22-2008.
 2. BLANKET EASEMENT TO CITY OF BROWN, 11/4/14, DOES APPLY TO THIS TRACT.
 3. A 50' WIDE BLANKET EASEMENT TO SINGULAR REFERRING TO THE CITY OF BROWN, 11/4/14, DOES APPLY TO THIS TRACT.
 4. BOUNDARY SURVEY, CORNER, SERIAL, IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION.



RE-ZONING MAP

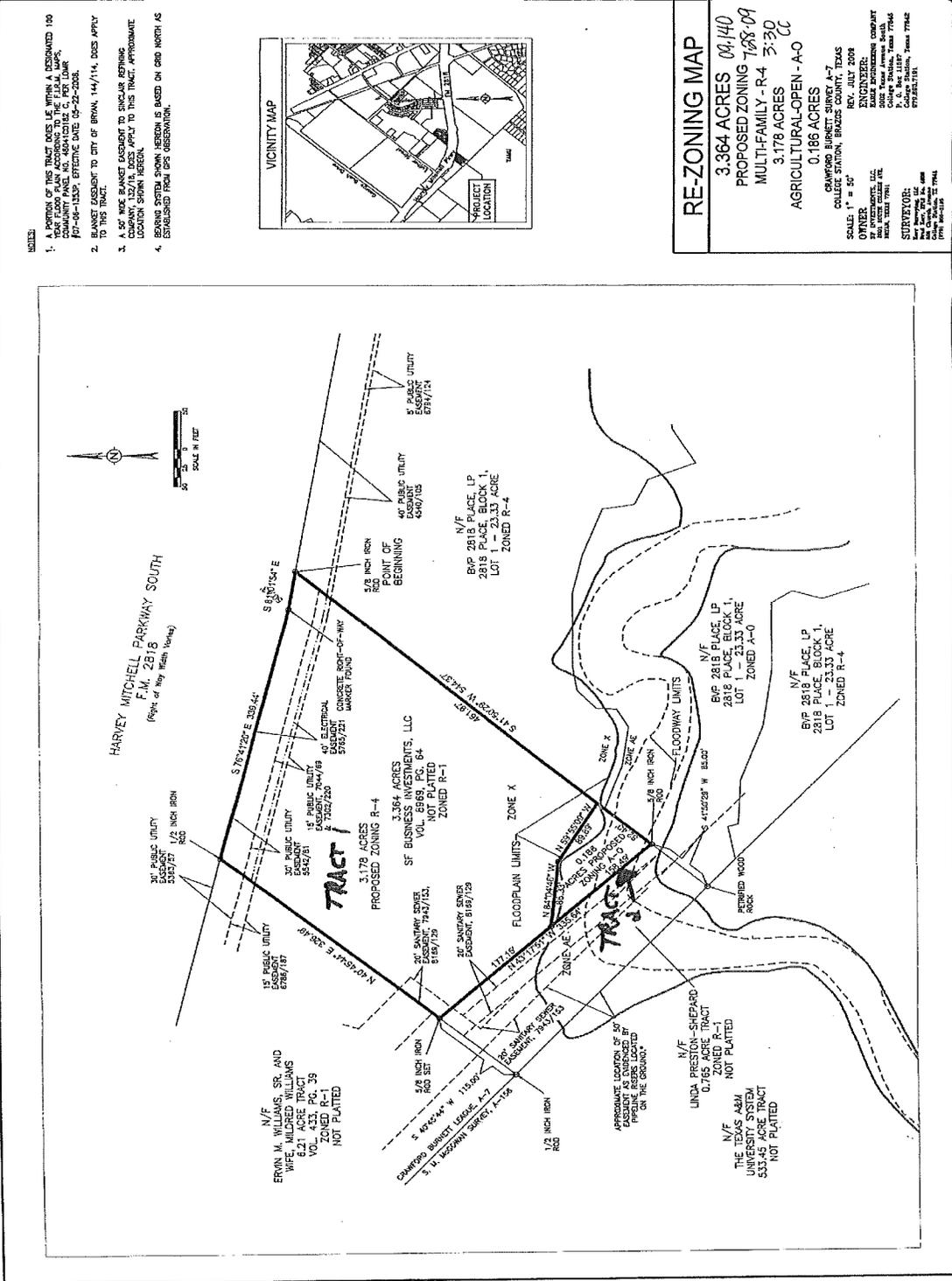
3.364 ACRES 00.140
 PROPOSED ZONING 7688-04
 MULTI-FAMILY - R-4 3:30
 3.178 ACRES
 AGRICULTURAL-OPEN - A-0 CC
 0.186 ACRES

RAWFORD BURNETT SURVEY, A-0
 COLLECTED, BROWNSVILLE, TEXAS
 REV. JULY 2008

OWNER
 ENGINEERS
 RALPH J. BURNETT, P.E.
 1001 W. UNIVERSITY BLVD.
 BROWNSVILLE, TEXAS 77801

SURVEYOR:
 RALPH J. BURNETT, P.E.
 1001 W. UNIVERSITY BLVD.
 BROWNSVILLE, TEXAS 77801

SCALE: 1" = 50'



September 10, 2009
Regular Agenda Item No. 6
UDO Amendment – Wolf Pen Creek Signage

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 Unified Development Ordinance, Section 5.6.A.11 regarding signage in the Wolf Pen Creek District.

Recommendation(s): The Planning and Zoning Commission considered this item at their September 3rd meeting and unanimously recommended approval with minor technical amendments. Staff recommended approval.

Summary: On July 9, 2009, the City Council directed the Planning & Development Services staff to bring an ordinance forward that would allow projection signs within the Wolf Pen Creek District. This amendment allows projection signs for all types of development, which includes residential, non-residential, and mixed-use developments. The projection sign standards are modeled after those allowed in NG-1 Core Northgate and NG-2 Transitional Northgate, and would allow the signs to be affixed to the face of a building. In addition, projection signs are proposed to be allowed on light poles located on private property. As with any proposed sign in the Wolf Pen Creek District, the Design Review Board is the final authority on the design and integration of the sign in the development. This amendment would be added to Section 5.6.A Wolf Pen Creek District where other site design standards are listed.

Staff held a stakeholder meeting on July 30th for all property and business owners in Wolf Pen Creek to present the proposal and gather feedback. Staff received several comments regarding the size of the sign and allowable materials. These comments were taken into consideration when drafting the proposed amendment.

Budget & Financial Summary: N/A

Attachments:

1. Proposed ordinance amendment
2. Map of the Wolf Pen Creek District

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE", SECTION 5.6.A.11 "SIGNS", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; 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 5.6.A.11 "SIGNS" 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: 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 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 10th day of September, 2009.

APPROVED:

ATTEST:

Mayor

City Secretary

APPROVED:

Carla A. Robinson

City Attorney

EXHIBIT "A"

That Section 5.6.A.11 "Signs" 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:

11. Signs

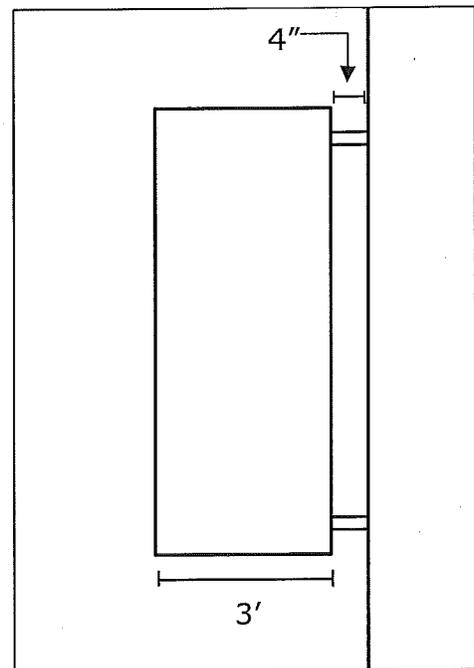
a. Sign Standards

1. Multi-Family projects shall follow the requirements of allowed signage for the zoning district appropriate for the specific use in addition to meeting the standards listed below in this Section.
2. Non-residential projects shall follow the requirements of allowed signage for the zoning district appropriate for the specific use in addition to meeting the standards listed below in this Section.
3. Mixed-use projects shall follow the requirements of allowed signage for C-1 General Commercial in addition to meeting the standards listed below in this Section.

b. Projection Signs

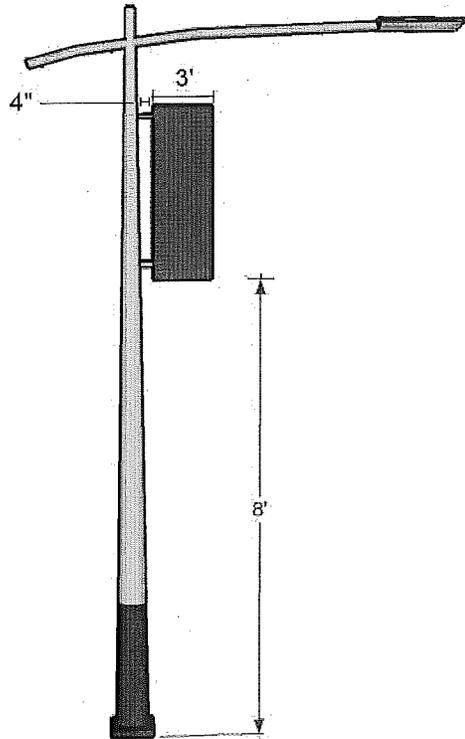
Projection signs will be allowed in the Wolf Pen Creek District with the following restrictions:

1. One projection sign per frontage along a public right-of-way will be allowed except where otherwise stated in this Section.
2. The total square footage of all projection signs used will be applied toward the total allowable area for attached signage.
3. The division and placement of allowable building signage amongst building tenants shall be the sole responsibility of the owner or property manager, and not the City of College Station.
4. Projection signs shall be mounted perpendicular to buildings.
5. Internally lit plastic signs will not be permitted.
6. Projection signs may utilize fabric or other flexible material provided that they remain in good condition at all times.
7. Projection signs shall have a minimum of eight feet (8') of clearance from the walkway grade and four inches (4") of clearance from the building face. Excluding the four-inch minimum clearance requirement, no part of a projection sign shall project more than three feet (3') from the building face.
8. Projection signs shall not extend above the façade of the building to which it is attached.
9. Buildings with one story may have a sign that shall not exceed eighteen square feet (18 sq.ft.) in size. For each additional building story, an additional eight square feet (8 sq.ft.) of signage is allowed, up to a maximum of fifty square feet (50 sq.ft.) per sign.



10. Signs may be attached to site lighting located on private property with the following restrictions:

- a) Developments will be allowed one light pole sign for every 150 feet of building plot frontage in lieu of a permitted freestanding sign.
- b) No part of any sign attached to a light pole will be allowed to overhang or encroach into any portion of the public right-of-way.
- c) Light pole signs shall not exceed six square feet (6 sq.ft) in size and shall have a minimum of eight feet (8') of clearance from the walkway grade.
- d) Light pole signs shall have a minimum clearance of four-inches (4") from the edge of the light pole, and excluding the four-inch clearance, shall not project more than three feet (3') from the edge of the light pole.



c. Design Criteria

The Design Review Board shall evaluate all proposed signage according to the following criteria:

1. Every sign shall be designed as an integral architectural element of the building and site to which it principally relates.
2. Every sign shall have good scale and proportion in its design and in its visual relationship to buildings and surroundings.
3. The colors, materials, and lighting of every sign shall be restrained and harmonious with the building and site to which it principally relates.
4. The number of graphic elements on a sign shall be held to the minimum needed to convey the sign's major message and shall be composed in proportion to the area of the sign face.
5. Each sign shall be compatible with signs on adjoining premises and shall not compete for attention.
6. Identification signs of a prototype design and corporation logos shall conform to the criteria for all other signs.



Wolf Pen Creek District

September 10, 2009
Regular Agenda Item No. 7
Presentation, Possible Action, and Discussion Regarding Approval of a
Resolution Establishing the Sale Price of Cemetery Spaces for the
College Station Municipal Cemetery System

To: Glenn Brown, City Manager

From: Marco A. Cisneros, Director, Parks and Recreation Department

Agenda Caption: Presentation, possible action, and discussion regarding approval of a resolution establishing the sale price of cemetery spaces for the College Station Municipal Cemetery System.

Recommendation(s): During the Cemetery Advisory Committee meeting of August 19, 2009, the Committee made a recommendation to the City Council to maintain the current price structure for the cemetery system. The current price structure is:

<u>College Station Cemetery</u>		<u>Memorial Cemetery of College Station</u>		
		<u>Municipal</u>	<u>Aggie Field of Honor</u>	
-Standard space	\$950	-Standard space	\$950	\$2,000
-Cremate space	\$300	-Columbaria niche	\$600	\$1,200
-Infant space	\$150	-Infant space	\$150	N/A

Staff recommends the following price structure which is partially reflected in the Pro Forma developed for the Memorial Cemetery of College Station. The Pro Forma has yearly increases for spaces within the Memorial Cemetery of College Station. The Staff recommendation also includes price increases for infant and cremate spaces that are not addressed in the Pro Forma. The Staff recommended price structure is:

<u>College Station Cemetery</u>		<u>Memorial Cemetery of College Station</u>		
		<u>Municipal</u>	<u>Aggie Field of Honor</u>	
-Standard space	\$1,125	-Standard space	\$1,125	\$2,350
-Cremate space	\$350	-Columbaria niche	\$690	\$1,380
-Infant space	\$175	-Infant space	\$175	N/A

Summary: The price structure of cemetery spaces in the College Station Municipal Cemetery System establishes the same price for like cemetery spaces at both of the City's cemeteries. The only differences in sale prices between the two cemeteries is that only the College Station Cemetery has cremate spaces for sale, and only the Memorial Cemetery has columbaria niches for sale.

Budget & Financial Summary: the approval of this resolution is needed so that the College Station Municipal Cemetery system can continue its efforts to meet its financial obligations for the new fiscal year.

Attachments:

1. Resolution # _____
2. College Station Cemetery Advisory Committee Minutes 8/19/2009
3. College Station Benchmark Cities Cemetery Space Price Comparison
(This attachment will be provided at the Council meeting.)

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING THE SALE PRICE OF CEMETERY SPACES IN THE COLLEGE STATION MUNICIPAL CEMETERY SYSTEM, AUTHORIZING THE MAYOR TO EXECUTE WARRANTY DEEDS, AND ESTABLISHING AN EFFECTIVE DATE.

WHEREAS, the City of College Station, Texas, owns and has within its boundaries a tract known as the College Station Cemetery located at 2580 Texas Avenue South, a plat of which is filed in the Deed Records of Brazos County, Texas; and owns and has within its boundaries a tract known as the Memorial Cemetery of College Station located at 3800 Raymond Stotzer Parkway, a plat of which is filed in the Deed Records of Brazos County, Texas; and

WHEREAS, the City Council of the City of College Station, Texas, has established Rules and Regulations governing the College Station Cemetery and the Memorial Cemetery of College Station, being Chapter 1, Section 29 of the Code of Ordinances of the City of College Station, and, furthermore, has authorized the sale and conveyance of certain parcels of land designated and described as cemetery spaces; 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, establishes the following fees for the sale of property within the College Station Cemetery:

1. Each single space, approximately five feet (5') by ten feet (10'), shall be One Thousand One Hundred Twenty Five Dollars (\$1,125.00).
2. Each single infant space, approximately four feet (4') by five feet (5'), shall be One Hundred Seventy Five Dollars (\$175.00).
3. Each single cremate space, approximately two and one half feet (2- 1/2') by two and one half feet (2-1/2'), shall be Three Hundred Fifty Dollars (\$350.00).

PART 2 Funds generated from space sales within College Station Cemetery shall have the following utilization:

1. 100% of the proceeds from the sale of spaces shall be placed in the Endowment Fund for the College Station Cemetery for the future care, maintenance, operations, and improvements to the cemetery.

PART 3: That the City Council of the City of College Station, Texas, establishes the following fees for the sale of property within the Memorial Cemetery of College Station:

1. Municipal Sections:
 - a. Each single standard space, approximately four feet (4') by nine feet (9'), shall be One Thousand One Hundred Twenty Five Dollars (\$1,125.00).
 - b. Each single infant space, approximately four feet (4') by four and one half feet (4 1/2'), shall be One Hundred Seventy Five Dollars (\$175.00).
 - c. Each columbaria niche, approximately twelve inches (12") by twelve inches (12") by twelve inches (12"), shall be Six Hundred Ninety Dollars (\$690.00).
2. Aggie Field of Honor Sections:
 - a. Each single standard space, approximately four feet (4') by nine feet (9'), shall be Two Thousand Three Hundred Fifty Dollars (\$2,350.00).
 - b. Each columbaria niche, approximately twelve inches (12") by twelve inches (12") by twelve inches (12"), shall be One Thousand Three Hundred Eighty Dollars (\$1,380.00).

PART 4 Funds generated from space sales within the Memorial Cemetery of College Station shall have the following utilization.

1. 33% of the proceeds from the sale of lots shall be placed in the Endowment Fund for the Memorial Cemetery of College Station for the future care, maintenance, operations, and improvements to such cemetery.
2. 67% of the proceeds from the sale of lots shall be used for debt retirement associated with land costs for the cemetery, capital improvements for the cemetery, and any and all other purposes as determined by the City in adoption of its budget.

PART 5: In addition to the above fees, the Purchaser shall pay all filing fees required by Brazos County in order to officially effect the transfer of ownership of the property.

PART 6: The City Council of the City of College Station, Texas, delegates to the Mayor the authority to execute, as necessary, Warranty Deeds consummating the sale and conveyance of each parcel of land in the College Station Municipal Cemetery System per the above price schedule; each Warranty Deed so issued shall be

signed by the Mayor and delivered to the Purchaser by the City Secretary after all terms and conditions of the sale have been met, including full payment of all the above-referenced fees, as applicable, and acceptance of the agreement in full by both parties.

PART 7: That this resolution shall take effect October 1, 2009 from and after its passage.

ADOPTED this _____ day of _____, A.D. 2009.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:



City Attorney



**COLLEGE STATION CEMETERY ADVISORY COMMITTEE
REGULAR MEETING MINUTES
Wednesday, August 19, 2009, 10:00AM
The Green Room at Wolf Pen Creek
1015 Colgate ~ College Station, Texas 77840**



MEMBERS PRESENT: Sarah Adams, Chair; Weldon Kruger, James Batenhorst, Virginia Reese, Randy Matson, Roger Reese

STAFF PRESENT: David Schmitz, Assistant Director - Operations; Robert Hole, Cemetery Sexton; Helen Banks, Secretary

MEMBERS ABSENT: Bahman Yazdani, Matthew Crawley, Kathleen Ireland, Sara Mirza

VISITOR PRESENT: Robert Foley, 3016 Hickory Ridge Circle, Bryan, TX

1. **Call to order:** The meeting was called to order with a quorum present at 10:08 a.m.
2. **Administering the Oath of Office and Swearing in of new and reappointed committee members.** Reappointed members, Sarah Adams and Virginia Reese were duly sworn in. Hearing no further discussion, this item was closed.
3. **Requests for absences of members:** Kathleen Ireland, Bahman Yazdani and Matthew Crawley sent in requests for absence. Randy Matson made a motion to approve the absence requests submitted, and Weldon Kruger seconded the motion. The vote was called. All were in favor, and the motion passed unanimously.
4. **Presentation, possible action, and discussion on the approval of Cemetery Advisory Committee minutes:** James Batenhorst made a motion to approve the July 14, 2009 minutes, and Roger Reese seconded the motion. The vote was called. All were in favor, and the motion passed unanimously.
5. **Presentation, possible action, and discussion regarding a variance request to place a headstone in the Memorial Cemetery of College Station, Aggie Field of Honor (Foley, Family #40- Lot 53, Spaces 10 & 20; Lot 54, Spaces 1, 2, 3, 4, 11, 12, 13, & 14):** Sarah Adams, Chair, presented this item to the Committee. Discussion followed. Weldon Kruger made a motion to decline the variance request submitted, and Randy Matson seconded the motion. The vote was called. All were in favor, and the motion passed unanimously.
6. **Presentation, possible action, and discussion regarding space pricing in the College Station Cemetery System:** There was discussion regarding space pricing in the College Station Cemetery System. James Batenhorst made a motion to keep all prices for all spaces at the current price for the 2009 - 2010 year, and Randy Matson seconded the motion. The vote was called. All were in favor, and the motion passed unanimously.
7. **Presentation, possible action, and discussion on potential wording change to College Station Code of Ordinances, Chapter 1, Section 29:** There was discussion regarding



September 10, 2009
Regular Agenda Item No. 8
Designating Chair to Council Transportation Committee

To: Glenn Brown, City Manager

From: City Manager's Office

Agenda Caption: Presentation, possible action, and discussion designating the chair of the Council Transportation Committee.

Recommendation(s): N/A

Summary: The Council Transportation Committee is a subcommittee of the Council tasked with studying and making recommendations of transportation issues in College Station. In the past, the Chair of this committee has been a Council member designated by the City Council. The current Council members on this committee are:

Council members

Dennis Maloney

James Massey

Larry Stewart

Budget & Financial Summary: N/A

Attachments: N/A