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Mayor

Nancy Berry

Mayor Pro Tem

Karl Mooney

Interim City Manager

Kathy Merrill

Council members

Blanche Brick

Jess Fields

John Nichols

Julie M. Schultz

James Benham

Agenda
College Station City Council
Regular Meeting
Thursday, May 23, 2013 at 7:00 PM
City Hall Council Chamber, 1101 Texas Avenue
College Station, Texas

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

Presentation:

- Presentation to the A&M Garden Club in recognition as the recipients of the 2012 Texas Garden Club of the year Award.

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

At the discretion of the Mayor, individuals may be allowed to speak on a Consent Agenda Item. Individuals who wish to address the City Council on a consent 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.

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:

- May 9, 2013 Workshop
- May 9, 2013 Regular Council Meeting

b. Presentation, possible action and discussion regarding the renewal of the Building Use Agreement between the City of College Station and the Arts Council of Brazos located at 2275 Dartmouth Drive.

c. Presentation, possible action and discussion on the second of two readings of a non-exclusive franchise agreement with MedStar Services, LLC for the purpose of collecting and disposing treated and untreated medical waste from various healthcare related facilities.

- d. Presentation, possible action and discussion on an ordinance adopting a new Rate Review Mechanism Tariff with Atmos Energy Corporation, Mid-Tex Division.
- e. Presentation, possible action, and discussion regarding the award of two annual purchasing agreements for dewatering chemical (polymer) with Fort Bend Services, Inc. not to exceed \$130,800, and with Atlantic Coast Polymer, Inc. not to exceed \$7,400.

Regular Agenda

At the discretion of the Mayor, individuals may be allowed to speak on a Regular Agenda Item. 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. Registration forms are available in the lobby and at the desk of the City Secretary.

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

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

1. Public Hearing, presentation, possible action, and discussion regarding 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 3.7 acres, generally located at the intersection of Barron Road and Victoria Avenue, from A-O Agricultural Open to SC Suburban Commercial.
2. Public Hearing, presentation, possible action, and discussion on an ordinance establishing additional commercial loading zones in the Northgate District.
3. 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, May 23, 2013 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 17th day of May, 2013 at 5:00 p.m.

Thursday, May 23, 2013


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 May 17, 2013 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 _____, 2013 By _____

Subscribed and sworn to before me on this the _____ day of _____, 2013.

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.

May 23, 2013
City Council Consent Agenda Item No. 2a
City Council Minutes

To: Kathy Merrill, Interim City Manager

From: Sherry Mashburn, City Secretary

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

- May 9, 2013 Workshop
- May 9, 2013 Regular Council Meeting

Attachments:

- May 9, 2013 Workshop
- May 9, 2013 Regular Council Meeting

MINUTES OF THE CITY COUNCIL WORKSHOP
CITY OF COLLEGE STATION
MAY 9, 2013

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry, Mayor

Council:

Blanche Brick
Jess Fields
Karl Mooney
John Nichols, arrived after roll call
Julie Schultz
James Benham, arrived after roll call

City Staff:

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

1. Council Photo Session

This item was re-scheduled for June 13, 2013.

2. 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 Berry at 4:03 p.m. on Thursday, May 9, 2013 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77842.

3. Executive Session

In accordance with the Texas Government Code §551.071-Consultation with Attorney, §551.074-Personnel, §551.086-Competitive Matters, and §551.087-Economic Development Negotiations, the College Station City Council convened into Executive Session at 4:03 p.m. on Thursday, May 9, 2013 in order to continue discussing matters pertaining to:

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

- 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.
- 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. 11-003172-CV-272, in the 272nd District Court of Brazos County, TX
- Tom Jagielski v. City of College Station, Cause No. 12-002918-CU-361, In the 361st District Court of Brazos County, Texas
- State v. Carol Arnold, Cause Number 11-02697-CRF-85, In the 85th District Court, Brazos County, Texas

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

- Legal issues related to city funding for preferred facilities access agreement between T AMU and CVB

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

- City Manager

D. Deliberation, vote or final action on a competitive matter as that term is defined in Gov't Code §552.133 in closed session; to wit:

- Power Supply

E. Deliberation on economic development negotiations regarding an offer of financial or other incentives for a business prospect; to wit:

- Discuss economic development incentive negotiations with TAMUS

The Executive Session adjourned at 6:23 p.m.

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

No action was required from Executive Session.

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

Items 2c, 2d, and 2g were pulled for discussion.

(2c): David Schmitz, Director of Parks and Recreation, reported the O&M is for one full-time staff person and one part-timer through the weekends. Chuck Gilman, Director of Capital Projects, provided a short presentation showing the agreed upon site plan.

(2d): Amy Atkins, Assistant Director of Parks and Recreation, clarified the trail surfaces will be gravel and some wash-out areas will be concrete.

(2g): David Brower, Planning and Development Services, clarified the bid process.

6. Presentation, possible action, and discussion regarding the results of a Water Master Plan Update for the Northgate area.

Dave Coleman, Director of Water Utilities, updated the Council on the Water Meter Plan Update for Northgate. He noted the Northgate area serves as the City's primary entertainment district. It represents the City's only current urban character area and is the subject of considerable development planning. The previous Water Master Plan was last approved in July 2010. It predicted modest growth in the area; however, the recent surge of dense development in Northgate necessitated a closer look. The 2013 Northgate Area Water Master Plan Update revised the map of expected density for the new paradigm. It asks the questions:

- How do the increased densities translate into additional water demands?
- Will additional water system improvements be needed to meet TCEQ requirements?

TAMU will serve water to the Campus Pointe area, and the City will serve water to ACC. They have worked with Planning and Development Services to develop a revised 'Proposed Dwelling Unit Equivalent (PDUEs)' for Northgate and derived projected peak-hour water demands. Campus Pointe was not included in the assumptions.

TCEQ requires that system pressures do not drop below 35 psi at all points in a distribution system during normal operating conditions and requires that a system must be designed to maintain a minimum pressure of 20 psi under combined fire and average maximum day drinking water flow conditions.

The Northgate study verified that the City's water model was accurately matching up with the City's actual system. Conclusions from data collected in June 2012 indicate that the water system is okay with developments underway/planned. More water supply to Northgate will be required if the development pace continues. Staff recommends the construction of an 18"-24" water line along 2818 and 60 to supply Northgate and the Bio-Corridor for an estimated cost of \$6.5 million.

The FY-14 Water Master Plan Update will look at possible alternatives such as adding a dedicated pump station and a dedicated elevated storage and to interconnect with TAMU or City of Bryan. The exact timing is difficult to predict, and they will work with Planning & Development Services to track the growth trends and update projections in the Northgate District. They are currently evaluating a customized "per person" water usage for the Northgate District.

MOTION: Upon a motion made by Councilmember Mooney and a second by Councilmember Benham, the City Council voted seven (7) for and none (0) opposed, to accept the report. The motion carried unanimously.

7. Council Calendar

- **May 10 Lunch to honor Bennie Luedke at MTF Assembly Room - CSU (1603 Graham Road), 12:00 p.m.**

- May 13 Council Budget/Finance Committee Meeting in City Hall Administrative Conference Room, 1 :30 p.m.
- May 15 BVSWMA Board Meeting at 310 Krenek Tap Road - Municipal Court Building - 2nd Floor - Room 203, 11:00 a.m.
- May 15 Hospitality Celebration 2013 "Hometown Heroes" at Christopher's, 11:30 a.m.
- May 15 Annual Police Memorial Service at Veterans Park, 12:00 p.m.
- May 15 RVP Board Meeting at RVP, 3:00 p.m.
- May 16 P&Z Workshop/Meeting, Council Chambers, 6:00 p.m. (Karl Mooney, Liaison)
- May 20 IGC Meeting at BVCOG, 12:00 p.m.
- May 23 Executive Session/Workshop/Regular Meeting at 4:30,6:00 & 7:00 p.m.
- May 27 City Offices Closed - HOLIDAY

Council reviewed the Council calendar.

8. 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 items requested.

9. Discussion, review and possible action regarding the following meetings: Animal Shelter Board, Arts Council of Brazos Valley, Arts Council Sub-committee, Audit Committee, Bicycle, Pedestrian, and Greenways Advisory Board, Bio-Corridor Board of Adjustments, Blinn College Brazos Valley Advisory Committee, Brazos County Health Dept., Brazos Valley Council of Governments, Bryan/College Station Chamber of Commerce, Budget and Finance Committee, BVSWMA, BWACS, Compensation and Benefits Committee, Convention & Visitors Bureau, Design Review Board, Economic Development Committee, Gigabit Broadband Initiative, Historic Preservation Committee, Interfaith Dialogue Association, Intergovernmental Committee, Joint Relief Funding Review Committee, Landmark Commission, Library Board, Metropolitan Planning Organization, Parks and Recreation Board, Planning and Zoning Commission, Research Valley Partnership, Research Valley Technology Council, Regional Transportation Committee for Council of Governments, Transportation and Mobility Committee, TAMU Student Senate, Texas Municipal League, Twin City Endowment, Youth Advisory Council, Zoning Board of Adjustments.

Mayor Berry reported on the MPO and the BVCOG.

Councilmember Benham reported on the Research Valley Technology Council and BWACS.

Councilmember Mooney reported on the Compensation and Benefits Committee.

Councilmember Brick reported on the Bike and Pedestrian Committee.

Councilmember Nichols stated he just returned from his trip to Washington, DC with the Chamber of Commerce and will report more fully next meeting.

10. Adjournment

MOTION: There being no further business, Mayor Berry adjourned the workshop of the College Station City Council at 7:04 p.m. on Thursday, May 9, 2013.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF COLLEGE STATION
MAY 9, 2013

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry, Mayor

Council:

Blanche Brick
Jess Fields
Karl Mooney
John Nichols
Julie Schultz
James Benham

City Staff:

Kathy Merrill, Interim 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 Berry at 7:14 p.m. on Thursday, May 9, 2013 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.

The Mayor and Council honored Frank Simpson, deceased City Manager, with a moment of silence.

Presentation:

- **Presentation to the Bicycle, Pedestrian and Greenways Advisory Board proclaiming May as National Bike Month.**

Mayor Berry presented the proclamation to Blanche Brick, Chair, and committee members Greg Stiles, Mary Halterman-Cox, Sherry Ellison, Philip Lasley, James Batenhorst, and Jean Gould.

- **Presentation to St. Joseph Regional Health Center's Trauma Service proclaiming May as Trauma Awareness Month.**

Mayor Berry presented the proclamation to Adair deBerry-Carlisle, Trauma Medical Director, and Sherry Jennings, Trauma Program Manager.

Citizen Comments

Linda Harvell, 504 Guernsey, HPC and 75th Committee Chair, updated the Council on the upcoming College Station 75th Anniversary. She lauded the Public Communications Department for their assistance and noted the decal on the College Station fire trucks. She stated that donations are coming in. There will be a Homecoming on November 15. The George Bush Library is donating 3,000 square feet of exhibit space from October 21 – January 4. The birthday celebration is November 16, 2013 with the Grand Opening of the exhibit with free admission that weekend, and she hopes to see everyone there.

CONSENT AGENDA

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

- **April 25, 2013 Workshop**
- **April 25, 2013 Regular Council Meeting**
- **May 2, 2013 Special Meeting**

2b. Presentation, possible action, and discussion regarding approval of Resolution 05-09-13-2b, amending Resolution 02-14-13-2e that will authorize City staff to negotiate for the purchase of easements needed for the Bee Creek Parallel Trunk Line Project.

2c. Presentation, possible action, and discussion regarding Resolution 05-09-13-2c, awarding a professional services contract (13-238) with Ray + Hollington Architects, Inc. in the amount of \$281,500 for the development of the Lick Creek Park Nature Center, and approval of a resolution declaring intention to reimburse certain expenditures with proceeds from debt.

2d. Presentation, possible action, and discussion regarding approval of a contract between the City of College Station and D&S Contracting Inc., in the amount of \$153,904 for the purposes of improvements to Iron Bridge Trail and Raccoon Run Trail in Lick Creek Park.

2e. Presentation, possible action and discussion on the first of two readings of a non-exclusive franchise agreement with MedStar Services, LLC for the purposes of collecting and disposing treated and untreated medical waste from various healthcare related facilities.

2f. Presentation, possible action, and discussion regarding approval of the Brazos Valley Wide Area Communications System (BVWACS) Operating Budget for FY 14 and authorizing the City's quarterly payments of approximately \$52,683 for an annual total of \$210,732; and approval of the BVWACS Capital Budget for FY 14 and payment of the City's share in the amount of \$73,460.53.

2g. Presentation, possible action, and discussion regarding approval of a real estate contract between the City of College Station and Dorothy Ross in the amount of \$119,900 for the sale of 1022 Crested Point with assistance provided through the HOME Reconstruction Loan Program and for the authorization of the City Manager to sign a temporary residential lease with Dorothy Ross for 1022 Crested Point.

2h. Presentation, possible action and discussion on Resolution 05-09-13-2h, amending the authorized representatives on the local government pool account, TexPool.

2i. Presentation, possible action and discussion on Resolution 05-09-13-2i, amending the authorized representatives on the local government pool account, Texas Short Term Asset Reserve ("TexSTAR").

2j. Presentation, possible action, and discussion regarding approval of a contract between the City of College Station and Grid Utility, LLC., in the amount of \$1,259,929.12 for Annual Electric System Construction & Maintenance Labor as needed.

Items 2c and 2g were pulled for a separate vote.

MOTION: Upon a motion made by Councilmember Benham and a second by Councilmember Schultz, the City Council voted seven (7) for and none (0) opposed, to approve the Consent Agenda, less items 2c and 2g. The motion carried unanimously.

(2c)MOTION: Upon a motion made by Councilmember Brick and a second by Councilmember Nichols, the City Council voted four (4) for and three (3) opposed, with Mayor Berry and Councilmembers Benham and Fields voting against, to adopt Resolution 05-09-13-2c, awarding a professional services contract (13-238) with Ray + Hollington Architects, Inc. in the amount of \$281,500 for the development of the Lick Creek Park Nature Center, and approval of a resolution declaring intention to reimburse certain expenditures with proceeds from debt. The motion carried. *[During discussion of this item, at least two Councilmembers that voted for the item to fund the design of the Nature Center supported the design of a building that could be open or closed as weather permitted.]*

(2g)MOTION: Upon a motion made by Councilmember Schultz and a second by Councilmember Mooney, the City Council voted six (6) for and one (1) opposed, with Councilmember Fields voting against, to approve a real estate contract between the City of College Station and Dorothy Ross in the amount of \$119,900 for the sale of 1022 Crested Point with assistance provided through the HOME Reconstruction Loan Program and for the authorization of the City Manager to sign a temporary residential lease with Dorothy Ross for 1022 Crested Point. The motion carried.

REGULAR AGENDA

1. Presentation, possible action, and discussion regarding dedication of the Training Room in the College Station Utilities Meeting and Training Facility to Mr. Bennie Luedke and all long-serving City of College Station employees for their years of service, dedication and hard work.

MOTION: Upon a motion made by Mayor Berry and a second by Councilmember Nichols, the City Council voted seven (7) for and none (0) opposed, to dedicate the Training Room in the College Station Utilities Meeting and Training Facility to Mr. Bennie Luedke and all long-serving City of College Station employees for their years of service, dedication and hard work. The motion carried unanimously.

2. Public Hearing, presentation, possible action, and discussion regarding Ordinance 2013-3496, 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 approximately 14.2 acres for the property located at 2381 Earl Rudder Freeway South, generally located north of Raintree Drive and south of Horse Haven Estates, from PDD Planned Development District to approximately 7 acres NAP Natural Areas Preserve and approximately 7 acres SC Suburban Commercial.

Carla Robinson, City Attorney, reported that a protest has been filed pursuant to LGC 211.006. In order for the protest to apply, the petition has to be signed by 20% of the property owners within 200' of the subject re-zoning. If that is met, an affirmative vote of three fourths of the governing body is required. However, Planning and Development staff reviewed the protest petition, and there were not enough signatures. A three fourths vote is not required. Staff will be happy to meet with the petition signers after the Council's vote to explain how the calculation is made.

At approximately 7:59 p.m., Mayor Berry opened the Public Hearing.

Laurie Sorell, 7704 Sherman Court, said she has lived in Raintree for over 35 years. Her lots are unique due to the vegetation and trees. She is concerned about traffic, the assault to the senses (smells from restaurants), lights, and noise. This is not in the best interest of the community. Restaurants are 24/7 operations with deliveries at 2:00 a.m. She is concerned for the animals and ecological impact.

Mark BuxKemper, 7708 Sherman Court, stated that he is outside of the notification district, but asked why this property is being re-zoned again. Why aren't we adhering to the zoning requirement? He bought his home in relation to how the surrounding property was zoned. He asked Council to keep the property as PDD and build accordingly.

Simaan Shini, 7715 Appomattox Drive, said he is not against development and progress. The issue is changing the zoning to circumvent a restriction related to restaurants. These changes will allow restaurants. The worst case scenario is being covered up with restaurants. He asked Council to not negatively impact the neighborhood.

Boyd Sorell, 7704 Sherman Court, reminded Council that restrictions were put in place to prevent restaurants in 2009. Now they are requesting a re-zoning to get around that restriction. No one on the Council wants a restaurant 30' from their property line. With this new zoning, they can build just about anything they want there. He is against restaurants coming in. The traffic survey they provided is from 2009. Traffic going across the bridge on Southwest Parkway is horrendous now. The land around the proposed fourteen acres is still zoned PDD, and he

asked Council to keep it as it is. Suburban Commercial allows restaurants up to 8,000 square feet. This is a go around to what was agreed to years ago.

Bill Lero, 4421 Nottingham, Bryan, representing the property owner, stated there are no plans for this property at this time. They have requested the re-zoning to make the property more marketable. Suburban Commercial will hopefully make the property more marketable.

Henry Wittner, 2508 Raintree, said he knows of a person that wanted to purchase this property, but they wanted \$1 million; the appraisal is much less, so the land can be sold with those restrictions. The neighborhood is made up of heroes: fire, police, and teachers. These are the people that live in Raintree. They have widows and single moms. 7,000 vehicles come through there now. Raintree is now open all the way back to Emerald Forest and traffic is expected to more than double. He noted that the Council's neighborhoods have benefited from Council action on development. He asked Council to listen to the people in Raintree and do the same thing for them.

Johnny Tilten, 7705 Sherman Court, said the problem is the development that is occurring here is affecting the homeowners along that property line. He agrees with the homeowners that have spoken so far.

Jerome Rektorik, Planning and Zoning, said the Commission was sympathetic with their concerns about restaurants. They feel the restrictions with Suburban Commercial will help satisfy some of the concerns. The majority of the Commission believed that as long as the property owner follows the comprehensive plan and the UDO, then it is okay to develop as they see fit.

Adrien Vogel, 2218 Raintree, said he is concerned with the positioning of the new designation and marketing it as commercial. This development is on a major arterial. This zoning designation is supposed to serve the local area, but it will be pulling people off the road to Waco. The Suburban Commercial intent does not mesh in this case. By saying they want to remove the restrictions against restaurants, says that they want to build a restaurant.

There being no further comments, the Public Hearing was closed at 8:30 p.m.

MOTION: Upon a motion made by Councilmember Fields and a second by Councilmember Benham, the City Council voted six (6) for and one (1) opposed, with Councilmember Mooney voting against, to adopt Ordinance 2013-3496, 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 approximately 14.2 acres for the property located at 2381 Earl Rudder Freeway South, generally located north of Raintree Drive and south of Horse Haven Estates, from PDD Planned Development District to approximately 7 acres NAP Natural Areas Preserve and approximately 7 acres SC Suburban Commercial, subject to staff conditions . The motion carried.

3. Adjournment.

MOTION: There being no further business, Mayor Berry adjourned the Regular Meeting of the City Council at 9:10 p.m. on Thursday, May 9, 2013.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

May 23, 2013
Consent Agenda Item No. 2b
Renewal of the Use Agreement with the Arts Council of Brazos Valley

To: Kathy Merrill, Interim City Manager

From: Jeff Kersten, Executive Director Business Services

Agenda Caption: Presentation, possible action and discussion regarding the renewal of the Building Use Agreement between the City of College Station and the Arts Council of Brazos located at 2275 Dartmouth Drive.

Recommendation(s): Staff recommends approval of the renewal of the building use agreement through March 6, 2016 and authorization of the Interim City Manager to execute the renewal agreement.

Summary: On February 24, 2011 the City Council approved the purchase of the building occupied by the Arts Council of Brazos Valley located at 2275 Dartmouth Drive. The City Council also approved the use agreement with an initial term of three (3) years on February 24, 2011. Pursuant to the Use Agreement between City of College Station and Arts Council of Brazos Valley (Contract No. 11-174) the City has the option to renew for an additional two year term - March 7, 2014 through March 6, 2016.

The Arts Council would like to exercise this option. This request was reviewed by the Arts Council Subcommittee members Berry and Schultz with representatives of the Arts Council of Brazos Valley.

Legal Review: Yes

Attachments:

1. Use Agreement Renewal (available in the City Secretary's Office prior to City Council Meeting)

May 23, 2013
Consent Agenda Item No. 2c
Medical Waste Hauling Franchise
with MedStar Services, LLC

To: Kathy Merrill, Interim City Manager

From: Jason Stuebe, Assistant to the City Manager

Agenda Caption: Presentation, possible action and discussion on the second of two readings of a non-exclusive franchise agreement with MedStar Services, LLC for the purpose of collecting and disposing treated and untreated medical waste from various healthcare related facilities.

Recommendation(s): Staff recommends approval.

Summary: Article XI, Section 103 of the City Charter states that "The City of College Station shall have the power...by ordinance to confer upon any person or corporation, the franchise or right to use the property of the city...for the purpose of furnishing to the public any general public service..." The first reading of the ordinance was approved by consent on May 9th, 2013.

This proposed non-exclusive five (5) year franchise agreement allows for the collection, hauling, and disposal of treated and untreated medical waste from various healthcare related facilities within the city limits. The disposal of medical waste, a State mandated service, was privatized in 2005 because untreated medical waste cannot be depositing in any BVSWMA landfill. Staff maintains that continuing this practice is the most cost-effective way to offer this service to our community.

This is the first Franchise sought by MedStar Services, LLC for this service. Once approved, it will be the third active non-exclusive franchise granted to provide Medical Waste disposal services.

Budget & Financial Summary: The franchisee agrees and shall pay to the City eight percent (8%) of the franchisee's monthly gross delivery and hauling revenues generated from the collection services provided for in the Franchise Agreement.

Legal Review: Yes

Attachments:

1. Franchise Ordinance is on file with the City Secretary

May 23, 2013
Consent Agenda Item No. 2d
Ordinance Adopting Atmos Energy Corporation
Rate Review Mechanism Tariff

To: Kathy Merrill, Interim City Manager

From: Jason Stuebe, Assistant to the City Manager

Agenda Caption: Presentation, possible action and discussion on an ordinance adopting a new Rate Review Mechanism Tariff with Atmos Energy Corporation, Mid-Tex Division.

Recommendation(s): Staff recommends approval.

Summary: The city, along with 154 other communities served by Atmos Mid-Tex Division (Atmos), is a member of the Atmos Cities Steering Committee (ACSC). In 2007, ACSC and Atmos agreed to implement an annual rate review mechanism (RRM), as a temporary replacement for the statutory mechanism known as GRIP. This first RRM tariff expired in 2011, and although ACSC and Atmos met many times to attempt to reach an agreement on a renewed or replacement tariff, they were unable to do so. Atmos Mid-Tex filed a rate case in 2012 with the resulting rates approved by the Railroad Commission in December after a lengthy and litigious process.

Since then, ACSC and Atmos have renewed discussions to develop revisions to the RRM tariff, and have reached a tentative agreement on the form of the RRM tariff to be in effect for a four-year period between 2013-2017. If the RRM process is to continue to function as a substitute from the GRIP process, cities that exercise original jurisdiction must adopt a tariff that authorizes the process. The ACSC Executive Committee and ACSC legal counsel recommend approval of the new RRM tariff by all ACSC cities.

The purpose of the ordinance is to approve the RRM tariff that reflects the negotiated RRM process. It is the opinion of the ACSC that the RRM process is a better deal for customers than the GRIP process. The new tariff accomplishes several primary goals as it limits will be placed on the percentage of rate increases to be included on monthly customer charges; provides a discount as an incentive for permitting the company annual rate relief; and the city will be able to review the company's annual expenses and capital investments and make adjustments or disallowances for any such expenses or investments that are considered to be unreasonable or unnecessary. Should the city elect not to adopt the RRM tariff, Atmos has indicated that that it would reinstitute its annual filings under the GRIP process that does not offer the above mentioned protections for the customers. Once the tariff is approved, Atmos expects to file its annual rates with the ACSC and the cities utilizing the new process by July.

Budget & Financial Summary: N/A

Legal Review: Yes

Attachments:

1. Ordinance
2. Attachment "A" – RRM Tariff

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF COLLEGE STATION, TEXAS, (“CITY”) APPROVING AND ADOPTING RATE SCHEDULE “RRM – RATE REVIEW MECHANISM” FOR ATMOS ENERGY CORPORATION, MID-TEX DIVISION TO BE IN FORCE IN THE CITY FOR A PERIOD OF TIME AS SPECIFIED IN THE RATE SCHEDULE; ADOPTING A SAVINGS CLAUSE; DETERMINING THAT THIS ORDINANCE WAS PASSED IN ACCORDANCE WITH THE REQUIREMENTS OF THE TEXAS OPEN MEETINGS ACT; DECLARING AN EFFECTIVE DATE; AND REQUIRING DELIVERY OF THIS ORDINANCE TO THE COMPANY AND ACSC LEGAL COUNSEL.

WHEREAS, the City of College Station, Texas (“City”) is a gas utility customer of Atmos Energy Corp., Mid-Tex Division (“Atmos Mid-Tex” or “the Company”), and a regulatory authority with an interest in the rates and charges of Atmos Mid-Tex; and

WHEREAS, the City is a member of the Atmos Cities Steering Committee (“ACSC”), a coalition of cities, most of whom retain original jurisdiction over the rates and services of Atmos Mid-Tex; and

WHEREAS, in 2007 ACSC member cities and Atmos Mid-Tex collaboratively developed the Rate Review Mechanism (“RRM”) Tariff that allows for an expedited rate review process controlled by cities as a substitute for the legislatively-constructed Gas Reliability Infrastructure Program (“GRIP”); and

WHEREAS, the GRIP mechanism does not permit the City to review rate increases, and constitutes piecemeal ratemaking; and

WHEREAS, the RRM process permits City review of requested rate increases and provides for a holistic review of the true cost of service for Atmos Mid-Tex; and

WHEREAS, the initial RRM tariff expired in 2011; and

WHEREAS, ACSC’s representatives have worked with Atmos Mid-Tex to negotiate a renewal of the RRM process that avoids litigation and Railroad Commission filings; and

WHEREAS, the ACSC’s Executive Committee and ACSC’s legal counsel recommend ACSC members approve the negotiated new RRM tariff; and

WHEREAS, the attached Rate Schedule “RRM – Rate Review Mechanism” (“RRM Tariff”) provides for a reasonable expedited rate review process that is a substitute for, and is superior to, the statutory GRIP process; and

WHEREAS, the expedited rate review process as provided by the RRM Tariff avoids piecemeal ratemaking; and

WHEREAS, the RRM tariff reflects the ratemaking standards and methodologies authorized by the Railroad Commission in the most recent Atmos Mid-Tex rate case, G.U.D. No. 10170; and

WHEREAS, the RRM Tariff provides for an annual reduction in Atmos Mid-Tex's requested rate increase of at least \$3 million; and

WHEREAS, the RRM Tariff provides for a lower customer charge than if Atmos Mid-Tex pursued GRIP filings; and

WHEREAS, the attached RRM Tariff as a whole is in the public interest; now, therefore

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

- Part 1. That the findings set forth in this Ordinance are hereby in all things approved.
- Part 2. That the City Council finds that the RRM Tariff, **which is attached hereto and incorporated herein as Attachment A**, is reasonable and in the public interest, and is hereby in force and effect in the City.
- Part 3. That to the extent any resolution or ordinance previously adopted by the City Council is inconsistent with this Ordinance, it is hereby repealed.
- Part 4. That the meeting at which this Ordinance was approved was in all things conducted in strict compliance with the Texas Open Meetings Act, Texas Government Code, Chapter 551.
- Part 5. That if any one or more sections or clauses of this Ordinance is judged to be unconstitutional or invalid, such judgment shall not affect, impair or invalidate the remaining provisions of this Ordinance and the remaining provisions of the Ordinance shall be interpreted as if the offending section or clause never existed.
- Part 6. That this Ordinance shall become effective from and after its passage.
- Part 7. That a copy of this Ordinance shall be sent to Atmos Mid-Tex, care of Christopher Felan, Vice President of Rates and Regulatory Affairs for Atmos Mid-Tex Division, Atmos Energy Corporation, 5420 LBJ Freeway, Suite 1600, Dallas, Texas 75240, and to Geoffrey Gay, General Counsel to ACSC, at Lloyd Gosselink Rochelle & Townsend, P.C., 816 Congress Avenue, Suite 1900, Austin, Texas 78701.

ADOPTED this _____ day of _____, A.D. 2013.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

Carla A Robinson
City Attorney

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL AREAS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS CUSTOMERS	
EFFECTIVE DATE:	Bills Rendered on and after October 15, 2013	PAGE 1 OF 6

I. Applicability

Applicable to Residential, Commercial, Industrial, and Transportation tariff customers in the Mid-Tex Division of Atmos Energy Corporation ("Company") except such customers within the City of Dallas. This Rate Review Mechanism ("RRM") provides for an annual adjustment to the Company's Rate Schedules R, C, I and T ("Applicable Rate Schedules"). Rate calculations and adjustments required by this tariff shall be determined on a System-Wide cost basis.

II. Definitions

"Test Period" is defined as the twelve months ending December 31 of each preceding calendar year.

The "Effective Date" is the date that adjustments required by this tariff are applied to customer bills. The annual Effective Date is June 1. The 2013 filing Effective Date is October 15, 2013.

Unless otherwise noted in this tariff, the term "Final Order" refers the final order issued by the Railroad Commission of Texas in GUD 10170.

The term "System-Wide" means all incorporated and unincorporated areas served by the Company.

"Review Period" is defined as the period from the Filing Date until the Effective Date.

The "Filing Date" is as early as practicable but no later than March 1 of each year with the exception of 2013, which shall have a Filing Date of July 15, 2013. The last annual Effective Date is June 1, 2017.

III. Calculation

The RRM shall calculate an annual, System-Wide cost of service ("COS") that will be used to adjust applicable rate schedules prospectively as of the Effective Date. The annual cost of service will be calculated according to the following formula:

$$\text{COS} = \text{OM} + \text{DEP} + \text{RI} + \text{TAX} + \text{CD} - \text{ADJ}$$

Where:

OM = all reasonable and necessary operation and maintenance expenses from the

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL AREAS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS CUSTOMERS	
EFFECTIVE DATE:	Bills Rendered on and after October 15, 2013	PAGE 2 OF 6

Test Period adjusted for known and measurable items and prepared consistent with the rate making treatments approved in the Final Order. Known and measurable adjustments shall be limited to those changes that have occurred prior to the Filing Date. OM may be adjusted for atypical and non-recurring items. Shared Services allocation factors shall be recalculated each year based on the latest component factors used during the Test Period, but the methodology used will be that approved in the Final Order.

DEP = depreciation expense calculated at depreciation rates approved by the Final Order.

RI = return on investment calculated as the Company's pretax return multiplied by rate base at Test Period end. Rate base is prepared consistent with the rate making treatments approved in the Final Order, except that no post Test Period adjustments will be permitted. Pretax return is the Company's weighted average cost of capital before income taxes. The Company's weighted average cost of capital is calculated using the methodology from the Final Order including the Company's actual capital structure and long term cost of debt as of the Test Period end (adjusted for any known and measurable changes) and the return on equity from the Final Order. However, in no event will the percentage of equity exceed 55%. Regulatory adjustments due to prior regulatory rate base adjustment disallowances will be maintained. Cash working capital will be calculated using the lead/lag days approved in the Final Order. With respect to pension and other postemployment benefits, the Company will record a regulatory asset or liability for these costs until the amounts are included in the next annual rate adjustment implemented under this tariff. Each year, the Company's filing under this Rider RRM will clearly state the level of pension and other postemployment benefits recovered in rates.

TAX = income tax and taxes other than income tax from the Test Period adjusted for known and measurable changes occurring after the Test Period and before the Filing Date, and prepared consistent with the rate making treatments approved in the Final Order.

CD = interest on customer deposits.

ADJ = Downward adjustment to the overall, System-Wide test year cost of service in the amount of \$3,000,000.00, adjusted by a percentage equal to the total percentage increase in base-rate revenue sought pursuant to this tariff.

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL AREAS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS CUSTOMERS	
EFFECTIVE DATE:	Bills Rendered on and after October 15, 2013	PAGE 3 OF 6

IV. Annual Rate Adjustment

The Company shall provide schedules and work papers supporting the Filing’s revenue deficiency/sufficiency calculations using the methodology accepted in the Final Order. The result shall be reflected in the proposed new rates to be established for the effective period. The Revenue Requirement will be apportioned to customer classes in the same manner that Company’s Revenue Requirement was apportioned in the Final Order. For the Residential Class, 40% of the increase may be recovered in the customer charge. The increase to the Residential customer charge shall not exceed \$0.50 per month in any given year. The remainder of the Residential Class increase not collected in the customer charge will be recovered in the usage charge. The Company will forgo any change in the Residential customer charge with the first proposed rate adjustment pursuant to this tariff. For all other classes, the change in rates will be apportioned between the customer charge and the usage charge, consistent with the Final Order. Test Period billing determinants shall be adjusted and normalized according to the methodology utilized in the Final Order.

V. Filing

The Company shall file schedules annually with the regulatory authority having original jurisdiction over the Company's rates on or before the Filing Date that support the proposed rate adjustments. The schedules shall be in the same general format as the cost of service model and relied-upon files upon which the Final Order was based. A proof of rates and a copy of current and proposed tariffs shall also be included with the filing. The filing shall be made in electronic form where practical. The Company’s filing shall conform to Minimum Filing Requirements (to be agreed upon by the parties), which will contain a minimum amount of information that will assist the regulatory authority in its review and analysis of the filing. The Company and regulatory authority will endeavor to hold a technical conference regarding the filing within ten (10) calendar days after the Filing Date.

The 2013 Filing Date will be July 15, 2013.

A sworn statement shall be filed by an Officer of the Company affirming that the filed schedules are in compliance with the provisions of this Rate Review Mechanism and are true and correct to the best of his/her knowledge, information, and belief. No testimony shall be filed, but a brief narrative explanation shall be provided of any changes to corporate structure, accounting methodologies, allocation of common costs, or atypical or non- recurring items included in the filing.

VI. Evaluation Procedures

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL AREAS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS CUSTOMERS	
EFFECTIVE DATE:	Bills Rendered on and after October 15, 2013	PAGE 4 OF 6

The regulatory authority having original jurisdiction over the Company's rates shall review and render a decision on the Company's proposed rate adjustment prior to the Effective Date. The Company shall provide all supplemental information requested to ensure an opportunity for adequate review by the relevant regulatory authority. The Company shall not unilaterally impose any limits upon the provision of supplemental information and such information shall be provided within seven (7) working days of the original request. The regulatory authority may propose any adjustments it determines to be required to bring the proposed rate adjustment into compliance with the provisions of this tariff.

The regulatory authority may disallow any net plant investment that is not shown to be prudently incurred. Approval by the regulatory authority of net plant investment pursuant to the provisions of this tariff shall constitute a finding that such net plant investment was prudently incurred. Such finding of prudence shall not be subject to further review in a subsequent RRM or Statement of Intent filing.

During the Review Period, the Company and the regulatory authority will work collaboratively and seek agreement on the level of rate adjustments. If, at the end of the Review Period, the Company and the regulatory authority have not reached agreement, the regulatory authority shall take action to modify or deny the proposed rate adjustments. The Company shall have the right to appeal the regulatory authority's action to the Railroad Commission of Texas. Upon the filing of an appeal of the regulatory authority's order relating to an annual RRM filing with the Railroad Commission of Texas, the regulatory authority having original jurisdiction over the Company's rates shall not oppose the implementation of the Company's proposed rates subject to refund, nor will the regulatory authority advocate for the imposition of a third party surety bond by the Company. Any refund shall be limited to and determined based on the resolution of the disputed adjustment(s) in a final, non-appealable order issued in the appeal filed by the Company at the Railroad Commission of Texas.

In the event that the regulatory authority and Company agree to a rate adjustment(s) that is different from the adjustment(s) requested in the Company's filing, the Company shall file compliance tariffs consistent with the agreement. No action on the part of the regulatory authority shall be required to allow the rate adjustment(s) to become effective on June 1. To the extent that the regulatory authority does not take action on the Company's RRM filing by May 31, the rates proposed in the Company's filing shall be deemed approved effective June 1. (2013 filing RRM rate will be effective October 15, 2013 if no action is taken). Notwithstanding the preceding sentence, a regulatory authority may choose to take affirmative action to approve a rate adjustment under this tariff. In those instances where such approval cannot reasonably occur by May 31, the rates finally approved by the regulatory authority shall be deemed effective as of June 1.

RATE SCHEDULE:	RRM – Rate Review Mechanism	
APPLICABLE TO:	ALL AREAS IN THE MID-TEX DIVISION EXCEPT THE CITY OF DALLAS CUSTOMERS	
EFFECTIVE DATE:	Bills Rendered on and after October 15, 2013	PAGE 5 OF 6

To defray the cost, if any, of regulatory authorities conducting a review of the Company's annual RRM filing, the Company shall reimburse the regulatory authorities on a monthly basis for their reasonable expenses incurred upon submission of invoices for such review. Any reimbursement contemplated hereunder shall be deemed a reasonable and necessary operating expense of the Company in the year in which the reimbursement is made. A regulatory authority seeking reimbursement under this provision shall submit its request for reimbursement to the Company no later than August 1 of the year in which the RRM filing is made and the Company shall reimburse regulatory authorities in accordance with this provision on or before August 30 of the year the RRM filing is made.

To the extent possible, the provisions of the Final Order shall be applied by the regulatory authority in determining whether to approve or disapprove of Company's proposed rate adjustment.

This Rider RRM does not limit the legal rights and duties of a regulatory authority. Nothing herein shall abrogate the jurisdiction of the regulatory authority to initiate a rate proceeding at any time to review whether rates charged are just and reasonable. Similarly, the Company retains its right to utilize the provisions of Texas Utilities Code, Chapter 104, Subchapter C to request a change in rates. The provisions of this Rider RRM are implemented in harmony with the Gas Utility Regulatory Act (Texas Utilities Code, Chapters 101-105).

The annual rate adjustment process set forth in this tariff shall remain in effect during the pendency of any Statement of Intent rate filing.

VII. Reconsideration, Appeal and Unresolved Items

Orders issued pursuant to this mechanism are ratemaking orders and shall be subject to appeal under Sections 102.001(b) and 103.021, et seq., of the Texas Utilities Code (Vernon 2007).

VIII. Notice

Notice of each annual RRM filing shall be provided by including the notice, in conspicuous form, in the bill of each directly affected customer no later than forty-five (45) days after the Company makes its annual filing pursuant to this tariff. The notice to customers shall include the following information:

- a) a description of the proposed revision of rates and schedules;

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- b) the effect the proposed revision of rates is expected to have on the rates applicable to each customer class and on an average bill for each affected customer;
- c) the service area or areas in which the proposed rates would apply;
- d) the date the annual RRM filing was made with the regulatory authority; and
- e) the Company's address, telephone number and website where information concerning the proposed rate adjustment be obtained.

May 23, 2013
Consent Agenda Item No. 2e
Annual Purchasing Agreements for Dewatering Chemical (Polymer)

To: Kathy Merrill, Interim City Manager

From: David Coleman, Director of Water Services

Agenda Caption: Presentation, possible action, and discussion regarding the award of two annual purchasing agreements for dewatering chemical (polymer) with Fort Bend Services, Inc. not to exceed \$130,800, and with Atlantic Coast Polymer, Inc. not to exceed \$7,400.

Relationship to Strategic Goals: Core services and infrastructure

Recommendation: Staff recommends award of these annual purchasing agreements.

Summary: Polymer is a water treatment chemical that aids in the separation of solids from wastewater. It concentrates the solids in wastewater sludge for efficient treatment, allowing the removal of excess water for treatment and disposal. Three separate processes use polymer for solids removal:

- Carters Creek WWTP thickening process
- Carters Creek WWTP centrifuge process
- Lick Creek WWTP centrifuge process.

Invitation to bid #13-062 yielded bids from three vendors. Performance trials were conducted with products from all three companies. The products that were most cost effective in these trials result in the following projected annual costs:

- Fort Bend Services, Inc. projected annual cost for the Carters Creek WWTP thickening process was \$21,600.00.
- Fort Bend Services, Inc. projected annual cost for the Carters Creek WWTP centrifuge process was \$109,200.00.
- Atlantic Coast Polymer's projected annual cost for the Lick Creek WWTP centrifuge process was \$7,400.00.

Since these two vendors represent the best value for the wastewater treatment process, staff recommends they be awarded annual purchase agreements.

Budget & Financial Summary: Wastewater Operating funds are budgeted and available for the anticipated amount of polymer usage.

Reviewed and Approved by Legal: Not required.

Attachment:

Bid Summary

2013 Polymer Cost Summary

Carters Creek Centrifuge

The tests were run on sludge fed from the Digested Sludge Holding Tank and the Gravity Thickener. The costs given are the average of the costs from the two sludge sources.

Bidder	Product	Average Cost per Dry Ton	Polymer Cost Per Pound	Estimated Pounds Annual Polymer Usage	Projected Total Polymer Cost
Atlantic Coast Polymer, Inc.	ACP-301	\$59.00			
Atlantic Coast Polymer, Inc.	ACP-300	\$60.01			
BASF Corporation	Zetag 7553	\$74.43			
Fort Bend Services, Inc.	FBS C9046	\$63.26			
Fort Bend Services, Inc.	FBS 480C	\$48.37	\$1.82	60,000	\$109,200.00

Carters Creek Rotary Drum Thickeners

The tests were run on two rotary drum thickeners simultaneously. The costs give are the average of the costs from the two thickeners.

Bidder	Product	Avg. Total Cost per Dry Ton			
Atlantic Coast Polymer, Inc.	ACP-917	\$22.11			
Atlantic Coast Polymer, Inc.	ACP-918	\$22.47			
Fort Bend Services, Inc.	FBS C1286	\$12.68	\$1.35	16,000	\$21,600.00

BASF Corporation did not submit polymer samples in testable quantities.

Lick Creek Centrifuge

Bidder	Product	Total Cost per Dry Ton			
Atlantic Coast Polymer, Inc.	ACP-301	\$12.55	\$1.85	4,000	\$7,400.00
Atlantic Coast Polymer, Inc.	ACP-304	\$19.58			
BASF Corporation	Zetag 7553	\$33.41			
Fort Bend Services, Inc.	FBS C9046	\$32.74			
Fort Bend Services, Inc.	FBS 480C	\$24.55			

Highlighted costs are lowest total chemical cost per dry ton for each process, and recommended for purchase.

Total \$138,200.00

May 23, 2013
Regular Agenda Item No. 1
Rezoning of Property located at the Southeast corner of Barron Road and Victoria Avenue

To: Kathy Merrill, Interim 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 3.7 acres, generally located at the intersection of Barron Road and Victoria Avenue, from A-O Agricultural Open to SC Suburban Commercial.

Relationship to Strategic Goals: Diverse Growing Economy

Recommendation(s): The Planning and Zoning Commission considered this item at their May 16, 2013 meeting and voted 6-0 to recommend approval of the rezoning request. Staff also recommended approval of the request.

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

REVIEW CRITERIA

- 1. Consistency with the Comprehensive Plan:** The subject property is designated as Suburban Commercial on the Comprehensive Plan Future Land Use and Character Map. The proposed rezoning is consistent with this designation.
- 2. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:** The proposed rezoning will allow for the development permitted in SC Suburban Commercial which is intended to generate lower traffic counts and be more compatible with the adjacent single-family uses than other commercial zoning districts.
- 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 rezoning is appropriate for this area due to its location on Barron Road and Victoria Avenue, as well as its proximity to single-family land uses and College Station High School. This zoning will allow for neighborhood-scale uses to serve the area.
- 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 proposed rezoning is appropriate for this area due to its location on the corner of Barron Road and Victoria Avenue and its proximity to single-family land uses.
- 5. Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment:** The proposed rezoning to no longer be A-O Agricultural Open is applicable due to development in the area.
- 6. Availability of water, wastewater, stormwater, and transportation facilities generally suitable and adequate for the proposed use:** There are existing 18-inch

and 12-inch water mains available to serve this property. There is also an existing 8-inch sanitary sewer main available to provide service to the property. The site generally drains to the east within the Spring Creek Drainage Basin. Drainage and other site infrastructure required with site development shall be designed and constructed in accordance with the BCS Unified Design Guidelines. Access to the site will be available via Victoria Avenue and Barron Road. Existing infrastructure appears to be adequate for the proposed use.

Budget & Financial Summary: N/A

Reviewed and Approved by Legal: Yes

Attachments:

1. Background Information
2. Aerial & Small Area Map (SAM)
3. Draft Planning & Zoning Commission Minutes – May 16, 2013
4. Ordinance

BACKGROUND INFORMATION

NOTIFICATIONS

Advertised Commission Hearing Date: May 16, 2013
Advertised Council Hearing Dates: May 23, 2013

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:

Westfield Village HOA

Reatta Meadows HOA

Property owner notices mailed: 43
Contacts in support: N/A
Contacts in opposition: N/A
Inquiry contacts: One at the time of this report.

ADJACENT LAND USES

Direction	Comprehensive Plan	Zoning	Land Use
North (across Barron Road)	General Suburban	Planned Development District	Westfield Village Subdivision
South	General Suburban	R-1 Single-Family Residential	Reatta Meadows Subdivision
East	Suburban Commercial	R-1 Single-Family Residential	Reatta Meadows Subdivision
West (across Victoria Avenue)	Institutional/Public	A-O Agricultural Open	College Station High School

DEVELOPMENT HISTORY

Annexation: June 1995
Zoning: A-O Agricultural Open upon annexation
Final Plat: This property is currently unplatted.
Site development: Vacant



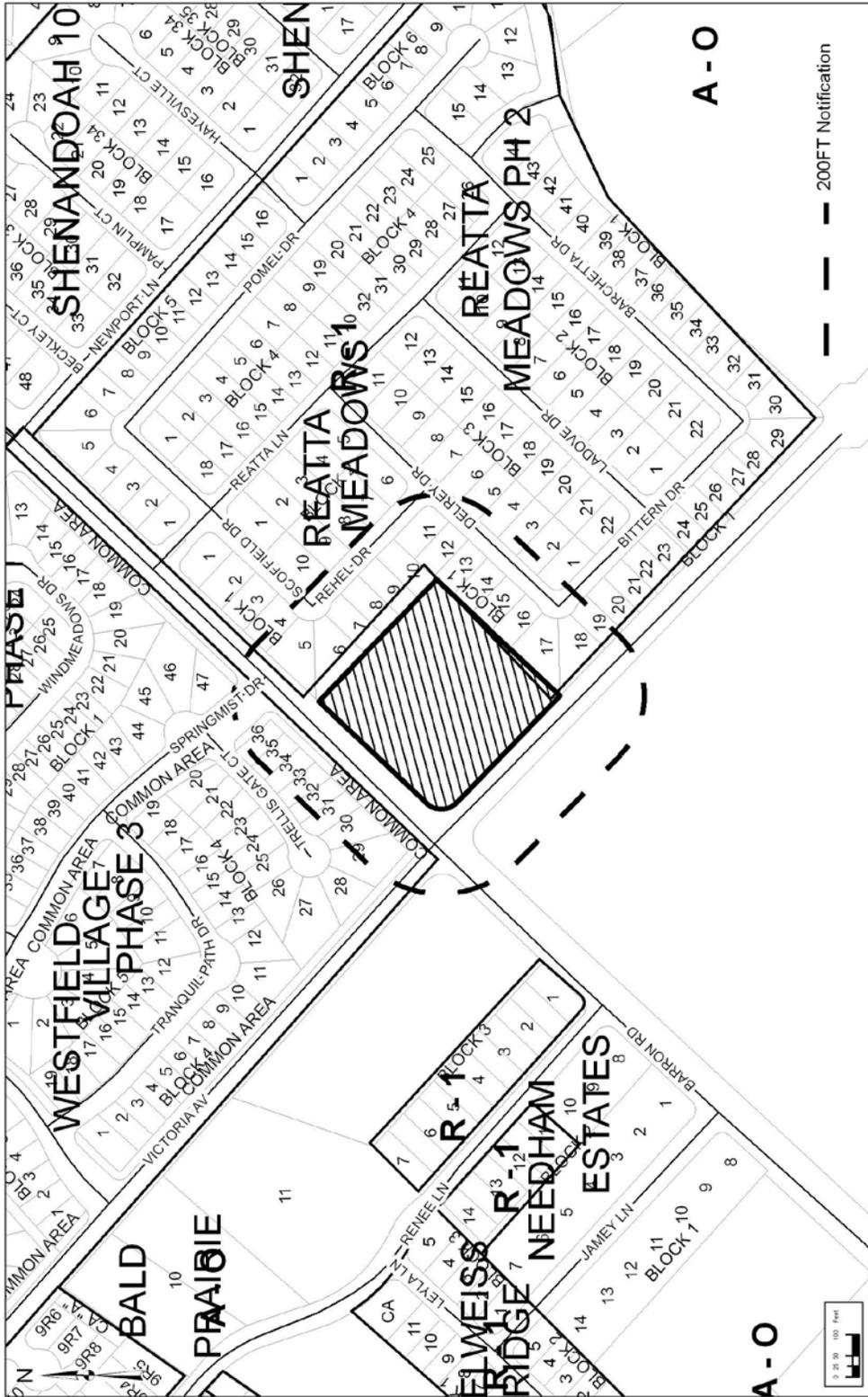
Case: 13-076

2301 BARRON ROAD

REZONING



DEVELOPMENT REVIEW



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

Case: 13-076

2301 BARRON ROAD

REZONING



ORDINANCE NO. _____

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

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

PART 1: That Chapter 12, "Unified Development Ordinance," Section 4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A", and as shown graphically in Exhibit "B", 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 23rd day of May, 2013

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 SC Suburban Commercial:

**METES AND BOUNDS DESCRIPTION
OF A
3.661 ACRE TRACT
ROBERT STEVENSON LEAGUE, A-54
COLLEGE STATION, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE ROBERT STEVENSON LEAGUE, ABSTRACT NO. 54, COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF THE REMAINDER OF A CALLED 117.5 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO GARY SEABACK RECORDED IN VOLUME 2597, PAGE 186 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS.

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

BEGINNING AT A 1/2 INCH IRON ROD FOUND ON THE NORTHEAST LINE OF VICTORIA AVENUE (70' R.O.W.) MARKING THE WEST CORNER OF LOT 17, BLOCK 1, REATTA MEADOWS SUBDIVISION ACCORDING TO THE PLAT RECORDED IN VOLUME 6118, PAGE 47 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: N 45° 45' 00" W ALONG THE NORTHEAST LINE OF VICTORIA AVENUE FOR A DISTANCE OF 350.64 FEET (PLAT CALL: N 45° 46' 16" E - 400.00 FEET, 6118/47) TO A 1/2 INCH IRON ROD SET MARKING THE SOUTH CORNER OF A CALLED 522 SQUARE FOOT TRACT OF LAND (ROW) AS DESCRIBED BY A DEED TO THE CITY OF COLLEGE STATION RECORDED IN VOLUME 10058, PAGE 12 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS (DEED CALL: N 45° 46' 16" W - 350.63 FEET, 10058/12). SAID IRON ROD SET MARKING THE BEGINNING OF A CLOCKWISE CURVE HAVING A RADIUS OF 50.00 FEET;

THENCE: ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 89° 19' 27" FOR AN ARC DISTANCE OF 77.95 FEET (CHORD BEARS: N 01° 06' 00" W - 70.29 FEET)(DEED CALL CHORD: N 01° 06' 36" W - 70.29 FEET, 10058/12) TO A 1/2 INCH IRON ROD SET ON THE SOUTHEAST LINE OF BARRON ROAD (90' R.O.W.) MARKING THE END POINT OF SAID CURVE;

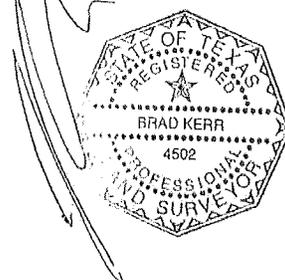
THENCE: N 43° 33' 28" E ALONG THE SOUTHEAST LINE OF BARRON ROAD FOR A DISTANCE OF 350.59 FEET (DEED CALL: N 43° 33' 04" E - 350.59 FEET, 10058/12) TO A POINT IN THE CONCRETE FOOTING OF A COLUMN MARKING THE WEST CORNER OF LOT 6 OF SAID BLOCK 1;

THENCE: S 45° 45' 28" E ALONG THE WESTERLY LINE OF SAID BLOCK 1, AT 218.31 FEET PASS A 1/2 INCH IRON ROD FOUND MARKING THE SOUTH CORNER OF LOT 7 AND THE WEST CORNER OF LOT 8 OF SAID BLOCK 1, AT 338.31 FEET PASS A 1/2 INCH IRON ROD FOUND MARKING THE SOUTH CORNER OF LOT 9 AND THE WEST CORNER OF LOT 10 OF SAID BLOCK 1, CONTINUE ON FOR A TOTAL DISTANCE OF 399.99 FEET (PLAT CALL: S 45° 46' 16" E - 399.99 FEET, 6118/47) TO A POINT IN THE CONCRETE FOOTING OF A COLUMN ON THE NORTHWEST LINE OF LOT 13 OF SAID BLOCK 1. SAID POINT MARKING THE SOUTH CORNER OF SAID LOT 10;

THENCE: S 43° 32' 56" W CONTINUING ALONG THE WESTERLY LINE OF SAID BLOCK 1, AT 52.70 FEET PASS A 1/2 INCH IRON ROD FOUND MARKING THE WEST CORNER OF SAID LOT 13, CONTINUE ON FOR A TOTAL DISTANCE OF 400.05 FEET (PLAT CALL: S 43° 32' 35" W - 400.00 FEET, 6118/47) TO THE POINT OF BEGINNING CONTAINING 3.661 ACRES OF LAND, MORE OR LESS, AS SURVEYED ON THE GROUND MARCH, 2013. SEE PLAT PREPARED MARCH, 2013, FOR MORE DESCRIPTIVE INFORMATION. BEARING ORIENTATION SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED BY GPS OBSERVATION.

BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4502

C:/WORK/MAB/13-186



May 23, 2013
Regular Agenda Item No. 2
Northgate Loading Zones

To: Kathy Merrill, Interim City Manager

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

Agenda Caption: Public Hearing, presentation, possible action, and discussion on an ordinance establishing additional commercial loading zones in the Northgate District.

Relationship to Strategic Goals: Core Services and Infrastructure, and Multi-Modal Transportation.

Recommendation(s): Staff recommends approval.

Summary: With the involvement of the Northgate District Association and other key stakeholders, staff has identified several places to provide additional loading zones in the Northgate area. This ordinance codifies the location and times for said loading zones. Specifically, the ordinance establishes a new loading zone (available 24/7) on the north side of Patricia Street near its intersection with Boyett Street. The ordinance also make two additional areas - one on Boyett Street and one on First Street - available for loading zones during specified times each day (7:00 am until 11:00 am and 2:00 pm until 5:00 pm).

While deliveries in Northgate will continue to be a challenge owing to the density and urban nature of the area, staff continues to seek additional opportunities to address the loading zone issue. For example, we are currently pursuing the acquisition of property along the north side of University Drive (between Lodge and College Main) for use as a loading zone. Once the acquisition process is complete, staff will prepare an ordinance establishing a loading zone in this location as well.

Budget & Financial Summary: N/A

Reviewed and Approved by Legal: Yes

Attachments:

1. Ordinance
2. Map

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10, "TRAFFIC CODE", SECTION 4, "ADMINISTRATIVE ADJUDICATION OF PARKING VIOLATIONS", E "PARKING REGULATIONS FOR CERTAIN DESCRIBED AREAS", AND "TRAFFIC SCHEDULE XIV NO PARKING HERE TO CORNER AND NO PARKING ANYTIME", OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY 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 4, "ADMINISTRATIVE ADJUDICATION OF PARKIGN VIOLATIONS", E "PARKING REGULATIONS FOR CERTAIN DESCRIBED AREAS", AND "TRAFFIC SCHEDULE XIV NO PARKING HERE TO CORNER AND NO PARKING ANYTIME", of the Code of Ordinances of the City of College Station, Texas, be amended as set out in **Exhibit "A"**, attached hereto and made a part of this ordinance for all purposes.

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

PART 3 That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed liable for a civil offense and/or guilty of a Class C misdemeanor, and, upon a finding of liability thereof, shall be punished by a civil penalty of not less than One Dollar (\$1.00) nor more than Two Thousand Dollars (\$2,000.00), or upon conviction thereof, shall be punished by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00). Said Ordinance becomes effective ten (10) days after date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2013.

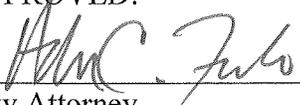
APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:



City Attorney

EXHIBIT "A"

That **CHAPTER 10, "TRAFFIC CODE", SECTION 4, "ADMINISTRATIVE ADJUDICATION OF PARKING VIOLATIONS", E (1) "PARKING REGULATIONS FOR CERTAIN DESCRIBED AREAS", "TRAFFIC SCHEDULE XIV NO PARKING HERE TO CORNER AND NO PARKING ANYTIME"**, is hereby amended to include the following:

East side of First Street between Church Avenue and Patricia Street

Only Commercial Motor Vehicles are allowed stop, stand, and park, with an unattended vehicle, for active loading or unloading, on the east side of First Street between Church Avenue and Patricia Street during the hours of 7:00 A.M. to 11:00 A.M. and during the hours of 2:00 P.M. to 5:00 P.M.

These designated times are "Commercial Vehicle Loading Zone Times". All other vehicles are prohibited from stopping, standing, and parking in this area during Commercial Vehicle Loading Zone Times. Outside the Commercial Vehicle Loading Zone Times, all vehicles may park without paying a fee, within the designated parking stalls.

West side of Boyett Street beginning 60 feet north of the intersection with University Drive and ending 130 feet north of University Drive.

Only Commercial Motor Vehicles are allowed stop, stand, and park, with an unattended vehicle, for active loading or unloading, beginning 60 feet north of the intersection with University Drive and ending 130 feet north of University Drive during the hours of 7:00 A.M. to 11:00 A.M. and during the hours of 2:00 P.M. to 5:00 P.M.

These designated times are "Commercial Vehicle Loading Zone Times". All other vehicles are prohibited from stopping, standing, and parking in this area during Commercial Vehicle Loading Zone Times. Outside the Commercial Vehicle Loading Zone Times, all vehicles may park without paying a fee, within the designated parking stalls.

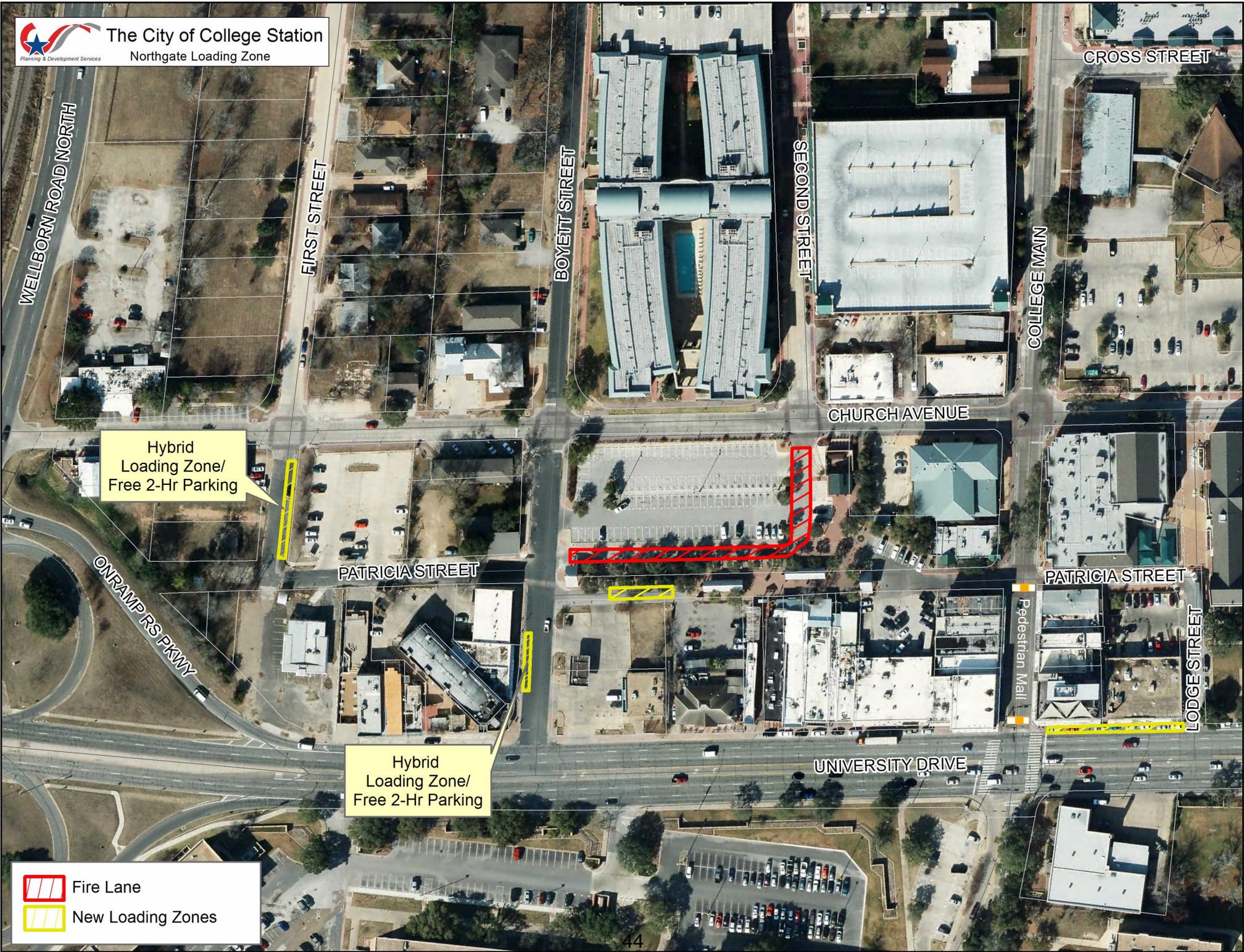
North side of Patricia Street beginning 60 feet east of the intersection with Boyett Street and extending 72 feet to the east.

Only Commercial Motor Vehicles may stop, stand, and park with an unattended vehicle for active loading or unloading, on the north side of Patricia Street beginning 60 feet east of the intersection with Boyett Street and extending 72 feet to the east.

That **CHAPTER 10, "TRAFFIC CODE", SECTION 4, "ADMINISTRATIVE ADJUDICATION OF PARKING VIOLATIONS,"** E **"PARKING REGULATIONS FOR CERTAIN DESCRIBED AREAS"**, is hereby amended by adding the following:

(3) Commercial Motor Vehicle in "TRAFFIC SCHEDULE XIV NO PARKING HERE TO CORNER AND NO PARKING ANYTIME" means a motor vehicle or combination of motor vehicles used to transport property that:

- (a)** has a gross combination weight or a gross combination weight rating of 26,001 or more pounds, including a towed unit with a gross vehicle weight or a gross vehicle weight rating of more than 10,000 pounds; or
- (b)** has a gross vehicle weight or a gross vehicle weight rating of 26,001 or more pounds.



-  Fire Lane
-  New Loading Zones