

Table of Contents

Agenda	3
Item 2b - Replacement Water Meter Purchase	
Coversheet revised	7
Bid Tabulation # 10-49	8
Item 2c - Well No. 7 Collection Line Change Order Project Number WF0353621	
Coversheet revised	9
Change Order.	10
Location Map	11
Item 2d - Penberthy Roadway Extension and a Resolution Declaring Intention to Reimburse Certain Expenditures with Proceeds From Debt Project Number ST0905	
Coversheet revised	12
Resolution.	14
Map	15
Debt Reimbursement Resolution	16
Item 2e - Bee Creek Phases IV & V Drainage Improvements Change Order	
Coversheet revised	19
Change Order.	21
Map	22
Item 2f - Rev. Chapter 1, "GENERAL PROVISIONS", Section 29, "CS CEMETERY RULES & REGULATIONS" SUB- SECTIONS H AND M	
Coversheet - Cemetery Code of Ordinances Revision revised	23
1- Existing Sub-Sections H & M Revisions	25
2 - Cemetery Rules Amending Ordinance Signed by Legal	27
Item 2g - Water and Wastewater New Service Tap Installation	
Coversheet revised	30
Renewal agreement.	31
Item 2h - Resolution Approving a Construction Contract with Knife River Corp.-South for the State Highway 30 Widening Project	
Coversheet revised	35
Resolution.	36
Bid Tabulation.	37
Item 2i - Revisions to College Station, Code of Ordinances Chapter 7 Health & Sanitation	
Coversheet revised	38
Revised Ordinance	39
Item 2j - Termination of Contract for New Affordable Housing Construction Services at 1123 Phoenix Street	
Coversheet revised	45

Attachment 1 - Resolution signed.	46
Attachment 2 - 1208 Phoenix Street Construction Timeline.	47
Item 2k - Lick Creek Centrifuge repairs	
Coversheet Lick Creek Centrifuge Repair revised	48
Purchase Order 100635.	49
Item 2L - Installation of Traffic Signal Arrington Road at W. D. Fitch	
Coversheet revised	52
Bid tabulation #10-46	53
Resolution.	57
Location Map	58
No. 1 - 3228 Rock Prairie Road West - Rezoning	
Coversheet revised	59
Background Information.	63
Aerial & Small Area Map	64
Ordinance.	66
No. 2 - 13601 & 13679 FM 2154 - Rezoning	
Coversheet revised	73
Background Information.	77
Aerial & Small Area Map	79
Draft Planning & Zoning Commission Minutes ? April 1, 2010.	81
Email from TxDOT	83
Rezoning Map & Concept Plan	85
Ordinance.	87
No. 3 - UDO Amendment - Hotel Uses Associated with Country Clubs	
Coversheet revised	93
Ordinance.	94
No. 4 - Wolf Pen Creek Advisory Board	
Coversheet revised	99



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, April 22, 2010 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 City Council Special Meeting, March 30, 2010 and Workshop and Regular Meeting, April 8, 2010.

b. Presentation, possible action, and discussion regarding the approval of the water meter purchase contract with Badger Meter, Inc for the amount of \$89,202.00 and the approval of water meter rebuild kits purchase contract with Aqua Metric Sales Company for the amount of \$34,236.05.

c. Presentation, possible action, and discussion on a deductive change order to the Professional Engineering Services Contract 07-085 with Malcolm Pirnie, Inc. for a credit in the amount of \$10,058, for the design and construction administration services of the Well No. 7 Collection Line.

d. Presentation, possible action, and discussion regarding a resolution approving award of a Professional Services Contract for the design of the Penberthy Roadway Extension to Jones & Carter, Inc., in the amount of \$289,000.00, and approval of a resolution declaring intention to reimburse certain expenditures with proceeds from debt.

e. Presentation, possible action, and discussion regarding Change Order No. 3 to the professional services contract (Contract No. 00-107) with LJA Engineering & Surveying, Inc. in the amount of \$52,261 to perform a cost-benefit analysis of the proposed drainage improvements for Bee Creek Tributary "A".

f. Presentation, possible action, and discussion regarding Revisions to College Station, Texas, Code of Ordinances, Chapter 1, "GENERAL PROVISIONS", Section 29, "COLLEGE STATION CEMETERY RULES AND REGULATIONS"; Sub-Sections H and M.

g. Presentation, possible action, and discussion on the renewal of the annual contract for water and wastewater new service tap installation with Elliot Construction, Inc. for an annual estimated expenditure of \$349,000.

h. Presentation, possible action, and discussion on a construction contract with Knife River Corporation - South to 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 BSWMA Twin Oaks Landfill site for the purpose of providing safe ingress and egress from said facility in an amount not to exceed \$568,324.09.

i. Presentation, possible action, and discussion regarding revisions to Chapter 7 Health & Sanitation, Sections 1 through 3 of the City of College Station Code of Ordinances as it relates to noise and nuisance.

j. Presentation, possible action, and discussion on a Resolution terminating construction contract no. 08-293, for convenience, with Jamal Building Systems, Inc., approved on or about September 25, 2008, by Resolution No. 9-25-08-2g, for the construction of a residential structure at 1123 Phoenix Street.

k. Presentation, possible action, and discussion regarding ratification of Purchase Order #100324 in the amount of \$48,575.00 and Purchase Order # 100635 in the amount of \$12,250.00 to Cooper Equipment for repairs to the Lick Creek Centrifuge.

l. Presentation, possible action, and discussion regarding a resolution awarding Bid#10-46 and approval of a construction contract to Bayer Construction Electrical Contractors, Inc. in the amount of \$190,577.50 for the installation of a traffic signal located at the intersection Arrington Road and W. D. Fitch Parkway. Increased traffic in this area along with new development has created a need for this traffic signal.

Regular Agenda

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

Individuals who wish to address the City Council on an item **posted as a public hearing** shall register with the City Secretary prior to the Mayor's announcement to open the public hearing. The Mayor will recognize individuals who wish to come forward to speak for or against the item. The speaker will state their name and address for the record and allowed three minutes. A timer alarm will sound at 2 1/2 minutes to signal thirty

seconds remaining to conclude remarks. After a public hearing is closed, there shall be no additional public comments. If Council needs additional information from the general public, some limited comments may be allowed at the discretion of the Mayor.

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

1. Public hearing, presentation, possible action, and discussion regarding a 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 rezoning 11.68 acres from R-1 Single-Family Residential to a Planned Development District located at 3228 Rock Prairie Road West, generally located west of Williamsgate Phase 1.
2. Public hearing, presentation, possible action, and discussion regarding an amendment to Chapter 12, "Unified Development Ordinance", Section 4.2, "Official Zoning Map" of the Code of Ordinances of the City of College Station, Texas by rezoning 1.5 acres located at 13601 and 13679 FM 2154 from A-O Agricultural-Open to PDD Planned Development District.
3. Public hearing, presentation, possible action, and discussion regarding an amendment to the Unified Development Ordinance, Section 6.2 Types of Use, allowing hotel uses in association with country clubs in the A-O Agricultural Open and A-OR Rural Residential Subdivision zoning districts.
4. Presentation, possible action, and discussion regarding outgoing Council member's membership on the Wolf Pen Creek Advisory Board.
5. Adjourn.

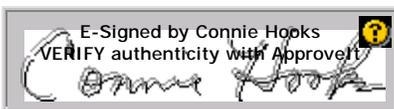
If litigation issues arise to the posted subject matter of this Council Meeting an executive session will be held.

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, April 22, 2010 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 19th day of April, 2010 at 2:00 p.m.



E-Signed by Connie Hooks
VERIFY authenticity with ApproveIt

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 April 19, 2010 at 2:00 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 _____, 2010 By _____

Subscribed and sworn to before me on this the ____ day of _____, 2010.

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.

April 22, 2010

Consent Agenda Item No. 2b

Replacement Water Meter Purchase Order

To: Glenn Brown, City Manager

From: David Coleman, Director of Water Services

Agenda Caption: Presentation, possible action, and discussion regarding the approval of the water meter purchase order with Badger Meter, Inc for the amount of \$89,202.00 and the approval of water meter rebuild kits purchase order with Aqua Metric Sales Company for the amount of \$34,236.05.

Recommendation: Staff recommends approval of purchase order(s) with Badger Meter, Inc. for \$89,202.00 and Aqua Metric Sales Company for \$34,236.05.

Summary: Invitation to Bid #10-49 was issued for the purchase of two items: Water meter rebuild kits, and new water meters. The number of new water meters to be purchased was reduced this year due to budget constraints, but we must continue to replace water meters, because as they age, they begin to under record the amount of water used, which results in lost revenue. Our target is to change out meters on a seven year cycle, to optimize replacement cost and revenue, but some meters with lower usage can be kept in service longer, and this will allow us to replace fewer meters.

The apparent low bidder for the new water meters, Hersey LLC, did not meet specifications. Initial information indicated that our existing touch-read equipment would read Hersey meters, but staff has performed field tests and determined that this is not the case. Staff recommends awarding the Purchase Order to for replacement water meters to Badger Meter, Inc. the second lowest bidder (\$89,202.00), whose equipment has proven to be compatible with our existing equipment.

Bid Tab #10-49, indicated that Aqua Metrics Sales Company was the sole bidder for meter rebuild kits for the amount of \$34,236.05 and staff is recommending that they be awarded the Purchase Order for this equipment.

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

Attachments:

Bid Tabulation 10-49



City of College Station - Purchasing Division
Bid Tabulation for #10-49
"Purchase of Water Meters and Rebuild Kits "
Open Date: Monday, April 5, 2010 @ 2:00 p.m.

ITEM	QTY	UNIT	DESCRIPTION	Hersey Meters Co., LLC d/b/a Mueller Systems, LLC (Cleveland, NC)		**Alternate Bid** Hersey Meters Co., LLC d/b/a Mueller Systems, LLC (Cleveland, NC)		Badger Meter, Inc. (Milwaukee, WI)		Aqua Metric Sales Company (Schertz, TX)	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
CATEGORY A - METERS											
1-A	1,100	Ea	5/8" x 3/4" Water Meter	\$32.34	\$35,574.00	\$30.62	\$33,682.00	\$37.07	\$40,777.00	\$38.85	\$42,735.00
Manufacturer/Part No.				Hersey 430		Hersey 420 Direct Read		Badger Meter, Inc. RCDL M25 Bronze, Local		Sensus	
2-A	60	Ea	2" Water Meter TR/PL	\$313.41	\$18,804.60	\$313.41	\$18,804.60	\$325.00	\$19,500.00	\$385.00	\$23,100.00
Manufacturer/Part No.				Hersey 572		Hersey 572		Badger Meter, Inc. RCDL M170 Bronze, Elliptical		Sensus	
3-A	300	Ea	5/8" x 3/4" Water Meter TR/PL	\$71.64	\$21,492.00	\$69.92	\$20,976.00	\$79.35	\$23,805.00	\$81.50	\$24,450.00
Manufacturer/Part No.				Hersey 430		Hersey 420 Touch Read		Badger Meter, Inc. RCDL M25 Bronze		Sensus	
4-A	20	Ea	1 1/2" Water Meter TR/PL	\$244.67	\$4,893.40	\$244.67	\$4,893.40	\$256.00	\$5,120.00	\$276.00	\$5,520.00
Manufacturer/Part No.				Hersey 562		Hersey 562		Badger Meter, Inc. RCDL M120 Bronze, Elliptical		Sensus	
CATEGORY A - TOTAL				\$80,764.00		\$78,356.00		\$89,202.00		\$95,805.00	
CATEGORY B - REBUILD KITS											
1-B	15	Ea	3" SRH TR/PL Upgrade Rebuild Kit Complete	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$1,604.90	\$24,073.50
2-B	5	Ea	4" SRH TR/PL Upgrade Rebuild Kit Complete	NO BID	NO BID	NO BID	NO BID	NO BID	NO BID	\$2,032.51	\$10,162.55
CATEGORY B - TOTAL				NO BID		NO BID		NO BID		\$34,236.05	
GRAND TOTAL				\$80,764.00		\$78,356.00		\$89,202.00		\$130,041.05	
Grand Total + Prompt Payment Discount (If applicable)				\$79,148.72		\$76,788.88		N/A		N/A	
Certification of Bid				✓		✓		✓		✓	
Delivery				30 days ARO		30 days ARO		1-A 28 Days ARO 2-A 35 Days ARO 3-A & 4-A 30 Days ARO		7-14 days	
Acknowledged Addendums				✓		✓		✓		✓	
Prompt Payment Discount				2% 30 Days		2% 30 Days		0%		0%	

NOTES:
 »Hersey Meters Co./Mueller Systems: Submitted alternate bids for Bid Items 1-A & 3-A
 »Hersey Meters Co./Mueller Systems: Payment terms: Net 31 Days
 »Badger Meter, Inc.: "Badger will extend bid pricing to participating agencies based on similarly situated products, including exact product specifications and similar quantities, as per this bid, providing those agencies would qualify as Badger direct customers and are not authorized accounts to a Badger Distributor."
 »Badger Meter, Inc.: "Prices quoted in this bid, if awarded to Badger, will remain firm for one year if acceptance is made within ninety days."
 »Elster AMCO Water, Inc. (Ocala, FL): Submitted a "No Bid".

April 22, 2010
Consent Agenda Item No. 2c
Well No. 7 Collection Line Change Order
Project Number WF0353621

To: Glenn Brown, City Manager

From: Chuck Gilman, Director of Capital Projects

Agenda Caption: Presentation, possible action, and discussion on a deductive change order to the Professional Engineering Services Contract 07-085 with Malcolm Pirnie, Inc. for a credit in the amount of \$10,058, for the design and construction administration services of the Well No. 7 Collection Line.

Recommendation(s): Staff recommends approval of the change order.

Summary: Construction of the Well No. 7 Collection Pipeline is complete. This close-out change order is a credit to the contract for services not rendered by Malcolm Pirnie, Inc. The fee for construction administration services being provided by Malcolm Pirnie, Inc was based on the anticipated construction duration. The construction contractor worked diligently to complete the project early, and the construction duration was less than anticipated. Therefore, the contract with Malcolm Pirnie, Inc is being adjusted accordingly.

Budget & Financial Summary: Change Order No. 2 will decrease the contract amount by \$10,058 for a revised contract total of \$196,521.

Attachments:

- 1.) Change Order
- 2.) Project Location Map

CHANGE ORDER NO. 2
P.O.# 070371

Contract # 07-085
PROJECT: Well No. 7 Collection Line

DATE: March 22, 2010

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

CONTRACTOR:
Malcolm Pirnie, Inc.
12400 Colt Road, Suite 1200
Dallas, Texas 75251
Ph: (972) 934-9711
Fax: (972) 934-3662

PURPOSE OF THIS CHANGE ORDER:

A. Malcolm Pirnie, Inc. has completed the extent of their scope for this project. This Change Order is a credit to the professional services contract.

***** (Please use accounting information at end of this change order.) *****

ITEM NO.	UNIT	DESCRIPTION	UNIT PRICE	ORIGINAL QUANTITY	REVISED QUANTITY	ADDED COST
1	LS	Close Out Credit	(\$10,058.00)	0.0	1.0	(\$10,058.00)
					TOTAL	\$10,058.00

THE NET AFFECT OF THIS CHANGE ORDER IS A -5.66% DECREASE.

ORIGINAL CONTRACT AMOUNT	\$177,598.00		
Change Order No. 1	\$28,981.00	16.32%	CHANGE
Change Order No. 2	(\$10,058.00)	-5.66%	CHANGE
TOTAL:	\$196,521.00	10.65%	CHANGE

APPROVED

 3-23-10
A/E CONTRACTOR Date
 3/31/10
PROJECT MANAGER Date
 1-April-2010
DEPARTMENT DIRECTOR Date

MAYOR Date

CHIEF FINANCIAL OFFICER Date

CITY MANAGER Date

CITY ATTORNEY Date

CITY SECRETARY Date

Item	Accounting Information	Original Contract	Change Order #1	Change Order #2	Contract
1	WSWOC 212-9111-973.55-01	\$177,598.00	\$28,981.00	(\$10,058.00)	\$196,521.00
TOTAL		\$177,598.00	\$28,981.00	(\$10,058.00)	\$196,521.00



RYE LOOP

WELL 7 COLLECTION LINE

WELL 4

WELL 7

W OSR

CONQUISTADOR CR

RYE SCHOOL RD

11

May 17, 2010
Consent Agenda Item No. 2d
Penberthy Roadway Extension and a Resolution
Declaring Intention to Reimburse Certain
Expenditures with Proceeds From Debt
Project Number ST0905

To: Glenn Brown, City Manager

From: Chuck Gilman, Director of Capital Projects

Agenda Caption: Presentation, possible action, and discussion regarding a resolution approving award of a Professional Services Contract for the design of the Penberthy Roadway Extension to Jones & Carter, Inc., in the amount of \$289,000.00, and approval of a resolution declaring intention to reimburse certain expenditures with proceeds from debt.

Recommendation(s): Staff recommends approval of a resolution and award of the Professional Services Contract to Jones & Carter, Inc., and recommends approval of the resolution declaring intention to reimburse certain expenditures with proceeds from debt.

Summary: Jones & Carter, Inc. was contacted to submit a proposal for designing the project based upon their prior experience of designing other roadway projects through the Request for Qualification (RFQ #10-22) process.

The extension of Penberthy (aka Jones Butler) is one of the transportation projects included in the 2008 Bond Election. The scope of the project is for design and construction of a Major Collector from the intersection of Luther Street & Jones-Butler to the intersection of George Bush & Penberthy Road. Based on previous discussions with Texas A&M University, it was tentatively decided that the street extension would be named Penberthy. However, staff will continue to work with the University and the Traffic Management Team to determine whether Penberthy or Jones-Butler is appropriate.

The Texas Department of Transportation (TxDOT) is planning a grade separation at the intersection of George Bush & Wellborn Road to help facilitate automobile and pedestrian traffic through that intersection and the railroad crossing. Once the grade separation is constructed, Marion Pugh Road will be right-in and right-out only, with no left-turn capabilities onto George Bush. This will limit access to the West Campus of Texas A&M University for residents along this corridor as well as commuters that utilize Holleman and Jones Butler, and cause additional traffic on Wellborn Road and/or Harvey Mitchell Parkway. The extension of Penberthy will provide direct access to West Campus and also expand our transportation network in this part of the City.

Budget & Financial Summary: The current budget for this project is \$3,283,500. Funds in the amount of \$15,488 have been expended or committed to date, leaving a balance of \$3,268,012 for design and construction. The P.O. for the project design is \$289,000.00.

The "Resolution Declaring Intention to Reimburse Certain Expenditures with Proceeds from Debt" is necessary for this item because the long term debt has not been issued for the project. The debt for the project is scheduled to be issued later this fiscal year and in future fiscal years.

Attachments:

- 1.) Resolution
- 2.) Project Location Map
- 3.) Resolution Declaring Intention to Reimburse Certain Expenditures with Proceeds from Debt

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, SELECTING A PROFESSIONAL CONTRACTOR, APPROVING A PROFESSIONAL SERVICES CONTRACT AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE PENBERTHY ROADWAY EXTENSION PROJECT.

WHEREAS, the City of College Station, Texas, solicited proposals for the Engineering Design and Construction Phase Services and

WHEREAS, the selection of Jones & Carter, Inc. is being recommended as the most highly qualified provider of the Engineering Design and Construction Phase Services; now, therefore,

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

PART 1: That the City Council hereby finds that Jones & Carter, Inc. is the most highly qualified provider of the services for Penberthy Roadway Extension Project on the basis of demonstrated competence and qualifications.

PART 2: That the City Council hereby approves the contract with Jones & Carter, Inc. for an amount not to exceed \$289,000.00 for the Engineering Design and Construction Phase Services related to the Penberthy Roadway Extension Project.

PART 3: That the funding for this Contract shall be as budgeted from the Streets Capital Projects Fund in the amount of \$289,000.00.

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

ADOPTED this _____ day of _____, A.D. 2010.

ATTEST:

APPROVED:

City Secretary

MAYOR

APPROVED:

Carla A. Robinson

City Attorney

Penberthy Road Extension Project Location Map



Legend
- - - Penberthy Road

RESOLUTION NO. _____

RESOLUTION DECLARING INTENTION TO REIMBURSE CERTAIN EXPENDITURES WITH
PROCEEDS FROM DEBT

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

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

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

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

Section 1. The City reasonably expects it will incur debt, as one or more series of obligations, with an aggregate maximum principal amount not to exceed \$3,285,000, for the purpose of paying the aggregate costs of the Project.

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

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

PASSED AND APPROVED THIS 22nd DAY OF APRIL, 2010.

Ben White, Mayor

ATTEST:

Connie Hooks, City Secretary

(Seal)

APPROVED:



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

Exhibit "A"

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

The design and construction of the Penberthy Road extension from the Luther Street and Jones-Butler intersection to the intersection of George Bush Drive and Penberthy Road.

April 22, 2010
Consent Agenda Item No. 2e
Bee Creek Phases IV & V Drainage Improvements
Change Order

To: Glenn Brown, City Manager

From: Chuck Gilman, Director of Capital Projects

Agenda Caption: Presentation, possible action, and discussion regarding Change Order No. 3 to the professional services contract (Contract No. 00-107) with LJA Engineering & Surveying, Inc. in the amount of \$52,261 to perform a cost-benefit analysis of the proposed drainage improvements for Bee Creek Tributary "A".

Recommendation(s): Staff recommends approval of Change Order #3.

Summary: The original contract with LJA Engineering is for the design of channel improvements to Bee Creek Tributary "A" from Brothers Boulevard to Texas Avenue. The goal of the project is to increase the flood carrying capacity of the creek, reduce the floodplain width, and provide bank stabilization. In 1986 a drainage analysis was performed by Walton and Associates to identify problem areas in the storm conveyance systems in Bee Creek and Wolf Pen Creek. A later analysis performed by Freese and Nichols in 1993 identified improvements to the drainage structures and channels in the City of College Station based on the flow data included in the hydraulic analysis developed by Walton and Associates. The Bee Creek IV and V Drainage Improvement Project was one of many drainage improvement projects identified in this report.

Staff feels a cost-benefit analysis is warranted to quantify the benefits of completing the project. Several factors have changed since the project's inception. We have seen a shift in the U.S. Army Corps of Engineers' (USACE) approach away from concrete lined channelized improvements whose main objective is storm water conveyance. Instead, the USACE tends to support a more natural watercourse. Additionally, recent flood studies performed on Tributary "A" based on recent data have shown a decrease in the floodplain width within the project limits that may result in homes being removed from the floodplain.

Currently Tributary "A" is still very natural. The drainage easement is full of vegetation and mature trees. Before moving forward with the channelization of the creek and removing the vegetation from the drainage easement, Staff wants to input the most recent data into the hydraulic model to determine the number of homes that would be removed from the floodplain with this project so we can consider the costs, benefits, and impacts.

This cost-benefit analysis will include an update to the model for Tributary "A" to determine the baseline conditions, consider the benefit of the proposed channelization drainage improvements, the benefit of expanding the capacity of the drainage structures at roadway crossings, the construction cost and environmental impact, and a summary of the downstream impacts.

Budget & Financial Summary: The original design contract is in the amount of \$200,236.00. Subsequent change orders increased the contract to \$228,608.94. Change Order #1 in the amount of \$4,237 was for additional coordination meeting with the USACE and provided for on-site survey of Navasota Ladies' Tresses. Change Order #2 in the amount of \$24,135.94 provided additional engineering and environmental services to revisit

and submit an individual permit application to the USACE. Change Order #3 will revise the contract amount to \$280,869.94.

Funds in the amount of \$1,400,000 are currently budgeted for this project in the Drainage Utility Capital Projects Fund. Funds in the amount of \$251,464.33 have been expended or committed to date, leaving a balance of \$1,148,535.67 for Change Order #3 and future expenditures.

Attachments:

- 1) Change Order #3
- 2) Project Map

CHANGE ORDER NO. 3 Contract No. 00-107 DATE: April 1, 2010
P.O.# 001230 PROJECT: Bee Creek Tributary A Drainage Improvements Phases IV & V, SD-000

OWNER:
City of College Station
P.O. Box 9960
College Station, Texas 77841

CONTRACTOR:
LJA Engineering & Surveying, Inc
2929 Briarpark Dr., Ste. 600 Ph: (713) 953-5200
Houston, Texas 77042-3700 Fax: (713) 953-5026

PURPOSE OF THIS CHANGE ORDER:

LJA will update the drainage model to perform a cost benefit analysis on the currently proposed drainage improvement and to look at the downstream impacts. Additionally, LJA will look at the benefit of improving the creek crossing structure at Brothers Blvd, Longmire, and Texas Ave. to see if those improvements would provide more benefit for the cost than proceeding with the proposed improvements

ITEM NO	UNIT	DESCRIPTION	UNIT PRICE	ORIGINAL QUANTITY	REVISED QUANTITY	ADDED COST
A	EA	Additional Coordination Meeting	\$4,261.00	0	1	\$4,261.00
B	EA	Update Drainage Mode	\$28,680.00	0	1	\$28,680.00
C	EA	Provide a Cost Benefit Analysis	\$13,380.00	0	1	\$13,380.00
D	EA	Provide Report with Model Results and Recommendation	\$2,940.00	0	1	\$2,940.00
E	EA	Reimbursable Expenses	\$3,000.00	0	1	\$3,000.00
TOTAL						\$52,261.00

THE NET AFFECT OF THIS CHANGE ORDER IS 26.10% INCREASE

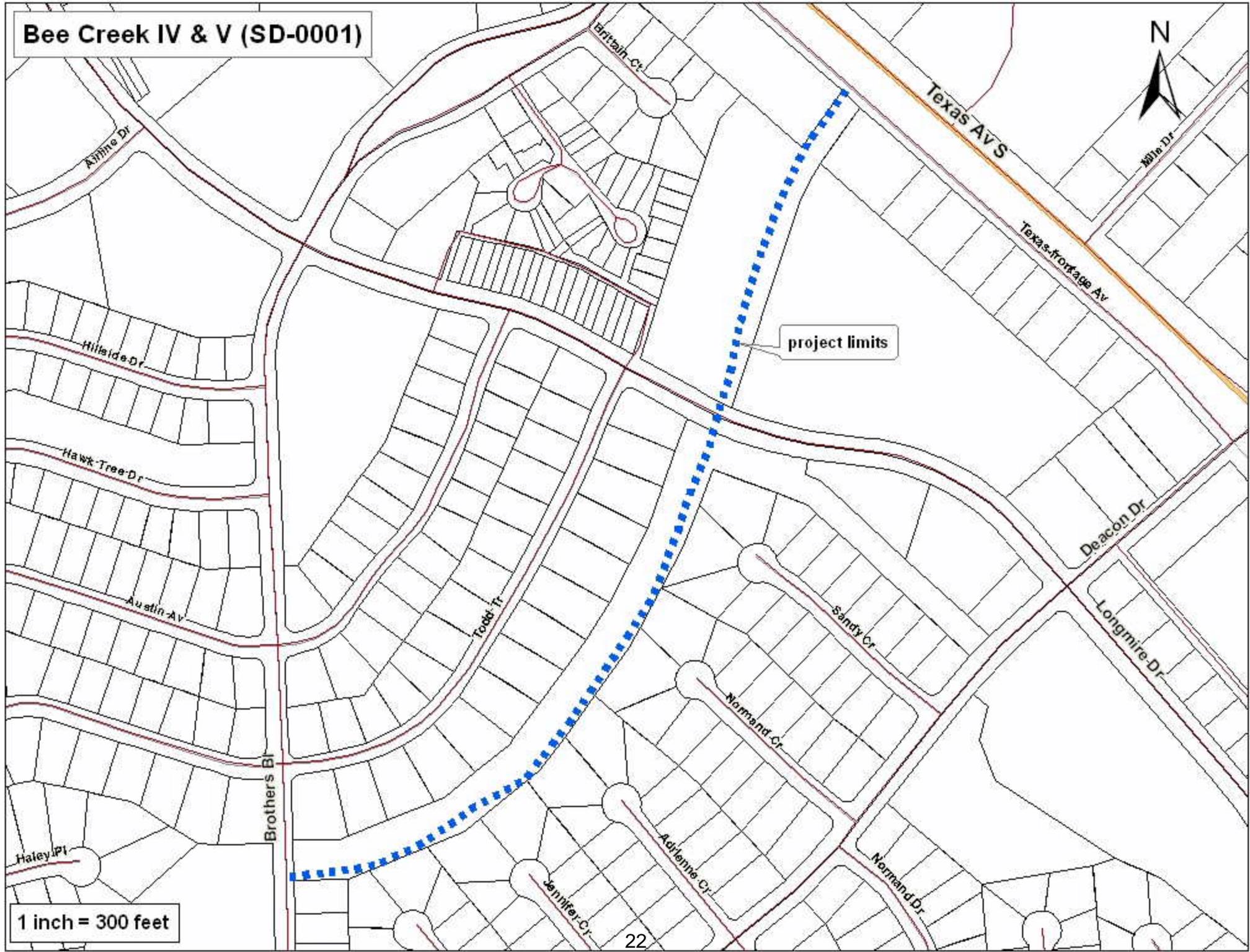
ORIGINAL CONTRACT AMOUNT	\$200,236.00	
Change Order No. 1	\$4,237.00	2.12% CHANGE
Change Order No. 2	\$24,135.94	12.05%
Change Order No. 3	\$52,261.00	26.10% CHANGE
REVISED CONTRACT AMOUNT	\$280,869.94	40.27% TOTAL CHANGE

ORIGINAL CONTRACT TIME	468 Days
Time Extension No. 1	0 Days
Time Extension No. 2	0 Days
Time Extension No. 3	35 Days
Revised Contract Time	503 Days

APPROVED

<p> 4/7/10 AVE CONTRACTOR Date</p> <p>N/A CONSTRUCTION CONTRACTOR Date</p> <p> 4/8/10 PROJECT MANAGER Date</p> <p> 8 April 2010 DEPARTMENT DIRECTOR Date</p>	<p>_____ CHIEF FINANCIAL OFFICER Date</p> <p> _____ CITY ATTORNEY Date</p> <p>_____ CITY MANAGER Date</p> <p>_____ MAYOR Date</p> <p>_____ CITY SECRETARY Date</p>
---	---

Bee Creek IV & V (SD-0001)



project limits

1 inch = 300 feet

April 22, 2010
Consent Agenda Item No. 2f
Revisions to College Station, Texas, Code of Ordinances, Chapter 1, "GENERAL PROVISIONS", Section 29, "COLLEGE STATION CEMETERY RULES AND REGULATIONS"; SUB-SECTIONS H AND M

To: Glenn Brown, City Manager

From: David Schmitz, Assistant Director, Parks and Recreation Department

Agenda Caption: Revisions to College Station, Texas, Code of Ordinances, Chapter 1, "GENERAL PROVISIONS", Section 29, "COLLEGE STATION CEMETERY RULES AND REGULATIONS"; Sub-Sections H and M.

Recommendation(s): Staff recommends approval of the revisions to College Station, Texas, Code of Ordinances, Chapter 1 "GENERAL PROVISIONS", Section 29, "COLLEGE STATION CEMETERY RULES AND REGULATIONS"; Sub-Sections H and M as presented. These revisions apply to both cemeteries and limit the number of items that can be placed on grave spaces, as well as standardized cemetery monuments with no variances allowed.

The revisions to Sub-Section M were considered by the Cemetery Advisory Committee during their March 2, 2010, meeting, and the Committee made a recommendation to the College Station City Council for approval of the revisions to Sub-Section M as presented. The revisions to Sub-Section H were considered during the Cemetery Advisory Committee meeting of March 30, 2010, and the Committee made a recommendation to the College Station City Council for approval of the revisions to Sub-Section H as presented.

Summary: The revisions to Sub-Section H are designed to enhance the aesthetics of the cemetery system in addition to alleviating a growing maintenance concern. Currently an unspecified number of plants, flowers, and objects of a temporary nature may be placed on grave spaces. The practice of placing numerous items on spaces has increased, which has affected the aesthetics established for the cemetery system. In addition, this practice has greatly increased maintenance requirements as these items typically must be moved to complete turf mowing, trimming, and clean-up operations. The Committee feels that limiting the number of items per space to two, and implementing a standard schedule of clean-up days for the cemeteries will rectify these aesthetic and maintenance issues.

The Cemetery Advisory Committee also recommends the removal of the existing variance request process located in Sub-Section M, Number 2. The variance request process has historically only been utilized for monument (including headstone, footstone, corner markers, and ledgers) issues. The Committee has worked diligently over the years to preserve the look of the cemeteries that is a result of the monument restrictions that have been in place in all versions of the cemetery rules and regulations since 1948. As this look has been in place for over sixty years, the Committee feels that allowing exceptions to the monument size restrictions goes against the look and intent that has been established by the City of College Station. In addition, the Committee felt there is really no compelling reason for not being able to comply with the restrictions that are now in place.

Budget & Financial Summary: None

Attachments:

- 1) Existing Sub-Section H and M with Revision Mark-ups
- 2) Cemetery Rules Amending Ordinance Number _____

April 2010 Proposed Revisions to the College Station, Texas, Code of Ordinances:
Chapter 1, Section 29, Sub-Sections H and M
(New language is in **bold**, removed language is ~~strikethrough~~)

H. PLANTING AND OTHER DECORATIONS IN CITY CEMETERIES

- (1) Grass, flowers, shrubs, trees, or other types of vegetation shall be planted only by or at the direction of the City Manager or his delegate in accordance with a landscape plan for the entire cemetery. Plantings by individuals are prohibited and shall be removed by the City.
- (2) The City shall establish grass on spaces after an appropriate amount of time has elapsed since burial to allow for settling. During this time the City shall establish the final grade to match the surrounding area.
- (3) Plantings of trees, shrubs or flowers on grave spaces at the College Station Cemetery that existed prior to adoption of Ordinance No. 1959 on June 11, 1992, which were specifically grandfathered with the adoption of that ordinance, shall continue to be grandfathered. These plantings may be removed by the City whenever they become unsightly, or as necessary to provide access to grave spaces. Replacement of grandfathered plantings that have been removed shall not be allowed.
- (4) The placing of potted plants, cut flowers, baskets, floral pieces, funeral designs, decorations, and all other objects of a temporary nature is permitted adjacent to the monument only, and on the owner's space(s) only. **Only two** items of this nature shall ~~only~~ be allowed **per space for a reasonable time after the interment in that space. No glass containers are allowed, and the digging of holes for the placements of any items is prohibited.**
Items associated with a funeral can remain on the space for a reasonable amount of time after the interment in that space. Determination of a reasonable amount of time shall be determined by the City Manager or his delegate. ~~The digging of holes for the placement of potted plants and baskets is prohibited.~~
- (5) The City Manager or his delegate shall have the right to remove all flowers, potted plants, wreaths, baskets, floral pieces, funeral designs, decorations and all other objects of a temporary nature when they become withered, unsightly, a safety concern, or an obstruction to maintenance.
In addition, the City shall conduct a general grounds clean-up of the cemeteries four times a year. In general these will be conducted as follows: mid-January, mid-April, mid-July, and mid-October.
- (6) No artificial flowers shall be permitted in, on, or around grave spaces.
- (7) The City Manager or his delegate is empowered to and may enter upon any space within the City Cemeteries and remove anything that may have been erected or placed thereon contrary to the provisions of this section, and may remove any dead or damaged tree, shrub or vine.

M. RULES ENFORCEMENT

- (1) No monument, headstone, or marker may be set in the City Cemeteries without the prior approval of the City Manager or his delegate and issuance of a permit. A permit request form may be obtained from the Cemetery Sexton or the Parks and Recreation Department.

All permit requests shall include renderings with size dimensions, names, dates, engravings, and any other ornamentation for each requested monument, foot marker,

corner marker, or niche covering. ~~If the City Manager or his delegate denies the permit, the applicant may appeal the decision to the Cemetery Committee.~~

Any monument, headstone or marker set in violation of this ordinance shall be subject to removal by the City of College Station as provided below.

~~(2) Any requests for variances to this ordinance shall be presented to the Cemetery Committee. Appeals from decisions of the Cemetery Committee shall be to the City Council. Appeals must be in writing and submitted to the office of the City Secretary within ten (10) days of the issuance of the Cemetery Committee's decision. The City Secretary's office shall schedule a hearing of the appeal before the Council within thirty (30) days from receipt of the written request for appeal.~~

(3)(2) Whenever the City Manager or his delegate determines that a violation of this ordinance has occurred, the City shall:

- (a) Record and document the violation(s).
- (b) Notify space owners in writing by regular mail to the last known address for the space owner, of the violation(s).
- (c) Allow fourteen (14) days from the date the notice was mailed for compliance or appeal to the Cemetery **Advisory** Committee.
- (d) If the space owner(s) neither comply with the ordinance nor request an appeal, the City may remedy the violation.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 1, "GENERAL PROVISIONS" OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING SECTION 29 PERTAINING TO CITY CEMETERIES RULES AND REGULATIONS; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

- PART 1: That Chapter 1, "General Provisions", of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.
- PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.
- PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2010.

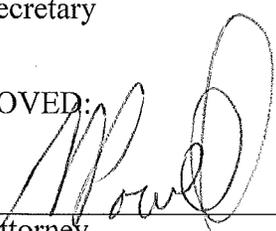
APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:



City Attorney

EXHIBIT "A"

I.

That Chapter 1, "GENERAL PROVISIONS", Section 29, "COLLEGE STATION CEMETERY RULES AND REGULATIONS", Sub-Sections H and M are hereby amended to read as follows:

"H. PLANTING AND OTHER DECORATIONS IN CITY CEMETERIES

- (1) Grass, flowers, shrubs, trees, or other types of vegetation shall be planted only by or at the direction of the City Manager or his delegate in accordance with a landscape plan for the entire cemetery. Plantings by individuals are prohibited and shall be removed by the City.
- (2) The City shall establish grass on spaces after an appropriate amount of time has elapsed since burial to allow for settling. During this time the City shall establish the final grade to match the surrounding area.
- (3) Plantings of trees, shrubs or flowers on grave spaces at the College Station Cemetery that existed prior to adoption of Ordinance No. 1959 on June 11, 1992, which were specifically grandfathered with the adoption of that ordinance, shall continue to be grandfathered. These plantings may be removed by the City whenever they become unsightly, or as necessary to provide access to grave spaces. Replacement of grandfathered plantings that have been removed shall not be allowed.
- (4) The placing of potted plants, cut flowers, baskets, floral pieces, funeral designs, decorations, and all other objects of a temporary nature is permitted adjacent to the monument only, and on the owner's space(s) only. Except as set out below, only two items of this nature shall be allowed per space. No glass containers are allowed, and the digging of holes for the placement of any items is prohibited.

Items associated with a funeral can remain on the space for a reasonable amount of time after the interment in that space. Determination of a reasonable amount of time shall be determined by the City Manager or his delegate.

- (5) The City Manager or his delegate shall have the right to remove all flowers, potted plants, wreaths, baskets, floral pieces, funeral designs, decorations and all other objects of a temporary nature when they become withered, unsightly, a safety concern, or an obstruction to maintenance.

In addition, the City may conduct periodic general grounds clean-up of the cemeteries approximately four times a year. These will typically be conducted as follows: mid-January, mid-April, mid-July, and mid-October.

- (6) No artificial flowers shall be permitted in, on, or around grave spaces.
- (7) The City Manager or his delegate is empowered to and may enter upon any space within the City Cemeteries and remove anything that may have been erected or placed thereon contrary to the provisions of this section, and may remove any dead or damaged tree, shrub or vine.

.....

M. RULES ENFORCEMENT

- (1) No monument, headstone, or marker may be set in the City Cemeteries without the prior approval of the City Manager or his delegate and issuance of a permit. A permit request form may be obtained from the Cemetery Sexton or the Parks and Recreation Department.

All permit requests shall include renderings with size dimensions, names, dates, engravings, and a description of any other ornamentation for each requested monument, foot marker, corner marker, or niche covering.

Any monument, headstone or marker set in violation of this ordinance shall be subject to penalties as may be set forth elsewhere in this Code of Ordinances and shall be subject to removal by the City of College Station as provided below.

- (2) Whenever the City Manager or his delegate determines that a violation of this ordinance has occurred, the City shall:
 - (a) Record and document the violation(s).
 - (b) Notify space owners in writing by regular mail to the last known address for the space owner, of the violation(s).
 - (c) Allow fourteen (14) days from the date the notice was mailed for compliance or appeal to the Cemetery Committee.
 - (d) If the space owner(s) neither comply with the ordinance nor request an appeal, the City may remedy the violation."

April 22, 2010

Consent Agenda Item No. 2g

Water and Wastewater New Service Tap Installation

To: Glenn Brown, City Manager

From: David Coleman, Water Services Director

Agenda Caption: Presentation, possible action, and discussion on the renewal of the annual contract for water and wastewater new service tap installation with Elliot Construction, Inc. for an annual estimated expenditure of \$349,000.

Recommendation: Staff recommends approval of the renewal contract.

Summary: The City of College Station awarded the construction of new water and wastewater service tap installations in 2008 to Elliot Construction, Inc (contract #08-147). Elliot Construction, Inc. has agreed to all original terms and conditions. This is the third and final renewal term of three possible renewals. Staff recommends approval of the contract renewal, since the prices remain competitive and advertising the contract would not result in better prices.

Budget & Financial Summary: Funds are available and budgeted in the Water Fund (\$174,500) and Wastewater Fund (\$174,500). Expenses are charged to the appropriate fund as new service taps are installed, and actual costs will be determined by the number of taps ordered by the City.

Attachment:
Renewal agreement

RENEWAL ACCEPTANCE

By signing herewith, I acknowledge and agree to renew Bid No. 08-41 (Contract No. 08-147), for the Installation of New Water and Wastewater Service Connection Taps in accordance with all pricing, terms and conditions previously agreed to and accepted in an amount not to exceed \$349,000.00.

I understand this renewal term will be for the period beginning May 1, 2010 through April 30, 2011.

ELLIOTT CONSTRUCTION, LTD.



AUTHORIZED REPRESENTATIVE



DATE

CITY OF COLLEGE STATION

Mayor

DATE

ATTEST:

City Secretary

DATE

APPROVED:

City Manager

DATE



City Attorney

DATE

Chief Financial Officer

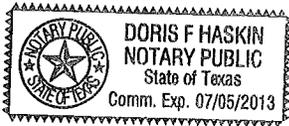
DATE

STATE OF TEXAS

CORPORATE ACKNOWLEDGMENT

COUNTY OF Brazos

This instrument was acknowledged on the 1 day of March, 2010,
by Scott Elliott in his ~~her~~ capacity as President of
Elliott Construction Ltd, a ~~TEXAS Corporation~~ ^{Partnership}, on behalf of said ~~corporation~~ ^{partnership}.



Doris Haskin
Notary Public in and for the
State of Texas

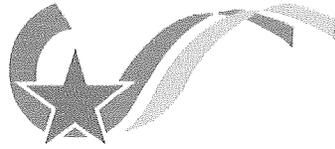
STATE OF TEXAS

ACKNOWLEDGMENT

COUNTY OF BRAZOS

This instrument was acknowledged on the _____ day of _____, 2010,
by _____, in his capacity as Mayor of the City of College Station, a Texas
home-rule municipality, on behalf of said municipality.

Notary Public in and for the
State of Texas



CITY OF COLLEGE STATION

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

**ANNUAL PRICE AGREEMENT
AND
SPECIFICATIONS
FOR WATER AND SEWER TAPS
BID #08-41**

BID OPENING DATE: MARCH 11, 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 March 8, 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 water and sewer taps throughout the City of College Station 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.

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 are interested in submitting your bid on-line, you must be registered with the City of College Station. See On-Line Bidding at www.cstx.gov for more information.

DEFINITIONS, TERMS AND CONDITIONS

The following instructions apply to all bids and become a part of terms and conditions of any bid submitted to the City of College Station Purchasing Services Division, unless otherwise specified elsewhere in this bid request. All bidders are required to be informed of these Terms and Conditions and will be held responsible for having done so:

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.

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.

Forms

Bid proposals will be submitted on the forms provided by Owner. All figures must be written in ink or typewritten. However, mistakes may be crossed out, corrections inserted adjacent thereto and initiated in ink by the person signing the proposal. When discrepancies occur between words and figures, the words shall govern.

April 22, 2010
Consent Agenda Item No. 2h
A Resolution Approving a Construction Contract with Knife River Corp. – South 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 on a construction contract with Knife River Corporation – South to 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 in an amount not to exceed \$568,324.09.

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

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.

On March 2, 2010 at 2:00 PM, the City of College Station conducted an opening of Invitation to Bid #10-37 for the State Highway 30 Improvement project. The City received three (3) bid responses and the tabulations of the bid opening demonstrate that Knife River Corporation – South is the lowest responsible bidder. This item will also require the approval of the Bryan City Council.

Budget & Financial Summary: Funding for this Construction Contract in the amount of \$603,750.00 is available in the BVSWMA Capital Improvements Fund.

Attachments:

1. Resolution
2. Bid Tabulation

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING A CONSTRUCTION CONTRACT FOR THE STATE HIGHWAY 30 IMPROVEMENT PROJECT AND AUTHORIZING THE EXPENDITURE OF FUNDS.

WHEREAS, the City of College Station, Texas, solicited bids for the construction phase of the State Highway 30 Improvement Project; and

WHEREAS, the selection of Knife River Corporation - South is being recommended as the lowest responsible bidder for the construction services related to the State Highway 30 Improvement Project; now, therefore,

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

PART 1: That the City Council hereby finds that Knife River Corporation - South is the lowest responsible bidder.

PART 2: That the City Council hereby approves the contract with Knife River Corporation - South for \$568,324.09 for the labor, materials and equipment required for the improvements related the State Highway 30 Improvement Project.

PART 3: That the funding for this Contract shall be as budgeted from the Brazos Valley Solid Waste Management Agency Capital Improvements Fund, in the amount of \$568,324.09.

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

ADOPTED this _____ day of _____, A.D. 2010.

ATTEST:

APPROVED:

City Secretary

MAYOR

APPROVED:

Carla A. Robinson

City Attorney

BVSWMA HIGHWAY 30 WIDENING
 ITB 10-37
 2-Mar-10

					Big Creek Construction, LTD		Glenn Fuqua, Inc.		Knife River Corp - South	
Item	Code	Qty	Unit	Description	unit price	extended price	unit price	extended price	unit price	extended price
104	2009	97	SY	REMOVING CONC (RIPRAP)	\$ 10.00	\$ 970.00	\$ 20.00	\$ 1,940.00	\$ 7.40	\$ 717.80
110	2001	3,901	CY	EXCAVATION	\$ 10.00	\$ 39,010.00	\$ 9.00	\$ 35,109.00	\$ 3.50	\$ 13,653.50
112	2002	33	STA	SUBGRADE WIDENING (DENS CONT)	\$ 750.00	\$ 24,975.00	\$ 500.00	\$ 16,650.00	\$ 60.00	\$ 1,998.00
132	2001	2,021	CY	EMBANKMENT (FINAL)(ORD COMP)(TY A)	\$ 10.00	\$ 20,210.00	\$ 10.00	\$ 20,210.00	\$ 2.10	\$ 4,244.10
161	2014	14,725	SY	COMPOST MANUF TOPSOIL (BOS OR PB)(4")	\$ 1.00	\$ 14,725.00	\$ 0.71	\$ 10,454.75	\$ 1.20	\$ 17,670.00
164	2009	14,725	SY	BROADCAST SEED (TEMP)(WARM)	\$ 0.08	\$ 1,178.00	\$ 0.10	\$ 1,472.50	\$ 0.08	\$ 1,178.00
164	2012	14,725	SY	BROADCAST SEED (TEMP)(COOL)	\$ 0.08	\$ 1,178.00	\$ 0.10	\$ 1,472.50	\$ 0.08	\$ 1,178.00
164	2035	14,725	SY	DRILL SEEDING (PERM)(RURAL)(CLAY)	\$ 0.10	\$ 1,472.50	\$ 0.11	\$ 1,619.75	\$ 0.10	\$ 1,472.50
168	2001	147	MG	VEGETATIVE WATERING	\$ 10.00	\$ 1,472.50	\$ 8.00	\$ 1,178.00	\$ 11.00	\$ 1,619.75
247	2342	7,307	SY	FL BS (CMP IN PLACE)(TY A GR 2)(8")	\$ 17.00	\$ 124,219.00	\$ 12.20	\$ 89,145.40	\$ 10.00	\$ 73,070.00
275	2001	139	TON	CEMENT	\$ 120.00	\$ 16,680.00	\$ 110.00	\$ 15,290.00	\$ 110.00	\$ 15,290.00
275	2063	8,452	SY	CEMENT TRT (SUBGRADE)(10")	\$ 3.00	\$ 25,356.00	\$ 3.00	\$ 25,356.00	\$ 1.60	\$ 13,523.20
310	2001	1,461	GAL	PRIME COAT (MC-30)	\$ 4.50	\$ 6,574.50	\$ 4.00	\$ 5,844.00	\$ 4.50	\$ 6,574.50
316	2399	3,069	GAL	ASPH (AC-20-5TR OR AC-12-5TR)	\$ 3.50	\$ 10,741.50	\$ 4.00	\$ 12,276.00	\$ 3.50	\$ 10,741.50
316	2582	58	CY	AGGR (TY-PB GR-4 OR TY-PL GR-4)	\$ 125.00	\$ 7,250.00	\$ 100.00	\$ 5,800.00	\$ 150.00	\$ 8,700.00
341	2034	1,681	TON	D-GR HMA (QCQA) TY-C PG64-22	\$ 62.00	\$ 104,222.00	\$ 64.00	\$ 107,584.00	\$ 67.00	\$ 112,627.00
341	2050	2,384	TON	D-GR HMA (QCQA) TY-C PG70-22	\$ 63.00	\$ 150,192.00	\$ 65.00	\$ 154,960.00	\$ 71.00	\$ 169,264.00
432	2001	35	CY	RIPRAP (CONC)(4")	\$ 400.00	\$ 14,000.00	\$ 350.00	\$ 12,250.00	\$ 320.00	\$ 11,200.00
432	2040	24	CY	RIPRAP (MOW STRIP)(5")	\$ 400.00	\$ 9,680.00	\$ 350.00	\$ 8,470.00	\$ 360.00	\$ 8,712.00
500	2001	1	LS	MOBILIZATION	\$ 70,000.00	\$ 70,000.00	\$ 50,000.00	\$ 50,000.00	\$ 45,400.00	\$ 45,400.00
502	2001	3	SO	BARRICADES, SIGN & TRAFFIC HANDLING	\$ 3,000.00	\$ 9,000.00	\$ 1,000.00	\$ 3,000.00	\$ 420.00	\$ 1,260.00
506	2001	45	LF	ROCK FILTER DAMS (INSTALL)(TY 1)	\$ 25.00	\$ 1,125.00	\$ 18.00	\$ 810.00	\$ 25.00	\$ 1,125.00
506	2009	45	LF	ROCK FILTER DAMS (REMOVE)	\$ 5.00	\$ 225.00	\$ 5.00	\$ 225.00	\$ 10.00	\$ 450.00
506	2034	1,580	LF	TEMPORARY SEDIMENT CONTROL FENCE	\$ 5.00	\$ 7,900.00	\$ 1.50	\$ 2,370.00	\$ 3.20	\$ 5,056.00
530	2011	186	SY	DRIVEWAYS (ACP)	\$ 50.00	\$ 9,315.00	\$ 33.00	\$ 6,147.90	\$ 28.00	\$ 5,216.40
540	2001	200	LF	MTL W BEAM GD FEN (TIM POST)	\$ 20.00	\$ 4,000.00	\$ 17.00	\$ 3,400.00	\$ 23.00	\$ 4,600.00
544	2001	4	EA	GUARDRAIL END TREATMENT (INSTALL)	\$ 1,000.00	\$ 4,000.00	\$ 1,900.00	\$ 7,600.00	\$ 2,600.00	\$ 10,400.00
636	2001	42	SF	ALUMINUM SIGNS (TY A)	\$ 11.00	\$ 456.50	\$ 11.00	\$ 456.50	\$ 17.00	\$ 705.50
544	2001	5	EA	INS SM RD SN SUP&AM TY 10BWG(1) SA(P)	\$ 425.00	\$ 2,125.00	\$ 425.00	\$ 2,125.00	\$ 520.00	\$ 2,600.00
662	2115	668	EA	WK ZN PAV MARK SHT TERM (TAB) TY Y-2	\$ 1.00	\$ 668.00	\$ 1.00	\$ 668.00	\$ 1.00	\$ 668.00
666	2003	80	LF	REFL PAV MRK TY 1 (W) 4" (BRK)(100MIL)	\$ 1.00	\$ 80.00	\$ 1.00	\$ 80.00	\$ 0.70	\$ 56.00
666	2012	6,470	LF	REFL PAV MRK TY 1 (W) 4" (SLD)(100MIL)	\$ 0.75	\$ 4,852.50	\$ 0.50	\$ 3,235.00	\$ 0.47	\$ 3,040.90
666	2036	3,943	LF	REFL PAV MRK TY 1 (W) 8" (SLD)(100MIL)	\$ 1.75	\$ 6,900.25	\$ 1.00	\$ 3,943.00	\$ 1.00	\$ 3,943.00
666	2054	4	EA	REFL PAV MRK TY 1 (W) 4" (ARROW)(100MIL)	\$ 100.00	\$ 400.00	\$ 100.00	\$ 400.00	\$ 95.00	\$ 380.00
666	2096	4	EA	REFL PAV MRK TY 1 (W) 4" (WORD)(100MIL)	\$ 200.00	\$ 800.00	\$ 120.00	\$ 480.00	\$ 113.00	\$ 452.00
666	2111	8,306	LF	REFL PAV MRK TY 1 (Y) 4" (SLD)(100MIL)	\$ 0.75	\$ 6,229.50	\$ 0.50	\$ 4,153.00	\$ 0.48	\$ 3,986.88
666	2132	504	LF	REFL PAV MRK TY 1 (Y) 24" (SLD)(100MIL)	\$ 6.00	\$ 3,024.00	\$ 5.20	\$ 2,620.80	\$ 5.14	\$ 2,590.56
672	2012	370	EA	REFL PAV MRKR TY I-C	\$ 4.00	\$ 1,480.00	\$ 4.00	\$ 1,480.00	\$ 4.00	\$ 1,480.00
672	2015	370	EA	REFL PAV MRKR TY II-A-A	\$ 4.00	\$ 1,480.00	\$ 4.00	\$ 1,480.00	\$ 4.00	\$ 1,480.00
				TOTAL		\$ 708,166.75		\$ 621,756.10		\$ 568,324.09
				Addendum Acknowledged		Y		Y		Y
				Certification		Y		Y		Y
				Bid Bond		Y		Y		Y

April 22, 2010
Consent Agenda Item No. 2i
Revisions to College Station, Code of Ordinances Chapter 7 Health & Sanitation

To: Glenn Brown, City Manager

From: Jeff Capps, Chief of Police

Agenda Caption: Presentation, possible action, and discussion regarding revisions to Chapter 7 Health & Sanitation, Sections 1 through 3 of the City of College Station Code of Ordinances as it relates to noise and nuisance.

Recommendation(s): None

Summary: This item is a follow up to Council initiated discussion and a previous workshop item on nuisance noise presented in February 2009.

Noise is a reoccurring issue in College Station. While great strides have been made to address loud party scenarios in a timely manner, there are other nuisance noise concerns that arise from time to time. During our initial review of the City's ordinance as it pertains to noise, it was determined that the ordinance was dated, conflicting and created prosecutorial difficulties. As such, the legal department created a draft of the ordinance to address these issues.

That draft ordinance was presented to and accepted by Council on March 25, 2010. This item is a presentation of the ordinance in its final form.

Budget & Financial Summary: N/A

Attachments:

1. Revised Ordinance- Chapter 7 Health & Sanitation, Sections 1 through 3

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 7, "HEALTH AND SANITATION", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1: That Chapter 7, "Health and Sanitation", of the Code of Ordinances of the City of College Station, Texas, be amended as set out in **Exhibit "A"**, attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Two Thousand Dollars (\$2000.00). Each day any such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinances, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this ___ day of _____, 2010.

APPROVED:

ATTEST:

MAYOR

CITY SECRETARY

APPROVED:



CITY ATTORNEY

Exhibit A

That Chapter 7 "Health and Sanitation" is hereby amended by amending Sections 1 and 2 of the Code of Ordinances of the City of College, Station Texas and to delete Section 3 in its entirety and is to read as follows:

CHAPTER 7 HEALTH & SANITATION**SECTION 1: STAGNANT WATER, TRASH, WEEDS, & OTHER VEGETATION PROHIBITED**

- (A) **Stagnant Water Prohibited:** It shall be unlawful for any person who owns or occupies any house, building, establishment, lot, or yard in the City to permit or allow holes, places, or containers where water may accumulate and become stagnant.
- (B) **Accumulation of Trash, Carrion, & Filth Prohibited:** It shall be unlawful for any person who owns or occupies any house, building, establishment, lot, or yard in the City to permit or allow any trash, rubbish, carrion, filth, or other impure or unwholesome matter to accumulate or remain thereon or therein.
- (C) **Weeds and Other Unsightly Vegetation Prohibited:** It shall be unlawful for any person owning, claiming, occupying, or having supervision or control of any real property within the City to permit weeds, brush, or any objectionable or unsightly vegetation to grow due to lack of vegetation management upon any such real property. It shall be the duty of such person to keep the area from the line of his property to the curb line adjacent to it free and clear of matter referred to above. Objectionable or unsightly vegetation includes all weeds and grasses that exceed twelve inches (12") in height.
- (1) **Exemptions:**
- (a) State highway rights-of-way.
 - (b) Agricultural areas, agricultural meaning crop production and/or grazing.
 - (c) Heavily wooded areas filled with uncultivated underbrush.
 - (d) The cultivation of concentrated wildflowers from March 1 until June 15 of each year in areas where grasses and weeds do not exceed eighteen inches (18") in height.
 - (e) Areas that are zoned A-O or A-OR.
- (D) **View of Traffic Obstructed by Trees, Shrubs, & Vegetation:** Trees, shrubs, bushes, plants, grass, weeds, or any other vegetation growing at or near intersections in such manner as to obstruct the view of approaching traffic from the right or left shall be unlawful, and the

City Manager is hereby authorized to remove the vegetation.

(E) Work or Improvements Done by the City and Notice Requirements:

- (1) If the owner of property in the City does not comply with an ordinance under this chapter within seven days of notice of a violation, the City may:
 - (a) do the work or make the improvements required; and
 - (b) pay for the work done or improvements made and charge the expenses to the owner of the property.
- (2) The notice must be given:
 - (a) personally to the owner in writing;
 - (b) by letter addressed to the owner at the owner's address as recorded in the appraisal district records of the appraisal district in which the property is located; or
 - (c) if personal service cannot be obtained:
 - (1) by publication at least once;
 - (2) by posting the notice on or near the front door of each building on the property to which the violation relates; or
 - (3) by posting the notice on a placard attached to a stake driven into the ground on the property to which the violation relates.
- (3) If the City mails a notice to a property owner in accordance with Subsection (2), and the United States Postal Service returns the notice as "refused" or "unclaimed," the validity of the notice is not affected, and the notice is considered as delivered.
- (4) In a notice provided under this section, the City may inform the owner by regular mail and a posting on the property, or by personally delivering the notice, that if the owner commits another violation of the same kind or nature that poses a danger to the public health and safety on or before the first anniversary of the date of the notice, the City without further notice may correct the violation at the owner's expense and assess the expense against the property. If a violation covered by a notice under this subsection occurs within the one-year period, and the City has not been informed in writing by the owner of an ownership change, then the City without notice may take any action permitted by Subsections (1) (a) and (b) and assess its expenses as provided by Texas Health and Safety Code §342.007.

- (F) The term “person” shall mean and include any natural person, business entity, or association of people in this Chapter.
- (G) A violation of this Chapter is also declared a nuisance and may be enforced 5000 feet outside the city limits.

SECTION 2: UNLAWFUL CONDUCT RELATED TO HEALTH AND SAFETY

- (A) **A person commits an offense if he:**
 - (1) uses property in a way that annoys, injures, or endangers the health, safety, comfort, or repose of any person,
 - (2) uses property in a way that accumulates manure or rubbish or debris,
 - (3) creates or allows any sign, awning, and other similar structure over the streets or sidewalks so situated or constructed as to endanger health, safety, comfort, or repose of any person,
 - (4) makes filthy, littered, or trash-covered cellars, house yards, factory yards, vacant areas in rear of stores, vacant lots, houses, buildings, or premises containing trash, litter, rags, accumulation of empty barrels, boxes, crates, packing cases, lumber or firewood not neatly piled, scrap iron, tin, and other metal not neatly piled, or anything whatsoever in which flies or rats may breed or multiply or which may be a fire danger,
 - (5) makes any unsightly building, pre-empted, or other structure, or any old, abandoned, or partially destroyed building or structure, or any building or structure commenced and left unfinished, or any abandoned well or excavation not properly protected and which may attract children and endanger them in the course of play,
 - (6) creates places used or maintained as junk yards, or dumping grounds, or for the wrecking or disassembling of automobiles, trucks, or machinery of any kind, or for the storing or leaving of any machinery or equipment used by contractors or builders or by other persons, which said places are kept or maintained so as to essentially interfere with the comfortable enjoyment of life or property by others,
 - (7) allows the keeping of any lot or piece of ground where a pool or pond is located that holds unwholesome, impure, stagnated, or offensive water,
 - (8) allows the open storage of commodities and materials for sale, lease, inventory or private use in areas zoned as residential. Such materials shall be screened

by a solid fence and shall not be visible from a public right-of-way. Commodities are defined as, but not limited to: appliances, automotive parts, building materials, firewood, furniture (excluding patio and lawn furniture), and landscape materials. Firewood stored in rear or side yards, and A – O and A – OR zoning districts are exempt from the screening requirements,

- (9) possesses, manufactures, stores, sells, handles, or uses fireworks,
- (a) **Exemption:** a supervised public display of fireworks provided that a permit for such fireworks display has been obtained from the State Fire Marshall or his designated representative.
- (10) allows or maintains an unreasonable noise:
- (a) **Day Time Noise**
- (1) during the hours of 7:00 A. M. to 10:00 P.M. that when measured from the property line of a residence located in residential zoned property exceeds 63 decibels and would disturb or annoy a person of ordinary sensibilities, or
- (2) during the hours of 7:00 A. M. to 10:00 P.M. that when measured from a contiguous interior wall of a residence that is a multiunit residence located in residential zoned property exceeds 55 decibels and would disturb or annoy a person of ordinary sensibilities.
- (b) **Night Time Noise**
- (1) during the hours of 10:01 P.M to. 6:59 A. M. that when measured from the property line of a residence located in residential zoned property exceeds 56 decibels and would disturb or annoy a person of ordinary sensibilities, or
- (2) during the hours of 10:01 P.M to. 6:59 A. M. that when measured from a contiguous interior wall of a residence that is a multiunit residence located in residential zoned property exceeds 50 decibels and would disturb or annoy a person of ordinary sensibilities.
- (c) **Exemptions**
- (1) Necessary construction or property maintenance, including the use of lawnmowers, during the hours of 7:00 A.M. to 10:00 P.M.,

April 22, 2010
Consent Agenda Item No. 2j
Termination of Contract for New Affordable Housing
Construction Services at 1123 Phoenix Street

To: Glenn Brown, City Manager

From: David Gwin, Director of Economic and Community Development

Agenda Caption: Presentation, possible action, and discussion on a Resolution terminating construction contract no. 08-293, for convenience, with Jamal Building Systems, Inc., approved on or about September 25, 2008, by Resolution No. 9-25-08-2g, for the construction of a residential structure at 1123 Phoenix Street.

Recommendation(s): Staff recommends termination of construction contract no. 08-293, for convenience, for the construction of a new, single-family residence at 1123 Phoenix Street (Bid No. 08-92) by Jamal Building Systems, Inc.

Summary: On August 21, 2008, an Invitation to Bid (ITB) for the residential construction of two (2) new, single-family residences located at 1123 Phoenix Street (Bid No. 08-92) and 1208 Phoenix Street (Bid No. 08-93) were advertised in The Eagle. On September 4, 2008 four (4) bid proposals were received in response to Bid No. 08-92 and Bid No. 08-93. The lowest bidder, Jamal Building Systems, Inc., was awarded both of the construction contracts.

Jamal Building Systems Inc. requested to stagger the start of construction for both of the projects. The City of College Station granted the request and Jamal Building Systems began construction on the project located at 1208 Phoenix Street with the understanding that the construction for the project located at 1123 Phoenix Street would begin shortly after partial construction of the first project was realized. A timeline of the project currently under construction has been provided (Attachment 2).

Jamal Building Systems, Inc. repeatedly has not complied with any reestablished deadlines. The project completion date was scheduled for April 20, 2009, for 1208 Phoenix, which allowed one hundred and twenty (120) calendar days for construction. To date, the construction is complete, however, Jamal Building Systems has to show proof of payment to CNA Surety for claims filed during the construction process.

Furthermore, Jamal Building Systems, Inc. has not submitted the required bonds for the construction of a single-family residence at 1123 Phoenix Street (Bid No. 08-92). Staff, therefore, recommends termination of construction contract no 08-293 that was awarded by Resolution No. 9-25-08-2g, currently held by Jamal Building Systems, Inc. for the construction of a new, single-family residence at 1123 Phoenix Street. Staff intends to rebid the construction of this new single-family residence at that same address as soon as possible.

Budget & Financial Summary: The minimum responsible bid for ITB #08-92 was \$78,000.00. However, staff recommends termination of the contract due to failure of performance at no cost to the City.

Attachments:

1. Resolution – Termination of Contract
2. Timeline for 1208 Phoenix Street

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING THE TERMINATION OF A CONTRACT FOR THE CONSTRUCTION OF A NEW SINGLE FAMILY RESIDENCE.

WHEREAS, the City of College Station, Texas, solicited bids for the construction of a new, single-family residence located at 1123 Phoenix Street, College Station, Brazos County, Texas; and

WHEREAS, Jamal Building Systems, Inc. was selected as the lowest responsible bidder for the construction of a new, single-family residence located at 1123 Phoenix Street by Resolution No. 9-25-08-2g, attached hereto as Exhibit A; and

WHEREAS, the City will terminate, for convenience, construction contract no. 08-293, with Jamal Building Systems, Inc., as according to the contract; now, therefore,

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

PART 1: That the City Council hereby terminates agreement 08-293 with Jamal Building Systems, Inc. for convenience as according to Section 39 of the construction contract.

PART 2: That the funding for this Project shall be returned to the College Station Economic & Community Development Budget, in an amount not to exceed \$78,000.00.

PART 3: 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

Timeline for 1208 Phoenix Street

ANTICIPATED TIMELINE	
December 19, 2009	Secure Building Permit
January 9, 2009	Pour Foundation
January 23, 2009	Frame/Cornice/Deck
February 6, 2009	MEP Rough-Ins
February 13, 2009	Structural/Mechanical Inspections
February 20, 2009	Insulation
February 27, 2009	Good Cents Inspection
March 6, 2009	Brick/Sheetrock
March 13, 2009	Interior Trim
March 20, 2009	Paint
March 27, 2009	Cabinets/Flatwork
April 3, 2009	Tile Floors/Countertops
April 10, 2009	MEP Trims
April 17, 2009	Carpet/Appliances
April 20, 2009	Final Inspections Project Complete

ACTUAL TIMELINE	
December 9, 2008	Issuance of Notice to Proceed (NTP)
January 9, 2009	Building Permit Secured
February 13, 2009	First Activity at the Project Site
March 3, 2009	Submission of New Job Schedule
March 30, 2009	Issuance of Poor Workmanship
April 1, 2009	Construction Draw- 15% Complete
April 14, 2009	Failure to Attend Scheduled Meeting
April 16, 2009	Issuance of Stop Work Notice/ Corrective Action Plan Required
April 20, 2009	Scheduled Project Completion Date
April 27, 2009	Acceptance of Corrective Action Plan
June 8, 2009	Scheduled Meeting/ Failure to Execute Corrective Action Plan
June 23, 2009	Construction Draw- 30% Complete
July 6, 2009	Construction Draw- 46% Complete
August 3, 2009	Construction Draw- 58% Complete
August 31, 2009	Construction Draw- 62% Complete
September 28, 2009	Construction Draw- 69% Complete
April 12, 2010	Construction Draw- 90% Complete
April 26, 2010	Waiting for Proof of Payment to CNA Surety

April 22, 2010
Consent Agenda Item No. 2k
Lick Creek Centrifuge repairs

To: Glenn Brown, City Manager

From: David Coleman, Director of Water Services.

Agenda Caption: Presentation, possible action, and discussion regarding ratification of Purchase Order #100324 in the amount of \$48,575.00 and Purchase Order # 100635 in the amount of \$12,250.00 to Cooper Equipment for repairs to the Lick Creek Centrifuge.

Recommendation(s): Staff recommends Council ratify Purchase Orders #s 100324 and 100635.

Summary: Solids handling equipment such as a centrifuge adds efficiency and aids in odor reduction when removing the excess solids generated by treating wastewater.

Competitive quotes were solicited for repairs needed by the Lick Creek Centrifuge. Cooper Equipment provided the lowest responsive quote and Purchase Order # 100324 was issued under the City Manager's authority. The repairs were conducted and paid for, but after some months, the centrifuge again experienced problems. It was returned to Cooper Equipment for warranty inspection. The inspection revealed additional problems un-related to the previous repairs. Staff authorized the repairs to avoid further operational disruptions and maintain the warranty on the previous repairs.

Although these purchases are non-consecutive and do not require Council approval individually, the two together exceed the City Manager's approval authority and ratification of these purchases is being requested both to avoid the appearance of circumventing policy and to keep Council fully informed.

Budget & Financial Summary: Funds are available within the Water Services Capital Account to complete this project.

Attachments:

Purchase Order # 100635



City of College Station Purchase Order

1101 Texas Avenue P O Box 9960
College Station, Texas 77842-0960
(979) 764-3555 Fax: (979) 764-3899
www.cstx.gov

Purchase Order No.
100635
Above number must appear on all correspondence
Date
03/31/10

47099

VENDOR	COOPER EQUIPMENT CO-SUGAR LAND 4646 HWY 6 SUGAR LAND, TX 77478
CONTACT	TEL# (281) 494-7400 FAX# (281) 208-9869

SHIP TO	CITY OF COLLEGE STATION 2200 NORTH FORREST PKWY. COLLEGE STATION, TX 77845
----------------	--

DELIVER BY	F.O.B.	TERMS	ACCOUNT NO.	PROJECT NO.	REQ. NO.	BID NO
05/31/10		NET/30	21391119745502	SSWOC		
LINE	QUANTITY	UOM	DESCRIPTION		UNIT COST	EXTENSION
1	1.00	EA	REPLACE 20 CARBIDE TILES ON LICK CREEK CENTRIFUGE REPLACE 20 CARBIDE TILES WITH NEW, REBALANCE THE CONVEYOR AND REASSEMBLE THE UNIT, CHECK & RECORD TIR, PICK UP AND RETURN ONE WESTFALIA CA-501-00-32 CENTRIFUGE CONVEYOR, SERVICE CALL FOR INSTALLATION AND START-UP OF UNIT (8 HOUR DAY) REMARKS: »No additional repairs/work are to be undertaken without the authorization of the City's representative.		12250.0000	12250.00
NOTICE TO VENDOR: To insure prompt payment mail invoice in duplicate and copy of paid freight bill to be included if invoicing for prepaid freight. Mail invoice to Attn: Accounting Department, P. O. Box 9973, College Station, Texas 77842-0973. The City of College Station is exempt from Federal, State, and Local taxes. Federal No. is 1-74-6000534-5.					GRAND TOTAL	12250.00

**CITY OF COLLEGE STATION
STANDARD TERMS AND CONDITIONS**

1. **ACCEPTANCE:** Acceptance of this order must be without qualifications. Buyer hereby objects to and will not be bound by any different or additional terms and conditions contained in the acceptance unless each such different or additional term is expressly agreed to in writing by Buyer. Seller's action in (a) accepting this order, (b) delivering materials, or (c) performing services called for hereunder shall constitute an acceptance of the terms and conditions below and on this order.
2. **CHANGES/QUANTITIES:** No changes may be made in this order without written authorization of the purchaser. Ship exact quantities ordered except in instances where this is impractical such as material in bulk, uneven lengths, etc., in which case nearest amount available and not exceeding specified quantity is acceptable.
3. **INVOICES/DISCOUNTS:** Invoice must be submitted by the vendor in duplicate to the City of College Station, Accounting Dept., P.O. Box 9973, College Station, Texas 77842-0973. If invoices are subject to a cash discount, discount period to be taken from the date of completion of order or date of receipt in invoice, whichever occurs last regardless of whether or not correct discount terms appear on invoice. All invoices to be paid in full within 30 days after satisfactory delivery and billing unless otherwise specified or mutually agreed upon before this order was placed. The City of College Station will not be liable for payment of invoices received six (6) months after order completion (defined as "Acceptance").
4. **TAXES:** This purchase order when properly executed by the purchasing agent serves as a tax exemption certificate in that the purchaser, as a municipality, claims an exemption from payment of taxes (under Chapter 20, Title 122A, Revised Civil Statutes of Texas). These taxes must not be included on invoice. **Community Development** contracts entered into between the successful contractor and homeowner, contractor shall pay all applicable taxes on material (i.e. material is not tax exempt).
5. **PATENTS:** Upon acceptance of this order, the vendor agrees to protect the City from any claim involving patent right infringements, copyrights, or sale franchises.
6. **SHIPPING:** All shipments to be prepaid. Where specific purchase is negotiated F.O.B. shipping point, the vendor is to prepay shipping charges and add to invoice. In shipments made direct by vendor's supplier, vendor is required to notify his supplier to prepay shipments.
7. **RISK OF LOSS:** Risk of loss, damage or destruction of the materials covered by this order shall be borne by the Seller until delivery in good condition of conforming products at the F.O.B. point designated on this order. Any rejected goods shall be at the Seller's risk until returned to Seller, at Seller's expense, or otherwise disposed of as Seller shall reasonably request.
8. **DELIVERIES:** All deliveries to be made to Central Receiving located at 1601 Graham Road unless otherwise specified. Deliveries will be accepted only during normal working hours on normal working days (8 a.m.-5 p.m., Monday through Friday). Unless otherwise indicated, items received must be new and in first class condition and if type of materials normally packaged for protection and convenience in storage, shall be in proper container. All services performed shall conform to the quality and workmanship of the accepted standards in the industry.
9. **VERBAL ORDERS:** The terms and conditions on this form also apply to emergency and rush orders placed verbally with vendors already familiar with these terms and conditions, in which case a confirming purchase order stamped "CONFIRMATION" will be forwarded to the vendor.
10. **CANCELLATIONS:** The City of College Station reserves the right to cancel purchase orders for failure on the part of the vendor to deliver as promised, or within a reasonable time if no delivery commitment is made unless acceptable notification of delay is given to the City of College Station by the vendor.
11. **LIABILITY:** **Any person, firm or corporation performing services pursuant to this purchase order shall be liable for all damages incurred while in performance of such services. Supplier assumes full responsibility for the work to be performed hereunder, and hereby releases, relinquishes, and discharges the City, its officers, agents, and employees, from all claims, demands, and causes of action of every kind and character including the cost of defense thereof, for any injury to, including death of, any person whether that person be a third person, supplier, or an employee of either of the parties hereto, and any loss of or damage to property, whether the same be that of either of the parties hereto or of third parties, caused by or alleged to be caused by, arising out of or in connection with the issuance of this order to Supplier, whether or not said claims, demands and causes of action in whole or in part are covered by insurance. Certificates of Insurance may be required for but not limited to Commercial General Liability, Business Auto Liability, Workers Compensation, and Professional Liability Insurance.**
12. *The City of College Station Purchasing Manual Section 114 of the College Station City Charter by stating:* No member of the City Council or any officer or employee of the City shall have a financial interest direct or indirect or by reason or ownership of stock in any corporation, in any contact with the City, or be financially interested directly or indirectly in the sale to the City of any land, materials, supplies, or services except on behalf of the City as an officer or employee; provided, however, that the provisions of this section shall only be applicable when the stock owned by the officer or employee exceeds one (1) percent of the total capital stock of the corporation.

Lisa Davis - Fwd: Westfalia CA501-00-32 Quote

From: Doug Wallace
To: Lisa Davis
Date: 3/31/2010 9:30 AM
Subject: Fwd: Westfalia CA501-00-32 Quote

As we discussed on the phone.

Thank you, ma'am. Dou

>>>

From: "Jimmy Cooper" <jimmy@coopequip.com>
To: "Doug Wallace" <DWALLACE@cstx.gov>
Date: 3/29/10 1:06 PM
Subject: Westfalia CA501-00-32 Quote

Doug,

The following quote is for the repair of (1) Westfalia CA501 Centrifuge Conveyor:

Replace (20) carbide tiles with new, including the (6) missing

Rebalance the conveyor and reassemble the unit, check and record TIR.

Pick-up and deliver to plant

Service call for start-up 8 hr.day,

Total Price: \$12,250.00

Unit can be ready in (7) days

Thanks...

Jimmy Cooper
Cooper Equipment
4646 Hwy 6
Sugar Land, TX 77478
281-494-7400 Fax 281-208-9869
Cell# 832-640-0556
Jimmy@coopequip.com
www.coopequip.com

April 22, 2010
Consent Agenda Item No. 2L
Installation of Traffic Signal
Arrington Road at W. D. Fitch

To: Glenn Brown, City Manager

From: Mark Smith, Director of Public Works

Agenda Caption: Presentation, possible action, and discussion regarding a resolution awarding Bid#10-46 and approval of a construction contract to Bayer Construction Electrical Contractors, Inc. in the amount of \$190,577.50 for the installation of a traffic signal located at the intersection Arrington Road and W. D. Fitch Parkway. Increased traffic in this area along with new development has created a need for this traffic signal.

Recommendation(s): Staff recommends approval of the resolution and award of the construction contract to Bayer Construction Electrical Contractors, Inc. of Bryan, Texas in the amount of \$190,577.50 for the installation of a traffic signal located at the intersection Arrington Road and W. D. Fitch Parkway.

Summary: Two bids were received for this project one from Highway Intelligent Traffic Systems Corporation of Lancaster, Texas in the amount of \$206,478.61 and Bayer Construction Electrical Contractors, Inc. in the amount of \$190,577.50. Staff recommends award of Bid #10-46 to lowest responsible bidder Bayer Construction Electrical Contractors, Inc.

Budget & Financial Summary: Funding for the installation of this traffic signal is from 2003 and 2008 GOB.

Attachments:

1. Bid tabulation #10-46
2. Resolution
3. Location Map



CITY OF COLLEGE STATION

City of College Station - Purchasing Department

Bid Tabulation for #10-46

"Installation of Traffic Signals - Intersection of William D. Fitch Parkway at Arrington Road"

Open Date: Thursday, March 16, 2010 @ 2:00 p.m.

ITEM	QTY	UNIT	DESCRIPTION	Bayer Electric (Bryan, TX)		Highway Intelligent Traffic Systems Corp. (Lancaster, TX)	
				MATERIAL COST	INSTALLATION COST	MATERIAL COST	INSTALLATION COST
1	1	EA	"P" style NEMA traffic cabinet w/ detector rack & "EAGLE" MARC system comm. panel 12-ch. HI-TECH, including: NEMA loadswitches Texas Signal Equip., part #TSE-200, NEMA Transfer Relays part #TSE-FL, Conflict Monitor "Eberie" Design Inc. part #SSM-12E, NEMA flasher part #TSE-204 15, and Plug-in vehicle detector amplifiers, Sarasota part #222TxGP5 Dual Channel	\$6,752.00	\$250.00	\$6,752.00	\$716.80
2	1	EA	"EAGLE" 8 phase controller part #Genesis 3608 m10, w/ Conflict Monitor	\$3,095.00	\$150.00	\$3,095.00	\$387.15
3	12	EA	3-Section polycarbonate black color w/ 12" LED lens signal heads and black aluminum 3-Section backplates	\$6,600.00	\$600.00	\$4,899.00	\$988.92
4	2	EA	5-Section polycarbonate black color w/ 12" LED lens signal heads and black aluminum 5-Section backplates	\$1,500.00	\$250.00	\$1,345.50	\$247.24
5			ASTRO-BRAC CABLE MOUNT ASSY				
	2	EA	AB-0125-5-62"	\$280.00	\$50.00	\$253.00	\$61.80
	12	EA	AB-0125-3-62"	\$1,680.00	\$300.00	\$1,380.00	\$370.80
6	1	EA	Streetscape signal poles, 21-ft long length, bronze color, powdered finish over galvanized steel w/ flanged base	\$2,554.00	\$1,000.00	\$2,554.00	\$329.65
7	5	EA	Streetscape signal poles, 30-ft long length, bronze color, powdered finish over galvanized steel w/ flanged base	\$13,915.00	\$4,000.00	\$13,915.00	\$1,648.25



City of College Station - Purchasing Department

Bid Tabulation for #10-46

"Installation of Traffic Signals - Intersection of William D. Fitch Parkway at Arrington Road"

Open Date: Thursday, March 16, 2010 @ 2:00 p.m.

ITEM	QTY	UNIT	DESCRIPTION	Bayer Electric (Bryan, TX)		Highway Intelligent Traffic Systems Corp. (Lancaster, TX)	
				MATERIAL COST	INSTALLATION COST	MATERIAL COST	INSTALLATION COST
8	3	EA	Streetscape mast arms, 45-ft long length, bronze color, powdered finish over galvanized steel w/ flanged base	\$6,402.00	\$2,000.00	\$6,402.00	\$1,236.18
9	1	EA	Streetscape mast arms, 40-ft long length, bronze color, powdered finish over galvanized steel w/ flanged base	\$1,884.00	\$1,000.00	\$1,884.00	\$412.06
10	1	EA	Streetscape mast arms, 35-ft long length, bronze color, powdered finish over galvanized steel w/ flanged base	\$1,560.00	\$1,000.00	\$1,560.00	\$412.06
11	1	EA	Streetscape mast arms, 25-ft long length, bronze color, powdered finish over galvanized steel w/ flanged base	\$1,202.00	\$1,000.00	\$1,202.00	\$412.06
12	9	EA	Pull Boxes w/ locking cover, Type I	\$1,800.00	\$2,200.00	\$2,328.75	\$4,079.43
13	5	EA	Luminaires, 250 watt HPS w/ 15-ft long streetscape support arms, bronze color	\$2,725.00	\$500.00	\$2,725.00	\$824.10
14	1	EA	Metered Pedestal Pole, 4-Terminal, 125-amp, Twin Link Connectors, for Direct Burial, including conduit to power source	\$500.00	\$500.00	\$1,725.00	\$988.94
15	1100	LF	2" Dia. Gray PVC Sched. 40 Conduit	\$550.00	\$11,000.00	\$1,023.00	\$10,527.00
16	220	LF	3" Dia. Gray PVC Sched. 40 Conduit	\$220.00	\$2,200.00	\$558.80	\$1,632.40
17	490	LF	4" Dia. Gray PVC Sched. 40 Conduit	\$735.00	\$10,290.00	\$1,249.50	\$8,060.50
18	3600	LF	7/c #14 AWG stranded signal cable IMSA 19-1 or equivalent	\$2,340.00	\$1,800.00	\$2,772.00	\$5,184.00
19	545	LF	3/c #4 power cable	\$545.00	\$250.00	\$1,727.65	\$452.35



CITY OF COLLEGE STATION

City of College Station - Purchasing Department

Bid Tabulation for #10-46

"Installation of Traffic Signals - Intersection of William D. Fitch Parkway at Arrington Road"

Open Date: Thursday, March 16, 2010 @ 2:00 p.m.

ITEM	QTY	UNIT	DESCRIPTION	Bayer Electric (Bryan, TX)		Highway Intelligent Traffic Systems Corp. (Lancaster, TX)	
				MATERIAL COST	INSTALLATION COST	MATERIAL COST	INSTALLATION COST
20	1825	LF	THHN 3-1/c #10 luminaire cable	\$548.00	\$1,000.00	\$1,569.50	\$1,531.50
21	1	EA	Installation of concrete signal controller foundation	\$300.00	\$1,700.00	\$801.55	\$824.12
22	5	EA	Installation of 36-inch-diameter signal pole foundation 13' deep	\$3,500.00	\$6,500.00	\$5,293.30	\$6,180.90
23	1	EA	Installation of 30-inch-diameter signal pole foundation 11' deep	\$600.00	\$1,500.00	\$692.10	\$824.12
24	2	EA	Left Turn Yield on Green Ball (30" x 36") Sign	\$800.00	\$300.00	\$800.00	\$337.32
25	2	EA	Left Turn Signal (30" x 30") Sign	\$700.00	\$300.00	\$700.00	\$300.52
26	3	EA	Lane-Use (2 lane, 30" x 36") Sign	\$1,200.00	\$450.00	\$1,200.00	\$629.61
27	1	EA	Lane-Use (3 lane, 30" x 48") Sign	\$500.00	\$150.00	\$500.00	\$236.32
28	6	EA	Rackvision Video Processor Cards	\$2,400.00	\$150.00	\$2,400.00	\$494.46
29	6	EA	Video Camera w/ Zoom Lens and Mounting Brackets	\$5,190.00	\$1,000.00	\$5,190.00	\$988.92
30	6	EA	Quick Release Connector for Cameras	\$270.00	\$300.00	\$270.00	\$123.60
31	1	EA	9" Black and White Monitor	\$140.00	\$100.00	\$140.00	\$41.21
32	1	EA	VIVDS Power Panel w/ Lightning Protection	\$200.00	\$100.00	\$200.00	\$82.41
33	1725	LF	Siamese Cable (3-Conductor 16 Gauge and 8281 Cable)	\$2,070.00	\$862.50	\$2,070.00	\$2,484.00
34	6	EA	Confirmation Lights w/ Power Cable	\$600.00	\$600.00	\$814.20	\$865.32
35	4	EA	Priority Control System Detector (3M Opticom Model 711)	\$5,236.00	\$400.00	\$5,236.00	\$329.64
36	1190	LF	Model 739 Detector Cable (for 3M Opticom Priority Control Systems)	\$1,490.00	\$500.00	\$1,490.00	\$975.80
37	2	EA	Smart Sensor Advance by TexTronix	\$11,232.00	\$200.00	\$11,232.00	\$329.64
38	565	LF	Orion Wire Combo Cable for Smart Sensor	\$1,410.00	\$500.00	\$1,410.00	\$463.30
39	6	EA	High Intensity Street Name Sign for Installations on Mast Arms (4-"William D. Fitch Pkwy."; 2-"Arrington Rd.")	\$3,600.00	\$1,000.00	\$3,600.00	\$741.72



City of College Station - Purchasing Department

Bid Tabulation for #10-46

"Installation of Traffic Signals - Intersection of William D. Fitch Parkway at Arrington Road"

Open Date: Thursday, March 16, 2010 @ 2:00 p.m.

ITEM	QTY	UNIT	DESCRIPTION	Bayer Electric (Bryan, TX)		Highway Intelligent Traffic Systems Corp. (Lancaster, TX)	
				MATERIAL COST	INSTALLATION COST	MATERIAL COST	INSTALLATION COST
40	1	LS	Removal of existing lane-use arrows and "ONLY" markings on approaches to intersection, existing stop lines, existing cross-hatching on south side of intersection, and portion of white line on south side of intersection	\$800.00	\$4,000.00	\$2,300.41	\$2,300.41
41	1	LS	Installation of new 24" - wide stop lines on all approaches to the intersection, and new lane-use arrows and "ONLY" markings as shown on plans, with thermoplastic markings.	\$6,000.00	\$10,000.00	\$2,300.41	\$2,300.41
42	1	LS	Traffic control and construction barricades	\$2,000.00	\$2,000.00	\$10,000.00	\$22,456.57
43	1	LS	Misc. construction materials, including dampers	\$4,500.00	\$4,500.00	\$868.25	\$1,236.18
TOTALS				\$112,125.00	\$78,452.50	\$120,428.92	\$86,049.69
TOTAL BID PRICE (Material Cost + Installation Cost)				\$190,577.50		\$206,478.61	
Executed 5% Bidder's Bond				✓		✓	
Acknowledged Addendum 1				✓		✓	
Certification from bid package				✓		✓	

Total number of calendar days to completion = 60 days

NOTE: Material Cost (Italicized figures) is the cost of materials provided by the City of College Station.

NOTE: Highway Intelligent Traffic Systems Corp. calculated the Total Installation Cost as \$85,966.69 and the Total Bid Price as \$206,395.61. The highlighted totals above are correct.

NOTE: Classic City Utility Co. withdrew their bid.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING A CONSTRUCTION CONTRACT FOR THE INSTALLATION OF A NEW TRAFFIC SIGNAL AT ARRINGTON ROAD AND W. D. FITCH PARKWAY PROJECT AND AUTHORIZING THE EXPENDITURE OF FUNDS.

WHEREAS, the City of College Station, Texas, solicited bids for the construction phases for the construction of a traffic signal at the intersection of Arrington Road and W. D. Fitch Parkway; and

WHEREAS, the selection of Bayer Construction Electrical Contractors, Inc. is being recommended as the lowest responsible bidder for the construction services related to the Installation of a New Traffic Signal at Arrington Road and W. D. Fitch Parkway Project; now, therefore,

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

PART 1: That the City Council hereby finds that Bayer Construction Electrical Contractors, Inc. is the lowest responsible bidder.

PART 2: That the City Council hereby approves the contract with Bayer Construction Electrical Contractors, Inc. for \$190,577.50 for the labor, materials and equipment required for the construction related to the Installation of a New Traffic Signal at Arrington Road and W. D. Fitch Parkway Project.

PART 3: That the funding for this Project shall be as budgeted from the 2003 and 2008 General Obligation Bond Fund, Public Works Traffic Division, in the amount of \$190,577.50.

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

ADOPTED this _____ day of _____, A.D. 2010.

ATTEST:

APPROVED:

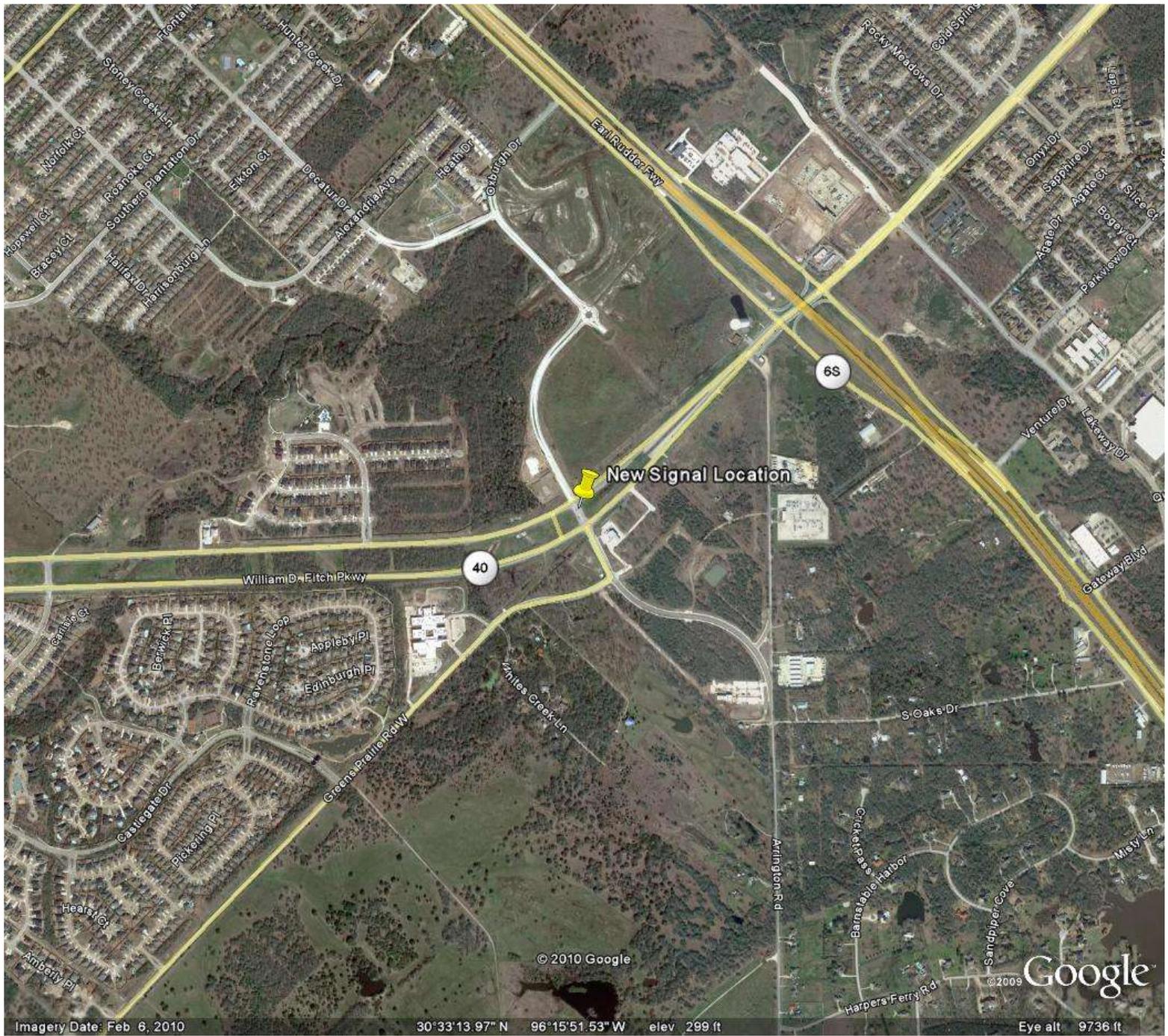
City Secretary

Mayor

APPROVED:

Carla A. Robinson

City Attorney



**April 22, 2010
Regular Agenda Item No. 1
3228 Rock Prairie Road - Rezoning**

To: Glenn Brown, City Manager

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

Agenda Caption: Public hearing, presentation, possible action, and discussion regarding a 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 rezoning 11.68 acres from R-1 Single-Family Residential to a Planned Development District located at 3228 Rock Prairie Road West, generally located west of Williamsgate Phase 1.

Recommendations: The Planning & Zoning Commission heard this item on April 15, 2010. A motion to approve the request with conditions failed by a vote of 3-4. Staff recommends approval of the PDD with the following condition:

- The proposed open area between the townhome lots and the existing single-family lots complies with Section 7.6, Buffer Requirements, of the Unified Development Ordinance, as applicable between single-family against multi-family uses

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

REVIEW CRITERIA

1. **Consistency with the Comprehensive Plan:** The Comprehensive Plan designates this property as General Suburban, which is intended for detached single-family residential development. The subject property is also in Growth Area V, which overlays the Land Use designation. Growth areas allow for market flexibility to utilize alternative housing types while maintaining the detached single-family residential atmosphere. To achieve this atmosphere, developers are encouraged to provide features such as open space and buffer yards to offset the effects of differing housing types and to maintain an overall density similar to that of a single-family detached neighborhood. Growth Area V does provide the flexibility to include the use of townhome lots and the Concept Plan exhibits this use in a way that is compliant with the intent of the designated land use. Although the proposed density is slightly higher than would have been possible with only single-family detached dwellings, it is compatible with an R-1 zoning district at just under 8 dwelling units per acre, while providing a mix of single-family attached and detached residential options. To meet the Comprehensive Plan requirement for open space, the applicant is proposing two open areas; one located at the northeast corner of the development and the other located to serve as a buffer between the proposed townhome lots and the existing single-family lots. The latter open area is in a centralized location to most efficiently serve the overall development.
2. **Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:** The current R-1 zoning district allows for a detached single-family residential development which is compatible with the surrounding conforming residential uses. The commercial development to the west is a combination of conforming and non-conforming uses. The nearest townhouse

development is the Barracks Subdivision, east of Williamsgate Subdivision Phase 1, which is zoned R-3 and has a density of approximately 11 dwelling units per acre. There are approximately 220 acres of land in the direct vicinity of the subject property that hold a General Suburban land use designation that remain undeveloped or underdeveloped.

3. **Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment:** There are no known physical hindrances on the land that prohibits development. It is Staff's opinion that the proposed uses and density of the proposed development are appropriate and compatible with the surrounding 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:** There are no physical hindrances on the land that prohibit development. By right, single family detached residential is allowed on the property and would be a suitable use.
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 subject property was previously preliminary platted, along with Williamsgate Subdivision Phase 1, for a detached single-family development. Phase 1 has been final platted and developed according to the Preliminary Plat. At this time, Williamsgate Phase 1 is almost completely built-out. The detached single-family lots shown on the original preliminary plat were proposed to be around 7,400 square feet in area though by zoning could have been as small as 5,000 square feet in area. The lots on in the proposed PDD rezoning average approximately 5,500 square feet in area.
6. **Availability of water, wastewater, stormwater, and transportation facilities generally suitable and adequate for the proposed use:** The subject tract is located within the Wellborn S.U.D. service area. Wellborn S.U.D. is currently serving the surrounding tracts, which have met the City's minimum fire flow requirements. The subject tract is located adjacent to a 12-inch City of College Station sanitary sewer main. The subject tract is located in the Bee Creek Tributary "A" drainage basin and is not located within a FEMA Regulated Special Flood Hazard Area. Any development of the subject tract will be required to meet the City's Storm Water Design Guidelines. The subject tract will take access from Rock Prairie Road West (a two-lane Major Collector – Suburban) and Keefer Loop (a Local Street). It is also located within the Steeplechase-Wellborn Sewer Impact Fee Area.

REVIEW OF CONCEPT PLAN

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

"To allow for 32 attached single-family lots and 38 detached single-family lots."

At the time of plat and building plans, the project will need to meet all applicable standards required by the Unified Development Ordinance for R-1 and R-3 as appropriate. Staff is currently undertaking an effort to create new zoning districts to implement the different character areas envisioned by the Comprehensive Plan. In the absence of a defined general suburban zoning district, the applicant and Staff negotiated to achieve the desired development standards while retaining the needed flexibility.

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 Concept Plan proposes a combination of detached and attached single-family uses. The combination of uses will provide for expanded residential opportunity in the area. The surrounding developments on the north side of Rock Prairie Road West include undeveloped land, agriculture related commercial activity, storage units, detached single-family housing, and townhouses. Though the current R-1 zoning allows for up to 8 detached single-family dwelling units per acre, the applicant is requesting to provide a variety of dwelling opportunities while still maintaining an overall density of 8 du/acre. In addition, the townhome lots have been positioned internally to the site and provided with a buffer to the existing single-family units.
- 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 uses shown on the Concept Plan are allowed in the General Suburban Growth Area V and the density is consistent with the policies, goals and objectives of the Comprehensive Plan. The City has a responsibility to protect existing neighborhoods from undesirable and incompatible changes, erosion of the existing residents' quality of life, and decreased property value. In response to this concern, the applicant designed the development in a way to provide a transition of uses from larger single-family lots to smaller single-family lots and from smaller single-family lots to townhome lots.
- 3. The proposal is compatible with existing or permitted uses on abutting sites and will not adversely affect adjacent development:** As mentioned earlier, the proposed townhome lots have been positioned internally to the site and a buffer is provided to the existing single-family units. Additionally, the proposed single-family lots are compatible in size to the existing single-family lots they back up to. The development, as proposed, will provide rear parking for all attached single-family units. The attached single-family lots will have access to a private easement instead of a public alley, which passes along the rear of each lot, creating an interior parking row. Locating the parking to the rear of the lots should result in a development that, in appearance, is compatible with the existing development in Williamsgate Phase 1.
- 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:** The proposed development has frontage on Rock Prairie Road West, and proposes three additional new local street sections.
- 5. The development includes provision of adequate public improvements, including, but not limited to, parks, schools, and other public facilities:** The PDD development proposes .21 acres of maintained open space with amenities such as benches, a walking path, and landscaping. Sanitation will serve the residential units from the public road, unless a pad site is built along the private access easement to hold a 300-gallon container that may be shared by several townhomes.
- 6. The development will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity:** Staff does not believe that the proposed development will have injurious effects on the surrounding area.
- 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: There have been expressed concerns from the existing abutting neighborhood regarding the increase in traffic that this development would create. However, the existing R-1 zoning would allow for this property to develop with a maximum of approximately 70 dwelling units. The proposed Concept Plan shows an equal number of dwelling units. Therefore, when comparing the Concept Plan to the estimated maximum of 70 dwelling units allowed under the R-1 zoning, there is change in the anticipated traffic volume. Overall, the traffic volume generated by the proposed development is approximately 550 vehicles trips per weekday.

Budget & Financial Summary: N/A

Attachments:

1. Background Information
2. Aerial & Small Area Map
3. Rezoning Map and Concept Plan
4. Ordinance

BACKGROUND INFORMATION:

NOTIFICATIONS

Advertised Commission Hearing Date: April 15, 2010

Advertised Council Hearing Dates: April 22, 2010

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: 31

Contacts in support: None at the time of staff report.

Contacts in opposition: Three. There is a general concern regarding the increase in traffic.

Inquiry contacts: Four. One of the contacts was the neighbor to the west who would prefer a northern projection to his property for future subdivision of his land.

ADJACENT LAND USES

Direction	Comprehensive Plan	Zoning	Land Use
North	General Suburban	A-O Agricultural-Open	Single-Family Residence, unplatted
South	Minor Arterial	None	Rock Prairie Road
East	General Suburban	R-1 Single Family Residential	Williamsgate Subdivision Phase 1
West	General Suburban	A-O Agricultural-Open	Storage , unplatted Livestock-related activity, unplatted

DEVELOPMENT HISTORY

Annexation: November 2002

Zoning: A-O Agricultural-Open upon annexation

In 2004 the zoning was changed to R-1 Single-Family Residential

Final Plat: Unplatted.

Site development: Vacant.



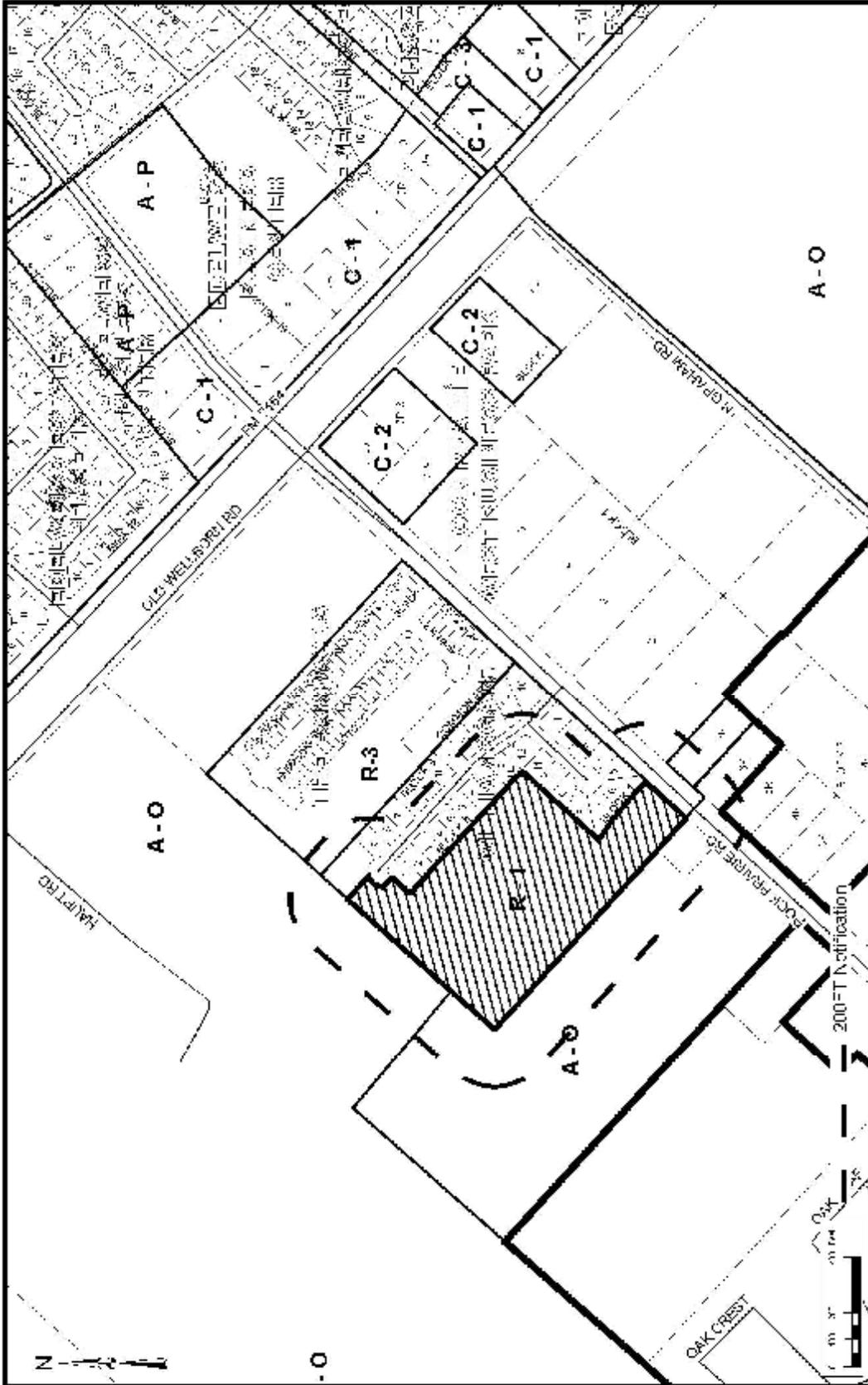
REZONING

Case: 09-262

3228 ROCK PRAIRIE RD

DEVELOPMENT REVIEW





Zoning Districts	R-3	R-4	R-5	R-6	R-7	A-1	A-2	C-1	C-2	C-3	M-1	M-2	M-3	C-U	R&D	P&MUD	P&C	Light Commercial	Light Industrial	Heavy Industrial	College and University	Research and Development	Planned Mixed-Use Development	Flammable Development District	WMC	NC-1	NC-2	NC-3	OV	RCO	KC	
A-O	Agricultural Open	R-3	Townhouse	R-4	Multi-Family	R-5	High Density Multi-Family	C-1	C-2	C-3	M-1	M-2	M-3	C-U	R&D	P&MUD	P&C	Light Commercial	Light Industrial	Heavy Industrial	College and University	Research and Development	Planned Mixed-Use Development	Flammable Development District	WMC	NC-1	NC-2	NC-3	OV	RCO	KC	
A-OR	Large Residential Subdivision	R-6	High Density Multi-Family	R-7	Manufactured Home Park	A-1	Administrative/Professional	C-1	C-2	C-3	M-1	M-2	M-3	C-U	R&D	P&MUD	P&C	Light Commercial	Light Industrial	Heavy Industrial	College and University	Research and Development	Planned Mixed-Use Development	Flammable Development District	WMC	NC-1	NC-2	NC-3	OV	RCO	KC	
R-1B	Single Family Residential	A-1	Administrative/Professional	C-1	General Commercial	C-2	Commercial Institutional	C-1	C-2	C-3	M-1	M-2	M-3	C-U	R&D	P&MUD	P&C	Light Commercial	Light Industrial	Heavy Industrial	College and University	Research and Development	Planned Mixed-Use Development	Flammable Development District	WMC	NC-1	NC-2	NC-3	OV	RCO	KC	
R-2	Duplex Residential	C-2	Commercial Institutional	C-3	Townhouse	M-1	Multi-Family	M-2	High Density Multi-Family	M-3	Manufactured Home Park	C-U	College and University	R&D	Research and Development	P&MUD	Planned Mixed-Use Development	P&C	Light Commercial	Light Industrial	Heavy Industrial	College and University	Research and Development	Planned Mixed-Use Development	Flammable Development District	WMC	NC-1	NC-2	NC-3	OV	RCO	KC

 DEVELOPMENT REVIEW	3228 ROCK PRAIRIE RD	Case: 09-262	REZONING
	DEVELOPMENT REVIEW		

ORDINANCE NO. _____

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

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

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

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

PASSED, ADOPTED and APPROVED this 22 day of April, 2010

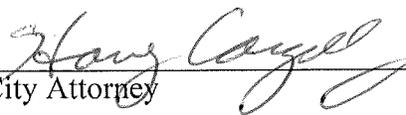
APPROVED:

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 PDD, Planned Development District:

11.72 Acre Tract
Crawford Burnett League, A-7
College Station, Brazos County, Texas

ALL THAT CERTAIN 11.72 ACRES TRACT OR PARCEL OF LAND, LYING AND BEING SITUATED IN THE CRAWFORD BURNETT LEAGUE, ABSTRACT NO. 7, COLLEGE STATION, BRAZOS COUNTY, TEXAS DESCRIBED IN THE DEED FROM ROBBIE ROBINSON TO 10536, LLC AS RECORDED IN VOLUME 9488, PAGE 232, OF THE OFFICIAL RECONDS OF BRAZOS COUNTY, TEXAS, AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN THE ATTACHED EXHIBIT "B", SHOWN GRAPHICALLY IN THE ATTACHED EXHIBIT "C", AND WITH A CONCEPT PLAN AS DESCRIBED AND SHOWN GRAPHICALLY IN EXHIBIT "D".

EXHIBIT "B"

WILLIAMSGATE SUBDIVISION - PHASE 2
METES AND BOUNDS DESCRIPTION

WHEREAS, 10536, LLC, IS THE OWNER OF AN 11.72 ACRE TRACT OF LAND SITUATED IN THE CRAWFORD BURNETT LEAGUE, ABSTRACT NO. 7, IN THE CITY OF COLLEGE STATION, BRAZOS COUNTY, TEXAS AS RECORDED IN VOLUME 9488, PAGE 232 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS, SAID 11.72 ACRE TRACT BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A ½ INCH IRON ROD FOUND IN THE MOST SOUTHERLY CORNER OF LOT 6, BLOCK 1, WILLIAMSGATE SUBDIVISION, PHASE ONE AS RECORDED IN VOLUME 7705, PAGE 206, OF THE PLAT RECORDS OF BRAZOS COUNTY, TEXAS ALSO BEING A CORNER IN THE NORTH RIGHT-OF-WAY LINE OF ROCK PRAIRIE ROAD;

THENCE SOUTH 44 DEGREES 17 MINUTES 35 SECONDS WEST, A DISTANCE OF 199.95 FEET ALONG THE SAID ROCK PRAIRIE ROAD RIGHT-OF-WAY LINE TO A POINT FOR CORNER;

THENCE NORTH 45 DEGREES 46 MINUTES 18 SECONDS WEST, A DISTANCE OF 1041.88 FEET TO A POINT FOR CORNER;

THENCE NORTH 43 DEGREES 32 MINUTES 40 SECONDS EAST, A DISTANCE OF 767.40 FEET TO A POINT FOR CORNER, BEING A CORNER OF COMMONS "E" DETENTION BASIN WITHIN THE WILLIAMSGATE SUBDIVISION, PHASE ONE;

THENCE SOUTH 12 DEGREES 35 MINUTES 11 SECONDS EAST, A DISTANCE OF 130.29 FEET TO A POINT FOR CORNER, ALSO BEING A POINT IN THE NORTH RIGHT-OF-WAY LINE OF KEEFER LOOP;

THENCE ALONG A CURVE TO THE LEFT HAVING A RADIUS OF 50.00 FEET, AN ARC DISTANCE OF 34.41 FEET, A CENTRAL ANGLE OF 47 DEGREES 17 MINUTES 49 SECONDS, A CHORD BEARING OF SOUTH 34 DEGREES 42 MINUTES 38 SECONDS WEST AND A CHORD DISTANCE OF 33.74 FEET TO A POINT IN THE NORTH RIGHT OF WAY OF KEEFER LOOP;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, AN ARC DISTANCE OF 13.58 FEET, A CENTRAL ANGLE OF 06 DEGREES 55 MINUTES 25 SECONDS, A CHORD BEARING OF SOUTH 27 DEGREES 47 MINUTES 13 SECONDS WEST AND A CHORD DISTANCE OF 13.42 FEET TO A POINT IN THE NORTH RIGHT OF WAY OF KEEFER LOOP;

THENCE SOUTH 48 DEGREES 04 MINUTES 39 SECONDS EAST, A DISTANCE OF 50.02 FEET TO A POINT FOR CORNER, ALSO BEING A POINT IN THE SOUTH RIGHT-OF-WAY LINE OF KEEFER LOOP;

THENCE SOUTH 43 DEGREES 32 MINUTES 40 SECONDS WEST, A DISTANCE OF 89.91 FEET TO A POINT FOR CORNER, ALSO BEING A CORNER IN THE SOUTHWEST CORNER OF LOT 1, BLOCK 4, WILLIAMSGATE SUBDIVISION, PHASE ONE;

THENCE SOUTH 45 DEGREES 40 MINUTES 18 SECONDS EAST, A DISTANCE OF 569.25 FEET TO A POINT FOR CORNER;

THENCE SOUTH 37 DEGREES 24 MINUTES 53 SECONDS EAST, A DISTANCE OF 38.17 FEET TO A POINT FOR CORNER, ALSO BEING A CORNER IN THE SOUTHWEST CORNER OF LOT 12, BLOCK 1, WILLIAMSGATE SUBDIVISION, PHASE ONE;

EXHIBIT "B" CONTINUED

THENCE SOUTH 44 DEGREES 19 MINUTES 45 SECONDS WEST, A DISTANCE OF 371.86 FEET TO A POINT FOR CORNER, ALSO BEING A CORNER IN THE SOUTHWEST CORNER OF LOT 7, BLOCK 1, WILLIAMSGATE SUBDIVISION, PHASE ONE;

THENCE SOUTH 53 DEGREES 07 MINUTES 24 SECONDS EAST, A DISTANCE OF 19.24 FEET TO A POINT FOR CORNER;

THENCE ALONG A CURVE TO THE RIGHT HAVING A RADIUS OF 1575.05 FEET, AN ARC DISTANCE OF 206.58 FEET, A CENTRAL ANGLE OF 03 DEGREES 45 MINUTES 28 SECONDS, A CHORD BEARING OF SOUTH 49 DEGREES 21 MINUTES 56 SECONDS EAST AND A CHORD DISTANCE OF 206.43 FEET TO A POINT IN SOUTH LOT LINE OF LOT 6, BLOCK 1, WILLIAMSGATE SUBDIVISION, PHASE ONE;

THENCE SOUTH 45 DEGREES 36 MINUTES 31 SECONDS EAST, A DISTANCE OF 50.33 FEET TO THE POINT OF BEGINNING AND CONTAINING 11.72 ACRES OF LAND MORE OR LESS.

EXHIBIT "C"

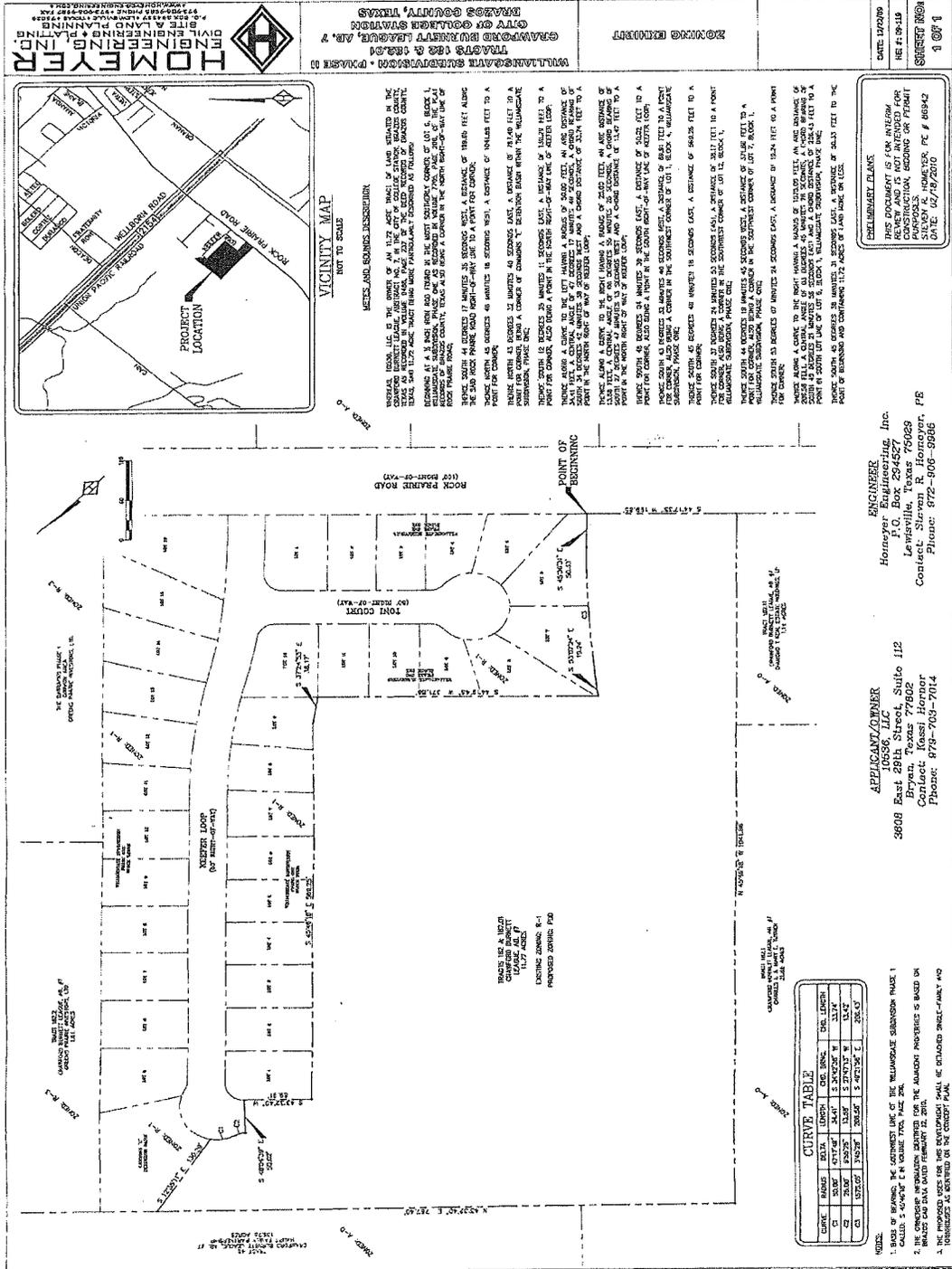


EXHIBIT “D”

NOTE: The R-1 Single-Family Residential Zoning District regulations shall be applicable to all detached single-family uses and R-3 Townhouse Zoning District regulations shall be applicable to all townhouse uses.

Purpose Statement: To allow for 32 attached single-family lots and 38 detached single-family lots.

Uses Allowed: Attached single-family residential (townhouses)
Detached single-family residential

Conditions:

1. The proposed open area between the townhome lots and the existing single-family lots complies with Section 7.6, Buffer Requirements, of the Unified Development Ordinance, as applicable between single-family against multi-family, and
2. The proposed open area at the northeast corner of the development is provided with irrigation and landscaping as provided for in Section 7.5, Landscaping and Tree Protection, of the Unified Development Ordinance (800 landscape points minimum required).

April 22, 2010
Regular Agenda Item No. 2
13601 & 13679 FM 2154 - 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 amendment to Chapter 12, "Unified Development Ordinance", Section 4.2, "Official Zoning Map" of the Code of Ordinances of the City of College Station, Texas by rezoning 1.5 acres located at 13601 and 13679 FM 2154 from A-O Agricultural-Open to PDD Planned Development District.

Recommendations: The Planning and Zoning Commission considered this item at their April 1, 2010 meeting and voted 7-0 to recommend denial.

Staff recommends denial on the basis that the proposed Planned Development is inconsistent with the Comprehensive Plan due to the intensity of the proposed uses. Additionally, Staff is not supportive of the reduced building height request that the applicant is seeking.

If the rezoning is approved, Staff recommends that the following conditions be applied to help mitigate the development impact to the adjacent single-family use:

- Provide an buffer wall eight feet in height at the property line abutting the single-family properties
- Provide noise mitigation for the proposed drive-through speaker(s)

Additionally, Staff recommends that a public art display and residential-style pitched roofs be required.

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

REVIEW CRITERIA

1. **Consistency with the Comprehensive Plan:** The subject property is designated as General Suburban on the Comprehensive Plan which calls for a moderate level of intensity for residential uses. The subject property is also located within Growth Area IV which allows for Suburban/Neighborhood Commercial and Offices uses, in addition to other General Suburban uses. Suburban Commercial is intended to accommodate uses which primarily serve the surrounding neighborhoods with appropriate low-intensity developments which may include pharmaceutical, retail, office, and dine-in food service. The proposed uses shown on the Concept Plan are not consistent with this description.

The Comprehensive Plan promotes neighborhood integrity through the transition of land uses around the fringes of established neighborhoods. In an area planned for General Suburban, a small amount of neighborhood conveniences and offices are appropriate, but the design should include restrictive heights, setbacks, buffering, architectural style,

lot coverage, and landscape protection to help the development blend with the neighborhood and to protect the neighborhood from possible nuisances such as light and sound pollution. The proposed development is more intense than envisioned by the Comprehensive Plan and the developer is requesting a waiver from the single-family height restriction.

2. **Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:** The proposed PDD is not compatible with the surrounding R-1 Single Family Residential uses due to the type and intensity of the proposed land uses. A commercial development of this intensity is not appropriate when directly abutting single-family residential uses. Large-scale gas and retail centers and drive-thru restaurants are more appropriate in areas designated as General Commercial or Urban on the future land use map.
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: convenience store, fueling area, retail, drive-thru restaurant, and bank. Though the Planned Development being proposed is not in compliance with the Comprehensive Plan due to its intensity, the property is well positioned between two major roadways to support some neighborhood or suburban commercial or office activity. The access to this site will be right in and right out only, due to the medians along Wellborn Road, which further makes this site unsuitable for intense commercial activity.
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 subject property is currently zoned A-O, located at the intersection of two major thoroughfares is not a proper location for agricultural or single-family uses.
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 A-O zoning district limits the possible land uses that may develop on the subject property, thus reducing its marketability. However, the Comprehensive Plan designates the property as General Suburban which specifically allows for office and Suburban Commercial land uses in Growth Area IV.
6. **Availability of water, wastewater, stormwater, and transportation facilities generally suitable and adequate for the proposed use:** There is an existing 12-inch water main available to serve the subject property. The 12-inch water main is required to be extended at the time of platting in accordance with the Water Master Plan. There is also an existing 8-inch sanitary sewer main located on the eastern corner of the property. Drainage is generally to the northwest within the Lick Creek Drainage Basin. All utilities shall be designed in accordance with the B/CS Unified Design Guidelines at the time of platting and site development. The developer is proposing to take access from FM 2154 and William D. Fitch Parkway. While TxDOT would rather not have a driveway connection to William D. Fitch Parkway, they are willing to approve the proposed driveway locations if the rezoning is approved first by College Station City Council (see attached email).

CONCEPT PLAN REVIEW CRITERIA

The applicant's stated purpose of the development is to:

- Serve an area with high demand for convenience services,
- Develop a reputation of quality and trust,
- Meet and exceed the architecture standards of the surrounding developments,
- Building two buildings and install 6 motor fuel dispensers.

The applicant is requesting a variance to Section 7.1.H.2, Height - Single Family Protection, which requires a height limitation ratio of 2:1 when commercial property abuts single-family uses. This means that the building must be twice the distance from the property line as its height. The applicant is requesting a maximum allowable height of 24' on the retail building. The applicant states that the height waiver will protect the single-family uses from ambient light.

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 current character is largely rural on the west side of Wellborn Road, but with significant residential development on the east side. The proposed development would serve the surrounding residential developments, as well as commuters coming from southern Brazos County. There is a market for convenience centers such as being proposed, and there is a large commuter base to support the development. However, this center will conflict with the community identity due to the proposed intensity. As proposed, it will result in a General Commercial feel and negatively impact the neighboring character.
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:** Though there are portions of the development that are compatible with the Comprehensive Plan General Suburban land use designation, overall it is non-compliant. The use of a restaurant drive-thru and intense fueling area makes this development more appropriate for an area designated as General Commercial or Urban. The main building will be between 9,000 and 10,000 square feet and will be oriented toward the intersection. The increased intensity and uses would conflict with the City's objection to protect the long-term viability and appeal of established neighborhoods.
3. **The proposal is compatible with existing or permitted uses on abutting sites and will not adversely affect adjacent development:** Though the neighboring Homeowner's Association has not voiced concern about the proposed development, they requested staff look out for their best interest and requested measures be taken to reduce any noise related to the drive-thru speaker. The applicant has proposed to increase the height of the buffer wall in this area to block sound. However, if the wall is to be greater than 8' in height, that must be specified in the rezoning ordinance.
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:** There are no proposed dwelling units within the proposed Planned Development.

5. **The development includes provision of adequate public improvements, including, but not limited to, parks, schools, and other public facilities:** The applicant has stated that an area to be used for the display of local art to benefit students is intended to be incorporated in this development. The location of this display has not been specified at this time. No parkland dedication is required for commercial projects.
6. **The development will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity:** Staff believes that the proposed development will be materially injurious to properties in the vicinity, particularly to the residential properties within Southern Trace that abut the subject property. It could have a negative impact and cause an inconvenience to residents due to ambient site lighting from the fueling area, as well as noise pollution from the drive-thru order box and cars. What is essentially being requested is an intense C-1 use. Such a request should not be located directly next to single-family residential uses.
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:** The driveway locations at Wellborn Road and W.D. Fitch Parkway have not been permitted by TxDOT at this time. Since Wellborn Road has a speed limit of greater than 40 MPH and the proposed development will generate more than 50 trips per the peak hour, the driveway to this development will require a right-turn deceleration lane.

It is estimated that the proposed development would generate approximately 75 trips per the peak hour according to the UDO trip generation table. According to the Comprehensive Plan, both W.D. Fitch and Wellborn Road are currently operating at a level of service A-B, and should not be adversely affected by this development. Wellborn is classified as a major arterial and is being widened to six lanes. The Concept Plan does not reflect the widening of this right-of-way. W.D. Fitch Parkway is classified as a freeway and is currently functioning as a divided four lane road. Wellborn and W.D. Fitch can each carry up to 60,000 vehicles per day.

Pedestrian movement will be facilitated by sidewalks along both abutting rights-of-way and a connection to Southern Trace. On-site pedestrian movement will be determined by the Unified Development Ordinance upon site planning. Bicycle movements were not addressed in the concept plan; however, bicycle parking is required with all non-residential development.

Budget & Financial Summary: N/A

Attachments:

1. Background Information
2. Aerial & Small Area Map (SAM)
3. Draft Planning & Zoning Commission Minutes – April 1, 2010
4. Email from TxDOT
5. Rezoning Map & Concept Plan
6. Ordinance

Background Information

NOTIFICATIONS

Advertised Commission Hearing Date: April 1, 2010
 Advertised Council Hearing Dates: April 22, 2010

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:

Southern Trace HOA

Property owner notices mailed: 16
 Contacts in support: None at time of Staff Report.
 Contacts in opposition: One resident sent an email of opposition to the City Council and management. (see attached)
 Inquiry contacts: None at time of Staff Report.

ADJACENT LAND USES

Direction	Comprehensive Plan	Zoning	Land Use
North	Freeway/Expressway	None	W.D. Fitch Parkway
South	General Suburban, Growth Area IV	R-1, Single Family Residential	Southern Trace Subdivision
East	Freeway/Expressway	None	W.D. Fitch Parkway
West	4-Lane Major Arterial	None	Wellborn Road

DEVELOPMENT HISTORY

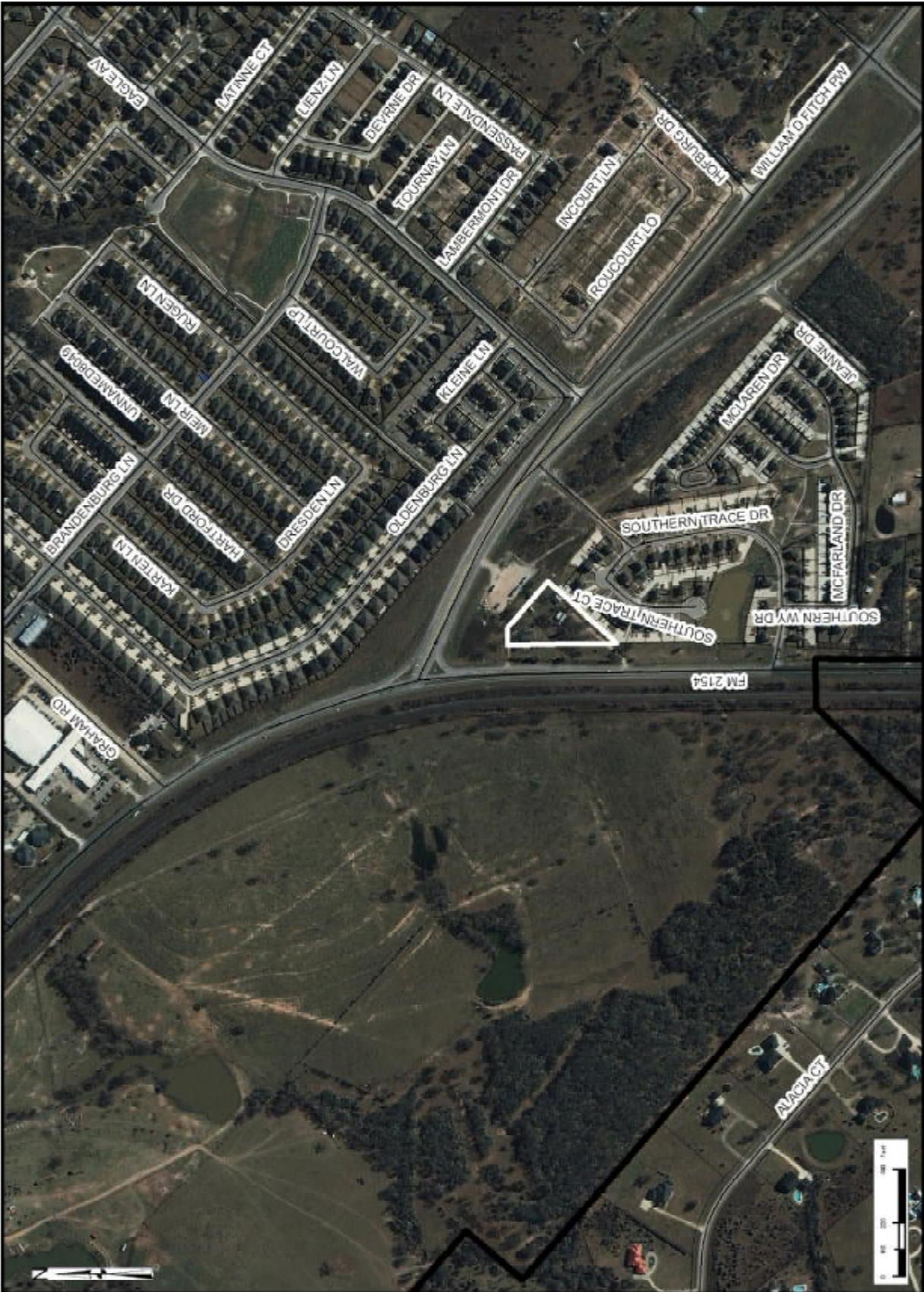
Annexation: June 1995
Zoning: A-O, upon annexation
Final Plat: Unplatted
Site development: There are two residential structures on this property currently.

BACKGROUND

The Planning and Zoning Commission heard this item with Staff's recommendation of denial at the September 3, 2009 meeting and a motion to recommend denial of the request passed with a 6-0 vote. The City Council considered this item at their September 24, 2009 meeting and a motion to deny the request passed by a 4-3 vote.

In October 2009, the applicant, represented by Ray Hansen, submitted a request to have the case reheard prior to the required 180 days waiting period to the Planning and Zoning Commission. The request included a size reduction of the main building, fueling canopy, and bank canopy; compliance with the 15' bufferyard standard, and a pedestrian access for Southern Trace. The Planning and Zoning Commission denied the request on the basis that there had not been a material change in the proposal.

The current Concept Plan differs slightly from the original request. The developer is no longer seeking setback and buffer reductions. In addition, there is not a request to relocate the required buffer planting to the front of the lot. The number of fuel dispensers has decreased from 7 to 6. A pedestrian access is now being proposed from Southern Trace, which is accompanied by a sidewalk that leads to a sidewalk along Wellborn Road. In addition, TxDOT has stated a preference that access only be taken from Wellborn Road, but has consented to permit a driveway onto W.D. Fitch Parkway in the event that this rezoning request is approved by City Council. (see attached email from TxDOT)



REZONING

Case: 10-007

13601 & 13679 FM 2154

DEVELOPMENT REVIEW



MINUTES
PLANNING AND ZONING COMMISSION
Regular Meeting
April 1, 2010, 7:00 p.m.
City Hall Council Chambers
1101 Texas Avenue
College Station, Texas

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

COMMISSIONERS ABSENT: None

CITY COUNCIL MEMBERS PRESENT: Dennis Maloney

CITY STAFF PRESENT: Senior Planner Jason Schubert, Staff Planner Matthew Hilgemeier, Graduate Civil Engineer Erika Bridges, Assistant City Engineer Josh Norton, Senior Assistant City Engineer Carol Cotter, Greenways Program Manager Venessa Garza, Planning Administrator Molly Hitchcock, Assistant Director Lance Simms, Director Bob Cowell, First Assistant City Attorney Carla Robinson, Director of Capital Projects Chuck Gilman, Budget and Management Analyst Courtney Kennedy, Director of Parks and Recreation Marco Cisneros, Assistant Director of Parks and Recreation David Schmitz, Chief Wastewater Plant Operator Fred Surovik, Public Services Director Mark Smith, and Action Center Representative Kerry Mullins

1. Call meeting to order.

Chairman Nichols called the meeting to order at 7:04 p.m.

Regular Agenda

5. Public hearing, presentation, possible action, and discussion regarding a request to rezone 1.5 acres located at 13601 and 13679 FM 2154 from A-O Agricultural-Open to PDD Planned Development District, generally located at the intersection of William D. Fitch Parkway and Wellborn Road. **Case # 10-00500007 (JS)**

Senior Planner Jason Schubert presented the Rezoning and recommended denial due to the intensity and inconsistency of the proposed commercial development with the Comprehensive Plan Land Use and Character Plan.

There was general discussion amongst the Commission regarding the Rezoning and access to the site from State Highway 40.

Chairman Nichols opened the public hearing.

Ray Hansen, 2405 Texas Avenue South, reviewed developments that he has developed that are similar to the concept plan that was provided to the Commission. He said that he has made adjustments to the concept plan from the previous one that was denied by the Commission and believes he has made every effort to respond to the Commission's and City Council's points and comments.

There was general discussion amongst the Commission and Mr. Hansen regarding the Rezoning.

Commissioner Woodfin commented that the development was not consistent with the Comprehensive Plan.

Chairman Nichols closed the public hearing.

There was further discussion regarding the Rezoning.

Commissioner Greer motioned to recommend denial. Commissioner Stearns seconded the motion.

The Commission expressed concern about the potential safety issues with the location and traffic pattern and flow.

The motion passed (7-0).

10. Adjourn.

Commissioner Slack motioned to adjourn the meeting. Commissioner Shafer seconded the motion, motion passed (7-0).

The meeting was adjourned at 11:00 p.m.

Subject: Fwd: Re: Hansen Retail Center proposal at FM 2154 and SH 40
Created By: Jguerra@cstx.gov
Scheduled Date:
Creation Date: 3/25/2010 3:36 PM
From: Joe Guerra

Recipient	Action	Date & Time	Comment
To: Lauren Hovde (Lhovde@cstx.gov)			

>>> "Bob Appleton" <BAPPLET@dot.state.tx.us> 1/26/2010 11:18 AM >>>
I met today with Bob Cowell, Ray Hansen, Glenn Brown and Mayor White to discuss this issue.

TxDOT's stance on the driveway connection from SH 40 is this:

If the city council approved the proposed development plan for this site, TxDOT would approve driveway permits to one driveway on FM 2154 and one driveway on SH 40, both located as closely as possible to the access management spacing guidelines.

TxDOT's preference would be no access from SH 40 and all access to the site be from FM 2154, but if the city council approved the development plan with a driveway access connection from SH 40, TxDOT would permit a driveway.

>>> "Joe Guerra" <Jguerra@cstx.gov> 12/30/09 11:38 AM >>>
Thanks, Bob.

Joe R. Guerra Jr. AICP, PTP
Transportation Planning Coordinator
Planning and Development Services
P.O. Box 9960
1101 Texas Avenue
City of College Station, TX 77842
979-764-3556 Office Phone
979-764-3496 Fax
email: jguerra@cstx.gov

City of College Station
Home of Texas A&M University ®

>> "Bob Appleton" <BAPPLET@dot.state.tx.us> 12/30/2009 11:15 AM >>>
Happy Holidays

I called Mr. Hansen back to relay the discussion Joe and I had last week regarding this proposed development. That discussion was that the city and TxDOT planning staff preferred that there not be an access driveway to SH 40 and that the development take all its access from FM 2154. That was not satisfactory to him and he asked about the appeals process with TxDOT. I told him that since everything we've seen has been conceptual and hasn't gone through the site development process yet, he really doesn't have anything to appeal. He continues to say that our indication that TxDOT would deny a driveway request to SH 40 is

the linchpin to the approval of his concept, re-zoning, and subsequent development, etc.

I suggested that he set up a meeting of whoever he wants from the city and me to sit down and discuss this. The purpose of this email is to let you know he will be calling some time in the new year to set this up. I think he wants the mayor and city manager to participate.

Looking forward to it,

Bob A

ORDINANCE NO. _____

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

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

- PART 1: That Chapter 12, "Unified Development Ordinance," Section 4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.
- PART 2: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this 22 day of April, 2010

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 A-O Agricultural-Open to PDD, Planned Development District:

1.5 Acre Tract
Robertson Stevenson Survey, A-54
College Station, Brazos County, Texas

ALL THAT CERTAIN 1.5 ACRES TRACT OR PARCEL OF LAND, LYING AND BEING SITUATED IN THE ROBERT STEVENSON SURVEY, ABSTRACT NO. 54, COLLEGE STATION, BRAZOS COUNTY, TEXAS AND BEING PART OF THE CALLED 0.697 ACRE (NET)TRACT DESCRIBED IN THE DEED FROM DONALD F. CARROLL AND WIFE, LORENE L. CARROLL TO EUGENE HENRY LENZ AND MARY JANE LENZ AS RECORDED IN VOLUME 225, PAGE 440, OF THE OFFICIAL RECONDS OF BRAZOS COUNTY, TEXAS, AND BEING ALSO DESCRIBED AS 1.53 ACRES IN THE DEED FROM DONALD F. CARROLL TO MARK CARROLL LENZ AS RECORDED IN VOLUME 4736, PAGE 204, OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS AND BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS IN THE ATTACHED EXHIBIT "B", SHOWN GRAPHICALLY IN THE ATTACHED EXHIBIT "C", AND WITH A CONCEPT PLAN AS DESCRIBED AND SHOWN GRAPHICALLY IN EXHIBIT "D".

EXHIBIT "B"**FIELD NOTES
PROPOSED PDD ZONING
1.50 ACRES**

Being all that certain tract or parcel of land lying and being situated in the ROBERT STEVENSON SURVEY, Abstract No. 54 in College Station, Brazos County, Texas and being a part of the called 0.697 acres tract described in the deed from Donald F. Carroll and wife, Lorene L. Carroll to Eugene Henry Lenz and Mary Jane Lenz recorded in Volume 225, Page 440 of the Brazos County Deed Records (B.C.D.R.) and being a part of the 1.53 acre tract described in the deed from Donald F. Carroll to Mark Carroll Lenz recorded in Volume 4736, Page 204 of the Official Records of Brazos County, Texas (O.R.B.C.) and being more particularly described by metes and bounds as follows:

BEGINNING: at the east corner of the said 1.53 acre tract, the north corner of Lot 9, Block One, SOUTHERN TRACE SUBDIVISION as recorded in Volume 7289, Page 243 (O.R.B.C.) and being in the southwest right-of-way line of State Highway 40 (as recorded in Volume 5202, Page 255 [O.R.B.C.]);

THENCE: S 41° 50' 11" W along the common line of the beforesaid 1.53 acre tract and SOUTHERN TRACE SUBDIVISION for a distance of 385.00 feet to the south corner of this tract, said corner also being in the east right-of-way line of FM 2154 (commonly known as Wellborn Road);

THENCE: N 00° 51' 12" W along the said east right-of-way line of FM 2154 for a distance of 456.61 feet for corner in the north line of the called 0.697 acre tract, said north line being common with the said southwest right-of-way line of State Highway 40;

THENCE: along the said southwest right-of-way line of State Highway 40 for the following three (3) calls:

- 1) S 88° 09' 31" E for a distance of 78.51 feet for corner;
- 2) S 28° 41' 25" E for a distance of 16.62 feet for corner;
- 3) S 49° 15' 21" E for a distance of 233.82 feet to the POINT OF BEGINNING and containing 1.50 acres of land, more or less.

EXHIBIT "D"

NOTE: The C-1 General Commercial Zoning District Regulations shall be applicable except as modified in the attached.

- Purpose Statement: To serve an area with high demand for convenience services, develop a reputation of quality and trust, meet and exceed the architecture standards of the surrounding developments and building two buildings and install 6 motor fuel dispensers.
- Uses Allowed: Fuel Services
Bank with drive-thru
Restaurant with drive-thru
Retail Sales and Services
- Conditions: Public Art Display
Noise mitigation for drive-thru speaker box
8' buffer wall against single-family properties
Buildings will have pitched roofs.
- Meritorious Modifications to Site development Standards:
Reduced single-family height protection with a maximum of 24' in height

April 22, 2010
Regular Agenda Item No. 3
Unified Development Ordinance Amendment – Hotels on Country Club Properties

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 amendment to the Unified Development Ordinance, Section 6.2 Types of Use related to the types of uses permitted in the A-O Agricultural Open and A-OR Rural Residential Subdivision zoning districts.

Recommendation(s): The Planning & Zoning Commission voted 6-0-1 to recommend approval of this item at their regular meeting on April 1, 2010. Staff recommends approval.

Summary: The proposed amendment will allow a hotel associated with a country club as a conditional use within A-O Agricultural Open and A-OR Rural Residential Subdivision zoning districts. A maximum number of 15 guest rooms will be allowed for this type of use.

The Unified Development Ordinance (UDO) defines country clubs as “land area and buildings containing golf courses or other recreational facilities, a clubhouse, and customary accessory uses, open to members and their guests,” and allows them in A-O and A-OR zoning districts. While the integrated use of a few hotel suites into an existing clubhouse could be considered an accessory use under existing regulations, a detached facility would not be allowed.

The amendment is a result of working with the Pebble Creek Country Club, which in 2009, began exploring the possibility of constructing a freestanding structure on its site to provide lodging for guests of their members. The request was included in the 2009 UDO annual review and staff received direction from Council to bring forth an amendment that would allow this type of facility using a Conditional Use Permit.

The conditional use process allows the Planning & Zoning Commission and the City Council to evaluate the proposed use in relation to existing conditions and surrounding uses in the area. It also requires that the surrounding property owners be notified of any requests for this type use and allows them the opportunity to speak through the public hearing process before such a use is considered.

Budget & Financial Summary: N/A

Attachments:

1. Ordinance

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," SECTION 6.2.C, "USE TABLE" OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1: That Chapter 12, "Unified Development Ordinance," Section 6.2.C, "Use Table" of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A," attached hereto and made a part of this ordinance for all purposes.

PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two 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 22nd day of April, 2010.

APPROVED:

Mayor

ATTEST:

Connie Hooks, City Secretary

APPROVED:



City Attorney

EXHIBIT "A"

That Chapter 12, "Unified Development Ordinance," Section 6.2.C, "Use Table," of the Code of Ordinances of the City of College Station, Texas, is hereby amended by amending the table to read as follows:

(See Use Table on Next 3 Pages)

USE TABLE	Residential Districts										Non-Residential Districts												
	A-O	A-OR	R-1	R-1B	R-2**	R-3**	R-4**	R-6**	R-7**	P-MUD**	A-P	C-1	C-2	C-3**	R & D**	M-1	M-2	C-U	WPC**	NG-1**	NG-2**	NG-3**	
Specific Uses																							
KEY:	P = Permitted by Right ; P* = Permitted Subject to Specific Use Standards; C = Conditional Use																						
RESIDENTIAL																							
Boarding & Rooming House							P	P	P	P													P
Extended Care Facility / Convalescent / Nursing Home												P											P
Dormitory																							
Duplex																							
Fraternity / Sorority																							
Manufactured Home	P*	P*							P*														
Multi-Family																							
Multi-Family built prior to January 2002																							
Single-Family Detached	P	P	P	P	P	P																	
Townhouse																							P
PUBLIC, CIVIC AND INSTITUTIONAL																							
Educational Facility, College & University																							
Educational Facility, Indoor Instruction																							
Educational Facility, Outdoor Instruction	P	C																					
Educational Facility, Primary & Secondary																							
Educational Facility, Tutoring																							
Educational Facility, Vocational / Trade																							
Governmental Facilities	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
Health Care, Hospitals																							
Health Care, Medical Clinics																							
Parks																							
Places of Worship	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
COMMERCIAL, OFFICE AND RETAIL																							
Agricultural Use, Barn or Stable for Private Stock	P	P																					
Agricultural Use, Farm or Pasturage	P	P																					
Agricultural Use, Farm Product Processing	P																						

¹ Multi-family residential uses located in stories or floors above retail commercial uses are permitted by right.
² Hotels only allowed when accessory to a Country Club development and are limited to a maximum of 15 rooms.
** District with Supplemental Standards (Refer to Article 5).

USE TABLE	Residential Districts										Non-Residential Districts												
	A-O	A-OR	R-1	R-1B	R-2**	R-3**	R-4**	R-6**	R-7**	P-MUD**	A-P	C-1	C-2	C-3**	R & D**	M-1	M-2	C-U	WPC**	NG-1**	NG-2**	NG-3**	
Specific Uses																							
KEY:	P = Permitted by Right ; P* = Permitted Subject to Specific Use Standards; C = Conditional Use																						
COMMERCIAL, OFFICE AND RETAIL (continued)																							
Animal Care Facility, Indoor																							
Animal Care Facility, Outdoor	P*																						
Art Studio / Gallery																							
Car Wash																							
Commercial Garden / Greenhouse / Landscape Maint.	P*																						
Commercial Amusements																							
Conference / Convention Center																							
Country Club	P	P	P	P																			
Day Care, Commercial																							
Drive-in / thru window																							
Dry Cleaners & Laundry																							
Fraternal Lodge																							
Fuel Sales																							
Funeral Homes																							
Golf Course or Driving Range	P*																						
Health Club / Sports Facility, Indoor																							
Health Club / Sports Facility, Outdoor																							
Hotels	C ²	C ²																					
Night Club, Bar or Tavern																							
Offices																							
Parking as a Primary Use																							
Personal Service Shop																							
Printing / Copy Shop																							
Radio / TV Station / Studios																							
Restaurants																							

¹ Multi-family residential uses located in stories or floors above retail commercial uses are permitted by right.

² Hotels only allowed when accessory to a Country Club development and are limited to a maximum of 15 rooms.

** District with Supplemental Standards (Refer to Article 5).

Per Ordinance No. 3210 (September 24, 2009)

USE TABLE	Residential Districts										Non-Residential Districts												
	A-O	A-OR	R-1	R-1B	R-2**	R-3**	R-4**	R-6**	R-7**	P-MUD**	A-P	C-1	C-2	C-3**	R & D**	M-1	M-2	C-U	WPC**	NG-1**	NG-2**	NG-3**	
KEY: P = Permitted by Right ; P* = Permitted Subject to Specific Use Standards; C = Conditional Use																							
COMMERCIAL, OFFICE AND RETAIL (continued)																							
Retail Sales - Single Tenant over 50,000 SF										P													P
Retail Sales and Service									P			P*	P*	P					P		P	P	P
Retail Sales and Service - Alcohol									P			P*	P*	P					C		P	P	P
Sexually Oriented Business (SOB)	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
Shooting Range, Indoor									P			P	P						P				
Theater									P			P							P		P	P	P
Retail Sales, Manufactured Homes																							
Storage, Self Service											P	P	P*										
Vehicular Sales, Rental, Repair and Service											P*	P*	P*										
Wholesales / Services											P*	P*	P*	P									
INDUSTRIAL AND MANUFACTURING																							
Bulk Storage Tanks / Cold Storage Plant																							
Industrial, Light												P	P	P	P	P	P	P					
Industrial, Heavy																							
Recycling Facility - Large												P*											
Salvage Yard																							
Scientific Testing / Research Laboratory																							
Storage, Outdoor - Equipment or Materials												P	P	P	P	P	P	P					
Truck Stop / Freight or Trucking Terminal																							
Utility	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*	P*
Warehousing / Distribution																							
Waste Services																							
Wireless Telecommunication Facilities - Intermediate	P*																						
Wireless Telecommunication Facilities - Major	C																						
Wireless Telecommunication Facilities - Unregulated	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P

¹Multi-family residential uses located in stories or floors above retail commercial uses are permitted by right.
² Hotels only allowed when accessory to a Country Club development and are limited to a maximum of 15 rooms.
 ** District with Supplemental Standards (Refer to Article 5).
Per Ordinance No. 3175 (March 26, 2009)

April 22, 2010
Regular Agenda Item No. 4
Outgoing Council Membership on Committees

To: Glenn Brown, City Manager

From: City Manager's Office

Agenda Caption: Presentation, possible action, and discussion regarding outgoing Council member's membership on the Wolf Pen Creek Advisory Board.

Recommendation(s): Appoint James Massey as a Council appointee to the Wolf Pen Creek Advisory Board effective once his term on the City Council is complete.

Summary: Municipal elections will be held on May 8. Committee assignments are made by the Council following the elections some time during the summer, and there is an outgoing Council member who has been active on the Wolf Pen Creek Advisory Board since its inception in the late 1990s.

The committee was initially set up to have two representatives from the City Council, Planning & Zoning Commission, Parks & Recreation Advisory Board and the Wolf Pen Creek Tax Increment Finance Board. Membership of the committee was expanded on January 14 of this year to include the remaining members of the TIF Board as that committee ceased to exist.

Budget & Financial Summary: N/A

Attachments: N/A