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Mayor
Nancy Berry
Mayor Pro Tem
Dave Ruesink
City Manager
David Neeley

Council members
Blanche Brick
Jess Fields
Karl Mooney
Katy-Marie Lyles
Julie M. Schultz

Agenda
College Station City Council
Regular Meeting
Thursday, July 12, 2012 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 5:30 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. Comments should not personally attack other speakers, Council or staff.

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:

- June 28, 2012 Workshop
- June 28, 2012 Regular Council Meeting

b. Presentation, possible action, and discussion on consideration of an ordinance amending Chapter 10, Section 2F, of the College Station Code of Ordinances regarding the Traffic Control Device Inventory, Schedule V (School Zones).

- c. Presentation, possible action, and discussion on the consideration of an ordinance amending Chapter 10, "Traffic Code," Section 2.C of the Code of Ordinances of the City of College Station changing the traffic control at the intersection of Southern Plantation and Newport from one-way stop controlled operation to three-way stop controlled.
- d. Presentation, possible action, and discussion regarding ratification of Contract Amendment 2 to Contract 11-350 between the City of College Station and Bryan Texas Utilities (BTU) extending the term of the contract to allow BTU to continue its temporary operation of College Station's electric transmission system until July 31, 2012.
- e. Presentation, possible action, and discussion on the application and acceptance of an Office of the Governor, Criminal Justice Division (CJD) Grant.
- f. Presentation, possible action and discussion regarding the approval of an Interlocal Agreement and resolution accepting from Texas A&M University the sum of \$196,200 for providing Fire Protection to Easterwood Airport.
- g. Presentation, possible action, and discussion regarding a resolution to approve the construction contract (Contract 12-240) with Kieschnick General Contractors in the amount of \$899,122.00, for the construction of the Wolf Pen Creek Festival Area project (WP 0901).

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 and discussion to receive comments regarding the proposed amendments to the City Charter.
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 of approximately 1.2 acres from A-O Agricultural Open with OV Corridor Overlay to C-1 General Commercial with OV Corridor Overlay located at 950 William D Fitch Parkway, generally located at the corner of William D Fitch Parkway and State Highway 6 South.

3. 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 approximately 7.547 acres located at 4080 State Highway 6 S, generally located south of the SecurCare Self Storage on the frontage road, from A-O Agricultural Open to PDD Planned Development District.
4. Public Hearing, presentation, possible action, and discussion regarding an ordinance approving a conditional use permit pursuant to Chapter 12, "Unified Development Ordinance", Section 3.15, "Development Review Procedures, Conditional Use Permit", of the Code of Ordinances of the City of College Station, Texas, for the property located at 1915 Dartmouth Street on 4.06 acres zoned Wolf Pen Creek to permit multi-family residential development on the ground floor.
5. Public Hearing, presentation, possible action, and discussion regarding an ordinance amending Chapter 12, "Unified Development Ordinance", Section 5.6 "Design Districts, B "Northgate Districts", 2 "Additional Use Standards", c "NG-3 Residential Northgate" and Section 5.7 "Design District Dimensional Standards" of the Code of Ordinance of the City of College Station, Texas.
6. Public Hearing, presentation, possible action, and discussion regarding an amendment to Chapter 7, Health and Sanitation, of the Code of Ordinances, adding a new Section 13 "Stormwater Protection" to regulate discharges into the City stormwater system and to provide for associated enforcement and penalties procedures; and an amendment to Chapter 12, Unified Development Ordinance (UDO), of the Code of Ordinances renaming Article 7, General Development Standards, Section 7.8 as "Flood Hazard Protection" to be consistent with other Code provisions; adding a new Section 7.13 "Drainage and Stormwater Management" to regulate discharges into the stormwater system associated with construction or industrial activity; and adding a new Section 10.6 "Specific Enforcement and Penalties for Drainage and Stormwater Management" to regulate discharges into the City stormwater system.
7. Presentation, possible action, and discussion of a Contract for Sale of Real Estate, for the sale of real property located at North Harvey Mitchell Parkway (FM 2818), to Ashraf Lakhani in the amount of \$211,000.00.
8. Presentation, possible action, and discussion on regarding appointments to the following Boards and Commissions:
 - B/CS Library Committee
 - Bicycle, Pedestrian & Greenways Advisory Board
 - Construction Board of Adjustments
 - Design Review Board
 - Historic Preservation Committee
 - Landmark Commission
 - Parks & Recreation Board
 - Planning & Zoning Commission
 - Zoning Board of Adjustments
9. Presentation, possible action and discussion regarding the citizen appointment to the Research Valley Partnership Board of Directors.
10. Presentation, possible action and discussion regarding the approval of a City of College Station Council member to be appointed to the CEOC Policy Advisory Board.

11. 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, July 12, 2012 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 6th day of July, 2012 at 5:00 p.m.



City Secretary

I, the undersigned, do hereby certify that the above Notice of Meeting of the Governing Body of the City of College Station, Texas, is a true and correct copy of said Notice and that I posted a true and correct copy of said notice on the bulletin board at City Hall, 1101 Texas Avenue, in College Station, Texas, and the City's website, www.cstx.gov . The Agenda and Notice are readily accessible to the general public at all times. Said Notice and Agenda were posted on July 6, 2012 at 5:00 p.m. and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

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

Dated this _____ day of _____, 2012 By _____

Subscribed and sworn to before me on this the _____ day of _____, 2012.

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.

July 12, 2012
City Council Consent Agenda Item No. 2a
City Council Minutes

To: David Neeley, City Manager

From: Sherry Mashburn, City Secretary

Agenda Caption: Presentation, possible action, and discussion of minutes for:

- June 28, 2012 Workshop
- June 28, 2012 Regular Council Meeting

Attachments:

- June 28, 2012 Workshop
- June 28, 2012 Regular Council Meeting

MINUTES OF THE CITY COUNCIL WORKSHOP
CITY OF COLLEGE STATION
JUNE 28, 2012

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry, Mayor

Council:

Blanche Brick
Jess Fields, arrived after roll call
Karl Mooney
Katy-Marie Lyles, absent
Julie Schultz, arrived after roll call
Dave Ruesink

City Staff:

Kathy Merrill, Deputy City Manager
Frank Simpson, Deputy City Manager
Carla Robinson, City Attorney
Sherry Mashburn, City Secretary
Tanya McNutt, Deputy City Secretary

1. Call to Order and Announce a Quorum is Present

With a quorum present, the Workshop of the College Station City Council was called to order by Mayor Nancy Berry at 4:37 p.m. on Thursday, June 28, 2012 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77842.

Mayor Jason Bienski and representatives from Hot Dogs, Etc., presented hot dogs to the City Council.

2. Executive Session

In accordance with the Texas Government Code §551.071-Consultation with Attorney and §551.074-Personnel, the College Station City Council convened into Executive Session at 4:40 p.m. on Thursday, June 28, 2012 in order to continue discussing matters pertaining to:

A. Consultation with Attorney to seek advice regarding pending or contemplated litigation; to wit:

- City of Bryan's application with TCEQ for water & sewer permits in Westside/Highway 60 area, near Brushy Water Supply Corporation to decertify City of College Station and certify City of Bryan
- Chavers et al v. Tyrone Morrow et al, No. 10-20792; Chavers v. Randall Hall et al, Case No. 10 CV-3922
- College Station v. Star Insurance Co., Civil Action No. 4:11-CV-02023
- Shirley Maguire and Holly Maguire vs. City of College Station, Cause No. 11-0025 16-CV-272, in the 272nd District Court of Brazos County, Texas
- Tracy Lynn Sheets, City of College Station (Intervener) v. Get Lucky. L.L.C. d/b/a Lux Nightclub and Alex Taylor Ford
- Patricia Kahlden, individ. and as rep. of the Estate of Lillie May Williams Bayless v. Laura Sue Streigler, City of College Station and James Steven Elkins, No. 1 1-003172-CV-272, in the 272nd District Court of Brazos County, Tx.
- Claim and potential litigation related to a June 24, 2011 collision with a city vehicle.

B. Consultation with Attorney to seek legal advice; to wit:

- Legal issues related to 2004 Economic Development Agreement Between College Station, RVP and Fidelis Ventures, LLC.

C. Deliberation on the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer; to wit:

- Council self-evaluation

The Executive Session adjourned at 5:40 p.m. on Thursday, June 28, 2012.

3. Take action, if any, on Executive Session.

No action was required from Executive session.

4. Recognition of the College Station business recipients of the Newman 10 Award.

Reba Ragsdale, representing the Bryan Rotary Club, announced the College Station businesses that received the Newman 10 Award:

- Brazosland Classic Realty
- Kellen Commercial Interiors
- The Pool Guy
- Celebrity Spa
- Keys and Walsh Construction

She also announced that Andrew Strong, CEO for Kaylon Biio, won the Research Valley Commercialization Rising Star Award.

5. Presentation, possible action, and discussion on items listed on the consent agenda.

No items were pulled.

6. Presentation and discussion on a report from the Brazos Animal Shelter regarding activities of the organization.

Victoria Greene, President of the Animal Shelter Board, presented the Mission Statement, “The Aggieland Humane Society, formally known as the Brazos Animal Shelter, provides humane shelter, care, and placement for stray and unwanted animals, and promotes the human animal bond and responsible pet ownership to enhance the quality of life for the people and animals in our community,” and noted their vision is to be a leader among animal welfare organizations in Texas. The new Executive Director is Kathy Bice, and new and re-energized board leadership has been created with Victoria Greene, President; Molly Georgiades, Vice President/Treasurer; and Darby Roberts, Secretary.

Kathy Bice, Executive Director, reported the goal of the new business model is to save all adoptable animals, return lost pets to their owners, treat as many treatable animals as possible, and to be the City’s Animal Shelter and community resource. Their new location is at 5359 Leonard Road in Bryan. The Town and Gown program enhances the community/University connection through volunteerism, internship, and teaching programs offered at Blinn and Texas A&M. There is a parks and tourism partnership; Weiner Fest provides a great partnership between the Humane Society and College Station. They assist Animal Control in health and safety programs, rabies observations, cruelty support, and they are working on increasing the number of pets with tags. The adoption program safely places pets into forever homes and keeps them off the streets and healthy.

7. Presentation and discussion regarding the proposed community Development FY 2013 (PY 2012) Action Plan and Budget.

Bob Cowell, Executive Director of Development Services, Debbie Eller, Assistant Director of Economic Development, and David Brower, Community Development Analyst, presented the FY 2012 Annual Action Plan and Budget. Since 1975 the City has received over \$32 million in Community Development Block Grant funding. Since 1992 the City has received over \$12 million in HOME funds. The total amount of funding received as of September 2012 is \$32,656,555 for CDBG. While CDBG funds may be used for a variety of community development activities, HOME funds may only be used for affordable housing activities. Our local objectives include economic opportunity, strong neighborhoods, and safe, decent, affordable housing. Funds for public facilities may be used to expand, improve and/or add public facilities and infrastructure. It must benefit low-to-moderate areas or low-to-moderate clientele. Improvements may include streets, parks, neighborhood/community centers, sidewalk projects, and facilities for persons with special needs. Absent these funds, these projects would either not be completed or would need to be paid for out of general fund revenues/local taxes. Current affordable housing programs include Down Payment Assistance, Tenant-Based Rental Assistance, Home Owner Minor Repair/Rehabilitation, Home Owner Reconstruction, Rental Rehabilitation, and New Construction (Non Profit Partners). Since 1979, the housing needs of 1,221 families have been met. In addition to helping families, this re-development has helped neighborhood integrity and the City tax rolls. Up to 15% of CDBG funds can be allocated for local non-profits. In Program Year 2012, \$201,215 was allocated to eleven local programs.

A one-year action plan for Program Year 2012/Fiscal Year re-validates and updates local needs, addresses specific goals outlined in the City's 2010-2014 Consolidated Plan and proposes activities for the upcoming year, represents annual formal application to the Department of HUD and lists funded activities and specific amounts, and provides for a regular public process. \$46,550 is the cut off for a low-to-moderate income family of four. The proposed budget for the FY 2012 budget is \$1,246,592 for CDBG and \$1,992,519 for HOME funds. Funding levels were recommended for external public services such as Big Brothers Big Sisters of South Texas, Brazos Maternal and Child Health Clinic, Brazos Valley Counseling Services, etc. Funding levels were also recommended for City public services such as Kids Klub and Lincoln Center.

Planned initiatives for 2012-2013 include:

- Support senior housing development
- Construction of new affordable houses through non-profit partners
- Four public facility activities including two Sidewalk Design and Construction Projects, one Street Rehabilitation Project, and one Park Improvement Project
- Continue Down-Payment Assistance, Homeowner Rehabilitation and Reconstruction, and Security Deposit Assistance programs
- Initiate a Rental Rehabilitation Program
- Continue to proactively manage costs
- Technical assistance for non-funded agencies

Next steps will be to make a formal application to HUD, and then to advertise for public comments from July 1 – August 1. A Public Hearing will be held July 10 at 6:00 p.m. at the Lincoln Center. The plan will be available for public view at City Hall, the Community Development office, and the Lincoln Center. Council approval is scheduled for August 9.

8. Council Calendar

- **July 4 City Offices Closed HOLIDAY**
- **July 5 P&Z Workshop/Meeting in Council Chambers at 6:00 p.m. (Dave Ruesink, Liaison)**
- **July 12 City Council Executive/Workshop/Regular Meeting at 5:00, 6:00 and 7:00 p.m.**

Council reviewed the Council calendar. Julie Schultz is the liaison for the July 5 P&Z meeting.

9. Presentation, possible action, and discussion on future agenda items: a Council Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.

There were no requests.

10. Discussion, review and possible action regarding the following meetings: Animal Shelter Board, Arts Council of the Brazos Valley, Arts Council Sub-committee, Audit Committee, Bicycle, Pedestrian, and Greenways Advisory Board, Brazos County Health Dept., Brazos Valley Council of Governments, Brazos Valley Wide Area Communications Task Force, BVSWMA, BVWACS, Code Review Committee, Convention & Visitors Bureau, Design Review Board, Historic Preservation Committee, Interfaith Dialogue Association, Intergovernmental Committee, Joint Neighborhood Parking Taskforce, Joint Relief Funding Review Committee, Landmark Commission, Library Board, Metropolitan Planning Organization, National League of Cities, Outside Agency Funding Review, Parks and Recreation Board, Planning and Zoning Commission, Research Valley Partnership, Regional Transportation Committee for Council of Governments, Signature Event Task Force, Sister City Association, TAMU Student Senate, Texas Municipal League, Transportation Committee, Zoning Board of Adjustments.

Councilmember Mooney reported on BVSWMA.

Mayor Berry announced that the Rogue Riders were in town. Jay Socol, Director of Communications, reported on the events tomorrow to meet and greet the Rogue Riders.

11. Adjournment

MOTION: There being no further business, Mayor Berry adjourned the workshop of the College Station City Council at 8:10 p.m. on Thursday, June 28, 2012.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF COLLEGE STATION
JUNE 28, 2012

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry

Council:

Blanche Brick
Jess Fields
Karl Mooney
Katy-Marie Lyles, absent
Julie Schultz
Dave Ruesink

City Staff:

Kathy Merrill, Deputy City Manager
Frank Simpson, Deputy City Manager
Carla Robinson, City Attorney
Sherry Mashburn, City Secretary
Tanya McNutt, Deputy City Secretary

Call to Order and Announce a Quorum is Present

With a quorum present, the Regular Meeting of the College Station City Council was called to order by Mayor Nancy Berry at 7:17 p.m. on Thursday, June 28, 2012 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77842.

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

MOTION: Upon a motion made by Councilmember Ruesink and a second by Councilmember Schultz, the City Council voted six (6) for and none (0) opposed, to approve the absence request from Katy-Marie Lyles. The motion carried unanimously.

Citizen Comments

Brian Leschber, 1716 Starling Drive, stated that his home backs up to the Springbrook HOA-owned portion of the Lick Creek floodway. He is one of the ten homeowners that have hired legal representation to stop the transfer of the floodway property to the City. He reported the

HOA refused an offer of \$5,000 for the property, which included allowing all HOA members access to the property. No counter offer was made. He requested the City consider that the floodway does flood during most rain events. The resulting debris and mud will need to be cleaned up after each event, requiring maintenance funds.

Rita Silbernagel, 1800 Holleman, #1216, expressed her concern related to the bus stop for route 27 near her apartment. She stated it is not safe to cross the street safely at that location. The nearest traffic light is at Texas, and no one is going to walk that far to cross at a light. In the afternoon, people have to wait two or three minutes before they can cross. Especially in this heat, people get irritated and will take chances. There needs to be a cross walk installed or something to facilitate a safe crossing.

CONSENT AGENDA

2a. Presentation, possible action, and discussion of minutes for:

- **June 14, 2012 Workshop**
- **June 14, 2012 Regular Council Meeting**

2b. Presentation, possible action, and discussion regarding Resolution 06-28-12-2b, to improve efficiency of contract administration procedures by omitting the need for contract resolutions for our two standard forms of agreement that have been adopted by Council, and to authorize staff to modify the Standard Form of Construction Services by adding a paragraph providing for the contract amount.

2c. Presentation, possible action and discussion regarding the approval of a contract between the City of College Station and Westnet Inc. for \$ 5 15,220.23 for the upgrading of the Fire Station Alerting System in all 6 Fire Stations and authorizing the City Manager to execute the contract on behalf of the City Council.

2d. Presentation, possible action, and discussion regarding approval of a supplement to the original contract with EnRoute Emergency Systems, for the purchase of a software interface between EnRoute's CAD system and the WestNet First-In alerting system in the amount of \$14,500.

2e. Presentation, possible action, and discussion regarding approval of a contract between the City of College Station and Bryan Texas Utilities in the amount of \$60,000 for the purposes of BTU temporarily operating College Station's electric transmission system and authorizing the City Manager to execute the contract on behalf of the City Council.

2f. Presentation, possible action and discussion to consider an agreement for the Wellborn Special Utility District to transfer their water through the College Station water system.

2g. Presentation, possible action and discussion of the First Amendment to Water Code Section 13.255 Agreement Regarding Retail Water Service Areas entered into between the City and Wellborn Special Utility District regarding the provision of water service to approximately 1100 acres south of Greens Prairie Road and west of Arrington Road.

2h. Presentation, possible action and discussion to consider an agreement for the Wellborn Special Utility District to provide temporary water service to the Berry property.

Item 2e was pulled from the agenda.

MOTION: Upon a motion made by Councilmember Mooney and a second by Councilmember Schultz, the City Council voted six (6) for and none (0) opposed, to approve the Consent Agenda, less item 2e. The motion carried unanimously.

REGULAR AGENDA

1. Public Hearing, presentation, possible action, and discussion approving Ordinance 2012-3420, vacating and abandoning a 0.20 Acre portion of Meadowland Street Right-of-way, which is located at 100 Meadowland Street between Hensel Street and University Drive within the North Park Subdivision according to the plat recorded in Volume 465, Page 37 of the Deed Records of Brazos County, Texas.

2. Public Hearing, presentation, possible action, and discussion approving Ordinance 2012-3421, vacating and abandoning a 0.34 acre public access easement located at 100 Meadowland Street between Hensel Street and University Drive. The 0.34 acre public access easement is a portion of the previously abandoned right-of-way of Meadowland Street reserved as public access easement per Ordinance No. 2010-3232 by the City of College Station.

3. Public Hearing, presentation, possible action, and discussion approving Ordinance 2012-3422, vacating and abandoning a 484.5 square foot public utility easement, a 7,177 square foot public utility easement, a 0.59 acre public utility easement, and a 3,456 square foot public utility easement located at 100 Meadowland Street between Hensel Street and University Drive.

Agenda items 1, 2, and 3 were taken up together.

At approximately 7:34 p.m. Mayor Berry opened the Public Hearing.

Natalie Ruiz spoke on behalf of the applications.

There being no further comments, the Public Hearing was closed at 7:37 p.m.

MOTION: Upon a motion made by Councilmember Mooney and a second by Councilmember Fields, the City Council voted six (6) for and none (0) opposed, to adopt Ordinance 2012-3420, as amended, and Ordinances 2012-3421 and 2012-3422, as presented. The motion carried unanimously.

4. Public Hearing, presentation, possible action, and discussion regarding Ordinance 2012-3423, 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 from C-1 General Commercial to R-4 Multi-Family for approximately 0.7 acres and. R-4 Multi-Family to C-1 General Commercial for approximately 0.85 acres for the properties located at 2041 Holleman Drive West and 1451 Harvey Mitchell Parkway South, generally located at the corner of Holleman Drive West and Harvey Mitchell Parkway South.

At approximately 7:40 p.m. Mayor Berry opened the Public Hearing.

Glenn Jones, agent for the owners, stated he was available for questions.

There being no further comments, the Public Hearing was closed at 7:40 p.m.

MOTION: Upon a motion made by Councilmember Fields and a second by Councilmember Mooney, the City Council voted six (6) for and none (0) opposed, to adopt Ordinance 2012-3423, 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 from C-1 General Commercial to R-4 Multi-Family for approximately 0.7 acres and. R-4 Multi-Family to C-1 General Commercial for approximately 0.85 acres for the properties located at 2041 Holleman Drive West and 1451 Harvey Mitchell Parkway South, generally located at the corner of Holleman Drive West and Harvey Mitchell Parkway South. The motion carried unanimously.

5. Presentation, possible action, and discussion regarding Resolution 06-28-12-05, approving a contract between the City of College Station and Freese and Nichols, Inc. in the amount of \$482,032 for the Drainage Master Plan and authorizing the City Manager to execute the contract on behalf of the City Council.

MOTION: Upon a motion made by Councilmember Mooney and a second by Councilmember Ruesink, the City Council voted six (6) for and none (0) opposed, to adopt Resolution 06-28-12-05, approving a contract between the City of College Station and Freese and Nichols, Inc. in the amount of \$482,032 for the Drainage Master Plan and authorizing the City Manager to execute the contract on behalf of the City Council. The motion carried unanimously.

6. Presentation and discussion on upcoming Board and Commission appointments.

Shelley Major, Records Management Coordinator, updated the Council on the board appointments coming up. There are thirteen Council-appointed boards and commissions. To date, the City has received fifty-one applications for twenty-nine vacancies on nine boards. Qualified applicants must be a College Station resident and a qualified voter. Some boards/commissions may require specific expertise. Ms. Major provided a brief overview of each board/commission with vacancies. Friday, June 29, is the deadline for applications. Staff expects to put this on the July 12 agenda.

7. Adjournment.

MOTION: There being no further business, Mayor Berry adjourned the Regular Meeting of the City Council at 8:03 p.m. on Thursday, June 28, 2012.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

DRAFT

July 12, 2012
Consent Agenda Item No. 2b
Barron Road and Victoria Avenue
School Speed Zones

To: David Neeley, City Manager

From: Chuck Gilman, P.E., PMP, Public Works Director

Agenda Caption: Presentation, possible action, and discussion on consideration of an ordinance amending Chapter 10, Section 2F, of the College Station Code of Ordinances regarding the Traffic Control Device Inventory, Schedule V (School Zones).

Relationship to Strategic Goals: Improving Mobility – Provide complete streets that accommodate vehicles, bicycles, and pedestrians.

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

Summary: This item will amend Schedule V of the Traffic Control Device Inventory by adding a 25 mph school zone on Barron Road and Victoria Avenue adjacent to the newly constructed College Station High School. The school zone will extend along Barron Road in front of the school and extend north and south from the intersection with Victoria Avenue.

The attached revised Exhibit B - Schedule V of the Traffic Control Device Inventory, indicates the proposed addition in bold italics, which are all under the section for College Station High School.

The addition of these school zones will provide safer conditions for the school children.

Budget & Financial Summary: The infrastructure for the school zones was installed as part of the Barron Road widening and Victoria Avenue extension projects and no additional funds will be needed.

Attachments:

1. Ordinance with Exhibit A
2. Location Map
3. Exhibit B

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10, "TRAFFIC CODE", SECTION 2 "TRAFFIC CONTROL DEVICES, SECTION F "SCHOOL ZONES", TRAFFIC SCHEDULE V "SCHOOL ZONES", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS AS SET OUT BELOW PROVIDING A SEVERABILITY CLAUSE, DECLARING A PENALTY, AND PROVIDING AN EFFECTIVE DATE.

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

PART 1: That CHAPTER 10, "TRAFFIC CODE", SECTION 2 "TRAFFIC CONTROL DEVICES, SECTION F "SCHOOL ZONES", TRAFFIC SCHEDULE V "SCHOOL ZONES", of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibits "A" and "B", 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 _____, 2012.

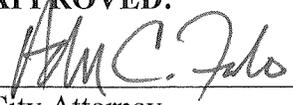
APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:



City Attorney

EXHIBIT "A"

That CHAPTER 10, "TRAFFIC CODE", SECTION 2 "TRAFFIC CONTROL DEVICES, SECTION F "SCHOOL ZONES", TRAFFIC SCHEDULE V "SCHOOL ZONES", of the Code of Ordinances of the City of College Station, Texas, is hereby amended, by adopting the revised "Traffic Control Device Inventory – Schedule V", dated July 12, 2012, attached hereto as Exhibit "B", to replace the "Traffic Control Device Inventory – Schedule V", dated December 8, 2011.

EXHIBIT "B"
TRAFFIC DEVICE INVENTORY
Schedule V – School Zones
July 12, 2012

⚡ - The operational time is a period in which the zone is enforceable. This time is variable and may change each semester/year depending on the actual school hours set by CSISD

Location	Posted Hours	Posted Speed Limit	⚡Operational Time (M - F)	Ord. No Date Adopted	BASE MAP NO.
College Hills Elementary					
1. Francis Drive, West of Ashburn Avenue - East of Williams Street.	When Flashing	20 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#1986 Nov. 12, 1992	1998-01
2. Francis Drive, West of Walton Drive - East of James Parkway.	When Flashing	20 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#1986 Nov. 12, 1992	1998-01
3. Gilchrist Avenue, West of Ashburn Avenue - East of Williams Street.	When Flashing	20 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#1441 Aug. 11, 1983	1998-01
4. Gilchrist Avenue, West of Williams Street - East of Walton Drive.	When Flashing	20 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#1441 Aug. 11, 1983	1998-01
5. Walton Drive, South of Nunn Street - North of Francis Drive.	When Flashing	20 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#1986 Nov. 12, 1992	1998-01
6. Walton Drive, South of Francis Drive - North of Bolton Avenue.	When Flashing	20 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#1986 Nov. 12, 1992	1998-01
South Knoll Elementary					
7. Southwest Parkway, East of Langford Street - West of Laura Lane.	When Flashing	20 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#1441 Aug. 11, 1983	1998-02
8. Southwest Parkway, East of Lawyer Place - West of Sabine Court.	When Flashing	20 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#1441 Aug. 11, 1983	1998-02
9. Langford Street, South of S. Ridgefield Court - North of Boswell Street.	When Flashing	20 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#1441 Aug. 11, 1983	1998-02
10. Langford Street, South of Boswell Street - North of Southwest Parkway.	When Flashing	20 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#1441 Aug. 11, 1983	1998-02
11. Boswell Street, East of Lawyer Street - West of Langford Street.	When Flashing	20 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#1441 Aug. 11, 1983	1998-02

Location	Posted Hours	Posted Speed Limit	Operational Time (M - F)	Ord. No Date Adopted	BASE MAP NO
Southwood Valley Elementary					
12. Deacon Drive, East of San Felipe Drive - West of Brothers Boulevard.	When Flashing	20 mph	7:20 - 8:05 AM 2:45 - 3:30 PM	#1441 Aug. 11, 1983	1998-02
13. Deacon Drive, East of Pierre Place - West of Celinda Circle.	When Flashing	20 mph	7:20 - 8:05 AM 2:45 - 3:30 PM	#1441 Aug. 11, 1983	1998-02
14. Brothers Boulevard, South of Todd Trail - North of Deacon Drive (intersection of Deacon and Brothers).	When Flashing	20 mph	7:20 - 8:05 AM 2:45 - 3:30 PM	#1441 Aug. 11, 1983	1998-02
15. Brothers Boulevard, South of Todd Trail - North of Deacon Drive (intersection of Todd Trail and Brothers).	When Flashing	20 mph	7:20 - 8:05 AM 2:45 - 3:30 PM	#1441 Aug. 11, 1983	1998-02
Oakwood Middle School / Willow Branch Intermediate School					
16. Holik Street, South of George Bush Drive - North of Anna Street (intersection of George Bush and Holik).	When Flashing	20 mph	7:45 - 8:45 AM 3:15 - 4:00 PM	#1441 Aug. 11, 1983	1998-03
17. Holik Street, North of Anna Street - South of George Bush Drive (intersection of Anna and Holik).	When Flashing	20 mph	7:45 - 8:45 AM 3:15 - 4:00 PM	#1441 Aug. 11, 1983	1998-03
18. Anderson Street, South of George Bush Drive - North of Wolf Run.	When Flashing	20 mph	7:45 - 8:45 AM 3:15 - 4:00 PM	#1441 Aug. 11, 1983	1998-03
19. Anderson Street, South of Wolf Run - North of Park Place.	When Flashing	20 mph	7:45 - 8:45 AM 3:15 - 4:00 PM	#1441 Aug. 11, 1983	1998-03
20. Timber Street, South of George Bush Drive and North of Anna Street (intersection of George Bush Dr. and Timbers).	When Flashing	20 mph	7:45 - 8:45 AM 3:15 - 4:00 PM	#2210 Sept. 26, 1996	1998-03
21. Timber Street, North of Anna Street - South of George Bush Drive.	When Flashing	20 mph	7:45 - 8:45 AM 3:15 - 4:00 PM	#2210 Sept. 26, 1996	1998-03

Location		Posted Hours	Posted Speed Limit	Operational Time (M - F)	Ord. No/ Date Adopted	BASE MAP NO.
Rock Prairie Elementary / College Station Middle School						
22.	Welsh Avenue, North of Edelweiss Avenue - South of Willow Loop.	When Flashing	25 mph	7:15-8:45 AM 2:45-4:15 PM	#1941 Feb. 13, 1992	1998-04
23.	Honeysuckle Lane, East of Welsh Avenue - West of Westchester Avenue.	7:15-8:45 AM 2:45-4:15 PM	25 mph	7:15-8:45 AM 2:45-4:15 PM	#1941 Feb. 13, 1992	1998-04
24.	Canterbury Drive, East of Welsh Avenue - West of Westchester Avenue.	7:15-8:45 AM 2:45-4:15 PM	25 mph	7:15-8:45 AM 2:45-4:15 PM	#1941 Feb. 13, 1992	1998-04
25.	Dover Drive, East of Welsh Avenue - West of Westchester Avenue.	7:15-8:45 AM 2:45-4:15 PM	25 mph	7:15-8:45 AM 2:45-4:15 PM	#1941 Feb. 13, 1992	1998-04
26.	Abbey Lane, East of Victoria Avenue - West of Nottingham Drive.	7:15-8:45 AM 2:45-4:15 PM	25 mph	7:15-8:45 AM 2:45-4:15 PM	#1989 April 11, 1989	1998-04
27.	Yorkshire Drive, East of Victoria Avenue - West of Nottingham Drive.	7:15-8:45 AM 2:45-4:15 PM	25 mph	7:15-8:45 AM 2:45-4:15 PM	#1989 April 11, 1989	1998-04
28.	Victoria Avenue, South of Yorkshire Drive - North of Shire Drive.	When Flashing	25 mph	7:15-8:45 AM 2:45-4:15 PM	#1821 Sept. 14, 1989	1998-04
29.	Rock Prairie Road, East of Rio Grande Boulevard - West of Bahia Drive.	When Flashing	25 mph	7:15-8:45 AM 2:45-4:15 PM	#1987 Nov. 12, 1987	1998-04
30.	Rio Grande Boulevard, South of Capistrano Court - North of Rock Prairie Road.	When Flashing	25 mph	7:15-8:45 AM 2:45-4:15 PM	#1987 Nov. 12, 1987	1998-04
31.	Westchester Avenue, South of Dover Street - North of Rock Prairie Road.	7:15-8:45 AM 2:45-4:15 PM	25 mph	7:15-8:45 AM 2:45-4:15 PM	#1874 Dec. 13, 1990	1998-04
32.	Rock Prairie Road, East of Shire Drive - West of Victoria Avenue.	When Flashing	25 mph	7:15-8:45 AM 2:45-4:15 PM	# 2259 Aug. 28, 1997	1998-04
33.	Edelweiss Avenue, East of Caterina Lane - West of Innsbruck Circle.	When Flashing	25 mph	7:15-8:45 AM 2:45-4:15 PM	# 2703 Mar. 11, 2004	N/A
34.	Innsbruck Circle, North of western intersection of Edelweiss Avenue and Innsbruck Circle.	7:15-8:45 AM 2:45-4:15 PM	25 mph	7:15-8:45 AM 2:45-4:15 PM	# 2703 Mar. 11, 2004	N/A
35.	Innsbruck Circle, North of eastern intersection of Edelweiss Avenue and Innsbruck Circle.	7:15-8:45 AM 2:45-4:15 PM	25 mph	7:15-8:45 AM 2:45-4:15 PM	# 2703 Mar. 11, 2004	N/A
36.	Sunflower Trail, North of Edelweiss Avenue - South of Welsh Avenue.	7:15-8:45 AM 2:45-4:15 PM	25 mph	7:15-8:45 AM 2:45-4:15 PM	# 2703 Mar. 11, 2004	N/A

Location	Posted Hours	Posted Speed Limit	Operational Time (M - F)	Ord. No. Adopted	BASE MAP NO.
A and M Consolidated High School					
37. Welsh Avenue, South of Nueces Drive - North of FM 2818 (intersection of Welsh and Nueces).	7:30 AM - 4:00 PM	25 mph	7:30 AM - 4:00 PM	#1889 April 11, 1991	1998-02
38. Welsh Avenue, North of FM 2818 - South of Nueces Drive (intersection of Welsh and FM 2818).	7:30 AM - 4:00 PM	25 mph	7:30 AM - 4:00 PM	#1889 April 11, 1991	1998-02
39. Nueces Drive, South of Hondo Drive - North of Arboles Circle	7:30 AM - 4:00 PM	25 mph	7:30 AM - 4:00 PM	#2403 Aug. 12, 1999	1999-01
40. Nueces Drive, North of FM 2818 - South of Guadalupe Drive	7:30 AM - 4:00 PM	25 mph	7:30 AM - 4:00 PM	#2403 Aug. 12, 1999	1999-01
41. Guadalupe Drive, West of Langford Street - East of Nueces Drive	7:30 AM - 4:00 PM	25 mph	7:30 AM - 4:00 PM	#2403 Aug. 12, 1999	1999-01
Pebble Creek Elementary					
42. Parkview Drive, West of Bogey Court - East of Birdie Court.	When Flashing	20 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#2198 Aug. 29, 1996	1998-05
43. Venture Drive, West of Lakeway Drive - East of S.H. 6 East Frontage Road.	When Flashing	20 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#2198 Aug. 29, 1996	1998-05
44. Lakeway Drive, South of Greens Prairie Road - North of Parkview Drive.	When Flashing	20 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#2198 Aug. 29, 1996	1998-05
45. Lakeway Drive, North of Quality Circle - South of Venture Drive.	When Flashing	20 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#2198 Aug. 29, 1996	1998-05
Cypress Grove Intermediate					
46. Graham Road, West of Schaffer Road - East of Victoria Avenue.	When Flashing	25 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#2403 Aug. 12, 1999	1999-02
47. Graham Road, West of S.H. 6 West Frontage Road - East of Schaffer Road.	When Flashing	25 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#2403 Aug. 12, 1999	1999-02
48. Schaffer Road, North of Graham Road - South of Hasselt Street.	When Flashing	25 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#2403 Aug. 12, 1999	1999-02

Location	Posted Hours	Posted Speed Limit	Operational Time (M - F)	Ord. No. Date Adopted	BASE MAP NO.
Forest Ridge Elementary					
49. Greens Prairie Road, West of Arrington – East of Castlegate Drive.	When Flashing	25 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#2868 Feb. 9, 2006	N/A
Creekview Elementary					
50. Eagle Avenue, West of New Port Lane – 385 feet east of school property	When Flashing	20 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	# Aug 17, 2009	N/A
Greens Prairie Elementary					
51. Greens Prairie Trail – beginning 210 feet east of the intersection with Royder Road and extending west 1150 feet from the west side of the intersection	When Flashing	25 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	# Dec. 8, 2011	N/A
52. Royder Road – beginning 160 feet north of the intersection with Greens Prairie Trail and extending south 815 feet from the south side of the intersection	When Flashing	25 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	# Dec. 8, 2011	N/A
College Station High School					
53. Barron Road – beginning 220 feet east of the intersection with Victoria Avenue and extending west 1350 feet from the west side to the intersection	When Flashing	25 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	# July 12, 2012	N/A
54. Victoria Avenue – beginning 250 feet north of the intersection with Barron Road and extending south 1730 feet from the south side of the intersection	When Flashing	25 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	# July 12, 2012	N/A



Proposed School Zone

College Station
High School



Location Map Proposed School Zone

EXHIBIT "B"
TRAFFIC DEVICE INVENTORY

Schedule V – School Zones

Revised December 8, 2011

Location	Posted Hours	Posted Speed Limit	W Operational Time (M - F)	Ord. No. / Date Adopted	BASE MAP NO.
College Hills Elementary					
1. Francis Drive, West of Ashburn Avenue - East of Williams Street.	When Flashing	20 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#1986 Nov. 12, 1992	1998-01
2. Francis Drive, West of Walton Drive - East of James Parkway.	When Flashing	20 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#1986 Nov. 12, 1992	1998-01
3. Gilchrist Avenue, West of Ashburn Avenue - East of Williams Street.	When Flashing	20 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#1441 Aug. 11, 1983	1998-01
4. Gilchrist Avenue, West of Williams Street - East of Walton Drive.	When Flashing	20 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#1441 Aug. 11, 1983	1998-01
5. Walton Drive, South of Nunn Street - North of Francis Drive.	When Flashing	20 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#1986 Nov. 12, 1992	1998-01
6. Walton Drive, South of Francis Drive - North of Bolton Avenue.	When Flashing	20 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#1986 Nov. 12, 1992	1998-01
South Knoll Elementary					
7. Southwest Parkway, East of Langford Street - West of Laura Lane.	When Flashing	20 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#1441 Aug. 11, 1983	1998-02
8. Southwest Parkway, East of Lawyer Place - West of Sabine Court.	When Flashing	20 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#1441 Aug. 11, 1983	1998-02
9. Langford Street, South of S. Ridgefield Court - North of Boswell Street.	When Flashing	20 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#1441 Aug. 11, 1983	1998-02
10. Langford Street, South of Boswell Street - North of Southwest Parkway.	When Flashing	20 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#1441 Aug. 11, 1983	1998-02
11. Boswell Street, East of Lawyer Street - West of Langford Street.	When Flashing	20 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#1441 Aug. 11, 1983	1998-02

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EXHIBIT "B"
TRAFFIC CONTROL DEVICE INVENTORY

Schedule V – School Zones

Revised December 8, 2011

Location	Posted Hours	Posted Speed Limit	W Operational Time (M - F)	Ord. No. / Date Adopted	BASE MAP NO.
Southwood Valley Elementary					
12. Deacon Drive, East of San Felipe Drive - West of Brothers Boulevard.	When Flashing	20 mph	7:20 - 8:05 AM 2:45 - 3:30 PM	#1441 Aug. 11, 1983	1998-02
13. Deacon Drive, East of Pierre Place - West of Celinda Circle.	When Flashing	20 mph	7:20 - 8:05 AM 2:45 - 3:30 PM	#1441 Aug. 11, 1983	1998-02
14. Brothers Boulevard, South of Todd Trail - North of Deacon Drive (intersection of Deacon and Brothers).	When Flashing	20 mph	7:20 - 8:05 AM 2:45 - 3:30 PM	#1441 Aug. 11, 1983	1998-02
15. Brothers Boulevard, South of Todd Trail - North of Deacon Drive (intersection of Todd Trail and Brothers).	When Flashing	20 mph	7:20 - 8:05 AM 2:45 - 3:30 PM	#1441 Aug. 11, 1983	1998-02
Oakwood Middle School / Willow Branch Intermediate School					
16. Holik Street, South of George Bush Drive - North of Anna Street (intersection of George Bush and Holik).	When Flashing	20 mph	7:45 - 8:45 AM 3:15 - 4:00 PM	#1441 Aug. 11, 1983	1998-03
17. Holik Street, North of Anna Street - South of George Bush Drive (intersection of Anna and Holik).	When Flashing	20 mph	7:45 - 8:45 AM 3:15 - 4:00 PM	#1441 Aug. 11, 1983	1998-03
18. Anderson Street, South of George Bush Drive - North of Wolf Run.	When Flashing	20 mph	7:45 - 8:45 AM 3:15 - 4:00 PM	#1441 Aug. 11, 1983	1998-03
19. Anderson Street, South of Wolf Run - North of Park Place.	When Flashing	20 mph	7:45 - 8:45 AM 3:15 - 4:00 PM	#1441 Aug. 11, 1983	1998-03
20. Timber Street, South of George Bush Drive and North of Anna Street (intersection of George Bush Dr. and Timbers).	When Flashing	20 mph	7:45 - 8:45 AM 3:15 - 4:00 PM	#2210 Sept. 26, 1996	1998-03
21. Timber Street, North of Anna Street - South of George Bush Drive.	When Flashing	20 mph	7:45 - 8:45 AM 3:15 - 4:00 PM	#2210 Sept. 26, 1996	1998-03

W - The operational time is a period in which the zone is enforceable. This time is variable and may change each semester/year depending on the actual school hours set by CSISD.

EXHIBIT "B"
TRAFFIC CONTROL DEVICE INVENTORY

Schedule V – School Zones
 Revised December 8, 2011

Location	Posted Hours	Posted Speed Limit	W Operational Time (M - F)	Ord. No. / Date Adopted	BASE MAP NO.
Rock Prairie Elementary / College Station Middle School					
22. Welsh Avenue, North of Edelweiss Avenue - South of Willow Loop.	When Flashing	25 mph	7:15-8:45 AM 2:45-4:15 PM	#1941 Feb. 13, 1992	1998-04
23. Honeysuckle Lane, East of Welsh Avenue - West of Westchester Avenue.	7:15-8:45 AM 2:45-4:15 PM	25 mph	7:15-8:45 AM 2:45-4:15 PM	#1941 Feb. 13, 1992	1998-04
24. Canterbury Drive, East of Welsh Avenue - West of Westchester Avenue.	7:15-8:45 AM 2:45-4:15 PM	25 mph	7:15-8:45 AM 2:45-4:15 PM	#1941 Feb. 13, 1992	1998-04
25. Dover Drive, East of Welsh Avenue - West of Westchester Avenue.	7:15-8:45 AM 2:45-4:15 PM	25 mph	7:15-8:45 AM 2:45-4:15 PM	#1941 Feb. 13, 1992	1998-04
26. Abbey Lane, East of Victoria Avenue - West of Nottingham Drive.	7:15-8:45 AM 2:45-4:15 PM	25 mph	7:15-8:45 AM 2:45-4:15 PM	#1989 April 11, 1989	1998-04
27. Yorkshire Drive, East of Victoria Avenue - West of Nottingham Drive.	7:15-8:45 AM 2:45-4:15 PM	25 mph	7:15-8:45 AM 2:45-4:15 PM	#1989 April 11, 1989	1998-04
28. Victoria Avenue, South of Yorkshire Drive - North of Shire Drive.	When Flashing	25 mph	7:15-8:45 AM 2:45-4:15 PM	#1821 Sept. 14, 1989	1998-04
29. Rock Prairie Road, East of Rio Grande Boulevard - West of Bahia Drive.	When Flashing	25 mph	7:15-8:45 AM 2:45-4:15 PM	#1987 Nov. 12, 1987	1998-04
30. Rio Grande Boulevard, South of Capistrano Court - North of Rock Prairie Road.	When Flashing	25 mph	7:15-8:45 AM 2:45-4:15 PM	#1987 Nov. 12, 1987	1998-04
31. Westchester Avenue, South of Dover Street - North of Rock Prairie Road.	7:15-8:45 AM 2:45-4:15 PM	25 mph	7:15-8:45 AM 2:45-4:15 PM	#1874 Dec. 13, 1990	1998-04
32. Rock Prairie Road, East of Shire Drive - West of Victoria Avenue.	When Flashing	25 mph	7:15-8:45 AM 2:45-4:15 PM	# 2259 Aug. 28, 1997	1998-04
33. Edelweiss Avenue, East of Caterina Lane – West of Innsbruck Circle.	When Flashing	25 mph	7:15-8:45 AM 2:45-4:15 PM	# 2703 Mar. 11, 2004	N/A
34. Innsbruck Circle, North of western intersection of Edelweiss Avenue and Innsbruck Circle.	7:15-8:45 AM 2:45-4:15 PM	25 mph	7:15-8:45 AM 2:45-4:15 PM	# 2703 Mar. 11, 2004	N/A
35. Innsbruck Circle, North of eastern intersection of Edelweiss Avenue and Innsbruck Circle.	7:15-8:45 AM 2:45-4:15 PM	25 mph	7:15-8:45 AM 2:45-4:15 PM	# 2703 Mar. 11, 2004	N/A
36. Sunflower Trail, North of Edelweiss Avenue – South of Welsh Avenue.	7:15-8:45 AM 2:45-4:15 PM	25 mph	7:15-8:45 AM 2:45-4:15 PM	# 2703 Mar. 11, 2004	N/A

W - The operational time is a period in which the zone is enforceable. This time is variable and may change each semester/year depending on the actual school hours set by CSISD.

EXHIBIT "B"
TRAFFIC CONTROL DEVICE INVENTORY

Schedule V – School Zones
 Revised December 8, 2011

Location	Posted Hours	Posted Speed Limit	W Operational Time (M - F)	Ord. No. / Date Adopted	BASE MAP NO.
C.S. High School					
37. Welsh Avenue, South of Nueces Drive - North of FM 2818 (intersection of Welsh and Nueces).	7:30 AM - 4:00 PM	25 mph	7:30 AM - 4:00 PM	#1889 April 11, 1991	1998-02
38. Welsh Avenue, North of FM 2818 - South of Nueces Drive (intersection of Welsh and FM 2818).	7:30 AM - 4:00 PM	25 mph	7:30 AM - 4:00 PM	#1889 April 11, 1991	1998-02
39. Nueces Drive, South of Hondo Drive - North of Arboles Circle	7:30 AM - 4:00 PM	25 mph	7:30 AM - 4:00 PM	#2403 Aug. 12, 1999	1999-01
40. Nueces Drive, North of FM 2818 - South of Guadalupe Drive	7:30 AM - 4:00 PM	25 mph	7:30 AM - 4:00 PM	#2403 Aug. 12, 1999	1999-01
41. Guadalupe Drive, West of Langford Street - East of Nueces Drive	7:30 AM - 4:00 PM	25 mph	7:30 AM - 4:00 PM	#2403 Aug. 12, 1999	1999-01
Pebble Creek Elementary					
42. Parkview Drive, West of Bogey Court - East of Birdie Court.	When Flashing	20 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#2198 Aug. 29, 1996	1998-05
43. Venture Drive, West of Lakeway Drive - East of S.H. 6 East Frontage Road.	When Flashing	20 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#2198 Aug. 29, 1996	1998-05
44. Lakeway Drive, South of Greens Prairie Road - North of Parkview Drive.	When Flashing	20 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#2198 Aug. 29, 1996	1998-05
45. Lakeway Drive, North of Quality Circle - South of Venture Drive.	When Flashing	20 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#2198 Aug. 29, 1996	1998-05
Cypress Grove Intermediate					
46. Graham Road, West of Schaffer Road - East of Victoria Avenue.	When Flashing	25 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#2403 Aug. 12, 1999	1999-02
47. Graham Road, West of S.H. 6 West Frontage Road - East of Schaffer Road.	When Flashing	25 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#2403 Aug. 12, 1999	1999-02
48. Schaffer Road, North of Graham Road - South of Hasselt Street.	When Flashing	25 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#2403 Aug. 12, 1999	1999-02

W - The operational time is a period in which the zone is enforceable. This time is variable and may change each semester/year depending on the actual school hours set by CSISD.

EXHIBIT "B"
TRAFFIC CONTROL DEVICE INVENTORY

Schedule V – School Zones
 Revised December 8, 2011

Location	Posted Hours	Posted Speed Limit	W Operational Time (M - F)	Ord. No. / Date Adopted	BASE MAP NO.
Forest Ridge Elementary					
49. Greens Prairie Road, West of Arrington – East of Castlegate Drive.	When Flashing	25 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	#2868 Feb. 9, 2006	N/A
Creekview Elementary					
50. Eagle Avenue, West of New Port Lane – 385 feet east of school property	When Flashing	20 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	# Aug 17, 2009	N/A
Greens Prairie Elementary					
51. Greens Prairie Trail – beginning 210 feet east of the intersection with Royder Road and extending west 1150 feet from the west side of the intersection	When Flashing	25 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	# Dec. 8, 2011	N/A
52. Royder Road – beginning 160 feet north of the intersection with Greens Prairie Trail and extending south 815 feet from the south side of the intersection	When Flashing	25 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	# Dec. 8, 2011	N/A
College Station High School					
53. Barron Road – beginning 220 feet east of the intersection with Victoria Avenue and extending west 1350 feet from the west side to the intersection	When Flashing	25 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	# July 12, 2012	N/A
54. Victoria Avenue – beginning 250 feet north of the intersection with Barron Road and extending south 1730 feet from the south side of the intersection	When Flashing	25 mph	7:30 - 8:15 AM 2:45 - 3:30 PM	# July 12, 2012	N/A

W - The operational time is a period in which the zone is enforceable. This time is variable and may change each semester/year depending on the actual school hours set by CSISD.

July 12, 2012
Consent Agenda Item No. 2c
Three-way Stop Control for the intersection of
Southern Plantation at Newport

To: David Neeley, City Manager

From: Chuck Gilman, P.E., PMP, Public Works Director

Agenda Caption: Presentation, possible action, and discussion on the consideration of an ordinance amending Chapter 10, "Traffic Code," Section 2.C of the Code of Ordinances of the City of College Station changing the traffic control at the intersection of Southern Plantation and Newport from one-way stop controlled operation to three-way stop controlled operation.

Relationship to Strategic Goals: Improving Mobility – Provide complete streets that accommodate vehicles, bicycles, and pedestrians.

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

Summary: The existing intersection of Southern Plantation and Newport is a T-intersection created by the termination of Newport at Southern Plantation, which is a minor collector in the Shenandoah subdivision that extends from just west of Newport to the west SH 6 frontage road. The Thoroughfare Plan shows Southern Plantation extending to Victoria by the new College Station High School. Currently, Newport is the only street required to stop at the intersection since it terminates into Southern Plantation.

Due to the curvature of the roadway in combination with the privacy fence along the north side of Southern Plantation, the motorists on Newport are unable to see the traffic approaching from the west a sufficient distance away to enter the intersection safely. The Bryan-College Station Unified Design Guideline Manual references the American Association of State Highways and Transportation Officials (AASHTO) design guidelines for intersection sight distance. This manual identifies sight triangles at intersections that need to remain clear of obstructions for a driver to safely enter an intersection without causing a crash. These triangles are based on the speed limit of the major roadway, so higher speed roads have larger sight triangle requirements.

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

Attachments:

1. Ordinance
2. Location Map
3. Visibility Obstruction Exhibit

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10, "TRAFFIC CODE", SECTION 2 "TRAFFIC CONTROL DEVICES", SECTION C "FOUR WAY STOP INTERSECTIONS", "TRAFFIC SCHEDULE II FOUR WAY STOP INTERSECTIONS", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

- PART 1:** That CHAPTER 10, "TRAFFIC CODE", Section 2 "Traffic Control Devices", Section C "Four Way Stop Intersections", "Traffic Schedule II Four Way Stop Intersections" of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.
- PART 2:** That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.
- PART 3:** That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Hundred Dollars (\$200.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2012.

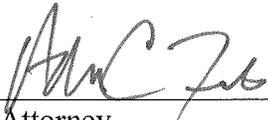
APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:

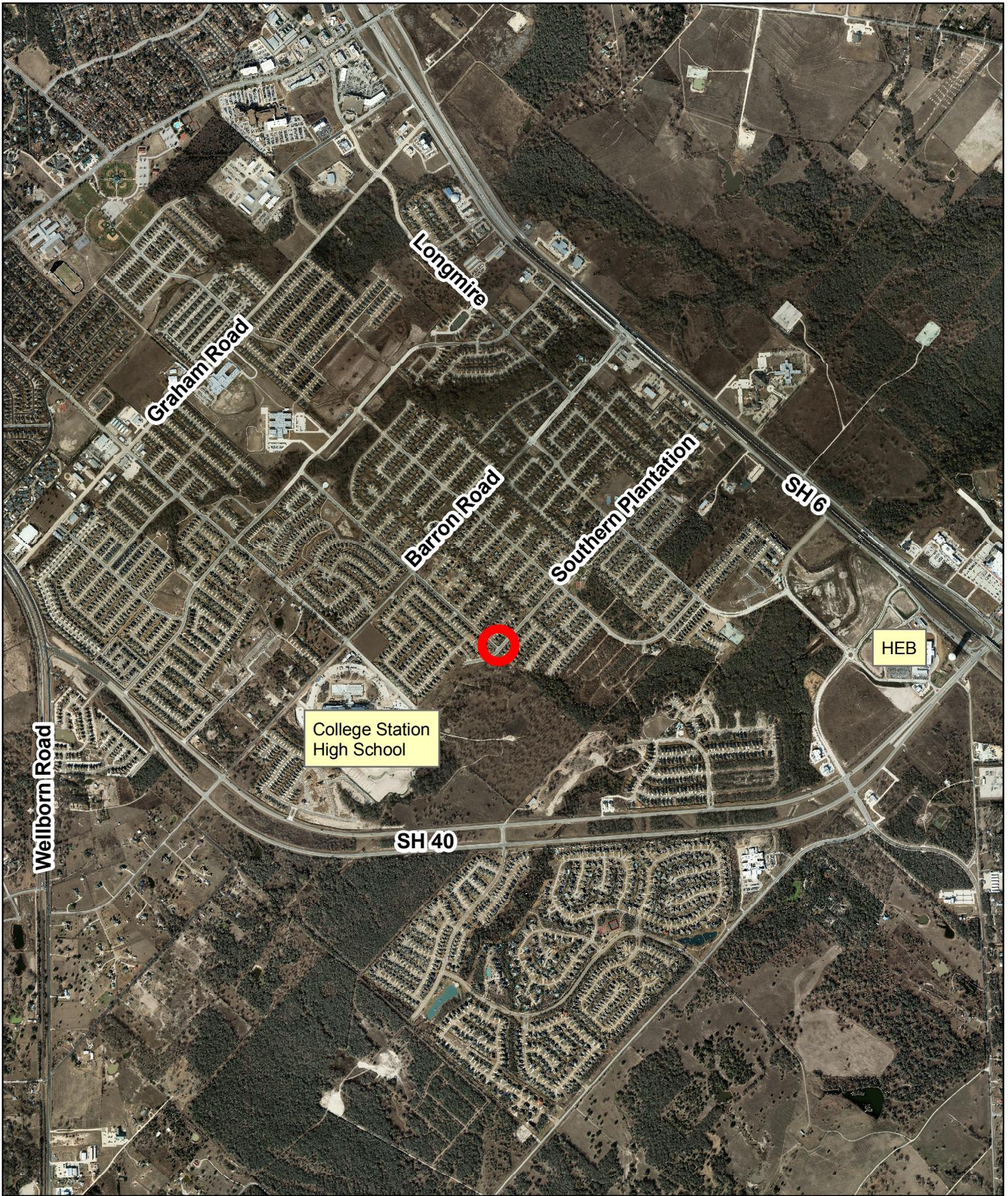


City Attorney

EXHIBIT "A"

That Chapter 10 "Traffic Code", Section 2 "Traffic Control Devices", Section C "Four Way Stop Intersections", "Traffic Schedule II Four Way Stop Intersections" is hereby amended to include the following:

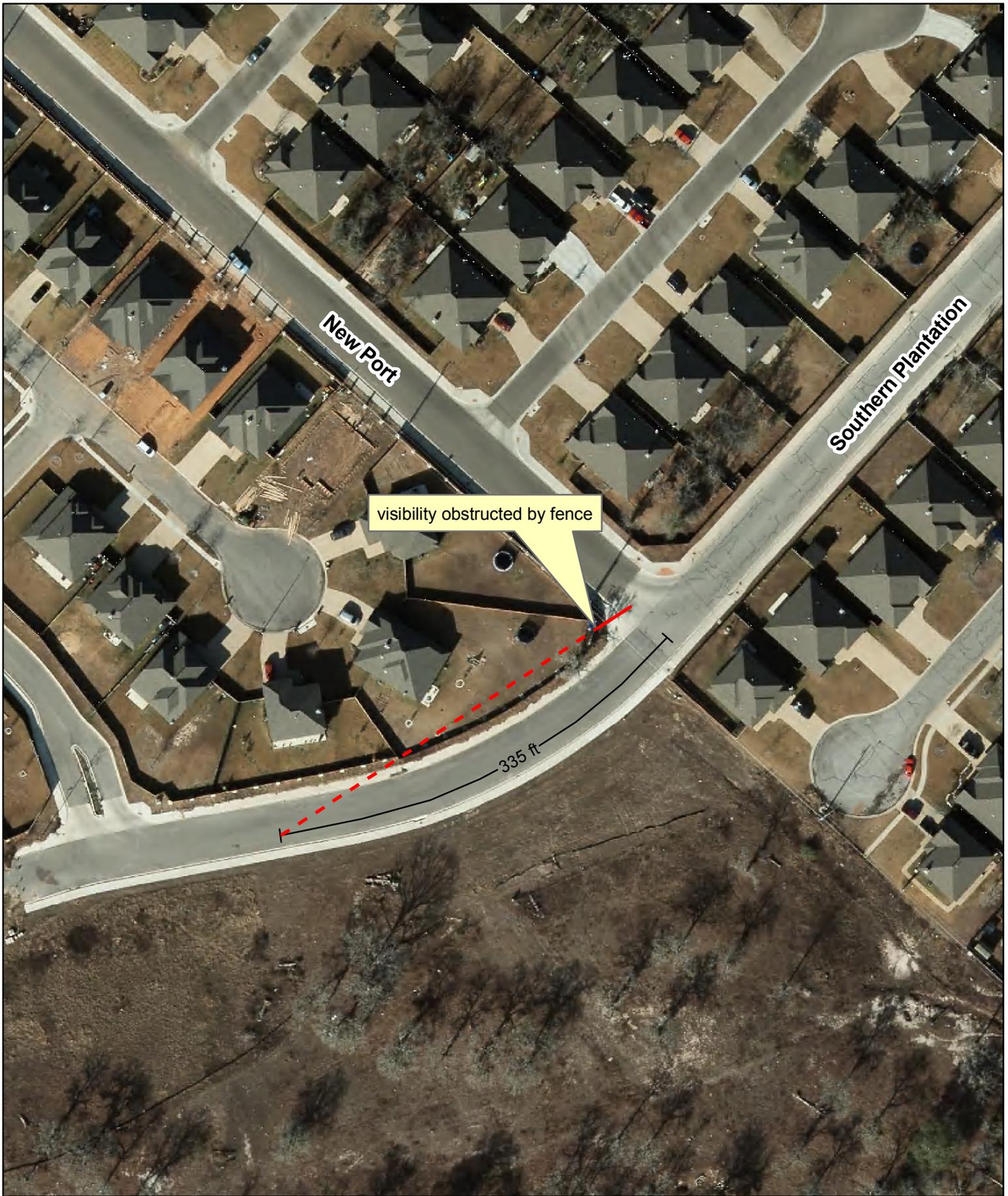
Southern Plantation Drive at Newport Lane



Visibility Restriction

Southern Plantation at New Port





Visibility Restriction
Southern Plantation at New Port



July 12, 2012
Consent Agenda Item No. 2d
Ratification of Amendment 2 to Contract for Transmission Operations with Bryan Texas Utilities

To: David Neeley, City Manager

From: David Massey, Director of Electric Utilities

Agenda Caption: Presentation, possible action, and discussion regarding ratification of Contract Amendment 2 to Contract 11-350 between the City of College Station and Bryan Texas Utilities (BTU) extending the term of the contract to allow BTU to continue its temporary operation of College Station's electric transmission system until July 31, 2012.

Relationship to Strategic Goals: Core Services and Infrastructure – Meet or exceed all state/federal standards.

Recommendation: Staff recommends that the Council ratify Contract Amendment 2.

Summary: Due to staff turnover, College Station does not currently have an adequate number of NERC certified system operators on staff. Federal and State regulations require that all Transmission Operators have at least one NERC certified operator on duty during every shift in Dispatch Operations.

In order to be compliant with NERC regulations, BTU began operating the College Station Utilities transmission system on September 1, 2011 pursuant to Contract 11-350. Under the terms of the contract the agreement was to expire December 31, 2011. Contract Amendment 1 was executed December 7, 2011 and extended the contract to June 30, 2012. Ratification of Contract Amendment 2 will continue that service for the period of July 1, 2012 through July 31, 2012 at an additional cost of \$5,000.

The cost of the original contract and Contract Amendment 1 totaled \$50,000, and the City Manager was authorized to approve and execute those agreements. However, Contract Amendment 2 increases the total cost of the contract to \$55,000 and requires Council ratification. The Council will consider a new agreement between College Station and BTU at its July 26th meeting covering the period from 8/1/2012 to 7/31/2013. The BTU Board is expected to take action on the new agreement on July 9th.

Budget & Financial Summary: Funds for this item were not included in the FY12 budget as the need was not known when the budget was developed. It is anticipated that budget can be transferred from other areas in the Electric budget to cover this expenditure.

Attachment:
Contract Amendment 2

**AMENDMENT NO. 2
TO AGREEMENT DATED AUGUST 31, 2011
BETWEEN THE CITY OF COLLEGE STATION AND
THE CITY OF BRYAN (BTU)**

WHEREAS, the City of College Station, Texas ("COCS") entered into an agreement with the City of Bryan ("BTU") on August 31, 2011 (the "Contract") in which BTU agreed to provide BTU NERC Certified System Operators to operate the COCS Electric Transmission System until December 31, 2011 (the "Services"); and

WHEREAS, COCS agreed, in consideration of such Services, to pay a fee to BTU in an amount not to exceed Five Thousand and No/100 Dollars (\$5,000) monthly; and

WHEREAS, the parties desire to amend the Contract to extend the term of the Contract to July 31, 2012;

NOW, THEREFORE, FOR AND IN CONSIDERATION of the recitations above and the covenants expressed herein below, the parties agree to the following:

To amend Paragraph 3. of the Contract by deleting in its entirety and replacing with the following:

"3. Term of Contract.

- A. All services provided under this Contract will commence on the following date: September 1, 2011.
- B. All services provided under this Contract will be completed by the following date: July 31, 2012, unless terminated earlier at such time that COCS obtains NERC Certification of its Electric Transmission Operators. COCS shall provide a written request for termination.
- C. This Contract may be cancelled by COCS at any time by written consent, or may be extended by written mutual agreement by BTU and COCS."

All other terms and conditions of the Contract shall remain unchanged and in full force and effect.

EXECUTED this the ____ day of _____, 2012.

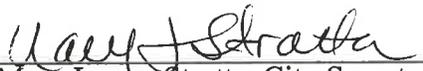
BRYAN TEXAS UTILITIES

By: 
Dan Wilkerson
BTU General Manager
Date: 6/26/12

CITY OF COLLEGE STATION

By: 
David Neeley, City Manager
Date: 6-28-12

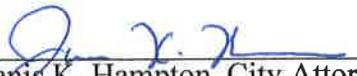
ATTEST:

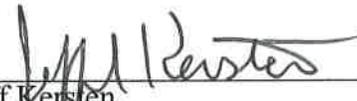

Mary Lynne Stratta, City Secretary

APPROVED:


Carla A. Robinson
City Attorney

APPROVED AS TO FORM:


Janis K. Hampton, City Attorney


Jeff Kersten,
Executive Director, Fiscal Services

July 12, 2012
Consent Agenda Item No. 2e
Office of the Governor Criminal Justice Division (CJD) Grant

To: David Neeley, City Manager

From: Jeff Capps, Chief of Police

Agenda Caption: Presentation, possible action, and discussion on the application and acceptance of an Office of the Governor, Criminal Justice Division (CJD) Grant.

Relationship to Strategic Goals: Financially Sustainable City

Recommendation(s): Staff recommends Council approval

Summary: The CJD's mission is to create and support programs that protect people from crime, reduce the number of crimes committed, and to promote accountability, efficiency, and effectiveness within the criminal justice system. CJD focuses on the enhancement of Texas' capacity to prevent crime, provide service and treatment options, enforce laws, train staff and volunteers, and the restoration of crime victims to full physical, emotional and mental health.

This CJD grant will provide 100% funding for the purchase of an all terrain vehicle to be used in the Northgate Entertainment District and at other special events where large groups gather. The addition of this piece of equipment will allow officers better mobility through dense crowds as well as provide them the ability to travel across large areas quickly when the need to respond to a call arises.

This grant will also provide 100% funding for the purchase of digital cameras to be used by our patrol officers. There are many times during a patrol shift in which an officer needs a camera to take photos for evidentiary purposes. Though a few cameras are currently available to our officers, the numbers are limited requiring officers to share and deliver cameras from one location to another. This has a profound impact on our efficiency in addition to the risk of losing evidence if a time sensitive situation arises such as a rain storm arriving that could wash away evidence or redness from an assault fading.

There is no local match requirement for CJD, but grant funding will only be provided for the initial equipment purchase. Due to this, any other associated costs such as maintenance, repair, or replacement will be the responsibility of the grantee agency.

A resolution supporting this grant was previously approved by Council on February 23, 2012. However, after submission of the application, our office was notified by the legal counsel of the Office of the Governor that they require a "loss/misuse" statement. This statement states that funding is contingent on funding from the Federal Government and should the funding be withdrawn, or if the city misuses the funds, the city will reimburse the Office of the Governor for any funds received.

Budget & Financial Summary: The purchase of the ATV will cost approximately \$14,700. Annual maintenance, repair, or replacement is estimated to not exceed \$300. The equipment necessary to provide each officer with a digital camera will total approximately \$12,122. Annual maintenance, repair, or replacement is estimated to not exceed \$2000. A budget amendment will be brought forward to appropriate these grant funds into the police department budget.

Attachments:

1. Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION TO AUTHORIZE THE CITY MANAGER OR HIS DESIGNEES TO EXECUTE DOCUMENTS NECESSARY FOR THE SUBMISSION OF THE PATROL EFFICIENCY GRANT APPLICATION FOR THE OFFICE OF THE GOVERNOR CRIMINAL JUSTICE DIVISION (CJD) FUNDS ON BEHALF OF THE CITY AND TO ACT ON ITS BEHALF WITH RESPECT TO ANY ISSUES THAT MAY ARISE DURING PROCESSING OF SAID APPLICATION.

WHEREAS, the City Council of College Station has expressed commitment to providing for the health and safety of its citizens; and

WHEREAS, the City of College Station Police Department is dedicated to seeking efficient and effective means to reduce crime and recover evidence; and

WHEREAS, the Office of the Governor has issued a Request for Applications for CJD funding to reduce crime and improve the criminal justice system; and

WHEREAS, the eligible activities under CJD are consistent with the strategies identified in the Police Department's Operational Plan; and

WHEREAS, eligible activities under CJD can be expected to enhance the City's existing policing services, and alleviate health and safety concerns.

WHEREAS, the City Council acknowledges that the Patrol Efficiency Grant requires the City to pay any maintenance costs beyond the initial purchase of equipment; now, therefore,

BE IT RESOLVED by the City Council of the City of College Station hereby approves the submission of the Patrol Efficiency Grant application to the Office of the Governor, Criminal Justice Division.

PART 1: That the City Council hereby authorizes the City Manager or his designees as authorized officials to execute documents necessary for the submission of the Patrol Efficiency Grant application, with Application Number 2560701, for CJD funds to the Officer of the Governor on behalf of the City of College Station and to act on its behalf with respect to any issues that may arise during processing of said application.

PART 2: That the City Manager or his designees as authorized officials are given the power to apply for, accept, reject, alter or terminate the Patrol Efficiency Grant on behalf of the City of College Station.

PART 3: That the City of College Station agrees in the event of loss or misuse of the Criminal Justice Division funds, the City of College Station assures the funds will be returned to the Criminal Justice Division in full.

PART 4: That this resolution shall repeal and replace Resolution No. 02-23-12-2f that was approved by the College Station City Council on February 23, 2012 attached as Exhibit A.

PART 5: That this resolution shall take effect immediately from and after its passage.

ADOPTED this ___ day of _____, 2012.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:



City Attorney

July 12, 2012
Consent Agenda Item No. 2f
Interlocal Agreement with TAMU for Fire Protection to Easterwood Airport

To: David Neeley, City Manager

From: Robert Alley, Fire Chief

Agenda Caption: Presentation, possible action and discussion regarding the approval of a Interlocal Agreement and resolution accepting from Texas A&M University the sum of \$196,200 for providing Fire Protection to Easterwood Airport.

Recommendation(s): Staff recommends acceptance of these funds from Texas A&M University to provide this protection to Easterwood Airport.

Summary: The City of College Station provides staffing, training and response equipment to provide Fire Protection for the Airport and AirCraft at Easterwood Airport which is owned by Texas A&M University. The City of College Station will receive a sum of \$196,200 each year for the next 3 years from Texas A&M University for providing this protection and service. These funds will be placed in the City of College Station General Fund to cover the costs of providing this protection and service. The period of this agreement shall be 3 years and will end on January 31, 2015.

Budget & Financial Summary: This sum has been included by the Fiscal Services Department through the Budget Process.

Attachments:
Interlocal Agreement on file in City Secretary's Office
Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING THE INTERLOCAL AGREEMENT WITH TEXAS A&M UNIVERSITY FOR PROVIDING FIRE PROTECTION TO EASTERWOOD AIRPORT.

WHEREAS, Texas A&M University owns and operates Easterwood Airport and is required by the Federal Aviation Administration to provide Fire Protection for the Airport facilities and the Aircraft at Easterwood Airport; and

WHEREAS, the City of College Station currently provides Fire Protection to Easterwood Airport primarily from Fire Station # 4 on George Bush Drive through an Interlocal Agreement which has been updated and is scheduled to be in effect for a period ending on January 31, 2015; and

WHEREAS, the intent of this Interlocal Agreement is to continue to provide Fire Protection to Easterwood Airport facilities and the Aircraft by the City of College Station ; and now, therefore,

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

PART 1: That the City Council hereby approves the Interlocal Agreement with Texas A&M University for providing Fire Protection to Easterwood Airport Facilities and the Aircraft at Easterwood Airport.

PART 2: That the City Council hereby accepts payment from Easterwood Airport in the amount of \$196,200 on an annual basis each year for 2012, 2013, and 2014 for providing Fire Protection to Easterwood Airport.

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

ADOPTED this _____ day of _____, 2012.

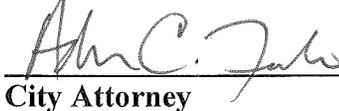
ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:



City Attorney

July 12, 2012
Consent Agenda Item No. 2g
Wolf Pen Creek Festival Area
Construction Contract
Project Number WP 0901

To: David Neeley, City Manager

From: Chuck Gilman, P.E., PMP, Public Works Director

Agenda Caption: Presentation, possible action, and discussion regarding a resolution to approve the construction contract (Contract 12-240) with Kieschnick General Contractors in the amount of \$899,122.00, for the construction of the Wolf Pen Creek Festival Area project (WP 0901).

Relationship to Strategic Goals: Diverse Growing Economy - Diversified economy generating quality, stable full-time jobs bolstering the sales and property tax base and contributing to a high quality of life.

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

Summary: The Wolf Pen Creek Festival Area project includes a lighted concrete trail with power and water hook ups to serve vendors during various events and festivals to be held in this area of Wolf Pen Creek Park. The project also includes additional concrete parking to support events held at the Park. The proposed improvements will be constructed behind the Arts Building adjacent to Dartmouth Drive.

Budget & Financial Summary: Funds in the amount of \$1,845,992 are currently budgeted in the Wolf Pen Creek TIF Fund for this project. A total of \$556,147.49 has been expended or committed to date, leaving a balance of \$1,289,844.51 for construction and remaining expenditures.

Attachments:

- 1.) Resolution
- 2.) Bid Tab
- 3.) Project Location Map

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING A CONSTRUCTION CONTRACT FOR THE WOLF PEN CREEK FESTIVAL AREA PROJECT AND AUTHORIZING THE EXPENDITURE OF FUNDS.

WHEREAS, the City of College Station, Texas, solicited bids for the construction phase of the Wolf Pen Creek Festival Area Project; and

WHEREAS, the selection of Kieschnick General Contractors, Inc. is being recommended as the lowest responsible bidder for the construction services related to the Wolf Pen Creek Festival Area 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 Kieschnick General Contractors, Inc. is the lowest responsible bidder.

PART 2: That the City Council hereby approves the construction contract with Kieschnick General Contractors, Inc. for \$899,122.00 for the labor, materials and equipment required for the improvements related the Wolf Pen Creek Festival Area Project.

PART 3: That the funding for this construction contract will be as budgeted from the WPC TIF Fund, in the amount of \$899,122.00.

PART 4: That the City Council hereby authorizes the City Manager to execute this construction ontract.

PART 5: That this resolution shall take effect immediately from and after its passage.

ADOPTED this 12th day of July, 2012.

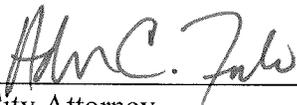
ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:



City Attorney



City of College Station - Purchasing Division
Bid Tabulation for #12-068
"Wolf Pen Creek Festival Area"
Open Date: Friday, June 22, 2012 @ 2:00 p.m.

ITEM	QTY	UNIT	DESCRIPTION	Kieschnick General Contractors (Wellborn, TX)		Larry Young Paving (College Station, TX)		Vox Construction, LLC (Bryan, TX)		Dudley Construction Ltd. (College Station, TX)		JaCody, Inc (College Station, TX)		G.W. Williams, Inc. (College Station, TX)	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
MISCELLANEOUS															
1	1	LS	Payment and Performance Bonds	\$13,000.00	\$13,000.00	\$25,000.00	\$25,000.00	\$14,500.00	\$14,500.00	\$18,115.00	\$18,115.00	\$12,800.00	\$12,800.00	\$14,944.50	\$14,944.50
2	1	LS	Mobilization	\$13,000.00	\$13,000.00	\$27,000.00	\$27,000.00	\$21,543.00	\$21,543.00	\$17,150.00	\$17,150.00	\$50,000.00	\$50,000.00	\$12,354.12	\$12,354.12
3	1	LS	SWPPP	\$2,500.00	\$2,500.00	\$1,000.00	\$1,000.00	\$1,677.00	\$1,677.00	\$1,750.00	\$1,750.00	\$2,000.00	\$2,000.00	\$1,660.50	\$1,660.50
4	1	LS	Miscellaneous Demolition	\$5,000.00	\$5,000.00	\$1,000.00	\$1,000.00	\$19,170.00	\$19,170.00	\$7,000.00	\$7,000.00	\$20,000.00	\$20,000.00	\$4,494.42	\$4,494.42
5	5	EA	Tree Removal	\$200.00	\$1,000.00	\$500.00	\$2,500.00	\$213.00	\$1,065.00	\$655.00	\$3,275.00	\$225.00	\$1,125.00	\$256.82	\$1,284.10
6	4,000	LF	Tree Protection Barricade	\$1.30	\$5,200.00	\$1.90	\$7,600.00	\$0.91	\$3,640.00	\$1.88	\$7,520.00	\$1.25	\$5,000.00	\$1.66	\$6,640.00
EROSION CONTROL ITEMS															
7	3,400	LF	Furnish, Maintain, and Remove Sediment Control Fencing	\$2.00	\$6,800.00	\$1.40	\$4,760.00	\$3.20	\$10,880.00	\$3.32	\$11,288.00	\$1.50	\$5,100.00	\$2.16	\$7,344.00
8	1700	SY	Sod	\$3.40	\$5,780.00	\$3.30	\$5,610.00	\$2.93	\$4,981.00	\$2.89	\$4,913.00	\$3.05	\$5,185.00	\$2.39	\$4,063.00
9	16900	SY	Hydromulch Seeding	\$0.40	\$6,760.00	\$0.35	\$5,915.00	\$1.60	\$27,040.00	\$1.56	\$26,364.00	\$1.60	\$27,040.00	\$1.33	\$22,477.00
10	156	SY	Furnish, Maintain, and Remove Stabilized Construction Exit	\$15.00	\$2,340.00	\$10.00	\$1,560.00	\$13.85	\$2,160.60	\$19.00	\$2,964.00	\$16.50	\$2,574.00	\$9.08	\$1,416.48
11	113	LF	Furnish, Maintain, and Remove Hay Bale Berm	\$13.00	\$1,469.00	\$10.00	\$1,130.00	\$7.99	\$902.87	\$11.60	\$1,310.80	\$5.00	\$565.00	\$13.28	\$1,500.64
DRAINAGE ITEMS															
12	566	LF	Trench Safety	\$1.00	\$566.00	\$1.10	\$622.60	\$1.07	\$605.62	\$1.17	\$662.22	\$1.10	\$622.60	\$1.27	\$718.82
13	102	CY	Cement Stabilized Sand Backfill	\$35.00	\$3,570.00	\$37.75	\$3,850.50	\$30.89	\$3,150.78	\$58.47	\$5,963.94	\$38.50	\$3,927.00	\$32.10	\$3,274.20
14	51	LF	12" Diameter HDPE Pipe	\$30.00	\$1,530.00	\$32.15	\$1,639.65	\$24.92	\$1,270.92	\$29.24	\$1,491.24	\$33.00	\$1,683.00	\$25.90	\$1,320.90
15	54	LF	18" Diameter HDPE Pipe	\$40.00	\$2,160.00	\$43.50	\$2,349.00	\$42.60	\$2,300.40	\$35.08	\$1,894.32	\$44.00	\$2,376.00	\$48.82	\$2,636.28
16	428	LF	18" Reinforced Concrete Pipe	\$45.00	\$19,260.00	\$48.00	\$20,544.00	\$40.68	\$17,411.04	\$46.78	\$20,021.84	\$49.50	\$21,186.00	\$42.29	\$18,100.12
17	33	LF	24" Reinforced Concrete Pipe	\$50.00	\$1,650.00	\$59.00	\$1,947.00	\$50.06	\$1,651.98	\$58.47	\$1,929.51	\$60.50	\$1,996.50	\$52.03	\$1,716.99
18	2	EA	4' Diameter Manhole	\$2,150.00	\$4,300.00	\$2,350.00	\$4,700.00	\$2,120.00	\$4,240.00	\$2,900.00	\$5,800.00	\$2,365.00	\$4,730.00	\$2,204.04	\$4,408.08
19	1	EA	5' Diameter Manhole	\$3,100.00	\$3,100.00	\$3,375.00	\$3,375.00	\$1,237.00	\$1,237.00	\$3,500.00	\$3,500.00	\$3,410.00	\$3,410.00	\$2,504.03	\$2,504.03
20	1	EA	3' Grate Inlet	\$900.00	\$900.00	\$1,000.00	\$1,000.00	\$958.50	\$958.50	\$3,500.00	\$3,500.00	\$990.00	\$990.00	\$1,476.74	\$1,476.74
21	3	EA	10' Curb Inlet	\$2,500.00	\$7,500.00	\$2,700.00	\$8,100.00	\$2,409.00	\$7,227.00	\$3,275.00	\$9,825.00	\$2,750.00	\$8,250.00	\$2,504.03	\$7,512.09
22	6	EA	CoCS Concrete Headwall (4:1)(HDPE)(12")	\$600.00	\$3,600.00	\$650.00	\$3,900.00	\$639.00	\$3,834.00	\$468.00	\$2,808.00	\$660.00	\$3,960.00	\$963.09	\$5,778.54
23	2	EA	CoCS Concrete Headwall (4:1)(HDPE)(18")	\$600.00	\$1,200.00	\$650.00	\$1,300.00	\$639.00	\$1,278.00	\$585.00	\$1,170.00	\$660.00	\$1,320.00	\$1,027.30	\$2,054.60
24	1	EA	CoCS Concrete Headwall (4:1)(RCP)(18")	\$750.00	\$750.00	\$800.00	\$800.00	\$790.00	\$790.00	\$585.00	\$585.00	\$825.00	\$825.00	\$1,027.30	\$1,027.30
25	1	EA	CoCS Concrete Headwall (4:1)(RCP)(24")	\$800.00	\$800.00	\$850.00	\$850.00	\$852.00	\$852.00	\$1,000.00	\$1,000.00	\$880.00	\$880.00	\$1,027.30	\$1,027.30
26	20	LF	Remove Existing 12" CMP Culvert	\$5.00	\$100.00	\$10.00	\$200.00	\$5.33	\$106.60	\$11.69	\$233.80	\$5.50	\$110.00	\$14.11	\$282.20
27	14	LF	Remove Existing 12" HDPE Culvert	\$10.00	\$140.00	\$10.00	\$140.00	\$10.65	\$149.10	\$11.69	\$163.66	\$11.00	\$154.00	\$12.84	\$179.76
PUBLIC WATER LINE ITEMS															
28	919	LF	Trench Safety (based on linear feet of horizontal pipe)	\$1.00	\$919.00	\$1.10	\$1,010.90	\$1.07	\$983.33	\$1.17	\$1,075.23	\$1.10	\$1,010.90	\$1.27	\$1,167.13
29	789	LF	Furnish and Install 8" DR 14 CL 200 C900 PVC water line by open-cut with non-structural backfill as per the plans and specifications, complete and in place	\$18.00	\$14,202.00	\$23.75	\$18,738.75	\$33.23	\$26,218.47	\$21.05	\$16,608.45	\$24.20	\$19,093.80	\$34.54	\$27,252.06
30	130	LF	Furnish and Install 8" DR 14 CL 200 C900 PVC water line by open-cut with structural backfill as per the plans and specifications, complete and in place	\$22.00	\$2,860.00	\$27.25	\$3,542.50	\$44.36	\$5,766.80	\$25.73	\$3,344.90	\$27.50	\$3,575.00	\$46.11	\$5,994.30



City of College Station - Purchasing Division
Bid Tabulation for #12-068
"Wolf Pen Creek Festival Area"
Open Date: Friday, June 22, 2012 @ 2:00 p.m.

ITEM	QTY	UNIT	DESCRIPTION	Kieschnick General Contractors (Wellborn, TX)		Larry Young Paving (College Station, TX)		Vox Construction, LLC (Bryan, TX)		Dudley Construction Ltd. (College Station, TX)		JaCody, Inc (College Station, TX)		G.W. Williams, Inc. (College Station, TX)	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
31	51	LF	Furnish and Install 8" DR 14 CL 200 C900 PVC water line by bore as per the plans and specifications, complete and in place	\$60.00	\$3,060.00	\$80.00	\$4,080.00	\$81.00	\$4,131.00	\$175.42	\$8,946.42	\$82.50	\$4,207.50	\$84.13	\$4,290.63
32	51	LF	Furnish and install 16" diameter 3/8" thick steel casing as per plans and specifications, complete and in place.	\$60.00	\$3,060.00	\$65.50	\$3,340.50	\$63.00	\$3,213.00	\$70.17	\$3,578.67	\$66.00	\$3,366.00	\$66.14	\$3,373.14
33	1	LS	Connect proposed 8" water line to existing 8" PVC water line at Dartmouth Dr, as per the plans and specifications, complete and in place	\$1,500.00	\$1,500.00	\$2,150.00	\$2,150.00	\$2,500.00	\$2,500.00	\$1,812.00	\$1,812.00	\$2,200.00	\$2,200.00	\$2,606.99	\$2,606.99
34	1	LS	Connect proposed 8" water line to existing 8" AC water line at Colgate, as per the plans and specifications, complete and in place	\$1,500.00	\$1,500.00	\$2,150.00	\$2,150.00	\$2,500.00	\$2,500.00	\$2,339.00	\$2,339.00	\$2,200.00	\$2,200.00	\$2,606.99	\$2,606.99
35	3	EA	Furnish and Install 8" MJ gate valve as per the plans and specifications, as per the plans and specifications, complete and in place	\$1,000.00	\$3,000.00	\$1,200.00	\$3,600.00	\$1,360.00	\$4,080.00	\$1,350.00	\$4,050.00	\$1,210.00	\$3,630.00	\$1,419.17	\$4,257.51
36	2	EA	Furnish and Install 8" MJ tee as per the plans and specifications, as per the plans and specifications, complete and in place	\$450.00	\$900.00	\$500.00	\$1,000.00	\$462.00	\$924.00	\$468.00	\$936.00	\$500.00	\$1,000.00	\$480.44	\$960.88
37	1	EA	Furnish and Install 8"x6" MJ tee as per the plans and specifications, complete and in place	\$450.00	\$450.00	\$500.00	\$500.00	\$462.00	\$462.00	\$468.00	\$468.00	\$500.00	\$500.00	\$480.44	\$480.44
38	5	EA	Furnish and Install 8" MJ 45o bend as per the plans and specifications, complete and in place	\$400.00	\$2,000.00	\$420.00	\$2,100.00	\$394.00	\$1,970.00	\$410.00	\$2,050.00	\$440.00	\$2,200.00	\$409.59	\$2,047.95
39	6	EA	Furnish and Install 8" MJ 22.5o or 11.25o bend, as per the plans and specifications, complete and in place	\$400.00	\$2,400.00	\$420.00	\$2,520.00	\$395.00	\$2,370.00	\$410.00	\$2,460.00	\$440.00	\$2,640.00	\$410.70	\$2,464.20
40	1	EA	Furnish and Install standard fire hydrant assembly including hydrant, 6" gate valve and box, 6" water line and appurtenances, as per the plans and specifications, complete and in place	\$3,000.00	\$3,000.00	\$3,250.00	\$3,250.00	\$3,890.00	\$3,890.00	\$5,150.00	\$5,150.00	\$3,300.00	\$3,300.00	\$4,042.76	\$4,042.76
41	2	EA	Furnish and Install Single "Short" water service as shown on the drawings and directed by the engineer, complete in place	\$750.00	\$1,500.00	\$800.00	\$1,600.00	\$1,167.00	\$2,334.00	\$585.00	\$1,170.00	\$825.00	\$1,650.00	\$1,213.27	\$2,426.54
PRIVATE WATER SERVICE ITEMS															
42	0	EA	Furnish and Install Hose Bibs as shown on the drawings and directed by the engineer, complete in place	\$260.00	\$0.00	\$190.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$3,874.50	\$0.00
43	210	LF	Furnish and Install 5/8" Water service line as shown on the drawings and directed by the engineer, complete in place	\$10.00	\$2,100.00	\$6.40	\$1,344.00	\$4.31	\$905.10	\$11.50	\$2,415.00	\$10.85	\$2,278.50	\$940.95	\$197,599.50
44	470	LF	Furnish and Install 1" Water service line as shown on the drawings and directed by the engineer, complete in place	\$8.50	\$3,995.00	\$6.75	\$3,172.50	\$3.73	\$1,753.10	\$10.55	\$4,958.50	\$8.70	\$4,089.00	\$3.87	\$1,818.90
45	0	LF	Furnish and Install 1-1/2" Water service line as shown on the drawings and directed by the engineer, complete in place	\$10.00	\$0.00	\$6.75	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$10.15	\$0.00	\$8.36	\$0.00
46	220	LF	Furnish and Install 2" Water service line as shown on the drawings and directed by the engineer, complete in place	\$15.00	\$3,300.00	\$7.00	\$1,540.00	\$8.04	\$1,768.80	\$10.35	\$2,277.00	\$13.65	\$3,003.00	\$8.36	\$1,839.20
47	202	LF	Furnish and Install 3" Water service line as shown on the drawings and directed by the engineer, complete in place	\$12.00	\$2,424.00	\$7.00	\$1,414.00	\$8.04	\$1,624.08	\$10.87	\$2,195.74	\$12.00	\$2,424.00	\$8.36	\$1,688.72
48	2	EA	Furnish and Install 3" Isolation Valve as shown on the drawings and directed by the engineer, complete in place	\$610.00	\$1,220.00	\$610.00	\$1,220.00	\$577.00	\$1,154.00	\$2,360.00	\$4,720.00	\$600.00	\$1,200.00	\$599.99	\$1,199.98



City of College Station - Purchasing Division
Bid Tabulation for #12-068
"Wolf Pen Creek Festival Area"
Open Date: Friday, June 22, 2012 @ 2:00 p.m.

ITEM	QTY	UNIT	DESCRIPTION	Kieschnick General Contractors (Wellborn, TX)		Larry Young Paving (College Station, TX)		Vox Construction, LLC (Bryan, TX)		Dudley Construction Ltd. (College Station, TX)		JaCody, Inc (College Station, TX)		G.W. Williams, Inc. (College Station, TX)	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
PAVEMENT AND GRADING ITEMS															
49	2400	CY	Excavation as shown on the drawings and directed by the engineer, complete in place	\$3.00	\$7,200.00	\$4.00	\$9,600.00	\$3.73	\$8,952.00	\$4.68	\$11,232.00	\$4.00	\$9,600.00	\$3.93	\$9,432.00
50	9700	CY	Furnish and install Density Controlled Embankment (measured at final placement) as shown on the drawings and directed by the engineer, complete in place	\$12.00	\$116,400.00	\$7.75	\$75,175.00	\$13.85	\$134,345.00	\$8.19	\$79,443.00	\$14.30	\$138,710.00	\$14.28	\$138,516.00
51	7576	SY	Lime treated subgrade (depth of 6")	\$4.50	\$34,092.00	\$5.00	\$37,880.00	\$6.40	\$48,486.40	\$4.09	\$30,985.84	\$6.75	\$51,138.00	\$8.14	\$61,668.64
52	6286	SY	Concrete pavement (depth of 6")	\$32.00	\$201,152.00	\$31.40	\$197,380.40	\$28.50	\$179,151.00	\$33.57	\$211,021.02	\$27.50	\$172,865.00	\$27.91	\$175,442.26
53	2034	LF	Concrete Curb	\$5.00	\$10,170.00	\$5.50	\$11,187.00	\$4.35	\$8,847.90	\$3.50	\$7,119.00	\$3.50	\$7,119.00	\$4.73	\$9,620.82
54	150	LF	Remove Existing Concrete Curb and Gutter	\$3.00	\$450.00	\$6.50	\$975.00	\$4.25	\$637.50	\$11.69	\$1,753.50	\$5.00	\$750.00	\$9.08	\$1,362.00
55	130	LF	Remove Existing 4' Concrete Sidewalk	\$1.00	\$130.00	\$4.40	\$572.00	\$6.40	\$832.00	\$7.04	\$915.20	\$7.50	\$975.00	\$2.60	\$338.00
56	75	LF	Remove & Return to the City Existing Chain Link Fence	\$2.00	\$150.00	\$10.00	\$750.00	\$2.10	\$157.50	\$7.58	\$568.50	\$3.00	\$225.00	\$20.76	\$1,557.00
57	34	SY	Remove HMAC Pavement 2"-6" Thickness	\$10.00	\$340.00	\$8.00	\$272.00	\$10.65	\$362.10	\$11.69	\$397.46	\$12.00	\$408.00	\$7.75	\$263.50
58	29	SY	4" Concrete Sidewalk (4' wide)	\$32.00	\$928.00	\$38.00	\$1,102.00	\$28.90	\$838.10	\$31.58	\$915.82	\$31.50	\$913.50	\$27.40	\$794.60
59	4	EA	Furnish and Install 4' Sidewalk Ambulatory Ramp	\$1,250.00	\$5,000.00	\$375.00	\$1,500.00	\$226.00	\$904.00	\$584.75	\$2,339.00	\$450.00	\$1,800.00	\$436.16	\$1,744.64
60	2	EA	Furnish and Install 10' Sidewalk Ambulatory Ramp	\$1,500.00	\$3,000.00	\$935.00	\$1,870.00	\$532.00	\$1,064.00	\$935.60	\$1,871.20	\$650.00	\$1,300.00	\$800.36	\$1,600.72
61	1	EA	Furnish and Install 20' Sidewalk Ambulatory Ramp	\$1,500.00	\$1,500.00	\$1,870.00	\$1,870.00	\$1,278.00	\$1,278.00	\$1,170.00	\$1,170.00	\$950.00	\$950.00	\$1,422.50	\$1,422.50
SITE ELECTRICAL															
62	1	LS	Service Entrance	\$64,500.00	\$64,500.00	\$66,000.00	\$66,000.00	\$58,575.00	\$58,575.00	\$75,150.00	\$75,150.00	\$64,432.50	\$64,432.50	\$64,842.53	\$64,842.53
63	16	EA	Pedestrian Lighting - Including conduit and wires (complete and operational)	\$5,200.00	\$83,200.00	\$5,400.00	\$86,400.00	\$4,435.00	\$70,960.00	\$6,150.00	\$98,400.00	\$5,186.50	\$82,984.00	\$5,219.51	\$83,512.16
64	4	EA	Parking Lot Lighting - Including conduit and wires (complete and operational)	\$4,000.00	\$16,000.00	\$3,250.00	\$13,000.00	\$3,400.00	\$13,600.00	\$3,815.00	\$15,260.00	\$2,997.50	\$11,990.00	\$3,016.58	\$12,066.32
65	1	LS	Powerhouse-SS Power Pedestals - with tamper resistant water connections (complete and operational, including but not limited to necessary wiring and grounding, transformers and water connections)	\$49,750.00	\$49,750.00	\$100,000.00	\$100,000.00	\$68,480.00	\$68,480.00	\$55,709.00	\$55,709.00	\$49,500.00	\$49,500.00	\$49,815.00	\$49,815.00
SITE MISCELLANEOUS															
66	60	LF	Retaining Wall	\$50.00	\$3,000.00	\$132.00	\$7,920.00	\$38.34	\$2,300.40	\$86.68	\$5,200.80	\$50.00	\$3,000.00	\$77.05	\$4,623.00
67	4	EA	6' Benches on Concrete Pad	\$2,000.00	\$8,000.00	\$750.00	\$3,000.00	\$1,554.00	\$6,216.00	\$2,132.00	\$8,528.00	\$1,400.00	\$5,600.00	\$1,844.26	\$7,377.04
68	4	EA	Trash Receptacles	\$1,500.00	\$6,000.00	\$750.00	\$3,000.00	\$1,111.00	\$4,444.00	\$1,177.00	\$4,708.00	\$1,015.00	\$4,060.00	\$1,185.60	\$4,742.40
69	1	LS	Bike Racks on Concrete Pad	\$1,000.00	\$1,000.00	\$1,000.00	\$1,000.00	\$620.00	\$620.00	\$2,146.00	\$2,146.00	\$600.00	\$600.00	\$1,400.36	\$1,400.36
70	1	EA	Drinking Fountain	\$5,800.00	\$5,800.00	\$5,000.00	\$5,000.00	\$4,555.00	\$4,555.00	\$4,503.00	\$4,503.00	\$4,700.00	\$4,700.00	\$4,734.64	\$4,734.64
71	70	LF	Chain Link Fence - 6' tall	\$37.00	\$2,590.00	\$25.00	\$1,750.00	\$16.00	\$1,120.00	\$32.20	\$2,254.00	\$30.25	\$2,117.50	\$66.42	\$4,649.40
72	1	EA	10'-0" Wide Double Swing Chain Link Gate	\$1,000.00	\$1,000.00	\$1,200.00	\$1,200.00	\$852.00	\$852.00	\$932.00	\$932.00	\$875.00	\$875.00	\$2,214.00	\$2,214.00
73	3	EA	Bollard	\$620.00	\$1,860.00	\$1,000.00	\$3,000.00	\$570.00	\$1,710.00	\$1,086.00	\$3,258.00	\$700.00	\$2,100.00	\$1,027.30	\$3,081.90



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				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
SOFTSCAPE															
74	6	EA	Yaupon - 30 gal.	\$285.00	\$1,710.00	\$350.00	\$2,100.00	\$239.00	\$1,434.00	\$264.00	\$1,584.00	\$250.00	\$1,500.00	\$249.08	\$1,494.48
75	12	EA	Tuscarora Crapemyrtle - 30 gal.	\$285.00	\$3,420.00	\$290.00	\$3,480.00	\$208.00	\$2,496.00	\$230.00	\$2,760.00	\$215.00	\$2,580.00	\$243.54	\$2,922.48
76	10	EA	Chinkapin Oak - 65 gal.	\$615.00	\$6,150.00	\$710.00	\$7,100.00	\$460.00	\$4,600.00	\$578.90	\$5,789.00	\$550.00	\$5,500.00	\$481.55	\$4,815.50
77	15	EA	Live Oak - 65 gal.	\$555.00	\$8,325.00	\$600.00	\$9,000.00	\$460.00	\$6,900.00	\$578.90	\$8,683.50	\$550.00	\$8,250.00	\$481.55	\$7,223.25
78	12	EA	Montrose Purple Vitex - 30 gal.	\$320.00	\$3,840.00	\$320.00	\$3,840.00	\$205.00	\$2,460.00	\$229.00	\$2,748.00	\$215.00	\$2,580.00	\$249.08	\$2,988.96
79	240000	SF	Fine Grade and Hydromulch	\$0.06	\$14,400.00	\$0.07	\$16,800.00	\$0.06	\$14,400.00	\$0.06	\$14,400.00	\$0.075	\$18,000.00	\$0.070	\$16,800.00
80	1	LS	Irrigation System - Complete and operational	\$7,200.00	\$7,200.00	\$6,500.00	\$6,500.00	\$7,795.00	\$7,795.00	\$14,125.00	\$14,125.00	\$6,850.00	\$6,850.00	\$6,642.00	\$6,642.00
81	1	LS	60 Day Maintenance Period	\$6,500.00	\$6,500.00	\$3,000.00	\$3,000.00	\$16,500.00	\$16,500.00	\$12,864.00	\$12,864.00	\$6,500.00	\$6,500.00	\$12,000.00	\$12,000.00
82	1	EA	Removable Bollard	\$1,000.00	\$1,000.00	\$1,400.00	\$1,400.00	\$730.00	\$730.00	\$1,326.00	\$1,326.00	\$800.00	\$800.00	\$664.20	\$664.20
TOTAL BASE BID (ITEMS 1-82)				\$843,122.00		\$881,289.30		\$899,772.99		\$922,813.08		\$922,649.30		\$1,102,686.83	
ADD/DEDUCT ITEMS															
3A	8	EA	Pedestrian Lights at back of the park - Including conduit and wires (complete and operational)	\$4,000.00	\$32,000.00	\$4,000.00	\$32,000.00	\$3,728.00	\$29,824.00	\$4,959.00	\$39,672.00	\$3,982.00	\$31,856.00	\$4,007.37	\$32,058.96
3B	6	EA	Pedestrian Lights at front of the park - Including conduit and wires (complete and operational)	\$4,000.00	\$24,000.00	\$3,900.00	\$23,400.00	\$3,621.00	\$21,726.00	\$4,959.00	\$29,754.00	\$3,982.00	\$23,892.00	\$4,007.37	\$24,044.22
TOTAL ALTERNATES				\$56,000.00		\$55,400.00		\$51,550.00		\$69,426.00		\$55,748.00		\$56,103.18	
BASE BID PLUS ALL ALTERNATES				\$899,122.00		\$936,689.30		\$951,322.99		\$992,239.08		\$978,397.30		\$1,158,790.01	
Certification of Bid				✓		✓		✓		✓		✓		✓	
Acknowledged Addendums (4)				✓		✓		✓		✓		✓		✓	
Bid Bond				✓		✓		✓		✓		✓		✓	

NOTES:

Larry Young Paving

»Bidder miscalculated the Total Base Bid. The highlighted amount above is correct.

Dudley Construction, Ltd.

»Bidder miscalculated Bid Items 44 & 46 and the Total Base Bid. The highlighted amounts above are correct.

G. W. Williams, Inc.

»Bidder miscalculated Bid Items 5-18, 21, 23, 26, 27, 29, 31, 32, 35, 39, 44, 46-59, 63, 64, 66-68, 73, 74, 76-79, Total Base Bid, Alternates 3A and 3B.

»The highlighted totals above are correct.



DARTMOUTH STREET

COLGATE DRIVE 51

July 12, 2012
City Council Regular Agenda Item No. 1
Charter Amendment Public Hearing

To: David Neeley, City Manager

From: Sherry Mashburn, City Secretary

Agenda Caption: Public Hearing to receive comments regarding the proposed amendments to the City Charter.

Background & Summary: The Council received the Final Report from the Citizen's Charter Review Advisory Commission at the June 6 meeting. This is the first of two Public Hearings to receive comments regarding the proposed amendments.

Attachments:

- Final Report



CITIZENS CHARTER REVIEW ADVISORY COMMISSION FINAL REPORT

May 14, 2012

To: Mayor Berry and City Council
From: Citizens Charter Review Advisory Commission
cc: David Neeley, City Manager
Re: Final Report and Recommendations

Dear Mayor and City Council,

On February 24, 2011, City Council approved Ordinance 2011-3318, creating the Citizens Charter Review Advisory Commission. Ten members were appointed (Jim Maness later resigned) and were directed to review the Charter in its entirety for compliance with state law and to research certain issues, such as: Council compensation; the number of Councilmembers required to place items on an agenda; terms of office; and term limits. The Commission was also charged with reviewing specific Charter provisions:

- Article III, Section 21, Vacancies
- Article IX, Nominations and Elections
- Article X, Initiative, Referendum, and Recall
- Article XI, Franchises and Public Utilities

The Commission has been meeting twice a month since their appointment, with the exception of a brief hiatus from October 5, 2011 to January 18, 2012. At their first meeting on May 4, 2011, the Commission adopted a Mission Statement: “Review the City Charter and make charter amendment recommendations, where appropriate, that will help protect the rights, powers, and benefits of all College Station residents”. In addition to the items directed by Council, the Commission added to their scope three items: gender neutrality, personal interest, and clarification on whether “days” are calendar or business days. A Public Hearing was held on June 1, 2011 to solicit input from the public regarding the public’s general concerns. In the course of their research, the Commission also utilized the charters from peer cities such as Bryan, Denton, Frisco, Lubbock, McKinney, Pearland, Plano, San Marcos, and Sugar Land.

With the passage of Senate Bill 100, the Commission narrowed their focus to consider an amendment to the charter that would change terms of office to four-year staggered terms for elections in May of odd-numbered years, with a limit of two consecutive terms. This recommendation was presented to the City Council, who accepted the recommendation and approved the ballot language. The Charter amendment was presented to the voters on November 8, 2011 and failed.

Since the proposition to amend the charter failed, the Council directed the Commission to continue with the original Plan of Work, working toward a November 2012 election date, with Public Hearings at the Council level, and with the proviso that if the Commission should determine they could not work within the necessary timeline, the Council would reconsider the election date. The Commission began their work in earnest in January 2012, meeting the first and third Wednesday of each month, and the fifth Wednesday as needed.



CITIZENS CHARTER REVIEW ADVISORY COMMISSION FINAL REPORT

Citizens Charter Review Advisory Commission Recommendations

1. The Commission strongly recommends that the Commission be involved in all Public Hearings held by the Council on the proposed amendments. The Commission believes they are better suited to answer the public's questions about the recommendations since it has been the Commission who has been working on this all year.
2. The Commission recommends that they be involved in the education process; e.g. appearing at HOA and civic group meetings. This would be a coordinated effort between the Commission and the Public Communications Office.
3. The Commission recommends the Council approve the proposed changes to the Charter as indicated in the attached redline draft.
4. The Commission recommends the Council approve the attached ballot language for the eight proposed propositions, and that the propositions be placed on the November 6, 2012 ballot.

Respectfully submitted,

Lynn McIlhaney, Chair
Citizens Charter Review Advisory Commission

Membership

Lynn McIlhaney, Chair
Terry Childers, Vice Chair
Brian Bochner
Chuck Ellison
Patrick Gendron
Paul Greer
Gary Halter
Tony Jones
Buck Prewitt

PROPOSITION NO. 1

Shall Article X (Initiative, Referendum, Recall), Sections 94 (Recall; General), 95 (Recall Procedure), 96 (Recall Petitions), and 97 (Recall Election) of the College Station City Charter be amended to require grounds for removal of Council Members by recall; provide that such grounds be included in the recall affidavit and in the recall petitions; allow the City Secretary a reasonable time to deliver the recall petition blanks; require that recall petitions be signed by qualified electors who actually voted in the election in which the person being proposed for recall was elected; clarify the City Secretary's role in examining the recall petitions; and amend the number of days allowed for an officer whose removal is sought to resign?

PROPOSITION NO. 2

Shall Article III (The City Council), Section 21 (Vacancies) of the College Station City Charter be amended to authorize a process to be followed to call an election in the event of a vacancy in the office of Mayor and in the event of a vacancy in the office of Mayor and all Council Members?

PROPOSITION NO. 3

Shall Article X (Initiative, Referendum, Recall), Section 83 (Power of Initiative) and Section 84 (Power of Referendum) be amended to clarify exceptions to the power of initiative and exceptions to the power of referendum, to extend the number of days in which an ordinance is subject to referendum from twenty (20) days to thirty (30) days, to extend the number of days allowed the City Secretary to examine the petitions from ten (10) days to fifteen (15) days, and to provide that the number of days specified to examine the petitions are business days?

PROPOSITION NO. 4

Shall Article XII (General Provisions), Section 118 (Oath of Office) of the College Station City Charter be repealed and a new section added to Article IX (Nominations & Elections), providing for an oath of office?

PROPOSITION NO. 5

Shall a provision be added to Article XII (General Provisions) of the College Station City Charter to define business day and calendar day and the charter amended throughout to specify when business day applies and when calendar day applies?

PROPOSITION NO. 6

Shall Article X (Franchises & Public Utilities), Section 104 (Procedure) of the College Station City Charter be amended to require two (2) readings of the franchise ordinance to be read for passage?

PROPOSITION NO. 7

Shall the College Station City Charter be amended to provide for the update and modernization of Article XI (Franchises & Public Utilities)?

PROPOSITION NO. 8

Shall the College Station City Charter be amended to add a provision to Article XII (General Provisions) of the charter providing that the charter is to be gender neutral and amended throughout to make the charter language gender neutral; to correct non-substantive errors such as misspellings, punctuation, grammar and sentence structure; to make non-substantive changes to clarify the meaning of various charter provisions; to conform to requirements and/or provisions of current state law and/or federal law; and to remove charter language that is obsolete?

PROPOSITION NO. 1

Shall Article X (Initiative, Referendum, Recall), Sections 94 (Recall; General), 95 (Recall Procedure), 96 (Recall Petitions), and 97 (Recall Election) of the College Station City Charter be amended to require grounds for removal of Council Members by recall; provide that such grounds be included in the recall affidavit and in the recall petitions; allow the City Secretary a reasonable time to deliver the recall petition blanks; require that recall petitions be signed by qualified electors who actually voted in the election in which the person being proposed for recall was elected; clarify the City Secretary's role in examining the recall petitions; and amend the number of days allowed for an officer whose removal is sought to resign?

Recall; General

Section 94. Any member of the City Council may be removed from office by recall on grounds of incompetency, official misconduct or malfeasance in office.

Recall Procedure

Section 95. Any elector of the City of College Station may make and file with the City Secretary an affidavit containing the name or names of the officer or officers whose removal is sought and a statement of the grounds for removal setting out distinctly and specifically the ground or grounds upon which such removal is sought with such certainty as to give each officer sought to be removed notice of the matters and things with which the officer is charged. The City Secretary shall thereupon as soon as reasonable deliver to the elector making such affidavit copies of petition blanks demanding such removal. The City Secretary shall keep a sufficient number of such printed petition blanks on hand for distribution. Such blanks when issued by the City Secretary shall bear the signature of that officer and be addressed to the city council, and shall be numbered, dated and indicate the name of the person to whom issued. The petition blanks when issued shall also indicate the number of such blanks issued and the name of the officer whose removal is sought. The City Secretary shall enter in a record to be kept in his office the name of the elector to whom the petition blanks were issued and the number issued to said person.

Recall Petitions

Section 96. The recall petition to be effective must be returned and filed with the City Secretary within thirty (30) days after the filing of the affidavit required in Section 95 of this Article. Each separate petition paper must set out distinctly and specifically the ground or grounds upon which removal is sought and the matters and things with which the officer is charged. The petition must be signed by qualified electors of the City who actually voted in the election in which the person being proposed for recall was elected equal in number to at least forty (40) percent of the total number of votes cast for the office in question at the last regular municipal election at which the office in question was filled and must conform to the provisions of Section 85 of this Article. No petition papers shall be accepted as part of the petition unless they bear the signature of the City Secretary as required in Section 95 of this Article.

Recall Election

Section 97. The City Secretary shall ~~at one~~within fifteen (15) business days from the date of its filing, examine the recall petition to determine that the petition: sets out distinctly and specifically the ground or grounds upon which removal is sought and the matters and things with which the officer is charged, is signed by a sufficient number of electors, and is ~~and if he finds it sufficient and~~ in compliance with the ~~provisions~~procedural requirements of this article of the charter, and if finding the petition sufficient he shall ~~within five (5) days~~ submit it to the city council at the next regularly scheduled meeting with his certificate to that effect and notify the officer sought to be recalled of such action. If the officer whose removal is sought does not resign within ~~five (5)~~seven (7) calendar days after such notice the city council shall thereupon order and fix a date for holding a recall election. Any such election shall be held not less than thirty (30) nor more than sixty (60) days after the petition has been presented to the city council, however, such election may be held at the same time as any municipal election held within such period.

PROPOSITION NO. 2

Shall Article III (The City Council), Section 21 (Vacancies) of the College Station City Charter be amended to authorize a process to be followed to call an election in the event of a vacancy in the office of Mayor and in the event of a vacancy in the office of Mayor and all Council Members?

Vacancies

Section 21. A vacancy in the City Council shall be filled by a special election which shall be called within thirty (30) days of the occurrence of such vacancy. If any such vacancy shall occur within ninety (90) days preceding a general election, then no special election shall be called; provided, however, that the unexpired term shall be filled at the next general election. In the event the Mayor is unable to order the election for any reason, the remaining members of the City Council are authorized and directed to order the election and perform all other required actions incident to the election. In the event of vacancies in the offices of Mayor and all members of the City Council for any reason, the following persons, in the order prescribed, are authorized and directed to order the election and perform all other required actions incident to the election:

1. City Manager
2. City Secretary
3. City Attorney
4. Presiding Judge of the Municipal Court

PROPOSITION NO. 3

Shall Article X (Initiative, Referendum, Recall), Section 83 (Power of Initiative) and Section 84 (Power of Referendum) be amended to clarify exceptions to the power of initiative and exceptions to the power of referendum, to extend the number of days in which an ordinance is subject to referendum from twenty (20) days to thirty (30) days, to extend the number of days allowed the City Secretary to examine the petitions from ten (10) days to fifteen (15) days, and to provide that the number of days specified to examine the petitions are business days?

Power of Initiative

Section 83. The electors shall have power to propose any ordinance, except ~~an~~ land use ordinances including but not limited to zoning or rezoning property; or ordinances appropriating money, authorizing the issuance of bonds, or authorizing the levy of taxes, and to adopt or reject the same at the polls, such power being known as the initiative. Any initiative ordinance may be submitted to the City Council by a petition signed by qualified electors of the City equal in number to at least twenty-five (25) percent of the number of votes cast at the last regular municipal election.

Power of Referendum

Section 84. The electors shall have power to approve or reject at the polls any ordinance passed by the City Council, or submitted by the City Council to a vote of the electors, such power being known as the referendum, except in the case of land use ordinances including but not limited to zoning or rezoning property; or ordinances appropriating money, authorizing the issuance of bonds, or making the annual tax levy. Ordinances submitted to the City Council by initiative petition and passed by the City Council without charge shall be subject to the referendum in the same manner as other ordinances. Within ~~twenty (20)~~thirty (30) days after the enactment by the City Council of any ordinance which is subject to a referendum, a petition signed by qualified electors of the city equal in number to at least twenty-five (25) percent of the number of votes cast at the last preceding regular municipal election may be filed with the City Secretary requesting that any such ordinance be either repealed or submitted to a vote of the electors.

Amendment of Petitions

Section 87. An initiative or referendum petition may be amended at any time within ~~ten~~ (10) fifteen (15) business days after the notification of insufficiency has been sent by the City Secretary, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The City Secretary shall, within five (5) days after such an amendment is filed, make examination of the amended petition and, if the petition be still insufficient, he shall file his certificate to that effect in his office and notify the committee of petitioners of his findings, and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

PROPOSITION NO. 4

Shall Article XII (General Provisions), Section 118 (Oath of Office) of the College Station City Charter be repealed and a new section added to Article IX (Nominations & Elections), providing for an oath of office?

Oath of Office

~~Section 118. Every officer of the City shall, before entering upon the duties of his office, take and subscribe to the following oath or affirmation, to be filed and kept in the office of the City Secretary:~~

~~“I, _____, do solemnly swear (or affirm) that I will faithfully execute the duties of the office of _____, of the City of College Station, State of Texas, and will to the best of my ability preserve, protect and defend the constitution and laws of the United States and of this state and the charter and ordinances of this City; and I furthermore solemnly swear (or affirm) that I have not directly or indirectly paid, offered, or promised to pay, contributed or promised to contribute any money or valuable thing, or promised any public office or employment as a reward for the giving or withholding a vote at the election at which I was elected, or if the office is one of appointment, to secure my appointment. So help me God.”~~

Oath of Office

Every officer of the City shall, before entering upon the duties of their office, take and subscribe to an oath or affirmation, similar to that required by the Texas Constitution for state officers, before entering upon the duties of the office.

The oath or affirmation shall be in a form provided by the City Secretary, shall be given before a person authorized to administer oaths, and shall be filed and kept in the office of the City Secretary.

PROPOSITION NO. 5

Shall a provision be added to Article XII (General Provisions) of the College Station City Charter to define business day and calendar day and the charter amended throughout to specify when business day applies and when calendar day applies?

Calendar Day and Business Day

“Business day” as used in this Charter means Monday through Friday, except for federal or State of Texas holidays. “Calendar day” as used in this Charter means a 24-hour period (midnight to midnight) as denoted on the calendar. Any reference in the Charter to “day” without specifying calendar day or business day shall mean calendar day unless otherwise expressly provided in this charter.

Estimated Expenditures Shall Not Exceed Estimated Resources

Section 59. The total estimated expenditures of the general fund and debt fund shall not exceed the total estimated resources of each fund.

The City Council may by ordinance amend the budget during a fiscal year if one of the following conditions exists:

1. If during the fiscal year the City Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the City Council, by ordinance, may make supplemental appropriations for the year up to the amount of such excess. Before approval, the Council shall hold a public hearing on the proposed budget amendment. A notice of the time and place of a public hearing on the supplemental appropriation shall be published in the official newspaper of the City of College Station. The notice shall be placed in the newspaper at least five (5) working-business days before the date of the hearing.
2. To meet a public emergency affecting life, health and property of the public peace, the City Council may make emergency appropriations. Such appropriations may be made by emergency ordinance. To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet such appropriations, the Council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any such notes made during a fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.
3. If at any time during the fiscal year it appears probable to the City Manager that the revenues or fund balances available will be insufficient to meet the amounts appropriated, he shall report to the City Council without delay, indicating the estimated amount of the deficit, any remedial action taken by him and his recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or reduce any deficit and for that purpose it may by ordinance reduce one or more appropriations.

Power of Referendum

Section 84. The electors shall have power to approve or reject at the polls any ordinance passed by the City Council, or submitted by the City Council to a vote of the electors, such power being known as the referendum, except in the case of ordinances zoning or rezoning property, authorizing the issuance of bonds, or making the annual tax levy. Ordinances submitted to the City Council by initiative petition and passed by the City Council without charge shall be subject to the referendum in the same manner as other ordinances. Within twenty (20) calendar days after the enactment by the City Council of any ordinance which is subject to a referendum, a petition signed by qualified electors of the city equal in number to at least twenty-five (25) percent of the number of votes cast at the last preceding regular municipal election may be filed with the City Secretary requesting that any such ordinance be either repealed or submitted to a vote of the electors.

Filing; Examination and Certification of Petitions

Section 86. All petition papers comprising an initiative or referendum petition shall be assembled and filed with the City Secretary as one instrument. Within ten (10) business days after the petition is filed, the City Secretary shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified electors. The City Secretary shall declare any petition paper entirely invalid which does not have attached thereto an affidavit signed by the circulator thereof. If a petition paper is found to be signed by more persons than the number of signatures certified by the circulator, the last signatures in excess of the number certified shall be disregarded. If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted unless void on other grounds. After completing his examination of the petition, the City Secretary shall certify the result thereof to the city council at its next regular meeting. If he shall certify that the petition is insufficient, he shall set forth in his certificate the particulars in which it is defective and shall at once notify the committee of the petitioners of his findings.

Amendment of Petitions

Section 87. An initiative or referendum petition may be amended at any time within ten (10) days after the notification of insufficiency has been sent by the City Secretary, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The City Secretary shall, within five (5) business days after such an amendment is filed, make examination of the amended petition and, if the petition be still insufficient, he shall file his certificate to that effect in his office and notify the committee of petitioners of his findings, and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

Consideration by City Council

Section 89. Whenever the City Council receives a certified initiative or referendum petition from the City Secretary, it shall proceed at once to consider such petition. A proposed initiative ordinance shall be read and provision shall be made for a public hearing upon the proposed ordinance. The City Council shall take final action on the ordinance not later than sixty (60) calendar days after the date on which such ordinance was submitted by the City Secretary. A referred ordinance shall be reconsidered by the City Council and its final vote upon such

reconsideration shall be upon the question. “Shall the ordinance specified in the referendum petition be repealed?”

Recall Petitions

Section 96. The recall petition to be effective must be returned and filed with the City Secretary within thirty (30) calendar days after the filing of the affidavit required in Section 95 of this Article. The petition must be signed by qualified electors of the City equal in number to at least forty (40) percent of the total number of votes cast for the office in question at the last regular municipal election at which the office in question was filled and must conform to the provisions of Section 85 of this Article. No petition papers shall be accepted as part of the petition unless they bear the signature of the City Secretary as required in Section 95 of this Article.

PROPOSITION NO. 6

Shall Article X (Franchises & Public Utilities), Section 104 (Procedure) of the College Station City Charter be amended to require two (2) readings of the franchise ordinance to be read for passage?

Procedure

Section 104. The City of College Station shall have the power by ordinance to grant any franchise or right mentioned in the preceding sections hereof, which ordinance, however, shall not be passed finally until it shall have been read at ~~three (3)~~two (2) separate regular meetings of the City Council. No ordinance granting a franchise shall pass any reading except by a vote of the majority of the City Council, and such ordinance shall not take effect until sixty (60) days after its adoption on its ~~third~~second and final reading; provided, however, that if at any time before such ordinance shall finally take effect a petition shall be presented to the City Council signed by not less than forty (40) percent of the bona fide qualified voters of the City, then the City Council shall submit the question of the granting of such franchise to a vote of the qualified voters of the City at the next succeeding general election to be held in the City, provided that notice thereof shall be published in at least ten (10) successive issues of the official newspaper of the City of College Station prior to the holding of such election. Ballots shall be used briefly describing the franchise to be voted on and the terms thereof and containing the words, "For the granting of a franchise", and "Against the granting of a franchise". The vote shall be canvassed by the city council, and should it result that a majority of those voting thereon cast their votes "For the granting of a franchise", then by order entered in its minutes, the city council shall so declare and such franchise shall at once take effect. But should a majority of the votes be cast "Against granting a franchise", then the City Council by order entered in its minutes shall so declare and such franchise shall not take effect. In case a franchise is refused by the City Council, then the matter may be submitted to the qualified voters on petition, as hereinbefore provided, and a failure to finally pass on an application within six (6) months after the filing of such application shall be construed as a refusal. The City Council in passing an ordinance granting a franchise may provide therein that it shall not take effect until the same shall have been submitted to and approved by a majority of the qualified voters voting therein at a general election. All expenses of publication shall be borne by the applicant for the franchise, who shall make a deposit in advance to cover the estimated cost of publication, the amount of the deposit to be determined by the City Manager.

PROPOSITION NO. 7

Shall the College Station City Charter be amended to provide for the update and modernization of Article XI (Franchises & Public Utilities)?

Control Over and Powers With Reference to City Property

Section 102. The ownership, right of control and use of streets, highways, alleys, parks, public places and all other real property of the City of College Station is hereby declared to be inalienable to the city, except by ordinances passed by vote of the majority of the governing body of the City, as hereinafter provided; and no franchise or easement involving the right to use same, either along, across, over or under the same, shall ever be valid, unless expressly granted and exercised in compliance with the terms hereof, and of the ordinances granting the same. No act or omission of the City, its governing body, officers or agents shall be construed to confer or extend by estoppel or indirection, any right, franchise or easement not expressly granted by ordinance.

The City of College Station shall have the power, subject to the terms and provisions hereof, by ordinance to confer upon any person or corporation, the franchise or right to use the property of the city, as defined in the preceding paragraph, for the purpose of furnishing to the public any general public service, ~~including heat, water, light, power, telephone service, refrigeration, steam, manufacture and distribution of ice, and the carriage of passengers or freight, within the city and its suburbs, over the streets, highways, and property of the City, or for any other purposes~~ whereby a general service is to be furnished to the public for compensation or hire, to be paid to the franchise holder, whereby a right to use the streets, highways or other property of the City is necessary or proper; and generally to fix and regulate the rates, tolls and charges of all public utilities of every kind operating within the corporate limits of the City of College Station consistent with state law.

Limitations

Section 103. No exclusive franchise or privilege shall ever be granted; nor a franchise, nor a privilege to commence at any time after six (6) months subsequent to the taking effect of the ordinance granting the same; and no franchise shall be directly or indirectly extended beyond the term originally fixed by the ordinance granting the same, except as provided by the terms of this charter; ~~nor, except as hereinafter provided, shall any franchise be granted to any person, firm or corporation, their associates, assignees or successors, to acquire the physical property, rights or franchise of another person, firm or corporation to whom or which a franchise has already been granted by the city, whereby the rights and properties held and used under such franchise are assigned to any other person, firm or corporation which holds a franchise from the city extending beyond the time of the expiration of the franchise of the person, firm or corporation selling such physical properties, rights or franchises; provided, however, that when it shall appear that the public welfare will be promoted by permitting or requiring the properties of two or more companies doing the same character of business to be under one common ownership the city may, in granting a franchise for such properties, allow or require the ownership of such properties to become vested in one ownership or one corporation, provided that no debts or obligations of any of the companies so consolidated shall be assumed by the corporation, person or association of persons acquiring the ownership of such properties except such debts and obligations of said companies, or either of them as could at the time of the creation of such~~

~~indebtedness, lawfully be created under the Constitution and laws of the State of Texas; and only to the extent that the assumption of such indebtedness is permitted under the provisions of the ordinance granting such franchise and the amount of such indebtedness shall be fixed or limited in such ordinance and the same shall not thereafter be increased except by such actual moneys as may hereafter be expended pursuant to the rules and regulations to be formulated by the city council from time to time.~~

Term and Conditions

Section 105. No determinate or fixed-term franchise shall ever be granted for a longer term than twenty-five (25) years; nor shall any right, privilege or franchise now in existence be extended beyond the period now fixed for its termination, directly or indirectly, or through any means whatsoever, and any ordinance in violation or evasion of this prohibition shall be absolutely void; provided, however, that any corporation, person or association of persons now holding any franchise under any charter, charters or ordinances of the City of College Station may, with the consent of the city council surrender such franchise or franchises, subject to the provisions of the City Charter then in force, ~~and take a new franchise under such charter, or a new franchise may be granted to a new company or another person with the privilege of acquiring the properties of such franchise holder upon the surrender of the franchise rights then held. No subsidiary franchise or franchises of any character appertaining or relating to any other franchise holder, or to any person, firm or corporation acting directly or indirectly for such franchise holder, shall be granted, and any such grant in violation of this prohibition shall be absolutely void to the extent of the excess in time beyond the life of such main franchise. No franchise, privilege or easement shall ever be used or operated so as to extend or enlarge any other franchise or privilege granted by the City except upon surrender of such original franchise as herein provided, and any violation of this prohibition shall operate as a forfeiture of each and all such franchise privileges or easements.~~ No holder of a franchise heretofore or hereafter granted shall have a right (unless such right is granted in the franchise) to transfer or assign its properties and franchise to any other person, firm or corporation without the consent of the city council by ordinance, and such consent when given shall not operate as the granting of a franchise or as a new franchise.

The City Council shall have the power to compel all persons, firms or corporations operating any public utilities in the city, whether operating under existing franchises, or franchises that may be hereafter granted, to extend their service, lines, pipes, etc., if the person to be benefited by such extension will pay the cost thereof, or if it can be shown that the revenue resulting from such extension will, within a reasonable time after same is made, pay a reasonable return on the investment, after making the customary allowance for depreciation.

All public utility franchises in the City of College Station shall be held whether expressed in the ordinance or not, subject to the right of the city, each of the following being a condition:

- (1) To repeal the same by ordinance at any time for failure to begin construction or operation within the time prescribed or otherwise to comply with the terms of the franchise, such power to be exercised only after due notice and hearing.
- (2) To require an adequate extension of plant and service, and the maintenance of the plant and fixtures at the highest reasonable standard of efficiency.

- (3) To establish reasonable standards of service and quality of products and prevent unjust discrimination in service or rates.
- (4) To prescribe the form of accounts kept by such utility; provided, that if the utility shall keep its accounts in accordance with the uniform system of accounts for said utility prescribed by the National Association of Railroad and Public Utility Commissioners, the Federal Power Commission, the Federal Communications Commission, the Railroad Commission of Texas, their successor or successors, this shall be deemed sufficient compliance with this paragraph.
- (5) At any time to examine and audit the accounts and other records of any such utility and to require annual and other reports, including reports on local operations by each such public utility.
- (6) To impose such reasonable regulations and restrictions as may be deemed desirable or conducive to the safety, welfare and accommodation of the public.
- (7) To fix and regulate the price and rates for the service to be performed under the franchise as may be permitted by state law.
- (8) To require such compensation and rental as may be permitted by the laws of the State of Texas.

Every public utility franchise hereafter granted shall be subject to the terms and conditions of this charter, whether such terms and conditions are specifically mentioned in the franchise or not.

Utility Rates and Charges

Section 106. Consistent with state law, ~~The City Council shall have the power by ordinance to fix and regulate the price, of water, gas, electric lights, electric power and steam heat, and to regulate and fix the fares, tolls and charges of local telephone service and charge of all public buses, carriages, hacks and vehicles of every kind, whether transporting passengers, freight or baggage; and generally to fix and regulate the~~ rates, tolls and charges of all public utilities of every kind operating within the corporate limits of the City of College Station that are subject to this Article.

Franchise Records

Section 113. ~~Within six (6) months after this charter takes effect every public utility and every owner of a public utility franchise shall file with the City Council, as may be prescribed by ordinance, certified copies of all franchises owned or claimed, or under which such utility is operated in the City of College Station.~~ The City shall ~~compile and~~ maintain a public record of public utility franchises.

PROPOSITION NO. 8

Shall the College Station City Charter be amended to add a provision to Article XII (General Provisions) of the charter providing that the charter is to be gender neutral and amended throughout to make the charter language gender neutral; to correct non-substantive errors such as misspellings, punctuation, grammar and sentence structure; to make non-substantive changes to clarify the meaning of various charter provisions; to conform to requirements and/or provisions of current state law and/or federal law; and to remove charter language that is obsolete?

Gender Neutrality

Whenever used in this Charter, a word referring to the masculine gender only shall extend and be applied to females, and where applicable, to firms, partnerships and corporations, unless otherwise expressly provided in this Charter.

Extension of City Limits by the City Council

Section 7. The City Council shall have the power to fix, by ordinance, the boundary limits of the City of College Station, and to provide for the extension of such boundary limits and the annexation of additional territory lying adjacent to the City, with or without the consent of the inhabitants of such area to be annexed, in accordance with applicable state annexation laws. The City Council shall have the power to detach, by ordinance, any territory, with or without the consent of the inhabitants of such area to be detached, in accordance with applicable state annexation laws. When any territory shall be so annexed, the same shall be a part of the City and the inhabitants thereof shall be entitled to all the rights and privileges of all the citizens and shall be bound by the acts, ordinances, resolutions and regulations of the City. When territory has been detached, the same shall no longer be a part of the City.

Eminent Domain

Section 8. The City shall have the full right, power and authority to exercise the power of eminent domain when necessary or desirable to carry out any of the power conferred upon it by this charter or by the constitution or laws of the State of Texas. ~~In all cases where the City seeks to exercise the power of eminent domain, it may be controlled, as nearly as practicable, by the laws governing the condemnation of property of railroad corporations in this state, the City taking the position of the railroad corporation in any such case.~~ The City may also exercise the power of eminent domain in any other manner now or hereafter authorized or permitted by the constitution and laws of this state, or in the manner and form that may be provided by ordinance of the governing body of the City. The power of eminent domain hereby conferred shall include the right of the City to take the fee in the lands so condemned and such power and authority shall include the right to condemn public property for such purposes. The City shall have and possess this power of condemnation of property within or without the corporate limits for any municipal or public purpose, even though not specifically enumerated herein or in this charter.

Number, Selection, Term

Section 17. The City Council shall be composed of the Mayor and six (6) Councilmen-Council Members and be known as the "City Council of the City of College Station."

(a) The Mayor and other members of the City Council shall be elected from the City at large.

(b) The Mayor shall be the presiding officer of the City Council and shall be recognized as the head of the City government for all ceremonial purposes and by the Governor for purposes of military law, but shall have no regular administrative duties. The Mayor shall be entitled to vote on all matters under consideration by the City Council.

(c) Each ~~Councilman~~ Council Member, unless sooner removed under the provisions of this Charter, shall serve for a term of three (3) years, beginning with the first meeting of the Council following ~~their~~his election, and ending with the first meeting of the Council three (3) years later, or until ~~their~~his successor has been elected and duly qualified. The Mayor, unless sooner removed under the provisions of this Charter, shall serve for a term of three (3) years, beginning with the first meeting of the Council following ~~their~~his election and ending with the first meeting of the Council three (3) years later, or until ~~their~~his successor has been elected and duly qualified.

(d) No person shall be deemed elected to an office unless that person receives a majority of all the votes cast for such office. The Council shall, upon declaring the official results of the election, order a run-off election for each office to which no one was elected. In the run-off election, the two candidates who received, in the preceding election, the highest number of votes for each office to which no one was elected, shall be voted on again by the qualified voters, and the candidate who receives the majority of the votes cast for such office in the run-off election shall be elected to such office.

~~(e) In 2004, the regular elections for Places 4 and 6 shall continue to have two (2) year terms. In 2006, and subsequent years, the regular elections for Places 4 and 6 shall be for three (3) year terms. In 2004, and subsequent years, the regular elections for the Mayor and Places 1, 2, 3, and 5 shall be for (3) three year terms.~~

~~(e)~~(e) Beginning in 1999, there shall be no limit to the total number of terms served by the Mayor or ~~Councilmen~~ Council Members; however, no person shall be eligible to be elected to serve in the capacity of the ~~Councilman~~ Council Members for consecutive regular terms totaling more than six (6) years; nor shall any person be eligible to be elected to serve in the capacity of Mayor for consecutive regular terms totaling more than six (6) years.

Qualifications

Section 18. The Mayor and ~~Councilmen~~ Council Members shall be citizens of the United States and qualified voters of the State of Texas; shall have resided for at least one (1) year next preceding the election, at which they are candidates, within the corporate limits of the City of College Station; and shall not be disqualified by reason of any provision of any other section of this Charter. A member of the City Council ceasing to possess any of the qualifications specified in this section, or any other section of this Charter, or convicted of a felony while in office, or who absents ~~himself~~ themselves from three (3) consecutive regular Council meetings without consent of the Council, shall immediately forfeit ~~his~~their office.

Presiding Officer; Mayor

Section 20. The Mayor shall preside at meetings of the City Council and shall be recognized as head of the City government for all ceremonial purposes and by the governor for purposes of military law, but shall have no regular administrative duties. He or she shall be entitled to vote upon all matters considered by the City Council, but ~~he~~ shall have no veto power. The City Council shall elect a Mayor Pro Tem from its membership who shall act as Mayor during the absence or disability of the Mayor.

Vacancies

Section 21. A vacancy in the City Council shall be filled by a special election which shall be called ~~within thirty (30) days of the occurrence of such vacancy in accordance with state law~~. If any such vacancy shall occur within ninety (90) days preceding a general election, then no special election shall be called; provided, however, that the unexpired term shall be filled at the next general election. No such election shall be held sooner than thirty (30) days from the date it is called.

Appointment and Removal of City Manager

Section 23. The City Council shall appoint an officer of the City who shall have the title of City Manager and who shall have the powers and perform the duties set forth in this charter. No ~~Councilman~~ Council Members shall receive such appointment during the term for which ~~they~~ he shall have been elected, nor within one year after the expiration of ~~their~~ his term.

The salary of the City Manager shall be fixed by the City Council, and ~~the City Manager~~ he shall hold office at its pleasure; but if ~~the City Manager~~ he is removed at any time after six (6) months following his or her appointment, he or she may demand written charges and a public hearing thereon before the City Council prior to the date on which ~~the~~ his final removal shall take effect, but pending such hearing the City Council may suspend ~~the City Manager~~ him from office. The action of the City Council in suspending or removing the City Manager shall be final, it being the intention of this Charter to vest all authority and fix all responsibility for such suspension or removal in the City Council.

Council Not to Interfere In Appointments or Removals

Section 24. Neither the City Council nor any of its members shall direct the appointment or removal of any person ~~to or his removal~~ from office by the City Manager or by any of ~~the City Manager's~~ his subordinates; provided, however, that the appointment or dismissal of department heads shall be subject to the approval of the City Council. Except for the purpose of inquiry in accordance with Section 36 of this charter, the City Council and its members shall deal with the administrative service solely through the City Manager, and neither the City Council nor any member thereof shall give orders to any subordinates of the City Manager, either publicly or privately.

Administrative Departments

Section 26. There are hereby created the following administrative departments: Finance, Police, Fire and Public Works. The City Council may, ~~if it deems it advisable~~ upon the advice of the City Manager, consolidate into one department not more than two of the departments hereby established; and by ordinance may create, change and abolish offices, departments or agencies other than the offices, departments and agencies established by this Charter.

City Secretary

Section 27. The City Council shall appoint an officer of the City who shall be the City Secretary, who may be removed from office by the Council. The City Secretary or Assistant City Secretary shall give notice of Council meetings, shall keep a journal of its proceedings, shall authenticate by ~~their~~his signature and record in full in a book or books kept and indexed for that purpose all ordinances and resolutions, and shall perform such other duties as the City Council shall assign to ~~the City Secretary~~him and those elsewhere provided for in the Charter.

The City Secretary shall have the power to appoint an assistant or assistants, if ~~they~~ deemed necessary ~~by him~~, subject to the approval of and at such compensation as may be fixed by the City Council and such assistant or assistants may be removed from office by the City Secretary.

City Attorney

Section 29. The City Council shall appoint an officer of the City who shall be the City Attorney, who may be removed from office by the Council. The City Attorney shall be a competent and duly licensed attorney, who shall reside in the City of College Station.

The City Attorney shall represent the City in all litigation. ~~The City Attorney~~He shall be the legal advisor of and attorney and counsel for the City and all officers and departments thereof.

The City Attorney shall have power to appoint an assistant or assistants, if ~~the City Attorney~~ deemed necessary ~~by him~~, subject to the approval of and at such compensation as may be fixed by the City Council; and such assistant or assistants may be removed from office by the City Attorney.

City Internal Auditor

Section 30. The City Council may appoint an officer of the City to be the City Internal Auditor, who may be removed from office by the Council. The City Internal Auditor shall carry out the audit functions and shall perform such other duties ~~as assigned by~~ the City Council ~~shall assign to him~~. The City Council may also enter into a contract for the duties of City Internal Auditor, to be carried out by an outside firm, if it so chooses.

The City Internal Auditor shall have the power to appoint an assistant or assistants, if ~~they~~ deemed necessary ~~by him~~, subject to the approval of and at such compensation as may be fixed by the City Council; and such assistant or assistants may be removed from office by the City Internal Auditor. ~~—New Section created by the approval of voters at Charter amendment election held on May 13, 2006.~~

Procedure for Passage of Ordinances

Section 35. Every ordinance shall be introduced in written or printed form and, upon passage, shall take effect at the time indicated therein; provided, however, that any ordinance imposing a penalty, fine or forfeiture for a violation of its provisions shall become effective not less than ten (10) days from the date of its passage. The City Secretary shall give notice of the passage of every ordinance imposing a penalty, fine or forfeiture for a violation of the provisions thereof, by causing the caption or title, including the penalty, of any such ordinance imposing a penalty, fine

or forfeiture for a violation of the provisions thereof, to be published in the official newspaper of the City of College Station at least twice within ten (10) days after the passage of such ordinance. The City SecretaryHe shall note on every ordinance, the caption of which is hereby required to be published, and on the record thereof, the fact that same has been published as required by the charter, and the date of such publication, which shall be prima facie evidence of the legal publication and promulgation of such ordinance; provided, however, that the provisions of this section shall not apply to the correction, amendment, revision and codification of the ordinances of the City for publication in book or pamphlet form. Except as may be otherwise provided by this charter, it shall not be necessary to the validity of any ordinance that it shall be read more than one time or considered at more than one session of the City Council. Every ordinance shall be authenticated by the signature of the Mayor and City Secretary and shall be systematically recorded and indexed in an ordinance book in a manner approved by the City Council, but it shall only be necessary to record the caption or title of ordinances in the minutes or journal of council meetings. The City Council shall have power to cause the ordinances of the City to be corrected, amended, revised, codified and printed in code form as often as it deems advisable, and such printed code, when adopted, shall be in full force and effect without the necessity of publishing the same or any part thereof in a newspaper. Such printed code shall be admitted in evidence in all courts and places without further proof.

Housing Authority

Section 38. The City Council may create a housing authority of such number, and terms and compensation of members as it may determine and may delegate to that authority such powers relating to the planning, construction, reconstruction, alteration, repair, maintenance or operation of housing projects and housing accommodations as it may deem wiseconsistent with state law.

Qualifications

Section 40. The City Manager shall be chosen by the City Council solely on the basis of his executive and administrative qualifications with special reference to his actual experience in, or his knowledge of, accepted practice in respect to the duties of thehis office as hereinafter set forth. At the time of theirhis appointment the City Managerhe need not be a resident of the City or State, but during theirhis tenure of office theyhe shall reside within the City.

Powers and Duties

Section 41. The City Manager shall be the chief executive officer and the head of the administrative branch of the city government. The City ManagerHe shall be responsible to the City Council for the proper administration of all affairs of the City, and to that end he shall have power and shall be required to:

- (1) Appoint and, when necessary for the good of the service, remove all officers and employees of the City except as otherwise provided by this Charter and except as the City Managerhe may authorize the head of a department to appoint and remove subordinates in such department.
- (2) Prepare the budget annually and submit it to the City Council and be responsible for its administration after adoption.

- (3) Prepare and submit to the City Council at the end of the fiscal year a complete report on the finances and administrative activities of the City for the preceding year.
- (4) Keep the City Council advised of the financial condition and future needs of the City and make such recommendations as may seem to him desirable and proper.
- (5) Perform such other duties as may be prescribed by this charter or required ~~of him~~ by the City Council.

Absence of City Manager

Section 42. To perform the City Manager's duties during ~~his~~ temporary leave of absence or disability, the Mayor may designate by letter filed with the City Secretary a qualified administrative officer of the City to serve for the City Manager. Concerning out of town business, illness, or vacation the City Manager may be delegated authority to designate an individual to serve in the absence of the City Manager.

Director of Departments

Section 43. At the head of each administrative department there shall be a director ~~who.~~ He shall be an officer of the City and shall have supervision and control of the department subject to the City Manager.

Two or more departments may be headed by the same individual; the City Manager may head one or more departments, and directors of departments may also serve as chiefs of divisions.

Effective Date of Budget; Certification; Copies Made Available

Section 55. Upon final adoption, the budget shall be filed with the City Secretary and such other officials as may be designated by state law. The final budget shall be printed, or otherwise reproduced, and a reasonable number of copies shall be made available for the use of all offices, departments and agencies, and for the use of interested persons and civic organizations.

Contingent Appropriation

Section 58. Provision shall be made in the annual budget and in the appropriation ordinance for a contingent appropriation in an amount not more than three (3) percent of the total budget expenditure, to be used in case of unforeseen items of expenditures. Such contingent appropriation shall be under the control of, and distributed by, the City Manager ~~and distributed by him,~~ after approval by the City Council. Expenditures from this appropriation shall be made only in case of established emergencies and a detailed account of such expenditures shall be recorded and reported. The proceeds of the contingent appropriation shall be disbursed only by transfer to other departmental appropriation, the spending of which shall be charged to the departments or activities for which the appropriations are made.

Estimated Expenditures Shall Not Exceed Estimated Resources

Section 59. The total estimated expenditures of the general fund and debt fund shall not exceed the total estimated resources of each fund.

The City Council may by ordinance amend the budget during a fiscal year if one of the following conditions exists:

1. If during the fiscal year the City Manager certifies that there are available for appropriation revenues in excess of those estimated in the budget, the City Council, by ordinance, may make supplemental appropriations for the year up to the amount of such excess. Before approval, the Council shall hold a public hearing on the proposed budget amendment. A notice of the time and place of a public hearing on the supplemental appropriation shall be published in the official newspaper of the City of College Station. The notice shall be placed in the newspaper at least five (5) working days before the date of the hearing.
2. To meet a public emergency affecting life, health and property of the public peace, the City Council may make emergency appropriations. Such appropriations may be made by emergency ordinance. To the extent that there are no available unappropriated revenues or a sufficient fund balance to meet such appropriations, the Council may by such emergency ordinance authorize the issuance of emergency notes, which may be renewed from time to time, but the emergency notes and renewals of any such notes made during a fiscal year shall be paid not later than the last day of the fiscal year next succeeding that in which the emergency appropriation was made.
3. If at any time during the fiscal year it appears probable to the City Manager that the revenues or fund balances available will be insufficient to meet the amounts appropriated, ~~the City Manager~~ shall report to the City Council without delay, indicating the estimated amount of the deficit, any remedial action taken ~~by him~~ and ~~his~~ recommendations as to any other steps to be taken. The Council shall then take such further action as it deems necessary to prevent or reduce any deficit and for that purpose it may by ordinance reduce one or more appropriations.

Municipal Elections

~~Section 77. The regular city election shall be held on an annual date set by ordinance by the City Council, or as otherwise provided by law, at which time members of the Council shall be elected to fill those offices that become vacant that year. The City Council shall fix the hours and the place for holding such special election. The City Council may by resolution, order a special election, fix the time and place for holding same, and provide all means for holding such special election. In the order, ordinance, or resolution of the City Council calling any election at which more than one Councilman shall be elected, the City Council shall in calling such election provide for a separate place on the ballot for each vacant seat to be filled at such election, designating the Mayor, and such Places as Place No. 1, 2, 3, 4, 5, or 6. If an unexpired term is to be filled at such election, the Place for the unexpired term shall be so designated. Regular municipal elections shall be held on a uniform election date set out in state law. Special elections shall be ordered in compliance with applicable state law.~~

How to Get Name on Ballot

~~Section 79. Any qualified person may have his name placed on the official ballot as a candidate for Councilman or Mayor at any election held for the purpose of electing Councilmen or Mayor by filing with the City Secretary at least forty-five (45) days prior to the date of election a sworn application in substantially the following form:~~

~~“I, _____, do hereby certify that I am a candidate for the office of _____, and request that my name be printed upon the official ballot for that particular office in the next city election. I am a qualified voter of the State of Texas and am and have been a bona fide resident of the City of College Station, Texas, for at least one (1) year. I am not disqualified or ineligible to serve on the City Council if elected.~~

~~I reside at _____, Precinct _____, College Station, Texas. Signed _____”~~ Any qualified person who desires to become a candidate in a general election to a place on the City Council, shall file with the City Secretary an application for his or her name to appear on the ballot in accordance with the Texas Election Code. Such application shall clearly designate the place on the Council to which the candidate seeks election and shall contain the candidate’s sworn statement of compliance with the qualifications for holding the office sought under the laws of Texas and the provisions of the Charter.

Council Official Ballots

Section 80. The full names of all candidates for the city council as hereinbefore provided, except such as may have withdrawn, died or become ineligible, shall be printed on the official ballot without party designation. If two candidates with the same surnames, or with names so similar as to be likely to cause confusion, are nominated, the addresses of their places of residence shall be placed with their names on the ballot. The order of the names on the ballot shall be determined by lot. ~~The official ballot shall be printed not less than twenty (20) days before the date of election.~~

Laws Governing City Elections

Section 81. ~~All City elections shall be governed, except as otherwise provided by this charter, by the laws of the State of Texas governing general and municipal elections, so far as same may be applicable thereto; and in the event there should be any failure of the general laws or of this charter to provide for some feature of the city elections, then the City Council shall have the power to provide for such deficiency; and no informalities in conducting a City election shall invalidate the same, if it be conducted fairly and in substantial compliance with the general laws, where applicable and the Charter and ordinances of the City.~~ All City elections shall be governed by the constitution of the State of Texas, general laws of the state, this charter, and ordinances of the City, in the order named

Canvassing Election

Section 82. Returns of elections, general and special, shall be made by the election officers to the City Council ~~not later than the second Wednesday next following such election, when on any date permitted by the Texas Election Code, at which time~~ the City Council shall canvass the returns and declare the results of the election.

Power of Initiative

Section 83. The electors shall have power to propose any ordinance, except an ordinance zoning or rezoning property, appropriating money, authorizing the issuance of bonds, or authorizing the levy of taxes, and to adopt or reject the same at the polls, such power being known as the initiative. Any initiative ordinance may be submitted to the City Council by a petition signed by

qualified electors of the City equal in number to at least twenty-five (25) percent of the number of ~~votes east~~voters voting at the last regular municipal election.

Power of Referendum

Section 84. The electors shall have power to approve or reject at the polls any ordinance passed by the City Council, or submitted by the City Council to a vote of the electors, such power being known as the referendum, except in the case of ordinances zoning or rezoning property, authorizing the issuance of bonds, or making the annual tax levy. Ordinances submitted to the City Council by initiative petition and passed by the City Council without charge shall be subject to the referendum in the same manner as other ordinances. Within twenty (20) days after the enactment by the City Council of any ordinance which is subject to a referendum, a petition signed by qualified electors of the city equal in number to at least twenty-five (25) percent of the number of ~~votes east~~voters voting at the last preceding regular municipal election may be filed with the City Secretary requesting that any such ordinance be either repealed or submitted to a vote of the electors.

Form of Petitions; Committee of Petitioners

Section 85. Initiative petition papers shall contain the full text of the proposed ordinance. The signatures to initiative or referendum petitions need not all be appended to one paper, but to each separate petition there shall be attached a statement of the circulator thereof as provided by this section. Each signer of any petition paper shall sign his name in ink or indelible pencil and shall indicate after his name his place of residence by street and number, or other description sufficient to identify the place. There shall appear on each petition the names and addresses of five electors, who, as a committee of the petitioners, shall be regarded as responsible for the circulation and filing of the petition. Attached to each separate petition paper there shall be an affidavit of the circulator thereof that they~~he~~, and ~~he~~they only, personally circulated the foregoing paper, that it bears a stated number of signatures, that all signatures appended thereto were made in ~~his~~their presence, and that ~~he~~they believes them to be the genuine signatures of the persons whose names they purport to be.

Filing; Examination and Certification of Petitions

Section 86. All petition papers comprising an initiative or referendum petition shall be assembled and filed with the City Secretary as one instrument. Within ten (10) days after the petition is filed, the City Secretary shall determine whether each paper of the petition has a proper statement of the circulator and whether the petition is signed by a sufficient number of qualified electors. The City Secretary shall declare any petition paper entirely invalid which does not have attached thereto an affidavit signed by the circulator thereof. If a petition paper is found to be signed by more persons than the number of signatures certified by the circulator, the last signatures in excess of the number certified shall be disregarded. If a petition paper is found to be signed by fewer persons than the number certified, the signatures shall be accepted unless void on other grounds. After completing the~~his~~ examination of the petition, the City Secretary shall certify the result thereof to the city council at its next regular meeting. If the City Secretary~~he~~ shall certify that the petition is insufficient, he ~~or she~~ shall set forth ~~in his~~by certificate the particulars in which it is defective and shall at once notify the committee of the petitioners of the~~his~~ findings.

Amendment of Petitions

Section 87. An initiative or referendum petition may be amended at any time within ten (10) days after the notification of insufficiency has been sent by the City Secretary, by filing a supplementary petition upon additional papers signed and filed as provided in case of an original petition. The City Secretary shall, within five (5) days after such an amendment is filed, make examination of the amended petition and, if the petition be still insufficient, ~~he~~ shall file ahis certificate to that effect ~~in his office~~ as City Secretary and notify the committee of petitioners of ~~the~~ his findings, and no further action shall be had on such insufficient petition. The finding of the insufficiency of a petition shall not prejudice the filing of a new petition for the same purpose.

Submission to Electors

Section 90. If the City Council shall fail to pass an ordinance proposed by the initiative petition, or shall pass it in a form different from that set forth in the petition therefor; or if the City Council fails to repeal a referred ordinance, the proposed or referred ordinance shall be submitted to the electors ~~not less than thirty (30) days nor more than sixty (60) days from the date the city council takes its final vote thereon. The City Council may, if no regular election is to be held within such period, provide for a special election~~ at an election to be held on the next uniform election date authorized by state law for municipal elections.

Form of Ballot for Initiated and Referred Ordinances

Section 91. Ordinances submitted to vote of the electors in accordance with the initiative and referendum provisions of this charter shall be submitted by ballot title, which shall be prepared in all cases by the City Attorney. The ballot title may be different from the legal title of any such initiated or referred ordinance and shall be a clear, concise statement, without argument or prejudice, descriptive of the substance of such ordinance; and if a paper ballot, shall have ~~below to the left of~~ the ballot title the following propositions, one above the other in the order indicated: “FOR ~~THE ORDINANCE~~” and “AGAINST ~~THE ORDINANCE~~” and shall otherwise comply with state law. Any number of ordinances may be voted on at the same election and may be submitted on the same ballot, but any paper ballot used for voting thereon shall be for that purpose only. If voting machines are used, the ballot title of any ordinance shall have ~~to the left of below it~~ the same two propositions, one above the other or one preceding the other in the order indicated, and the elector shall be given an opportunity to vote for either of the two propositions and thereby to vote for or against the ordinance.

Recall Procedure

Section 95. Any elector of the City of College Station may make and file with the City Secretary an affidavit containing the name or names of the officer or officers whose removal is sought and a statement of the grounds for removal. The City Secretary shall thereupon deliver to the elector making such affidavit copies of petition blanks demanding such removal. The City Secretary shall keep a sufficient number of such printed petition blanks on hand for distribution. Such blanks when issued by the City Secretary shall bear the signature of that officer and be addressed to the city council, and shall be numbered, dated and indicate the name of the person to whom issued. The petition blanks when issued shall also indicate the number of such blanks issued and the name of the officer whose removal is sought. The City Secretary shall enter in a record to be

kept in the City Secretary's office the name of the elector to whom the petition blanks were issued and the number issued to said person.

Recall Election

Section 97. The City Secretary shall at once examine the recall petition and if he finds it sufficient and in compliance with the provisions of this article of the charter, the City Secretary shall within five (5) days submit it to the city council with the City Secretary's certificate to that effect and notify the officer sought to be recalled of such action. If the officer whose removal is sought does not resign within five (5) days after such notice the city council shall thereupon order and fix a date for holding a recall election to be held on the next uniform election date authorized by state law for municipal elections. ~~Any such election shall be held not less than thirty (30) nor more than sixty (60) days after the petition has been presented to the city council, however, such election may be held at the same time as any municipal election held within such period.~~

Ballots in Recall Election

Section 98. Ballots used at recall elections shall conform to the following requirements.

- (1) With respect to each person whose removal is sought the question shall be submitted "Shall (name of person) be removed from the office of councilman by recall?"
- (2) Immediately ~~below to the left of each~~ such question there shall be printed the two following ~~propositions~~responses, one above the other, in the order indicated:

~~"FOR~~For the recall of (name of person)"

~~"Against the recall of (name of person)~~AGAINST"

Results of Recall Election

Section 99. If a majority of the votes cast at a recall election shall be against the recall of the officer named on the ballot, that officer shall continue in office for the remainder of his unexpired term, subject to recall as before. If a majority of the votes cast at such an election be for the recall of the officer named on the ballot, that officer shall, regardless of any technical defects in the recall petition, be deemed removed from office and the vacancy shall be filled as in other vacancies.

Limitations on Recalls

Section 100. No recall petition shall be filed against a Councilman-Council Member within six (6) months after they takes office, nor in respect to an officer subjected to a recall election and not removed thereby, until at least six (6) months after such election.

Procedure

Section 104. The City of College Station shall have the power by ordinance to grant any franchise or right mentioned in the preceding sections hereof, which ordinance, however, shall not be passed finally until it shall have been read at three (3) separate regular meetings of the City Council. No ordinance granting a franchise shall pass any reading except by a vote of the majority of the City Council, and such ordinance shall not take effect until sixty (60) days after

its adoption on its third and final reading; provided, however, that if at any time before such ordinance shall finally take effect a petition shall be presented to the City Council signed by not less than ~~forty (40)~~ten (10) percent of the ~~bona fide qualified registered~~ voters of the City, then the City Council shall submit the question of the granting of such franchise to a vote of the qualified voters of the City at the ~~next succeeding general election to be held in the City~~next uniform election date prescribed by state law that allows sufficient time to comply with other requirements of law, provided that notice thereof shall be published in at least ~~ten (10)~~twenty (20) successive issues of the official newspaper of the City of College Station prior to the holding of such election. ~~Ballots shall be used~~The ballot shall briefly describing the franchise to be voted on and the terms thereof and containing the words, “For ~~the granting of a franchise~~”, and “Against ~~the granting of a franchise~~” to the left of the language and shall otherwise comply with state law. The vote shall be canvassed by the city council, and should it result that a majority of those voting thereon cast their votes “For” the granting of a franchise”, then by order entered in its minutes, the city council shall so declare and such franchise shall at once take effect. But should a majority of the votes be cast “Against” granting a franchise”, then the City Council by order entered in its minutes shall so declare and such franchise shall not take effect. In case a franchise is refused by the City Council, then the matter may be submitted to the qualified voters on petition and an election held under the procedures, as hereinbefore provided, ~~and a~~ failure of the City Council to finally pass on an application within six (6) months after the filing of such application shall be construed as a refusal. The City Council in passing an ordinance granting a franchise may provide therein that it shall not take effect until the same shall have been submitted to and approved by a majority of the qualified voters voting therein at a general election. All expenses of publication shall as it relates to this section be borne by the ~~applicant for the franchise~~petitioner, who shall make a deposit in advance to cover the estimated cost of publication, the amount of the deposit to be determined by the City Manager.

Personal Interest

Section 115. 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 of ownership of stock in any corporation, in any contract 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. Any willful violation of this section shall constitute malfeasance in office and any officer or employee guilty thereof shall thereby forfeit his office or position. Any violation of this section with the knowledge expressed or implied of the person or corporation contracting with the City shall render the contract voidable by the City Council or City Manager. The prohibitions of this section shall not be applicable to city employee who applies for and or receives housing assistance or any other assistance that is offered to the general public under the same terms and conditions that the assistance is offered to other citizens. ~~Approved by voters 11-04-2008~~

Relatives of Officers Shall Not be Appointed or Employed

Section 117. No person related within the second degree of affinity, or within the third degree of consanguinity, to members of the City Council or the City Manager shall be appointed or employed to any office, position or service in the City.

Notice of Injury or Damage

Section 119. The City shall never be liable for any personal injury, whether resulting in death or not, unless the person injured, or someone in theirhis behalf, or in the event the injury results in death, the person or persons who may have a cause of action under the law by reason of such death or injury, shall file a notice in writing with the City Secretary within ninety (90) days after the same has occurred, stating specifically in such notice when, where and how the exact injury occurred, the full extent of the injury, the amount of damages claimed or asserted, and a list of persons, if known, who witnessed the injury. The City shall never be liable for any claim for damage or injury to personal property unless the person whose personal property has been injured or damaged, or someone in theirhis behalf, shall file a claim in writing with the City Secretary within ninety (90) days after said damage or injury occurred, stating specifically when, where and how the damage or injury was sustained. The person giving notice under this Section shall subscribe theirhis name to the notice under oath that the statements and facts contained in said notice are true and correct.

July 12, 2012
Regular Agenda Item No. 2
950 William D Fitch Rezoning

To: David Neeley, City Manager

From: Bob Cowell, AICP, CNU-A, Executive 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 of approximately 1.2 acres from A-O Agricultural Open with OV Corridor Overlay to C-1 General Commercial with OV Corridor Overlay located at 950 William D Fitch Parkway, generally located at the corner of William D Fitch Parkway and State Highway 6 South.

Relationship to Strategic Goals: Diverse Growing Economy, Sustainable City

Recommendation(s): The Planning and Zoning Commission considered this item at their July 21, 2012 meeting and voted 7-0 to recommend approval of the rezoning request.

Summary: Old Arrington Road Public Right-of-Way was abandoned by City Council on April 26, 2012 to allow development. This rezoning will allow for a continuous C-1 General Commercial zoning in this area fronting William D Fitch Parkway (State Highway 40).

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

REVIEW CRITERIA

- 1. Consistency with the Comprehensive Plan:** The subject parcel and surrounding parcels are shown on the Comprehensive Future Land Use and Character Map and Concept Map as Urban in Growth Area II which allows for intense land use activities including general commercial activities. C-1 General Commercial is appropriate for this land use designation.
- 2. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:** The rezoning request to C-1 General Commercial with OV Corridor Overlay is compatible with the existing zoning of the surrounding properties.
- 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 property is located near the intersection of William D Fitch Parkway (State Highway 40) and State Highway 6 making it suitable site for commercial use.
- 4. Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment:** Due to the abandonment of this portion of Old Arrington Road, the subject tract remains zoned A-O Agricultural Open with OV Corridor Overlay which is not beneficial for future development.
- 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:** With the existing zoning of the subject property being A-O Agricultural Open with OV Corridor

Overlay, the property is not marketable as it is surrounded by C-1 General Commercial with OV Corridor Overlay properties.

- 6. Availability of water, wastewater, stormwater, and transportation facilities generally suitable and adequate for the proposed use:** There are existing 8-inch and 12-inch water mains available to serve this property. There is also an existing 8-inch sanitary sewer line which may provide service to the site. Existing infrastructure with proposed modifications appear to be adequate for the proposed use. Access to the site will be available via Old Arrington Road from the south, and future Public Ways that will ultimately provide access to William D. Fitch Parkway and Arrington Road. Drainage is mainly to the south within the Alum Creek Drainage Basin. Drainage and any other infrastructure required with site development shall be designed and constructed in accordance with the BCS Unified Design Guidelines. The property is not within FEMA designated floodplain. A portion of the property is located in the Alum Creek Sewer Impact Fee Area (97-02B). Currently, the Impact Fee for this area is \$59.42 per Living Unit Equivalent.

Budget & Financial Summary: N/A

Attachments:

1. Background Information
2. Aerial & Small Area Map (SAM)
3. Draft Planning & Zoning Commission Minutes – June 21, 2012
4. Ordinance

BACKGROUND INFORMATION

NOTIFICATIONS

Advertised Commission Hearing Date: June 21, 2012
 Advertised Council Hearing Dates: July 12, 2012

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: Six
 Contacts in support: None
 Contacts in opposition: None
 Inquiry contacts: None

ADJACENT LAND USES

Direction	Comprehensive Plan	Zoning	Land Use
North	Urban, Growth Area II	C-1 General Commercial, OV Corridor Overlay	Volunteer Fire Department
South	Urban, Growth Area II	C-1 General Commercial, OV Corridor Overlay, C-2 Commercial-Industrial	Vacant
East	Urban, Growth Area II	C-1 General Commercial, OV Corridor Overlay	Vacant
West (Across Old Arrington Road)	Urban, Growth Area II	C-1 General Commercial, OV Corridor Overlay, A-O Agricultural Open	Vacant

DEVELOPMENT HISTORY

Annexation: October 1983
 December 1993

Zoning: C-1 General Commercial upon annexation in December 1983
 OV Corridor Overlay in July 2006

Final Plat: The subject property is unplatted.

Site development: The subject tract is developed as a portion of Old Arrington Road that was abandoned by City Council on April 26, 2012.

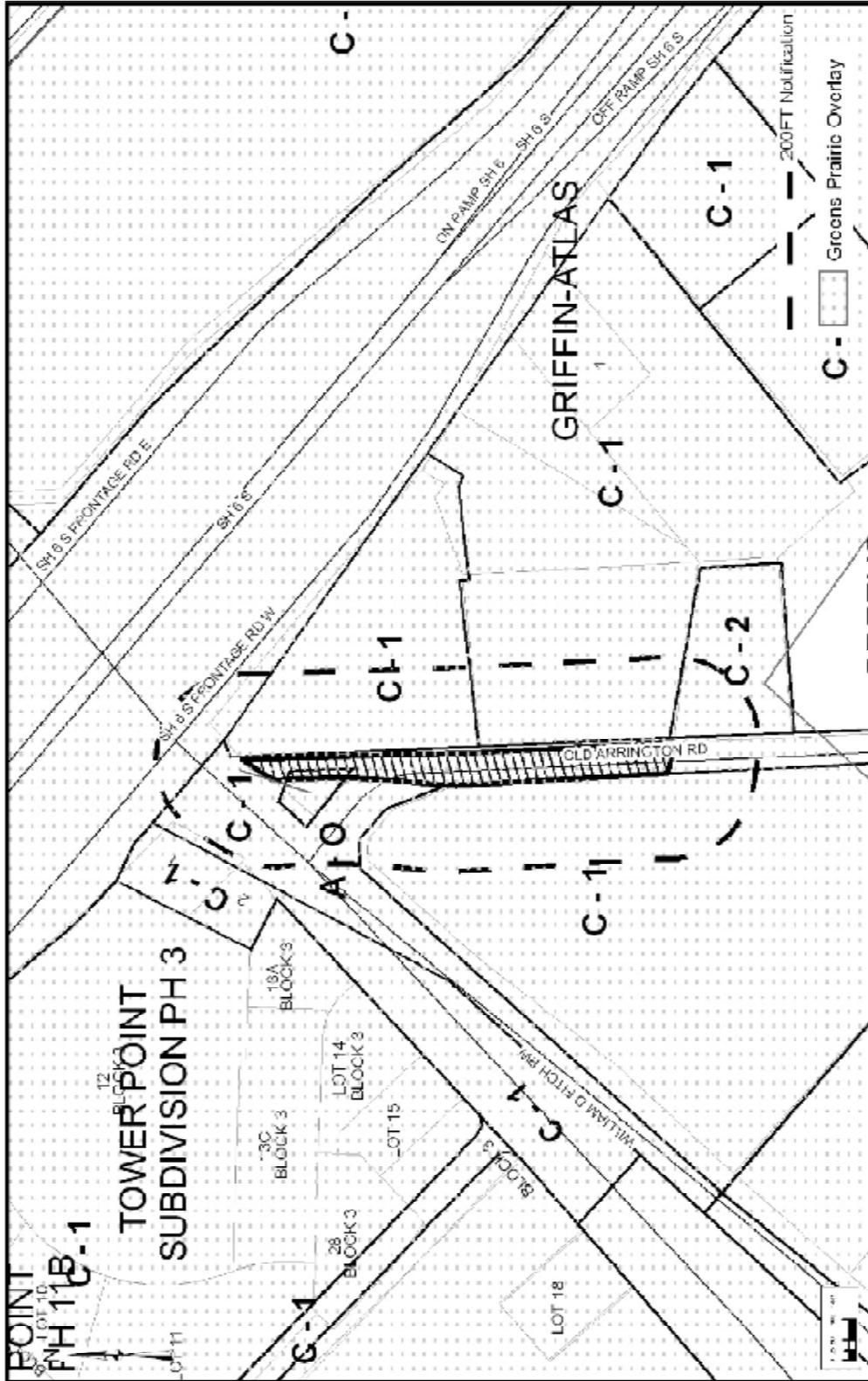


REZONING
Case: 12-108

CAPROCK CROSSING

DEVELOPMENT REVIEW





Zoning Districts	R-3 Townhouse	C-3 Light Commercial	MPC Wolf Pen Creek Dev. Corridor
A-O Agricultural Open	R-4 Multi-Family	M-1 Light Industrial	MS-1 Core Northgate
A-OR Rural Residential Subdivision	R-6 High Density Multi-Family	M-2 Heavy Industrial	MS-2 Transitional Northgate
R-1 Single Family Residential	R-7 Manufactured Home Park	C-L College and University	MS-3 Residential Northgate
R-1B Single Family Residential	A-P Administrative/Professional	R & D Research and Development	CV Corridor Overlay
R-2 Duplex Residential	C-1 General Commercial	F-MLD Planned Mixed-Use Development	FDD Redevelopment District
	C-2 Commercial Industrial	FDD Planned Development District	KO Kretek Tap Overlay

DEVELOPMENT REVIEW

CAPROCK CROSSING

REZONING

Case: 12-108

MINUTES
PLANNING & ZONING COMMISSION
Regular Meeting
June 21, 2012, 7:00 p.m.
City Hall Council Chambers
College Station, Texas

COMMISSIONERS PRESENT: Mike Ashfield, Craig Hall, Bo Miles, Jodi Warner, James Benham, Jim Ross, and Jerome Rektorik

COMMISSIONERS ABSENT: None

CITY COUNCIL MEMBERS PRESENT: David Ruesink

CITY STAFF PRESENT: Bob Cowell, Lance Simms, Molly Hitchcock, Alan Gibbs, Carol Cotter, Jennifer Prochazka, Jason Schubert, Morgan Hester, Teresa Rogers, Erika Bridges, Danielle Singh, Marcelo Arreola, Joe Guerra, Mary Ann Powell, Brittany Caldwell, and Carrie McHugh

1. **Call meeting to order**

Chairman Ashfield called the meeting to order at 7:00 p.m.

2. **Pledge of Allegiance**

3. **Hear Citizens**

No one spoke.

4. **Consent Agenda**

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

- June 7, 2012 ~ Workshop
- June 7, 2012 ~ Regular

4.2 Presentation, possible action, and discussion on a Final Plat for Harper's Crossing consisting of two lots on approximately 3.2 acres located at 2849 Barron Road, generally located at the southeast corner of the intersection of Barron Road and William D Fitch Parkway. **Case #12-00500103 (MTH)**

Commissioner Rektorik motioned to approve Consent Agenda Items 4.1 and 4.2. Commissioner Benham seconded the motion, motion passed (7-0).

Regular Agenda

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

No items were removed from the Consent Agenda.

6. Public hearing, presentation, possible action, and discussion regarding a Conditional Use Permit for approximately 4.1 acres of ground-floor multi-family housing within the Wolf Pen Creek District located at 1915 Dartmouth Street, generally located at the intersection of Holleman Drive East and Dartmouth Street. **Case # 12-00500013 (LH) (Note: Final action on this item is scheduled for the July 12, 2012 City Council Meeting - subject to change)**

Staff Planner Hovde presented the Conditional Use Permit and recommended approval.

Travis Martinek, Clarke & Wyndham, stated that he was available for questions.

Commissioners Hall and Rektorik inquired about the USDA being notified of the Conditional Use Permit.

Ms. Hovde stated that they were notified, but that staff has not spoken with them.

Director Cowell said that the USDA was a tenant, not the owner.

Chairman Ashfield opened the public hearing.

No one spoke during the public hearing.

Chairman Ashfield closed the public hearing.

Commissioner Benham motioned to recommend approval of the Conditional Use Permit. Commissioner Rektorik seconded the motion, motion passed (7-0).

7. Public hearing, presentation, possible action, and discussion regarding a rezoning from A-O Agricultural-Open to PDD Planned Development District for approximately 7.5 acres located at 4080 State Highway 6 South, generally located south of Secure Self-Storage on the frontage road. **Case # 12-00500084 (LH) (Note: Final action on this item is scheduled for the July 12, 2012 City Council Meeting - subject to change)**

Staff Planner Hovde presented the rezoning and recommended approval only if the meritorious modification requests to not provide a public street, public way, or a public sidewalk along the State Highway 6 South frontage road be removed from the rezoning and that the facilities be incorporated into the proposed Concept Plan.

Joe Schultz, engineer for the applicant, stated that the applicant would prefer not to have a public street or public way going through the property due to liability issues. He said that only one place on the west side of State Highway 6 South currently complies with the 900-foot block-length requirement. He also said that the applicant is proposing to provide a pedestrian access way all the way through the tract.

Chairman Ashfield opened the public hearing.

Kyle Incardona, Hillier Funeral Home, stated that their Bryan facility is maintained constantly and that he is concerned about providing a public way through the property due to safety concerns. He also showed renderings of the proposed development.

John Clark, representing the seller of the property, addressed the meritorious modification requests to the block length and sidewalk and stated that those items would be extremely expensive and would take away from the total acreage. He said that he was told that if these items were required that the project would not happen.

Michael Duffy, 3801 Gold Finch Circle; Noel Bauman, 1734 Purple Martin Cove; Sarah Franke, 3702 Bridle Trails Court; Thomas Rodgers, 3800 Gold Finch Circle; all of College Station, Texas. The citizens expressed concern about drainage and traffic flows. There was also a question regarding building height in the development.

City Engineer Gibbs said that any increase in water flow would be required to be mitigated. He also said that it would need to be confirmed that there were not any point discharges on neighboring properties.

Transportation Planning Coordinator Guerra stated that the trips generated by the development are below what is required for a (TIA) Traffic Impact Analysis.

Ms. Hovde said that the building height would be restricted by a 2:1 ratio, which would be approximately two stories.

Chairman Ashfield closed the public hearing.

There was general discussion amongst the Commission regarding the meritorious modifications.

Commissioner Miles motioned to recommend approval of the meritorious modifications and the rezoning as proposed by the applicant. Commissioner Warner seconded the motion, motion passed (7-0).

8. Public hearing, presentation, possible action, and discussion regarding a rezoning from A-O Agricultural-Open with OV Corridor Overlay to C-1 General Commercial with OV Corridor Overlay on approximately 1.2 acres located at 950 William D. Fitch Parkway, generally located at the southwest corner of William D. Fitch Parkway and State Highway 6 South. **Case # 12-00500108 (MTH) (Note: Final action on this item is scheduled for the July 12, 2012 City Council Meeting - subject to change)**

Staff Planner Hester presented the rezoning and recommended approval.

Chairman Ashfield opened the public hearing.

No one spoke during the public hearing.

Chairman Ashfield closed the public hearing.

Commissioner Warner motioned to recommend approval of the rezoning. Commissioner Benham seconded the motion, motion passed (7-0).

9. Public hearing, presentation, possible action, and discussion regarding an amendment to Unified Development Ordinance Section 5.6.B.2.c “NG-3 Residential Northgate” and Section 5.7 “Design District Dimensional Standards” regarding places of worship in Northgate. **Case # 12-00500101 (MTH) (Note: Final action on this item is scheduled for the July 12, 2012 City Council Meeting - subject to change)**

Staff Planner Hester presented the ordinance amendments regarding places of worship in Northgate.

Chairman Ashfield opened the public hearing.

No one spoke during the public hearing.

Chairman Ashfield closed the public hearing.

Commissioner Rektorik motioned to recommend approval of the ordinance amendments. Commissioner Benham seconded the motion, motion passed (7-0).

10. Public hearing, presentation, possible action, and discussion regarding an amendment to Chapter 7, Health and Sanitation, of the Code of Ordinances by adding Section 7-13, “Stormwater Protection” and an amendment to Chapter 12, Unified Development Ordinance by renaming Section 7.8 as “Flood Hazard Protection”, adding Section 7.13, “Drainage and Stormwater Management”, and adding Section 10.6, “Specific Enforcement and Penalties for Drainage and Stormwater Management” to regulate discharges into the City stormwater system. **Case # 12-00500115 (AG) (Note: Final action on this item is scheduled for the July 12, 2012 City Council Meeting - subject to change)**

City Engineer Gibbs presented the ordinance amendments regarding stormwater.

There was general discussion amongst the Commission and Staff regarding the enforcement section of the ordinance.

Chairman Ashfield opened the public hearing.

Robert Rose, 505 University Drive, College Station, Texas, stated that there needs to be strict environmental laws in the area.

Chairman Ashfield closed the public hearing.

Chairman Ashfield motioned to recommend approval of the ordinance amendments. Commissioner Ross seconded the motion, motion passed (7-0).

11. Discussion and possible action on future agenda items – A Planning & Zoning Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.

There was no discussion.

12. Adjourn.

The meeting was adjourned at 8:34 p.m.

Approved:

Mike Ashfield, Chairman
Planning & Zoning Commission

Attest:

Brittany Caldwell, Admin. Support Specialist
Planning & Development Services

ORDINANCE NO. _____

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

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

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

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

PASSED, ADOPTED and APPROVED this 12th day of July, 2012.

APPROVED:

MAYOR

ATTEST:

City Secretary

APPROVED:

Carla A. Robinson

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 1.2 acre property is rezoned from A-O Agricultural Open with OV Corridor Overlay to C-1 General Commercial with OV Corridor Overlay:

METES AND BOUNDS DESCRIPTION
OF A
1.18 ACRE TRACT
AUGUSTUS BABILLE SURVEY, A-75
S. W. ROBERTSON LEAGUE, A-202
COLLEGE STATION, BRAZOS COUNTY, TEXAS

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE AUGUSTUS BABILLE SURVEY, ABSTRACT NO. 75, AND THE S. W. ROBERTSON LEAGUE, ABSTRACT NO. 202, COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF OLD ARRINGTON ROAD AND APPEARING TO BE A PORTION OF THE REMAINDER OF A CALLED 100 ACRE TRACT AS DESCRIBED BY A DEED TO MILTON D. WILLIAMS RECORDED IN VOLUME 277, PAGE 389 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS, AND A PORTION OF THE REMAINDER OF A CALLED 185.2 ACRE TRACT AS DESCRIBED BY A DEED TO J. H. BINNEY AND LLOYD D. SMITH RECORDED IN VOLUME 103, PAGE 444 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS.

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

BEGINNING AT A 5/8 INCH IRON ROD FOUND ON THE SOUTHEAST LINE OF W. D. FITCH PARKWAY (VARIABLE WIDTH R.O.W.) MARKING THE NORTHWEST CORNER OF A CALLED 5.53 ACRE TRACT AS DESCRIBED BY A DEED TO BRAZOS TEXAS LAND DEVELOPMENT, LLC RECORDED IN VOLUME 8361, PAGE 279 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: S 02° 22' 33" E ALONG THE WEST LINE OF SAID 5.53 ACRE TRACT, SAME BEING CALLED THE EAST LINE OF OLD ARRINGTON ROAD, FOR A DISTANCE OF 525.05 FEET TO A 5/8 INCH IRON ROD FOUND MARKING THE SOUTHWEST CORNER OF SAID 5.53 ACRE TRACT AND THE NORTHWEST CORNER OF A CALLED 5.46 ACRE TRACT AS DESCRIBED BY SAID DEED TO BRAZOS TEXAS LAND DEVELOPMENT, LLC (8361/279);

THENCE: S 02° 26' 17" E ALONG THE WEST LINE OF SAID 5.46 ACRE TRACT, SAME BEING CALLED THE EAST LINE OF OLD ARRINGTON ROAD, FOR A DISTANCE OF 474.97 FEET TO A 1/4 INCH IRON ROD FOUND MARKING THE SOUTHWEST CORNER OF SAID 5.46 ACRE TRACT AND THE NORTHWEST CORNER OF A CALLED 2.445 ACRE TRACT AS DESCRIBED BY A DEED TO RONALD CALVIN RECORDED IN VOLUME 9338, PAGE 178 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, FOR REFERENCE A 1/2 INCH IRON ROD FOUND MARKING THE NORTHEAST CORNER OF SAID 2.445 ACRE TRACT BEARS; S 81° 04' 26" E FOR A DISTANCE OF 448.40 FEET;

THENCE: N 81° 04' 26" W THROUGH OLD ARRINGTON ROAD AND ALONG THE EXTENSION OF THE COMMON LINE OF SAID 5.46 ACRE TRACT AND SAID 2.445 ACRE TRACT FOR A DISTANCE OF 54.71 FEET TO THE EAST LINE OF A CALLED 22.565 ACRE TRACT AS DESCRIBED BY SAID DEED TO BRAZOS TEXAS LAND DEVELOPMENT, LLC (8361/279), SAME BEING CALLED THE WEST LINE OF OLD ARRINGTON ROAD, FOR REFERENCE A 5/8 INCH IRON ROD FOUND ON THE WEST LINE OF OLD ARRINGTON ROAD MARKING THE SOUTH CORNER OF SAID 22.565 ACRE TRACT BEARS; S 02° 53' 34" E FOR A DISTANCE OF 1065.79 FEET;

THENCE: N 02° 53' 34" W ALONG THE EAST LINE OF SAID 22.565 ACRE TRACT, SAME BEING CALLED THE WEST LINE OF OLD ARRINGTON ROAD, FOR A DISTANCE OF 555.44 FEET TO A 5/8 INCH IRON ROD FOUND MARKING THE SOUTH CORNER OF THE REMAINDER OF A CALLED 0.5187 ACRE TRACT AS DESCRIBED BY A DEED TO THE STATE OF TEXAS RECORDED IN VOLUME 863, PAGE 231 OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: N 00° 53' 16" E CONTINUING ALONG THE CALLED WEST LINE OF OLD ARRINGTON ROAD FOR A DISTANCE OF 227.20 FEET TO A CONCRETE RIGHT-OF-WAY MARKER FOUND MARKING A COMMON CORNER OF SAID REMAINDER OF 0.5187 ACRE TRACT AND A CALLED 0.187 ACRE TRACT AS DESCRIBED BY A DEED TO THE VOLUNTEER FIRE DEPARTMENT, PRECINCT 1, RECORDED IN VOLUME 478, PAGE 86 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: N 00° 58' 34" W ALONG THE EAST LINE OF SAID 0.187 ACRE TRACT FOR A DISTANCE OF 145.14 FEET TO A TXDOT BRASS DISC FOUND MARKING THE NORTHEAST CORNER OF SAID 0.187 ACRE TRACT AND THE SOUTHEAST CORNER OF A CALLED 0.029 ACRE TRACT AS DESCRIBED BY A DEED TO WELLBORN SPECIAL UTILITY DISTRICT RECORDED IN VOLUME 3991, PAGE 197 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS

COUNTY, TEXAS;

THENCE: N 01° 10' 59" W ALONG THE EAST LINE OF SAID 0.029 ACRE TRACT FOR A DISTANCE OF 44.25 FEET TO A 5/8 INCH IRON ROD FOUND ON THE SOUTHEAST LINE OF W. D. FITCH PARKWAY MARKING THE NORTH CORNER OF SAID 0.029 ACRE TRACT;

THENCE: N 64° 08' 38" E ALONG THE SOUTHEAST LINE OF W. D. FITCH PARKWAY FOR A DISTANCE OF 44.42 FEET TO THE POINT OF BEGINNING CONTAINING 1.18 ACRES OF LAND, MORE OR LESS, AS SURVEYED ON THE GROUND. BEARING SYSTEM SHOWN HEREBIN IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION. SEE PLAT PREPARED OCTOBER 2011 FOR MORE DESCRIPTIVE INFORMATION.

BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4502

D:/WORK/MAB/11-360A.MAB

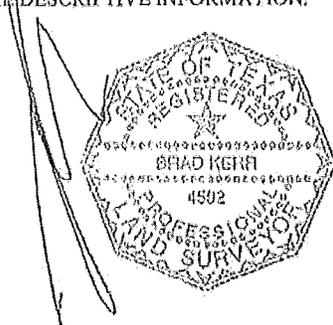
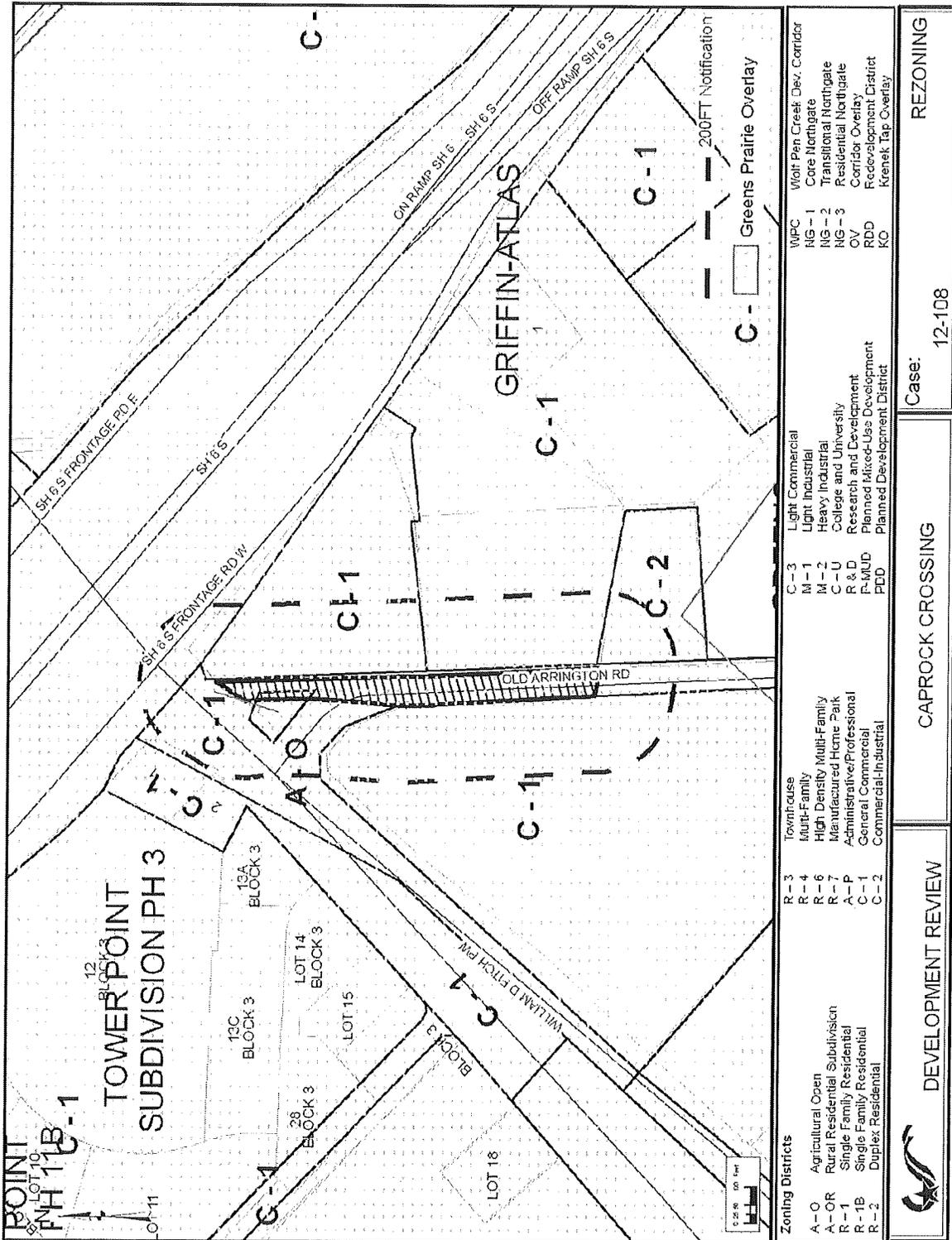


EXHIBIT "C"



July 12, 2012
Regular Agenda Item No. 3
Rezoning for 4080 State Highway 6 S

To: David Neeley, City Manager

From: Bob Cowell, AICP, CNU-A, Executive Director - 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 approximately 7.547 acres located at 4080 State Highway 6 S, generally located south of the SecurCare Self Storage on the frontage road, from A-O Agricultural Open to PDD Planned Development District.

Relationship to Strategic Initiatives: Diverse Growing Economy, Sustainable City

Recommendations: The Planning and Zoning Commission considered this item at their June 21st meeting and voted 7-0 to recommend approval as proposed by the applicant. Staff recommended approval.

Summary: The request is to rezone 7.547 acres between Secure Care Self Storage and Style Craft Builder's office, located on State Highway 6, from A-O Agricultural-Open to PDD Planned Development District for uses that include those allowed in a C-3 Light Commercial zoning district and a funeral home in Phase 1 of the PDD. The property has frontage on both State Highway 6 and Longmire Drive. Along Longmire Drive, the proposed PDD abuts a single-family development on one side. The Unified Development Ordinance provides the following review criteria for zoning map amendments:

REVIEW CRITERIA

- 1. Consistency with the Comprehensive Plan:** The subject tract is designated as Suburban Commercial on the Comprehensive Plan Future Land Use and Character Map. The proposed development is consistent with this designation in addition to the land use designations surrounding the subject tract which include Suburban Commercial and General Suburban. In addition to allowing only neighborhood-compatible land uses in Phase 2 and 3 (closest to Longmire Drive), the architecture will be compatible with that of the surrounding neighborhoods through the use of building materials found in the neighborhood. Specific materials have not been specified with the PDD.

- 2. Compatibility of the proposed request with the present zoning and conforming uses of nearby property and with the character of the neighborhood:** The proposed PDD will enable the development of Neighborhood Commercial and Office type uses, with the addition of a funeral home in Phase 1 closest to State Highway 6. The funeral home is more intense than typically appropriate for a Suburban Commercial land use designation, but the location and situation of this phase make the land use more suitable. The adjacent land uses are a self-storage complex with outdoor storage facilities and a construction office/design studio for residential construction. Both properties are zoned C-1 General Commercial, which does allow for the use of a funeral home. The portion of the proposed development that abuts residential uses will be restricted in both land use and height to ensure compatibility with the neighborhood.

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 land uses permitted through the proposed PDD include those allowed in a C-3 Light Commercial district and A-P Administrative Professional. In addition, Phase 1, located adjacent to State Highway 6, will also include the ability to have a funeral home. This addition does not include the use of a crematorium. Funeral homes are not a neighborhood-oriented land use, but due to its proximity to State Highway 6 and the existing C-1 General Commercial land uses directly north and south, the use is suitable by adding additional architectural features to assist the structure in blending with the nearby residences. Phases 2 and 3 will include office and neighborhood-oriented commercial that will also have a residential-style of architecture. These land uses are suitable adjacent to single-family and are appropriate placed against Longmire Drive (Major Collector).
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 current A-O Agricultural-Open zoning district is not suitable for the subject tract due the presence of State Highway 6 and Longmire Drive (Major Collector) on its northeast and southwest sides. The activity associated with these thoroughfares makes the land uses applicable to an A-O zoning district less practical. In addition, the subject tract is located between two existing commercial sites, and a vacant property zoned for commercial 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:** Agricultural-related uses and single-family residential are not marketable for the subject tract due to its suburban surrounding. A minimum lot size of five acre, required by the A-O zoning district, is not marketable due to the surrounding land uses and zoning districts that directly abut the subject tract.
6. **Availability of water, wastewater, stormwater, and transportation facilities generally suitable and adequate for the proposed use:** When the proposed development proceeds through the platting process, right-of-way dedication will be required along Longmire Drive in order for the site to be in compliance with the City of College Station Thoroughfare Plan.

There are existing 8-inch and 24-inch water mains available to serve this property. There are also existing 8-inch sanitary sewer lines which may provide service to the site. Drainage is mainly to the southeast within the Lick Creek Drainage Basin. Access to the site will be available via the State Highway 6 Frontage Road and Longmire Drive. Drainage and other infrastructure required with site development shall be designed and constructed in accordance with the BCS Unified Design Guidelines. Existing infrastructure appears to be adequate for the proposed use.

REVIEW OF CONCEPT PLAN

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

"The purpose and intent of this development is to rezone the property so development can occur in accordance with the Comprehensive Plan. The

development will have a mix of commercial and office uses which will become less intense as the distance from State Highway 6 increases so that there is a transition from the existing and proposed commercial uses along State Highway 6 to the residential neighborhoods along Longmire Drive and Eagle Avenue."

The proposed Concept Plan includes uses permitted through a C-3 Light Commercial for the Neighborhood Commercial portions (Phase 1 and 2) and A-P Administrative Professional for the Office portion (Phase 3). Crematoriums, fuel sales, and commercial amusements are expressly prohibited. The estimated building plot square footage is 50,000 with individual buildings ranging between 3,000 and 8,000 square feet. Neighborhood Commercial buildings will be a maximum of 35-feet in height and Office buildings will be a maximum height of 30-feet. Roof pitches will have slopes with a minimum of 4:12 and a maximum of 8:12. Flat and shed roofs are expressly prohibited. Eaves shall extend from the building façade a minimum of 12-inches.

Base Zoning and Meritorious Modifications

The applicant is proposing to develop using the C-3 Light Commercial zoning classification standards for the Neighborhood Commercial portions of the requested PDD, and A-P Administrative Professional for Office portions. The PDD is divided into three phases. Phase 1 is shown on the Concept Plan as Neighborhood Commercial (C-3 Light Commercial base zoning). Phase 1 land uses will also include a funeral home. Phase 2 is Neighborhood Commercial/Office (C-3 Light Commercial base zoning). Phase 3 is shown as Office (A-P Administrative Professional base zoning).

At the time of plat and site plan, the project will need to meet all applicable site development standards and platting requirements of the UDO for the C-3 Light Commercial and A-P Administrative Professional zoning classifications, except where meritorious modifications are granted with the PDD zoning. The applicant is requesting the following meritorious modifications:

1. UDO Section 8.2.G.2 "Blocks"

According to subdivision regulations, block lengths over 900 linear feet must be broken along a street that abuts land designated as Suburban Commercial in the Comprehensive Plan Future Land Use and Character Map. Block length is required to be broken by the extension of a public street meeting minor collector standards (applicable in commercial areas). The Subdivision Regulations allow for a more cost-effective technique, being a Public Way, in commercial and multi-family developments. A Public Way is a public access easement of a minimum 40-foot with a street section built to certain public standards.

The applicant is requesting modification of this requirement for both State Highway 6 and Longmire Drive. The applicant is proposing an alternate connection between the rights-of-way only through their private parking lots. The 900-foot block length requirement is in place to ensure public access, to enhance connectivity within suburban areas and to provide alternative routes of travel through an area. Staff does not believe there to be sufficient merit to justify the modification, as required by the UDO.

2. UDO Section 8.2.E.3 "Street Projections"

When a property is platted that abuts other unplatted tracts, the property is required to project a public street or Public Way to the tracts to enable future vehicular connections. The subject property abuts unplatted tracts on its northern side that

are not conducive to a new public connection. Therefore, Staff agrees that merit exists for this modification.

3. UDO Section 8.2.K.3.a "Sidewalk Exceptions"

A sidewalk is required along the State Highway 6 frontage road. Due to the absence of sidewalk on the contiguous block's street frontage, the applicant is requesting modification from this requirement. The Bicycle, Pedestrian, and Greenways Advisory Board discussed this request during their June 4, 2012 meeting, but did not provide a recommendation. Staff does not believe there to be sufficient merit to justify the modification, as required by the UDO.

4. UDO Section 7.5.D.1-2 "Streetscape Requirements"

Street trees are required to be located within 50 feet of a public right-of-way. On the subject tract, overhead power lines interfere with this requirement causing the applicant to seek the meritorious modification. The request is to increase the allowable distance from the Longmire Drive right-of-way up to 60 feet. Therefore, Staff agrees that merit exists for this modification.

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 proposed development will consist of structures that are compatible with the surrounding neighborhoods by using materials commonly used within the residential area. Building materials have not been specified with this PDD and each building is required by ordinance to provide architectural relief elements. Buildings within Phase 1 area propose to utilize alternative Suburban Commercial architectural elements that are more commonly found on residential structures. The proposed land uses being neighborhood-oriented, with the exception of a funeral home, will provide a variety of land uses within an easy distance to nearby residential units for vehicle and pedestrian traffic. A sidewalk along State Highway 6 would increase walkability in the area.

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 Concept Plan reflects the policies, goals and objectives of the Comprehensive Plan as it relates to land use and character, connectivity, and neighborhood integrity. The Suburban Commercial designation in the Comprehensive Plan Future Land Use and Character Map is intended for development that is compatible with surrounding residential uses, as proposed with this PDD. Upon the platting of Phases 2 and 3, the subject tract will be required to provide additional right-of-way along Longmire Drive in order to comply with the Thoroughfare Plan. In addition, several components are proposed to promote and protect neighborhood integrity:

- a) Buildings within Phase 1 will have 35-percent masonry (stone, brick, tile, or a concrete product simulating one of these materials) on the primary entrance façade and 20-percent on other facades visible from a right-of-way. No percentages have been specified for Phases 2 and 3. This is different from Non-Residential Architectural Standards which require 25% on façades facing a right-of-way and 10% on all other facades. The primary entrance façade is not required to face a right-of-way.
- b) All building will be required to meet Non-Residential Architectural Standards that required architectural relief elements on each façade. Phase 1 buildings will utilize

alternative architectural relief elements found in the residential area such as (Phases 2 and 3 are not included):

- Covered front porch
- Eaves in excess of 18 inches
- Window canopy
- Transom windows
- Decorative façade lighting
- Chimney or cupolas

- c) The dumpster will be located away from residential uses.
- d) Flat or shed roofs will be prohibited.
- e) Eaves shall extend at least 12 inches from the building façade.
- f) Roof slope shall be between 4:12 and 8:12.
- g) Maximum building height in Phase 1 will be 35 feet and Phase 2 and 3 will be 30 feet.
- h) Foundation landscaping will be provided along 50-percent of the primary entrance facades and within 3 feet of the buildings.

3. The proposal is compatible with existing or permitted uses on abutting sites and will not adversely affect adjacent development: The proposed land use, with the additional compatibility components, is consistent with the level of development occurring in the immediate vicinity. The development abutting State Highway 6 on the northern and southern sides include self storage and office. Development has not occurred on the northern side of the subject tract on the Longmire Drive side, though this area is zoned A-P Administrative Professional and C-1 General Commercial. Neighborhood Commercial and Office uses will be compatible adjacent to the abutting single-family residences and add a variety of land uses in the area which increases the interest and versatility of the area.

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 residential uses proposed for this development.

5. The development includes provision of adequate public improvements, including, but not limited to, parks, schools, and other public facilities: The development includes a proposed Access Way, which will be dedicated during the platting process. In addition, right-of-way will be dedicated along Longmire Drive when the applicable phases are platted. Meritorious modifications are being requested to sidewalks along State Highway 6 and street projections. Public sidewalks currently exist along Longmire Drive.

6. The development will not be detrimental to the public health, safety, welfare, or materially injurious to properties or improvements in the vicinity: The requested modifications associated with block length and sidewalks would cause harm to the public health, safety, welfare, or abutting properties. Among other responsibilities, Subdivision Regulations are in place to ensure that development occurs in a way to maximize efficiency of public infrastructure. The granting of these modifications would be contrary to those efforts.

The dedication of an Access Way, applicable when platted, will provide pedestrian and bicycle accommodations through the subject tract which would also be accommodated through the provision of the required street/Public Way. A vehicular access point may be accommodated on State Highway 6 through the use of a deceleration lane.

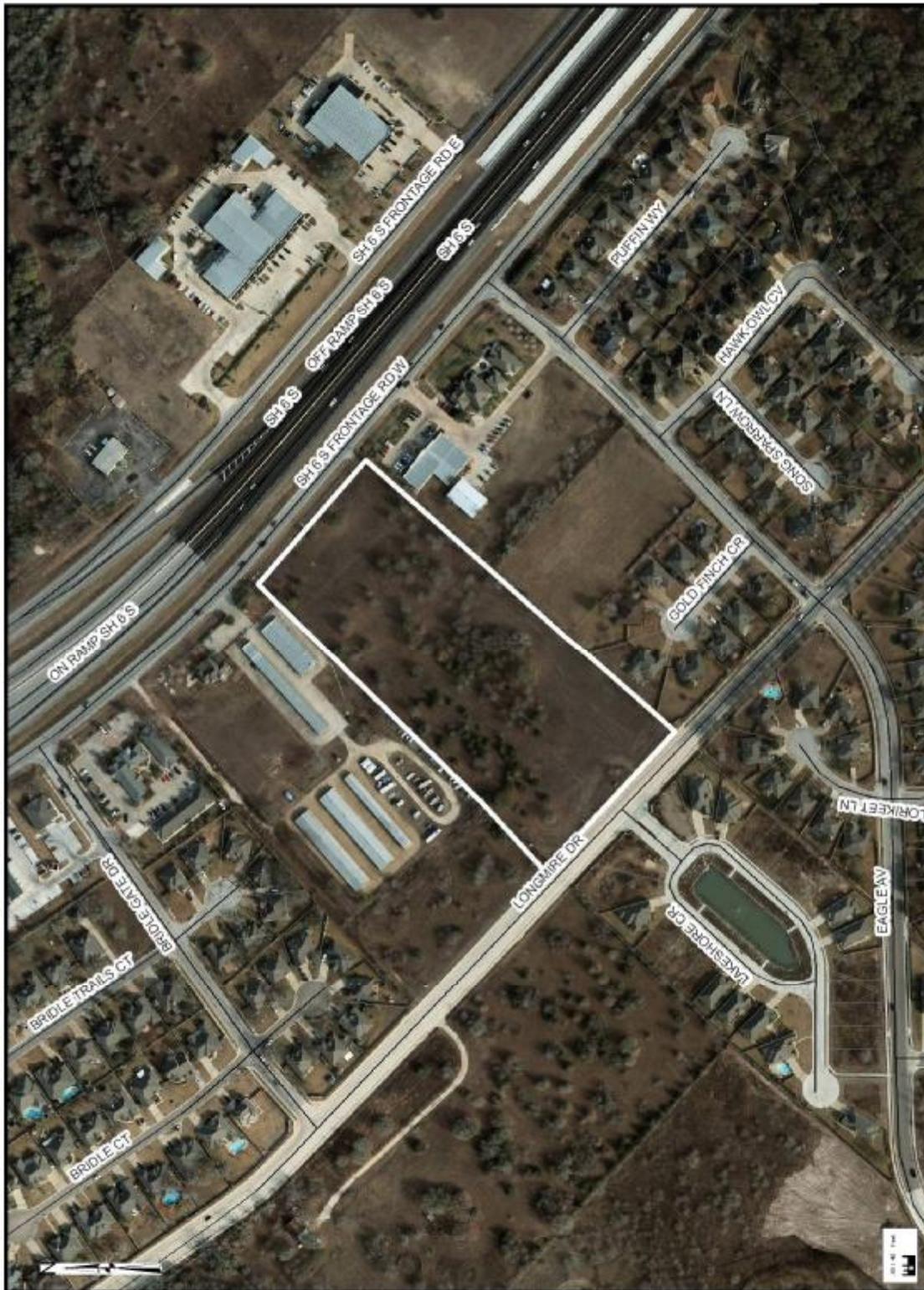
7. The development will not adversely affect the safety and convenience of vehicular, bicycle, or pedestrian circulation in the vicinity, including traffic

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 proposed PDD will negatively affect the current circulation in the vicinity by not contributing to the overall network through the extension of a public street or Public Way, as required by ordinance, which would provide additional route options. The extension of a public street or Public Way is necessary to complete the street network proposed by the College Station Thoroughfare Plan and supported by the Subdivision Regulations. Street connectivity between designated thoroughfares is vital to the future functionality of the proposed and existing thoroughfares.

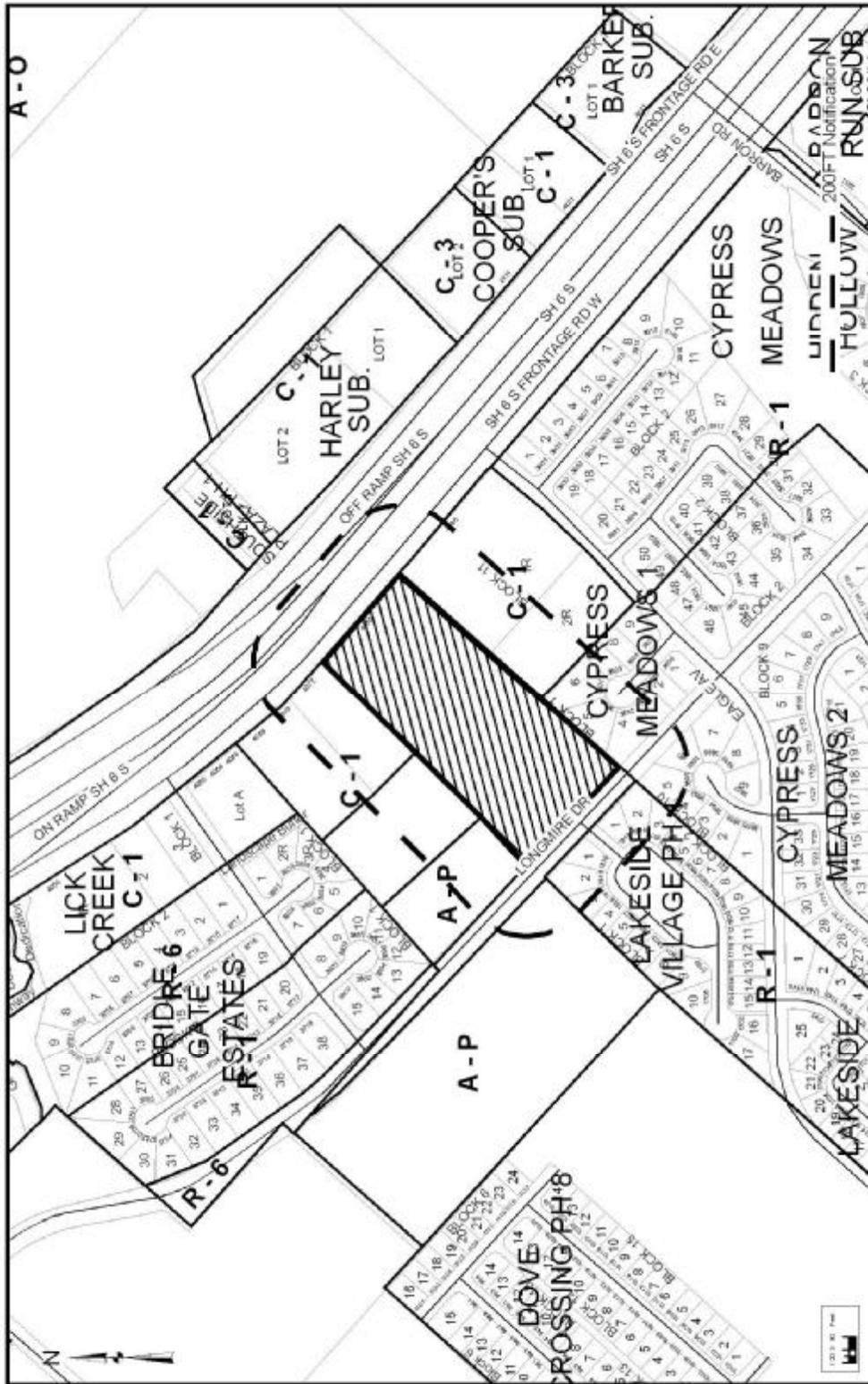
Budget & Financial Summary: N/A

Attachments:

1. Aerial & Small Area Map (SAM)
2. Concept Plan
3. Background Information
4. Draft June 21st Planning & Zoning Commission Minutes
5. Ordinance



	DEVELOPMENT REVIEW
4080 STATE HWY 6 S	Case: 12-084
REZONING	



Zoning Districts	Light Commercial	Light Industrial	Heavy Industrial	College and University	Research and Development	Planned Mixed-Use Development	Planned Development District	MPC	Wolf Pen Creek Dev. Corridor
A-O	C-3	M-1	M-2	C-U	R & D	P-MUD	FDD	NG-1	Core Northgate
A-OR	M-2	M-2	M-2	C-U	R & D	P-MUD	FDD	NG-2	Transitional Northgate
R-1	M-2	M-2	M-2	C-U	R & D	P-MUD	FDD	NG-3	Residential Northgate
R-1B	M-2	M-2	M-2	C-U	R & D	P-MUD	FDD	OV	Corridor Overlay
R-2	M-2	M-2	M-2	C-U	R & D	P-MUD	FDD	RDD	Redevelopment District
	M-2	M-2	M-2	C-U	R & D	P-MUD	FDD	KNO	Krenk Tap Overlay

DEVELOPMENT REVIEW

4080 STATE HWY 6 S

REZONING

Case: 12-064



BACKGROUND INFORMATION

NOTIFICATIONS

Advertised Commission Hearing Date: June 21, 2012
 Advertised Council Hearing Dates: July 12, 2012

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:

Springbrook-Cypress Meadow HOA and Lakeside Village (unregistered association)

Property owner notices mailed: 22
 Contacts in support: None
 Contacts in opposition: None
 Inquiry contacts: None

ADJACENT LAND USES

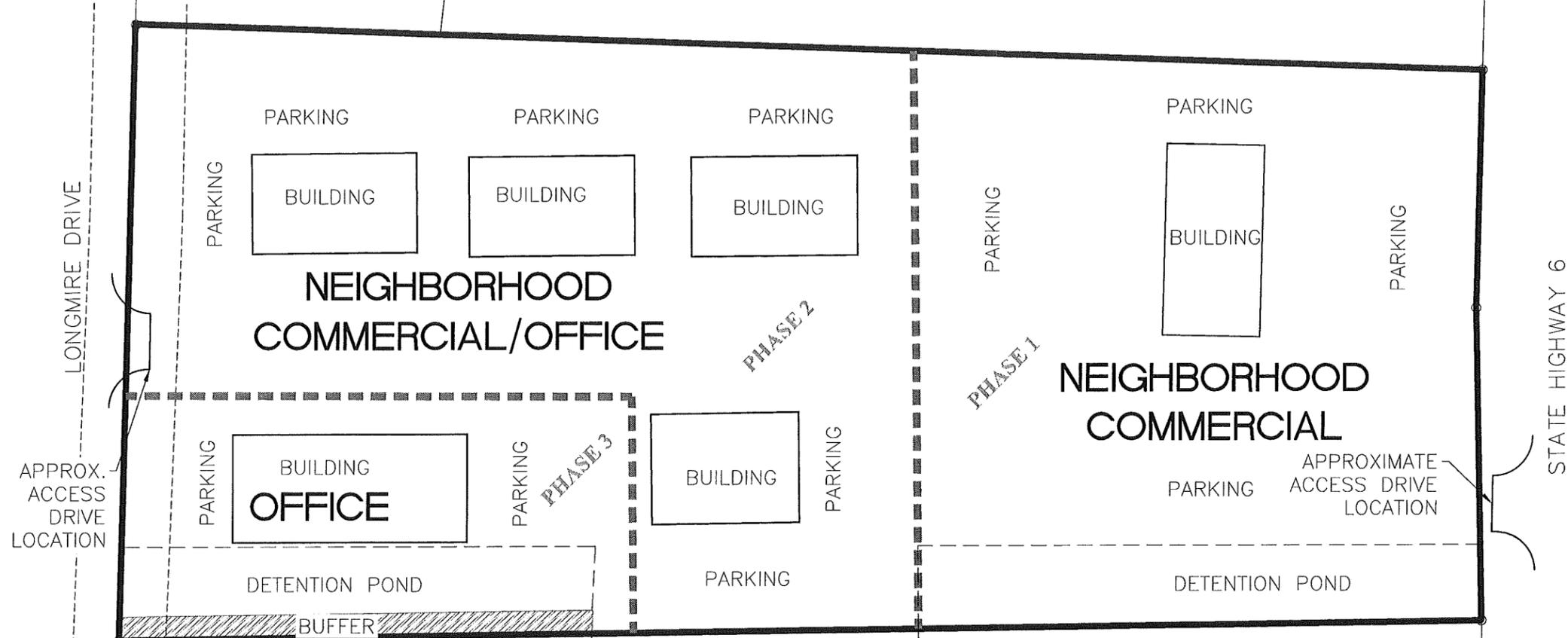
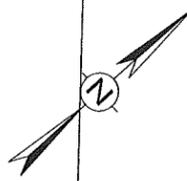
Direction	Comprehensive Plan	Zoning	Land Use
North	Suburban Commercial	C-1 General Commercial	Secure Self Storage
South	Suburban Commercial and General Suburban	R-1 Single-Family Residential and C-1 General Commercial	Springbrook-Cypress Meadow Subdivision, Lakeside Village Subdivision and vacant property
East	Suburban Commercial	C-1 General Commercial	Style Craft Building’s office
West	Suburban Commercial	C-1 General Commercial and AP Administrative Professional	Secure Self Storage and vacant property

DEVELOPMENT HISTORY

Annexation: October 1983
 Zoning: A-O Agricultural-Open upon annexation
 Final Plat: Unplatted
 Site development: Vacant

ZONED A-P
NOT PLATTED
JK Development, L.L.P. PART OF
Called 21.00 AC.
2539/71

ZONED C-1
NOT PLATTED
SECURCARE PROPERTIES
5919/117



APPROX.
ACCESS
DRIVE
LOCATION

APPROXIMATE
ACCESS DRIVE
LOCATION

JERRY BROWN
& LAURA
BAKER
LOT 4
ZONED R-1

THOMAS & KAITLYN
RODGERS
LOT 5
ZONED R-1

MICHEAL DUFFY
& DEBORAH
HONTHUMB
LOT 6
ZONED R-1

MAJID & CYNTHIA NOORI
LOT 2R
ZONED C-1

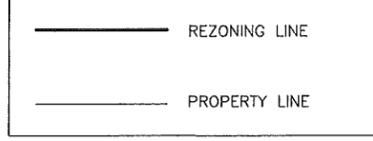
CHARLES RANDAL FRENCH
LOT 1R
ZONED C-1

C-1
REPLAT OF SPRINGBROOK
BLOCK ELEVEN CALLED
5.751 ACRES
6654/71
2865/65

R-1
SPRINGBROOK - CYPRESS
MEADOW
BLOCK ONE
1597/65

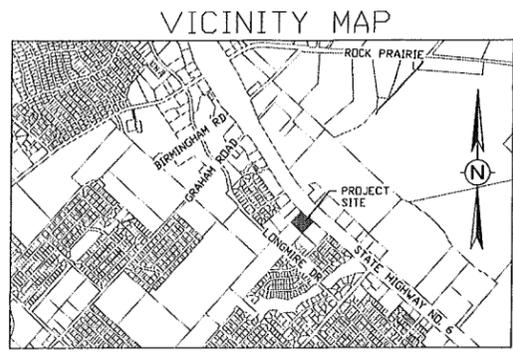
BTU ELECTRIC
TRANSMISSION LINE
EASEMENT

LEGEND



NOTE:

1. THIS TRACT DOES NOT LIE WITHIN A DESIGNATED 100 YEAR FLOOD PLAIN ACCORDING TO THE F.I.R.M. MAPS, COMMUNITY PANEL NO. 48041C0201-D, EFFECTIVE FEBRUARY 9, 2000.



CONCEPT PLAN

**7.547 ACRES
WALLER TRACT
4080 SH 6 SOUTH**
ROBERT STEVENSON LEAGUE, A-54
COLLEGE STATION, BRAZOS COUNTY, TEXAS
CURRENT ZONING:
A-O - AGRICULTURAL OPEN
PROPOSED ZONING:
PDD - PLANNED DEVELOPMENT DISTRICT

OWNER:
DAHLIS WALLER
P.O. BOX 5790
BRYAN, TX 77805
(979) 776-4350

DEVELOPER:
CARRIAGE SERVICES, INC.
3040 POST OAK BLVD.
SUITE 300
HOUSTON, TEXAS 77056
(713) 332-8478

SURVEYOR:
CURTIS STRONG, RPLS No. 4961
STRONG SURVEYING
1723 BROADMOOR, SUITE 105
BRYAN, TX 77802
(979) 776-9836

ENGINEER:
SCHULTZ ENGINEERING, LLC.
T&E Firm Reg. No. 12327
3730 Longmire, Suite A
College Station, Texas 77845
P. O. Box 11995
College Station, Texas 77842
979.764.3900

SHEET 1 OF 2

CONCEPT PLAN NOTES:

1. THE BASE ZONING DISTRICTS AND THE LAND USES FOR THIS PROPERTY ARE AS LISTED AND SHOWN ON THE CONCEPT PLAN:

NEIGHBORHOOD
COMMERCIAL ~ MEETING THE REQUIREMENTS OF C-3,

NEIGHBORHOOD COMMERCIAL ZONING CLASSIFICATION.

INCLUDING THE FOLLOWING USES FOR PHASE 1
- FUNERAL HOME

EXCLUDING THE FOLLOWING USES FOR PHASES 1 & 2:
- COMMERCIAL AMUSEMENTS
- FUEL SALES
- CREMATORIUM

OFFICE ~ MEETING THE REQUIREMENTS OF A-P, ADMINISTRATIVE PROFESSIONAL ZONING CLASSIFICATION

2. THE RANGE OF BUILDING HEIGHTS ARE AS FOLLOWS:

- BUILDING HEIGHTS IN THE NEIGHBORHOOD COMMERCIAL/OFFICE AREAS ARE ANTICIPATED TO BE FROM 12' TO 35' WITH THE HEIGHT MEASURED FROM THE PEAK OF THE ROOF.

- BUILDING HEIGHTS IN THE OFFICE AREAS ARE ANTICIPATED TO BE FROM 12' TO 30'.

3. THE STORM WATER DRAINAGE FROM THIS SITE WILL BE TAKEN TO THE LONGMIRE DRIVE STORM SEWER SYSTEM, THE SH 6 RIGHT-OF-WAY OR TO AN EXISTING DRAINAGE PATH ON THE ADJACENT PROPERTY. STORM WATER REQUIREMENTS WILL BE IN ACCORDANCE WITH THE B/CS UNIFIED STORMWATER DESIGN GUIDELINES.

4. THE DETENTION PONDS FOR THIS SITE WILL BE GENERALLY LOCATED AS SHOWN ON THIS PLAN.

5. A BUFFER WILL BE PROVIDED AS SHOWN ON THE CONCEPT PLAN.

THE BUFFER WILL MEET THE UDO REQUIREMENTS.

6. ARCHITECTURE FOR THE SITE WILL MEET OR EXCEED ALL NRA STANDARDS. THE BUILDINGS WILL HAVE A RESIDENTIAL CHARACTER AND SCALE TO MINIMIZE THE IMPACTS ON THE ADJACENT RESIDENTIAL AREA.

ROOFS SHALL BE SIMILAR TO RESIDENTIAL ROOF TYPE. A PEAKED PARAPET IS PERMITTED IF IT GIVES THE APPEARANCE OF A PITCHED ROOF FROM ALL SIDES.

- FLAT AND SHED ROOFS ARE NOT PERMITTED.
- EAVES SHALL EXTEND A MINIMUM OF 12 INCHES FROM THE BUILDING FACADE.
- ROOF SLOPE MUST BE A MAXIMUM OF 8:12 AND A MINIMUM OF 4:12.

THE USE OF NEIGHBORHOOD-APPROPRIATE BUILDING MATERIAL, WILL FURTHER SUPPORT TRANSITION FROM SH 6 INTO THE NEARBY RESIDENTIAL ZONES.

PHASE 1 BUILDING -

- THE SPECIFIC BUILDING MATERIALS ARE NOT KNOWN, BUT THE BUILDING FACADE STANDARDS FOR BRICK, STONE, MARBLE, GRANITE, TILE OR SPECIFIED CONCRETE PRODUCT WILL BE INCREASED FROM 25% TO 35% FOR FACADES FACING A R.O.W. AND FROM 10% TO 20% FOR OTHER FACADES THAT ARE VISIBLE FROM A R.O.W.

- ARCHITECTURAL RELIEF ELEMENTS FOR THE BUILDING WILL BE TWO OF THE FOLLOWING:

- COVERED FRONT PORCH
- EAVES IN EXCESS OF 18"
- WINDOW CANOPY
- TRANSOM WINDOWS
- DECORATIVE FACADE LIGHTING
- CHIMNEYS OR CUPOLAS

PHASE 2 & 3 BUILDINGS -

- PROPOSED BUILDING MATERIALS AND ARCHITECTURAL RELIEF ELEMENTS ARE NOT KNOWN AT THIS TIME.

7. SITE LIGHTING LOCATED ON THE BUILDINGS OR IN THE PARKING AREAS IS PROPOSED TO ENSURE THE SECURITY AND SAFETY OF THE USERS OF THE SITE AND WILL STRIVE TO BE COMPATIBLE WITH THE SURROUNDING NEIGHBORHOODS.

8. THE GENERAL BULK OR DIMENSIONAL VARIATIONS (MERITORIOUS MODIFICATIONS) SOUGHT ARE AS FOLLOWS.

8.1. UDO SECTION 7.5.D 1 & 2 - STREETSCAPE REQUIREMENTS. DUE TO THE EXISTING OVERHEAD ELECTRICAL TRANSMISSION LINE AND EASEMENT WHICH PREVENTS THE PLACEMENT OF TREES NEAR THE LONGMIRE DRIVE RIGHT-OF-WAY, IT IS REQUESTED THAT THE REQUIRED STREETSCAPE TREES BE ALLOWED TO BE WITHIN 60' OF THE PROPERTY LINE INSTEAD OF 50' ALONG LONGMIRE DRIVE.

8.2. UDO SECTION 8.2.E.3.a - WAIVER TO STREET PROJECTIONS. THIS PROJECT WILL NOT PROVIDE STREET PROJECTIONS TO UNPLATTED ADJOINING LOTS.

8.3. UDO SECTION 8.2.G.2.b - WAIVER TO BLOCK LENGTH REQUIREMENTS. THIS PROJECT WILL NOT PROVIDE A PUBLIC STREET OR PUBLIC WAY TO BREAK THE BLOCK LENGTH CREATED BY EAGLE AVENUE, LONGMIRE DRIVE, BRIDLE GATE DRIVE AND THE SH 6 FRONTAGE ROAD.

8.4. UDO SECTION 8.2.K.3.a. - WAIVER TO SIDEWALK REQUIREMENTS. THIS PROJECT WILL NOT PROVIDE A SIDEWALK ALONG THE SH 6 FREEWAY FRONTAGE ROAD.

9. PRIVATE CROSS ACCESS WILL BE PROVIDED FOR TRAFFIC TO GO BETWEEN EACH SECTION OF THIS DEVELOPMENT, THE 2 UNPLATTED PROPERTIES TO THE NORTH AND TO THE UNDEVELOPED TRACT TO THE SOUTH. THIS CROSS ACCESS WILL ALLOW TRAFFIC FROM THIS DEVELOPMENT AND THE ADJOINING TRACTS TO EACH HAVE ACCESS TO THE SH 6 FRONTAGE ROAD, EAGLE AVENUE, AND LONGMIRE DRIVE. THE LOCATION OF THIS CROSS ACCESS WILL BE DETERMINED AT PLATTING OR SITE PLAN SUBMITTAL.

10. AN ACCESS WAY FROM SH 6 TO LONGMIRE DRIVE WILL BE PROVIDED FOR A PEDESTRIAN CONNECTION. THE LOCATION OF THE ACCESS WAY WILL BE DETERMINED AT THE PLATTING OR SITE PLANNING STAGE.

11. THE RANGE OF BUILDING SIZES FOR:

PHASE 1 3,000 TO 8,000 SF.

PHASE 2 3,000 TO 8,000 SF.

PHASE 3 3,000 TO 6,000 SF.

THE TOTAL ESTIMATED BUILDING SQUARE FOOTAGE FOR THE BUILDING PLOT IS 50,000 SF.

12. SOLID WASTE DUMPSTERS SHALL BE LOCATED AWAY FROM THE ADJACENT RESIDENTIAL USES.

13. FOUNDATION LANDSCAPING, SUCH AS SHRUBS, PERENNIALS, AND VEGETATIVE GROUND COVER SHALL BE LOCATED ALONG AT LEAST 50% OF THE PRIMARY ENTRY FACADE AND WITHIN 3 FEET FROM THE FACE OF THE BUILDING.

CONCEPT PLAN

7.547 ACRES

WALLER TRACT

4080 SH 6 SOUTH
ROBERT STEVENSON LEAGUE, A-54
COLLEGE STATION, BRAZOS COUNTY, TEXAS

CURRENT ZONING:

A-O - AGRICULTURAL OPEN

PROPOSED ZONING:

PDD - PLANNED DEVELOPMENT DISTRICT

MAY 2012
REV. MAY 2012

OWNER:
DAHUIS WALLER
P.O. BOX 5790
BRYAN, TX 77805
(979) 776-4350

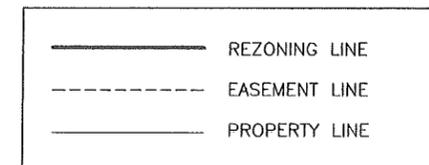
DEVELOPER:
CARRIAGE SERVICES, INC.
3040 POST OAK BLVD.
SUITE 300
HOUSTON, TEXAS 77056
(713) 332.8478

SURVEYOR:
CURTIS STRONG, RPLS No. 4961
STRONG SURVEYING
1722 BROADMOOR, SUITE 105
BRYAN, TX 77802
(979) 776-9836

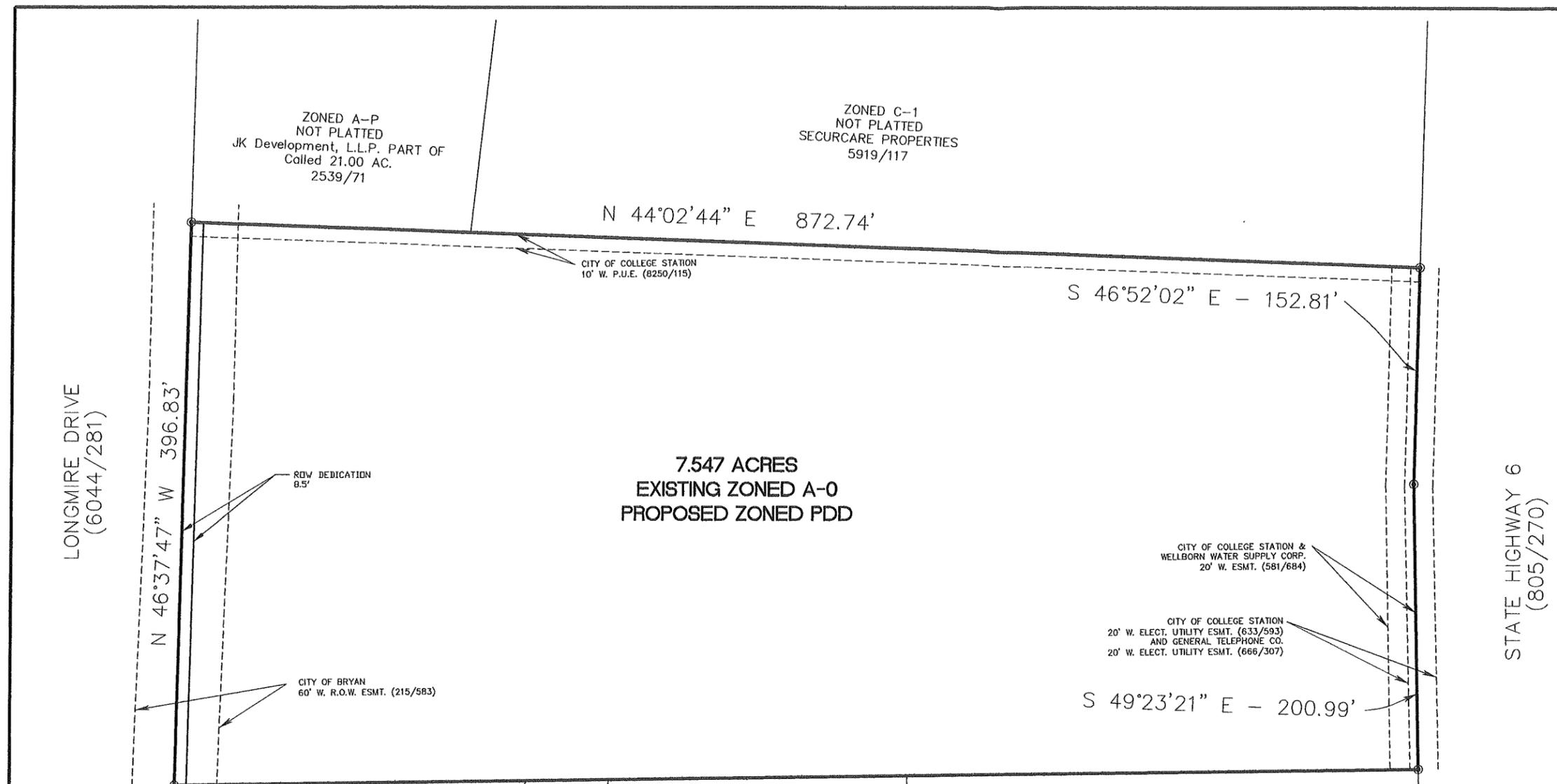
ENGINEER:
SCHULTZ ENGINEERING, LLC.
TBE Firm Reg. No. 12327
3730 Longmire, Suite A
College Station, Texas 77845
P. O. Box 11895
College Station, Texas 77842
979.764.3900

SHEET 2 OF 2

LEGEND



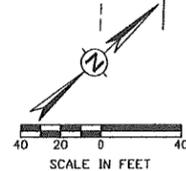
- NOTES:**
1. NORTH ORIENTATION IS BASED ON ROTATING THE SOUTHEAST LINE TO GRID NORTH (NAD83 CORS96) STATE PLANE CENTRAL ZONE.
 2. THIS TRACT DOES NOT LIE WITHIN A DESIGNATED 100 YEAR FLOOD PLAIN ACCORDING TO THE F.L.R.M. MAPS, COMMUNITY PANEL NO. 48041C0201-D, EFFECTIVE FEBRUARY 9, 2000.
- EASEMENT NOTES:**
1. THE CITY OF BRYAN R.O.W. ESMT. IN 98/73 MAY AFFECT THIS TRACT BUT NO ABOVE GROUND EVIDENCE WAS FOUND. (BLANKET EASEMENT - CANNOT BE PLOTTED)
 2. THE WELLBORN WATER SUPPLY CORP. 20' W. ESMT. IN 255/587 MAY AFFECT THIS TRACT BUT NO EVIDENCE WAS FOUND. IT WAS POSSIBLY ALONG HIGHWAY 6 BEFORE ADDITIONAL R.O.W. WAS TAKEN. (THE LOCATION OF THIS EASEMENT IS MOST LIKELY WITHIN THE CURRENT SH 6 ROW)
 3. THE GENERAL TELEPHONE COMPANY 10' W. ESMT. IN 413/793 MAY AFFECT THIS TRACT BUT NO EVIDENCE WAS FOUND. IT WAS POSSIBLY ALONG HIGHWAY 6 BEFORE ADDITIONAL R.O.W. WAS TAKEN. (THE LOCATION OF THIS EASEMENT IS MOST LIKELY WITHIN THE CURRENT SH 6 ROW)
 4. THE CITY OF BRYAN R.O.W. ESMT. IN 489/406 MAY AFFECT THIS TRACT BUT NO ABOVE GROUND EVIDENCE WAS FOUND. (THE LOCATION OF THIS EASEMENT IS MOST LIKELY WITHIN THE CURRENT SH 6 ROW)



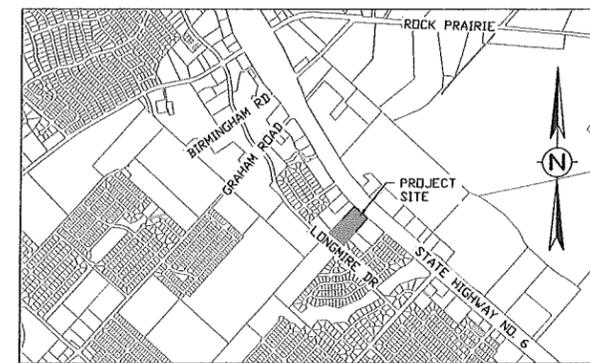
**7.547 ACRES
EXISTING ZONED A-0
PROPOSED ZONED PDD**

LONGMIRE DRIVE
(6044/281)

STATE HIGHWAY 6
(805/270)



- JERRY BROWN & LAURA BAKER LOT 4 ZONED R-1
- THOMAS & KAITLYN RODGERS LOT 5 ZONED R-1
- MICHEAL DUFFY & DEBORAH HONTHUMB LOT 6 ZONED R-1
- R-1 SPRINGBROOK - CYPRESS MEADOW BLOCK ONE 1597/65
- MAJID & CYNTHIA NOORI LOT 2R ZONED C-1
- C-1 REPLAT OF SPRINGBROOK BLOCK ELEVEN CALLED 5.751 ACRES 6654/71 2865/65
- CHARLES RANDAL FRENCH LOT 1R ZONED C-1



VICINITY MAP

ZONING MAP

**7.547 ACRES
WALLER TRACT
EXISTING ZONING
A-0 - AGRICULTURAL OPEN
PROPOSED ZONING
PDD - PLANNED DEVELOPMENT DISTRICT**

ROBERT STEVENSON LEAGUE, A-54
COLLEGE STATION, BRAZOS COUNTY, TEXAS

SCALE: 1" = 40'
APRIL 2012
REV. MAY 2012

DEVELOPER:
CARRIAGE SERVICES, INC.
3040 POST OAK BLVD. SUITE 300
HOUSTON, TEXAS 77056
(713) 332-8478

OWNER:
DAHLIS WALLER
P.O. BOX 5790
BRYAN, TX 77805
(979) 776-4350

SURVEYOR:
CURTIS STRONG, RPLS No. 4961
STRONG SURVEYING
1722 BROADMOOR, SUITE 105
BRYAN, TX 77802
(979) 776-8836

ENGINEER:
SCHULTZ ENGINEERING, L.L.C.
TBPE Firm Reg. No. 12327
3730 Longmire, Suite A
College Station, Texas 77845
P. O. Box 11995
College Station, Texas 77842
979.764.3900



**DRAFT MINUTES
PLANNING & ZONING COMMISSION
Regular Meeting
June 21, 2012, 7:00 p.m.
City Hall Council Chambers
College Station, Texas**

COMMISSIONERS PRESENT: Mike Ashfield, Craig Hall, Bo Miles, Jodi Warner, James Benham, Jim Ross, and Jerome Rektorik

COMMISSIONERS ABSENT: None

CITY COUNCIL MEMBERS PRESENT: David Ruesink

CITY STAFF PRESENT: Bob Cowell, Lance Simms, Molly Hitchcock, Alan Gibbs, Carol Cotter, Jennifer Prochazka, Jason Schubert, Morgan Hester, Teresa Rogers, Erika Bridges, Danielle Singh, Marcelo Arreola, Joe Guerra, Mary Ann Powell, Brittany Caldwell, and Carrie McHugh

1. **Call meeting to order**

Chairman Ashfield called the meeting to order at 7:00 p.m.

Regular Agenda

7. Public hearing, presentation, possible action, and discussion regarding a rezoning from A-O Agricultural-Open to PDD Planned Development District for approximately 7.5 acres located at 4080 State Highway 6 South, generally located south of Secure Self-Storage on the frontage road. **Case # 12-00500084 (LH) (Note: Final action on this item is scheduled for the July 12, 2012 City Council Meeting - subject to change)**

Staff Planner Hovde presented the rezoning and recommended approval only if the meritorious modification requests to not provide a public street, public way, or a public sidewalk along the State Highway 6 South frontage road be removed from the rezoning and that the facilities be incorporated into the proposed Concept Plan.

Joe Schultz, engineer for the applicant, stated that the applicant would prefer not to have a public street or public way going through the property due to liability issues. He said that only one place on the west side of State Highway 6 South currently complies with the 900-foot block-length requirement. He also said that the applicant is proposing to provide a pedestrian access way all the way through the tract.

Chairman Ashfield opened the public hearing.

Kyle Incardona, Hillier Funeral Home, stated that their Bryan facility is maintained constantly and that he is concerned about providing a public way through the property due to safety concerns. He also showed renderings of the proposed development.

John Clark, representing the seller of the property, addressed the meritorious modification requests to the block length and sidewalk and stated that those items would be extremely expensive and would take away from the total acreage. He said that he was told that if these items were required that the project would not happen.

Michael Duffy, 3801 Gold Finch Circle; Noel Bauman, 1734 Purple Martin Cove; Sarah Franke, 3702 Bridle Trails Court; Thomas Rodgers, 3800 Gold Finch Circle; all of College Station, Texas. The citizens expressed concern about drainage and traffic flows. There was also a question regarding building height in the development.

City Engineer Gibbs said that any increase in water flow would be required to be mitigated. He also said that it would need to be confirmed that there were not any point discharges on neighboring properties.

Transportation Planning Coordinator Guerra stated that the trips generated by the development are below what is required for a (TIA) Traffic Impact Analysis.

Ms. Hovde said that the building height would be restricted by a 2:1 ratio, which would be approximately two stories.

Chairman Ashfield closed the public hearing.

There was general discussion amongst the Commission regarding the meritorious modifications.

Commissioner Miles motioned to recommend approval of the meritorious modifications and the rezoning as proposed by the applicant. Commissioner Warner seconded the motion, motion passed (7-0).

12. Adjourn.

The meeting was adjourned at 8:34 p.m.

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 12th day of July, 2012

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:

Carla A Robinson

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 for the development of a neighborhood commercial and office uses, with the restrictions listed in Exhibit "B", described in Exhibit "C", and graphically described in Exhibit "D", and in accordance with the Concept Plan shown in Exhibit "E" and as shown graphically in Exhibit "F":

EXHIBIT "B"

Purpose & Intent

"The purpose and intent of this development is to rezone the property so development can occur in accordance with the Comprehensive Plan. The development will have a mix of commercial and office uses which will become less intense as the distance from State Highway 6 increases so that there is a transition from the existing and proposed commercial uses along State Highway 6 to the residential neighborhoods along Longmire Drive and Eagle Avenue."

Permitted Uses

Phase 1: Neighborhood Commercial as permitted in C-3 Light Commercial

- Additional use: Funeral Home (not including crematorium)
- Exception: Fuel Sales, Commercial Amusements

Phase 2: Neighborhood Commercial and Office as permitted in C-3 Light Commercial

- Exception: Fuel Sales, Commercial Amusements

Phase 3: Office as permitted in A-P Administrative Professional

Architectural Design

- a) Buildings within Phase 1 shall have 35-percent masonry (stone, brick, tile, or a concrete product simulating one of these materials) on the primary entrance façade and 20-percent on other facades visible from a right-of-way.
- b) All building are required to meet Non-Residential Architectural Standards that required architectural relief elements on each façade. Phase 1 buildings shall utilize alternative architectural relief elements found in the residential area such as (Phases 2 and 3 are not included):
 - Covered front porch
 - Eaves in excess of 18 inches
 - Window canopy
 - Transom windows
 - Decorative façade lighting
 - Chimney or cupolas
- c) Flat or shed roofs are prohibited.
- d) Eaves shall extend at least 12 inches from the building façade.
- e) Roof slope shall be between 4:12 and 8:12.
- f) Maximum building height in Phase 1 shall be 35 feet and Phase 2 and 3 shall be 30 feet. Minimum height shall be 12 feet for all phases.
- g) The estimated building plot square footage is 50,000 with individual buildings ranging between:
 - Phase 1: 3,000 and 8,000 square feet
 - Phase 2: 3,000 and 8,000 square feet
 - Phase 3: 3,000 and 6,000 square feet
- h) Neighborhood appropriate building materials are to be used.

Base Zoning and Meritorious Modifications

Development shall occur using C-3 Light Commercial zoning classification standards for the Neighborhood Commercial portions of the requested PDD, and A-P Administrative Professional for Office portions. The PDD is divided into three phases. Phase 1 is shown on the Concept Plan as Neighborhood Commercial (C-3 Light Commercial base zoning). Phase 2 is

Neighborhood Commercial/Office (C-3 Light Commercial base zoning). Phase 3 is shown as Office (A-P Administrative Professional base zoning).

At the time of plat and site plan, the project will need to meet all applicable site development standards and platting requirements of the UDO for the C-3 Light Commercial and A-P Administrative Professional zoning classifications, except where meritorious modifications are granted with the PDD zoning. The applicant is requesting the following meritorious modifications:

1. UDO Section 8.2.G.2 “Blocks”

The block lengths between Eagle Avenue and Bridle Gate Drive along both State Highway 6 and Longmire Drive are not required to be broken by a public street or Public Way. A private access easement between the rights-of-way shall be provided in lieu.

2. UDO Section 8.2.E.3 “Street Projections”

The development shall not be required to project a public street or Public Way to the abutting unplatted properties.

3. UDO Section 8.2.K.3.a “Sidewalk Exceptions”

A sidewalk along State Highway 6 shall not be required for development.

4. UDO Section 7.5.D.1-2 “Streetscape Requirements”

Street trees may be placed within 60 feet of the Longmire Drive right-of-way.

Additional Features

- a) The dumpster shall be located away from residential uses.
- b) Foundation landscaping shall be provided along 50-percent of the primary entrance facades and within 3 feet of the buildings.
- c) A private cross access easement shall be dedicated to allow through movement from State Highway 6 to Longmire Drive, and provide access to unplatted properties to the north and undeveloped property to the south.

EXHIBIT "C"

FIELD NOTES
7.547 ACRES
OUT OF THE
PEYTON WALLER
CALLED 22.796 ACRE TRACT
VOLUME 327, PAGE 90
ROBERT STEVENSON LEAGUE, A - 54
CITY OF COLLEGE STATION
BRAZOS COUNTY, TEXAS
MARCH 21, 2012

All that certain lot, tract or parcel of land being 7.547 acres situated in the ROBERT STEVENSON LEAGUE, Abstract No. 54, Brazos County, Texas and being a part of that certain Called 22.796 acre tract as described in deed from Joseph S. Osoba and wife Mildred L. Osoba to Peyton Waller of record in Volume 327, Page 90, Deed Records of Brazos County, Texas, said 7.547 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" Iron Rod with Cap found in the northeast Right-of-Way line of Longmire Drive for the most westerly corner, said corner being located in the northwest line of said Called 22.796 acre tract;
THENCE N 44 ° 02 ' 44 " E, along the northwest line of said Called 22.796 acre tract a distance of 872.74 feet to a 1/2" Iron Rod with Cap set for the most northerly corner, said corner being located in the southwest Right-of-Way line of State Highway No. 6, a 1/2" Iron Rod with cap found for reference bears N 46 ° 52 ' 02 " W a distance of 257.25 feet;
THENCE S 46 ° 52 ' 02 " E, along the southwest Right-of-Way line of said State Highway No. 6 a distance of 152.81 feet to a Concrete Right-of-Way Monument found for angle point;
THENCE S 49 ° 23 ' 21 " E, continuing along said southwest Right-of-Way line a distance of 200.99 feet to a 5/8" Iron Rod found for the most easterly corner, said corner being located in the southeast line of said Called 22.796 acre tract;
THENCE S 41 ° 13 ' 53 " W, along the southeast line of said Called 22.796 acre tract a distance of 883.60 feet to a 1/2" Iron Rod with Cap found for the most southerly corner, said corner being located in the northeast Right-of-Way line of said Longmire Drive;
THENCE N 46 ° 37 ' 48 " W, along the northeast Right-of-Way line of said Longmire Drive a distance of 396.83 feet to the PLACE OF BEGINNING AND CONTAINING AN AREA OF 7.547 ACRES OF LAND MORE OR LESS, according to a survey performed on March 21, 2012, under the supervision of H. Curtis Strong, Registered Professional Land Surveyor No. 4961. North Orientation is based on rotating the northwest line to GRID North (CORS96) State Plane Central Zone. For adjoiner and other information, see accompanying plat.

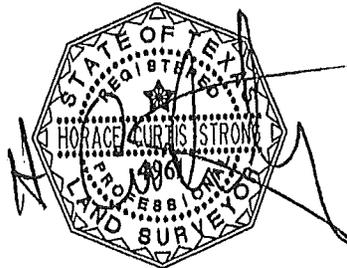


EXHIBIT "D"



- NOTES:**
1. NORTH ORIENTATION IS BASED ON MEASURING THE SOUTHWEST CORNER TO THE ADJACENT (MAGNETIC) STATE PUBLIC CONTROL ZONE.
 2. THIS ZONING MAP IS BASED ON THE 2011 PLAT ALBERT COMMUNITY MAP, 4811 CORNER TO, DREHME, FEBRUARY 8, 2011.
 3. THE CITY OF BRWEN, TEXAS, HAS ADOPTED THIS ZONING MAP AS A RESOLUTION OF THE CITY COUNCIL, MAY 14, 2012, AND IT IS BEING SUBMITTED TO THE BOARD OF CITY ENGINEERS FOR REVIEW AND APPROVAL.
 4. THE CITY OF BRWEN, TEXAS, HAS ADOPTED THIS ZONING MAP AS A RESOLUTION OF THE CITY COUNCIL, MAY 14, 2012, AND IT IS BEING SUBMITTED TO THE BOARD OF CITY ENGINEERS FOR REVIEW AND APPROVAL.

ZONING MAP

7.547 ACRES
 WALLER TRACT
 EXISTING ZONING
 A-O - AGRICULTURAL OPEN
 PROPOSED ZONING
 PDD - PLANNED DEVELOPMENT DISTRICT

BRWEN, TEXAS
 COLLIER STATION, BRWEN COUNTY, TEXAS

SCALE: 1" = 40'

APRIL 2012
 MAY, MAY 2012

SURVEYOR:
 JAMES W. HARRIS, INC.
 2100 W. STATE ST., SUITE 100
 BRWEN, TEXAS 75756
 (817) 777-2800

DEVELOPER:
 JERRY BROWN
 1000 W. STATE ST., SUITE 100
 BRWEN, TEXAS 75756
 (817) 777-2800

ENGINEER:
 BRWEN ENGINEERING, LLC
 2100 W. STATE ST., SUITE 100
 BRWEN, TEXAS 75756
 (817) 777-2800

OWNER:
 JERRY BROWN
 1000 W. STATE ST., SUITE 100
 BRWEN, TEXAS 75756
 (817) 777-2800

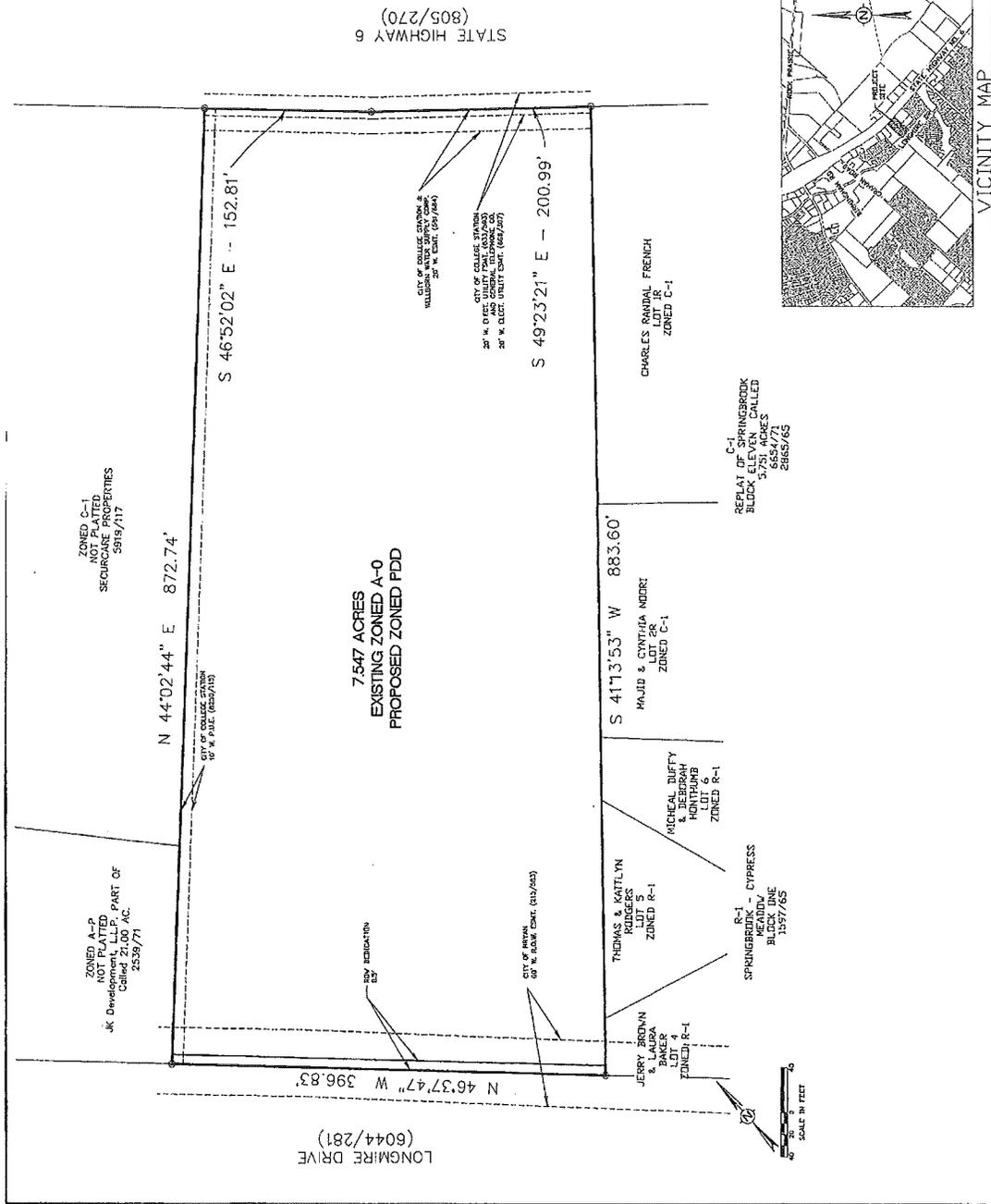
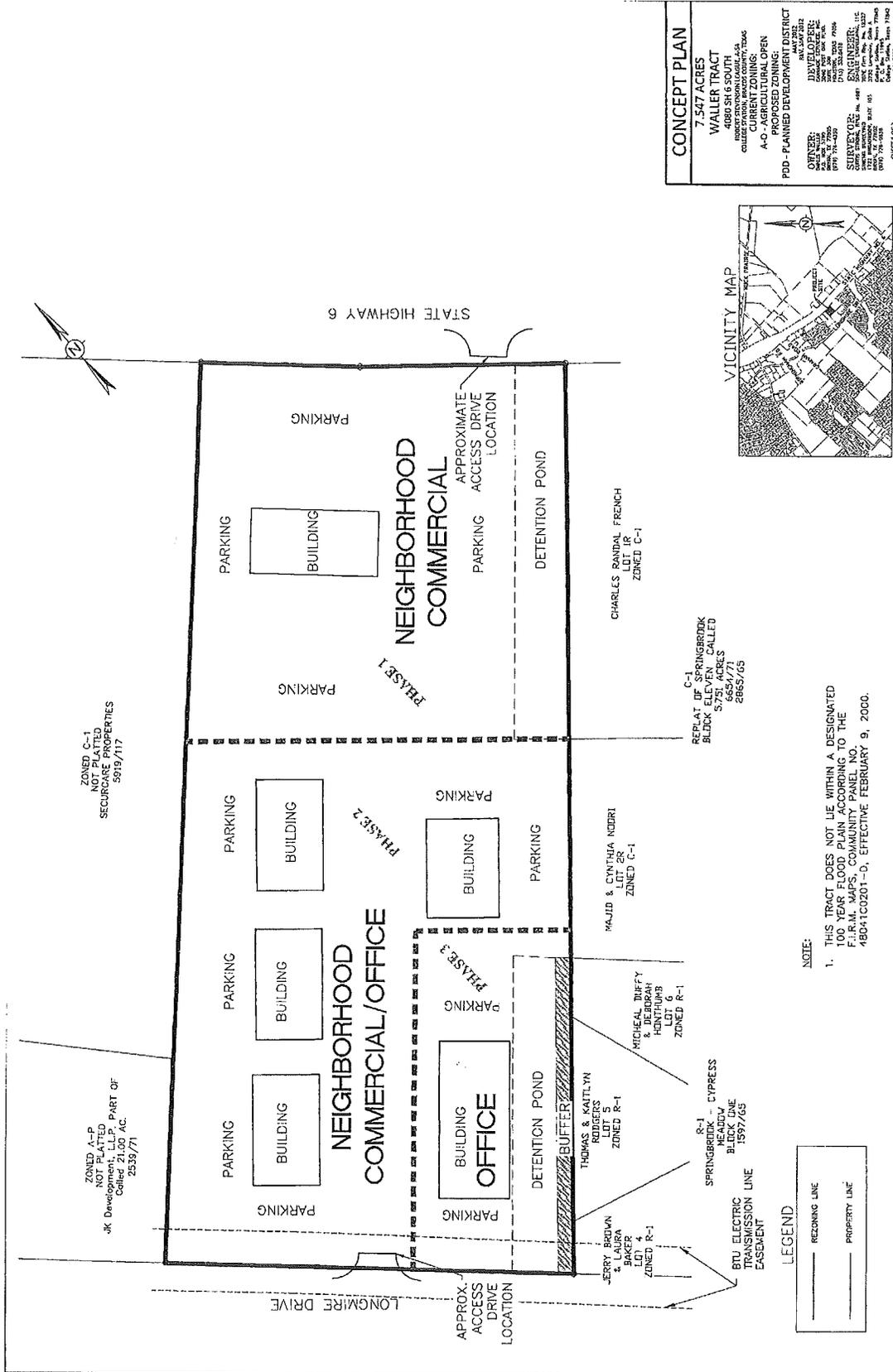


EXHIBIT "E"



LEGEND
 _____ REZONING LINE
 _____ PROPERTY LINE

NOTE:

1. THIS TRACT DOES NOT LIE WITHIN A DESIGNATED FLOOD HAZARD FLOOD PLAIN, ACCORDING TO THE FLOOD INSURANCE RATE MAP, EFFECTIVE FEBRUARY 9, 2000.

CONCEPT PLAN
 7.547 ACRES
 WALLER TRACT
 4080 SH 6 SOUTH
 PROJECT NO. 2002-001-000-000
 CURRENT ZONING:
 A-C - AGRICULTURAL OPEN
 PROPOSED ZONING:
 PDD - PLANNED DEVELOPMENT DISTRICT
 DEVELOPER:
 JAMES W. WOOD
 1001 W. 10TH ST., SUITE 100
 DENVER, CO 80202
 SURVEYOR:
 CAROL STREIBER & ASSOCIATES, INC.
 2725 Colorado Blvd., Suite 100
 DENVER, CO 80202
 ENGINEER:
 CAROL STREIBER & ASSOCIATES, INC.
 2725 Colorado Blvd., Suite 100
 DENVER, CO 80202
 SHEET 1 OF 1



July 21, 2012
Regular Agenda Item No. 4
Conditional Use Permit for 1915 Dartmouth Street

To: David Neeley, City Manager

From: Bob Cowell, AICP, CNU-A, Executive Director - Planning & Development Services

Agenda Caption: Public Hearing, presentation, possible action, and discussion regarding an ordinance approving a conditional use permit pursuant to Chapter 12, "Unified Development Ordinance", Section 3.15, "Development Review Procedures, Conditional Use Permit", of the Code of Ordinances of the City of College Station, Texas, for the property located at 1915 Dartmouth Street on 4.06 acres zoned Wolf Pen Creek to permit multi-family residential development on the ground floor.

Relationship to Strategic Initiatives: Diverse Growing Economy, Sustainable City

Recommendations: The Planning and Zoning Commission considered this item at their June 21st meeting and voted 7-0 to recommend approval. Staff also recommends approval.

Summary: Multi-family residential, when not part of a mixed-use development requires a Conditional Use Permit to locate on the ground level within the Wolf Pen Creek District. This property is the rear portion of a larger approximately 14-acre tract at the intersection of Dartmouth Street and Holleman Drive East which will be developed as either commercial or mixed-use if developed in accordance with the current plan and ordinances. The Unified Development Ordinance provides the following review criteria for conditional use permits:

REVIEW CRITERIA

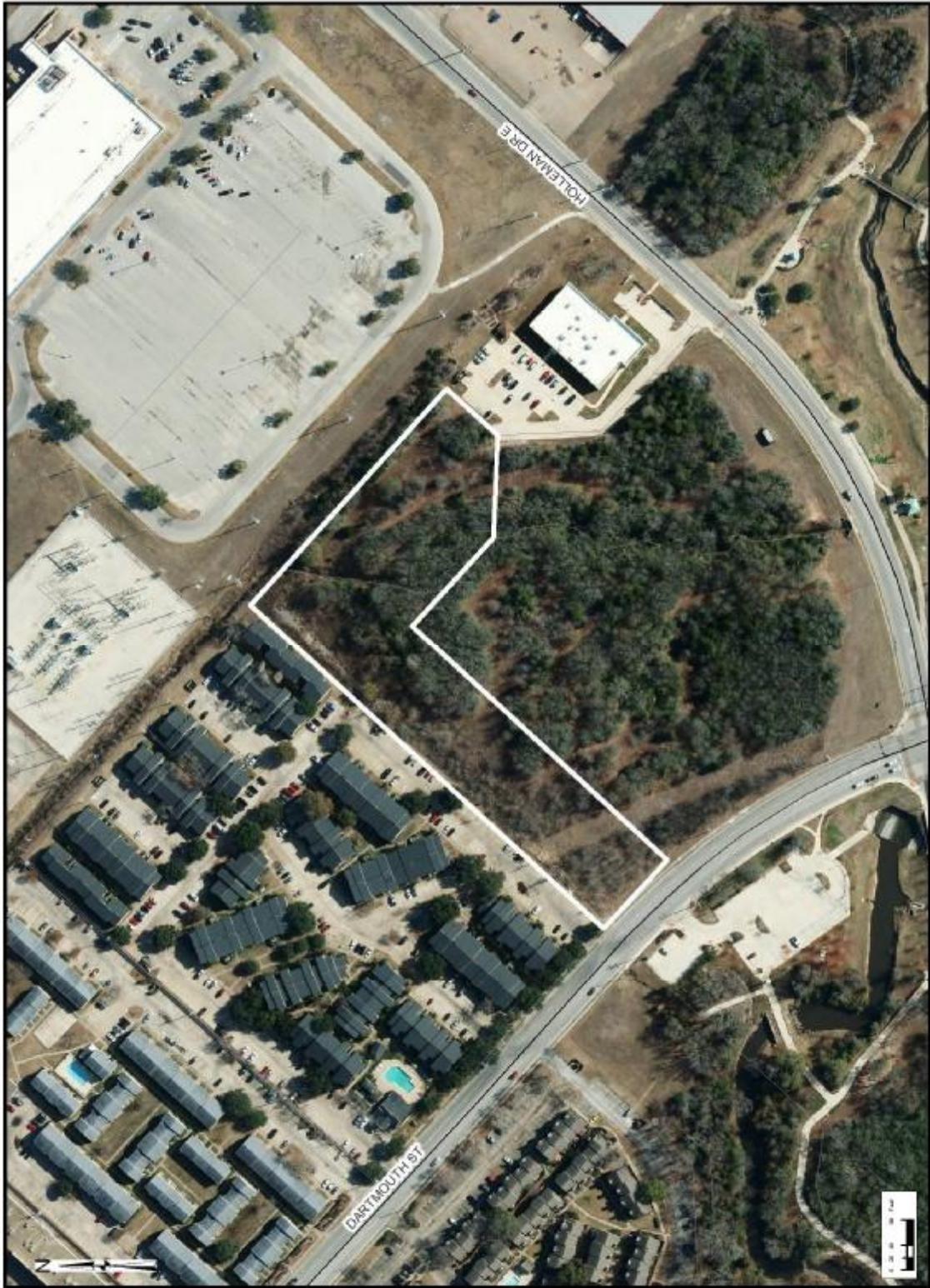
1. **The proposed use shall meet the purpose and intent of the Unified Development Ordinance (UDO) and meet all minimum standards for this type of use per the UDO:** The proposed development will be required to meet all standards for multi-family residential in the Wolf Pen Creek (WPC) District upon the platting and site planning of the property. The UDO specifies that the WPC District should encourage the public and private use of Wolf Pen Creek and development corridor as an active and passive recreational area while maintaining an appearance consistent with the Wolf Pen Creek Master Plan. The proposed development does provide this type of encouragement by providing living space for park users creating the possibility of a lifestyle that incorporates the creek and park facilities into the residents' everyday lives. The Wolf Pen Creek Master Plan encourages mixed-use development as a means of incorporating multi-family residential uses. This mix may be accomplished through future development on the front portion of the larger parent tract. The Unified Development Ordinance specifies in Section 6.2 "Types of Uses" that residential uses are allowed by right when located above retail or commercial. For the subject tract, a Conditional Use Permit is being request to allow residential uses on the ground floor. The proposal is located next to an existing multi-family complex and farthest from the Holleman Drive East and Dartmouth Street intersection on the approximately 14-acre tract. The subject tract is required to proceed through the platting and site planning process prior to development. Being located within the Wolf Pen Creek District, any proposed development must be reviewed and approved by the Design Review Board prior to Site Plan approval.

2. **The proposed use shall be consistent with the development policies and goals and objectives as embodied in the Comprehensive Plan for development in the City:** The subject tract is shown on the Comprehensive Plan Future Land Use and Character Map as Urban Mixed-Use with a small portion of Natural Areas-Reserved, all of which are currently zoned WPC Wolf Pen Creek District. Urban Mixed-Use allows for multi-family residential development when part of a development that incorporates a commercial component. The subject tract is the rear portion of an approximately 14-acre tract at the intersection of Holleman Drive East and Dartmouth Street. The front portion is currently undeveloped which enables that portion of the property to contribute to the mixed-use requirement established by both the zoning district and land use designation. To comply with the Thoroughfare Plan, right-way-dedication will be assessed along Dartmouth Street and Holleman Drive East when the subject tract is platted.
3. **The proposed use shall not be detrimental to the health, welfare, or safety of the surrounding neighborhood or its occupants, not be substantially or permanently injurious to neighboring property:** The abutting developments include an apartment complex to the north, an electrical switch station and Post Oak Mall to the east, and an office building to the south. Each of these land uses is compatible with multi-family residential. The proposed use will have no detrimental impact on the health, welfare, or safety of the surrounding properties or occupants.
4. **The proposed site plan and circulation plan shall be harmonious with the character of the surrounding area:** The proposed plan shows a vehicular connection the southern portion of the property, and also shows the only driveway that will be permitted on the larger parent tract. Upon platting, the development will be required to provide a cross access easement that is parallel to Dartmouth Street that projects to the southern portion of the tract.
5. **The proposed use shall not negatively impact existing uses in the area or in the City through impacts on public infrastructure such as roads, parking facilities, electrical, or water and sewer systems, or on public services such as police and fire protection, solid waste collection, or the ability of existing infrastructure and services to adequately provide services:** The parent tract of the subject property will be allowed one driveway off Dartmouth Street, which is being presented with this Conditional Use Permit request. Limiting access to the minor arterial will limit points of conflict for vehicular, pedestrian, and bicycle traffic making this portion of Dartmouth Street safer for multi-modal movement. Parking for the use will be accommodated on site, and the proposed development will not put undo strain on public facilities such as electric, water, sewer, sanitation, police, and fire.
6. **The proposed use shall not negatively impact existing uses in the area or in the City:** The proposed development will comply with all City ordinances and regulations applicable to the site and proposal.

Budget & Financial Summary: N/A

Attachments:

1. Aerial & Small Area Map (SAM)
2. Background Information
3. Draft June 21st Planning & Zoning Commission Minutes
4. Ordinance

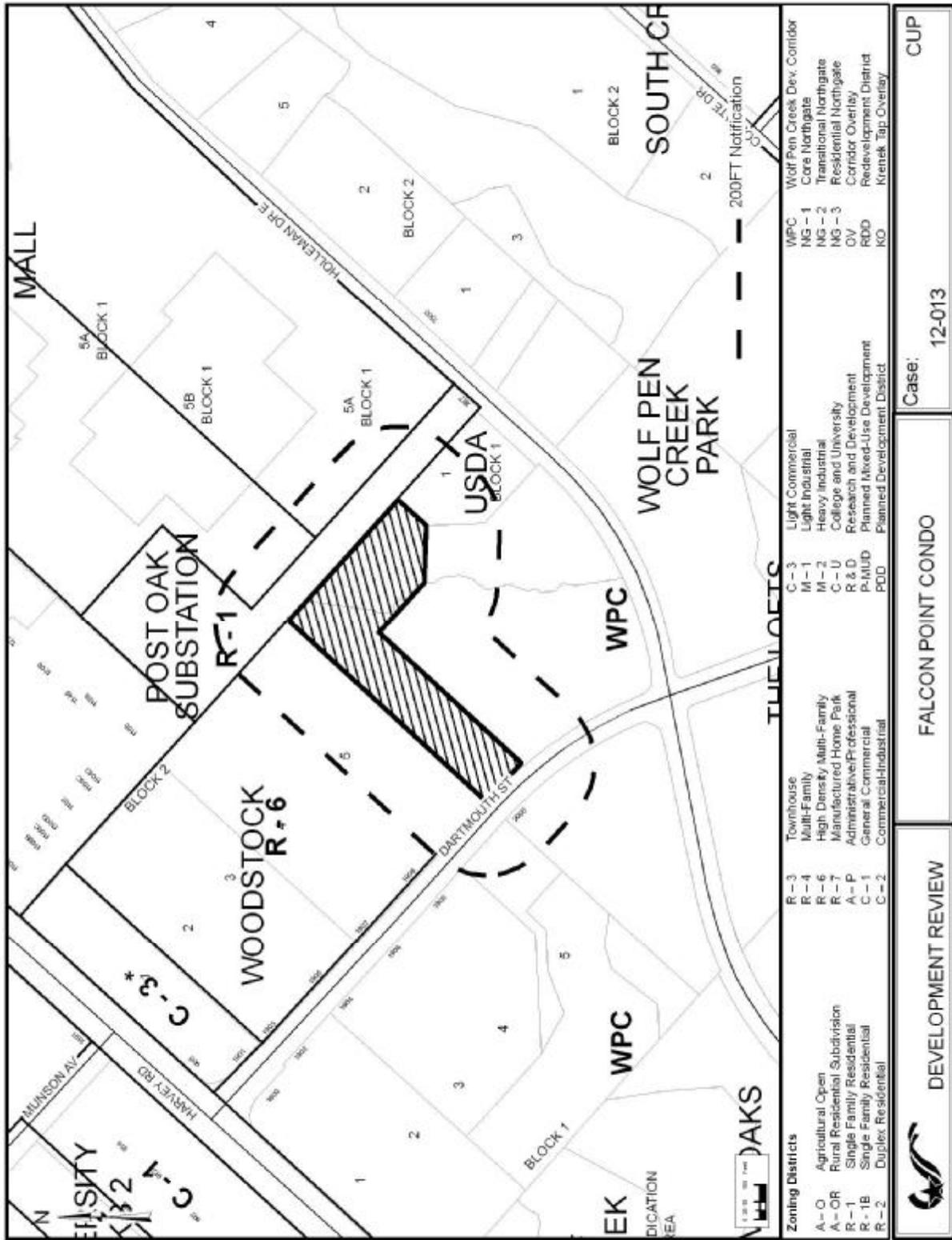


DEVELOPMENT REVIEW

FALCON POINT CONDO

Case: 12-013

CUP



BACKGROUND INFORMATION

NOTIFICATIONS

Advertised Commission Hearing Date: June 21, 2012
Advertised Council Hearing Dates: July 12, 2012

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:

Property owner notices mailed: None
Contacts in support: Seven
Contacts in opposition: None
Inquiry contacts: None

ADJACENT LAND USES

Direction	Comprehensive Plan	Zoning	Land Use
North	Urban Mixed-Use	R-6 High-Density Multi-Family	Texas Huntington Apartments
South	Urban Mixed-Use and Natural Areas-Reserved	WPC Wolf Pen Creek District	Vacant property of the same tract and USDA building
East	Urban Mixed-Use and Natural Areas-Reserved	R-1 Single-Family Residential and C-1 General Commercial	Switch station driveway and Post Oak Mall
West	Urban Mixed-Use and Natural Areas-Reserved	WPC Wolf Pen Creek District	Wolf Pen Creek Park

DEVELOPMENT HISTORY

Annexation: February 1971
Zoning: C-1 General Commercial (1984)
Wolf Pen Creek District (1998)
Final Plat: Unplatted
Site development: Vacant



**DRAFT MINUTES
PLANNING & ZONING COMMISSION
Regular Meeting
June 21, 2012, 7:00 p.m.
City Hall Council Chambers
College Station, Texas**

COMMISSIONERS PRESENT: Mike Ashfield, Craig Hall, Bo Miles, Jodi Warner, James Benham, Jim Ross, and Jerome Rektorik

COMMISSIONERS ABSENT: None

CITY COUNCIL MEMBERS PRESENT: David Ruesink

CITY STAFF PRESENT: Bob Cowell, Lance Simms, Molly Hitchcock, Alan Gibbs, Carol Cotter, Jennifer Prochazka, Jason Schubert, Morgan Hester, Teresa Rogers, Erika Bridges, Danielle Singh, Marcelo Arreola, Joe Guerra, Mary Ann Powell, Brittany Caldwell, and Carrie McHugh

1. **Call meeting to order**

Chairman Ashfield called the meeting to order at 7:00 p.m.

Regular Agenda

6. Public hearing, presentation, possible action, and discussion regarding a Conditional Use Permit for approximately 4.1 acres of ground-floor multi-family housing within the Wolf Pen Creek District located at 1915 Dartmouth Street, generally located at the intersection of Holleman Drive East and Dartmouth Street. **Case # 12-00500013 (LH) (Note: Final action on this item is scheduled for the July 12, 2012 City Council Meeting - subject to change)**

Staff Planner Hovde presented the Conditional Use Permit and recommended approval.

Travis Martinek, Clarke & Wyndham, stated that he was available for questions.

Commissioners Hall and Rektorik inquired about the USDA being notified of the Conditional Use Permit.

Ms. Hovde stated that they were notified, but that staff has not spoken with them.

Director Cowell said that the USDA was a tenant, not the owner.

Chairman Ashfield opened the public hearing.

No one spoke during the public hearing.

Chairman Ashfield closed the public hearing.

Commissioner Benham motioned to recommend approval of the Conditional Use Permit. Commissioner Rektorik seconded the motion, motion passed (7-0).

Commissioner Miles motioned to recommend approval of the meritorious modifications and the rezoning as proposed by the applicant. Commissioner Warner seconded the motion, motion passed (7-0).

12. Adjourn.

The meeting was adjourned at 8:34 p.m.

ORDINANCE NO. _____

AN ORDINANCE APPROVING A CONDITIONAL USE PERMIT PURSUANT TO CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE", SECTION 3.15, "DEVELOPMENT REVIEW PROCEDURES, CONDITIONAL USE PERMIT", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, FOR PROPERTY LOCATED AT 1915 DARTMOUTH STREET ON 4.06 ACRES ZONED WPC WOLF PEN CREEK TO PERMIT MULTI-FAMILY RESIDENTIAL DEVELOPMENT ON THE GROUND FLOOR OF THE DEVELOPMENT AT SUCH LOCATION; DECLARING A PENALTY, AND PROVIDING AN EFFECTIVE DATE.

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

PART 1: That the City Council of the City of College Station, Texas hereby approves a Conditional Use Permit pursuant to Chapter 12, "Unified Development Ordinance", Section 3.15, "Development Review Procedures, Conditional Use Permit", of the Code of Ordinances of the City of College Station, Texas, for the property located at 1915 Dartmouth Street on 4.06 acres zoned WPC Wolf Pen Creek and further described as set out in the conceptual layout attached hereto as Exhibit "A" and made a part of this ordinance for all purposes and as shown graphically in Exhibit "B", to permit multi-family residential development on the ground floor of the development at such location.

PART 2: That any person, firm or corporation violating any of the provisions of this ordinance 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 12th day of July 2012.

ATTEST:

APPROVED:

City Secretary

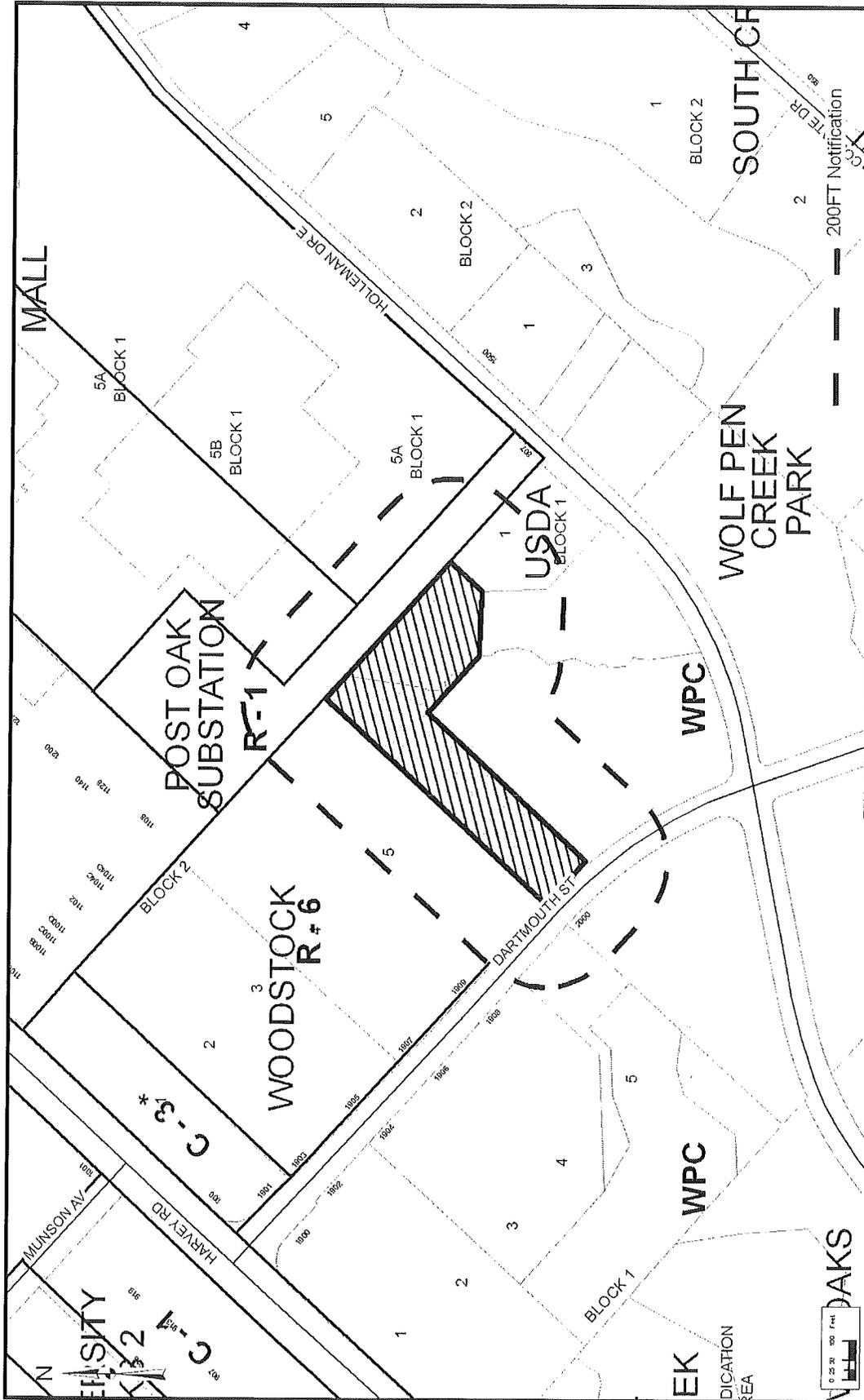
MAYOR

APPROVED:

Carla A. Robinson

City Attorney

EXHIBIT "B"



Zoning Districts	Light Commercial	WPC	Wolf Pen Creek Dev. Corridor
A-O	Light Industrial	NG-1	Core Northgate
A-OR	Heavy Industrial	NG-2	Transitional Northgate
R-1	College and University	NG-3	Residential Northgate
R-1B	Research and Development	OV	Corridor Overlay
R-2	Planned Mixed-Use Development	RDD	Redevelopment District
	Planned Development District	KO	Krenek Tap Overlay

<p>Development Review</p> <p>FALCON POINT CONDO</p>	<p>Case: 12-013</p> <p>CUP</p>
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July 12, 2012
Regular Agenda Item No. 5
UDO Amendment – Northgate Design Standards and Places of Worship

To: David Neeley, City Manager

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

Agenda Caption: Public Hearing, presentation, possible action, and discussion regarding an ordinance amending Chapter 12, “Unified Development Ordinance”, Section 5.6 “Design Districts, B “Northgate Districts”, 2 “Additional Use Standards”, c “NG-3 Residential Northgate” and Section 5.7 “Design District Dimensional Standards” of the Code of Ordinance of the City of College Station, Texas.

Relationship to Strategic Goals: Neighborhood Integrity

Recommendation(s): The Planning and Zoning Commission considered this item at their July 21, 2012 meeting and voted 7-0 to recommend approval of the Unified Development Ordinance amendment request.

Summary: The proposed amendments to the UDO are intended to modify the requirements for NG-3 Residential Northgate to allow for Places of Worship to expand, alter, and relocate their structures as well as construct new structures with the subject zoning without being required to incorporate residential uses into the structure and without being subject to the minimum Floor to Area Ratio (FAR).

Current ordinance requires developments in NG-3 Residential Northgate meet the following (as set in the UDO Section 5.6.B.2.c):

1. Non-residential uses may occupy more than fifty (50) percent of the total square footage of any building(s) or group of buildings developed in a building plot.
2. Any building containing a non-residential use shall have a minimum of one (1) floor wherein on hundred (100) percent of the floor area is occupied by a residential use. Offices and studios maintained within a residence for home occupations may be included within the residential use calculation.
3. The maximum allowable gross floor area per single retail establishment is five thousand (5,000) square feet.

The proposed amendment exempts Places of Worship from these requirements.

In addition, the minimum Floor to Area Ratio (FAR) that has been set for all development in NG-1 Core Northgate (1:1), NG-2 Transitional Northgate (0.75:1), and NG-3 Residential Northgate (1:1) will not be applicable to Places of Worship as proposed with this amendment.

Budget & Financial Summary: N/A

Attachments:

1. Redline of Text Amendment
2. Ordinance

Article 5. District Purpose Statements and Supplemental Standards

B. Northgate Districts (NG)

2. Additional Use Standards

The permitted and conditional uses outlined in Section 6.2 Types of Uses shall meet the following additional requirements related to the district in which the proposed project is located.

c. NG-3 Residential Northgate

Exemptions: Expansions, additions, and renovations to Places of Worship are exempt from these requirements.

Non-residential uses permitted within NG-3 shall meet each of the following requirements:

- 1)** Non-residential uses may occupy no more than fifty percent (50%) of the total square footage of any building(s) or group of buildings developed in a building plot.
- 2)** Any building containing a non-residential use shall have a minimum of one (1) floor wherein one hundred percent (100%) of the floor area is occupied by a residential use. Offices and studios maintained within a residence for home occupations may be included within the residential use calculation.
- 3)** The maximum allowable gross floor area per single retail establishment is 5,000 square feet.

Article 5. District Purpose Statements and Supplemental Standards

5.7 Design District Dimensional Standards

The following table establishes dimensional standards that shall be applied within the Design Districts, unless otherwise identified in this UDO:

	NG-1	NG-2	NG-3	WPC
Minimum Lot Area	None	None	None	2,400 SF
Minimum Lot Width	None	None	None	24'
Minimum Lot Depth	None	None	None	100'
Minimum Front Setback	None	None	None	25' (H)
Minimum Side Setback	None	None	None	None (A)
Minimum Side Street Setback	None	None	None	15'
Minimum Rear Setback	None	None	None	15'
Minimum Setback from Back of Curb (B)	10'	10'	10'	None
Maximum Setback from Back of Curb (B)	20' (C) (D) (E)	25' (C) (D) (E)	20' (C) (D) (E)	None
Maximum Height	None	None	None	None
Minimum Number of Stories	2 Stories (G)	2 Stories (G)	2 Stores (G)	None
Minimum Floor to Area Ratio (FAR)	1 : 1 (F)(I)	0.75 : 1 (F)(I)	1 : 1 (F)(I)	None

See Notes on following page.

Notes:

- (A) Lot line construction on interior lots is allowed where access to the rear of the building is provided on the site or by dedicated right-of-way or easement.
- (B) Minimum/maximum setback from the back of any curb, including lots with single frontage, lots with double frontage, and corner lots with multiple frontages.
- (C) If the width of any public easement or right-of-way is in excess of the maximum setback, the maximum setback will be measured from the edge of the public easement or right-of-way.
- (D) Maximum setback from back of curb for University Drive is 25 feet, Wellborn is 35 feet and 100 feet for South College.
- (E) When café seating is between the café's building and a right-of-way, the building may be setback a maximum of 35 feet.
- (F) This area calculation shall not include any lot area encumbered by required easements, setbacks, sidewalks, detention, or area dedicated to civic features. The area of a porch or arcade fronting a public street is included in the calculation of lot coverage.
- (G) The 2-story requirement shall not apply to structures existing on or before April 2, 2006.
- (H) Minimum front setback may be reduced to fifteen feet (15') when approved rear access is provided or when side yard or rear yard parking is provided.
- (I) Places of Worship are exempt from the Floor to Area Ratio (FAR) requirement in all NG Districts.

MINUTES
PLANNING & ZONING COMMISSION
Regular Meeting
June 21, 2012, 7:00 p.m.
City Hall Council Chambers
College Station, Texas

COMMISSIONERS PRESENT: Mike Ashfield, Craig Hall, Bo Miles, Jodi Warner, James Benham, Jim Ross, and Jerome Rektorik

COMMISSIONERS ABSENT: None

CITY COUNCIL MEMBERS PRESENT: David Ruesink

CITY STAFF PRESENT: Bob Cowell, Lance Simms, Molly Hitchcock, Alan Gibbs, Carol Cotter, Jennifer Prochazka, Jason Schubert, Morgan Hester, Teresa Rogers, Erika Bridges, Danielle Singh, Marcelo Arreola, Joe Guerra, Mary Ann Powell, Brittany Caldwell, and Carrie McHugh

1. **Call meeting to order**

Chairman Ashfield called the meeting to order at 7:00 p.m.

2. **Pledge of Allegiance**

3. **Hear Citizens**

No one spoke.

4. **Consent Agenda**

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

- June 7, 2012 ~ Workshop
- June 7, 2012 ~ Regular

4.2 Presentation, possible action, and discussion on a Final Plat for Harper's Crossing consisting of two lots on approximately 3.2 acres located at 2849 Barron Road, generally located at the southeast corner of the intersection of Barron Road and William D Fitch Parkway. **Case #12-00500103 (MTH)**

Commissioner Rektorik motioned to approve Consent Agenda Items 4.1 and 4.2. Commissioner Benham seconded the motion, motion passed (7-0).

Regular Agenda

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

No items were removed from the Consent Agenda.

6. Public hearing, presentation, possible action, and discussion regarding a Conditional Use Permit for approximately 4.1 acres of ground-floor multi-family housing within the Wolf Pen Creek District located at 1915 Dartmouth Street, generally located at the intersection of Holleman Drive East and Dartmouth Street. **Case # 12-00500013 (LH) (Note: Final action on this item is scheduled for the July 12, 2012 City Council Meeting - subject to change)**

Staff Planner Hovde presented the Conditional Use Permit and recommended approval.

Travis Martinek, Clarke & Wyndham, stated that he was available for questions.

Commissioners Hall and Rektorik inquired about the USDA being notified of the Conditional Use Permit.

Ms. Hovde stated that they were notified, but that staff has not spoken with them.

Director Cowell said that the USDA was a tenant, not the owner.

Chairman Ashfield opened the public hearing.

No one spoke during the public hearing.

Chairman Ashfield closed the public hearing.

Commissioner Benham motioned to recommend approval of the Conditional Use Permit. Commissioner Rektorik seconded the motion, motion passed (7-0).

7. Public hearing, presentation, possible action, and discussion regarding a rezoning from A-O Agricultural-Open to PDD Planned Development District for approximately 7.5 acres located at 4080 State Highway 6 South, generally located south of Secure Self-Storage on the frontage road. **Case # 12-00500084 (LH) (Note: Final action on this item is scheduled for the July 12, 2012 City Council Meeting - subject to change)**

Staff Planner Hovde presented the rezoning and recommended approval only if the meritorious modification requests to not provide a public street, public way, or a public sidewalk along the State Highway 6 South frontage road be removed from the rezoning and that the facilities be incorporated into the proposed Concept Plan.

Joe Schultz, engineer for the applicant, stated that the applicant would prefer not to have a public street or public way going through the property due to liability issues. He said that only one place on the west side of State Highway 6 South currently complies with the 900-foot block-length requirement. He also said that the applicant is proposing to provide a pedestrian access way all the way through the tract.

Chairman Ashfield opened the public hearing.

Kyle Incardona, Hillier Funeral Home, stated that their Bryan facility is maintained constantly and that he is concerned about providing a public way through the property due to safety concerns. He also showed renderings of the proposed development.

John Clark, representing the seller of the property, addressed the meritorious modification requests to the block length and sidewalk and stated that those items would be extremely expensive and would take away from the total acreage. He said that he was told that if these items were required that the project would not happen.

Michael Duffy, 3801 Gold Finch Circle; Noel Bauman, 1734 Purple Martin Cove; Sarah Franke, 3702 Bridle Trails Court; Thomas Rodgers, 3800 Gold Finch Circle; all of College Station, Texas. The citizens expressed concern about drainage and traffic flows. There was also a question regarding building height in the development.

City Engineer Gibbs said that any increase in water flow would be required to be mitigated. He also said that it would need to be confirmed that there were not any point discharges on neighboring properties.

Transportation Planning Coordinator Guerra stated that the trips generated by the development are below what is required for a (TIA) Traffic Impact Analysis.

Ms. Hovde said that the building height would be restricted by a 2:1 ratio, which would be approximately two stories.

Chairman Ashfield closed the public hearing.

There was general discussion amongst the Commission regarding the meritorious modifications.

Commissioner Miles motioned to recommend approval of the meritorious modifications and the rezoning as proposed by the applicant. Commissioner Warner seconded the motion, motion passed (7-0).

8. Public hearing, presentation, possible action, and discussion regarding a rezoning from A-O Agricultural-Open with OV Corridor Overlay to C-1 General Commercial with OV Corridor Overlay on approximately 1.2 acres located at 950 William D. Fitch Parkway, generally located at the southwest corner of William D. Fitch Parkway and State Highway 6 South. **Case # 12-00500108 (MTH) (Note: Final action on this item is scheduled for the July 12, 2012 City Council Meeting - subject to change)**

Staff Planner Hester presented the rezoning and recommended approval.

Chairman Ashfield opened the public hearing.

No one spoke during the public hearing.

Chairman Ashfield closed the public hearing.

Commissioner Warner motioned to recommend approval of the rezoning. Commissioner Benham seconded the motion, motion passed (7-0).

9. Public hearing, presentation, possible action, and discussion regarding an amendment to Unified Development Ordinance Section 5.6.B.2.c “NG-3 Residential Northgate” and Section 5.7 “Design District Dimensional Standards” regarding places of worship in Northgate. **Case # 12-00500101 (MTH) (Note: Final action on this item is scheduled for the July 12, 2012 City Council Meeting - subject to change)**

Staff Planner Hester presented the ordinance amendments regarding places of worship in Northgate.

Chairman Ashfield opened the public hearing.

No one spoke during the public hearing.

Chairman Ashfield closed the public hearing.

Commissioner Rektorik motioned to recommend approval of the ordinance amendments. Commissioner Benham seconded the motion, motion passed (7-0).

10. Public hearing, presentation, possible action, and discussion regarding an amendment to Chapter 7, Health and Sanitation, of the Code of Ordinances by adding Section 7-13, “Stormwater Protection” and an amendment to Chapter 12, Unified Development Ordinance by renaming Section 7.8 as “Flood Hazard Protection”, adding Section 7.13, “Drainage and Stormwater Management”, and adding Section 10.6, “Specific Enforcement and Penalties for Drainage and Stormwater Management” to regulate discharges into the City stormwater system. **Case # 12-00500115 (AG) (Note: Final action on this item is scheduled for the July 12, 2012 City Council Meeting - subject to change)**

City Engineer Gibbs presented the ordinance amendments regarding stormwater.

There was general discussion amongst the Commission and Staff regarding the enforcement section of the ordinance.

Chairman Ashfield opened the public hearing.

Robert Rose, 505 University Drive, College Station, Texas, stated that there needs to be strict environmental laws in the area.

Chairman Ashfield closed the public hearing.

Chairman Ashfield motioned to recommend approval of the ordinance amendments. Commissioner Ross seconded the motion, motion passed (7-0).

11. Discussion and possible action on future agenda items – A Planning & Zoning Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.

There was no discussion.

12. Adjourn.

The meeting was adjourned at 8:34 p.m.

Approved:

Mike Ashfield, Chairman
Planning & Zoning Commission

Attest:

Brittany Caldwell, Admin. Support Specialist
Planning & Development Services

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE", SECTION 5.6 "DESIGN DISTRICTS", B "NORTHGATE DISTRICTS", 2 "ADDITIONAL USE STANDARDS", C "NG-3 RESIDENTIAL NORTHGATE" AND SECTION 5.7 "DESIGN DISTRICT DIMENSIONAL STANDARDS" OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE. BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE", be amended by amending, SECTION 5.6 "DESIGN DISTRICTS", B "NORTHGATE DISTRICTS", 2 "ADDITIONAL USE STANDARDS", C "NG-3 RESIDENTIAL NORTHGATE" AND SECTION 5.7 "DESIGN DISTRICT DIMENSIONAL STANDARDS" of the Code of Ordinances of the City of College Station, Texas, as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.

PART 2: Should any part of this ordinance be held illegal or invalid for any reason, the holding shall not affect the remaining sections or portion of sections or provisions of this ordinance.

PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than Twenty-Five Dollars (\$25.00) nor more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this 12th day of July, 2012.

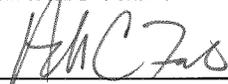
APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:



City Attorney

Exhibit "A"

That CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE", SECTION 5.6 "DESIGN DISTRICTS", B "NORTHGATE DISTRICTS", 2 "ADDITIONAL STANDARDS", C "NG-3 RESIDENTIAL NORTHGATE", of the Code of Ordinances of the City of College Station, Texas, is hereby amended as stated below:

C. NG-3 Residential Northgate

Non-residential uses permitted within NG-3 shall meet each of the following requirements:

1. **Place of Worship Exemption:** Any Expansion, addition, or renovations to existing Places of Worship or construction of new Places of Worship are exempt from these requirements.
2. Non-residential uses may occupy no more than fifty percent (50%) of the total square footage of any building(s) or group of buildings developed in a building plot.
3. Any building containing a non-residential use shall have a minimum of one (1) floor wherein one hundred percent (100%) of the floor area is occupied by a residential use. Offices and studios maintained within a residence for home occupations may be included within the residential use calculation.
4. The maximum allowable gross floor area per single retail establishment is 5,000 square feet.

That CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE", SECTION 5.7 "DESIGN DISTRICTS DIMENSIONAL STANDARDS", of the Code of Ordinances of the City of College Station, Texas, is hereby amended as stated below:

5.7 Design District Dimensional Standards

The following table establishes dimensional standards that shall be applied within the Design Districts, unless otherwise identified in this UDO:

	NG-1	NG-2	NG-3	WPC
Minimum Lot Area	None	None	None	2,400 SF
Minimum Lot Width	None	None	None	24'
Minimum Lot Depth	None	None	None	100'
Minimum Front Setback	None	None	None	25' (H)
Minimum Side Setback	None	None	None	None (A)
Minimum Side Street Setback	None	None	None	15'
Minimum Rear Setback	None	None	None	15'
Minimum Setback from Back of Curb (B)	10'	10'	10'	None
Maximum Setback from Back of Curb (B)	20' (C) (D) (E)	25' (C) (D) (E)	20' (C) (D) (E)	None
Maximum Height	None	None	None	None
Minimum Number of Stories	2 Stories (G)	2 Stories (G)	2 Stores (G)	None
Minimum Floor to Area Ratio (FAR)	1 : 1 (F)(I)	0.75 : 1 (F)(I)	1 : 1 (F)(I)	None

Notes:

- (A) Lot line construction on interior lots is allowed where access to the rear of the building is provided on the site or by dedicated right-of-way or easement.
- (B) Minimum/maximum setback from the back of any curb, including lots with single frontage, lots with double frontage, and corner lots with multiple frontages.
- (C) If the width of any public easement or right-of-way is in excess of the maximum setback, the maximum setback will be measured from the edge of the public easement or right-of-way.
- (D) Maximum setback from back of curb for University Drive is 25 feet, Wellborn is 35 feet and 100 feet for South College.
- (E) When café seating is between the café's building and a right-of-way, the building may be setback a maximum of 35 feet.
- (F) This area calculation shall not include any lot area encumbered by required easements, setbacks, sidewalks, detention, or area dedicated to civic features. The area of a porch or arcade fronting a public street is included in the calculation of lot coverage.
- (G) The 2-story requirement shall not apply to structures existing on or before April 2, 2006.
- (H) Minimum front setback may be reduced to fifteen feet (15') when approved rear access is provided or when side yard or rear yard parking is provided.
- (I) Places of Worship are exempt from the Floor to Area Ratio (FAR) requirement in all NG Districts.

July 12, 2012
Regular Agenda Item No. 6
Ordinance Amendments to Regulate Discharges into the City Stormwater System

To: David Neeley, City Manager

From: Bob Cowell, AICP, CNU-A , Executive Director - Planning and Development Services

Agenda Caption: Public Hearing, presentation, possible action, and discussion regarding an amendment to Chapter 7, Health and Sanitation, of the Code of Ordinances, adding a new Section 13 "Stormwater Protection" to regulate discharges into the City stormwater system and to provide for associated enforcement and penalties procedures; and an amendment to Chapter 12, Unified Development Ordinance (UDO), of the Code of Ordinances renaming Article 7, General Development Standards, Section 7.8 as "Flood Hazard Protection" to be consistent with other Code provisions; adding a new Section 7.13 "Drainage and Stormwater Management" to regulate discharges into the stormwater system associated with construction or industrial activity; and adding a new Section 10.6 "Specific Enforcement and Penalties for Drainage and Stormwater Management" to regulate discharges into the City stormwater system.

Recommendation(s): At their June 21st meeting, the Planning & Zoning Commission unanimously recommended approval of the proposed amendments. Staff recommends approval of the ordinance.

Summary: This subject item proposes an amendment to Chapter 7, Health and Sanitation, and Chapter 12, Unified Development Ordinance, as accompanying amendments to regulate discharges into the City stormwater system.

This proposed regulation is to satisfy a state mandate to regulate and enforce discharges into the stormwater system as required under the Texas Commission on Environmental Quality (TCEQ) Texas Pollution Discharge Elimination System (TPDES) program. TCEQ has regulatory authority over discharges of pollutants to Texas surface waters and has issued the TPDES General Permit No. TXR040000 making it effective beginning 2007 for College Station as a Phase II small Municipal Separate Storm Sewer System (MS4). Phase II small MS4s are cities and counties with populations between 1,000 and 100,000.

More specifically, under the general permit the State required MS4s to develop and implement a locally-tailored 5-year plan referred to as a Storm Water Management Program (SWMP). There are 6 areas, or Minimum Control Measures (MCMs), that SWMPs were required to address including: education, public input, illicit discharge elimination, construction, post-construction, and municipal best management practices. The permit specifically requires regulatory and enforcement provisions be adopted.

The proposed ordinance amendments are proposed to be adopted into the two noted portions, *general provisions* into College Station Code of Ordinances Chapter 7, Health and Sanitation, and provisions more specific to *construction and industrial activity* into College Station Code of Ordinances Chapter 12, Unified Development Ordinance.

Draft ordinance language was provided to the development community in April. A Workshop item was presented on this topic on June 7th Planning and Zoning Commission. On June 21st

the Planning and Zoning Commission conducted a public hearing and unanimously recommended the subject ordinances to be adopted.

Budget & Financial Summary: N/A

Attachments:

1. Draft Planning and Zoning Commission Regular Meeting Minutes
2. Attachment 1 – Ordinance – a new Chapter 7, Section 13 “Stormwater Protection.”
3. Attachment 2 – Ordinance - Chapter 12, Article 7, Section 7.8 re-named as “Flood Hazard Protection”; a new Chapter 12, Article 7, Section 7.13 “Drainage and Stormwater Management”; and a new Chapter 12, Article 10, Section 10.6 “Specific Enforcement and Penalties for Drainage and Stormwater Management.”



MINUTES
PLANNING & ZONING COMMISSION
Regular Meeting
June 21, 2012, 7:00 p.m.
City Hall Council Chambers
College Station, Texas

COMMISSIONERS PRESENT: Mike Ashfield, Craig Hall, Bo Miles, Jodi Warner, James Benham, Jim Ross, and Jerome Rektorik

COMMISSIONERS ABSENT: None

CITY COUNCIL MEMBERS PRESENT: David Ruesink

CITY STAFF PRESENT: Bob Cowell, Lance Simms, Molly Hitchcock, Alan Gibbs, Carol Cotter, Jennifer Prochazka, Jason Schubert, Morgan Hester, Teresa Rogers, Erika Bridges, Danielle Singh, Marcelo Arreola, Joe Guerra, Mary Ann Powell, Brittany Caldwell, and Carrie McHugh

...

Regular Agenda

...

10. Public hearing, presentation, possible action, and discussion regarding an amendment to Chapter 7, Health and Sanitation, of the Code of Ordinances by adding Section 7-13, "Stormwater Protection" and an amendment to Chapter 12, Unified Development Ordinance by renaming Section 7.8 as "Flood Hazard Protection", adding Section 7.13, "Drainage and Stormwater Management", and adding Section 10.6, "Specific Enforcement and Penalties for Drainage and Stormwater Management" to regulate discharges into the City stormwater system. **Case # 12-00500115 (AG) (Note: Final action on this item is scheduled for the July 12, 2012 City Council Meeting - subject to change)**

City Engineer Gibbs presented the ordinance amendments regarding stormwater.

There was general discussion amongst the Commission and Staff regarding the enforcement section of the ordinance.

Chairman Ashfield opened the public hearing.

Robert Rose, 505 University Drive, College Station, Texas, stated that there needs to be strict environmental laws in the area.

Chairman Ashfield closed the public hearing.

Chairman Ashfield motioned to recommend approval of the ordinance amendments. Commissioner Ross seconded the motion, motion passed (7-0).

Adjourn.

The meeting was adjourned at 8:34 p.m.

Approved:

Mike Ashfield, Chairman
Planning & Zoning Commission

Attest:

Brittany Caldwell, Admin. Support Specialist
Planning & Development Services

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 7, HEALTH AND SANITATION, BY ADDING A NEW SECTION 13 "STORMWATER PROTECTION" TO REGULATE DISCHARGES INTO THE CITY STORMWATER SYSTEM AND TO ESTABLISH THE ASSOCIATED ENFORCEMENT AND PENALTIES PROVISIONS; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

- PART 1:** That Chapter 7 of the Code of Ordinances of the City of College Station, Texas, be hereby amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.
- PART 2:** That all previous ordinances in direct conflict with this ordinance are hereby superseded and repealed, but only to the extent of such conflict.
- PART 3:** That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.
- PART 4:** That this ordinance shall become effective immediately upon passage and approval.

PASSED, ADOPTED AND APPROVED THIS _____ DAY OF _____ 2012.

ATTEST:

APPROVED:

CITY SECRETARY

MAYOR

APPROVED:



CITY ATTORNEY

EXHIBIT "A"

That Chapter 7, Health and Sanitation, of the Code of Ordinances, City of College Station, Texas, is hereby amended by adding a section, to be numbered Section 13, which said section shall read as follows:

**"CHAPTER 7
HEALTH AND SANITATION**

....

SECTION 13 – STORMWATER PROTECTION.

(A) GENERAL.

(1) Purpose

- (a) The purpose of this ordinance is to protect the public health, safety, environment and general welfare through the regulation of non-stormwater discharges into the municipal stormwater drainage system to the maximum extent practicable as required by federal law. This article establishes methods for controlling the introduction of pollutants into the municipal stormwater drainage system in order to comply with requirements of the Texas Pollutant Discharge Elimination System (TPDES) permit process.
- (b) The objectives of this ordinance are to:

 - i. Regulate the contribution of pollutants into the municipal stormwater drainage system by any person or entity;
 - ii. Prohibit illicit discharges and illegal connections into the municipal stormwater drainage system; and
 - iii. Prevent nonstormwater discharges, generated as a result of spills, inappropriate dumping or disposal, into the municipal stormwater drainage system.

(2) Compatibility with other regulations.

- (a) This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this article imposes restriction of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.
- (b) Any reference to this Section shall also apply to Chapter 12, Article 7, Section 7.13 of this Code of Ordinances, and both Sections shall be interpreted and enforced in conjunction with each other, where applicable.

(3) **Definitions.**

In this section:

Accidental discharge means a discharge prohibited by this ordinance that occurs by chance and without planning or thought prior to occurrence.

Administrator means the Director of Planning and Development Services and/or his designee.

Agricultural stormwater runoff means any stormwater runoff from orchards, cultivated crops, pastures, range lands, and other nonpoint source agricultural activities, but not discharges from concentrated animal feeding operations as defined in 40 CFR. Section 122.23 or discharges from concentrated aquatic animal production facilities as defined in 40 CFR. Section 122.24.

CFR means the Code of Federal Regulations.

Clean Water Act (CWA) means The Clean Water Act (formerly referred to as the Federal Water Pollution Control Act or Federal Water Pollution Control Act Amendments of 1972) Pub. L. 92500, as amended Pub. L. 95217, Pub. L. 95576, Pub. L. 6483 and Pub. L. 97117, 33 USC. 1251 et seq.

Contaminated means containing a harmful quantity of any substance.

Contamination means the presence of or entry into a public water supply system, the municipal stormwater drainage system, waters of the state, or waters of the United States of any substance which may be harmful to the public health and/or the quality of the water.

Discharge means any addition or introduction of any unpolluted water, pollutant, stormwater, or any other substance whatsoever into the municipal stormwater drainage system or into waters of the United States. This includes, but is not limited to, household hazardous waste, used motor vehicle fluids, and collected quantities of grass clippings, leaf litter, and animal wastes.

Discharger means any person who causes, allows, permits, or is otherwise responsible for, a discharge, including, without limitation, any operator of a construction site or industrial facility.

Environmental Protection Agency (EPA) means the United States Environmental Protection Agency, or any duly authorized official of said agency.

Harmful quantity means the amount of any substance that will cause pollution of waters of the state, the municipal stormwater drainage system, or that will present or may present imminent and substantial danger to the environment or to the health or welfare of persons.

Illicit connections means any man made conveyance connecting an illicit discharge directly to a municipal separate storm sewer.

Illicit discharge means any discharge to a municipal separate storm sewer that is not composed entirely of stormwater except discharges pursuant to a TPDES permit (other than the TPDES permit for certain discharges from the municipal separate storm sewer), discharges resulting from fire fighting activities, and other allowable nonstormwater discharges.

Municipal separate stormwater system (MS4) permit means a stormwater permit

for municipalities to regulate stormwater discharges.

Municipal separate stormwater sewer system means the system of conveyances (including sidewalks, roads with drainage systems, municipal streets, catchbasins, curbs, gutters, ditches, manmade channels, or storm drains) owned and operated by the City and designed or used for collecting or conveying stormwater, and which is not used for collecting or conveying sewage. Also designated as MS4.

Municipal stormwater drainage system operator means the City of College Station.

Nonpoint source means any source of any discharge of a pollutant that is not a "point source."

Operate means to drive, conduct, work, run, manage, or control a vehicle or machine.

Operator means the party or parties that either individually or taken together meet the following two criteria: 1) They have operational control over the site specifications (including the ability to make modifications in specifications) and 2) they have the day to day operational control of those activities at the site necessary to ensure compliance with SWP3 requirements and any permit conditions.

Point Source means any discernible, confined and discrete conveyance, including but not limited to any pipe, ditch, channel, tunnel, conduit, well, discrete fissure, container, rolling stock, concentrated animal feeding operation, or vessel or other floating craft, from which pollutants are or may be discharged. This term does not include agricultural storm water discharges and return flows from irrigated agriculture.

Pollutant includes, but is not limited to, dredged spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, filter backwash, munitions, chemical wastes, biological materials, toxic materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, soil, cellar dirt, and industrial, municipal, recreational, agricultural waste, paints, varnishes, solvents, oil and automotive fluids, litter, discarded and abandoned objects, floatables, fecal coliform, pathogens, dissolved and particulate metals, pet wastes, and construction debris discharged into water or into the MS4.

Pollution means the alteration of the physical, thermal, chemical, or biological quality of, or the contamination of, any water of the state or water of the United States, that renders the water harmful, detrimental, or injurious to humans, animal life, vegetation, or property, or to the public health, safety, or welfare, or impairs the usefulness or the public enjoyment of the water for any lawful or reasonable purpose.

Premises means lots, buildings, and any appurtenances situated thereon.

Private means property or facilities owned by individuals, corporations, and other organizations and not by a City, county, state, or federal government agency.

Public means property or facilities owned by a City, county, state, or federal government or agency thereof.

Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the municipal stormwater drainage system, the water of the state, the waters of the United States.

Stormwater means any flow occurring during or following any form of natural precipitation, and resulting from such precipitation, including snow melt.

TCEQ means the Texas Commission on Environmental Quality or successor. MS4 interest is delegated to the TCEQ upon authority of the EPA.

Uncontaminated means not containing a harmful quantity of any substance.

United States Code (USC) is the federal law containing the Clean Water Act.

Vehicle means any form of motorized conveyance that transports people, cargo, or any other objects.

Wastewater means any water or other liquid, other than uncontaminated stormwater, discharged from a facility.

Surface water in the state includes lakes, bays, ponds, impounding reservoirs, springs, rivers, streams, creeks, estuaries, wetlands, marshes, inlets, canals, the Gulf of Mexico inside the territorial limits of the state (from the mean high water mark (MHW) out 10.36 miles into the Gulf), and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, navigable or nonnavigable, and including the beds and banks of all watercourses and bodies of surface water, that are wholly or partially inside or bordering the state or subject to the jurisdiction of the state; except that waters in treatment systems which are authorized by state or federal law, regulations, or permit, and which are created for the purpose of waste treatment are not considered to be water in the state.

Waters of the United States means:

- (a) All waters which are currently used, were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide;
- (b) All interstate waters, including interstate wetlands;
- (c) All other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds the use, degradation, or destruction of which would affect or could affect interstate or foreign commerce including any such waters;
 - i. Which are or could be used by interstate or foreign travelers for recreational or other purposes;
 - ii. From which fish or shellfish are or could be taken or sold in interstate or foreign commerce; or
 - iii. Which are used or could be used for industrial purposes by industries in interstate commerce;
- (d) All impoundments of waters otherwise defined as waters of the United States under this definition;
- (e) Tributaries of waters identified in this definition;
- (f) The territorial sea; and
- (g) Wetlands adjacent to waters (other than waters that are themselves wetlands) identified in this definition; waste treatment systems, including treatment ponds or lagoons designed to meet the requirements of CWA (other than cooling

ponds as defined in 40 CFR 423.11(m) which also meet the criteria of this definition) are not waters of the United States. This exclusion applies only to manmade bodies of water, which neither were originally created in waters of the United States (such as disposal are in wetlands) nor resulted from the impoundment of waters of the United States. Waters of the United States do not include prior converted cropland. Notwithstanding the determination of an area's status as prior converted cropland by any federal agency, for the purpose of the Clean Water Act, the final authority regarding Clean Water Act jurisdiction remains with the EPA.

Wetland means an area that is inundated or saturated by surface or groundwater at a frequency and duration sufficient to support, and that under normal circumstances does support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas.

(B) PROHIBITIONS.

(1) Discharge to municipal stormwater drainage system prohibited.

A person commits an offense if the person discharges or causes to be discharged into the MS4 any release of a harmful quantity of any substance that is not comprised entirely of stormwater.

(2) Exceptions:

- (a)** It is an affirmative defense to prosecution, subject to subparagraph (b) below, that the discharge was composed entirely of one or more of the following:
- i.** A discharge authorized by, and in full compliance with, a TPDES permit (other than the TPDES permit for discharges from the MS4);
 - ii.** A discharge or flow resulting from fire fighting by the fire department;
 - iii.** A discharge or flow from water line flushing or disinfection that contains no harmful quantity of total residual chlorine (TRC) or any other chemical used in line disinfection;
 - iv.** A discharge or flow from normal lawn watering or landscape irrigation;
 - v.** A discharge or flow from a diverted stream flow or natural spring;
 - vi.** A discharge or flow from uncontaminated pumped groundwater or rising groundwater;
 - vii.** Uncontaminated groundwater infiltration (as defined at 40 CFR § 35.2005(20)) to the MS4;
 - viii.** Uncontaminated discharge or flow from a foundation drain, crawl space pump, or footing drain;
 - ix.** A discharge or flow from a potable water source not containing any harmful substance;
 - x.** A discharge or flow from air conditioning condensation that is unmixed with water from a cooling tower, emissions scrubber, emissions filter, or any other source of pollutant;

- xi. A discharge or flow from individual residential car washing;
- xii. A discharge or flow from a riparian habitat or wetland;
- xiii. A discharge or flow from cold water (or hot water with prior permission of the Administrator) used in street washing or cosmetic cleaning that is not contaminated with any soap, detergent, degreaser, solvent, emulsifier, dispersant, or any other harmful cleaning substance;
- xiv. Drainage from a private residential swimming pool containing no harmful quantities of chlorine or other chemicals; or
- xv. A discharge or flow of uncontaminated stormwater pumped from an excavation.

- (b) No exception to enforcement shall be available under subparagraph (a) if:
 - i. The discharge or flow in question has been determined to be a source of a pollutant or pollutants to the waters of the United States or to the MS4;
 - ii. Notice of such determination has been provided to the discharger; and
 - iii. The discharge has continued after the expiration of the time given in the notice to cease the discharge.

(3) Illicit connections prohibited.

- (a) The construction, connection, use, maintenance or continued existence of any illicit connection to the MS4 is prohibited.
- (b) Connections that were permissible when originally installed but that are now considered illicit must be brought into compliance within a timeframe designated by the Administrator.
- (c) A person violates this ordinance if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.
- (d) Improper connections in violation of this ordinance must be disconnected and redirected, if necessary, to an approved onsite wastewater management system or the sanitary sewer system.

(C) EMERGENCY SUSPENSION OF SERVICE.

Emergency suspension of utility service and municipal stormwater drainage system access.

- (1) The City may, without prior notice, suspend water service, sanitary sewer service or MS4 discharge access to a person discharging to the MS4, waters of the United States, or publicly owned treatment works when such suspension is necessary to stop an actual or threatened discharge which:
 - (a) Presents or may present imminent and substantial danger to the environment or to the health or welfare of persons; or
 - (b) Presents or may present imminent and substantial danger to the MS4 or waters of the United States.
- (2) When the Administrator determines that City provided water or sanitary sewer

service must be suspended pursuant to subsection (1), the Administrator will request the director of water services to do so.

- (3) As soon as is practicable after the suspension of service or MS4 discharge access, the Administrator will notify the violator of the suspension and order the violator to cease the discharge immediately.
- (4) If the violator fails to comply with an order issued under subsection (3), the Administrator may take such actions as the Administrator deems necessary to prevent or minimize harmful discharges to the MS4, waters of the United States, or to persons or wildlife.
- (5) The City will not reinstate suspended services or MS4 access to the violator until:
 - (a) The violator presents proof, satisfactory to the Administrator and director of water services, that the noncomplying discharge has been eliminated and its cause determined and corrected;
 - (b) The violator reimburses the City for all costs the City incurred in suspending and reinstating water service, sanitary sewer connection, and MS4 access; and
 - (c) The violator reimburses the City for all costs of testing, containment, cleanup, abatement, removal and disposal of any substance unlawfully discharged into the MS4 incurred by the City while responding to, abating, and remediating the discharge or threatened discharge.
- (6) A violator whose service or access has been suspended or disconnected may appeal the enforcement action to the City manager's attention, in writing, within ten days of notice of the suspension. The City manager will render a decision within seven days upon written receipt of the petition.
- (7) The remedies provided by this section are in addition to any other remedies set out in this ordinance. Exercise of this remedy is not a bar against, or a prerequisite for, taking other action against a violator.
- (8) A person commits an offense if the person reinstates water service, sanitary sewer service, or MS4 access to premises terminated pursuant to this section, without the prior approval of the Administrator.

(D) NON-EMERGENCY SUSPENSION OF SERVICE.

Non-emergency suspension of utility service and municipal stormwater drainage system access.

- (1) The City may suspend the City provided water supply, sanitary sewer connection, or MS4 access for any person failing to comply with previous notices to cease discharges to the MS4 in violation of this ordinance. Utilities will be subject to suspension if such measures would abate or reduce the discharge.
- (2) The Administrator will notify a violator of the proposed suspension of its water supply, sanitary sewer connection or MS4 access. The violator may petition the Administrator for a reconsideration and hearing before the City Manager.

- (3) The City will not reinstate suspended services or MS4 access to the discharger until:
 - (a) The violator presents proof, satisfactory to the Administrator, that the non-complying discharge has been eliminated and its cause determined and corrected;
 - (b) The violator reimburses the City for all costs the City incurred in suspending and reinstating water service, sanitary sewer connection, and MS4 access; and
 - (c) The violator reimburses the City for all costs of testing, containment, cleanup, abatement, removal and disposal of any substance unlawfully discharged into the MS4 incurred by the City while responding to, abating, and remediating the discharge or threatened discharge.
- (4) The remedies provided by this section are in addition to any other remedies set out in this ordinance. Exercise of this remedy is not a bar against, or a prerequisite for, taking other action against a violator.
- (5) A person commits an offense if the person reinstates water service, sanitary sewer service, or MS4 access to premises terminated pursuant to this section, without the prior approval of the Administrator.

(E) CONTROL AND CONTAINMENT REQUIREMENTS.

(1) Spill or release corrective actions, responsibility, and compensation.

- (a) Spills or leaks of polluting substances discharged to, or having the potential to be indirectly transported to, the MS4, shall be contained, controlled, collected, and removed promptly. All affected areas shall be restored to their preexisting condition. Any costs of the containment, control, collection, removal, or restoration incurred by the City will be reimbursed to the City by the person associated with the spill or leak.
- (b) Persons associated with the spill or leak must immediately call 911 to notify emergency personnel of all spills or leaks of polluting substances. Notification does not relieve any person of any costs related to the restoration, loss, damage, or any other responsibility which may be incurred as a result of the spill or leak, nor will the notification relieve any person from other responsibility which may be imposed by state, federal, or other law.
- (c) Any person operating a vehicle that causes or results in an accidental discharge or release to the MS4 is responsible for costs of any testing, containment, cleanup, abatement, removal and disposal of contamination to the extent determined by the Administrator.

(2) Stockpiling, accumulations, and heaps.

- (a) Stockpiles, accumulations, and heaps comprised of soil, sand, mulch, trash, asphalt, aggregate or any other material deemed a pollutant by local, state, or federal regulations, which are located within the City limits and present a real or perceived potential of discharging to the MS4 are subject to control measures to prevent introduction into the MS4.
- (b) The Administrator has the authority to necessitate the use of control measures to mitigate the introduction of pollutants to the MS4. Failure to implement control

measures as prescribed by the Administrator will result in enforcement as described in this ordinance.

- (c) Stockpiles, accumulations, and heaps discovered to be discharging pollutants to the MS4 are subject to enforcement as described in this ordinance.

(F) ENFORCEMENT.

(1) Enforcement Responsibility.

The Administrator or his designee has the responsibility for enforcement of the provisions of this ordinance. The duties include not only the issuance of permits as required by this ordinance, but also the responsibility of ensuring that all facilities conform with this subpart and with any other applicable state and federal laws, requirements and regulations of this Code of Ordinances or of the City. The Administrator has the authority to adopt policies and procedures not inconsistent with the terms of this ordinance necessary to implement the provisions of this division.

(2) Violations.

- (a) Violation of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Each violation shall be deemed a separate offense for each and every day during which any violation of any of the provisions of this ordinance is committed or continued. Any person found guilty of violating a provision of this ordinance may be punished as provided for in Chapter 1, Section 5 of this Code of Ordinances.
- (b) The owner or operator of any facility, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
- (c) A violation of this section is also declared a nuisance and may be enforced five thousand (5,000) feet outside the City Limits.

(3) Notice of violations.

If the Administrator determines that there is a violation of this ordinance, notice will be sent to the property owner or operator of record by registered or certified mail, unless deemed an emergency pursuant to Part C of this ordinance. The notice will specify the measures required to come into full compliance with this ordinance and shall specify the time within which the measures must be completed. Failure to comply within the time specified is a violation of this ordinance and subject to additional penalties outlined herein.

(4) Voluntary compliance.

The Administrator has the authority to instruct an operator of a facility that commits any acts prohibited by this ordinance to achieve voluntary compliance as determined by the Administrator. The Administrator will provide a reasonable amount of time, specific to the occurrence, to remedy the violation.

(5) Stop orders.

The Administrator has the authority to issue stop work orders for any facility that commits any acts prohibited by this ordinance.

(6) Appeals, interpretation, and variances.

Where applicable, any appeals, interpretations or variances of the Administrator's designee shall first be to the Administrator, then to a court of competent jurisdiction. Any appeals, interpretations or variances of the Administrator shall be to a court of competent jurisdiction directly."

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12, UNIFIED DEVELOPMENT ORDINANCE, AS FOLLOWS: RENAMING ARTICLE 7, GENERAL DEVELOPMENT STANDARDS, SECTION 8 AS "FLOOD HAZARD PROTECTION" TO BE CONSISTENT WITH THE OTHER PROVISIONS IN THE CODE OF ORDINANCES; ADDING A NEW ARTICLE 7, SECTION 13 "DRAINAGE AND STORMWATER MANAGEMENT" TO REGULATE DISCHARGES INTO THE CITY STORMWATER SYSTEM ASSOCIATED WITH INDUSTRIAL OR CONSTRUCTION ACTIVITY; ADDING A NEW ARTICLE 10, SECTION 6 "SPECIFIC ENFORCEMENT AND PENALTIES FOR DRAINAGE AND STORMWATER MANAGEMENT" TO ESTABLISH THE ASSOCIATED ENFORCEMENT AND PENALTIES FOR SECTION 13; PROVIDING A SEVERABILITY CLAUSE; AND PROVIDING AN EFFECTIVE DATE.

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

- PART 1:** That Chapter 12, Article 7 of the Code of Ordinances of the City of College Station, Texas, be hereby amended as set out in Exhibit "A", attached hereto and made a part of this ordinance for all purposes.
- PART 2:** That Chapter 12, Article 10 of the Code of Ordinances of the City of College Station, Texas, be hereby amended as set out in Exhibit "B", attached hereto and made a part of this ordinance for all purposes.
- PART 3:** That all previous ordinances in direct conflict with this ordinance are hereby superseded and repealed, but only to the extent of such conflict.
- PART 4:** That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way affect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.
- PART 5:** That this ordinance shall become effective immediately upon passage and approval.

PASSED, ADOPTED AND APPROVED THIS _____ DAY OF _____ 2012.

ATTEST:

APPROVED:

CITY SECRETARY

MAYOR

APPROVED:

A handwritten signature in cursive script, appearing to read "Mheldato", written over a horizontal line.

CITY ATTORNEY

EXHIBIT "A"

That Chapter 12, Unified Development Ordinance, Article 7, General Development Standards, of the Code of Ordinances, City of College Station, Texas, is hereby amended to read as follows:

**"CHAPTER 12
UNIFIED DEVELOPMENT ORDINANCE**

ARTICLE 7 – GENERAL DEVELOPMENT STANDARDS

....

7.8 – FLOOD HAZARD PROTECTION.

....

7.13 – DRAINAGE AND STORMWATER MANAGEMENT.

A. GENERAL.

1. Purpose and intent.

This ordinance establishes methods for controlling the introduction of pollutants into the municipal stormwater drainage system and establishes legal authority for the City to carry out all inspections, surveillance, monitoring and enforcement procedures necessary to ensure compliance with the MS4 permit for industrial and construction activity.

2. Compatibility with other regulations.

- a. This ordinance is not intended to modify or repeal any other ordinance, rule, regulation, or other provision of law. The requirements of this ordinance are in addition to the requirements of any other ordinance, rule, regulation, or other provision of law, and where any provision of this ordinance imposes restriction of law, whichever provision is more restrictive or imposes higher protective standards for human health or the environment shall control.
- b. Any reference to this section shall also apply to Chapter 7, Section 13 of this Code of Ordinances, and both Sections shall be interpreted and enforced in conjunction with each other, where applicable.

3. Definitions.

In this section:

Best management practices (BMP) means schedules of activities, practices, maintenance procedures, and other management practices to prevent or reduce the pollution of the municipal stormwater drainage system and waters of the United States. BMPs also include treatment requirements, operating procedures, and practices to control plant site runoff, spillage or leaks, sludge or waste disposal, or drainage from raw material storage.

Construction activity or construction activities include clearing, grading, and excavating that are subject to TPDES General Construction Permits. It does not include routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, and original purpose of a ditch, channel, or other similar storm water conveyance. Additionally, it does not include the routine grading of existing dirt roads, asphalt overlays of existing roads, the routine clearing of existing rights-of-way, and similar maintenance activities.

Construction site means any construction site required by the Clean Water Act to operate within the limits of a TPDES permit to discharge stormwater associated with construction activity.

Construction site notice (CSN) means a written submission to the MS4 operator from an applicant stating that a small construction activity will be commencing and will operate under the provisions of the TCEQ General Permit TXR150000.

Facility means any facility, industrial facility or construction site, required by the Clean Water Act to have a permit to discharge stormwater associated with industrial or construction activity.

Final Stabilization means that:

- a. All soil disturbing activities at the Site have been completed and either of the two following criteria are met:
 - 1) A uniform (e.g., evenly distributed, without large bare areas) perennial vegetative cover with a density of 70 percent of the native background vegetative cover for the area has been established on all unpaved areas and areas not covered by permanent structures; or
 - 2) Equivalent permanent stabilization measures (such as the use of riprap, gabions, or geotextiles) have been employed.
- b. When background native vegetation or other appropriate vegetation will cover less than 100 percent of the ground (e.g., arid areas, beaches), the 70 percent coverage criteria is adjusted as follows: if the native vegetation or other appropriate vegetation covers 50 percent of the ground, 70 percent of 50 percent ($0.70 \times 0.50 = 0.35$) would require 35 percent total cover for final stabilization. On a beach with no natural vegetation, no stabilization is required.
- c. For individual lots in residential construction, final stabilization means that either:
 - 1) The homebuilder has completed final stabilization as specified above; or
 - 2) The homebuilder has established temporary stabilization including perimeter controls for an individual lot prior to occupation of the home by the homeowner and informing the homeowner of the need for, and benefits of, final stabilization.
- d. For construction Projects on land used for agricultural purposes (e.g., pipelines across crop or range land, staging areas for highway construction, etc.), final stabilization may be accomplished by returning the disturbed land to its preconstruction agricultural use. Areas disturbed that were not previously used for agricultural activities, such as buffer strips immediately adjacent to "Surface Waters of the State," and areas which are not being returned to their preconstruction agricultural use must meet the final stabilization criteria (a) or (b) or (c) above.

Industrial facility means any facility required by the Clean Water Act to have a permit to

discharge stormwater associated with industrial activity subject to TPDES Industrial Permits as defined in 40 CFR, Section 122.26 (b)(14).

Notice of change (NOC) means the notification of changes to SWP3 that is required by the TPDES Stormwater Permits.

Notice of intent (NOI) means the advance notification that is required by the TPDES Stormwater Permits prior to commencement of work.

Notice of termination (NOT) means the notification that is required by the TPDES Stormwater Permits upon completion of work.

Regulated activity means an activity occurring at an industrial facility or construction site, which qualifies the facility or site to acquire a permit to discharge stormwater under the Clean Water Act.

Release means any spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping, or disposing into the municipal stormwater drainage system, the water of the state, the waters of the United States.

Stormwater discharge associated with industrial activity means the discharge from any conveyance which is used for collecting and conveying stormwater and which is directly related to manufacturing, processing or raw materials storage areas at an industrial facility. The following categories of facilities are considered to be engaging in "industrial activity":

- a. Facilities subject to stormwater effluent limitations guidelines, new source performance standards, or toxic pollutant effluent standards under 40 CFR, subchapter N (except facilities with toxic pollutant effluent standards which are exempted under category (k) of this definition);
- b. Facilities classified as Standard Industrial Classifications 24 (except 2434), 26 (except 265 and 267), 28 (except 283), 29, 311, 32 (except 323), 33, 3441, 373;
- c. Facilities classified as Standard Industrial Classifications 10 through 14 (mineral industry) including active or inactive mining operations (except for areas of coal mining operations no longer meeting the definition of a reclamation area under 40 CFR § 434.11(1) because the performance bond issued to the facility by the appropriate federal Surface Mining Control and Reclamation Act (SMCRA) authority has been released, or except for areas of noncoal mining operations which have been released from applicable state or federal reclamation requirements after December 17, 1990 and oil and gas exploration, production, processing, or treatment operations, or transmission facilities that discharge stormwater contaminated by contact with or that has come into contact with, any overburden, raw material, intermediate products, finished products, byproducts or waste products located on the site of such operations;
- d. Hazardous waste treatment, storage, or disposal facilities, including those that are operating under interim status or a permit under subtitle C of the Federal Resource Conservation and Recovery Act (RCRA);
- e. Landfills, land application sites, and open dumps that receive or have received any industrial wastes (waste that is received from any of the facilities described under this

- subsection) including those that are subject to regulation under subtitle D of RCRA;
- f. Facilities involved in the recycling of materials, including metal scrap yards, battery reclaimers, salvage yards, and automobile junkyards, including but limited to those classified as Standard Industrial Classification 5015 and 5093;
 - g. Steam electric power generating facilities, including coal handling sites;
 - h. Transportation facilities classified as Standard Industrial Classifications 40, 41, 42 (except 422125), 43, 44, 45, and 5171 which have vehicle maintenance shops, equipment cleaning operations, or airport deicing operations. Only those portions of the facility that are either involved in vehicle maintenance, equipment cleaning operations, airport deicing operations, or which are otherwise identified under paragraphs (a)-(g) or (i)-(k) of this definition are associated with industrial activity;
 - i. Treatment works treating domestic sewage or any other sewage sludge or wastewater treatment device or system, used in the storage treatment, recycling, and reclamation of municipal or domestic sewage, including land dedicated to the disposal of sewage sludge that are located within the confines of the Facility, with a design flow of 1.0 mgd or more, or required to have an approved pretreatment program under 40 CFR part 403. Not included are farm lands, domestic gardens or lands used for sludge management where sludge is beneficially reused and which are not physically located in the confines of the facility, or areas that are in compliance with section 405 of the Clean Water Act;
 - j. Construction activity including clearing, grading and excavation activities except: operations that result in the disturbance of less than one acre of total land area which are not part of a larger common plan of development or sale;
 - k. Facilities under Standard Industrial Classifications (SIC Code) 20, 21, 22, 23, 2434, 25, 265, 267, 27, 283, 285, 30, 31 (except 311), 323, 34 (except 3441), 35, 36, 37 (except 373), 38, 39, 422125, (and which are not otherwise included within categories (b)-(j) of this definition);

Stormwater pollution prevention plan (SWP3) means a plan required by a TPDES permit to discharge stormwater associated with industrial activity or construction activity and which describes and ensures the implementation of practices that are to be used to reduce the pollutants in stormwater discharges from industrial facilities and construction sites.

Texas Pollutant Discharge Elimination System (TPDES) means the regulatory program delegated to the State of Texas by the EPA pursuant to 33 USC § 1342(b).

TPDES Permit means a permit issued by the TCEQ under authority delegated pursuant to 33 USC § 1342(b) that authorizes the discharge of pollutants to waters of the state, whether the permit is applicable on an individual, group, or general area-wide basis.

B. PROHIBITIONS.

1. Unpermitted discharges prohibited.

It is an offense for an operator or responsible party of a facility to:

- a. Discharge, or cause to be discharged, stormwater associated with industrial or

construction site activity without first having obtained a TPDES permit from the TCEQ.

- b. Operate a facility that is discharging stormwater associated with a construction site activity without having submitted a copy of the NOI or construction site notice to the City.
- c. Introduce sediment, concrete, asphalt or any other construction debris into the MS4 from a construction activity. The Administrator will provide the operator a reasonable amount of time, to remove any pollutants or debris from the MS4 conveyances.

C. FACILITY INSPECTION FOR STORMWATER DISCHARGES.

1. Applicability for industrial and construction activity.

- a. This section applies to all facilities located within the City limits that have stormwater discharges associated with industrial activity or construction site activity. State regulations require that subject facilities apply for and obtain general permits for industrial facilities (TPDES TXR050000) and construction sites (TXR150000) that have been determined to contribute or have the potential to contribute substantial pollutant loads to the MS4 or waters of the state. The general permits require that the permittee develop, implement, and maintain a stormwater pollution prevention plan (SWP3) and submit a NOI notifying the TCEQ and the MS4 operator (City of College Station).
- b. The MS4 permit issued to the City by the TCEQ mandates the City to "Carry out all inspections, surveillance, and monitoring procedures necessary to determine compliance with permit conditions" (Part III (E)(6)) and to implement a program that shall include "Inspection of construction sites and enforcement of control measure requirements" (Part III (A)(9)(b)). To meet these requirements the City must enter onto the premises of industrial and construction sites to inspect, monitor, and conduct surveillance of requirements mandated by the TCEQ. These requirements include, but are not limited to:
 - 1) Review of the facilities' SWP3 with onsite conditions;
 - 2) Evaluation of BMP to effectively prohibit the discharge of nonstormwater to the MS4;
 - 3) Inspection for illicit connections and illicit discharges;
 - 4) Self inspection compliance; and
 - 5) Compliance with the City's MS4 permit and the facilities subject general permit (TXR150000 or TXR050000).

2. Access to industrial facilities and construction sites.

- a. The intent of facility inspections shall be to determine compliance with the conditions of the City's TPDES permit, any TPDES general permit the facility is currently obligated to for industrial and construction activities, and this ordinance. Facility owners and operators will allow the Administrator ready access to applicable sections of public and private premises for the sole purpose of inspection, surveillance, and monitoring for the presence of illegal discharges to the MS4, illicit connections to the MS4, and assessment of any portions of a regulated facility influenced by stormwater

runoff that may adversely affect the MS4 or waters of the United States.

- b. Admittance to the facility shall be requested at a reasonable time during the facilities normal working hours unless it is determined by the Administrator that imminent and substantial danger exists.
- c. The owner or operator shall make all necessary arrangements to allow access to the Administrator.
- d. If the owner or operator refuses entry after a request to enter and inspect has been made, the City is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.
- e. The Administrator retains the authority to collect samples and photographs from stormwater outfalls or other components of the MS4 as may be deemed appropriate in the administration and enforcement of this ordinance.
- f. The Administrator has the authority to establish on subject facilities devices as are necessary in the opinion of the Administrator to conduct monitoring of the facility's stormwater discharge.
- g. The Administrator or the designated inspector must present appropriate credentials to the facility officials at the time of entry to a facility.

3. Review and modification of stormwater pollution prevention plans.

- a. The Administrator has the authority to request to review any documents or plans (stormwater pollution prevention plan, spill prevention control plans, hazardous material plans, waste management documentation, etc.) from a regulated facility that the Administrator deems may affect stormwater discharges to the MS4.
- b. The Administrator may require an operator of a regulated facility to modify its stormwater pollution prevention plan if the stormwater pollution prevention plan does not comply with the requirements of the facility's TPDES permit to discharge stormwater associated with industrial or construction activity.
- c. The deficiencies in a facility's stormwater pollution prevention plan will be communicated in writing, and the Administrator will provide the operator a reasonable amount of time to make the necessary changes in the stormwater pollution prevention plan.

4. Review and modifications of best management practices.

- a. Any person engaged in activities or operation, or owning facilities or property, which will or may result in pollutants entering the MS4 or waters of the United States, shall implement BMPs to the extent they are technologically achievable to prevent and reduce such pollutants. The owner or operator of a regulated facility shall prove reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 or waters of the United States. Practices implemented to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense.
- b. The City does not maintain a list of required or approved BMPs for regulated facilities. The Administrator may request facilities to demonstrate the effectiveness of implemented BMPs. Suggested BMPs and a list of prohibited BMPs will be maintained in the B/CS Drainage Design Guidelines.

- c. The Administrator may require an operator of a regulated facility to modify its BMP if the BMPs do not provide effective protection from accidental discharge of prohibited materials or other wastes from entering into the MS4 or waters of the United States.
- d. The deficiencies in a facility's BMP will be communicated in writing, and the Administrator will provide the operator a reasonable amount of time to make the necessary changes in the BMPs.

5. Compliance with permit.

- a. A facility shall be operated in strict compliance with the requirements of the TPDES permit to discharge stormwater associated with industrial or construction site activity.
- b. A person commits an offense if the person operates a facility in violation of a requirement of the facility's TPDES permit to discharge stormwater associated with industrial or construction site activity.

D. STORMWATER DISCHARGES ASSOCIATED WITH INDUSTRIAL ACTIVITY.

1. Applicability.

This subsection applies to all facilities located within the City limits that have stormwater discharges associated with industrial activity.

2. Industrial and high risk runoff monitoring.

- a. All hazardous waste treatment and storage facilities, active municipal landfills, facilities subject to section 313 of Title III of the Superfund Amendment and Reauthorization Act of 1986 (SARA), and any other industrial discharger the City determines is contributing a substantial pollutant load to the MS4 shall submit self-monitoring data to the City on an annual basis. Submittal date of self-monitoring data is to be determined by the Administrator.
- b. The City's MS4 permit requires that all industrial facilities listed in (a) be subject to site inspections of no less than once per permit term (five years). However, the Administrator has the authority to inspect these industrial facilities as often as deemed necessary to assure permit compliance and safety of the MS4 and waters of the United States.
- c. An unreasonable delay or refusal to submit self-monitoring data to the Administrator is a violation of this ordinance. A person who is the operator of an industrial facility with a TPDES permit to discharge stormwater associated with industrial activity commits an offense if the person denies the Administrator reasonable access to a facility's self-monitoring data for the purpose of review required by this ordinance.
- d. An industrial facility may submit a "no exposure" certification to the City in lieu of self-monitoring; however, any facility operating under a "no exposure" certification is subject to periodic facility inspections (not less than once per permit term—five years) to verify the facility's "no exposure" exemption.
- e. The City may waive monitoring requirements for industrial facilities determined to be in compliance with the TPDES Multi-Sector General Permit Number TXR050000.

- f. The Administrator has the authority to conduct inspections on any industrial facility subject to the TCEQ's TPDES Multi-Sector General Permit or has been deemed to be, or has potential to be, contributing a substantial pollutant load to the MS4 to determine compliance and safety of the MS4 and waters of the United States.

E. STORMWATER DISCHARGES ASSOCIATED WITH CONSTRUCTION ACTIVITY.

1. Applicability.

This subsection applies to all facilities located within the City limits that have stormwater discharges associated with construction activity.

2. Submission of notice of intent, notice of change, notice of termination or construction site notice to municipal stormwater drainage system operator.

- a. The operator of a construction site required to have a TPDES permit to discharge stormwater associated with construction activity shall submit a copy of the above notices to the Administrator at the same time the operator submits the original notice to the TCEQ.
- b. The operator of a construction site which does not require a NOI is required to submit, per TCEQ's TPDES general permit for construction sites, a construction site notice to the Administrator.
- c. Copies of all notices may be delivered to the Administrator either in person or by mail.

F. ENFORCEMENT.

Any person found guilty of violating a provision of this ordinance may be punished as provided for in Chapter 12, Article 10, Section 10.6 of this Code of Ordinances.”

EXHIBIT "B"

That Chapter 12, Unified Development Ordinance, Article 10, Enforcement, of the Code of Ordinances, City of College Station, Texas, is hereby amended by adding a section, to be numbered Section 6, which said section shall read as follows:

“CHAPTER 12 UNIFIED DEVELOPMENT ORDINANCE

....

ARTICLE 10 – ENFORCEMENT

....

10.6 – SPECIFIC ENFORCEMENT AND PENALTIES FOR DRAINAGE AND STORMWATER MANAGEMENT.

A. Enforcement Responsibility.

The Administrator or his designee has the responsibility for enforcement of the provisions of this ordinance. The duties include not only the issuance of permits as required by this ordinance, but also the responsibility of ensuring that all facilities conform with this subpart and with any other applicable state and federal laws, requirements and regulations of this Code of Ordinances or of the City. The Administrator has the authority to adopt policies and procedures not inconsistent with the terms of this ordinance necessary to implement the provisions of this division.

B. Violations.

1. Violation of the provisions of this ordinance or failure to comply with any of its requirements shall constitute a misdemeanor. Each violation shall be deemed a separate offense for each and every day during which any violation of any of the provisions of this ordinance is committed or continued. Any person found guilty of violating a provision of this ordinance may be punished as provided for in Chapter 1, Section 5 of this Code of Ordinances.
2. The owner or operator of any facility, structure, premises, or part thereof, and any architect, builder, contractor, agent, or other person who commits, participates in, assists in, or maintains such violation may each be found guilty of a separate offense and suffer the penalties herein provided.
3. A violation of this section is also declared a nuisance and may be enforced five thousand (5,000) feet outside the City Limits.

C. Notice of violations.

If the Administrator determines that there is a violation of this ordinance, notice will be sent to the property owner or operator of record by registered or certified mail, unless deemed an emergency pursuant to Chapter 7, Section 13, Subsection C of this Code of Ordinances. The notice will specify the measures required to come into full compliance with this ordinance and shall specify the time within which the measures must be completed. Failure to comply within

specified is a violation of this ordinance and subject to additional penalties outlined herein.

D. Voluntary compliance.

The Administrator has the authority to instruct an operator of a facility that commits any acts prohibited by this ordinance to achieve voluntary compliance as determined by the Administrator. The Administrator will provide a reasonable amount of time, specific to the occurrence, to remedy the violation.

E. Stop orders.

The Administrator has the authority to issue stop work orders for any facility that commits any acts prohibited by this ordinance.

F. Appeals, interpretation, and variances.

Where applicable, any appeals, interpretations or variances of the Administrator's designee shall first be to the Administrator, then to a court of competent jurisdiction. Any appeals, interpretations or variances of the Administrator shall be to a court of competent jurisdiction directly."

July 12, 2012
Regular Agenda Item No. 7
Contract for Sale of Real Estate

To: David Neeley, City Manager

From: Jeff Kersten, Executive Director Business Services

Agenda Caption: Presentation, possible action, and discussion of a Contract for Sale of Real Estate, for the sale of real property located at North Harvey Mitchell Parkway (FM 2818), to Ashraf Lakhani in the amount of \$211,000.00.

Recommendation(s): Staff recommends the sale of said property to Ashraf Lakhani.

Summary: In 2011 Council gave staff direction to move forward with liquidating certain properties that the City owned but for which there was no longer a public purpose. This property was originally purchased by the City in 1980 for \$28,984 as a potential future water pump station site. That project never materialized.

City staff solicited sealed bids for the sale of real property located at North Harvey Mitchell Parkway (FM 2818). Ashraf Lakhani submitted the high bid in the amount of \$211,000.00. An internal appraisal report prepared by a state certified general real estate appraiser, dated November 18, 2011, utilizing comparable market sales valued the property at \$98,000.00. Brazos County Appraisal District has the market value listed at \$210,570.00. The property is generally described as an undeveloped 2.417 acre tract, more or less, and zoned "C-2", "Retail District".

Budget & Financial Summary: The sales price of the property is \$211,000. Proceeds from the sale will be deposited back into the Water Capital Fund.

Attachments:

Contract for Sale of Real Estate – on file in the City Secretary's Office
Location Map

City Surplus Tract

Subject Property

The Oaks Apartments

Jane Long Middle School

Scarmardo Produce

N. Harvey Mitchell Pkwy. (FM 2818)



July 12, 2012
City Council Workshop Item No. 8
Board & Commission Appointments

To: David Neeley, City Manager

From: Sherry Mashburn, City Secretary

Agenda Caption: Presentation, possible action, and discussion regarding appointments to the following Boards and Commissions:

- B/CS Library Committee
- Bicycle, Pedestrian & Greenways Advisory Board **
- Construction Board of Adjustments
- Design Review Board **
- Historic Preservation Committee **
- Landmark Commission
- Parks & Recreation Board **
- Planning & Zoning Commission **
- Zoning Board of Adjustments **

Summary: The City Secretary's Office began advertising for applicants to fill the vacancies of various boards and commissions in February 2012 and June 29 was the deadline for applications. A qualified applicant must be a resident of College Station and a qualified voter. Staff received 53 applications, of which 48 are qualified for appointment. Your Board Appointment packet (under separate cover) will contain all applications. Those applicants that were not qualified have been notified of such and the reason why.

Additionally, members who serve on boards and commissions are term-limited to no more than two completed consecutive terms for a total of four years. After one year has passed, the member may be appointed to the same committee. However, the member is eligible to serve and may be appointed to another board/committee if the member has termed out.

Outgoing members will be invited to a small reception to thank them for their service and to present them with certificates of appreciation. Immediately after, we will be conducting a mandatory orientation for all new appointees. Those new appointees will receive their oath of office at that time. We anticipate this event to occur mid-August.

** The chairs for these committees are appointed annually by the City Council.

- Bicycle, Pedestrian & Greenways (Blanche Brick, current chair, term up 2013)
- Design Review Board (Mike Ashfield, current chair, term up 2013)
- Historic Preservation Committee (Susan Irza, current chair, term expired, did not re-apply)
- Parks & Recreation Board (Jon Denton, current chair, term up 2013)
- Planning & Zoning Commission (Mike Ashfield, current chair, term up 2013)

- Zoning Board of Adjustments (Rodney Hill, current chair, term up 2012, did not re-apply)

For any *new* chair appointments, staff recommends they be made contingent upon staff contacting the appointee to determine their willingness to serve as chair.

Financial Summary: There is no fiscal impact.

Attachments: Resolution 07-13-10-02

RESOLUTION NO. 07-13-10-02

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, ESTABLISHING TERM LIMITS FOR CITY COUNCIL APPOINTED BOARDS, COMMISSIONS, AND COMMITTEES.

WHEREAS; the City Council recognizes the importance of citizen involvement through volunteer participation on a Citizen Board, Commission, or Committee; and,

WHEREAS, the City Council shall appoint residents and qualified City voters of the City of College Station to serve on advisory boards, commissions, and committees as it deems necessary to carry out the functions and obligations of the City; and,

WHEREAS, the City Council shall prescribe the purpose, composition, function, duties, and accountability and tenure of each advisory board, commission and committee where such are not prescribed by law or City Charter; 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 members who serve on Boards, Commissions, and Committees shall hold office for a term of two (2) years or no more than two (2) completed consecutive terms for a total of four (4) years or until his successor is appointed, exclusive of any unexpired term to which the member may have been appointed to fill due to a vacancy on the Board, Commission, or Committee.

PART 2: That a citizen who has served as a member of a Board, Commission, or Committee shall not be eligible for membership on the same committee until at least one (1) year has elapsed, except such resident shall be eligible to serve on another committee upon termination of service.

PART 2: That this resolution shall supersede any provision regarding terms of service in existing rules and regulations, guidelines, by-laws, or resolutions for advisory boards, commissions, and committees, unless otherwise provided by ordinance.

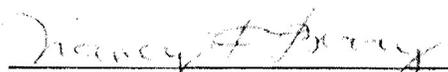
PART 3: That this resolution shall take effect immediately from and after its passage.

ADOPTED this 13th day of July, A.D. 2010.

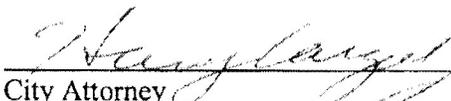
ATTEST:

APPROVED:


City Secretary Deputy


Mayor

APPROVED:


City Attorney

July 12, 2012
Regular Agenda Item No. 9
Board & Commission Appointments
Board of Directors Appointment

To: David Neeley, City Manager

From: Frank Simpson, Deputy City Manager

Agenda Caption: Presentation, possible action and discussion regarding the citizen appointment to the Research Valley Partnership Board of Directors.

Recommendation(s): Staff recommends that the Council make an appointment to the RVP Board of Directors.

Summary: This Board Appointment is to replace one of three College Station citizen appointees to the RVP Board of Directors. The seat is currently held by Larry Hodges. The appointment is for a three year term that will conclude in May 2015. Other College Station appointees to the Board include: Mayor Berry and Council Member Schultz. In addition, the City Manager serves in an ex-officio capacity.

Budget & Financial Summary: N/A

Attachments: N/A

July 12, 2012
Regular Agenda Item No. 10
Community Emergency Operations Center Board Appointment

To: David Neeley, City Manager

From: Robert Alley, Fire Chief

Agenda Caption: Presentation, possible action and discussion regarding the approval of a City of College Station Council member to be appointed to the CEOC Policy Advisory Board.

Recommendation(s): Staff recommends approval of a member of the City of College Station City Council to represent the City of College Station on the CEOC Policy Advisory Board.

Summary: The CEOC Interlocal agreement states in Article III Organization and Governance, Section 3.01 Policy Advisory Board: The parties do hereby establish a Policy Advisory Board (Board). The Board shall be comprised of four voting members as follows: the Mayors of Bryan and College Station, the County Judge and the President of TAMU or a designee for each such party, as authorized by their respective governmental body.

Section 3.02 Board Duties and Meetings: The Board shall have the power to request, receive and review such information as it deems necessary to provide recommendations to the Bryan City Council, College Station City Council, the County Commissioners Court and the Board of Regents regarding the EOC's joint purchases, if any; long range plans and future space requirements; the EOC's effectiveness in achieving the purpose set forth herein and to resolve and recommend solutions to any unforeseen administrative issues. The Board has no authority over personnel matters. The Board has no rule-making power and is not a governmental body as defined in 551.001 of the Texas Government Code. The Board shall, however, provide notice of its meetings and conduct its meetings in the same manner as a governmental body is required to do under the Texas Open Meetings Act, Chapter 551, Texas Government Code. The Board shall meet annually, or as often as it deems necessary to meet its duties under this Section. Any member of the Board shall have the authority to call a meeting of the Board upon fifteen (15) days' prior written notice.

Budget & Financial Summary: The funding for the CEOC is provided through the Annual Budget process.

Attachments:
None