



College Station, TX

1101 Texas Ave
College Station, TX 77840

Meeting Agenda City Council Regular

Thursday, February 27, 2014

7:00 PM

City Hall Council Chambers

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

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.

- 2a. [14-275](#) Presentation, possible action, and discussion of minutes for:
 - February 13, 2014 Workshop
 - February 13, 2014 Regular Council Meeting

Attachments: [WKSHP021314 DRAFT Minutes.docx](#)
[RM021314 DRAFT Minutes.docx](#)

- 2b. [14-276](#) Presentation, possible action and discussion regarding the annual traffic contact report required annually by Senate Bill 1074, of the Texas 77th legislative session.

Attachments: [Council Cover Letter Traffic Report](#)
[Summary of Analysis](#)

- 2c. [14-278](#) Presentation, possible action, and discussion as it relates to the appointment of a member, representing the City of College Station, to the Aggield Humane Society board, formerly named the Brazos Animal Shelter.

- 2d. [14-279](#) Presentation, possible action, and discussion of construction contract no. 14-155 with Bayer Construction Electrical Contractors, Inc. in the amount of \$353,514.00 for traffic signal improvements at the intersection of Rio Grande and FM 2818, Project No. ST-1307.
- Attachments:** [Bid Tab](#)
[Project Location Map](#)
- 2e. [14-280](#) Presentation, possible action and discussion regarding construction contract no. 14-170 with Kieschnick General Contractors, Inc., in the amount of \$1,156,890.50 for the Royder - Live Oak Sewer Extension Project.
- Attachments:** [Bid Tabulation](#)
[Project Location Map](#)
- 2f. [14-281](#) Presentation, possible action, and discussion regarding the purchase of services and equipment for upgrading the Audio Visual capabilities of the Council Chambers and approval of the contract with Avinext in the amount of \$120,731.58.
- 2g. [14-282](#) Presentation, possible action, and discussion regarding updating water tap fees to reflect current costs.
- Attachments:** [Ordinance](#)
- 2h. [14-283](#) Presentation, possible action, and discussion regarding the ratification to terminate the Spherion Staffing LLC contract (13-370).
- Attachments:** [Termination Letter](#)
- 2i. [14-284](#) Presentation, possible action and discussion regarding the second renewal of the annual price agreement for wire and cable with Techline for an amount not to exceed \$809,550.
- Attachments:** [Renewal Acceptance Letter](#)
- 2j. [14-285](#) Presentation, possible action, and discussion regarding a resolution to authorize and designate the City Manager to sign all required Action Plan applications, grant agreements, certifications, evaluations, and other forms and agreements required by the U. S. Department of Housing and Urban Development for all Community Planning and Development Grant Programs for program years 2007 - 2013 on behalf of the City of College Station.
- Attachments:** [Resolution Authorization and Designation for U. S. Department of Housing and I](#)

- 2k. [14-286](#) Presentation, possible action and discussion regarding approval of an Encroachment Agreement between Explorer Pipeline Co., the City of College Station, Dos Dorado Development, LLC d/b/a 3-D Development and BCS Development Co. permitting an extension of WS Phillips Parkway to encroach into an existing pipeline easement.

Attachments: [Encroachment Agreement BCS signed](#)

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. [14-288](#) Public Hearing, presentation, possible action, and discussion approving an ordinance vacating and abandoning a 0.207-Acre portion of Hawthorne Street Right-of-Way, which is located at 807 Holleman Drive between Winding Road and Glade Street within the Woodson Village, Fifth Installment Subdivision according to the plat recorded in Volume 316, Page 353 of the Deed Records of Brazos County, Texas.

Attachments: [Vicinity Map](#)
[Location Map](#)
[Ordinance](#)
[Exhibit A](#)

2. [14-289](#) Public Hearing, presentation, possible action, and discussion regarding an ordinance amending Chapter 12, "Unified Development Ordinance," Section 12-4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas, by rezoning approximately 11.3 acres from PDD Planned Development District and R-4 Multi-Family to PDD Planned Development District for Northpoint Crossing Subdivision Lots 1 & 2, Block 1, North Park Subdivision Lots 2-4, Block 1, a 0.345-acre tract in the J.E. Scott League A-50, and a 0.055-acre tract of abandoned right-of-way recorded in Volume 10778, Page 243 of the Official Records of Brazos County, Texas, generally located at 410 Texas Avenue.

Attachments: [Background Information](#)
[Aerial & Small Area Map](#)
[Draft P&Z Minutes](#)
[Ordinance](#)

3. [14-291](#) Public Hearing, presentation, possible action, and discussion regarding an ordinance amending the Comprehensive Plan - Future Land Use & Character Map from Estate to Suburban Commercial for approximately 5.4 acres at 1201 Norton Lane, generally located at the intersection of Norton Lane and Wellborn Road.

Attachments: [Background Information](#)
[Aerial & Small Area Map](#)
[Draft P&Z Minutes](#)
[Ordinance](#)

4. [14-292](#) Presentation, possible action, and discussion regarding the approval of an ordinance to amend Chapter 4 "Business Regulations" of the College Station Code of Ordinances by amending Section 17 to include "Credit Access Businesses" which would provide registration requirements and credit extension guidelines for credit access businesses.

Attachments: [PayDay Lender Ordinance](#)

5. [14-293](#) Presentation, possible action, and discussion regarding concepts related to a future Comprehensive Plan Amendment for the BioCorridor area.

Attachments: [Background Information](#)
[Study Boundaries - Future Land Use and Character Map](#)
[Business Park Land Use and Character Areas \(map\)](#)
[Area Zoned for Business](#)

6. [14-294](#) Presentation, possible action and discussion regarding appointments to the following boards and commissions:
- Historic Preservation Committee

7. Adjourn.

The City Council may adjourn into Executive Session to consider any item listed on this agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion.

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 27th of February, 2014 at 7:00PM at the City Hall Council Chambers, 1101 Texas Avenue, College Station, Texas. The following subjects will be discussed, to wit: See Agenda.

Posted this 21st day of February, 2014 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 February 21, 2014 at 5:00p.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 _____, 2014 By _____

This 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.



Legislation Details (With Text)

File #: 14-275 **Version:** 1 **Name:** Council Workshop & Regular Minutes
Type: Minutes **Status:** Agenda Ready
File created: 2/19/2014 **In control:** City Council Regular
On agenda: 2/27/2014 **Final action:**
Title: Presentation, possible action, and discussion of minutes for:
· February 13, 2014 Workshop
· February 13, 2014 Regular Council Meeting
Sponsors:
Indexes:
Code sections:
Attachments: [WKSHP021314 DRAFT Minutes.pdf](#)
[RM021314 DRAFT Minutes.pdf](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
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Presentation, possible action, and discussion of minutes for:
· February 13, 2014 Workshop
· February 13, 2014 Regular Council Meeting

Relationship to Strategic Goals: (Select all that apply)

- Good Governance

Recommendation(s): Approval

Summary: N/A

Budget & Financial Summary: N/A

Attachments:
· February 13, 2014 Workshop
· February 13, 2014 Regular Council Meeting

MINUTES OF THE CITY COUNCIL WORKSHOP
CITY OF COLLEGE STATION
FEBRUARY 13, 2014

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry, Mayor

Council:

Blanche Brick
Steve Aldrich
Karl Mooney
John Nichols
Julie Schultz, arrived after roll call
James Benham, arrived after roll call

City Staff:

Kelly Templin, City Manager
Carla Robinson, City Attorney
Chuck Gilman, Deputy City Manager
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 Berry at 5:00 p.m. on Thursday, February 13, 2014 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77840.

2. Executive Session

In accordance with the Texas Government Code §551.071-Consultation with Attorney, §551.086-Competitive Matters, and §551.087-Economic Incentive Negotiations, the College Station City Council convened into Executive Session at 5:00 p.m. on Thursday, February 13, 2014 in order to continue discussing matters pertaining to:

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

- 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
- Cause No. 13-002978-CV-361, Deluxe Burger Bar of College Station, Inc. D/B/A Café Eccell v. Asset Plus Realty Corporation, City of College Station, Texas and the Research Valley Partnership, Inc., In the 361st Judicial District Court, Brazos County, Texas

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

- Legal advice related to the College Station power supply contract

C. Deliberation on a competitive matter as that term is defined in Government Code §552.133; to wit:

- Power Supply

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

- Economic incentives for a proposed development located generally near the intersection of University Drive and College Avenue.

The Executive Session adjourned at 6:00 p.m.

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

No action was required from Executive Session.

4. Presentation, possible action, and discussion regarding an Aggies Go To War exhibit.

Todd McDaniel, Research Valley Partnership, provided a brief overview on the Research Valley Partnership. In 2006, TAMU led the way through an innovative economic development model and cooperation agreements. He gave brief bios on current companies involved in other activities and remarked on the relationship with the Rouen region.

Linda Ravey, Assistant to the Vice Chancellor, stated this is a unique opportunity and provided a brief overview of the Aggies Go To War exhibit, commemorating the 70th anniversary of the Battle of the Bulge. A short video tour was shown.

Mr. McDaniel said funding will be shared among Belgium partners, TAMU, College Station, Bryan and the RVP Economic Development Fund. The emphasis of Phase II is to return the exhibit back to College Station for a permanent home. The RVP wants to continue with their awareness strategy of who we are. The exhibit will catalyze a grander vision that will attract and retain visitors and be representative of the collaboration with our most important international economic development partner. On February 24, the Mayor of Bastogne will be in College Station. This is an opportunity to think of Belgium as a gateway to Europe for future international gateway projects.

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

Item 2f was pulled for clarification.

2f: Marci Rogers, Senior Services Coordinator, gave a brief history of Robert Earl Meyer. He was always willing to help and to volunteer. He supported everything Parks did. The program continues to grow because of his efforts.

Workshop recessed at 7:01 p.m.

Workshop reconvened at 7:54 p.m.

6. Presentation, possible action, and discussion regarding College Station's water supply and the State Water Planning Process.

Dave Coleman, Director of Water Services, briefly provided background information on the Water Master Plan, water demand projections, the State Water Planning Process, and Proposition 6 and SWIFT. He also provided a schematic depicting from where our water comes. The Brazos Valley Groundwater Conservation District regulates and permits all of our water wells. We have nine wells, seven of which are in the Simsboro aquifer and provide 98% of our water supply. District-wide, Simsboro is over-permitted. It is unclear what will happen when actual pumping reaches the maximum allowable many years from now. Recent Texas Supreme Court decisions make regulation of groundwater very uncertain, and any pumping restrictions might be seen as a "Regulatory Taking". The TCEQ controls service areas and issues the Certificate of Public Convenience & Necessity (CCN) which define non-competitive utility service areas. The College Station Water CCN is fully surrounded and not likely to grow.

The August 2010 Water Master Plan concluded that our water supply is most likely adequate to "Build-Out" and short-term capital work is required for TCEQ compliance. We must also plan for future major CIP projects for growth and re-habilitation. We have to closely track the density of development and water usage, the availability of water permitted supply, and state legislative initiatives and judicial decisions. We must also search out alternate water sources and consider other options such as Aquifer Storage and Recovery, Direct Potable Re-Use, Desalination, and obtaining an Operation Permit from the Brazos River Authority System. The Master Plan will be updated in 2014 and engineering firms' Statement of Qualifications (SOQ) packages are under review now.

The State Water Planning Process was briefly reviewed. The state is broken into sixteen Regional Water Planning Groups, and College Station is in Brazos Region G. This region stretches from Sweetwater to Navasota, following the Brazos River. Each Region is responsible for evaluating its water needs, supplies, and deficits. Each regional plan will identify water supply strategies for the State Plan. The 2011 Brazos G Regional Water Plan includes TAMU in College Station's numbers and ignores CCN boundaries, which skews the results in the 2011 Plan (TAMU will be separate in the 2016 Plan). Recommendations to meet the projected shortage include: conservation; wastewater reuse; additional Simsboro Aquifer

Development; and BRA System Operation (for Surface Water). The Texas Water Development Board (TWDB) assembles the sixteen Regional Plans into the State Water Plan, and summarizes the overall data and water supply strategies. The 2012 State Water Plan identified the water needs of the Brazos County area as a whole and was not city specific.

Proposition 6 was overwhelmingly approved by the voters in the November election and completely changed the Board composition at TWDB (3 full-time now). \$2 billion from the Rainy Day Fund was transferred to create the SWIFT fund. The SWIFT money is collateral to sell bonds, with bond revenue used for low-interest loans. 10% is set aside for rural water conservation projects, and 20% is set aside for water conservation and reuse projects. It also sets up a process to prioritize water projects. The Regional Water Planning Groups must prioritize projects since the State Water Planning process was not set up for this: projects in the State Water Plan are often not separate, unique projects. Draft priority lists are due June 1, 2014 and the final priority lists are due September 1, 2014. A Stakeholder Committee is establishing standards for prioritization of projects. Criteria include: decade of need; feasibility; viability; sustainability; and cost effectiveness.

7. Council Calendar

- **Feb. 19** **RVP Board Meeting, 3:00 p.m.**
- **Feb. 20** **Business After Hours - Neutral Posture - 3904 N. Texas Avenue, 5:30 p.m.**
- **Feb. 20** **P&Z Workshop/Regular Meeting, 5:00/7:00 p.m. (Liaison: Julie Schultz)**
- **Feb. 21** **Chancellor's Century Council Annual Banquet at the Bernard C. Richardson Zone - Kyle Field, Suite 12, 6:00 p.m.**
- **Feb. 25** **Council Transportation & Mobility Committee in Room 203 Conference Room A Municipal Court, 3:30 p.m.**
- **Feb. 27** **Executive Session/Workshop/Regular Meeting at 4:30, 6:00 & 7:00 p.m.**

Council reviewed the calendar.

8. Presentation, possible action, and discussion on future agenda items: a Councilmember 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.

Mayor Berry said she wants to re-visit the sign ordinance and received Council consensus.

Councilmember Schultz asked about door-to-door solicitation. City Manager Templin said staff would review.

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 TML Winter Conference.

Councilmember Mooney also reported on the TML Conference and noted the Employees University.

10. Adjournment

MOTION: There being no further business, Mayor Berry adjourned the workshop of the College Station City Council at 8:38 p.m. on Thursday, February 13, 2014.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF COLLEGE STATION
FEBRUARY 13, 2014

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry, Mayor

Council:

Blanche Brick
Steve Aldrich
Karl Mooney
John Nichols
Julie Schultz
James Benham

City Staff:

Kelly Templin, City Manager
Carla Robinson, City Attorney
Chuck Gilman, Deputy City Manager
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 7:09 p.m. on Thursday, February 13, 2014 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77840.

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

Scouts from Boy Scout Troop 1074 led the assembly in the Pledge of Allegiance.

Citizen Comments

Ron Frank, 2501 Texas Avenue, spoke regarding LED signage boards. In exchange for shared parking with the adjacent church, he was willing to share his LED board. However, the City says he can only change the sign once every 24 hours. A 24-hour restriction to changing a LED board seems arbitrary. He cited Clark v. Community for Creative Nonviolence, 468 US 288, 293 (1984) that ruled a City can regulate signage only if the restrictions are justified and are narrowly tailored to serve a significant governmental interest.

Shannon Pennington, 10114 Woodview Drive, spoke on LED signage boards and said this is a more economical way to do business. The International Sign Association completed a four year impact study on accidents due to message centers and found no negative impact. Business owners just want to be able to change the signs to accommodate the customers.

Joe Sullivan, 406 West Grand Parkway, said when people think of these signs they think of a Las Vegas strip. Any sign anywhere will provide a four-second read. Changing the LED board every hour will not negatively impact traffic. When he changes his signs his sales increase 25%. They are not a hindrance to traffic. Some cities are requiring these types of signs be installed because they have a small footprint and use less energy.

Camerone Salome, 2504 Texas Avenue, did not come forward.

Kevin Brightwell, 404 University Drive, said this is a benefit to the sign company, of course, but it also benefits the business owner. He helps businesses promote their services and products. Buyers will not make the investment when they learn they can only change the sign once every 24 hours.

Ben Roper, 5449 Prairie Dawn Court, reported that 590 Texas service members have died in Iraq. As troops return home, there is a tendency is to forget their sacrifice. He is here tonight to honor Tech Sgt. John A Chapman.

James Hill O'Brien, address not given, provided the Council with a packet on marijuana reform. He was not sure what steps need to be taken to perpetuate a dialog, but he cited several places that have legalized marijuana and noted this is happening more rapidly. He wants to see what we can do as a City.

Jerry Cooper, 602 Bell Street, spoke on rental registration and the program. He asked the Council to review the survey that asked if the program was operating well. He noted the survey was not adequately representative. The purpose of any fee could improve the code enforcement program. History has shown that complaints about more than four unrelated persons have not gone to Municipal Court. A fine could help to address the problem. A permit system could be utilized to deny a permit to those in violation,

CONSENT AGENDA

City Attorney, Carla Robinson noted that the resolution in the packet for item 2c has been replaced. Language was added to Part 7 that recognizes what the City Attorney does when we acquire property. The resolution has been modified to authorize the City Attorney to execute the necessary documents.

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

- **January 23, 2014 Workshop**
- **January 23, 2014 Regular Council Meeting**
- **January 27, 2014 Council Retreat**
- **January 28, 2014 Council Retreat**

2b. Presentation, possible action, and discussion on an Interlocal Agreement with the City of Bryan and an Equipment Storage Lease with the Brazos Valley Solid Waste Management Agency for the use of an impound lot by the Police Department.

2c. Presentation, possible action and discussion regarding Resolution 02-13-14-2c, Determining Public Need and Necessity for the Park Zone 15 Neighborhood Park Project, the Park Zone B Community Park Project and the Greenways Program Project (“Projects”).

2d. Presentation, possible action, and discussion regarding the second renewal of an Agreement for Services with the Brazos Valley Softball Umpires Association to provide officiating services for City athletic leagues, programs and tournaments (Contract Number 12-093) in an amount not to exceed \$190,000 per year.

2e. Presentation, possible action, and discussion on Resolution 02-13-14-2e, amending the By-Laws and Solid Waste Facilities Operations Agreement among the City of Bryan, Texas, the City of College Station, Texas, and the Brazos Valley Solid Waste Management Agency, Inc.

2f. Presentation, possible action and discussion on a Restricted Gift Agreement between the City of College Station and the Estate of Robert Earl Meyer, Lone Star Trust and Investment Services, Executor, whereby the City agrees to honor and accept a restricted gift, devise or bequest made to the City to benefit senior programs and authorizing the Mayor to execute the Agreement on behalf of the City Council.

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. The motion carried unanimously.

REGULAR AGENDA

1. Public Hearing, possible action, and discussion on Ordinance 2014-3551, Budget Amendment #1 amending ordinance number 3523 which will amend the budget for the 2013-2014 Fiscal Year in the amount of \$6,701,882; presentation, possible action and discussion on a contingency transfer and a budget transfer.

Jeff Kersten, Assistant City Manager, presented Budget Amendment #1. Funds in the amount of \$3,943,810 were budgeted and encumbered, but not spent last year. This will move the appropriation into FY 14.

Proceeds from the First Street sale will be used to fund facility improvement projects, street/transportation projects, equipment purchases, neighborhood plan items, for Parks and Recreation, and for an assessment of transportation and facility needs for the proposed 2015 capital bond authorization.

Other items included in the amendment are Veteran’s Park turf and irrigation improvements and the Aggies Go To War exhibit, with both being proposed to come from HOT funds. There is also a contingency transfer from the Sanitation Fund.

At approximately 7:49 p.m., Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 7:49 p.m.

MOTION: Upon a motion made by Councilmember Mooney and a second by Councilmember Nichols, the City Council voted seven (7) for and none (0) opposed, to adopt Ordinance 2014-3551, Budget Amendment #1 amending ordinance number 3523 which will amend the budget for the 2013-2014 Fiscal Year in the amount of \$6,701,882; and to approve a contingency transfer and a budget transfer. The motion carried unanimously.

2. Adjournment.

MOTION: There being no further business, Mayor Berry adjourned the Regular Meeting of the City Council at 7:53p.m. on Thursday, February 13, 2014.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary



Legislation Details (With Text)

File #: 14-276 **Version:** 1 **Name:** Annual Traffic Report
Type: Report **Status:** Agenda Ready
File created: 2/19/2014 **In control:** City Council Regular
On agenda: 2/27/2014 **Final action:**
Title: Presentation, possible action and discussion regarding the annual traffic contact report required annually by Senate Bill 1074, of the Texas 77th legislative session.
Sponsors:
Indexes:
Code sections:
Attachments: [Council Cover Letter Traffic Report](#)
[Summary of Analysis](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
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Presentation, possible action and discussion regarding the annual traffic contact report required annually by Senate Bill 1074, of the Texas 77th legislative session.

Relationship to Strategic Goals: (Select all that apply)

- Core Services and Infrastructure

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

Summary: Each year, in an effort to remain transparent to our community, the Police Department employs an independent consultant to analyze traffic stop data and develop this report. The report indicates that the department is in compliance with state law and continues to employ best practice strategies.

Since January 1, 2002, the College Station Police Department, in accordance with the Texas Racial Profiling Law (SB No. 1074), has been required to implement and maintain policy and procedures to satisfy the requirements of the law. This report indicates that we are in compliance with the law.

Budget & Financial Summary: N/A

Reviewed and Approved by Legal: Yes

Attachments:

- Cover letter to City Council- Dr. Alex del Carmen
- Summary of Analysis- Dr. Alex del Carmen
- A full copy of 2013 Annual Traffic Contact Report can be viewed in the City Secretary's Office.

January 16, 2014

College Station City Council
College Station, Texas 77842

Dear Distinguished Members of the City Council,

The Texas Legislature, with the intent of addressing the issue of racial profiling in policing, enacted the Texas Racial Profiling Law in 2001. Since, the College Station Police Department, in accordance with the law, has collected and reported traffic and motor vehicle-related contact data for the purpose of identifying and addressing (if necessary) areas of concern regarding racial profiling practices. In the 2009 Texas legislative session, the Racial Profiling Law was modified and additional requirements are now in place. These most recent requirements have been incorporated by the College Station Police Department and are also being addressed in this report.

In this report, you will find three sections that contain information on traffic and motor vehicle- related contact data. In addition, when appropriate, documentation is also a component of this report, aiming at demonstrating the manner in which the College Station Police Department has complied with the Texas Racial Profiling Law. In section 1, you will find the table of contents in addition to the Texas Senate Bill (SB1074); which later became the Texas Racial Profiling Law. In addition, you will find the Texas HB 3389, which, in 2009, introduced new requirements relevant to racial profiling. Also, in this section, a list of requirements relevant to the Racial Profiling Law as established by TCOLE (Texas Commission on Law Enforcement) is included. In addition, you will find, in sections 2 and 3 documentation, which demonstrates compliance by the College Station Police Department relevant to the requirements as established in the Texas Racial Profiling Law. That is, you will find documents relevant to the implementation of an institutional policy banning racial profiling, the incorporation of a racial profiling complaint process and the training administered to all law enforcement personnel.

The last section of this report provides statistical data relevant to contacts, made during the course of motor vehicle stops, between 1/1/13 and 12/31/13. In addition, this section contains the TCOLE Tier 1 form, which is required to be submitted to this particular organization by March 1st of each year. The data in this report has been analyzed and compared to data derived from the U.S. Census Bureau's Fair Roads Standard. The final analysis and recommendations are also included in this report. The findings in this report serve as evidence of the College Station Police Department's commitment to comply with the Texas Racial Profiling Law.

Sincerely,

Alex del Carmen, Ph.D.
Del Carmen Consulting, LLC

Analysis and Interpretation of Data

Analysis

The Texas legislature, in 2001, passed Senate Bill 1074 which became the Texas Racial Profiling Law. That is, the law came into effect on January 1, 2002 and required all police departments in Texas, to collect traffic-related data and report this information to their local governing authority by March 1st of each year. In 2009, the racial profiling law was modified to include the collection and reporting of all motor vehicle related contacts where a citation was issued or arrest made. In addition, the modification to the law further requires that all police officers indicate whether or not they knew the race or ethnicity of the individual before detaining them. Further, it is required that agencies report motor vehicle related data to their local governing authority and to the Texas Commission on Law Enforcement (TCOLE) by March 1st of each year. The purpose in collecting and presenting this information is to determine if police officers in a particular municipality are engaging in the practice of racially profiling minority motorists.

The Texas Racial Profiling Law also requires police departments to interpret motor vehicle-related data. Even though most researchers would probably agree with the fact that it is within the confines of good practice for police departments to be accountable to the citizenry while carrying a transparent image before the community, it is very difficult to determine if individual police officers are engaging in racial profiling, from a review and analysis of aggregate/institutional data. In other words, it is challenging for a reputable researcher to identify specific “individual” racist behavior from aggregate-level “institutional” data on traffic or motor vehicle-related contacts.

As stated previously, in 2009, the Texas Legislature passed House Bill 3389, which modified the existing Racial Profiling Law by adding new requirements; this took effect on January 1st, 2010. These most recent changes include, but are not exclusive of, the re-definition of a contact to include motor vehicles where a citation was issued or an arrest made. In addition, it requires police officers to indicate if they knew the race or ethnicity of the individual before detaining them. Also, the more recent law requires adding "middle eastern" to the racial and ethnic category and submitting the annual data report to TCOLE before March 1st of each year. I am pleased to inform you that these additional requirements have been addressed, since 2009, by the College Station Police Department as it is demonstrated throughout this report.

In an effort to comply with The Texas Racial Profiling Law, the College Station Police Department commissioned the analysis of its 2013 motor vehicle contact data. Thus, three different types of data analyses were performed. The first of these involved a careful evaluation of the 2013 motor vehicle-related data. This particular analysis measured, as required by the law, the number and percentage of Caucasians, African Americans, Hispanics, Asians, Native Americans, Middle Easterners and individuals belonging to the “other” category, that came in contact with the police in the course of a motor vehicle related contact, and were either issued a citation or arrested. Further, the analysis included information relevant to the number and percentage of searches (table 1) while indicating the type of search performed (i.e., consensual or probable cause). Also,

the data analysis included the number and percentage of individuals who, after they came in contact with the police for a motor vehicle-related reason, were arrested.

The additional data analysis performed was based on a comparison of the 2013 motor vehicle contact data with a specific baseline. When reviewing this particular analysis, it should be noted that there is disagreement, in the literature, regarding the appropriate baseline to be used when analyzing motor vehicle-related contact information. Of the baseline measures available, the College Station Police Department opted to adopt, as a baseline measure, the Fair Roads Standard. This particular baseline is based on data obtained through the U.S. Census Bureau (2010) relevant to the number of households that have access to vehicles while controlling for the race and ethnicity of the heads of households.

It is clear that census data presents challenges to any effort made at establishing a fair and accurate racial profiling analysis. That is, census data contains information on all residents of a particular community, regardless of the fact they may or may not be among the driving population. Further, census data, when used as a baseline of comparison, presents the challenge that it captures information related to city residents only. Thus, excluding individuals who may have come in contact with the College Station Police Department in 2013 but live outside city limits. In some cases, the percentage of the population that comes in contact with the police but lives outside city limits represents a substantial volume of all motor vehicle-related contacts made in a given year.

Since 2002, several civil rights groups in Texas expressed their desire and made recommendations to the effect that all police departments should rely, in their data analysis, on the Fair Roads Standard. This source contains census data specific to the number of “households” that have access to vehicles. Thus, proposing to compare “households” (which may have multiple residents and only a few vehicles) with “contacts” (an individual-based count). This, in essence, constitutes a comparison that may result in ecological fallacy. Despite this, the College Station Police Department made a decision that it would use this form of comparison (i.e., census data relevant to households with vehicles) in an attempt to demonstrate its “good will” and “transparency” before the community. Thus, the Fair Roads Standard data obtained and used in this study is specifically relevant to College Station.

The final analysis was conducted while using the 2002--2009 traffic data and the 2010—2013 motor-vehicle related data. Specifically, all traffic-related contacts made in 2009 were compared to similar figures reported in 2002, 2003, 2004, 2005, 2006, 2007 and 2008. Similarly, motor vehicle contact data was compared while using data from 2010, 2011, 2012 and 2013. Although some researchers may not support the notion that in twelve years, a “significant” and “permanent” trend can take effect, when considering this analysis, it was determined that comparing twelve years of traffic/motor vehicle contact data may highlight possible areas of consistency with regards to traffic and motor vehicle-related contacts. That is, the twelve-year comparison has the potential of revealing indicators that a possible trend of traffic and motor vehicle-based contacts with regards to members of a specific minority group, may in fact, develop.

Tier 1 (2013) Motor Vehicle-Related Contact Analysis

When analyzing the Tier 1 data collected in 2013, it was evident that most motor vehicle-related contacts were made with Caucasian drivers. This was followed by African American and Hispanic drivers. With respect to searches, most of them were performed on Caucasian drivers. This was followed by African Americans and Hispanics. It is important to note that the arrest data revealed that Caucasian drivers were arrested the most in motor vehicle-related contacts; this was followed by African Americans and Hispanics.

Fair Roads Standard Analysis

The data analysis of motor vehicle contacts to the census data relevant to the number of “households” in College Station who indicated, in the 2010 census, that they had access to vehicles, produced interesting findings. Specifically, the percentage of individuals of African American and Hispanic descent that came in contact with the police was higher than the percentage of African American and Hispanic households in College Station that claimed, in the 2010 census, to have access to vehicles. With respect to Caucasians and Asians, a lower percentage of contacts were detected. That is, the percentage of Caucasian and Asian drivers that came in contact with the police in 2013 was lower than the percentage of Caucasian and Asian households in College Station with access to vehicles.

Twelve-Year Comparison

The twelve-year comparison (02-13) of traffic and motor vehicle related-contact data showed some similarities. As illustrated in table 3, the percentage of drivers (from different racial/ethnic groups) that came in contact with the College Station Police in 2013 was similar to the percentage of drivers, from the same racial/ethnic groups that came in contact with the College Station Police Department from 2002 to 2012. However, a few differences were noted. When comparing 2013 to the previous years, there was an increase in percentage of contacts among Caucasian drivers. A decrease in percentage was detected among Hispanics.

It is clear that commonalities in the data existed, when analyzing the search-related contacts for all twelve years. A decrease in percentage was noted among African Americans and Hispanics; the opposite was true of Caucasians. When considering the arrests made, the data revealed that the percentage of arrests increased among Hispanics and Asians while a decrease in percentage was evident among Caucasians and African Americans. It should be noted that the 2010, 2011, 2012 and 2013 data should be analyzed while considering that since January 1st of 2010, a contact was re-defined by the law; thus, making it statistically challenging to compare traffic contacts (collected and reported from 2002-2009) with motor vehicle contacts (collected and reported since 2010).

Summary of Findings

The comparison of motor vehicle contacts showed that the College Station Police Department came in contact (in motor vehicle-related incidents) with a smaller percentage of Caucasian and Asian drivers than the percentage that resided in College Station and had access to vehicles. Further, the data suggested that the percentage of African American and Hispanic drivers that came in contact with the police in 2013 was higher than the percentage of African American and Hispanic households in College Station with access to vehicles. In addition, the data showed that in a large number of instances, officers did not know the race or ethnicity of individuals before detaining them, when compared to instances where officers knew the race/ethnicity of individuals before they were detained.

An examination of the twelve-year traffic and motor vehicle-related contact data suggested that the College Station Police Department has been, for the most part, consistent in the racial/ethnic composition of motorists it comes in contact with during a given year. The consistency of contacts for the past twelve years is in place despite the fact the city demographics may have changed, thus, increasing the number of subjects likely to come in contact with the police.

While considering the findings made in this analysis, it is recommended that the College Station Police Department should continue to collect and evaluate additional information on motor vehicle contact data (i.e., reason for probable cause searches, contraband detected) which may prove to be useful when determining the nature of the contacts police officers are making with all individuals; particularly with African Americans and Hispanics. Although this additional data may not be required by state law, it is likely to provide insights regarding the nature and outcome of all motor vehicle contacts made with the public.

As part of this effort, the College Station Police Department is also encouraged to:

- 1) Perform an independent search analysis on the search data collected in the first quarter of 2014.
- 2) Commission data audits in 2014 in order to assess data integrity; that is, to ensure that the data collected is consistent with the data being reported.

The College Station Police Department has, once again, complied with the Texas Racial Profiling Law.



Legislation Details (With Text)

File #: 14-278 **Version:** 1 **Name:** Aggieland Humane Society Board Appointment
Type: Report **Status:** Agenda Ready
File created: 2/19/2014 **In control:** City Council Regular
On agenda: 2/27/2014 **Final action:**
Title: Presentation, possible action, and discussion as it relates to the appointment of a member, representing the City of College Station, to the Aggieland Humane Society board, formerly named the Brazos Animal Shelter.
Sponsors:
Indexes:
Code sections:
Attachments:

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Presentation, possible action, and discussion as it relates to the appointment of a member, representing the City of College Station, to the Aggieland Humane Society board, formerly named the Brazos Animal Shelter.

Relationship to Strategic Goals: (Select all that apply)

- Core Services and Infrastructure

Recommendation(s): Our staff is recommending the appointment of Assistant Chief Scott McCollum to the Aggieland Humane Society board.

Summary: The Aggieland Humane Society Board of Directors by-laws require City Council appointment of two City representatives as outlined below.

Section 5.02. *The Board of Directors shall consist of fifteen (15) voting members whose nomination and approval shall be conducted in the following manner:*

- A. *Six directors shall be appointed as follows:*
 1. *Two members appointed by the City Council of the City of College Station who may be a citizen, employee, officer, or elected official of the City of College Station. This appointment will be automatically removed from the Board of Directors with the position suspended and left vacant if the entity is not contracted with the Aggieland Humane Society, Inc. for animal housing services....*

Mrs. Chantal Vasali is one of two City board representatives and her term expired in November of 2013. She no longer wishes to serve in this capacity so staff recommends Assistant Chief Scott McCollum for this board position. A.C. McCollum currently supervises the Animal Control function

and is in close communication with shelter operations on a regular basis.

The City's other board representative is Former Assistant Chief Larry Johnson. He was appointed to the Brazos Animal Shelter Board by the College Station City Council for a two-year term on September 27, 2012. Upon the end of his term, another City representative will be identified and recommended for appointment to that position.

Budget & Financial Summary: N/A

Reviewed and Approved by Legal: Yes

Attachments: N/A



Legislation Details (With Text)

File #: 14-279 **Version:** 1 **Name:** Rio Grande and FM 2818 Signal Improvements
Type: Contract **Status:** Agenda Ready
File created: 2/19/2014 **In control:** City Council Regular
On agenda: 2/27/2014 **Final action:**
Title: Presentation, possible action, and discussion of construction contract no. 14-155 with Bayer Construction Electrical Contractors, Inc. in the amount of \$353,514.00 for traffic signal improvements at the intersection of Rio Grande and FM 2818, Project No. ST-1307.
Sponsors:
Indexes:
Code sections:
Attachments: [Bid Tab](#)
[Project Location Map](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Presentation, possible action, and discussion of construction contract no. 14-155 with Bayer Construction Electrical Contractors, Inc. in the amount of \$353,514.00 for traffic signal improvements at the intersection of Rio Grande and FM 2818, Project No. ST-1307.

Relationship to Strategic Goals: (Select all that apply)

- Core Services and Infrastructure

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

Summary: Signal improvements at the intersection of Rio Grande and FM 2818 include the addition of pedestrian crossing signals, crosswalk striping, ADA ramps, signal poles, signal heads, and upgrading the signal cabinet.

The project will improve the pedestrian crossing at the intersection of FM 2818 and Rio Grande so that pedestrians can safely access the hike and bike trail located along the north side of FM 2818.

Budget & Financial Summary: A total of \$439,500 is budgeted for this project. Funds in the amount of \$48,027 has been expended or committed to date leaving a balance of \$391,473 for construction and related expenditures.

Reviewed and Approved by Legal: Yes

Attachments:

1. Contract No. 14-155 (on file with the City Secretary)
2. Bid Tabulation ITB # 14-025
3. Project Location Map



City of College Station - Purchasing Division
Bid Tabulation for #14-025
"Rio Grande and FM 2818 Traffic Signal Improvements"
Open Date: Tuesday, January 21, 2014 @ 2:00 p.m.

| ITEM | QTY | UNIT | DESCRIPTION | Bayer Construction Electrical Contractors, Inc. (Bryan, TX) | | Florida Traffic Control Devices, Inc. (Pearland, TX) | |
|--|------|------|---|---|-------------|--|-------------|
| | | | | UNIT PRICE | TOTAL PRICE | UNIT PRICE | TOTAL PRICE |
| SITE PREPARATION | | | | | | | |
| 1 | 1 | LS | Mobilization (includes constr. staking) | \$35,000.00 | \$35,000.00 | \$33,840.98 | \$33,840.98 |
| 2 | 1 | LS | Removals - to include: | \$9,200.00 | \$9,200.00 | \$13,255.14 | \$13,255.14 |
| | | | Remove Existing Concrete Riprap (approx 96 SY) | | | | |
| | | | Remove Existing Concrete Driveway (approx 54 SY) | | | | |
| | | | Remove Existing Sidewalk (approx 15 SY) | | | | |
| | | | Remove Existing Curb Ramp (approx 2 EA) | | | | |
| | | | Remove Existing SET (approx 3 EA) | | | | |
| | | | Remove Existing 24" RCP (approx 12 LF) | | | | |
| | | | Removal of Existing Striping | | | | |
| | | | Remove Existing Traffic Signal and all Related Equipment | | | | |
| | | | Remove Existing Electrical Service | | | | |
| Subtotal: Site Preparation | | | | \$44,200.00 | | \$47,096.12 | |
| SIDEWALK IMPROVEMENTS | | | | | | | |
| 3 | 96 | SY | Cost and installation of Commercial Driveway | \$110.00 | \$10,560.00 | \$118.17 | \$11,344.32 |
| 4 | 265 | LF | Cost and installation of Curb and Gutter (Including 8" LTS or CSS) | \$56.00 | \$14,840.00 | \$60.24 | \$15,963.60 |
| 5 | 65 | LF | Cost and installation of Mono Curb | \$12.00 | \$780.00 | \$12.74 | \$828.10 |
| 6 | 20 | SY | Cost and installation of Asphalt Pavement Widening | \$252.00 | \$5,040.00 | \$266.46 | \$5,329.20 |
| 7 | 1430 | SF | Cost and installation of Sidewalk | \$10.00 | \$14,300.00 | \$10.43 | \$14,914.90 |
| 8 | 3 | EA | Cost and installation of Type 7 Curb Ramp | \$1,800.00 | \$5,400.00 | \$1,969.48 | \$5,908.44 |
| 9 | 1 | EA | Cost and installation of Type 1 Curb Ramp | \$2,000.00 | \$2,000.00 | \$2,201.18 | \$2,201.18 |
| 10 | 2 | EA | Cost and installation of Ambulatory Curb Ramp | \$1,900.00 | \$3,800.00 | \$2,085.33 | \$4,170.66 |
| 11 | 35 | LF | Cost and installation of 18" RCP | \$75.00 | \$2,625.00 | \$81.10 | \$2,838.50 |
| 12 | 78 | LF | Cost and installation of 24" RCP | \$120.00 | \$9,360.00 | \$127.44 | \$9,940.32 |
| 13 | 2 | EA | Cost and installation of 4:1 SET | \$2,100.00 | \$4,200.00 | \$2,317.03 | \$4,634.06 |
| 14 | 1 | EA | Cost and installation of 6:1 SET | \$2,400.00 | \$2,400.00 | \$2,548.73 | \$2,548.73 |
| 15 | 1 | EA | Cost and installation of Recessed Curb Inlet w/Extension | \$5,700.00 | \$5,700.00 | \$6,140.13 | \$6,140.13 |
| 16 | 1 | EA | Cost and installation of Storm Sewer Junction Box | \$3,600.00 | \$3,600.00 | \$3,823.10 | \$3,823.10 |
| 17 | 6 | LF | Cost and installation of Sidewalk Drainage Trench | \$480.00 | \$2,880.00 | \$521.33 | \$3,127.98 |
| 18 | 173 | SF | Cost and installation of 4" Concrete Riprap | \$18.00 | \$3,114.00 | \$19.69 | \$3,406.37 |
| 19 | 100 | SF | Cost and installation of 8" Rock Riprap | \$15.00 | \$1,500.00 | \$17.38 | \$1,738.00 |
| 20 | 1 | LS | Cost and installation of Earthwork (approx 25 CY) | \$1,500.00 | \$1,500.00 | \$1,737.77 | \$1,737.77 |
| 21 | 1 | LS | Cost and installation of Erosion Control Plan & Sedimentation Control | \$12,000.00 | \$12,000.00 | \$12,743.67 | \$12,743.67 |
| 22 | 35 | SY | Cost and installation of Block Sod (includes watering) | \$69.00 | \$2,415.00 | \$75.30 | \$2,635.50 |
| Subtotal: Sidewalk Improvements | | | | \$108,014.00 | | \$115,974.53 | |



City of College Station - Purchasing Division
Bid Tabulation for #14-025
"Rio Grande and FM 2818 Traffic Signal Improvements"
Open Date: Tuesday, January 21, 2014 @ 2:00 p.m.

| ITEM | QTY | UNIT | DESCRIPTION | Bayer Construction Electrical Contractors, Inc. (Bryan, TX) | | Florida Traffic Control Devices, Inc. (Pearland, TX) | |
|------------------------------------|------|------|---|---|-------------|--|-------------|
| | | | | UNIT PRICE | TOTAL PRICE | UNIT PRICE | TOTAL PRICE |
| TRAFFIC SIGNAL CONSTRUCTION | | | | | | | |
| 23 | 1 | EA | Cost and installation of "P" Style NEMA Traffic Cabinet w/Det. Rack, Loadswitches, EDI Conflict Monitor (MMU-16LE) | \$12,000.00 | \$12,000.00 | \$13,302.54 | \$13,302.54 |
| 24 | 1 | EA | Cost and installation of Siemens 8-Phase Controller, Model M-52 w/ Fiber Ports | \$7,000.00 | \$7,000.00 | \$4,944.02 | \$4,944.02 |
| 25 | 1 | EA | Cost and installation of 4-Section, 12-inch, LED Signal Headw/Louvered Black Aluminum Backplate (Arr-R Arr-Y Arr-Y Arr-G) | \$800.00 | \$800.00 | \$908.97 | \$908.97 |
| 26 | 6 | EA | Cost and installation of 3-Section, 12-inch, LED Signal Head w/Louvered Black Aluminum Backplate (R-Y-G) | \$600.00 | \$3,600.00 | \$702.45 | \$4,214.70 |
| 27 | 1 | EA | Cost and installation of Streetscape Signal Pole, 30 ft-long, Bronze, Powder Finished | \$6,000.00 | \$6,000.00 | \$4,952.77 | \$4,952.77 |
| 28 | 1 | EA | Cost and installation of Streetscape Signal Pole, 30 ft-long, Bronze, Powder Finished (For Long Mast-Arm Installations) | \$12,500.00 | \$12,500.00 | \$14,703.03 | \$14,703.03 |
| 29 | 4 | EA | Cost and installation of Aluminum Pedestal Pole, 11 ft-long, Bronze, Powder Finished w/Pole Collars | \$1,700.00 | \$6,800.00 | \$1,237.09 | \$4,948.36 |
| 30 | 1 | EA | Cost and installation of Streetscape Mast Arm, 36 ft-long, Bronze, Powder Finished | \$2,500.00 | \$2,500.00 | \$2,367.77 | \$2,367.77 |
| 31 | 1 | EA | Cost and installation of Streetscape Mast Arm, 40 ft-long, Bronze, Powder Finished | \$7,500.00 | \$7,500.00 | \$3,757.25 | \$3,757.25 |
| 32 | 1 | EA | Cost and installation of Streetscape Mast Arm, 50 ft-long, Bronze, Powder Finished | \$3,000.00 | \$3,000.00 | \$8,589.78 | \$8,589.78 |
| 33 | 4 | EA | Cost and installation of 1-Section LED, 16-inch Pedestrian Countdown Signal Head, w/9" Symbol/Man | \$700.00 | \$2,800.00 | \$452.05 | \$1,808.20 |
| 34 | 2 | EA | Cost and installation of Astro-Brac Cable Mount Assy (AB-0131-1-Way Ped Assy w/84" Cable) | \$165.00 | \$330.00 | \$210.95 | \$421.90 |
| 35 | 1 | EA | Cost and installation of Astro-Brac Cable Mount Assy (AB-0131-2-Way Ped Assy w/84" Cable) | \$165.00 | \$165.00 | \$319.30 | \$319.30 |
| 36 | 2 | EA | Cost and installation of Pedestrian Push-Button Assy w/Educational "Push Button To Cross Street" Sign 9"x15" R10-3eR | \$1,200.00 | \$2,400.00 | \$1,335.71 | \$2,671.42 |
| 37 | 2 | EA | Cost and installation of Pedestrian Push-Button Assy w/Educational "Push Button To Cross Street" Sign 9"x15" R10-3eL | \$1,200.00 | \$2,400.00 | \$1,335.71 | \$2,671.42 |
| 38 | 2 | EA | Cost and installation of Luminaire, 250-Watt HPS, w/15-ft-long Streetscape Support Arms, Bronze | \$1,500.00 | \$3,000.00 | \$1,396.73 | \$2,793.46 |
| 39 | 5 | EA | Cost and installation of Pull Boxes w/Locking Cover, Type D w/Legend "High Voltage Traffic Signal" | \$650.00 | \$3,250.00 | \$778.78 | \$3,893.90 |
| 40 | 1 | EA | Cost and installation of Meter Pedestal Pole, 4-Terminal, 125-am, Twin-Link Connectors w/Conduit to Power | \$1,000.00 | \$1,000.00 | \$1,263.82 | \$1,263.82 |
| 41 | 1 | EA | Cost and installation of Peek BC 100Hz Battery Backup System w/Cabinet and Foundation | \$8,000.00 | \$8,000.00 | \$7,568.66 | \$7,568.66 |
| 42 | 1 | EA | Cost and installation of Concrete Signal Controller Foundation | \$3,500.00 | \$3,500.00 | \$1,059.45 | \$1,059.45 |
| 43 | 1 | EA | Cost and installation of Signal Pole Foundation, 36-inch Diameter, 15-ft Deep | \$4,000.00 | \$4,000.00 | \$5,476.16 | \$5,476.16 |
| 44 | 1 | EA | Cost and installation of Signal Pole Foundation, 48-inch Diameter, 22-ft Deep | \$8,000.00 | \$8,000.00 | \$11,545.20 | \$11,545.20 |
| 45 | 4 | EA | Cost and installation of Pedestal Pole Foundation, 24-inch Diameter, 6-ft Deep | \$1,500.00 | \$6,000.00 | \$942.83 | \$3,771.32 |
| 46 | 4 | EA | Cost and installation of Reusable Helix Screw Foundation for Pedestal Pole | \$1,500.00 | \$6,000.00 | \$863.78 | \$3,455.12 |
| 47 | 320 | LF | Cost and installation of Conduit, 2"-Diameter, Schedule 40 PVC | \$10.00 | \$3,200.00 | \$13.86 | \$4,435.20 |
| 48 | 180 | LF | Cost and installation of Conduit, 3"-Diameter, Schedule 40 PVC | \$15.00 | \$2,700.00 | \$16.99 | \$3,058.20 |
| 49 | 270 | LF | Cost and installation of Conduit, 4"-Diameter, Schedule 40 PVC | \$20.00 | \$5,400.00 | \$20.83 | \$5,624.10 |
| 50 | 1200 | LF | Cost and installation of 7/C #14 AWG Stranded Signal Cable | \$3.50 | \$4,200.00 | \$1.05 | \$1,260.00 |
| 51 | 490 | LF | Cost and installation of 5/C #14 AWG Stranded Signal Cable | \$2.50 | \$1,225.00 | \$1.54 | \$754.60 |



City of College Station - Purchasing Division
Bid Tabulation for #14-025
"Rio Grande and FM 2818 Traffic Signal Improvements"
Open Date: Tuesday, January 21, 2014 @ 2:00 p.m.

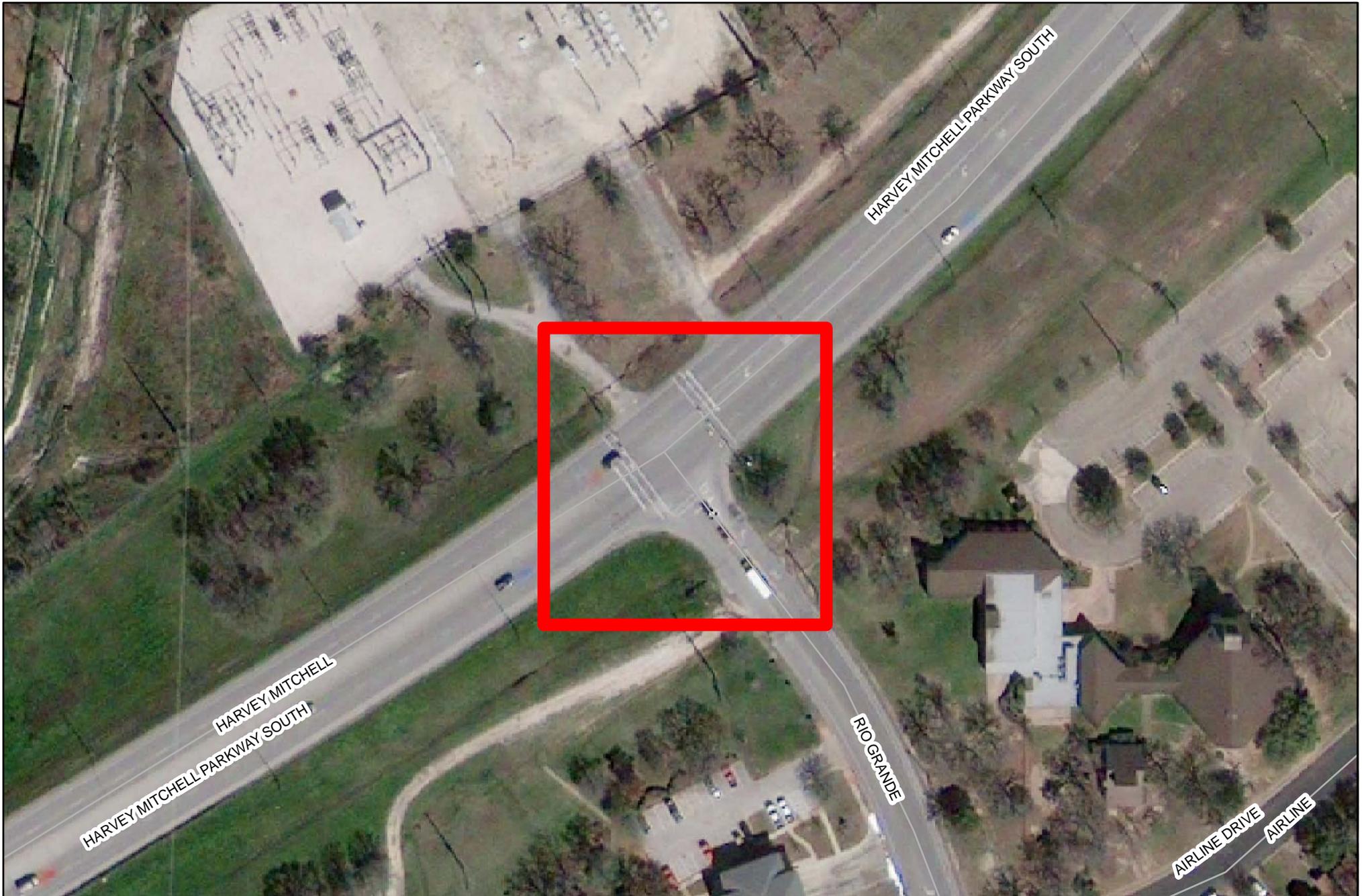
| ITEM | QTY | UNIT | DESCRIPTION | Bayer Construction Electrical Contractors, Inc. (Bryan, TX) | | Florida Traffic Control Devices, Inc. (Pearland, TX) | |
|--|-----|------|--|---|-------------|--|-------------|
| | | | | UNIT PRICE | TOTAL PRICE | UNIT PRICE | TOTAL PRICE |
| 52 | 120 | LF | Cost and installation of 3/C #4 Power Cable | \$7.00 | \$840.00 | \$4.16 | \$499.20 |
| 53 | 380 | LF | Cost and installation of THHN 3-1/C #10 Luminaire Cable | \$2.50 | \$950.00 | \$1.73 | \$657.40 |
| 54 | 720 | LF | Cost and installation of Bare Electrical Conductor #6 Wire (Stranded) for Grounding | \$2.00 | \$1,440.00 | \$1.01 | \$727.20 |
| 55 | 3 | EA | Cost and installation of Radar Presence Detector (RPD) (Wavetronix Smart Sensor Matrix w/Smart Sensor Mount) | \$4,500.00 | \$13,500.00 | \$4,893.03 | \$14,679.09 |
| 56 | 2 | EA | Cost and installation of Radar Advance Detection Device (RADD) (Wavetronix Smart Sensor Advance w/Smart Sensor Mount) | \$4,500.00 | \$9,000.00 | \$5,146.81 | \$10,293.62 |
| 57 | 1 | EA | Cost and installation of Pan Tilt Zoom CCTV Camera | \$8,000.00 | \$8,000.00 | \$8,498.64 | \$8,498.64 |
| 58 | 5 | EA | Cost and installation of Wavetronix Detector Rack Cards (2-14-Channel) | \$500.00 | \$2,500.00 | \$442.31 | \$2,211.55 |
| 59 | 6 | EA | Cost and installation of Wavetronix Sensor Cable Junction Box | \$500.00 | \$3,000.00 | \$221.78 | \$1,330.68 |
| 60 | 2 | EA | Cost and installation of Wavetronix Intersection Pre-assembled Backplate-AC | \$2,000.00 | \$4,000.00 | \$2,438.77 | \$4,877.54 |
| 61 | 700 | LF | Cost and installation of Orion Wire Combo 2207-2002 PVCGY Wavetronix Smart Sensor 6-Conductor Cable for RADD and RPD Detectors | \$3.00 | \$2,100.00 | \$2.61 | \$1,827.00 |
| 62 | 3 | EA | Cost and installation of Priority Control System Detector (3M Opticom Model 721) | \$850.00 | \$2,550.00 | \$716.71 | \$2,150.13 |
| 63 | 700 | EA | Cost and installation of Model 138 Detector Cable (for GTT Opticom Model 721) | \$2.00 | \$1,400.00 | \$1.14 | \$798.00 |
| 64 | 3 | EA | Cost and installation of Confirmation Lights, w/Power Cable | \$350.00 | \$1,050.00 | \$298.54 | \$895.62 |
| 65 | 1 | LS | Cost and installation of Stop Lines, Pedestrian Crosswalk Lines | \$9,900.00 | \$9,900.00 | \$5,074.30 | \$5,074.30 |
| 66 | 1 | LS | Cost and installation of Traffic Control and Construction Barricades | \$3,000.00 | \$3,000.00 | \$5,766.97 | \$5,766.97 |
| 67 | 1 | LS | Cost and installation of Misc. Construction Materials, including Dampers | \$1,000.00 | \$1,000.00 | \$1,156.74 | \$1,156.74 |
| 68 | 1 | EA | GTT Model 764 Multimode Phase Selector Card (Infrared) | \$3,500.00 | \$3,500.00 | \$3,914.50 | \$3,914.50 |
| 69 | 1 | EA | GTT Opticom Model 760 Card Rack | \$300.00 | \$300.00 | \$309.38 | \$309.38 |
| 70 | 1 | EA | Cost and installation of Overhead Street Name Sign (Harvey Mitchell S. Pkwy 192" x 24") including mounting brackets and hardware | \$1,000.00 | \$1,000.00 | \$709.43 | \$709.43 |
| 71 | 2 | EA | Cost and installation of Overhead Street Name Sign (Rio Grande Blvd 132" x 24") including mounting brackets and hardware | \$1,500.00 | \$3,000.00 | \$431.47 | \$862.94 |
| Subtotal: Traffic Signal Construction | | | | \$201,300.00 | | \$193,780.55 | |
| TOTAL BID AMOUNT (Site Preparation+Sidewalk Improvements+Traffic Signal Construction) | | | | \$353,514.00 | | \$356,851.20 | |
| Certification of Bid | | | | ✓ | | ✓ | |
| Acknowledged Addendums (1) | | | | ✓ | | ✓ | |
| Bid Bond | | | | ✓ | | ✓ | |

NOTES:

Florida Traffic Control Devices, Inc.

»Bidder miscalculated the total for Bid Item 2, the subtotals for Site Preparation, Sidewalk Improvements, Traffic Signal Construction and the Total Bid Amount. The highlighted totals above are correct.

Rio Grande and FM 2818 Signal Improvements Project Location Map





Legislation Details (With Text)

File #: 14-280 **Version:** 1 **Name:** Royder - Live Oak Sewer Extension
Type: Contract **Status:** Agenda Ready
File created: 2/19/2014 **In control:** City Council Regular
On agenda: 2/27/2014 **Final action:**
Title: Presentation, possible action and discussion regarding construction contract no. 14-170 with Kieschnick General Contractors, Inc., in the amount of \$1,156,890.50 for the Royder - Live Oak Sewer Extension Project.
Sponsors:
Indexes:
Code sections:
Attachments: [Bid Tabulation](#)
[Project Location Map](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Presentation, possible action and discussion regarding construction contract no. 14-170 with Kieschnick General Contractors, Inc., in the amount of \$1,156,890.50 for the Royder - Live Oak Sewer Extension Project.

Relationship to Strategic Goals: (Select all that apply)

- Core Services and Infrastructure

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

Summary: This project includes the installation of approximately 8,900 LF of 12" gravity sanitary sewer main and 1,100 LF of 8" gravity sanitary sewer main along Royder Road, Live Oak Street, and McCullough Road with laterals off of Church Street, Madison Street, and McCullough Road. This project also includes roadway improvements (two-course surface treatments) along portions of Royder Road, Live Oak Street, and McCullough Road.

Budget & Financial Summary: The budget for this project is \$2,369,923. Funds in the amount of \$357,920 have been expended or committed to date, leaving a balance of \$2,012,003 for construction and related expenditures.

Reviewed and Approved by Legal: Yes

Attachments:

1. Contract No. 14-170 (on file with the City Secretary)
2. Bid Tabulation ITB # 14-029
3. Project Location Map



City of College Station - Purchasing Division
 Bid Tabulation for #14-029
 "Royder-Live Oak Sewer Extension"
 Open Date: Thursday, January 23, 2014 @ 2:00 p.m.

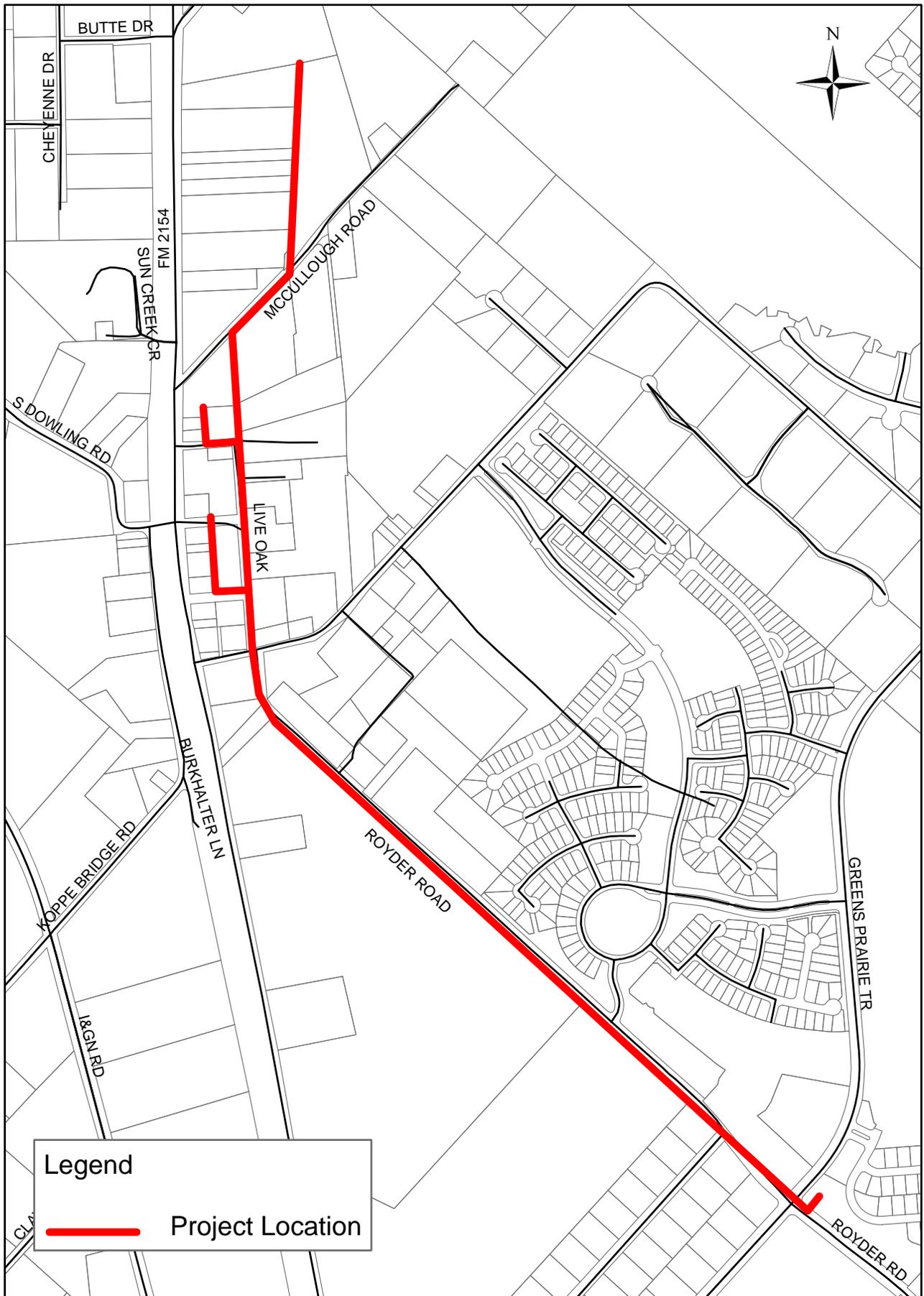
| ITEM NO. | Estimated Quantity | Unit of Measure | DESCRIPTION | Doughtie Construction Co., Inc. | | Elliott Construction, LLC | | Kieschnick General Contractors, Inc. | | Dudley Construction, Ltd. | |
|-------------------------------|--------------------|-----------------|---|---------------------------------|--------------|---------------------------|--------------|--------------------------------------|--------------|---------------------------|--------------|
| | | | | UNIT PRICE | TOTAL PRICE | UNIT PRICE | TOTAL PRICE | UNIT PRICE | TOTAL PRICE | UNIT PRICE | TOTAL PRICE |
| GENERAL ITEMS | | | | | | | | | | | |
| 1 | 1 | LS | General Overhead for all Work including Mobilization, Bonds, Insurance, and Related Items | \$55,000.00 | \$55,000.00 | \$105,000.00 | \$105,000.00 | \$25,000.00 | \$25,000.00 | \$60,450.00 | \$60,450.00 |
| 2 | 1 | LS | Clear, Grub and dispose of vegetation/debris | \$10,990.00 | \$10,990.00 | \$5,000.00 | \$5,000.00 | \$7,500.00 | \$7,500.00 | \$11,100.00 | \$11,100.00 |
| 3 | 1 | LS | Erosion and Sedimentation Control as needed to fully comply with TCEQ | \$16,940.00 | \$16,940.00 | \$14,000.00 | \$14,000.00 | \$5,000.00 | \$5,000.00 | \$8,700.00 | \$8,700.00 |
| 4 | 6.00 | AC | Hydromulch Seeding | \$1,790.00 | \$10,740.00 | \$10,500.00 | \$63,000.00 | \$2,500.00 | \$15,000.00 | \$4,090.00 | \$24,540.00 |
| 5 | 1 | LS | Traffic Control | \$14,000.00 | \$14,000.00 | \$7,500.00 | \$7,500.00 | \$5,000.00 | \$5,000.00 | \$11,700.00 | \$11,700.00 |
| GENERAL ITEMS SUBTOTAL | | | | \$107,670.00 | | \$194,500.00 | | \$57,500.00 | | \$116,490.00 | |
| SANITARY SEWER ITEMS | | | | | | | | | | | |
| 6 | 2,250 | LF | 12" ASTM D-3034 SDR 26 PVC Sewer Line with Cement Stabilized Sand Backfill (Structural Areas) and Detector Tape in Trench, All Depths | \$210.00 | \$472,500.00 | \$210.00 | \$472,500.00 | \$95.00 | \$213,750.00 | \$248.95 | \$560,137.50 |
| 7 | 5,438 | LF | 12" ASTM D-3034 SDR 26 PVC Sewer Line with Suitable Native Backfill (Non-Structural Areas) and Detector Tape in Trench, All Depths | \$54.75 | \$297,730.50 | \$92.50 | \$503,015.00 | \$60.00 | \$326,280.00 | \$75.97 | \$413,124.86 |
| 8 | 300 | LF | 12" ASTM D-2241 Class 160 (Pressure Rated) PVC Sewer Line with Cement Stabilized Sand Backfill (Structural Areas) and Detector Tape in Trench, All Depths | \$185.00 | \$55,500.00 | \$210.00 | \$63,000.00 | \$88.00 | \$26,400.00 | \$194.00 | \$58,200.00 |
| 9 | 263 | LF | 12" ASTM D-2241 Class 160 (Pressure Rated) PVC Sewer Line with Suitable Native Backfill (Non-Structural Areas) and Detector Tape in Trench, All Depths | \$56.00 | \$14,728.00 | \$93.00 | \$24,459.00 | \$60.00 | \$15,780.00 | \$75.97 | \$19,980.11 |
| 10 | 170 | LF | 8" ASTM D-3034 SDR 26 PVC Sewer Line with Cement Stabilized Sand Backfill (Structural Areas) and Detector Tape in Trench, All Depths | \$124.70 | \$21,199.00 | \$176.00 | \$29,920.00 | \$60.00 | \$10,200.00 | \$122.00 | \$20,740.00 |
| 11 | 398 | LF | 8" ASTM D-3034 SDR 26 PVC Sewer Line with Suitable Native Backfill (Non-Structural Areas) and Detector Tape in Trench, All Depths | \$33.50 | \$13,333.00 | \$44.00 | \$17,512.00 | \$45.00 | \$17,910.00 | \$46.75 | \$18,606.50 |
| 12 | 50 | LF | 8" ASTM D-2241 Class 160 (Pressure Rated) PVC Sewer Line with Cement Stabilized Sand Backfill (Structural Areas) and Detector Tape in Trench, All Depths | \$125.00 | \$6,250.00 | \$176.00 | \$8,800.00 | \$50.00 | \$2,500.00 | \$122.00 | \$6,100.00 |
| 13 | 438 | LF | 8" ASTM D-2241 Class 160 (Pressure Rated) PVC Sewer Line with Suitable Native Backfill (Non-Structural Areas) and Detector Tape in Trench, All Depths | \$33.40 | \$14,629.20 | \$44.00 | \$19,272.00 | \$50.00 | \$21,900.00 | \$46.75 | \$20,476.50 |
| 14 | 220 | LF | 24" Diameter x 3/8" thick Steel Casing with 12" Certa-Flow Greenline Restrained Joint ASTM D-2241 SDR 26 PVC Sanitary Sewer Line , Including Casing Spacers & End Seals, All Depths - by Bore | \$339.00 | \$74,580.00 | \$314.00 | \$69,080.00 | \$350.00 | \$77,000.00 | \$247.78 | \$54,511.60 |
| 15 | 420 | LF | 12" Certa-Flow Greenline Restrained Joint ASTM D-2241 SDR 26 PVC Sanitary Sewer Line , by Bore, All Depths (No Casing) | \$110.70 | \$46,494.00 | \$110.00 | \$46,200.00 | \$110.00 | \$46,200.00 | \$84.15 | \$35,343.00 |
| 16 | 9,307 | LF | Trench Safety System | \$3.00 | \$27,921.00 | \$2.00 | \$18,614.00 | \$4.00 | \$37,228.00 | \$5.84 | \$54,352.88 |
| 17 | 1 | LS | Additional cost to generate and implement a site specific trench safety plan for excavations of 20' depth or greater, as required by OSHA | \$3,500.00 | \$3,500.00 | \$1,500.00 | \$1,500.00 | \$5,000.00 | \$5,000.00 | \$11,700.00 | \$11,700.00 |
| 18 | 9,937 | LF | TV Inspection of ALL New Sanitary Sewer Lines including cleaning of pipe. | \$2.75 | \$27,326.75 | \$2.00 | \$19,874.00 | \$2.50 | \$24,842.50 | \$3.50 | \$34,779.50 |
| 19 | 32 | EA | 4' Diameter Standard Pre-Cast Concrete Manhole per BCS Detail S100, All Depths. | \$2,580.00 | \$82,560.00 | \$3,910.00 | \$125,120.00 | \$4,200.00 | \$134,400.00 | \$7,000.00 | \$224,000.00 |



City of College Station - Purchasing Division
 Bid Tabulation for #14-029
 "Royder-Live Oak Sewer Extension"
 Open Date: Thursday, January 23, 2014 @ 2:00 p.m.

| ITEM NO. | Estimated Quantity | Unit of Measure | DESCRIPTION | Doughtie Construction Co., Inc. | | Elliott Construction, LLC | | Kieschnick General Contractors, Inc. | | Dudley Construction, Ltd. | |
|--------------------------------------|--------------------|-----------------|--|---------------------------------|-------------|---|-------------|--------------------------------------|-------------|---------------------------|-------------|
| | | | | UNIT PRICE | TOTAL PRICE | UNIT PRICE | TOTAL PRICE | UNIT PRICE | TOTAL PRICE | UNIT PRICE | TOTAL PRICE |
| 20 | 3 | EA | External Drop per BCS Detail S2-00 | \$850.00 | \$2,550.00 | \$1,240.00 | \$3,720.00 | \$500.00 | \$1,500.00 | \$1,200.00 | \$3,600.00 |
| 21 | 1 | EA | Tie-into Existing Manhole at Creek Meadows Lift Station per BCS Detail S3-01 with all appurtenances to complete in-place | \$2,500.00 | \$2,500.00 | \$800.00 | \$800.00 | \$1,500.00 | \$1,500.00 | \$2,900.00 | \$2,900.00 |
| 22 | 1 | EA | Water - Sewer Crossing: Additional Cost to center 1 full joint of sanitary sewer pipe with cement stabilized sand embedment at water - sewer crossing. (Required when 9' vertical separation cannot be achieved at water - sewer crossing) | \$3,900.00 | \$3,900.00 | \$500.00 | \$500.00 | \$250.00 | \$250.00 | \$3,500.00 | \$3,500.00 |
| 23 | 12 | EA | 6" SDR-26 PVC Short Single Sewer Service (shorter than 15 feet) including all necessary fittings, and clean-out at property line or easement line, terminating 3' below final grade with electronic locator ball, as shown on Sheet D-01 | \$550.00 | \$6,600.00 | \$1,400.00 | \$16,800.00 | \$500.00 | \$6,000.00 | \$1,100.00 | \$13,200.00 |
| 24 | 1 | EA | 6" SDR-26 PVC Short Dual Sewer Service (shorter than 15 feet) including all necessary fittings, and clean-out at property line or easement line, terminating 3' below final grade with electronic locator ball, as shown on Sheet D-01 | \$650.00 | \$650.00 | \$1,400.00 | \$1,400.00 | \$800.00 | \$800.00 | \$1,400.00 | \$1,400.00 |
| 25 | 22 | EA | 6" SDR-26 PVC Long Single Sewer Service (longer than 15 feet) including all necessary fittings, and clean-out at property line or easement line, terminating 3' below final grade with electronic locator ball, as shown on Sheet D-01 | \$1,075.00 | \$23,650.00 | \$3,300.00 | \$72,600.00 | \$1,000.00 | \$22,000.00 | \$2,100.00 | \$46,200.00 |
| 26 | 2 | EA | 6" SDR-26 PVC Long Dual Sewer Service (longer than 15 feet) including all necessary fittings, and clean-out at property line or easement line, terminating 3' below final grade with electronic locator ball, as shown on Sheet D-01 | \$1,200.00 | \$2,400.00 | \$3,300.00 | \$6,600.00 | \$1,300.00 | \$2,600.00 | \$2,300.00 | \$4,600.00 |
| 27 | 1,718 | SY | 6" Thick Base Repair per BCS Detail ST4-00 (Quantity based on 6' wide section per linear foot of sewer line installed under existing roadway) | \$10.85 | \$18,640.30 | \$6.00 | \$10,308.00 | \$20.00 | \$34,360.00 | \$12.86 | \$22,093.48 |
| 28 | 97 | SY | 6" Thick HMA Repair per BCS Detail ST4-01 (Quantity based on 6' wide section per linear foot of sewer line installed under existing pavement, where noted) | \$65.00 | \$6,305.00 | \$69.00 | \$6,693.00 | \$70.00 | \$6,790.00 | \$58.44 | \$5,668.68 |
| 29 | 1,000 | LF | Gravel Bedding for Trench Dewatering System (ONLY to be used as Authorized by Engineer on an as-needed basis) | \$9.55 | \$9,550.00 | \$12.00 | \$12,000.00 | \$15.00 | \$15,000.00 | \$29.00 | \$29,000.00 |
| 30 | 4,920 | SY | 2-Course Surface Treatment including all pavement and base preparation to re-surface areas designated on Sheets ST-1 through ST-3 (also see FIRST COURSE SURFACE TREATMENT and SECOND COURSE SURFACE TREATMENT specifications) | \$9.90 | \$48,708.00 | \$10.00 | \$49,200.00 | \$10.00 | \$49,200.00 | \$8.20 | \$40,344.00 |
| SANITARY SEWER ITEMS SUBTOTAL | | | | \$1,283,704.75 | | \$1,599,487.00 | | \$1,099,390.50 | | \$1,704,558.61 | |
| GRAND TOTAL | | | | \$1,391,374.75 | | \$1,793,987.00 | | \$1,156,890.50 | | \$1,821,048.61 | |
| Bid Certification | | | | Y | | Y | | Y | | Y | |
| Bid Bond | | | | Y | | Y | | Y | | Y | |
| Exceptions | | | | | | Line item 4 has been corrected using the unit price. Correction is highlighted in blue. | | | | | |

Royder-Live Oak Sewer Extension





Legislation Details (With Text)

File #: 14-281 **Version:** 1 **Name:** Council Chambers A/V Upgrade
Type: Contract **Status:** Agenda Ready
File created: 2/19/2014 **In control:** City Council Regular
On agenda: 2/27/2014 **Final action:**
Title: Presentation, possible action, and discussion regarding the purchase of services and equipment for upgrading the Audio Visual capabilities of the Council Chambers and approval of the contract with Avinext in the amount of \$120,731.58.
Sponsors:
Indexes:
Code sections:
Attachments:

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Presentation, possible action, and discussion regarding the purchase of services and equipment for upgrading the Audio Visual capabilities of the Council Chambers and approval of the contract with Avinext in the amount of \$120,731.58.

Relationship to Strategic Goals: (Select all that apply)

- Core Services and Infrastructure

Recommendation(s): Staff Recommends Approval.

Summary: The last upgrade to the A/V equipment in the Council Chambers was in 2005. Most of the equipment is at or beyond end of life and a wholesale replacement and upgrade is needed. This project will replace obsolete equipment and upgrade displays, including placing displays in the hall area to accommodate larger audiences. Also included is the capability for remote video conferencing capability for councilmember remote participation.

Major changes included in this upgrade include the following:

- Replace all obsolete electronic equipment (recently purchased amplifiers and digital signal processor will not be replaced)
- Replace control system with the latest reliable equipment
- Replace main projector that shows the audience display and permanently mount a display screen on the wall
- Replace the speaker's podium with an enclosed unit
- Increase the number of wireless mics and receivers to accommodate joint Council/P&Z meetings
- Replace existing 4 video cameras and add one additional camera
- Remove the pivot arm monitors from the dais and replace with individual monitors
- Add Video Conference capability that meets HB 2414 remote participation requirements

- Remove projector that shows TV Chl 19 (back wall) and replace with 75" LCD display
- Add two audience displays in the hallway to accommodate overflow crowds

Budget & Financial Summary: The FY 14 IT Operations Budget includes funding in the amount of \$147,301 for this upgrade. Preliminary review indicates that \$72,257.40 of the contract amount can be paid using the city's Educational & Governmental (EG) Fund that is dedicated to TV-19.

Reviewed and Approved by Legal: Yes

Attachments:

1. Avinext Contract is on file in the City Secretary's Office



Legislation Details (With Text)

File #: 14-282 **Version:** 1 **Name:** Update Water Tap Fees
Type: Ordinance **Status:** Agenda Ready
File created: 2/19/2014 **In control:** City Council Regular
On agenda: 2/27/2014 **Final action:**
Title: Presentation, possible action, and discussion regarding updating water tap fees to reflect current costs.
Sponsors:
Indexes:
Code sections:
Attachments: [Ordinance](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Presentation, possible action, and discussion regarding updating water tap fees to reflect current costs.

Relationship to Strategic Goals: (Select all that apply)

- Core Services and Infrastructure
- Diverse Growing Economy

Recommendation(s): Approve updated tap fees.

Summary: Water Tap Fees are in place to reimburse City crews for the materials and labor they provide when setting water meters and meter boxes for new water service taps. These fees have not been updated for over ten years, and with material price increases, and higher prices for electronic meters, the fees need to be increased. City staff has discussed this situation with the Homebuilders Association, and they are in agreement with the updated fees, based on a delayed implementation schedule, as shown:

| Size | Existing Fee | Total Updated Fee | Effective 1 Mar 2014 | Effective Oct 2014 | Effective Oct 2015 |
|-------|--------------|-------------------|----------------------|--------------------|--------------------|
| 3/4" | \$400 | ----- \$607 | \$430 | \$530 | \$607 |
| 1" | \$500 | ----- \$739 | \$620 | \$739 | \$739 |
| 1.5." | \$800 | ----- \$2,001 | \$1,401 | \$2,001 | \$2,001 |
| 2" | \$1,500 | ----- \$2,961 | \$2,231 | \$2,961 | \$2,961 |

Budget & Financial Summary:

Attachments:

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 11, "UTILITIES" OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING SECTION 2(D)(4)(a)(i) AS SET OUT BELOW; PROVIDING FOR AN INCREASE IN WATER TAP FEES; AND PROVIDING AN EFFECTIVE DATE.

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

- PART 1: That Chapter 11, "Utilities" Sections 2(D)(4)(a)(i) 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 all previous ordinances in direct conflict with this ordinance are hereby superseded and repealed.
- 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: New rates are effective March 1, 2014.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2014.

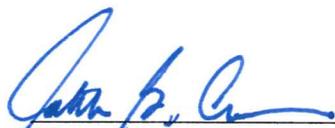
APPROVED:

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

APPROVED:



City Attorney

Exhibit A

- (i) The water tap service charge shall apply to all connections to the water system requiring a tap to be made to the water main, construction of the service line and meter set-in.

Service Charge for Water Tap:

| Tap Size | Charge |
|------------|---------|
| 3/4 inch | \$ 430 |
| 1 inch | \$ 620 |
| 1 1/2 inch | \$1,401 |
| 2 inch | \$2,231 |



Legislation Details (With Text)

File #: 14-283 **Version:** 1 **Name:** Project Manager Contract Termination
Type: Contract **Status:** Agenda Ready
File created: 2/19/2014 **In control:** City Council Regular
On agenda: 2/27/2014 **Final action:**
Title: Presentation, possible action, and discussion regarding the ratification to terminate the Spherion Staffing LLC contract (13-370).
Sponsors:
Indexes:
Code sections:
Attachments: [Termination Letter](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Presentation, possible action, and discussion regarding the ratification to terminate the Spherion Staffing LLC contract (13-370).

Relationship to Strategic Goals: (Select all that apply)

- Financially Sustainable City
- Core Services and Infrastructure

Recommendation(s): Staff recommends termination of the contract.

Summary: The City contracted with Spherion Staffing LLC to provide a specified Project Manager, Daniel Bethapudi, to lead the City’s ERP implementation efforts. Daniel Bethapudi was recently selected for the role of Assistant Director of Electric Utility. This personnel action requires that he transition from his role as Independent Contractor to that of a City employee. The intended start date is March 24, 2014. Terminating the contract prior to that date is necessary for this transition to occur. The Spherion contract required a thirty day notice to terminate. City Manager executed and sent the notice to meet this contract requirement in advance of the City Council’s regularly scheduled Council meeting. Staff is currently reviewing options for filling the ERP Project Manager role and will come back to Council for any needed approvals.

Budget & Financial Summary: The Spherion Staffing LLC contract was allocated a total of \$814,597. This contract termination will dissolve the original financial commitment of contract 13-370.

Reviewed and Approved by Legal: Yes

Attachments:

1. 30 Day Notice of Termination of Contract Letter



12 February 2014
Via Certified Mail

Spherion
Mr. Justin Kleemann
License Owner
4101 South Texas Avenue, Suite B
Bryan, TX 77802

Re: Thirty Day Notice of Termination of Contract No. 13-370

Dear Mr. Kleemann:

The City of College Station is terminating for convenience its contract with Spherion Staffing, LLC (Contract No. 13-370), pursuant to paragraph 1.

The City will compensate Spherion for services performed, according to paragraphs 5 and 8 of the contract.

Should you have questions or need additional information, please contact our Human Resources Department by calling (979) 764-3517.

Sincerely,

Kelly Templin
City Manager
City of College Station

CC: Spherion Staffing, LLC
2015 South Park Place
Attn: Legal Department
Atlanta, GA 30339

Mr. Jeff Kersten
CFO/Assistant City Manager

Cheryl Turney
Asst. Director of Fiscal Services

the heart of the Research Valley

P.O. BOX 9960
1101 TEXAS AVENUE
COLLEGE STATION • TEXAS • 77842
979.764.3510
www.cstx.gov



Legislation Details (With Text)

File #: 14-284 **Version:** 1 **Name:** Annual Price Agreement for Wire and Cable
Type: Renewal **Status:** Agenda Ready
File created: 2/19/2014 **In control:** City Council Regular
On agenda: 2/27/2014 **Final action:**

Title: Presentation, possible action and discussion regarding the second renewal of the annual price agreement for wire and cable with Techline for an amount not to exceed \$809,550.

Sponsors:

Indexes:

Code sections:

Attachments: [Renewal Acceptance Letter](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Presentation, possible action and discussion regarding the second renewal of the annual price agreement for wire and cable with Techline for an amount not to exceed \$809,550.

Relationship to Strategic Goals: (Select all that apply)

- Financially Sustainable City
- Core Services and Infrastructure

Recommendation(s): Staff recommends the second renewal of the annual price agreement for wire and cable with Techline in an amount not to exceed \$809,550.

Summary: The original award to Techline was approved by Council on March 8, 2012, Item 2e. The first renewal was approved by Council on February 28, 2013 Item 2i. This will be the second and final renewal term, as allowed in the terms of the price agreement. These purchases will be made as needed during the term of the agreement. The various electric wire and cable items are maintained in Electrical Inventory in an inventory account and expensed as necessary.

Budget & Financial Summary: Funds are budgeted and available in the Electrical Fund. Various projects may be expensed as supplies are pulled from inventory and issued.

Reviewed and Approved by Legal: N/A

Attachments:

1. Renewal Acceptance Letter

.....

RENEWAL ACCEPTANCE

By signing herewith, I acknowledge and agree to renew Bid 12-036, Annual Price Agreement for Wire and Cable, in accordance with all terms and conditions previously agreed to and accepted, for an amount not to exceed Eight Hundred Nine Thousand Five Hundred Fifty and No/100 Dollars (\$809,550.00).

I understand this renewal term will be for the period beginning March 8, 2014 through March 7, 2015. This is the second renewal.

TECHLINE

By: 
Printed Name: Gary Troxell
Title: Sales
Date: 2/7/14



Legislation Details (With Text)

File #: 14-285 **Version:** 1 **Name:** Authorization and Designation for U. S. Department of Housing and Urban Development

Type: Resolution **Status:** Agenda Ready

File created: 2/19/2014 **In control:** City Council Regular

On agenda: 2/27/2014 **Final action:**

Title: Presentation, possible action, and discussion regarding a resolution to authorize and designate the City Manager to sign all required Action Plan applications, grant agreements, certifications, evaluations, and other forms and agreements required by the U. S. Department of Housing and Urban Development for all Community Planning and Development Grant Programs for program years 2007 - 2013 on behalf of the City of College Station.

Sponsors:

Indexes:

Code sections:

Attachments: [Resolution Authorization and Designation for U. S. Department of Housing and Urban Development](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Presentation, possible action, and discussion regarding a resolution to authorize and designate the City Manager to sign all required Action Plan applications, grant agreements, certifications, evaluations, and other forms and agreements required by the U. S. Department of Housing and Urban Development for all Community Planning and Development Grant Programs for program years 2007 - 2013 on behalf of the City of College Station.

Relationship to Strategic Goals: (Select all that apply)

- Financially Sustainable City
- Core Services and Infrastructure
- Neighborhood Integrity
- Diverse Growing Economy

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

Summary: This resolution will provide the authority for the City Manager to execute all documents related to all Community Planning and Development grant programs for program years 2007 - 2013. The resolutions approved by City Council in 2012 - 2013 provided authorization to the Executive Director of Planning and Development Services and did not contain sufficient language to cover all documents.

Budget & Financial Summary: None

Reviewed and Approved by Legal: N/A

Attachments:

1. Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF COLLEGE STATION, TEXAS, AUTHORIZING AND DESIGNATING THE CITY MANAGER TO SIGN ALL REQUIRED ACTION PLAN APPLICATIONS, GRANT AGREEMENTS, CERTIFICATIONS, EVALUATIONS, AND OTHER FORMS AND AGREEMENTS REQUIRED BY THE U.S. DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT FOR ALL COMMUNITY PLANNING AND DEVELOPMENT GRANT PROGRAMS FOR PROGRAM YEARS 2007 – 2013.

WHEREAS, the City of College Station is entitled to receive Community Development Block Grant (CDBG) funds, Community Development Block Grant Recovery Funds (CDBG-R), and Home Investment Partnership Program (HOME) funds from the United States Department of Housing and Urban Development (HUD) in program years 2007 – 2013; and

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

PART 1: That the City Council hereby authorizes and designates the City Manager to sign all required Action Plan applications, grant agreements, certifications, evaluations, and other forms and agreements required by the U. S. Department of Housing and Urban Development for all Community Planning and Development Grant Programs for program years 2007 – 2013 on behalf of the City of College Station.

PART 2: That this resolution shall take effect immediately from and after its passage.

ADOPTED this _____ day of _____, 2014.

APPROVED

ATTEST:

Mayor

City Secretary

APPROVED:



City Attorney



Legislation Details (With Text)

File #: 14-286 **Version:** 1 **Name:** Explorer Pipeline Encroachment
Type: Agreement **Status:** Agenda Ready
File created: 2/20/2014 **In control:** City Council Regular
On agenda: 2/27/2014 **Final action:**
Title: Presentation, possible action and discussion regarding approval of an Encroachment Agreement between Explorer Pipeline Co., the City of College Station, Dos Dorado Development, LLC d/b/a 3-D Development and BCS Development Co. permitting an extension of WS Phillips Parkway to encroach into an existing pipeline easement.
Sponsors:
Indexes:
Code sections:
Attachments: [Encroachment Agreement BCS signed](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Presentation, possible action and discussion regarding approval of an Encroachment Agreement between Explorer Pipeline Co., the City of College Station, Dos Dorado Development, LLC d/b/a 3-D Development and BCS Development Co. permitting an extension of WS Phillips Parkway to encroach into an existing pipeline easement.

Relationship to Strategic Goals: (Select all that apply)

- Core Services and Infrastructure
- Improving Mobility

Recommendation(s): Staff recommends approval.

Summary: In compliance with the City’s Thoroughfare Plan, an extension of WS Phillips Parkway is planned as part of the development of property owned by 3-D Development, BCS Development and CSISD. The planned extension of WS Phillips traverses property owned by 3D, BCS Development and the City of College Station (Phillips Park) and will cross an existing pipeline easement owned by Explorer Pipeline Co. necessitating an encroachment agreement between these four parties agreeing to the terms and conditions for locating the improvements in the pipeline easement.

Southern portions of WS Phillips Parkway have been constructed by 3-D Development through Castlegate II Subdivisions and BCS Development Co. plans to extend the parkway north to connect to Barron Road through Bridgewood Subdivision which is planned to include the next CSISD elementary school.

On January 23rd, Council approved a related item adopting a resolution to allow the subject extension of WS Phillips Parkway to encroach in Phillips Park. The park encroachment and pipeline easement encroachment relate to the same road and pipeline design constraints and in same proximity.

Budget & Financial Summary: N/A

Reviewed and Approved by Legal: Yes

Attachments:

1. Encroachment Agreement

When Filed Return To:
Patrick Nwakoby
EXPLORER Pipeline Company
P.O. Box 2650
Tulsa, Oklahoma 74101

ENCROACHMENT AGREEMENT

STATE OF TEXAS }
 }
COUNTY OF BRAZOS }

KNOW ALL PERSONS BY THESE PRESENTS:

WHEREAS, by instrument styled "Right-of-Way" and dated March 10, 1947 and recorded at Volume 132, Page 29 of the Deed Records of Brazos County, Texas, Mrs. Mit Dansby and Mit Dansby created a blanket easement in favor of Sinclair Refining Company, and by instrument styled "Partial Release of Easement Rights" and dated April 2, 2010, recorded in Volume 9565, Page 135 of the Deed Records of Brazos County, Texas, the original blanket easement was modified to a defined fifty foot (50') pipeline easement ("**Easement**"); and

WHEREAS, Explorer Pipeline Company, a Delaware Corporation ("**Explorer**"), is successor-in-interest to Sinclair Refining Company and to the Easement; and

WHEREAS, Dos Dorado Development, LLC, a Texas limited liability company doing business as 3-D ("**Developer**"), has prepared plans to construct a roadway, utilities, walkways and/or sidewalks ("**Improvements**") on real property owned by BCS Development Co ("**BCS**"), Developer and the City of College Station ("**City**") , collectively, Developer, BCS and City are referred to as "Grantees"; and

WHEREAS, the real property on which the Improvements are to be constructed is more particularly described herein at Exhibit A attached hereto and incorporated herein for all purposes, said real property being inclusive of a tract of land owned by the City and a tract of land owned by BCS and a tract of land owned by Developer, each of which are described on Exhibit A ("**Property**"); and

WHEREAS, a portion of the Property is designated as park land by the City, and the City has granted a permit to allow for the construction of the Improvements on the Property; and

WHEREAS, in conjunction with the development activities over the Property, it is necessary that certain Improvements be constructed by Developer across the Easement as set forth on Exhibit B attached hereto; and

WHEREAS, the City, Developer and Explorer wish to work with and cooperate with each other in order to ensure that the Improvements over the Easement are constructed, maintained used and operated in a compatible and safe manner.

NOW, THEREFORE, in consideration of the premises and supplemental agreements hereinafter made, Explorer does hereby grant permission to Grantees to construct the Improvements over the Easement, subject to the following terms and conditions:

1. Explorer's area office shall receive notice via a "One-Call" (dial 811) at least forty-eight (48) hours in advance of the commencement of any construction over the Easement in order that a field representative of Explorer may be present at such time; provided, however, that in the event of an Emergency, the City shall notify Explorer's area office no later than ten (10) days after the last day of the Emergency, along with information that describes the circumstances of the Emergency. An Emergency is defined as sudden unforeseeable damage or malfunction of a portion of the Improvements that create a threat to life, health or property. Developer shall contact Explorer's representative at the office indicated below:

Mr. Rick Wright
Houston Area Manager
15003 Moore Road, Route 25
Houston, Texas 77049
(918) 591-3122

2. Explorer understands and agrees that the City is a "Governmental Unit" as that term is defined in Section 101.001(3) of the Texas Civil Practice and Remedies Code. Explorer further understands and agrees that the City is entitled to the, rights, protections and limitations which Title 5 of the Texas Civil Practice and Remedies Code provides for Governmental Units, including the protections and limitations afforded under Chapter 101 of the Texas Civil Practice and Remedies Code. Subject to Title 5 of the Texas Civil Practice and Remedies Code and to the extent permitted by law, City agrees to indemnify and hold Explorer and its officers, directors, employees, and agents harmless from claims, demands, causes of action, suits, damages, costs, and attorney fees, in favor of any third party, except to the degree such injury, death or damage was caused by the negligence or willful misconduct of Explorer, its agents, servants or employees, subject to the condition that City's obligation to indemnify extends only to those claims, demands, suits, causes of action, damages, costs, or attorney fees, which arise out of or are connected with its own acts of negligence or willful misconduct. Notwithstanding anything which may be construed to the contrary herein, City's liability to indemnify will only exist to the extent and to the limits that it would itself otherwise be exposed to liability under Title 5 of the Texas Civil Practice and Remedies Code.
3. Developer agrees to indemnify and hold Explorer and its officers, directors, employees, and agents harmless from claims, demands, causes of action, suits, damages, costs, and attorney fees, in favor of any third party, except to the degree such injury, death or damage was caused by the negligence or willful misconduct of Explorer, its agents, servants or employees, subject to the condition that Developer's obligation to indemnify extends only to those claims, demands, suits, causes of action, damages, costs, or attorney fees, which arise out of or are connected with its own acts of negligence or willful misconduct.

4. Developer shall not permit any machine excavation nor allow heavy equipment to work within the Easement without prior approval of Explorer's field representative.
5. Developer shall include the following warning on all construction prints involving construction over the Easement:

"WARNING"!!! EXPLORER'S 10-Inch High-Pressure Petroleum Products Pipeline. Contact Houston Area Manager, (918) 591-3122, at least 48 Hours before Any Construction near Pipeline Begins."

6. Any slabs, pavements, sidewalks, landscaping, or any other portion of the Improvements located within the Easement that have to be removed for access to the Easement for emergency or maintenance purposes, shall be removed and replaced at Grantee's sole expense.
7. Developer will be responsible for any future repairs required to correct erosion that is due to Developer's activities. Upon issuance of the Letter of Acceptance by the City Engineer, the City, will be responsible for any future repairs required to correct erosion that is due to lack of proper erosion control measures.
8. No water will be impounded or buildings located over the Easement.
9. With regards to the existing grade level of Explorer's right-of-way, At no time will Grantees remove any cover therefrom, or add cover thereto, that would cause the total cover to be less than three feet, or more than six feet over the pipeline without prior approval from Explorer's field agent.
10. The minimum vertical clearance between Explorer's pipe and proposed underground encroachments through Explorer's right-of-way (utility lines, other pipes, and similar infrastructure) is 24". Unless required for proper operation (e.g. drainage), such encroachments will be of uniform depth for the full width of Easement. Such encroachments shall cross under Explorer's pipe whenever possible.
11. The minimum vertical clearance above Easement finished grade and proposed above ground encroachments (utility lines, other pipes, and similar infrastructure) is 25 feet. No power poles or other utility structures shall be located within Easement unless approved in writing by Explorer's field agent, which approval shall not be unreasonably withheld.
12. As much clearance as possible should be maintained between Explorer's pipe and any underground electrical conductors. If installation is under Explorer's pipe, conductors shall be encased in steel conduit and covered with a 6" minimum layer of red concrete. Concrete may be omitted when crossing under Explorer's pipe with at least 48" between top of steel conduit and bottom of pipe, or 72" separation for boring with non-steel conduit. Should it be impractical to install the conductor under Explorer's pipeline, it may be installed above Explorer's pipeline provided the 24" minimum clearance is obtained to the bottom of a 12" minimum layer of red concrete containing the centralized steel conduit. All conductors

including the bare copper neutral shall be insulated for maximum circuit voltage in the vicinity of the pipeline.

13. The planting of shrubbery or other small plants over the Easement shall be permitted without the necessity of Explorer's consent; provided, however, trees and other large plants with large root systems shall not be planted over the Easement without the prior written consent of Explorer.
14. After GRANTEE completes installation of all construction, GRANTEE will provide Explorer with three copies of as-built plans showing all underground and above-ground encroachments.
15. The planting of shrubbery or other small plants over the Easement shall be permitted without the necessity of Explorer's consent; provided, however, trees and other large plants with large root systems shall not be planted over the Easement without the prior written consent of Explorer.
16. Grantees agree that if the express conditions of this Encroachment Agreement are violated by any Grantee, Explorer may seek equitable relief compelling all Grantees to comply with the terms of this Encroachment Agreement.
17. Except as expressly set forth herein, nothing in this document shall be considered consent to suit by City, or a waiver of City's sovereign immunity.
18. The Parties agree that this document is considered a written agreement pursuant to Texas Health & Safety Code § 756.123.
19. This Encroachment Agreement will not become valid until it is fully executed by all of the parties and is filed of record in Brazos County, Texas.
20. This Encroachment Agreement may be signed in a number of counterparts, each of which shall be an original for all purposes, but all of which taken together shall constitute only one agreement. The production of any executed counterpart of this Encroachment Agreement shall be sufficient for all purposes without producing or accounting for the other counterparts hereof.
21. All other rights described in Easement remain unchanged.

The terms, conditions, and provisions of this Encroachment Agreement shall extend to and be binding upon the heirs, executors, administrators, personal representatives, successors and assigns of the parties hereto.

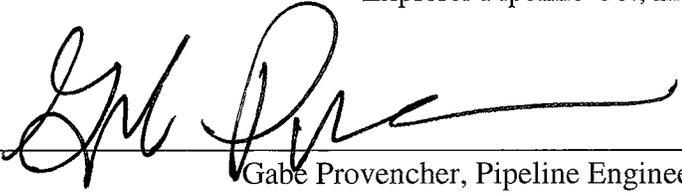
IN WITNESS WHEREOF, the parties herein have executed this Encroachment Agreement to be effective on the ____ day of _____, 2014.

[Signature Pages Follow]

IN WITNESS WHEREOF,
Explorer has executed this instrument this 20th day of February, 2014

WITNESS:

Explorer Pipeline Co., Inc.

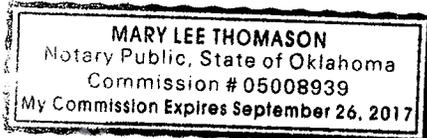

Gabe Provencher, Pipeline Engineer

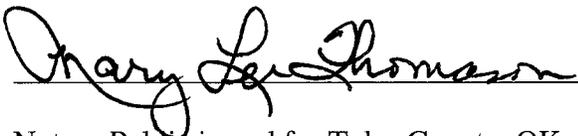
State of Oklahoma

County of Tulsa

BEFORE ME, the undersigned authority, on this day personally appeared **Gabe Provencher**, known to me to be the persons whose name is subscribed to the foregoing instrument, and acknowledged to me that he executed the same for the purposes and consideration therein expressed.

GIVEN under my hand and seal of office, this 20th day of February, 2014.




Notary Public in and for Tulsa County, OK

My commission expires: 09-26-2017

BCS Development Co

By:

Name:

Title:

[Handwritten signature]

RANDY FRENCH

PRESIDENT

STATE OF TEXAS

COUNTY OF BRAZOS

}
}
}

BEFORE me, the undersigned authority, a Notary Public in and for said County and State, on this 19 day of February, 2014, personally appeared Randy French known to me to be the identical person(s) who executed the within and foregoing instrument, on behalf of BCS Development Co. as its President and acknowledged to me that he executed the same as his free and voluntary act and deed for the uses and purposes therein set forth.

GIVEN under my hand and seal the day and year last above written.

[Handwritten signature]

Notary Public

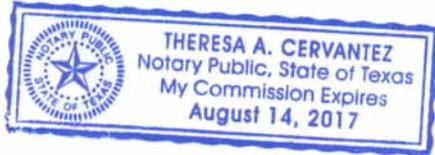
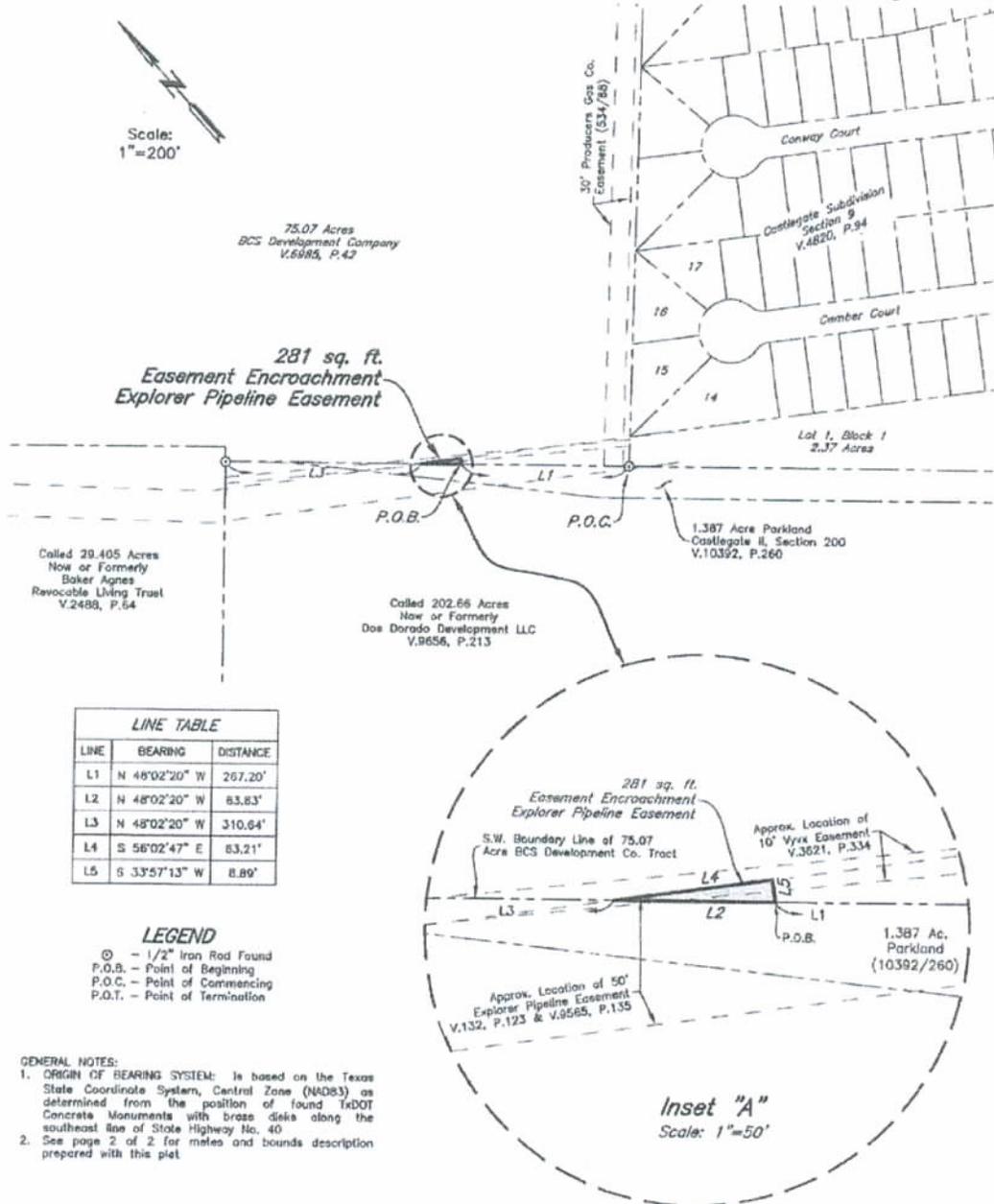


EXHIBIT A

Real Property

[Three pages to following with the legal description of the real property owned by BCS, the Developer and the City.]



FIELD NOTES
281-SQUARE FOOT ENCROACHMENT
OF EXPLORER PIPELINE EASEMENT

Being all that certain tract, parcel or easement of land, lying and being situated in the ROBERT STEVENSON SURVEY, Abstract No. 54, College Station, Brazos County, Texas, and being a part of the 75.07 acre tract described in the deed from Wayne A. Dunlap, et al to BCS Development Company recorded in Volume 6985, Page 42, of the Official Records of Brazos County, Texas (O.R.B.C.), and being more particularly described by metes and bounds as follows:

COMMENCING: at a found 1/2-inch iron rod marking the south corner of the said 75.07 acre BCS Development Company tract, the west corner of CASTLEGATE SUBDIVISION, SECTION 9 as recorded in Volume 4820, Page 94 (O.R.B.C.) and being in the northeast line of the 1.387 acre Parkland tract as depicted on the Final Plat of CASTLEGATE II SUBDIVISION, SECTION 200, recorded in Volume 10392, Page 260 (O.R.B.C.);

THENCE: N 48° 02' 20" W along the common line of the said 75.05 acre BCS Development Company tract and the said 1.387 acre Parkland tract for a distance of 267.20 feet to the POINT OF BEGINNING of this 281-square foot encroachment easement;

THENCE: N 48° 02' 20" W continuing along said common line for a distance of 63.83 feet to the most northern corner of the herein described tract, said corner also lies in the north line of a 50-foot wide Explorer Pipeline Easement recorded in Volume 132, Page 123 of the Brazos County Deed Records (B.C.D.R.), from whence a found 1/2-inch iron rod marking the north corner of the called 202.66 acre Dos Dorado Development, LLC tract recorded in Volume 9656, Page 213 (O.R.B.C.) bears N 48° 02' 20" W at a distance of 310.64 feet for reference;

THENCE: S 56° 02' 47" E into the interior of the said 75.07 acre BCS Development Company tract and along the north line of the said 50-foot wide Explorer Pipeline Easement for a distance of 63.21 feet for corner;

THENCE: S 33° 57' 13" W for a distance of 8.89 feet to the POINT OF BEGINNING and containing 281 square feet of land, more or less, according to a survey made on the ground under the supervision of Kevin R. McClure, Registered Professional Land Surveyor, State of Texas, No. 5650, in January 2014.



METES AND BOUNDS DESCRIPTION
OF A
0.378 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 202.66 ACRE TRACT AS DESCRIBED BY A DEED TO DOS DORADO DEVELOPMENT, LLC RECORDED IN VOLUME 9656, PAGE 213 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS.

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

COMMENCING AT A 1/2 INCH IRON ROD FOUND ON THE SOUTHWEST LINE OF A CALLED 75.07 ACRE TRACT AS DESCRIBED BY A DEED TO BCS DEVELOPMENT CO. RECORDED IN VOLUME 6985, PAGE 42 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, MARKING THE NORTH CORNER OF SAID REMAINDER OF 202.66 ACRE TRACT AND THE EAST CORNER OF A CALLED 29.405 ACRE TRACT AS DESCRIBED BY A DEED TO THE AGNES C. BAKER REVOCABLE LIVING TRUST RECORDED IN VOLUME 2488, PAGE 64 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, FOR REFERENCE A 1/2 INCH IRON ROD FOUND ON THE NORTHEAST LINE OF SAID REMAINDER OF 202.66 ACRE TRACT MARKING THE SOUTH CORNER OF SAID 75.07 ACRE TRACT BEARS: S 48° 03' 31" E FOR A DISTANCE OF 642.02 FEET;

THENCE: S 41° 56' 44" W ALONG THE COMMON LINE OF SAID REMAINDER OF 202.66 ACRE TRACT AND SAID 29.405 ACRE TRACT FOR A DISTANCE OF 43.93 FEET TO A POINT ON THE NORTHEAST LINE OF A 50.00 FOOT WIDE PIPELINE EASEMENT AS DESCRIBED IN VOLUME 9565, PAGE 135 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, MARKING THE **POINT OF BEGINNING** OF THIS HEREIN DESCRIBED TRACT;

THENCE: S 56° 05' 16" E THROUGH SAID REMAINDER OF 202.66 ACRE TRACT AND ALONG THE NORTHEAST LINE OF SAID PIPELINE EASEMENT FOR A DISTANCE OF 224.41 FEET TO THE SOUTHWESTERLY LINE OF A TRACT OF LAND DEDICATED TO THE CITY OF COLLEGE STATION FOR PARKLAND;

THENCE: S 42° 16' 24" E ALONG THE COMMON LINE OF SAID REMAINDER OF 202.66 ACRE TRACT AND SAID PARKLAND DEDICATION TRACT FOR A DISTANCE OF 209.40 FEET TO THE SOUTHWEST LINE OF SAID PIPELINE EASEMENT;

THENCE: N 56° 05' 16" W THROUGH SAID REMAINDER OF 202.66 ACRE TRACT AND ALONG THE SOUTHWEST LINE OF SAID PIPELINE EASEMENT FOR A DISTANCE OF 434.81 FEET TO THE COMMON LINE OF SAID REMAINDER OF 202.66 ACRE TRACT AND SAID 29.405 ACRE TRACT, FOR REFERENCE A 1/2 INCH IRON ROD FOUND MARKING THE WEST CORNER OF SAID REMAINDER OF 202.66 ACRE TRACT BEARS: S 41° 56' 44" W FOR A DISTANCE OF 2011.93 FEET;

THENCE: N 41° 56' 44" E ALONG THE COMMON LINE OF SAID REMAINDER OF 202.66 ACRE TRACT AND SAID 29.405 ACRE TRACT FOR A DISTANCE OF 50.50 FEET TO THE **POINT OF BEGINNING** CONTAINING 0.378 OF AN ACRE OF LAND, MORE OR LESS. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION. SEE PLAT PREPARED FEBRUARY 2014 FOR MORE DESCRIPTIVE INFORMATION.

BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4502
D:\work\14-092.mab



Real Property Owned by The City

METES AND BOUNDS DESCRIPTION
OF A
7898 SQUARE FOOT 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 1.387 ACRE PARKLAND DEDICATION AREA AS REFLECTED ON THE PLAT OF CASTLEGATE II SUBDIVISION, SECTION 200, RECORDED IN VOLUME 10392, PAGE 260 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS.

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

COMMENCING AT A 1/2 INCH IRON ROD FOUND ON THE SOUTHWEST LINE OF A CALLED 75.07 ACRE TRACT AS DESCRIBED BY A DEED TO BCS DEVELOPMENT CO. RECORDED IN VOLUME 6985, PAGE 42 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, MARKING THE NORTH CORNER OF THE REMAINDER OF A CALLED 202.66 ACRE TRACT AS DESCRIBED BY A DEED TO DOS DORADO DEVELOPMENT, LLC RECORDED IN VOLUME 9656, PAGE 213 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, AND THE EAST CORNER OF A CALLED 29.405 ACRE TRACT AS DESCRIBED BY A DEED TO THE AGNES C. BAKER REVOCABLE LIVING TRUST RECORDED IN VOLUME 2488, PAGE 64 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, FOR REFERENCE A 1/2 INCH IRON ROD FOUND MARKING THE WEST CORNER OF SAID REMAINDER OF 202.66 ACRE TRACT BEARS: S 41° 56' 44" W FOR A DISTANCE OF 2106.35 FEET,

THENCE: S 48° 03' 31" E ALONG THE COMMON LINE OF SAID REMAINDER OF 202.66 ACRE TRACT AND SAID 75.07 ACRE TRACT FOR A DISTANCE OF 66.38 FEET TO THE NORTH CORNER OF SAID 1.387 ACRE PARKLAND DEDICATION TRACT AND THE POINT OF BEGINNING OF THIS HEREIN DESCRIBED TRACT;

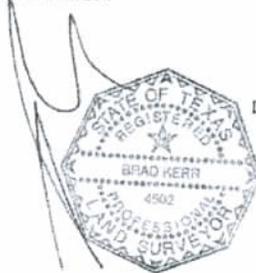
THENCE: S 48° 03' 31" E ALONG THE COMMON LINE OF SAID PARKLAND TRACT AND SAID 75.07 ACRE TRACT FOR A DISTANCE OF 425.18 FEET TO THE MOST EASTERLY CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE: S 41° 56' 29" W ACROSS SAID PARKLAND TRACT FOR A DISTANCE OF 39.88 FEET TO THE NORTHEAST LINE OF W. S. PHILLIPS PARKWAY (101' R.O.W.) MARKING THE MOST SOUTHERLY CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE: N 42° 16' 24" W ALONG THE NORTHEAST LINE OF W. S. PHILLIPS PARKWAY FOR A DISTANCE OF 363.98 FEET TO THE BEGINNING OF A COUNTERCLOCKWISE CURVE HAVING A RADIUS OF 625.50 FEET;

THENCE: ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 05° 47' 07" FOR AN ARC DISTANCE OF 63.16 FEET (CHORD BEARS: N 45° 09' 58" W - 63.13 FEET) TO THE POINT OF BEGINNING CONTAINING 7898 SQUARE FEET OF LAND, MORE OR LESS. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION.

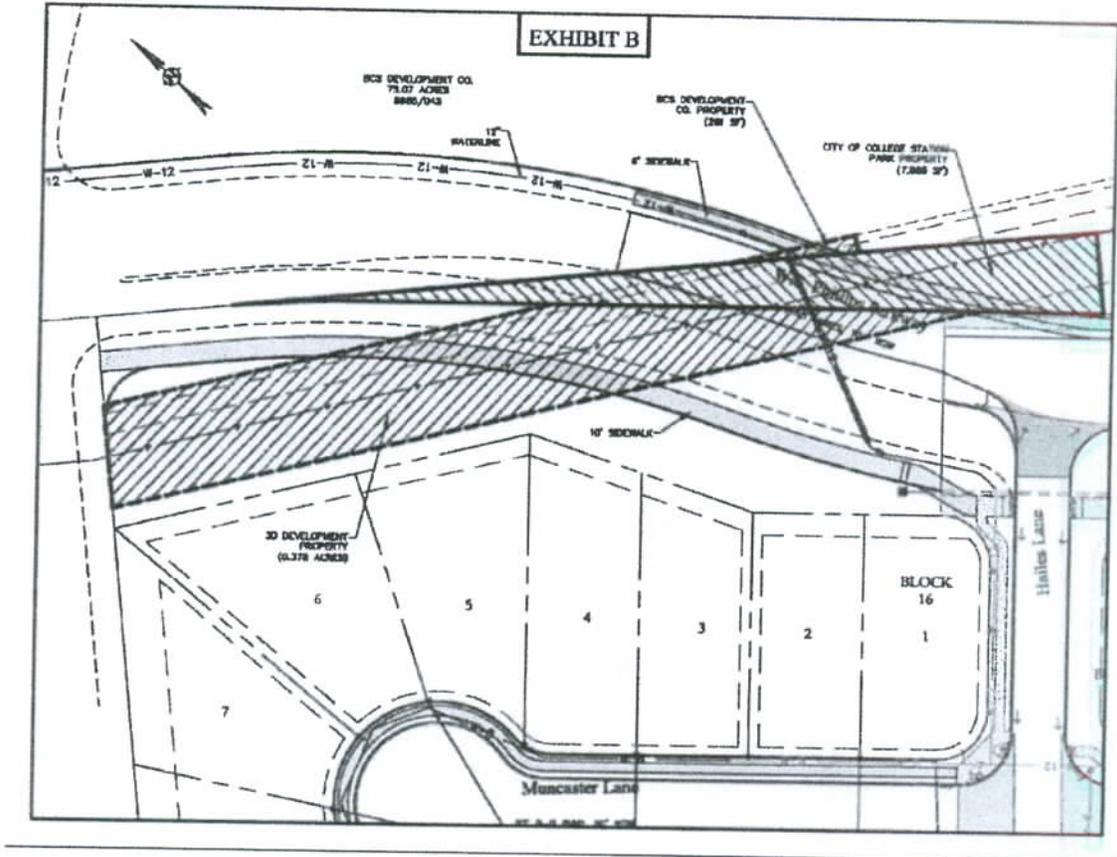
BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4502



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EXHIBIT B

Easement and Improvements





Legislation Details (With Text)

File #: 14-288 **Version:** 1 **Name:** Right-of-Way Abandonment – 807 Holleman Drive
Type: Ordinance **Status:** Agenda Ready
File created: 2/20/2014 **In control:** City Council Regular
On agenda: 2/27/2014 **Final action:**

Title: Public Hearing, presentation, possible action, and discussion approving an ordinance vacating and abandoning a 0.207-Acre portion of Hawthorne Street Right-of-Way, which is located at 807 Holleman Drive between Winding Road and Glade Street within the Woodson Village, Fifth Installment Subdivision according to the plat recorded in Volume 316, Page 353 of the Deed Records of Brazos County, Texas.

Sponsors:

Indexes:

Code sections:

Attachments: [Vicinity Map](#)
[Location Map](#)
[Ordinance](#)
[Exhibit A](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Public Hearing, presentation, possible action, and discussion approving an ordinance vacating and abandoning a 0.207-Acre portion of Hawthorne Street Right-of-Way, which is located at 807 Holleman Drive between Winding Road and Glade Street within the Woodson Village, Fifth Installment Subdivision according to the plat recorded in Volume 316, Page 353 of the Deed Records of Brazos County, Texas.

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

Summary: This Right-of-Way Abandonment as written proposes to vacate and abandon the subject portion of Hawthorne Street Right-of-Way at 807 Holleman Drive conditioned upon replatting Lot 9, Block 11 and the Hawthorne right-of-way within 180 calendar days and retaining a blanket Public Utility Easement on the entirety of the area requested to be abandoned until specific easements are dedicated. Retaining the blanket easement as noted will provide sufficient public and private utilities' coverage.

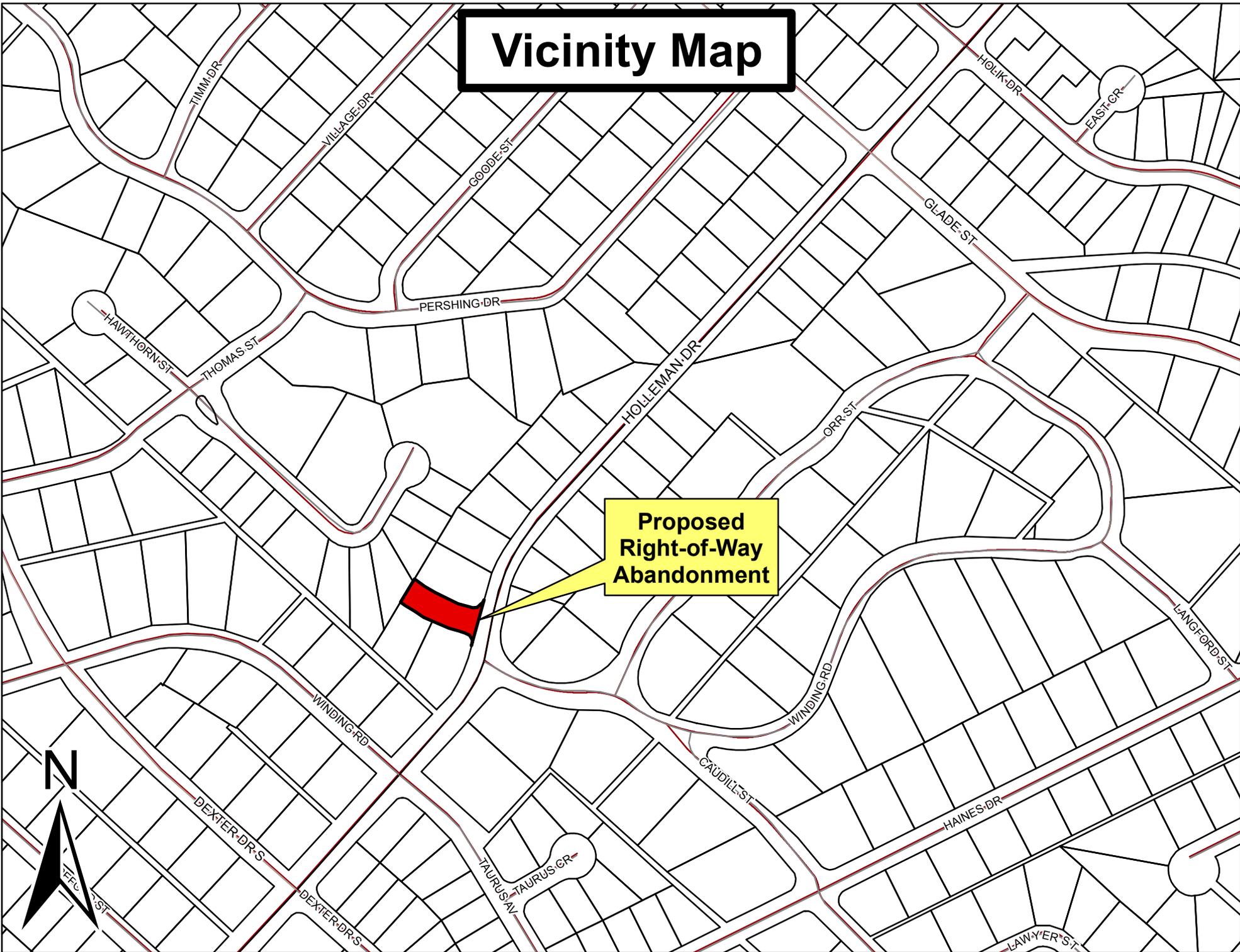
Budget & Financial Summary: N/A

Legal Reviewed and Approved: Yes

Attachments:

1. Vicinity Map
2. Location Map
3. Ordinance
4. Ordinance Exhibit "A"

Vicinity Map



Location Map

Proposed
Right-of-Way
Abandonment



ORDINANCE NO. _____

AN ORDINANCE MAKING CERTAIN AFFIRMATIVE FINDINGS AND VACATING AND ABANDONING A 0.207-ACRE PORTION OF HAWTHORNE STREET RIGHT-OF-WAY LOCATED AT 807 HOLLEMAN STREET IN THE CITY OF COLLEGE STATION, TEXAS.

WHEREAS, the City of College Station, Texas, has received an application for the vacation and abandonment of a 0.207-Acre portion of Hawthorne Street 50-foot width right-of-way, which is located at 807 Holleman Drive between Winding Road and Glade Street within the Woodson Village, Fifth Installment Subdivision according to the plat recorded in Volume 316, Page 353 of the Deed Records of Brazos County, Texas, as described in Exhibit "A" as attached hereto (such portions collectively hereinafter referred to as the "Right-of-Way"); and

WHEREAS, in order for the Right-of-Way to be vacated and abandoned by the City Council of the City of College Station, Texas, the City Council must make certain affirmative findings; now therefore,

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

PART 1: That after the opening and closing of a public hearing the City Council finds the following pertaining to the vacating and abandoning of the Right-of-Way as conditioned herein below as described in Exhibit "A" attached hereto and made a part of this Ordinance for all purposes:

1. Abandonment of the Right-of-Way will result in removal of access to 811 Holleman Drive and will necessitate replatting 811 Holleman Drive to provide such access;
2. Other than as set forth herein, there is no public need or use for the Right-of-Way;
3. Except as may be provided for in this Ordinance, there is no anticipated future public need or use for the Right-of-Way;
4. As set forth in this Ordinance, abandonment of the Right-of-Way will not impact access for all public utilities to serve current and future customers; and
5. Utility infrastructure exists within the Right-of-Way and the City has a continuing need for currently existing public utilities to remain within the Right-of-Way, and said uses are expressly not abandoned herein.

PART 2: That the 0.207-Acre Right-of-Way known as Hawthorne Street as described in Exhibit "A" is hereby vacated and abandoned by the City subject to completion of the following conditions:

1. The Applicant must replat the Hawthorne Street Right-of-Way and Lot 9, Block 11 of the Woodson Village, Fifth Installment Subdivision no later than 180 days after the date of this Ordinance;
2. The City will reserve a blanket public utility easement on the area to be abandoned as described in Exhibit "A", and the City will not abandon any easements uses until public utility easements are dedicated to the City by replat or separate instrument;

PART 3: That if the above referenced conditions are not met and satisfied then this Ordinance will automatically be null and void and the Right-of-Way will not be abandoned.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2014.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:

Adrian C. Falls

City Attorney

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

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OF LAND LYING AND BEING SITUATED IN THE CRAWFORD BURNETT LEAGUE, ABSTRACT NO. 7, COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF HAWTHORNE STREET ADJOINING LOTS 9 AND 10, BLOCK 11 AND LOT 11, BLOCK 9, WOODSON VILLAGE, FIFTH INSTALLMENT ACCORDING TO THE PLAT RECORDED IN VOLUME 316, PAGE 353 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 IN CONCRETE ON THE NORTHWEST LINE OF HOLLEMAN DRIVE (50' R.O.W.) MARKING THE EAST CORNER OF SAID LOT 10. SAID IRON ROD FOUND MARKING THE BEGINNING OF A COUNTER-CLOCKWISE CURVE HAVING A RADIUS OF 25.00 FEET. FOR REFERENCE, CITY OF COLLEGE STATION GPS MONUMENT NO. 220 BEARS: S 52° 14' 22" E FOR A DISTANCE OF 943.05 FEET;

THENCE: ALONG SAID CURVE AND ALONG THE SOUTHWEST LINE OF HAWTHORNE STREET THROUGH A CENTRAL ANGLE OF 89° 50' 30" (PLAT CALL: 90° 16' 09") FOR AN ARC DISTANCE OF 39.20 FEET (CHORD BEARS: N 31° 24' 49" W - 35.31 FEET) TO A POINT MARKING THE END POINT OF SAID CURVE AND THE BEGINNING OF A CLOCKWISE CURVE HAVING A RADIUS OF 388.63 FEET. FOR REFERENCE, A 3/8 INCH IRON ROD FOUND BEARS: S 13° 39' 55" W FOR A DISTANCE OF 0.06 FEET;

THENCE: ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 23° 37' 41" FOR AN ARC DISTANCE OF 160.27 FEET (CHORD BEARS: N 63° 59' 14" W - 159.13 FEET) TO A POINT ON THE SOUTHEAST LINE OF LOT 10, PERSHING PLACE ACCORDING TO THE PLAT RECORDED IN VOLUME 2777, PAGE 321 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. SAID POINT MARKING THE END POINT OF SAID CURVE AND THE NORTH CORNER OF SAID LOT 9. FOR REFERENCE, A 1/2 INCH IRON ROD FOUND MARKING THE WEST CORNER OF SAID LOT 9 BEARS: S 30° 43' 07" W FOR A DISTANCE OF 123.49 FEET (PLAT CALL: S 30° 41' 44" W - 123.56 FEET, 316/353) AND A 1/2 INCH IRON ROD FOUND BEARS: N 67° 30' 04" E FOR A DISTANCE OF 0.79 FEET;

THENCE: N 30° 43' 07" E ALONG THE COMMON LINE OF SAID WOODSON VILLAGE AND SAID PERSHING PLACE FOR A DISTANCE OF 50.45 FEET (PLAT CALL: N 30° 41' 44" E - 50.45 FEET, 316/353) TO A POINT MARKING THE WEST CORNER OF SAID LOT 11 AND THE BEGINNING OF A COUNTER-CLOCKWISE CURVE HAVING A RADIUS OF 338.63 FEET. FOR REFERENCE, A 1/2 INCH IRON ROD FOUND BEARS: N 22° 52' 03" E FOR A DISTANCE OF 1.25 FEET;

THENCE: ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 23° 28' 31" FOR AN ARC DISTANCE OF 138.74 FEET (CHORD BEARS: S 62° 51' 17" E - 137.78 FEET)(PLAT CALL CHORD: S 62° 51' 57" E - 137.77 FEET, 316/353) TO A 5/8 INCH IRON ROD FOUND MARKING THE END POINT OF SAID CURVE AND THE BEGINNING OF A COUNTER-CLOCKWISE CURVE HAVING A RADIUS OF 25.00 FEET;

THENCE: ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 91° 45' 12" (PLAT CALL: 91° 45' 13", 316/353) FOR AN ARC DISTANCE OF 40.03 FEET (CHORD BEARS: N 59° 31' 52" E - 35.89 FEET) TO A POINT IN AN EXISTING DRIVEWAY ON THE NORTHWEST LINE OF HOLLEMAN DRIVE. SAID POINT MARKING THE END POINT OF SAID CURVE, THE SOUTHEAST CORNER OF SAID LOT 11 AND THE BEGINNING OF A COUNTER-CLOCKWISE CURVE HAVING A RADIUS OF 425.00 FEET. FOR REFERENCE, A 5/8 INCH IRON ROD FOUND MARKING THE EAST CORNER OF SAID LOT 11 BEARS: N

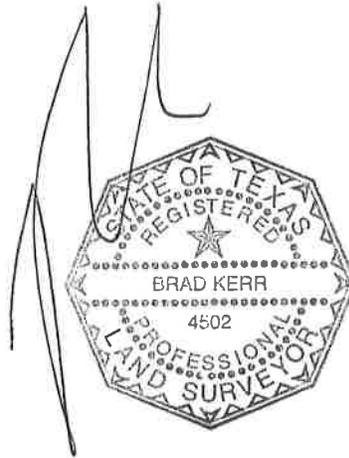
18° 02' 24" E FOR A DISTANCE OF 65.00 FEET (PLAT CALL: N 18° 01' 44" E - 65.00 FEET, 316/353);

THENCE: ALONG SAID CURVE AND ALONG THE NORTHWEST LINE OF HOLLEMAN DRIVE THROUGH A CENTRAL ANGLE OF 06° 46' 24" FOR AN ARC DISTANCE OF 50.24 FEET (CHORD BEARS: S 10° 16' 04" W - 50.21 FEET) TO A POINT MARKING THE END POINT OF SAID CURVE AND THE BEGINNING OF A CLOCKWISE CURVE HAVING A RADIUS OF 375.00 FEET;

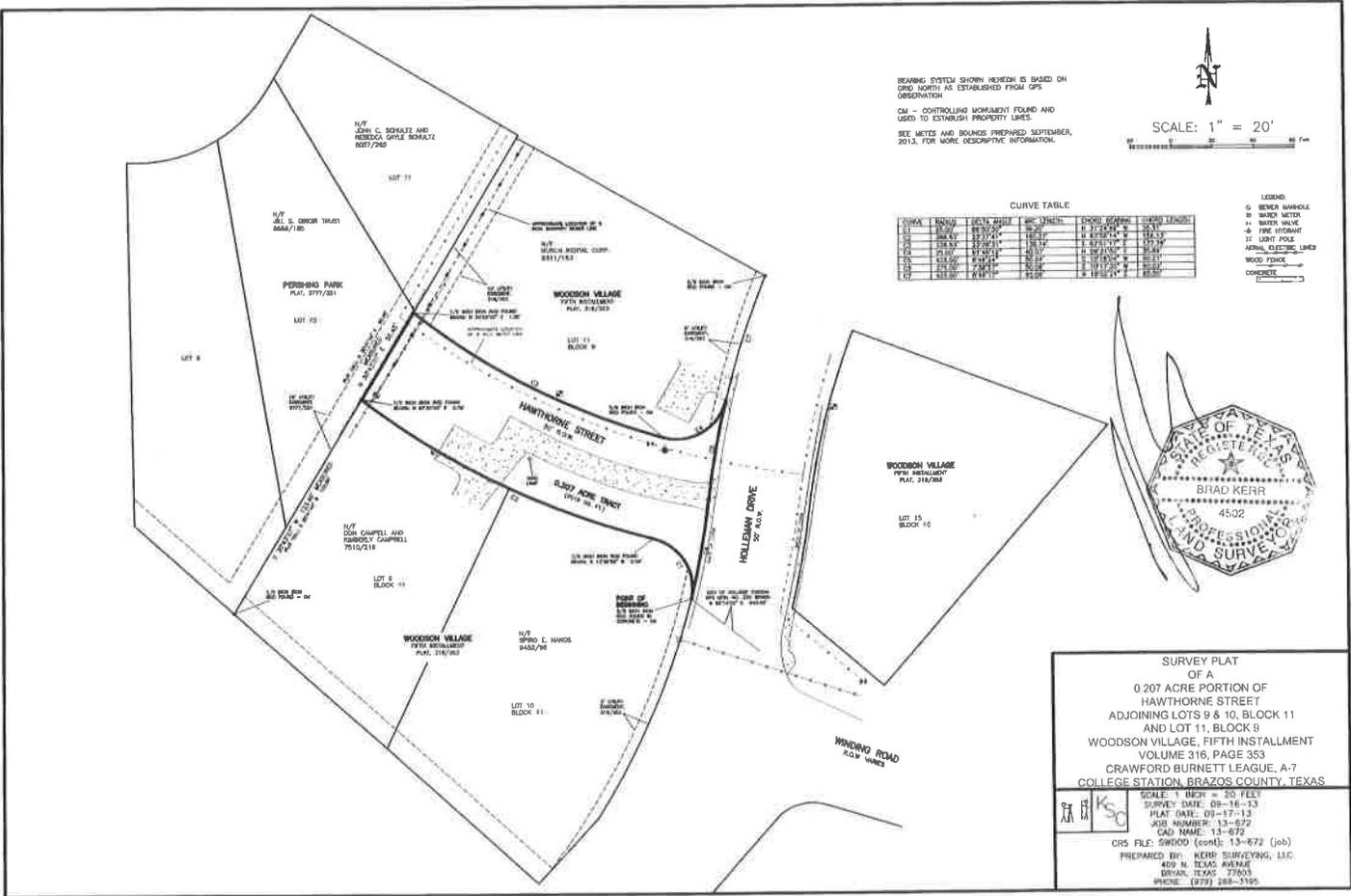
THENCE: ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 07° 38' 57" FOR AN ARC DISTANCE OF 50.06 FEET (CHORD BEARS: S 10° 17' 35" W - 50.03 FEET) TO THE **POINT OF BEGINNING** CONTAINING 0.207 OF AN ACRE OF LAND (9019 SQ. FT.), MORE OR LESS, AS SURVEYED ON THE GROUND SEPTEMBER, 2013. SEE PLAT PREPARED SEPTEMBER, 2013, FOR MORE DESCRIPTIVE INFORMATION. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED BY GPS OBSERVATION.

BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4502

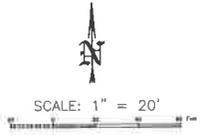
C:/WORK/MAB/13-672



REDUCED COPY: NOT TO SCALE



HEARING SYSTEM SHOWN HEREON IS BASED ON
 GRID NORTH AS ESTABLISHED FROM GPS
 OBSERVATION
 CM - CONTROLLING MONUMENT FOUND AND
 USED TO ESTABLISH PROPERTY LINES.
 SEE METES AND BOUNDS PREPARED SEPTEMBER,
 2013, FOR MORE DESCRIPTIVE INFORMATION.



CURVE TABLE

| LINE | INSTR. | BEARING | CHANG. BEARING | CHANG. DIST. | CHANG. BEARING | CHANG. DIST. | CHANG. BEARING | CHANG. DIST. |
|------|--------|-----------------|-----------------|--------------|-----------------|--------------|-----------------|--------------|
| 1 | 1 | N 89° 58' 12" W | S 89° 58' 12" E | 10.00 | N 89° 58' 12" W | 10.00 | S 89° 58' 12" E | 10.00 |
| 2 | 1 | S 89° 58' 12" E | N 89° 58' 12" W | 10.00 | S 89° 58' 12" E | 10.00 | N 89° 58' 12" W | 10.00 |
| 3 | 1 | N 89° 58' 12" W | S 89° 58' 12" E | 10.00 | N 89° 58' 12" W | 10.00 | S 89° 58' 12" E | 10.00 |
| 4 | 1 | S 89° 58' 12" E | N 89° 58' 12" W | 10.00 | S 89° 58' 12" E | 10.00 | N 89° 58' 12" W | 10.00 |
| 5 | 1 | N 89° 58' 12" W | S 89° 58' 12" E | 10.00 | N 89° 58' 12" W | 10.00 | S 89° 58' 12" E | 10.00 |
| 6 | 1 | S 89° 58' 12" E | N 89° 58' 12" W | 10.00 | S 89° 58' 12" E | 10.00 | N 89° 58' 12" W | 10.00 |
| 7 | 1 | N 89° 58' 12" W | S 89° 58' 12" E | 10.00 | N 89° 58' 12" W | 10.00 | S 89° 58' 12" E | 10.00 |

- LEGEND:
- BENCH MARK
 - BENCH METE
 - BENCH WALK
 - FENCE
 - LIGHT POLE
 - UTILITY LINES
 - WOOD FENCE
 - CONCRETE



SURVEY PLAT
 OF A
 0.207 ACRE PORTION OF
 HAWTHORNE STREET
 ADJOINING LOTS 9 & 10, BLOCK 11
 AND LOT 11, BLOCK 9
 WOODSON VILLAGE, FIFTH INSTALLMENT
 VOLUME 316, PAGE 353
 CRAWFORD BURNETT LEAGUE, A-7
 COLLEGE STATION, BRAZOS COUNTY, TEXAS

SCALE: 1 INCH = 20 FEET
 SURVEY DATE: 08-18-13
 PLAT DATE: 09-17-13
 JOB NUMBER: 13-672
 CAD NAME: 13-672

CRS FILE: SWOOD (cont); 13-672 (job)
 PREPARED BY: KERR SURVEYING, LLC
 409 N. TEXAS AVENUE
 BRYAN, TEXAS 77803
 PHONE: (877) 288-3195



Legislation Details (With Text)

File #: 14-289 **Version:** 1 **Name:** Northpoint Crossing Rezoning
Type: Rezoning **Status:** Agenda Ready
File created: 2/20/2014 **In control:** City Council Regular
On agenda: 2/27/2014 **Final action:**

Title: Public Hearing, presentation, possible action, and discussion regarding an ordinance amending Chapter 12, "Unified Development Ordinance," Section 12-4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas, by rezoning approximately 11.3 acres from PDD Planned Development District and R-4 Multi-Family to PDD Planned Development District for Northpoint Crossing Subdivision Lots 1 & 2, Block 1, North Park Subdivision Lots 2-4, Block 1, a 0.345-acre tract in the J.E. Scott League A-50, and a 0.055-acre tract of abandoned right-of-way recorded in Volume 10778, Page 243 of the Official Records of Brazos County, Texas, generally located at 410 Texas Avenue.

Sponsors:

Indexes:

Code sections:

- Attachments:** [Background Information](#)
[Aerial & Small Area Map](#)
[Draft P&Z Minutes](#)
[Ordinance](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Public Hearing, presentation, possible action, and discussion regarding an ordinance amending Chapter 12, "Unified Development Ordinance," Section 12-4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas, by rezoning approximately 11.3 acres from PDD Planned Development District and R-4 Multi-Family to PDD Planned Development District for Northpoint Crossing Subdivision Lots 1 & 2, Block 1, North Park Subdivision Lots 2-4, Block 1, a 0.345-acre tract in the J.E. Scott League A-50, and a 0.055-acre tract of abandoned right-of-way recorded in Volume 10778, Page 243 of the Official Records of Brazos County, Texas, generally located at 410 Texas Avenue.

Relationship to Strategic Goals: (Select all that apply)

- Diverse Growing Economy

Recommendation(s): The Planning and Zoning Commission considered this item at their February 6, 2014 meeting and voted 7-0 to recommend approval of the rezoning request.

Summary: The purpose of this rezoning request is to modify the PDD Concept Plan and propose additional modifications. The existing PDD Concept Plan shows fourplex-style multi-family buildings along Hensel Street. The proposed Concept Plan consolidates these buildings into one large, five-story building on a podium with parking underneath. The scale of the proposed building is in keeping with the other buildings in the development. Also, clarifications and additions to the modifications granted regarding parking, landscaping, and signage are described and bolded in this Coversheet.

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 Urban and part of Redevelopment Area II on the Comprehensive Plan Future Land Use and Character Map. The intersection of Texas Avenue and University Drive has also been identified as a Primary Arrival Gateway into the City. The Comprehensive Plan describes Urban as:

This land use designation is generally for areas that should have a very intense level of development activities. These areas will tend to consist of townhomes, duplexes, and high-density apartments. General commercial and office uses, business parks, and vertical mixed-use may also be permitted within growth and redevelopment areas.

Redevelopment Area II: Texas Avenue, University Drive, and Harvey Road is described by the Comprehensive Plan as:

This area includes a number of underperforming land uses that, due to their proximity to two of the busiest corridors in the City, are poised for redevelopment. Much of the area is currently subdivided into small lots, making it difficult to assemble land for redevelopment...The proximity of existing neighborhoods and the Texas A&M University campus requires careful site planning and appropriate building design. These efforts should be complimentary to the Area V: Hospitality corridor plan, the neighborhood plan for the Eastgate area, and the Texas A&M University Campus Master Plan and should focus on bringing vertical mixed use and other aspects of urban character to this portion of the City.

The revised PDD zoning with associated Concept Plan is consistent with the objectives of the Comprehensive Plan to redevelop and consolidate underperforming properties in this area of the City. The requested rezoning proposes to provide vertical mixed use, high density multi-family, and pedestrian oriented development at the corner of Texas Avenue and University Drive in proximity to the Texas A&M University campus.

2. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood: The existing zoning and conforming uses of nearby property are consistent with the proposed uses. The scale of the proposed uses, however are intended to be developed at a higher intensity than the nearby existing hotel, fourplex and restaurant uses. The neighboring developments are developed in more of a suburban style with surface parking lots and open space while the proposed development utilizes structured parking and requests reduced setbacks and increased density.

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 revised PDD Planned Development District proposes a vertical mixed use development with a mixture of commercial and multi-family uses. These uses are suitable for the property based on its location within the core of the City and proximity to the Texas A&M University campus. The scale and density of the development factor into the availability of transportation and utility capacity in the area. As described later, the proposed development proposes some transportation improvements and mitigation efforts and utility upgrades to provide adequate services to the development.

4. Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment: The property is currently zoned PDD Planned Development District with a small amount of R-4 Multi-Family where a former fourplex lot existed and along with some abandoned Meadowland Street right-of-way. The current zoning is suitable though the proposed PDD Planned Development District cleans up the boundary by incorporating the R-4 Multi-Family.

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 property should be considered marketable with the current zoning. The proposed rezoning optimizes the PDD Planned Development District by making some refinements to increase the market potential of the development.

6. Availability of water, wastewater, stormwater, and transportation facilities generally suitable and adequate for the proposed use: This site is served by 12-inch waterlines along Texas Avenue and University Drive. The site has been served by an 8-inch gravity sanitary sewer collection line that spans from University Drive to the existing Hensel Park Lift Station. The lift station pumps sanitary sewer flow to the 'Northeast Trunkline' via a 12-inch force main which conveys the flow to the Carters Creek Wastewater Treatment Plant. This development will reconstruct some waterlines and sanitary sewer lines as it redevelops. Some off-site sanitary sewer improvements are needed to provide additional capacity.

Drainage is generally to the south and west within the Wolf Pen Creek and Burton Creek Drainage Basins, respectively. Stormwater and other public infrastructure improvements required with site development shall be designed and constructed in accordance with the BCS Unified Design Guidelines.

As part of the previous rezoning application, a Traffic Impact Analysis (TIA) was submitted. To maintain the traffic level of service in this area, the following mitigation strategies have been identified:

- An additional left turn bay will be added to University Drive eastbound to northbound Texas Avenue, creating a dual left configuration by modifying the existing raised median.
- An additional right turn lane will be provided on southbound Texas Avenue to westbound University Drive.
- On University Drive, a right turn deceleration lane for the proposed driveway will be built. The raised median on Texas Avenue will also be extended north beyond the proposed driveway location.
- The former Meadowland Street intersection at University Drive has been closed and the existing median break in University Drive will be closed as well.
- To meet help block length requirements, a public way stub to the TAMU property to the west of the site has been provided. It is anticipated that TAMU property will redevelop with commercial, retail, and residential uses. If utilized, this stub could serve as an alternative route to University Drive and Texas Avenue, somewhat relieving traffic at that intersection.

SUMMARY OF CONCEPT PLAN (revisions to Concept Plan and Modifications are bolded)

The requested rezoning and associated Concept Plan propose a vertical mixed use and multi-family redevelopment at the intersection of Texas Avenue and University Drive. The vertical mixed use area

consists of ground floor general commercial uses with multi-family units above. The multi-family area consists of multi-story buildings oriented along the side and rear of the development along the former Meadowland Street. The applicant proposes building heights of roughly five stories with parking garages being up to seven or eight stories. **The existing PDD Concept Plan illustrates fourplex-style multi-family buildings along Hensel Street while the proposed Concept Plan consolidates these buildings into one large, five-story building on a podium with parking underneath. The scale of the proposed building is in keeping with the other buildings in the development.** The development is proposed in two phases with the vertical mixed use and some of the multi-family buildings developed in the first phase that is under construction and expected to be completed in summer 2014 with the remainder of multi-family areas along Hensel Street and former Meadowland Street in the second phase to be complete construction in summer 2015. Parking will be provided in three parking garages with some surface parking in the retail area and for the units along Hensel Street.

The development will use the dimensional standards of the GC General Commercial zoning district for the commercial uses and R-6 High Density Multi-Family zoning district for the residential uses. Additional description, standards and improvements by the development will be provided later.

Meritorious Modifications

This area is designated as a Redevelopment area in the Comprehensive Plan which acknowledges some role for the City may be necessary to encourage redevelopment. Some modifications result from the intended urban nature of the proposed development and some are due to the suburban style of some of the applicable development regulations. The applicant is requesting the following meritorious modifications or alternatives to standard ordinance requirements:

1. Zoning District Standards - UDO Section 12-5.2 "Residential Dimensional Standards" and Section 12-5.4 "Non-Residential Dimensional Standards" : An increase to the maximum residential unit density from 30 units per acre to 60 units per acre is proposed. While this increase in density can be supported, it is necessary to ensure that adequate infrastructure and transportation facilities including vehicular, bicycle, and pedestrian are provided for the development and surrounding area.

The applicant requests to reduce minimum building setbacks for the GC General Commercial and R-6 High Density Multi-Family based zoning districts to 5 feet along all property lines with the understanding that sufficient easements for utilities will be provided. The standard building setbacks for these districts are 25-foot front setback, 7.5-foot side setback, 15-foot side street setback, and 15-foot rear setback for the GC district and 20-foot rear setback for R-6.

2. Use - UDO Section 12-6.3.C "Use Table" : The P-MUD Planned Mixed Use District is the base district for uses for the development with Health Care, Medical Clinic being added as a permitted use and Conference/Convention Center, Country Club, Duplex, Fraternal Lodge, Fuel Sales, Golf Course/Driving Range, Parking as a Primary Use, Sexual Oriented Businesses, Single-Family Detached, and Shooting Range (Indoor) uses removed from the permitted list.
3. Parking - UDO Section 12-7.3 "Off-Street Parking Standards" : The applicant proposes the standard shopping center ratio of 1 parking space per every 250 gross square feet of commercial use (1:250), though not required to provide additional parking if more than 25% of these areas are utilized as intense commercial uses. The applicant proposes the minimum residential parking requirement be reduced to one parking space per bedroom. The current ordinance requires one space per bedroom for three and four bedroom units though some additional parking is provided with one and two bedroom units (1.5 spaces/ bedroom). Parking spaces in the garage may be

compact parking spaces. **Also, parking along Hensel Street does not require interior or double landscape islands in the row.**

4. Transportation - UDO Section 12-7.4 "Access Management and Circulation", Section 12-8.3.G "Blocks", and Section 12-11.2 "Defined Terms"- Public Way : The applicant proposes some modifications to transportation related requirements:
 1. Three driveways existed along Texas Avenue and six driveways along University Drive, including the former Meadowland Street. The Concept Plan consolidates these to one driveway on Texas Avenue and one driveway on University Drive, though they still do not meet minimum spacing standards. The applicant requests the proposed spacing be acceptable and the concept has been agreed by TxDOT.
 2. The maximum block length in Urban designated areas is 660 feet with a maximum block perimeter of 2,000 feet. Based on these dimensions, two street or public way projections are required along the Public Way Section C-C toward the Texas A&M System property to the southwest. One public way stub is provided with Hensel Street also stubbed to the Texas A&M System property. It is anticipated that the Texas A&M System property will redevelop with commercial, retail, residential uses but it is not known how these connections will be incorporated into their development.
 3. Public Ways are defined with certain dimensional and design criteria. The applicant requests to reduce the maximum curve radius from a 200-foot radius to a 45-foot radius, allow sidewalks to be back of curb instead of three feet off and have sidewalk widths as shown in the **attached public way cross sections**.
5. Signs - UDO Section 12-7.4 "Signs" : Instead of using standard commercial or multi-family signage as the basis, the applicant proposes to utilize the signage permitted in Wolf Pen Creek (UDO Section 12-5.8.A.11 Signs) with the following modifications:
 1. Signs may be approved administratively by staff with appeals to staff's interpretations being able to be considered by the Design Review Board;
 2. Wayfinding signage (UDO Section 12-7.5.AA Campus Wayfinding Signs) is permitted for this development **and may also be located at street intersections with public ways and along public ways with parallel parking**;
 3. **Hanging signage (UDO Section 12-5.8.B.12.c.3) is permitted with a minimum clearance of three inches from the building and edge of canopy**;
 4. **Low profile freestanding signs do not have a setback requirement and may be allowed within 150 feet of each other at the interior intersection**;
 5. **Light pole signage may be utilized and is limited to 21 square feet per light pole. These signs are not in lieu of freestanding signage, are intended as development identification and special event signage, will not be utilized for tenant signage, and do not count against attached signage limitations**;
 6. **Attached signage used as development identification signage at the corner of Texas Avenue and University Drive may extend up to two feet from any exterior building face, mansard, awning, or canopy**; and
 7. Projections signs may be used for identification signage for the general area and not count against the attached signage square feet unless they contain copy of the individual business. Projection signs may be oriented toward the public rights-of-way or public ways and one permitted per tenant per public way frontage.

6. Landscaping - UDO Section 12-7.6 "Landscaping and Tree Protection" : With the one exception as stated below, the applicant proposes to utilize the Northgate standards contained in UDO Section 12-5.8.B.9 "Landscape and Streetscape Standards" with the following modifications:
 1. **The Hensel Street portion of the development shall meet the standard requirements of UDO Section 12-7.6 Landscaping and Tree Protection;**
 2. The street trees along Texas Avenue and University Drive may be placed outside of TxDOT right-of-way. Street trees along Public Way Sections A-A and B-B shall be 50 feet on center with alternating planting areas spaced at 50 feet on center consisting of non-canopy trees, hedges or seasonal plantings. The Public Way Section C-C will have planting areas of 25 feet on center consisting of non-canopy trees, hedges, or seasonal plantings;
 3. Building and Site Lighting shall still comply with UDO Section 12-7.11 Outdoor Lighting Standards;
 4. The Street Lights section is not applicable as lights are owned and maintained by property owner.
7. Architecture - UDO Section 12-7.10 "Non-Residential Architecture Standards" : Instead of using this Section as the basis for architecture standards, the applicant proposes to utilize the Northgate standards contained in UDO Section 12-5.8.B.4 "Building Design Standards." All subsections (Building Orientation and Access, Building Transparency, Architectural Relief, Roof Type, Exterior Building Material, Exterior Building Colors, and Canopies/ Awnings) shall apply to all non-residential and residential buildings.
8. Infrastructure - Section 12-3.4.A "Applicability": Most of the property is platted though some areas are tracts of land. The applicant has requested that building permits may be issued on these tracts prior to the platting of these areas with the provision that a temporary blanket easement be placed on the property and the property platted/replatted once all utilities are constructed and relocated and before Certificates of Occupancy are issued for the buildings.

Community Benefits and Additional Enhancements

The applicant has identified the following community benefits, additional enhancements or improvements:

1. Implementation of the Comprehensive Plan through redevelopment of an under-performing, blighted area that is designated as a Primary Arrival Gateway and described by the Comprehensive Plan as an area that should "focus on bringing vertical mixed-use and other aspects of urban development to this portion of the City." All existing buildings will be demolished before building permits will be issued for any new construction.
2. The Northgate Building Design Standards (UDO Section 12-5.8.B.4) apply to all buildings, residential and non-residential. Currently there are no architectural requirements for residential buildings outside of the Northgate District.
3. The Northgate Bicycle Parking Standards (UDO Section 12-5.8.B.7) apply to the development except that the design of the bicycle rack design is determined by the owner and approved by the City and bicycle parking may be located within the parking garage areas. Currently there are not bicycle parking (bike rack) requirements for residential developments outside of the Northgate District.
4. Installation of a bus stop shelter as approved by the City internal to the site to promote transit usage and another along University Drive to utilize District bus service. Bus stops or bus shelters are not required by standard ordinance.
5. The Northgate Dumpster and Mechanical Equipment Standards (UDO Section 12-5.8.B.10)

shall apply with the exception that vegetation may also be used as a screening tool.

6. The Northgate Outside Storage and Display Standards (UDO Section 12-5.8.B.13) shall apply to the development.
7. The parking garage on Texas Avenue is wrapped with general commercial use on ground floor and residential above and the other parking garages along the former Meadowland Street are wrapped with multi-family uses.
8. An eight-foot bicycle and pedestrian route is proposed along the majority of the southwest property line to connect multi-family buildings and two parking garages to University Drive to allow easier bicycle and pedestrian movements from the development toward the Texas A&M University campus.
9. Mitigation for the Texas Avenue and University Drive intersection is proposed through a variety of transportation improvements including the intersection and median break for the former Meadowland Street being closed, a dual left turn lane on University Drive eastbound to Texas Avenue northbound and queue length extended, a dual right turn lane on Texas Avenue southbound to University Drive westbound, multiple driveways consolidated into one driveway on Texas Avenue and one driveway on University Drive, the median on Texas Avenue will be extended north past the proposed Public Way driveway, and a deceleration lane will be added to the proposed Public Way driveway on University Drive.

Budget & Financial Summary: N/A

Reviewed and Approved by Legal: Yes

Attachments:

1. Background Information
2. Aerial & Small Area Map (SAM)
3. Draft P&Z Minutes - February 6, 2014
4. Ordinance

BACKGROUND INFORMATION

NOTIFICATIONS

Advertised Commission Hearing Date: February 6, 2014
Advertised Council Hearing Dates: February 27, 2014

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: 18
Contacts in support: None
Contacts in opposition: One
Inquiry contacts: One

ADJACENT LAND USES

| Direction | Comprehensive Plan | Zoning | Land Use |
|-----------|---|---|--|
| Northwest | Texas A&M University | CU College and University | Vacant |
| Northeast | Urban & Redevelopment | GC General Commercial CI Commercial Industrial PDD Planned Development District | Hotels, Restaurant |
| Southeast | Texas A&M University (across University Drive, major arterial) | CU College and University | Texas A&M polo field |
| Southwest | Texas A&M University; future Century Square Development | CU College and University | Former Texas A&M Married Student housing |

DEVELOPMENT HISTORY

Annexation: 1939

Zoning: GC General Commercial, CI Commercial-Industrial, R-4 Multi-Family, and D Duplex rezoned PDD Planned Development District in March and May 2012.

Final Plat: Northpoint Crossing Subdivision Lots 1 & 2, Block 1 (2013), North Park Lots 2-4, Block 1, remaining portions are not platted.

Site development: Multiple former developments located in this area have been demolished including the former Plaza Hotel, Kettle restaurant, Daylight Donuts, and a gas station. Currently, Phase 1 of the development is under construction and is anticipated to be complete in summer 2014.

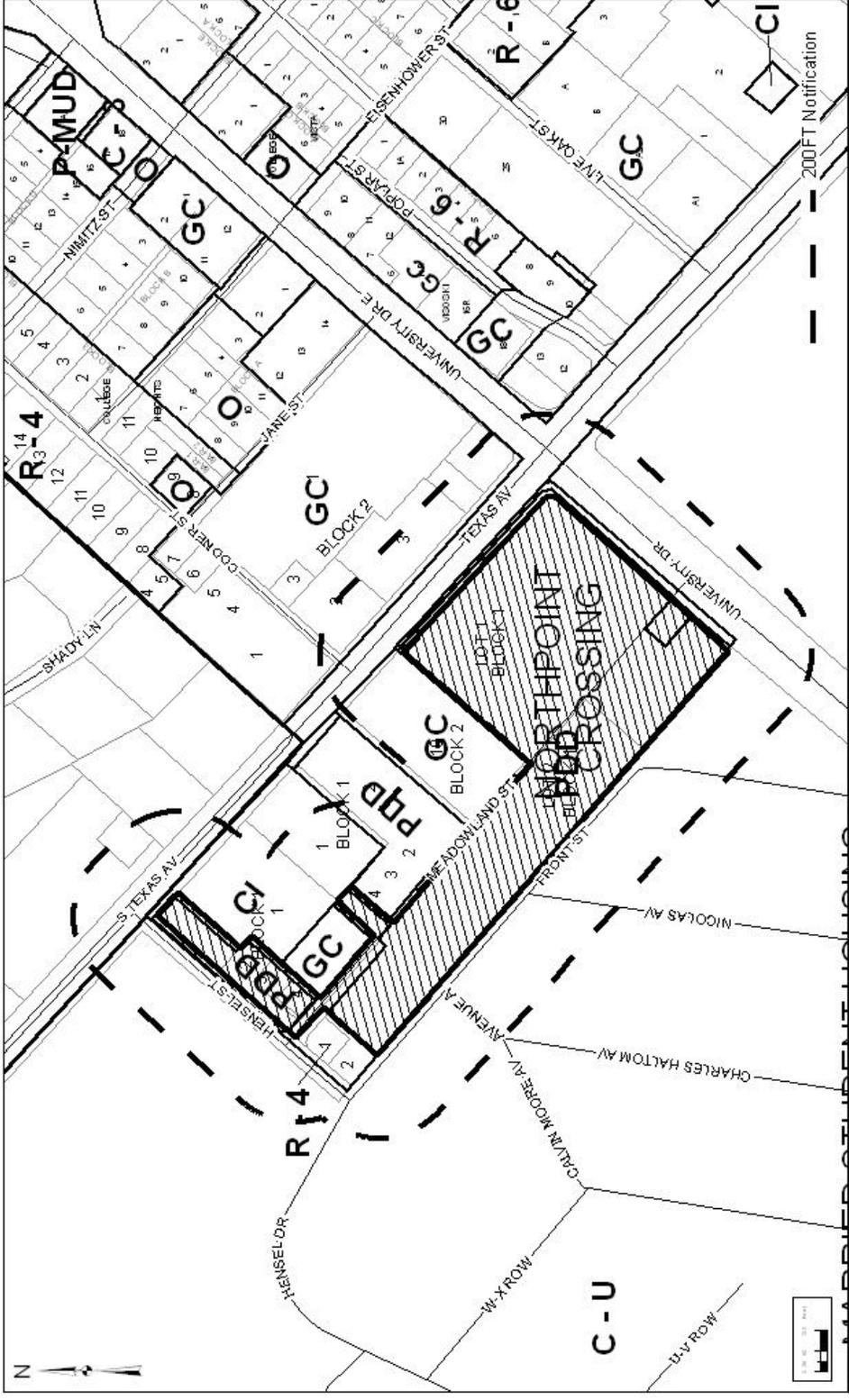


REZONING
Case: 13-278

NORTHPOINT CROSSING
410 TEXAS AVE

DEVELOPMENT REVIEW





| Zoning Districts | R-4 | R-6 | MHP | O | SC | GC | CI | BP | Multi-Family | Multi-Family | Multi-Family | BPI | Business Park Industrial | PDD | Planned Development District |
|------------------|---------------------------|-----|-----|---|----|----|----|----|-----------------------|------------------------|--------------|-------|-------------------------------|------|------------------------------|
| R | Rural | | | | | | | | | | | NAP | Natural Areas Protected | WPC | Wolf Pen Creek Dev. Corridor |
| E | Estate | | | | | | | | High Density | Manufactured Home Park | | C-3 | Light Commercial | NG-1 | Core Northgate |
| RS | Restricted Suburban | | | | | | | | Office | | | M-1 | Light Industrial | NG-2 | Transitional Northgate |
| GS | General Suburban | | | | | | | | Suburban Commercial | | | M-2 | Heavy Industrial | NG-3 | Residential Northgate |
| R-1B | Single Family Residential | | | | | | | | General Commercial | | | C-U | College and University | OV | Corridor Overlay |
| D | Duplex | | | | | | | | Commercial-Industrial | | | R&D | Research and Development | RDD | Redevelopment District |
| T | Townhouse | | | | | | | | Business Park | | | P-MUD | Planned Mixed-Use Development | KD | Krenak Tap Overlay |

DEVELOPMENT REVIEW

NORTHPOINT CROSSING
410 TEXAS AVE

Case: 13-278

REZONING



**DRAFT MINUTES
PLANNING & ZONING COMMISSION
Regular Meeting
February 6, 2014, 7:00 p.m.
City Hall Council Chambers
College Station, Texas**

COMMISSIONERS PRESENT: Bo Miles, Jodi Warner, Jerome Rektorik, Jim Ross, Brad Corrier, Jane Kee, Casey Oldham

COMMISSIONERS ABSENT: None

CITY COUNCIL MEMBERS PRESENT: Julie Schultz

CITY STAFF PRESENT: Lance Simms, Molly Hitchcock, Alan Gibbs, Jason Schubert, Carol Cotter, Danielle Singh, Erika Bridges, Morgan Hester, Teresa Rogers, Jenifer Paz, Brittany Caldwell, Robin Cross, and Macie Quick

1. **Call Meeting to Order**

Chairman Miles called the meeting to order at 7:10 p.m.

Regular Agenda

7. Public hearing, presentation, possible action, and discussion, regarding an ordinance amending Chapter 12, “Unified Development Ordinance,” Section 12-4.2, “Official Zoning Map,” of the Code of Ordinances of the City of College Station, Texas, by changing the zoning district boundaries from PDD Planned Development District and R-4 Multi-Family to PDD Planned Development District for approximately 11.3 acres in the Northpoint Crossing Subdivision Lots 1 & 2, Block One, North Park Lots 2-4, Block 1, a 0.345-acre tract in the J.E. Scott League A-50, and a 0.055-acre tract of abandoned right-of-way recorded in Volume 10778, Page 243 of the Official Records of Brazos County, Texas, generally located at 410 Texas Avenue. **Case #13-00900278 (J. Schubert) (Note: Final action on this item is scheduled for the February 27, 2014 City Council meeting – subject to change)**

Principal Planner Schubert presented the rezoning and recommended approval.

Chairman Miles opened the public hearing.

Veronica Morgan, Mitchell & Morgan Engineering, reviewed the proposed signage for the property and the meritorious modifications being requested.

Chairman Miles closed the public hearing.

Commissioner Rektorik motioned to recommend approval of the meritorious modifications and the rezoning. Commissioner Carrier seconded the motion, motion passed (7-0).

10. Adjourn.

The meeting was adjourned at 7:44 p.m.

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," SECTION 12-4.2, "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; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

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

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

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

PASSED, ADOPTED and APPROVED this 27th day of February, 2014

APPROVED:

MAYOR

ATTEST:

City Secretary

APPROVED:

Carla A. Robinson

City Attorney

EXHIBIT "A"

That Chapter 12, "Unified Development Ordinance," Section 12-4.2, "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 PDD Planned Development District and R-4 Multi-Family to PDD Planned Development District:

Northpoint Crossing Subdivision Lots 1 & 2, Block 1;
North Park Subdivision Lots 2-4, Block 1; and
two tracts of land described by metes and bounds as:

Tract 1 - 0.345 acres

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN COLLEGE STATION, BRAZOS COUNTY, TEXAS, SAID TRACT BEING THE SAME TRACT OF LAND AS DESCRIBED BY A DEED TO EMMA RUTH ELLIS (TRACT ONE), RECORDED IN VOLUME 7035, PAGE 237 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS.

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

BEGINNING AT A 3/8 INCH IRON ROD FOUND ON THE SOUTH CORNER OF THE INTERSECTION OF S. TEXAS AVENUE (100' R.O.W.) AND HENSEL DRIVE (50' R.O.W.) MARKING THE NORTH CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE: S 47° 09' 27" E ALONG THE SOUTHWEST RIGHT-OF-WAY LINE OF S. TEXAS AVENUE FOR A DISTANCE OF 74.85 FEET TO A 3/8 INCH IRON ROD FOUND MARKING THE NORTH CORNER OF LOT 1, BLOCK 1, TEXIAN INN ADDITION, ACCORDING TO THE PLAT RECORDED IN VOLUME 726, PAGE 201 OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS, AND THE EAST CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE: S 41° 18' 40" W ALONG THE NORTHWEST LINE OF SAID LOT 1, AT 199.88 FEET PASS A 3/8 INCH IRON ROD FOUND, CONTINUE ON FOR A TOTAL DISTANCE OF 200.17 FEET TO A POINT ON THE NORTHEAST LINE OF LOT 2, BLOCK 1, NORTH PARK, ACCORDING TO THE PLAT RECORDED IN VOLUME 465, PAGE 37 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS, FOR REFERENCE, A 1/2 INCH IRON ROD FOUND MARKING THE EAST CORNER OF SAID LOT 2 BEARS: S 47° 52' 49" E FOR A DISTANCE OF 36.91 FEET;

THENCE: N 47° 52' 49" W ALONG THE NORTHEAST LINE OF SAID LOT 2 FOR A DISTANCE OF 75.24 FEET TO A 1/2 INCH IRON ROD FOUND ON THE SOUTHEAST RIGHT-OF-WAY LINE OF HENSEL DRIVE MARKING THE NORTH CORNER OF SAID LOT 2 AND THE WEST CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE: N 41° 25' 38" E ALONG THE SOUTHEAST LINE OF HENSEL DRIVE FOR A DISTANCE OF 201.13 FEET TO THE POINT OF BEGINNING CONTAINING 0.345 OF AN ACRE OF LAND, MORE OR LESS, AS SURVEYED ON THE GROUND JUNE, 2007, AS VERIFIED ON THE GOUND OCTOBER, 2007.

Tract 2 – 2,362 square feet or ~0.05 acres

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OF LAND LYING AND BEING SITUATED IN COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF THE ABANDONED RIGHT-OF-WAY OF MEADOWLAND STREET (40' R.O.W.) RESERVED AS A PUBLIC UTILITY AND PUBLIC ACCESS EASEMENT BY CITY OF COLLEGE STATION ORDINANCE NO. 2010-3420 RECORDED IN VOLUME 10778, PAGE 243 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS.

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

BEGINNING AT A POINT ON THE SOUTHEAST LINE OF HENSEL STREET MARKING A NORTHWEST CORNER OF LOT 2, BLOCK 1, NORTH PARK, ACCORDING TO THE PLAT RECORDED IN VOLUME 465, PAGE 37 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS, FOR REFERENCE A 1/4 INCH IRON ROD FOUND NEAR SAID CORNER BEARS: S 10° 50' 08" E FOR A DISTANCE OF 0.14 FEET AND A 3/8 INCH IRON ROD FOUND AT THE INTERSECTION OF SAID SOUTHEAST LINE OF THE SOUTHWEST LINE OF TEXAS AVENUE BEARS: N 41° 25' 10" E FOR A DISTANCE OF 398.59 FEET, SAID POINT MARKING THE BEGINNING OF A COUNTERCLOCKWISE CURVE HAVING A RADIUS OF 25.00 FEET;

THENCE: ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 90° 33' 19" FOR AN ARC DISTANCE OF 39.51 FEET (CHORD BEARS: S 03° 51' 29" E – 35.53 FEET) TO THE END OF SAID CURVE;

THENCE: S 49° 08' 09" E ALONG THE NORTHEAST LINE OF MEADOWLAND STREET FOR A DISTANCE OF 86.65 FEET TO A 1/2 INCH IRON ROD FOUND MARKING THE SOUTH CORNER OF LOT 4, BLOCK 1, NORTH PARK, AND THE WEST CORNER OF LOT 1, BLOCK 1, TEXIAN INN ADDITION, ACCORDING TO THE PLAT RECORDED IN VOLUME 726, PAGE 201 OF THE OFFICIAL RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: THROUGH SAID ABANDONED RIGHT-OF-WAY FOR THE FOLLOWING CALLS:

S 40° 56' 04" W FOR A DISTANCE OF 20.00 FEET;

N 49° 12' 09" W FOR A DISTANCE OF 13.19 FEET;

N 48° 56' 53" W FOR A DISTANCE OF 98.87 TO A POINT ON THE SOUTHEAST LINE OF HENSEL STREET, FOR REFERENCE A 1/2 INCH IRON ROD FOUND ON THE SOUTHEAST LINE OF HENSEL STREET MARKING THE WEST CORNER OF LOT 2, BLOCK 2, NORTH PARK, BEARS: S 41° 25' 10" W FOR A DISTANCE OF 176.43 FEET;

THENCE: N 41° 25' 10" E ALONG THE EXTENSION OF THE SOUTHEAST LINE OF HENSEL STREET FOR A DISTANCE OF 44.93 FEET TO THE POINT OF BEGINNING CONTAINING 2362 SQUARE FEET OF LAND, MORE OF LESS, AS SURVEYED ON THE GROUND. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION. SEE PLAT PREPARED JANUARY 2014 FOR MORE DESCRIPTIVE INFORMATION.

EXHIBIT "B"

The purpose of the PDD zoning district is to redevelop and consolidate multiple underperforming properties and tracts for a vertical mixed use and multi-family development at the intersection of Texas Avenue and University Drive. The vertical mixed use area consists of ground floor general commercial uses with multi-family units above. The multi-family area consists of multi-story buildings oriented along the side and rear of the development along the former Meadowland Street. Building heights range up to five stories with parking garages up to seven or eight stories. The development is proposed in two phases with the vertical mixed use and some of the multi-family buildings developed in the first phase with the remainder of multi-family areas along the former Meadowland Street and Hensel Street in the second phase. Most of the parking is provided in three parking garages located in different areas of the development. All existing buildings, including the former Plaza Hotel tower, will be demolished before building permits will be issued for new construction. The GC General Commercial zoning district for commercial uses and R-6 High Density Multi-Family zoning district for the residential uses are the base zoning districts with a modified list of P-MUD Planned Mixed Use District uses as described below. The Concept Plan is provided as Exhibit "C."

1. **Zoning District Standards – UDO Section 12-5.2 “Residential Dimensional Standards” and Section 12-5.4 “Non-Residential Dimensional Standards”:** Increase the maximum residential unit density permitted by R-6 High Density Multi-Family from 30 units per acre to 60 units per acre. Also, reduce the minimum building setbacks for the GC General Commercial and R-6 High Density Multi-Family based zoning districts to 5 feet along all property lines with the understanding that sufficient easements for utilities will be provided.
2. **Use – UDO Section 12-6.3.C “Use Table”:** The P-MUD Planned Mixed Use District is the base district for uses for the development with Health Care, Medical Clinic being added as a permitted use and Conference/Convention Center, Country Club, Duplex, Fraternal Lodge, Fuel Sales, Golf Course/Driving Range, Parking as a Primary Use, Sexual Oriented Businesses, Single-Family Detached, and Shooting Range (Indoor) uses removed from the permitted list.
3. **Parking – UDO Section 12-7.3 “Off-Street Parking Standards”:** For the commercial uses, a ratio of 1 parking space per every 250 gross square feet of use (1:250) applies and additional parking is not required if more than 25% of these areas are utilized as intense commercial uses. The minimum residential parking requirement is reduced to one parking space per bedroom. Also, up to 5% of the parking spaces in the garage may be compact parking spaces. Off-street parking along Hensel Street does not require interior or double landscape islands in the row.
4. **Transportation – UDO Section 12-7.4 “Access Management and Circulation”, Section 12-8.3.G “Blocks”, and Section 12-11.2 “Defined Terms”- Public Way:** Modifications related to transportation requirements:
 - a) As shown on the Concept Plan, driveways are consolidated into one on Texas Avenue and one on University Drive as well as other driveways on the proposed Public Ways that do not meet minimum spacing standards due to existing conditions.

- b) As shown on the Concept Plan, the Public Way projection along Public Way Section C-C will suffice for meeting block length and block perimeter requirements.
 - c) The maximum curve radius of a Public Way may be reduced from 200-foot radius to a 45-foot radius. Sidewalks may be back of curb instead of three feet off back of curb with sidewalk widths being at least nine feet in Public Way Section A-A, 10.5 feet in Section B-B (can be reduced to 8 feet where parallel parking is provided), and 8 feet on the development side of Public Way Section C-C though reducing down to as small as 6 feet where constrained by proposed buildings.
- 5. Signs – UDO Section 12-7.4 “Signs”:** Instead of using standard commercial or multi-family signage as the basis, the development utilizes the signage permitted in Wolf Pen Creek (UDO Section 12-5.8.A.11 Signs) with the following modifications:
- a) Signs may be approved administratively by staff with appeals to staff’s interpretations being able to be considered by the Design Review Board;
 - b) Wayfinding signage (UDO Section 12-7.5.AA Campus Wayfinding Signs) is permitted for this development and may also be located at street intersections with Public Ways and along Public Ways with parallel parking;
 - c) Hanging signage (UDO Section 12-5.8.B.12.c.3) is permitted with a minimum clearance of three inches from the building and edge of canopy;
 - d) Low profile freestanding signs do not have a setback requirement and may be allowed within 150 feet of each other at the interior intersection;
 - e) Light pole signage may be utilized and is limited to 21 square feet per light pole. These signs are not in lieu of freestanding signage, are intended as development identification and special event signage, will not be utilized for tenant signage, and do not count against attached signage limitations;
 - f) Attached signage used as development identification signage at the corner of Texas Avenue and University Drive may extend up to two feet from any exterior building face, mansard, awning, or canopy; and
 - g) Projection signs may be used for identification signage for the general area and not count against the attached signage square feet unless they contain copy of the individual business. Projection signs may be oriented toward the public rights-of-way or public ways and one permitted per tenant per public way frontage.
- 6. Landscaping – UDO Section 12-7.6 “Landscaping and Tree Protection”:** With the one exception as stated below, the development utilizes Northgate standards contained in UDO Section 12-5.8.B.9 “Landscape and Streetscape Standards” with the following modifications:
- a) The Hensel Street portion of the development shall meet the standard requirements of UDO Section 12-7.6 Landscaping and Tree Protection;
 - b) The street trees along Texas Avenue and University Drive may be placed outside of TxDOT right-of-way (and thus not back of curb). Street trees along Public Way Sections A-A and B-B shall be 50 feet on center with alternating planting areas

- spaced at 50 feet on center consisting of non-canopy trees, hedges or seasonal plantings. The Public Way Section C-C will have planting areas of 25 feet on center consisting of non-canopy trees, hedges, or seasonal plantings;
- c) Building and Site Lighting shall still comply with UDO Section 12-7.11 Outdoor Lighting Standards; and
 - d) The Street Lights section is not applicable as lights are owned and maintained by property owner.
7. **Architecture – UDO Section 12-7.10 “Non-Residential Architecture Standards”:** Instead of using this Section as the basis for architecture standards, the development utilizes the Northgate standards contained in UDO Section 12-5.8.B.4 “Building Design Standards.” All subsections (Building Orientation and Access, Building Transparency, Architectural Relief, Roof Type, Exterior Building Material, Exterior Building Colors, and Canopies/Awnings) shall apply to all non-residential and residential buildings.
8. **Infrastructure – Section 12-3.4.A “Applicability”:** Building permits may be issued for this development prior to platting the remaining tracts of land with the condition that a temporary blanket easement be placed on the property and the property platted/replatted once all utilities are constructed and relocated and before Certificates of Occupancy are issued for the buildings.

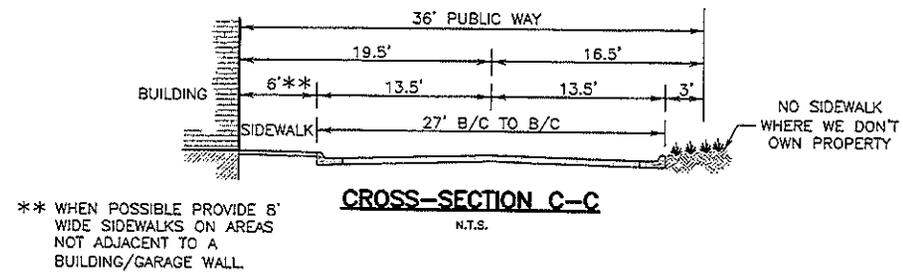
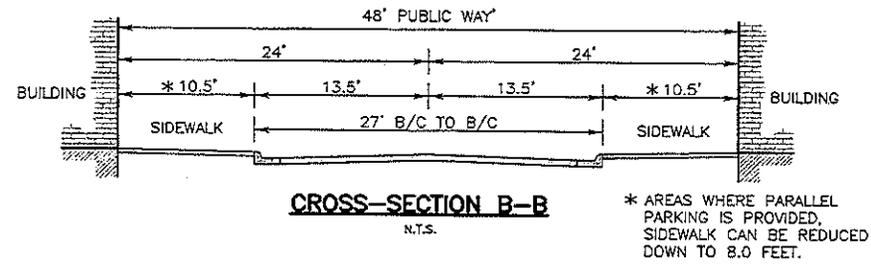
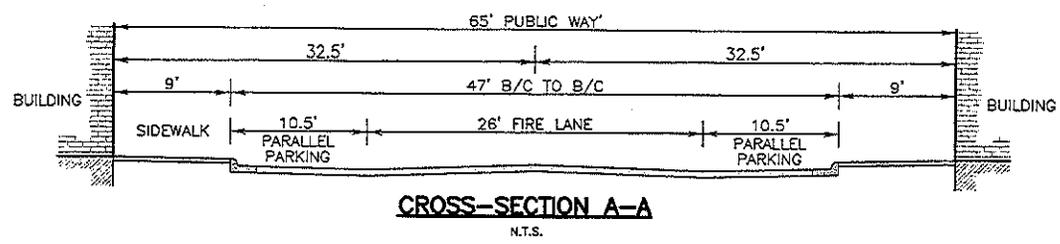
Community Benefits and Additional Enhancements

The following community benefits, additional enhancements or improvements have been identified:

1. Implementation of the Comprehensive Plan through redevelopment of an under-performing, blighted area that is designated as a Primary Arrival Gateway and described by the Comprehensive Plan as an area that should “focus on bringing vertical mixed-use and other aspects of urban development to this portion of the City.” All existing buildings will be demolished before building permits will be issued for any new construction.
2. The Northgate Building Design Standards (UDO Section 12-5.8.B.4) apply to all buildings, residential and non-residential. Currently there are no architectural requirements for residential buildings outside of the Northgate District.
3. The Northgate Bicycle Parking Standards (UDO Section 12-5.8.B.7) apply to the development except that the design of the bicycle rack design is determined by the owner and approved by the City and bicycle parking may be located within the parking garage areas. Currently there are not bicycle parking (bike rack) requirements for residential developments outside of the Northgate District.
4. Installation of a bus stop shelter as approved by the City internal to the site to promote transit usage and another along University Drive to utilize District bus service. Bus stops or bus shelters are not required by standard ordinance.
5. The Northgate Dumpster and Mechanical Equipment Standards (UDO Section 12-5.8.B.10) shall apply with the exception that vegetation may also be used as a screening tool.

6. The Northgate Outside Storage and Display Standards (UDO Section 12-5.8.B.13) shall apply to the development.
7. The parking garage on Texas Avenue is wrapped with general commercial use on ground floor and residential above and the other parking garages along the former Meadowland Street are wrapped with multi-family uses.
8. An eight-foot bicycle and pedestrian route is proposed along the majority of the southwest property line to connect multi-family buildings and two parking garages to University Drive to allow easier bicycle and pedestrian movements from the development toward the Texas A&M University campus.
9. Mitigation for the Texas Avenue and University Drive intersection is proposed through a variety of transportation improvements including the intersection and median break for the former Meadowland Street being closed, a dual left turn lane on University Drive eastbound to Texas Avenue northbound and queue length extended, a dual right turn lane on Texas Avenue southbound to University Drive westbound, multiple driveways consolidated into one driveway on Texas Avenue and one driveway on University Drive, the median on Texas Avenue will be extended north past the proposed Public Way driveway, and a deceleration lane will be added to the proposed Public Way driveway on University Drive.

EXHIBIT "D" - Public Way Cross Sections



For Intern Review Only
These documents are not
intended for construction,
bidding, or permit purposes.
Prepared by
Joel J. Mitchell, P.E.
No. 80649

Revisions

JANUARY, 2014
Designed by: JMM
Checked by: JMM
Checked by: JMM

**MITCHELL
M&M
MORGAN**

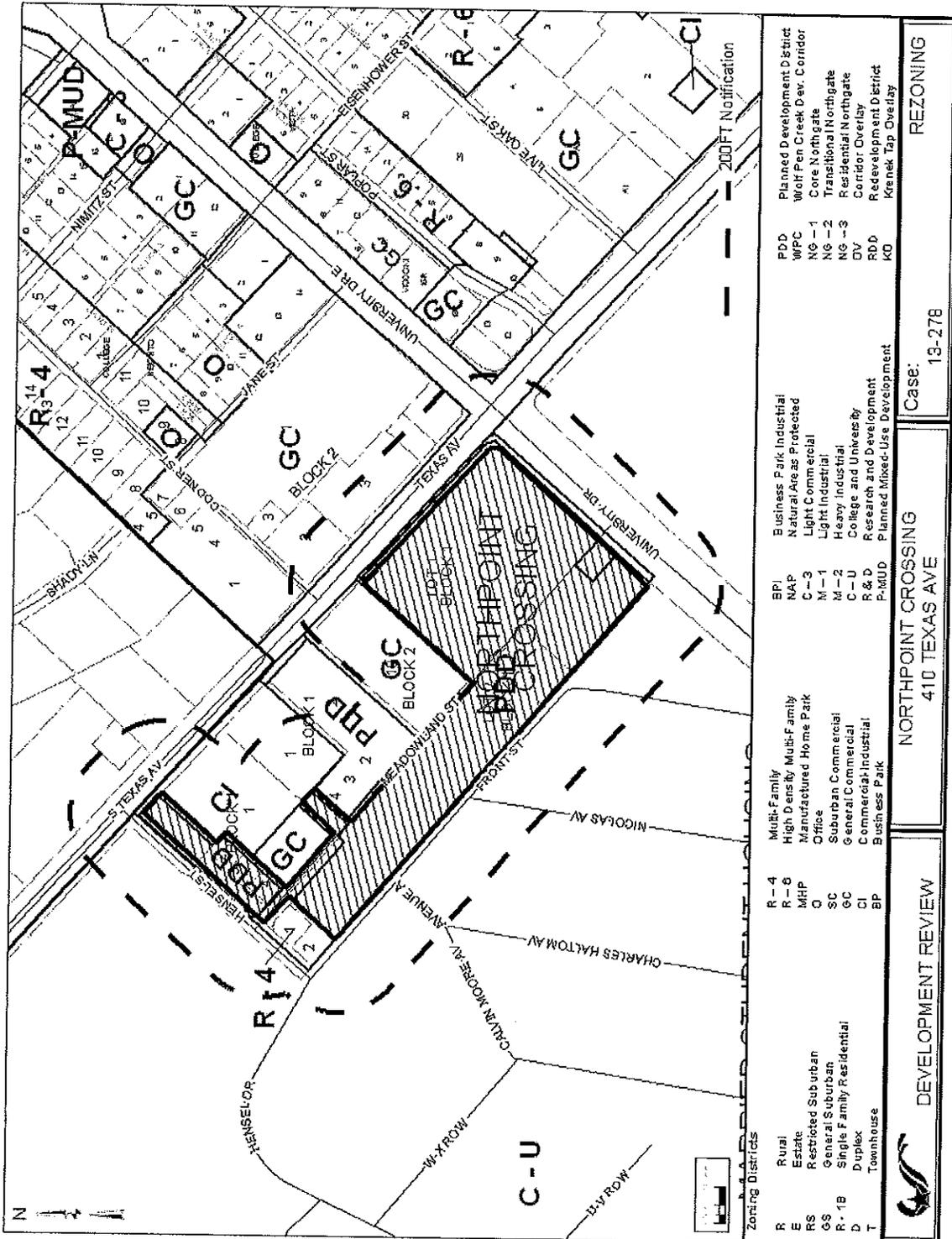
T. 979.280.6943
F. 979.280.3564
TX. PERM # F-1443
P.E. MICHIGAN STATE DEP
STATE ID#
COLLEGE STATION, TX 77843

Plan & Scale Property in
the State of Texas
REGISTERED PROFESSIONAL
ARCHITECT - LICENSE # 00022
P.E. AND ENGINEER

PUBLIC WAY
CROSS SECTIONS
NORTHPOINT CROSSING

CS

EXHIBIT "E" – Small Area Map



| | | | | |
|----------------------------------|---------------------------------|---------------------------------------|------------------------------------|------------------------------------|
| Zoning Districts | R - Rural | R-4 - Multi-Family | BPI - Business Park Industrial | PDD - Planned Development District |
| E - Estate | R-6 - High Density Multi-Family | NAP - Natural Areas Protected | WPC - Wolf Pen Creek Dev. Corridor | Core Northgate |
| RS - Restricted Suburban | MHP - Manufactured Home Park | C-3 - Light Commercial | NG-1 - Core Northgate | Transitional Northgate |
| GS - General Suburban | O - Office | M-1 - Light Industrial | NG-2 - Transitional Northgate | Residential Northgate |
| R-1B - Single Family Residential | SC - Suburban Commercial | M-2 - Heavy Industrial | NG-3 - Residential Northgate | Corridor Overlay |
| D - Duplex | GC - General Commercial | C-U - College and University | DV - Redevelopment District | Krenek Tap Overlay |
| T - Townhouse | CI - Commercial-Industrial | R&D - Research and Development | RDD - Redevelopment District | |
| | BP - Business Park | P-MUD - Planned Mixed-Use Development | KO - Krenek Tap Overlay | |

DEVELOPMENT REVIEW

NORTHPOINT CROSSING
410 TEXAS AVE

Case: 13-278

REZONING



Legislation Details (With Text)

File #: 14-291 **Version:** 1 **Name:** Comprehensive Plan Amendment – 1201 Norton Lane

Type: Comprehensive Plan **Status:** Agenda Ready

File created: 2/20/2014 **In control:** City Council Regular

On agenda: 2/27/2014 **Final action:**

Title: Public Hearing, presentation, possible action, and discussion regarding an ordinance amending the Comprehensive Plan - Future Land Use & Character Map from Estate to Suburban Commercial for approximately 5.4 acres at 1201 Norton Lane, generally located at the intersection of Norton Lane and Wellborn Road.

Sponsors:

Indexes:

Code sections:

Attachments: [Background Information](#)
[Aerial & Small Area Map](#)
[Draft P&Z Minutes](#)
[Ordinance](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Public Hearing, presentation, possible action, and discussion regarding an ordinance amending the Comprehensive Plan - Future Land Use & Character Map from Estate to Suburban Commercial for approximately 5.4 acres at 1201 Norton Lane, generally located at the intersection of Norton Lane and Wellborn Road.

Relationship to Strategic Goals:

- Diverse Growing Economy

Recommendation(s): The Planning and Zoning Commission considered this item at their February 6, 2014 meeting and voted 7-0 to recommend approval of the Comprehensive Plan Amendment.

Summary: This request is to amend the Comprehensive Plan from Estate to Suburban Commercial.

The Unified Development Ordinance provides the following review criteria for Comprehensive Plan Amendments:

REVIEW CRITERIA

1. Changed or changing conditions in the subject area or the City: The subject tract and properties immediately surrounding the area have been designated as Estate on the Comprehensive Plan Future Land Use and Character Map. The applicant has stated that the Estate designation has made it difficult for the property to sell and develop. Other than market opportunities, there appears to be no change in conditions in the subject area that would

invalidate the current land use and character designations for the area. A similar request for amending the Comprehensive Plan from Estate to Suburban Commercial for a tract north of the subject property was recently approved by City Council.

- 2. Scope of the request:** This request is to introduce a commercial land use and character into an area that is otherwise suburban and single-family in character. The request would enable a land use that is more intense than surrounding land uses and enable traffic generation and other service demands in excess of current land uses.

A previous request to amend the land use from Estate to General Commercial for this site was proposed in November, but was ultimately denied by City Council. This request is being made based on the outcome of that decision and due to Suburban Commercial being created to be more compatible with single-family land uses. A similar request was submitted for a tract to the north of the subject property. The applicant requested a Comprehensive Plan Amendment from Estate to General Commercial, but City Council voted to approve a Suburban Commercial land use as they felt it was more appropriate based on the surrounding characteristics.

- 3. Availability of adequate information:** Staff can determine trips generated by the proposed land use and subtract trips already generated by current use to assess impact. In addition, Staff has 2009 TxDOT traffic counts on Wellborn Road and 2011 projected traffic volumes created by the Travel Demand Model.

The current land use is Estate with no improvements and generating no vehicles per day (VPD). The proposed Suburban Commercial designation may generate approximately 2,160 VPD. TxDOT's 2009 traffic counts along Wellborn Road in this area are 4,800 VPD. The City's travel demand model projected to 2011 indicates a volume of 10,500 VPD. Adding the proposed land use trip generation of 2,160 VPD to 10,500 VPD, the volumes on Wellborn Road equals 12,660 VPD. Wellborn Road in this area has a capacity of approximately 20,000 VPD with a Level of Service (LOS) "D" of approximately 16,666 VPD.

- 4. Consistency with the goals and strategies set forth in the Plan:** The goal for College Station's Future Land Use and Character is to create a community with strong, unique neighborhoods, protected rural areas, special districts, distinct corridors, and a protected and enhanced natural environment.

Relevant Strategies identified in the Plan to achieve this goal include:

- Establish and protect distinct boundaries between various character areas:
 - The current Future Land Use and Character Map depicts retaining the distinct single-family character from other more developed areas.

- The proposed land use and character designation represents the second Suburban Commercial character intrusion into the otherwise Estate character area.
- Promote public and private development and design practices that ensure distinct neighborhoods, districts, and corridors:
 - The Wellborn Community, south of the subject tract, was designated as an area for further study in the City's Comprehensive Plan. In 2013, a Plan was adopted to enhance the area's character. To that end, the Plan established the following goals and reinforced the land use and character designation for the area:
 - Be a community of rural character positioned for contextually appropriate growth that embodies and sustains the uniqueness and history of the area;
 - Promote a multi-modal transportation network that responds to the low density, rural context of the community.
- Provide a diversified economy generating quality, stable, full-time jobs; bolstering the sales and property tax base; and contributing to a high quality of life:
 - The proposed land use amendment may generate jobs to stimulate the local economy, bolster sales and the tax base.
- Provide improved mobility through a safe, efficient, and well-connected multi-modal transportation system designed to be sensitive to the surrounding land uses:
 - The proposed Suburban Commercial land use designation and the existing Estate land use designation generate different trip rates and so must be evaluated against the capacity of the current transportation network. Furthermore, though outside the Wellborn Community Plan area, the strategy in the Plan was to limit the Suburban Commercial land use to correspond to the widening of Wellborn Road by TxDOT in the future to ensure roadway capacity.

5. Consideration of the Future Land Use & Character and/or Thoroughfare Plans: The subject tract is designated as Estate on the Comprehensive Plan Future Land Use and Character Map. Estate is intended for areas that are not likely to be the focus of extensive infill development. This area consists of larger-lot homes along Wellborn Road that were developed prior to annexation.

The proposed Suburban Commercial designation is intended for a more intense level of development activity and consists of uses that are permitted in the Suburban Commercial zoning district. The applicant states as a justification for the request that developments south of this property consist of commercial use, and that noise from the Wellborn Road and the railroad make this property unsuitable for residential development. The Comprehensive Plan identifies a considerable amount of Estate across Wellborn Road and the railroad to protect the existing large

lot, rural single-family character.

In this area, Wellborn Road will remain rural in context as per the Wellborn Community Plan. Wellborn Road will also remain a four-lane Minor Arterial in functional classification. Norton Lane is a private roadway and access considerations will need to be discussed between the applicant and co-owners.

6. Compatibility with the surrounding area: As stated previously, the subject property is located in an area designated as Estate and currently developed as a large-lot single-family. With the proposed Suburban Commercial development, an increased amount of traffic and infrastructure demands can be expected. The Unified Development Ordinance requires screening and buffering to Suburban Commercial properties.

7. Impacts on infrastructure including water, wastewater, drainage, and the transportation network: Water service to the tract may be provided by an existing 12-inch water main located along the east side of Wellborn Road and a 2-inch waterline along the south side of Norton Lane. Domestic and fire flow demands may necessitate future water main extensions at the time of site development. These utilities will be required to be designed and constructed in accordance with the BCS Unified Design Guidelines.

There is currently an 8-inch sanitary sewer main along the east side of Wellborn Road available to serve the property. Although the proposed Suburban Commercial Land Use will be creating more density, preliminary analysis of the system has indicated that there is available capacity to serve this type of development.

The subject tract is located in the Hopes Creek drainage basin. No portion of the property has been designated FEMA Special Flood Hazard Area. Development of the subject tract will be required to meet the requirements of the City's Storm Water Design Guidelines, and site development impacts on the drainage system will be evaluated further at that time.

8. Impact on the City's ability to provide, fund, and maintain services: No indication exists that the City will have any difficulty in providing or funding services to the subject property based on the requested land use and character designation.

9. Impact on environmentally sensitive and natural areas: There have not been any areas studied as floodplain in the subject area; however, a change in character in this area could lead to increases in population, traffic, etc. and may impact this natural area.

10. Contribution to the overall direction and character of the community as captured in the

Plan's vision and goals: The goal for College Station's Future Land Use and Character is to create a community with strong, unique neighborhoods, protected rural areas, special districts, distinct corridors, and a protected and enhanced natural environment.

This request recognizes and promotes economic opportunity and the property is located adjacent to an existing single-family neighborhood.

Budget & Financial Summary: N/A

Reviewed and Approved by Legal: Yes

Attachments:

1. Background Information
2. Aerial & Small Area Map (SAM)
3. Draft P&Z Minutes
4. Ordinance

NOTIFICATIONS

Advertised Commission Hearing Date: February 6, 2014
Advertised Council Hearing Dates: February 27, 2014

The following neighborhood organizations that are registered with the City of College Station’s Neighborhood Services have received a courtesy letter of notification of this public hearing:
Southern Trace HOA

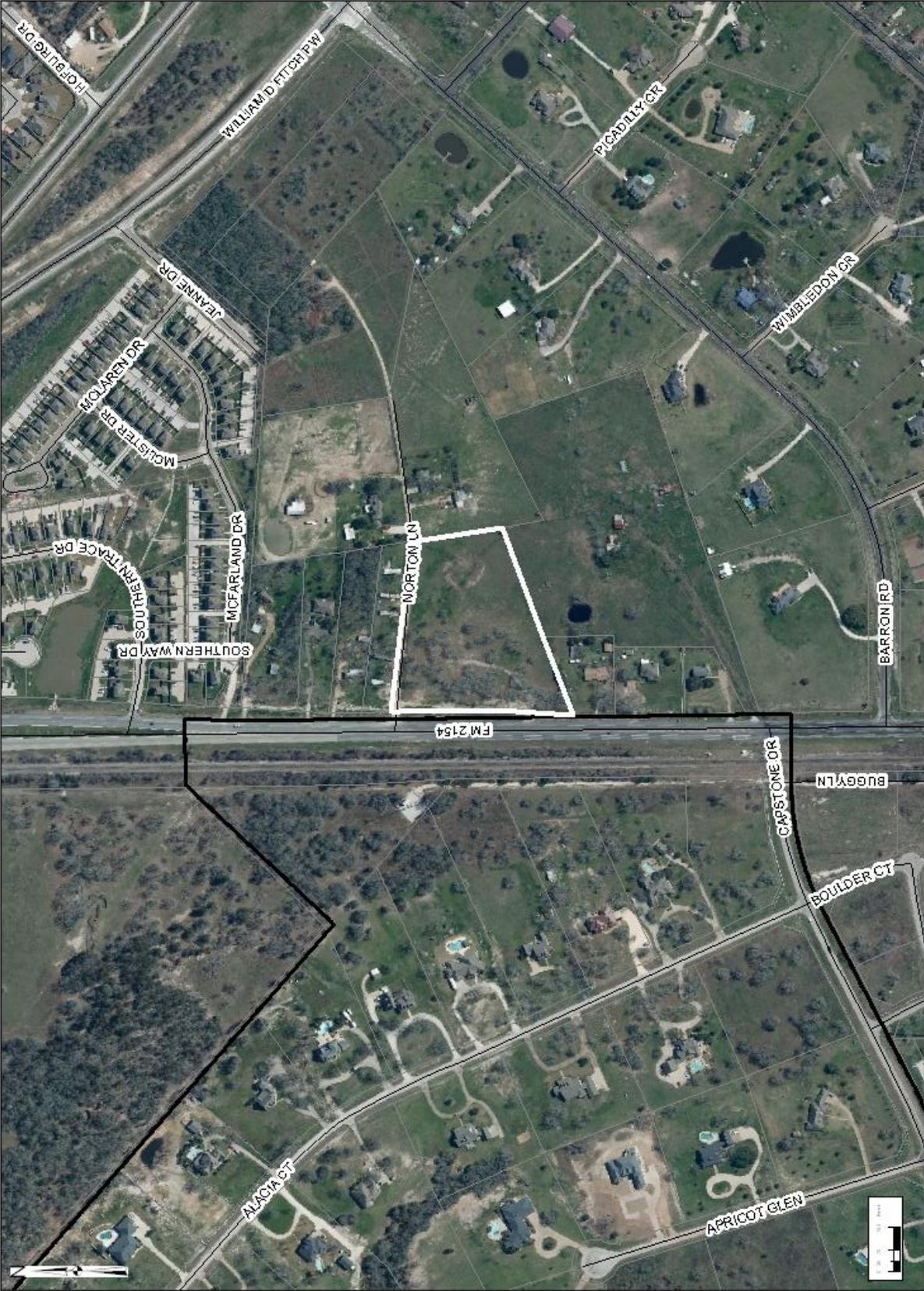
Contacts in support: None at the time of this report.
Contacts in opposition: None at the time of this report.
Inquiry contacts: None at the time of this report.

ADJACENT LAND USES

| Direction | Comprehensive Plan | Zoning | Land Use |
|------------------------------------|---------------------------|---------------|---------------------------|
| North | Estate | R Rural | Single-family residential |
| South | Estate | R Rural | Single-family residential |
| East | Estate | R Rural | Single-family residential |
| West (across Wellborn Road) | Rural | N/A (ETJ) | Single-family residential |

DEVELOPMENT HISTORY

Annexation: June 1995
Zoning: R Rural
Final Plat: This property is unplatted.
Site development: The site is currently undeveloped.



COMP PLAN
AMENDMENT

Case:
13-259

BRAZOS VALLEY CHURCH OF CHRIST
1201 NORTON LN

DEVELOPMENT REVIEW



MINUTES
PLANNING & ZONING COMMISSION
Regular Meeting
February 6, 2014, 7:00 p.m.
City Hall Council Chambers
College Station, Texas

COMMISSIONERS PRESENT: Bo Miles, Jodi Warner, Jerome Rektorik, Jim Ross, Brad Corrier, Jane Kee, Casey Oldham

COMMISSIONERS ABSENT: None

CITY COUNCIL MEMBERS PRESENT: Julie Schultz

CITY STAFF PRESENT: Lance Simms, Molly Hitchcock, Alan Gibbs, Jason Schubert, Carol Cotter, Danielle Singh, Erika Bridges, Morgan Hester, Teresa Rogers, Jenifer Paz, Brittany Caldwell, Robin Cross, and Macie Quick

1. Public hearing, presentation, possible action, and discussion regarding an ordinance amending the Comprehensive Plan – Future Land Use & Character Map from Estate to Suburban Commercial for approximately 5.4 acres for the property located at 1201 Norton Lane, generally located at the intersection of Norton Lane and Wellborn Road. **Case #13-00900259 (M. Hester) (Note: Final action on this item is scheduled for the February 27, 2014 City Council meeting – subject to change)**

Staff Planner Hester presented the staff report and stated that the Planning and Zoning Commission and City Council are requested to make a policy decision. At least three options for action are available as noted below:

- Accept the applicant's proposal of amending the Comprehensive Plan to General Commercial and Natural Areas-Reserved designation;
- Deny the applicant's proposal and maintain Suburban Commercial and Natural Areas-Reserved designation on the Comprehensive Plan;
- Propose an alternative land use and character designation for this property.

There was general discussion amongst the Commission regarding the amendment.

Chairman Miles opened the public hearing.

Ray Bomnskie, 4691 River Valley Drive, College Station, Texas, stated that the City Council suggested that Suburban Commercial would be a better use than the initial proposal of General Commercial. He also said that access to the property would be on Wellborn Road.

Chairman Miles closed the public hearing.

Commissioner Rektorik motioned to recommend approval of the applicant's request. Commissioner Kee seconded the motion.

There was general discussion amongst the Commission regarding splitting land use designations on the property.

The motion passed (7-0)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF COLLEGE STATION, TEXAS, AMENDING THE COLLEGE STATION COMPREHENSIVE PLAN BY AMENDING THE COMPREHENSIVE PLAN FUTURE LAND USE AND CHARACTER MAP, FOR THE PROPERTY LOCATED AT 1201 NORTON LANE, GENERALLY LOCATED AT THE INTERSECTION OF NORTON LANE AND WELLBORN ROAD, PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

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

PART 1: That the "Comprehensive Plan of the City of College Station" is hereby amended by amending the "Comprehensive Plan Future Land Use and Character Map", for the indentified area, as set out in Exhibits "A", section C.2.g, and Exhibits "B", and "C" attached hereto and made a part of this ordinance for all purposes.

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

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

PASSED, ADOPTED and APPROVED this 27th day of February, 2014.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:



City Attorney

EXHIBIT "A"

A. Comprehensive Plan

The College Station Comprehensive Plan (Ordinance 3186) is hereby adopted and consists of the following:

1. Existing Conditions;
2. Introduction;
3. Community Character;
4. Neighborhood Integrity;
5. Economic Development;
6. Parks, Greenways & the Arts;
7. Transportation;
8. Municipal Services & Community Facilities;
9. Growth Management and Capacity; and
10. Implementation and Administration.

B. Master Plans

The following Master Plans are hereby adopted and made a part of the College Station Comprehensive Plan:

1. The Northgate Redevelopment Plan dated November 1996;
2. The Revised Wolf Pen Creek Master Plan dated 1998;
3. Northgate Redevelopment Implementation Plan dated July 2003;
4. East College Station Transportation Study dated May 2005;
5. Parks, Recreation and Open Space Master Plan dated May 2005;
6. Park Land Dedication Neighborhood Park Zones Map dated January 2009;
7. Park Land Dedication Community Park Zones map dated April 2009;
8. Bicycle, Pedestrian, and Greenways Master Plan dated January 2010;
9. Central College Station Neighborhood Plan dated June 2010;
10. Water System Master Plan dated August 2010;
11. Wastewater Master Plan dated June 2011;
12. Eastgate Neighborhood Plan dated June 2011;
13. Recreation, Park and Open Space Master Plan dated July 2011;
14. Southside Area Neighborhood Plan dated August 2012;
15. Medical District Master Plan dated October 2012;
16. Wellborn Community Plan dated April 2013;
17. Economic Development Master Plan dated September 2013; and
18. South Knoll Area Neighborhood Plan dated September 2013.

C. Miscellaneous Amendments

The following miscellaneous amendments to the College Station Comprehensive Plan are as follows:

1. Text Amendments:
 - a. Chapter 2 “Community Character,” “Growth Areas” by amending the text regarding Growth Area IV and Growth Area V – Ordinance 3376, dated October 2011.
2. Future Land Use and Character Map Amendment:
 - a. 301 Southwest Parkway – Ordinance 3255, dated July 2010.
 - b. Richards Subdivision – Ordinance 3376, dated October 2011.
 - c. 1600 University Drive East – Ordinance 3535, dated November 14, 2013.
 - d. 2560 Earl Rudder Freeway S. – Ordinance 3541, dated December 12, 2013.
 - e. 13913 FM 2154 – Ordinance 3546, dated January 9, 2014.
 - f. 2021 Harvey Mitchell Parkway – Ordinance 3549, dated January 23, 2014.
 - g. 1201 Norton Lane – through this Ordinance, dated February 27, 2014.
3. Concept Map Amendment:
 - a. Growth Area IV – Ordinance 3376, dated October 2011.
 - b. Growth Area V – Ordinance 3376, dated October 2011.
4. Thoroughfare Map Amendment:
 - a. Raintree Drive – Ordinance 3375, dated October 2011.
 - b. Birkdale Drive – Ordinance 3375, dated October 2011.
 - c. Corsair Circle – Ordinance 3375, dated October 2011.
 - d. Deacon Drive – Ordinance 3375, dated October 2011.
 - e. Dartmouth Drive – Ordinance 3375, dated October 2011.
 - f. Farm to Market 60 – Ordinance 3375, dated October 2011.
 - g. Southwest Parkway – Ordinance 3375, dated October 2011.

D. General

1. Conflict. All parts of the College Station Comprehensive Plan and any amendments thereto shall be harmonized where possible to give effect to all. Only in the event of an irreconcilable conflict shall the later adopted ordinance prevail and then only to the extent necessary to avoid such conflict. Ordinances adopted at the same city council meeting without reference to another such ordinance shall be harmonized, if possible, so that effect may be given to each.
2. Purpose. The Comprehensive Plan is to be used as a guide for growth and development for the entire City and its extra-territorial jurisdiction (“ETJ”). The College Station Comprehensive Plan depicts generalized locations of proposed future land-uses, including thoroughfares, bikeways, pedestrian ways, parks, greenways, and waterlines that are subject to modification by the City to fit local conditions and budget constraints.
3. General nature of Future Land Use and Character. The College Station Comprehensive Plan, in particular the Future Land Use and Character Map found in A.3 above and any adopted amendments thereto, shall not be nor considered a zoning map, shall not constitute zoning regulations or establish zoning boundaries and shall not be site or parcel specific but shall be used to illustrate generalized locations.

4. General nature of College Station Comprehensive Plan. The College Station Comprehensive Plan, including the Thoroughfare Plan, Bicycle, Pedestrian, and Greenways Master Plan, Central College Station Neighborhood Plan, Water System Master Plan and any additions, amendments, master plans and subcategories thereto depict same in generalized terms including future locations; and are subject to modifications by the City to fit local conditions, budget constraints, cost participation, and right-of-way availability that warrant further refinement as development occurs. Linear routes such as bikeways, greenways, thoroughfares, pedestrian ways, waterlines and sewer lines that are a part of the College Station Comprehensive Plan may be relocated by the City 1,000 feet from the locations shown in the Plan without being considered an amendment thereto.
5. Reference. The term College Station Comprehensive Plan includes all of the above in its entirety as if presented in full herein, and as same may from time to time be amended.

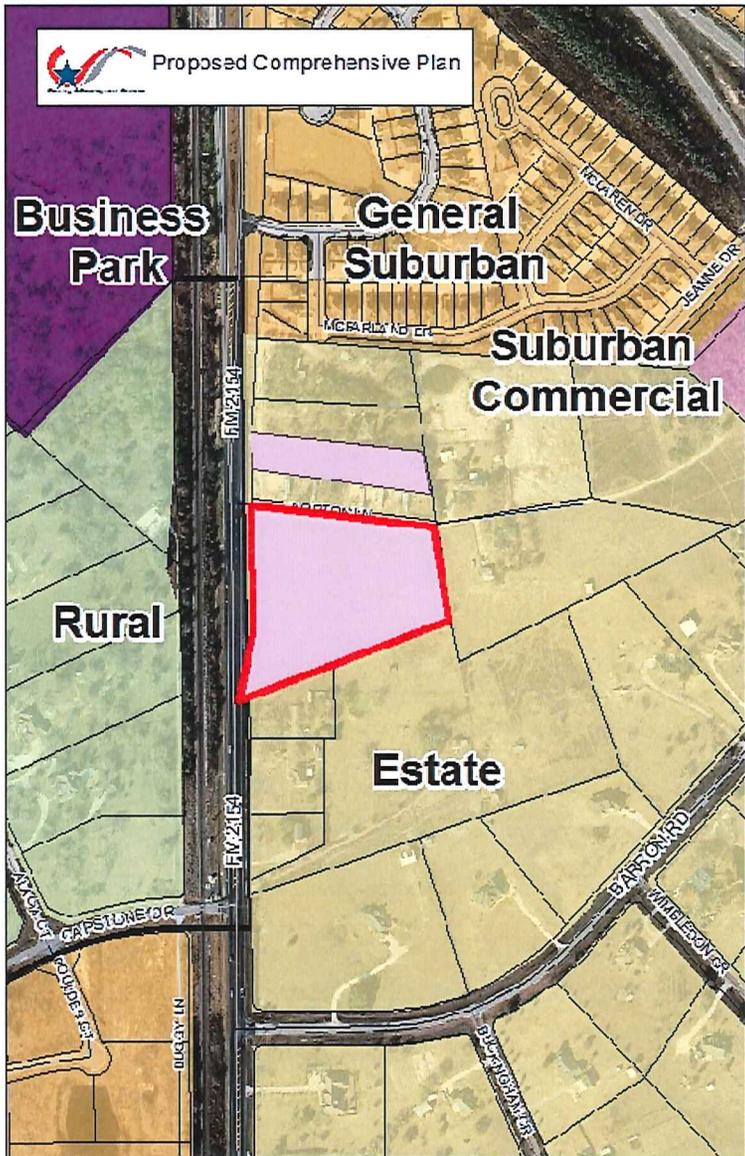
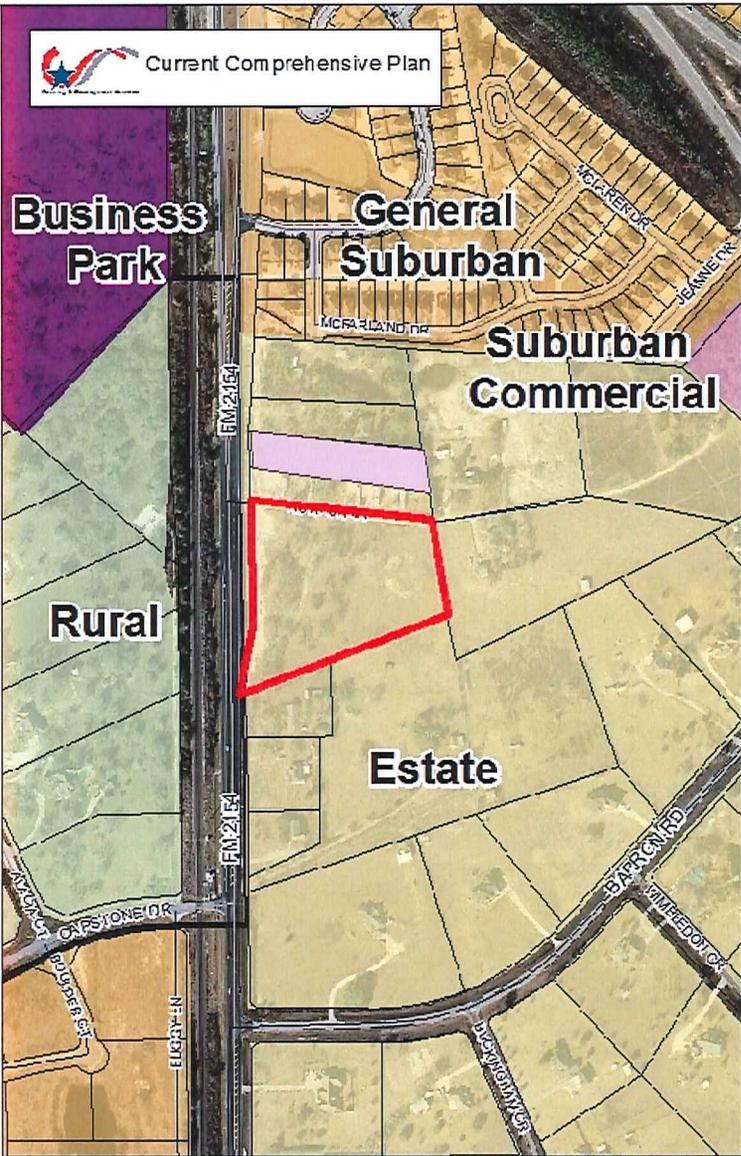
EXHIBIT "B"

AMENDED AREA OF FUTURE LANE USE AND CHARACTER MAP

That the "Comprehensive Plan" of the City of College Station, Texas, is hereby amended by amending the Future Land Use and Character Map as follows:

The 5.4 acres located at 1201 Norton Lane, generally located at the intersection Norton Lane and Wellborn Road, is amended from Estate to Suburban Commercial, as shown in the attached Exhibit "C".

EXHIBIT "C"





Legislation Details (With Text)

File #: 14-292 **Version:** 1 **Name:** Credit Access Business
Type: Ordinance **Status:** Agenda Ready
File created: 2/20/2014 **In control:** City Council Regular
On agenda: 2/27/2014 **Final action:**
Title: Presentation, possible action, and discussion regarding the approval of an ordinance to amend Chapter 4 "Business Regulations" of the College Station Code of Ordinances by amending Section 17 to include "Credit Access Businesses" which would provide registration requirements and credit extension guidelines for credit access businesses.
Sponsors:
Indexes:
Code sections:
Attachments: [PayDay Lender Ordinance](#)

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
|------|------|-----------|--------|--------|

Presentation, possible action, and discussion regarding the approval of an ordinance to amend Chapter 4 "Business Regulations" of the College Station Code of Ordinances by amending Section 17 to include "Credit Access Businesses" which would provide registration requirements and credit extension guidelines for credit access businesses.

Relationship to Strategic Goals:

- Financially Sustainable City
- Neighborhood Integrity
- Diverse Growing Economy

Recommendation(s): Staff recommends approval.

Summary: Credit access businesses offer both payday and auto title loans. Payday loans are small cash advances with two-week loan terms. These loans are unsecured, but a postdated check is required. With an auto title loan, the car title is used as collateral and has a one month loan term. If the borrower defaults, the lender can take the car. These types of loans create a cycle of debt wherein high fees are paid month after month, often with no reduction in the loan principal. In 2012 there were over 31,000 payday/auto title loans and refinances in the College Station - Bryan Metro Area, and \$2.4 million in fees. 269 vehicles were repossessed.

After receiving a Call to Action from the United Way's Financial Stability Committee concerning Payday and Auto Title Lending Activities as well as an informative presentation, Council directed staff to bring a Payday Lending Resolution for their consideration. Council passed the Resolution on January 10, 2013 calling on the State Legislature and Governor to take action to stop usurious lending by credit access businesses that exploit economically vulnerable College Station citizens. The City of Bryan passes a similar resolution in support of State action. The State Legislature has passed no significant regulation governing credit access businesses.

The proposed ordinance is crafted from a model provided by the Texas Municipal League. Other cities across the State, including the City of Bryan, have adopted similar legislation. The purpose of this proposed ordinance is to protect the welfare of the citizens of the City of College Station by monitoring credit access businesses in an effort to reduce abusive and predatory lending practices. The amending of this Chapter will establish a registration program for credit access businesses, impose restriction on extensions or consumer credit made by credit access businesses, and impose recordkeeping requirements on credit access businesses. The key terms of this proposed ordinance are as follows:

- A credit access business must apply for and receive a certificate of registration from the City.
- A credit access business must maintain complete records of all loans made by the business for at least three (3) years and make the records available to the City for inspection upon request.
- The amount of a payday loan may not exceed 20 percent (20%) of the consumer's (borrower's) gross monthly income.
- The amount of an auto title loan may not exceed the lesser of three percent (3%) of the consumer's (borrower's) gross annual income or seventy percent (70%) of the retail value of the motor vehicle.
- Any loan from a credit access business that provides for repayment in installments may not be payable in more than four (4) installments, and the proceeds from each installment must be used to repay at least twenty-five percent (25%) of the principal amount of the loan. No renewals or refinancing of installment-payment loans are permitted.
- Any loan from a credit access business that provides for a single lump sum repayment may not be refinanced or renewed more than three (3) times, and the proceeds from each refinancing or renewal must be used to repay at least twenty-five percent (25%) of the principal amount of the loan. Any loan made to a consumer within seven (7) days of a previous loan being paid by the consumer constitutes a refinancing or renewal.

Budget & Financial Summary : N/A While specific funding is not necessary, staffs resources will be needed to administer certificates of registration, perform records reviews, and other duties and responsibilities as may be necessary and appropriate to administer this new Ordinance.

Reviewed and Approved by Legal: Yes

Attachments:

1. Proposed Ordinance

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF COLLEGE STATION, TEXAS, AMENDING CHAPTER 4 “BUSINESS REGULATIONS” BY AMENDING SECTION 17, TO INCLUDE “CREDIT ACCESS BUSINESSES”; PROVIDING REGISTRATION REQUIREMENTS AND CREDIT EXTENSION GUIDELINES FOR CREDIT ACCESS BUSINESSES; AND REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES; PROVIDING A SAVINGS CLAUSE; PROVIDING FOR SEVERABILITY; FINDING AND DETERMINING THAT THE MEETINGS AT WHICH THE ORDINANCE IS PASSED ARE OPEN TO THE PUBLIC AS REQUIRED BY LAW; PROVIDING FOR PUBLICATION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City Council of the City of College Station, Texas, represents the citizens of the City of College Station; and

WHEREAS, citizens of the City of College Station are deeply concerned about the harmful effects of credit access businesses’ lending practices in our community.

WHEREAS, certain credit access businesses engage in abusive and predatory lending practices, offering easy money to those members of our community who are in a tight spot with onerous terms and fees; and

WHEREAS, the practices of certain access businesses cause members of our community to become trapped in a cycle of short term, high interest loans resulting in large debt and huge payments; and

WHEREAS, The State of Texas has no significant regulation governing credit access businesses; and

WHEREAS, data reported to the Texas Office of Consumer Credit Commissioner show that in 2012 over \$2.4 million in fees were charged and 269 vehicles repossessed by credit access businesses in the College Station - Bryan Metropolitan Statistical Area; and

WHEREAS, the Pew Charitable Trusts, in their publication entitled *Payday Lending in America: Who Borrows, Where they Borrow, and Why*, (July 2012), wrote that “payday loans are sold as two-week credit products that provide fast cash, but borrowers are actually indebted for an average of five months per year.” The report further noted that “on average, a borrower takes out eight loans of \$375 each per year and spends \$520 on interest;” and

WHEREAS, the Pew Charitable Trusts, in their publication entitled *Payday Lending in America: Who Borrows, Where they Borrow, and Why*, (July 2012), also noted: “How much borrowers spend on loans depends heavily on the fees permitted by their state. The same \$500 storefront loan would generally cost about \$55 in Florida, \$75 in Nebraska, \$87.50 in Alabama, and \$100 in Texas, even if it were provided by the same national company in all those states. Previous research has found that lenders tend to charge the maximum permitted in a state;” and

WHEREAS, the Pew Charitable Trusts, in their publication entitled *Payday Lending in America: Who Borrows, Where they Borrow, and Why*, (July 2012), also stated that “the vast majority of borrowers use the loans on a long-term basis, not temporary one. Thus it seems that the payday loan industry is selling a

product few people use as designed and that imposes debt that is consistently more costly and longer lasting than advertised;” and

WHEREAS, the Community Financial Services Association of America (CFSA), the national trade association for companies that offer small dollar, short-term loans or payday advances includes the following in the “Member Best Practices” as listed on its internet site (<http://cfsaa.com/cfsa-member-best-practices.aspx>): “Members shall not allow customers to rollover a payday advance (the extension of an outstanding advance by payment of only a fee) unless expressly authorized by state law, but in such cases where authorized will limit rollovers to four or the state limit, whichever is less.” The need for consumer understanding was also outlined on this website: “A contract between a member and the customer must fully outline the terms of the payday advance transaction. Members agree to disclose the cost of the service fee both as a dollar amount and as an annual percentage rate (“APR”);” and

WHEREAS, the Center for Responsible Lending, a non-profit, non-partisan organization, states on its internet site (http://www.responsiblelending.org/other-consumer-loans_tools-resources/fast-facts.html) that: “car title loans are based on the value of a borrower’s car - the ability to repay the loans is not factor in the lending decision...”; “loan rates for a car title are typically 20-30 times that of rates charged by credit card issuers...”; “the average car title customer renews their loan 8 times...”; and, “on a \$500 title loan, this average customer will pay back \$650 in interest over eight months; the principal borrowed will be in addition;” and

WHEREAS, lenders hold onto the motor vehicle title and when borrowers cannot continue to pay the fees, they can lose their vehicles, which can drastically affect the borrower’s means of transportation for work and other essential household functions.

WHEREAS, the City Council finds and determines that local regulation of credit access businesses would substantially curtail the likelihood of borrowers becoming trapped in a cycle of debt, affording the borrowers who utilize such intuitions the opportunity to reduce their indebtedness while still affording the industry member institutions the opportunity to receive a fair return on their investment.

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

PART 1: The findings and recitations contained in the preamble to this ordinance are hereby adopted and incorporated for all purposes.

PART 2: That Chapter 4 of the City of College Station Code of Ordinances is hereby amended, by adding Section 17, “Credit Access Businesses,” to read as follows:

Sec. 4-17. CREDIT ACCESS BUSINESSES.

- A. Short Title** - This Section may be known and cited as “Credit Access Businesses Regulation.”
- B. Purpose** -The purpose of this article is to protect the welfare of the citizens of the City of College Station by monitoring credit access businesses in an effort to reduce abusive and predatory lending practices. To this end, this article establishes a registration program for credit access businesses, imposes restrictions on extensions of consumer credit made by credit access businesses, and imposes recordkeeping requirements on credit access businesses.

C. Definitions.

As used in this chapter:

- (1) CERTIFICATE OF REGISTRATION means a certificate of registration issued by the director under this article to the owner or operator of a credit access business.
- (2) CONSUMER means an individual who is solicited to purchase or who purchases the services of a credit access business.
- (3) CONSUMER'S LANGUAGE OF PREFERENCE is the language the consumer understands best.
- (4) CREDIT ACCESS BUSINESS has the meaning given that term in Section 393.601 of the Texas Finance Code.
- (5) DEFERRED PRESENTMENT TRANSACTION has the meaning given that term in Section 393.601 of the Texas Finance Code.
- (6) DIRECTOR means the director of the department designated by the City Council, City Manager, or City Councilor City Manager's Designee, to enforce and administer this chapter.
- (7) EXTENSION OF CONSUMER CREDIT has the meaning given that term in Section 393.001 of the Texas Finance Code.
- (8) MOTOR VEHICLE TITLE LOAN has the meaning given that term in Section 393.601 of the Texas Finance Code.
- (9) PERSON means any individual, corporation, organization, partnership, association, financial institution, or any other legal entity.
- (10) REGISTRANT means a person issued a certificate of registration for a credit access business under this chapter and includes all owners and operators of the credit access business identified in the registration application filed under this chapter.
- (11) STATE LICENSE means a license to operate a credit access business issued by the Texas Consumer Credit Commissioner under Chapter 393, Subchapter G of the Texas Finance Code.

D. Violations; Penalty

- (a) A person who violates a provision of this chapter, or who fails to perform an act required of the person by this chapter, commits an offense. A person commits a separate offense for each and every violation relating to an extension of consumer credit, and for each day during which a violation is committed, permitted, or continued.
- (b) An offense under this chapter is punishable by a fine of not more than \$500.
- (c) A culpable mental state is not required for the commission of an offense under this article and need not be proved.
- (d) The penalties provided for in Subsection (b) are in addition to any other remedies that the city may have under city ordinances and state law.

E. Defenses

It is a defense to prosecution under this article that at the time of the alleged offense the person was not required to be licensed by the state as a credit access business under Chapter 393, Subchapter G, of the Texas Finance Code, as amended.

F. Registration Required

A person commits an offense if the person acts, operates, or conducts businesses as a credit access business without a valid certificate of registration. A certificate of registration is required for each physically separate credit access business.

G. Registration Application

(a) To obtain a certificate of registration for a credit access business, a person must submit an application on a form provided for that purpose to the director. The application must contain the following:

(1) The name, street address, mailing address, facsimile number, and telephone number of the applicant.

(2) The business or trade name, street address, mailing address, facsimile number, and telephone number of the credit access business.

(3) The names, street addresses, mailing addresses, and telephone numbers of all owners of the credit access business, and the nature and extent of each person's interest in the credit access business.

(4) A copy of a current, valid state license held by the credit access business pursuant to Chapter 393, Subchapter G of the Texas Finance Code, as amended.

(5) A copy of a current, valid certificate of occupancy showing that the credit access business is in compliance with the City of College Station Code.

(6) A non-refundable application fee for the amount established.

(b) An applicant or registrant shall notify the director within 45 days after any material change in the information contained in the application for a certificate of registration, including, but not limited to, any change of address and any change in the status of the state license held by the applicant or registrant.

H. Issuance and Display of Certificate of Registration; Presentment upon Request.

(a) The director shall issue to the applicant a certificate of registration upon receiving a completed application under Section 4-28.

(b) A certificate of registration issued under this section must be conspicuously displayed to the public in the credit access business. The certificate of registration must be presented upon request to the director or any peace officer for examination.

I. Expiration and Renewal of Certificate of Registration.

(a) A certificate of registration expires on the earliest of:

(1) One year after the date of issuance; or

(2) The date of revocation, suspension, surrender, expiration without renewal, or other termination of the registrant's state license.

(b) A certificate of registration may be renewed by making application in accordance with Section 4-28. A registrant shall apply for renewal at least 30 days before the expiration of the registration.

J. Non-transferability.

A certificate of registration for a credit access business is not transferable.

K. Maintenance of Records.

(a) A credit access business shall maintain a complete set of records of all extensions of consumer credit arranged or obtained by the credit access business, which must include the following information:

(1) The name and address of the consumer.

(2) The principal amount of cash actually advanced.

(3) The length of the extension of consumer credit, including the number of installments and renewals.

(4) The fees charged by the credit access business to arrange or obtain an extension of consumer credit; and

(5) The documentation used to establish a consumer's income under Section 4-33 of this ordinance.

(b) A credit access business shall maintain a copy of each written agreement between the credit access business and a consumer evidencing an extension of a consumer credit (including, but not limited to, any refinancing or renewal granted to the consumer).

(c) A credit access business shall maintain copies of all quarterly reports filed with the Texas Consumer Credit Commissioner under Section 393.627 of the Texas Finance Code, as amended.

(d) The records required to be maintained by a credit access business under this section must be retained for at least three years and made available for inspection by the city upon request during the usual and customary business hours of the credit access business.

L. Restriction on Extension of Consumer Credit.

(a) The cash advanced under an extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining in the form of a deferred presentment transaction may not exceed 20 percent of the consumer's gross monthly income.

(b) The cash advanced under an extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining in the form of a motor vehicle title loan may not exceed the lesser of:

- (1) Three percent of the consumer's gross annual income; or
 - (2) 70 percent of the retail value of the motor vehicle.
- (c) A credit access business shall use a paycheck or other documentation establishing income to determine a consumer's income.
- (d) An extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining and that provides for repayment in installments may not be payable in more than four installments. Proceeds from each installment must be used to repay at least 25 percent of the principal amount of the extension of consumer credit. An extension of consumer credit that provides for repayment in installments may not be refinanced or renewed.
- (e) An extension of consumer credit that a credit access business obtains for a consumer or assists a consumer in obtaining and that provides for a single lump sum repayment may not be refinanced or renewed more than three times. Proceeds from each refinancing or renewal must be used to repay at least 25 percent of the principal amount of the original extension of consumer credit.
- (f) For purposes of this section, an extension of consumer credit that is made to a consumer within seven days after a previous extension of consumer credit has been paid by the consumer will constitute a refinancing or renewal.

M. Requirement of Consumer Understanding of Agreement.

- (a) Every agreement between the credit access business and a consumer evidencing an extension of consumer credit (including, but not limited to, any refinancing or renewal granted to the consumer), must be written in the consumer's language of preference. Every credit access business location must maintain on its premises, to be available for use by consumers, agreements in the English and Spanish languages.
- (b) For every consumer who cannot read every agreement between the credit access business and a consumer evidencing an extension of consumer credit (including, but not limited to, any refinancing or renewal granted to the consumer) must be read to the consumer in its entirety in the consumer's language of preference, prior to the consumer's signature.
- (c) For every consumer who cannot read, every disclosure and notice required by law must be read to the consumers in its entirety in the consumer's language of preference, prior to the consumer's signature.

N. Referral to Consumer Credit Counseling.

A credit access business shall provide a form, to be prescribed by the Director, to each consumer seeking assistance in obtaining an extension of consumer credit which references non-profit agencies that provide financial education and training programs and agencies with cash assistance programs. The form will also contain information regarding extensions of consumer credit, and must include the information required by Section 4-32 (a)(1)-(5) of this ordinance specific to the loan agreement with the consumer. If the Director has prescribed a form in the consumer's language of preference, the form must be provided in the consumer's language of preference.

PART 3: It is hereby found and determined that the meetings at which this ordinance was passed were open to the public, as required by Section 551.001 et seq., Texas Government Code, and that advance public notice of time, place and purpose of said meetings was given

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 effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.

PART 5: 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 becomes effective six (6) months after its date of passage by the City Council, on August 27, 2014, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this _____ day of _____, 20__

CITY OF COLLEGE STATION

NANCY BERRY, Mayor

ATTEST:

SHERRY MASHBURN, City Secretary

APPROVED:

Carla Robinson

CARLA ROBINSON, City Attorney



Legislation Details (With Text)

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|-----------------------|---|----------------------|---|--------------|--|
| File #: | 14-293 | Version: | 1 | Name: | Comprehensive Plan Amendment Discussion-BioCorridor Area |
| Type: | Comprehensive Plan | Status: | | | Agenda Ready |
| File created: | 2/20/2014 | In control: | | | City Council Regular |
| On agenda: | 2/27/2014 | Final action: | | | |
| Title: | Presentation, possible action, and discussion regarding concepts related to a future Comprehensive Plan Amendment for the BioCorridor area. | | | | |
| Sponsors: | | | | | |
| Indexes: | | | | | |
| Code sections: | | | | | |
| Attachments: | Background Information Study Boundaries - Future Land Use and Character Map Business Park Land Use and Character Areas (map) Area Zoned for Business | | | | |

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
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Presentation, possible action, and discussion regarding concepts related to a future Comprehensive Plan Amendment for the BioCorridor area.

Relationship to Strategic Goals:

- Diverse Growing Economy

Recommendation(s): The Planning & Zoning Commission is discussing this topic at their February 20 workshop. Their recommendation will be available at the City Council meeting.

Summary: At the request of area property owners and with the direction of City Council with the 2013 Annual Review of the Comprehensive Plan, Staff has been proceeding with a process to amend the Comprehensive Plan in the vicinity of the Highway 47/Raymond Stotzer/Turkey Creek Road/Harvey Mitchell Parkway. A meeting with area property owners was held on December 16, 2013, and staff has met and talked to several property owners since the public meeting. In general, property owners communicated the following:

- Property owners with HWY 47 frontage had the most sense of urgency to pursue zoning entitlements. They felt strongly that a General Commercial land use and character would be appropriate for their properties. They cited the limited amount of commercial properties in this area of College Station and the commercial potential of being at the intersection of major thoroughfares. They did not wish for any heightened standards that would limit the land use options on their property and/or slow down the ability to pursue and/or successfully attain development rights.
- Property owners west of the Whites Creek tributary without HWY 47 frontage would also

prefer a General Commercial designation on their properties.

- Property owners east of the Whites Creek Tributary felt less urgency to prepare for growth. As predominantly single-family homeowners or existing business owners in the area, they were open to options that may expand the BioCorridor master plan concepts to their properties as part of a twenty-year plan. The concepts that were discussed the owners included land use patterns similar to those allowed in the ILA area with development standards that would be higher than in other areas of town, but that would not be to the level as those required through the BioCorridor PDD. A current property/business owner along Harvey Mitchell anticipates additional development on his property within this timeframe, but recognizes that he has one of the few properties already is zoned for commercial in the area (Commercial Industrial) and that he may continue to develop under those standards.
- Property owners along Raymond Stotzer near the Whites Creek tributary have experienced flooding and were concerned with development and the condition of TxDOT culverts.
- Property owners in the area of Turkey Creek and F&B roads were concerned about the condition of F&B and the amount of construction traffic on the road.

Staff has investigated the possible impact to infrastructure plans by changing land use designations in accordance with these property owner discussions. Impacts were determined to be minimal and would not necessitate changes to infrastructure plans. As is true in all other areas of College Station, infrastructure is not immediately available to all properties, but will be extended or upgraded as development occurs, private investments are made, or with capital projects.

In the open questions and answers/discussion portion of the property owner meeting, staff also heard that:

- There is a need to consider protecting the investments of the City made through the ILA.
- The ILA is the extent of the BioCorridor in the City of College Station and that the adopted PDD will protect ILA investments.

Central Policy Questions/Direction Requested: Before bringing forth a Comprehensive Plan Amendment for formal consideration by the City Council, staff respectfully requests direction on the following to help create a proposal that meets the desires of property owners within the framework of policy expectations:

- Is the extent of the BioCorridor master plan concept to be pursued by the City of College Station complete through the ILA area? In other words, is there a desire to proceed with expanding uses and character in the area-or a part of this area-in the spirit of the BioCorridor concept, or should land uses and character outside of the ILA area be as defined for other areas of town?
- If the ILA area is the extent of the BioCorridor, is it important to reserve land in this area for additional Business Park uses?
- If the ILA area is the extent of the BioCorridor, does the PDD ordinance provide the desired level of investment protections, or should the Comprehensive Plan identify that additional

protections via zoning regulations on surrounding properties are necessary (e.g., use restrictions, building orientations, tree preservation, sign heights)?

- Should the image corridor and gateway concepts for this area be accomplished through zoning regulations, future public investments, or both? With several property owners discussing future rezoning requests, direction at this time could possibly help to accelerate processes to seek development entitlements.

After Staff has received direction on these items, another meeting with property owners will be held, if necessary, to facilitate further discussions; otherwise a proposed amendment will be completed and brought forward for consideration.

Budget & Financial Summary: N/A

Reviewed and Approved by Legal: N/A

Attachments:

1. Background Information
2. Study Boundaries/Future Land Use and Character (map)
3. Business Park Land Use and Character Areas (map)
4. Areas Zoned for Business Park Land Uses (map)



BioCorridor Area Comprehensive Plan Amendment Background Information

The study area is the property within the bounds of Raymond Stotzer Parkway to the south, the City limits line to the west and northwest, F&B Road, and Harvey Mitchell Parkway (see attachment).

The following provide a summary of major concepts involved in the recent history of the property. Resource links are provided for access to additional information.

BioCorridor Master Plan and Zoning

In 2010, through the coordination of the Research Valley Partnership, the community came together with Broaddus Planning to provide input into the [Research Valley BioCorridor Concept Master Plan](#). Through this plan, the BioCorridor is considered a conceptual area of approximately 3,500 acres, anticipated to be an international destination for education, research, development, commercialization, and production of innovative technologies to improve global health. The land crosses the jurisdictions of the City of College Station, the City of Bryan, and the Texas A&M University System. In 2011, the cities of College Station and Bryan initiated the municipal implementation of that plan.

On December 16, 2011, the College Station City Council adopted an interlocal agreement (ILA) with the City of Bryan for a Joint BioCorridor Development Project. The project site is approximately 196 acres at the eastern intersection of Raymond Stotzer Parkway and State Highway 47 and is owned by the City of Bryan through the Bryan Commerce Development Corporation. Of this acreage, 147 are located within the City limits of College Station. The major provisions of the ILA include cost and revenue sharing between the municipalities, coordinated infrastructure delivery, unified economic development incentives, and unified land uses, development standards, and project review processes.

To develop unified land uses, development standards, and project review processes, city staff from both communities worked together and in conjunction with a subcommittee of both communities' Planning and Zoning Commissions. In addition to the technical and regulatory expertise and planning and zoning policy experience dedicated to these efforts, the City of Bryan's development partner, Traditions Acquisitions Partnership, LP participated by bringing direct development interest into the collaboration. Using the cities' comprehensive plans, the BioCorridor Master Plan, the BioCorridor Design Guidelines proposed by Jacobs Consultancy, and local zoning and development codes as guides, and with considerations from Traditions representatives and their consultants, the [BioCorridor Planned Development District \(BioC PDD\) Ordinance](#) was developed and adopted for the property affected by the ILA. The ordinance provides for flexible land uses that are processed differently and developed to standards different than in other areas of the City.

The PDD ordinance was created with the ability to expand into neighboring properties with a minor amount of adjustments, if and when desired. The intent of the regulations was to allow for development patterns in accordance with the master plan, but to also allow for a less dense version of the master plan. In general, the area was envisioned as preserving the natural

Planning & Development Services

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greenways as unifying assets that epitomize the interrelated health of plants, animal, and humans. Green buffers would extend around the HWY 47/Raymond Stotzer frontages to not only preserve a natural viewshed but to insulate the district from the highways, contributing to the placemaking of the district. Manufacturing uses were envisioned for the land west of the Whites Creek tributary with supporting office, research and development, and commercial uses near the intersection of Health Science Center Parkway and HWY 47. Offices, research and development, and commercial uses were primarily east of the tributary and across Turkey Creek Road, with a residential component allowed in the area of Health Science Center Parkway and Turkey Creek. While the greater area was kept in mind during the formation of the PDD ordinance for the ILA area, no surrounding property owners were consulted on the topic during the process and the ordinance was adopted for the area it was committed for—the ILA area.

The City of College Station Comprehensive Plan

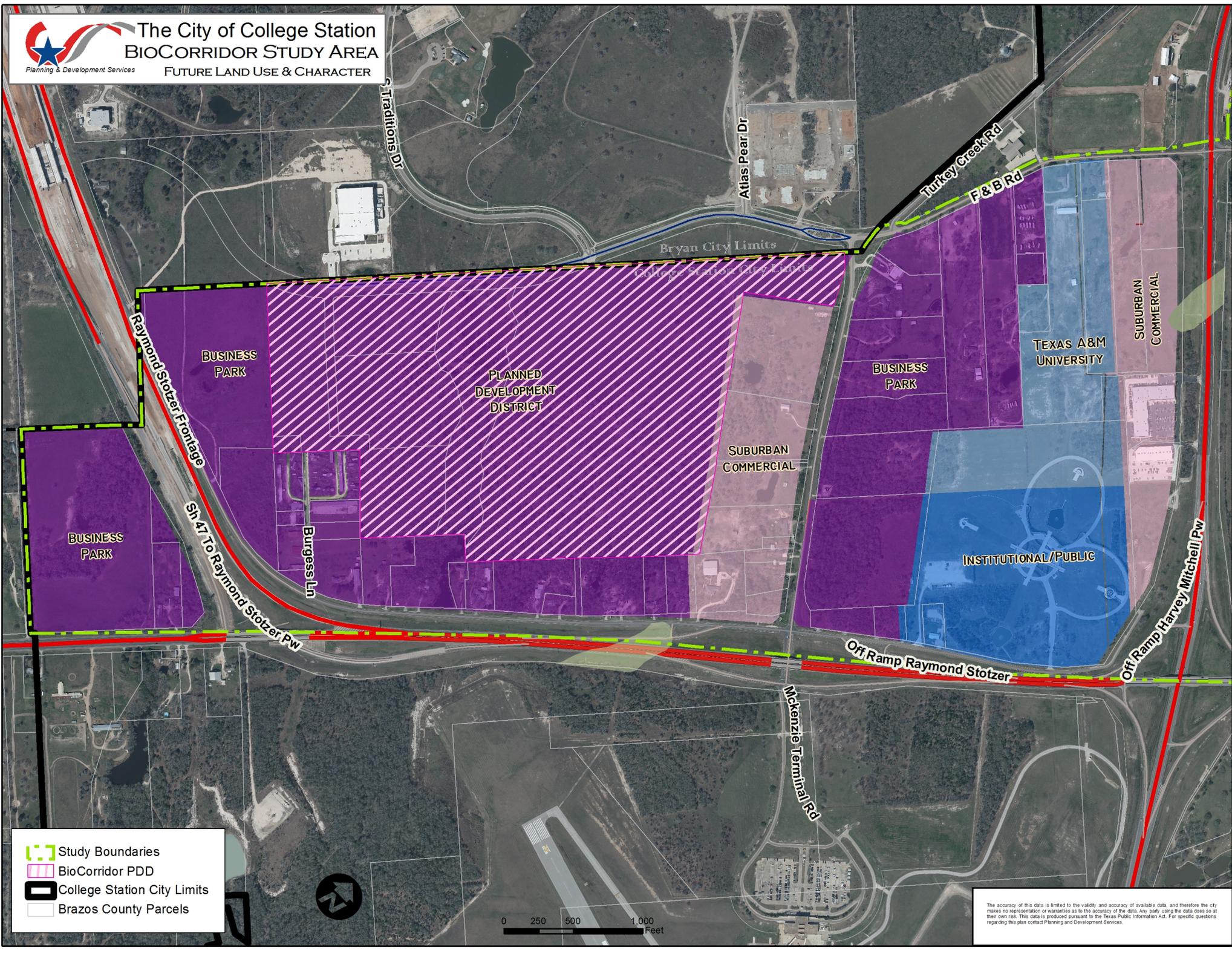
As designated through the [City of College Station's Comprehensive Plan](#), the future land use and character of this area is predominantly Business Park, with smaller portions of Suburban Commercial, Texas A&M, and Institutional/Public. The Institutional/Public is the new City cemetery. Texas A&M is noted as such because as a division of the state system, the City does not have jurisdiction of the university's development of its property. The Business Park designation is defined as one generally for areas that include office, research, or industrial uses, planned and developed as a unified project, and that need good access to arterial roadways. This area has been identified as Business Park for many years, essentially surrounded by highways and across from an airport, with limited utilities to serve any notable density. The current Comprehensive Plan added the small stretches of Suburban Commercial to provide for supporting uses of the Business Park and those travelling between the airport and F&B. Suburban Commercial is also currently identified for properties with frontage on Harvey Mitchell Parkway that are removed from the interior properties via public land and that, for the most part, have existing commercial zonings.

Including the BioCorridor ILA area and surrounding properties, the City has approximately 5% of its acreage in the City designated for Business Park. There is approximately 2% of land within the City currently zoned for office (exclusive of retail) and industrial uses. A map identifying the Comprehensive Plan's Business Park land use and character areas and one showing areas zoned BioCorridor PDD, BP Business Park, BPI Business Park Industrial, CI Commercial Industrial, and the retired districts of R&D Research and Development, M-1 Light Industrial, and M-2 Heavy Industrial are attached.

The property is located in the conceptual Presidential Corridor Gateway District identified for further planning. The Comprehensive Plan states that the focus of planning efforts for the Presidential Corridor Gateway “should be accommodating business (research and development, office, and light industrial) that builds upon the assets in the area and protects and enhances this primary gateway into the City”. The TxDOT roadways (and their adjacent properties) surrounding the subject area are all considered image corridors, with the intersections of Raymond Stotzer with HWY 47 and Harvey Mitchell Parkway considered gateways. The College Station Memorial Cemetery/Aggie Field of Honor was identified as a community asset located along an image corridor, as was Easterwood Airport.



The City of College Station BIOCORRIDOR STUDY AREA FUTURE LAND USE & CHARACTER



- Study Boundaries
- BioCorridor PDD
- College Station City Limits
- Brazos County Parcels



0 250 500 1,000 Feet

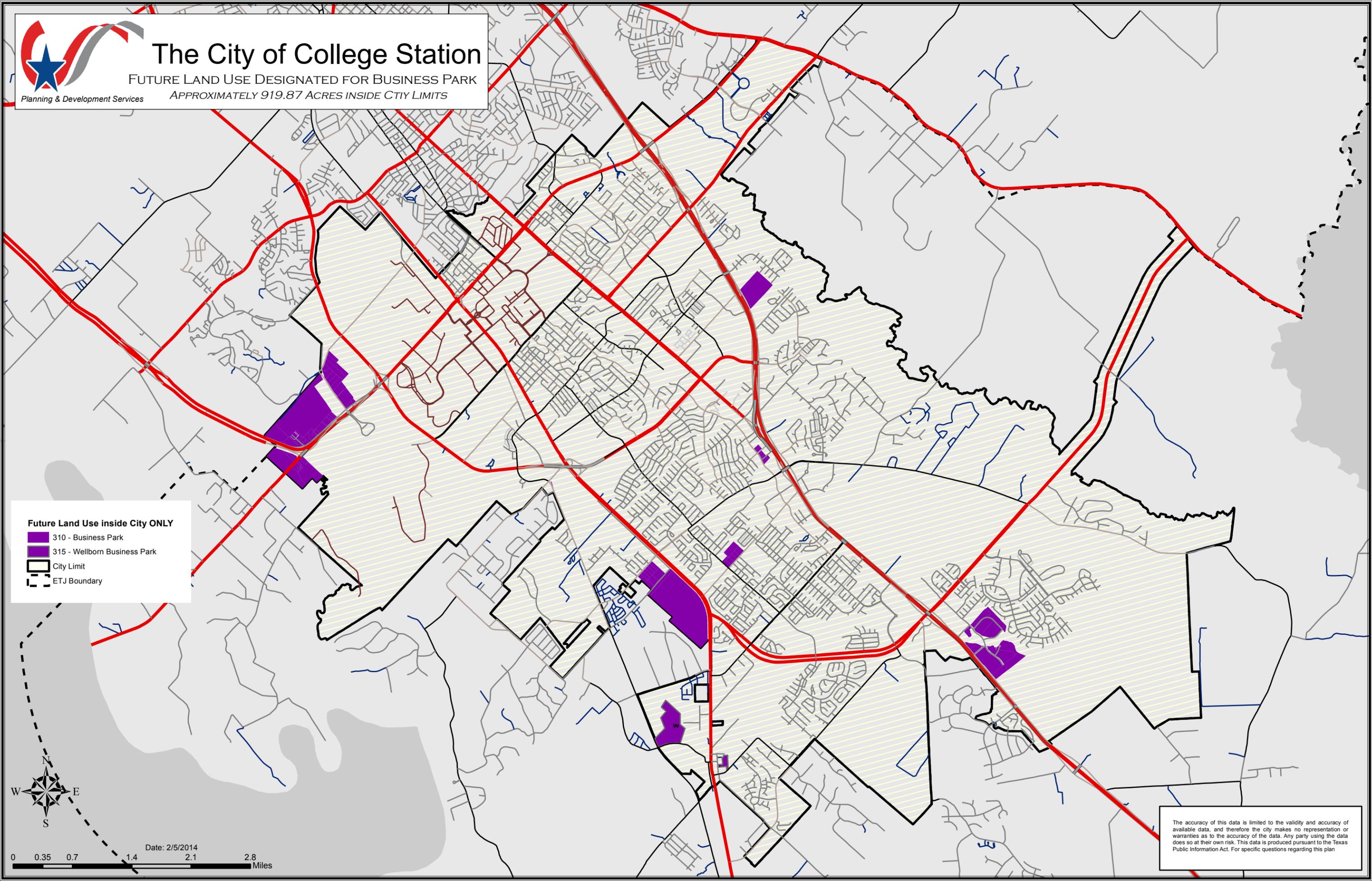
The accuracy of this data is limited to the validity and accuracy of available data, and therefore the city makes no representation or warranties as to the accuracy of the data. Any party using the data does so at their own risk. This data is produced pursuant to the Texas Public Information Act. For specific questions regarding this plan contact Planning and Development Services.



The City of College Station

FUTURE LAND USE DESIGNATED FOR BUSINESS PARK
APPROXIMATELY 919.87 ACRES INSIDE CITY LIMITS

Planning & Development Services



Future Land Use inside City ONLY

-  310 - Business Park
-  315 - Wellborn Business Park
-  City Limit
-  ETJ Boundary



Date: 2/5/2014

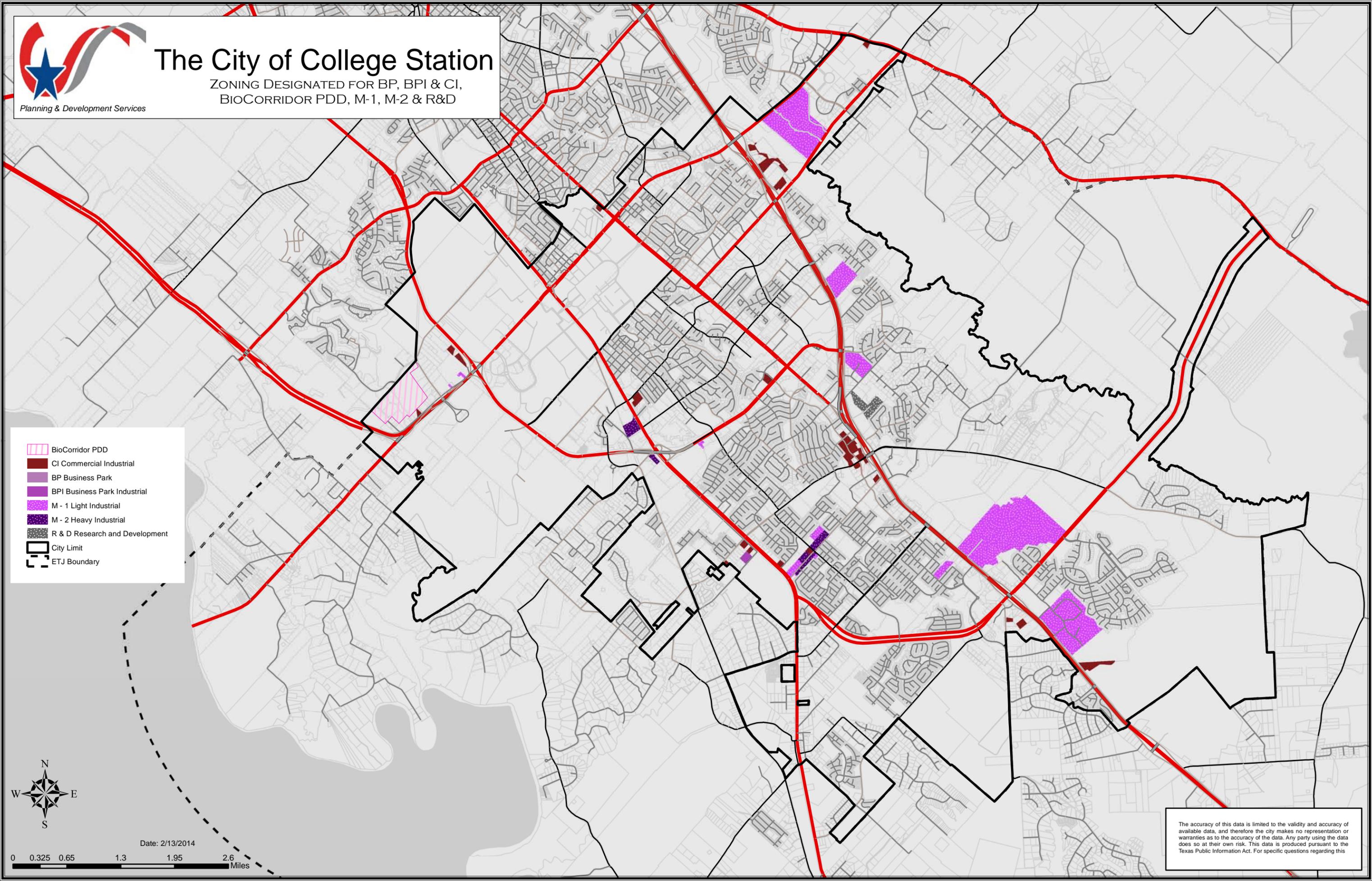


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The City of College Station

ZONING DESIGNATED FOR BP, BPI & CI,
BioCORRIDOR PDD, M-1, M-2 & R&D



- BioCorridor PDD
- CI Commercial Industrial
- BP Business Park
- BPI Business Park Industrial
- M - 1 Light Industrial
- M - 2 Heavy Industrial
- R & D Research and Development
- City Limit
- ETJ Boundary



Date: 2/13/2014



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Legislation Details (With Text)

File #: 14-294 **Version:** 1 **Name:** Board and Commission Appointments
Type: Appointment **Status:** Agenda Ready
File created: 2/20/2014 **In control:** City Council Regular
On agenda: 2/27/2014 **Final action:**
Title: Presentation, possible action and discussion regarding appointments to the following boards and commissions:
· Historic Preservation Committee

Sponsors:

Indexes:

Code sections:

Attachments:

| Date | Ver. | Action By | Action | Result |
|------|------|-----------|--------|--------|
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Presentation, possible action and discussion regarding appointments to the following boards and commissions:

- Historic Preservation Committee

Relationship to Strategic Goals:

- Good Governance

Background & Summary: On January 23, 2014 the City Council made appointments to several Boards and Commissions. That same evening the Historical Preservation Committee (HPC) and Landmark Commission were pulled until a later date. The Council will consider appointments to the HPC only at the February 27 Regular Council Meeting.

Budget & Financial Summary: There is no fiscal impact.

Attachments:

- None