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Mayor
Nancy Berry
Mayor Pro Tem
Karl Mooney
City Manager
Kelly Templin

Council members
Blanche Brick
Steve Aldrich
John Nichols
Julie M. Schultz
James M. Benham

Agenda
College Station City Council
Regular Meeting
Thursday, January 23, 2014 at 7:00 PM
City Hall Council Chamber, 1101 Texas Avenue
College Station, Texas

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

Hear Visitors: A citizen may address the City Council on any item which does not appear on the posted Agenda. Registration forms are available in the lobby and at the desk of the City Secretary. This form should be completed and delivered to the City Secretary by 5:30 pm. Please limit remarks to three minutes. A timer alarm will sound after 2 1/2 minutes to signal thirty seconds remaining to conclude your remarks. The City Council will receive the information, ask staff to look into the matter, or place the issue on a future agenda. Topics of operational concerns shall be directed to the City Manager. Comments should not personally attack other speakers, Council or staff.

Consent Agenda

At the discretion of the Mayor, individuals may be allowed to speak on a Consent Agenda Item. Individuals who wish to address the City Council on a consent agenda item not posted as a public hearing shall register with the City Secretary prior to the Mayor's reading of the agenda item. Registration forms are available in the lobby and at the desk of the City Secretary.

2. Presentation, possible action and discussion of consent agenda items which consists of ministerial or "housekeeping" items required by law. Items may be removed from the consent agenda by majority vote of the Council.

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

- January 9, 2014 Workshop
- January 9, 2014 Regular Council Meeting

b. Presentation, possible action, and discussion of an amendment to the Purchase & Sale Agreement between the City of College Station and the Research Valley Partnership.

c. Presentation, possible action and discussion regarding the sale of the conference center located at 1300 George Bush Drive.

d. Presentation, possible action, and discussion regarding the purchase of equipment for electronic capture of citation data (eCitations) from Brazos Technology for the total amount of \$106,120.

- e. Presentation, possible action and discussion regarding the renewal of the annual pricing agreement for the rental of heavy machinery with Mustang Rental Services of Bryan, TX in the amount of \$75,000 annually.
- f. Presentation, possible action and discussion on approving the Hotel Tax Fund funding agreement between the City of College Station and the Bryan/College Station Chamber of Commerce for FY14 totaling \$25,000, and approving the budget for the Bryan/College Station Chamber of Commerce related to the Hotel Tax funding.
- g. Presentation, possible action, and discussion on a resolution approving a Texas Department of Transportation (TxDOT) Advance Funding Agreement (AFA) for CapRock Crossing and on a TxDOT AFA for CapRock Crossing.
- h. Presentation, possible action, and discussion regarding the purchase of equipment, software and services from Unique Digital for the Electronic Storage Upgrade Project, CO 1401, in the amount not to exceed \$234,690.

Regular Agenda

At the discretion of the Mayor, individuals may be allowed to speak on a Regular Agenda Item. Individuals who wish to address the City Council **on a regular agenda item not posted as a public hearing** shall register with the City Secretary prior to the Mayor's reading of the agenda item. Registration forms are available in the lobby and at the desk of the City Secretary.

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

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

1. Public Hearing, presentation, possible action, and discussion regarding an ordinance amending the Comprehensive Plan – Future Land Use & Character Map from Suburban Commercial, Urban, and Natural Areas Reserved to Urban and Natural Areas Reserved for the property located at 2021 Harvey Mitchell Parkway South, generally located at the intersection of Rio Grande Boulevard and Harvey Mitchell Parkway South.
2. Public Hearing, presentation, possible action, and discussion on a resolution establishing the City Council's determination that the use of parkland is allowable and that no other feasible or prudent alternative for Right-of-Way for the extension of WS Phillips Parkway within Phillips Park exists, and that all reasonable planning measures have been taken to minimize the harm to such parkland.
3. Public Hearing, presentation, possible action, and discussion regarding an amendment to Chapter 12, "Unified Development Ordinance," Section 4.2, "Official Zoning Map," of the Code of Ordinances of

the City of College Station, Texas, by rezoning approximately 294 acres of R-1B Single-Family Residential and R Rural to RS Restricted Suburban in the area of the Great Oaks Subdivision, generally bounded by the existing Great Oaks Subdivision to the west, Rock Prairie Road West to the south, Quail Run Subdivision to the north, and Holleman Drive South to the east.

4. Presentation, possible action and discussion regarding appointments to the following boards and commissions:
 - B/CS Library Committee
 - Bicycle, Pedestrian, and Greenways Advisory Board
 - Construction Board of Adjustments
 - Convention and Visitors Bureau
 - Design Review Board
 - Historic Preservation Committee
 - Joint Relief Funding Review Committee
 - Landmark Commission
 - Parks and Recreation Board
 - Planning and Zoning Commission
 - Zoning Board of Adjustments

5. 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.

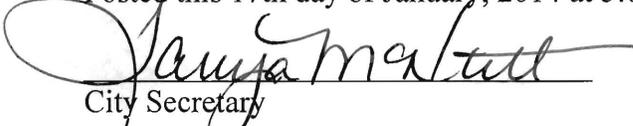
APPROVED:



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 Thursday, January 23, 2014 at 7:00 PM at the City Hall Council Chambers, 1101 Texas Avenue, College Station, Texas. The following subjects will be discussed, to wit: See Agenda.

Posted this 17th day of January, 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 January 17, 2014 at 5:00 p.m. and remained so posted continuously for at least 72 hours proceeding the scheduled time of said meeting.

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

City Council Regular Meeting

Thursday, January 23, 2014

Dated this _____ day of _____, 2014 By _____

Subscribed and sworn to before me on this the _____ day of _____, 2014.

Notary Public – Brazos County, Texas My commission expires: _____

The building is wheelchair accessible. Handicap parking spaces are available. Any request for sign interpretive service must be made 48 hours before the meeting. To make arrangements call (979) 764-3517 or (TDD) 1-800-735-2989. Agendas may be viewed on www.cstx.gov. Council meetings are broadcast live on Cable Access Channel 19.

January 23, 2014
City Council Consent Agenda Item No. 2a
City Council Minutes

To: Kelly Templin, City Manager

From: Sherry Mashburn, City Secretary

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

- January 9, 2014 Workshop
- January 9, 2014 Regular Council Meeting

Attachments:

- January 9, 2014 Workshop
- January 9, 2014 Regular Council Meeting

MINUTES OF THE CITY COUNCIL WORKSHOP
CITY OF COLLEGE STATION
JANUARY 9, 2014

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry, Mayor

Council:

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

City Staff:

Kelly Templin, City Manager
Carla Robinson, City Attorney
Chuck Gilman, Deputy City Manager
Jeff Kersten, Assistant 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 4:04 p.m. on Thursday, January 9, 2014 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77842.

2. Executive Session

In accordance with the Texas Government Code §551.071-Consultation with Attorney, §551.074-Personnel, and §551.087-Economic Development, the College Station City Council convened into Executive Session at 4:04 p.m. on Thursday, January 9, 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. 12-002918-CV-361; Tom Jagielski v. City of College Station; In the 361 st Judicial District Court, Brazos County, Texas
- Cause No. 13-002978-CV-361, Deluxe Burger Bar of College Station, Inc. D/B/A Café Excell 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:

- a. Legal issues related to property located generally northwest of the intersection of First Street and Church Avenue in College Station.

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

- City Attorney
- City Auditor
- Planning and Zoning Commission
- Zoning Board of Adjustments
- Parks and Recreation Advisory Board

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 on items listed on the consent agenda.

No items were pulled for discussion.

5. Presentation, possible action, and discussion regarding parking concerns in the 3200 block of Toni Court, College Station, Texas.

Police Chief Jeff Capps stated they have been monitoring the area for some time due to the number of complaints. He reminded Council that a Joint Neighborhood Parking Task Force of the College Station City Council and Planning and Zoning Commission was created through City Council Resolution on February 9, 2012. The scope of the Task Force was to gather and evaluate data related to neighborhood parking issues, solicit input from stakeholders, formulate recommendations, and forward final recommendations to the Planning and Zoning Commission

and the City Council for final action. The Task Force consisted of appointed Council Members and Planning and Zoning Commissioners.

The Task Force recommends the City consider removing parking on one or both sides of a street per a recommendation from the City's Traffic Management Team only if there is a safety concern verified by the City, and that the City only pursue neighborhood-initiated parking removal when it is related to public safety. In all other cases, the individual neighborhood would need to address parking issues through a private process, such as deed restrictions and covenants.

There are four steps to the parking removal process:

1. Concern Initiation –A citizen informs the City of a potential problem resulting from on-street parking (Citizen Initiated) or the City observes the need to remove on-street parking from a street(s) (City Initiated).

2. Concern Evaluation – The City's Traffic Management Team (TMT) will evaluate the citizen initiated request or city initiated concern and analyze the impact existing on-street parking has on public safety. If the existing on-street parking is determined to impact public safety, the TMT will approve a recommendation which will be included on a future City Council Agenda as a public hearing.

3. Public Notice – Per the recommendation from the TMT to remove on-street parking on a specific street(s), notices will be mailed to property owners and residents on both sides of the street(s) where parking is proposed to be removed. These notices will provide the date of the City Council meeting when the public hearing for the proposed ordinance will occur.

4. Public Hearing – The proposal to remove on-street parking from a specified street(s) will be presented to council, followed by a public hearing where citizens can voice their opinions. Then the City Council can discuss and vote on the proposed parking removal ordinance.

He reported that related to Toni Court, Steps 1 and 2 have been accomplished, and Steps 3 and 4 are pending. Short videos were shown of the street at various times of the day and night. He also provided a brief report on the calls for service this past year.

Council directed staff to proceed in the process to remove parking from one side of Toni Court.

6. Presentation, possible action, and discussion regarding appointments to the five-year Comprehensive Plan Report Subcommittee.

Staff asked Council to appoint three Councilmembers to serve on the five-year comprehensive plan steering committee.

MOTION: Upon a motion made by Councilmember Benham and a second by Councilmember Mooney, the City Council voted seven (7) for and none (0) opposed, to appoint Nancy Berry, Blanche Brick, and Julie Schultz to serve on the sub-committee. The motion carried unanimously.

7. Presentation, possible action, and discussion on the terms of the Hotel Tax Fund funding agreement between the City of College Station and the Bryan/College Station Chamber of Commerce.

Jeff Kersten, Assistant City Manager, stated that Council approved \$25,000 in the FY14 Budget. Staff met with Chamber representatives in November and presented proposed agreement points. The Chamber's response was received December 27. Key agreement points included:

- Annual Banquet (title sponsor, table, and Mayor introduces the keynote speaker)
- Economic Outlook Conference (sponsorship level, table, and Mayor makes remarks)
- Platinum Membership at a discounted rate
- Two scholarships for Leadership Brazos
- Two spots each for Legislative Affairs trips (Austin trip and Washington, DC trip)
- Full page ad in Annual Directory (alternate inside front/back cover with City of Bryan)

Council directed staff to proceed. The agreement will come back before Council at the January 23 meeting.

8. Council Calendar

<u>Jan 10</u>	<u>DRB Meeting - City Hall Administrative Conference Room</u>
<u>Jan. 13</u>	<u>IGC Meeting -IGC</u>
<u>Jan. 15</u>	<u>Executive RVP Board Meeting</u>
<u>Jan. 16</u>	<u>B/CS Chamber of Commerce - Business After Hours Briarcrest Country Club</u>
<u>Jan. 16</u>	<u>P&Z Workshop/Regular Meeting (Liaison Karl Mooney)</u>
<u>Jan. 22</u>	<u>Economic Outlook Conference – CS Hilton</u>
<u>Jan 23</u>	<u>Executive Session/Workshop/Regular Meeting at 4:30, 6:00 & 7:00 p.m.</u>

Council reviewed the calendar.

9. 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.

There were no future agenda items.

10. 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, BVWACS, 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.

Councilmember Aldrich reported on the Arts Council.

Mayor Berry recessed the Workshop at 6:49 p.m.

The Workshop reconvened at 8:10 p.m.

Executive Session.

In accordance with the Texas Government Code §551.074-Personnel, the College Station City Council convened into Executive Session at 8:11p.m. on Thursday, January 9, 2014 in order to continue discussing matters pertaining to:

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

- Planning and Zoning Commission
- Zoning Board of Adjustments
- Parks and Recreation Advisory Board

The Executive Session adjourned at 9:06 p.m.

Take action, if any, on Executive Session.

No action was required from Executive Session.

11. Adjournment

MOTION: There being no further business, Mayor Berry adjourned the workshop of the College Station City Council at 9:06: p.m. on Thursday, January 9, 2014.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF COLLEGE STATION
JANUARY 9, 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
Jeff Kersten, Assistant 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 7:11 p.m. on Thursday, January 9, 2014 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77842.

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

Presentation by the Brazos Valley Groundwater Conservation District for Conservationist of the Year.

Representatives of the Brazos Valley Groundwater Conservation District recognized the City of College Station as the 2013 Conservationist of the Year.

Citizen Comments

There were no Citizen comments.

CONSENT AGENDA

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

- December 9, 2013 Special Meeting (Orientation)
- December 12, 2013 Workshop
- December 12, 2013 Regular Council Meeting

2b. Presentation, possible action, and discussion concerning the City Internal Auditor's Citywide Asset Management Audit.

2c. Presentation, possible action, and discussion on an Amendment and Renewal of the General Services Agreement for Services with Emergicon to provide ambulance billing, accounts receivable and delinquent account collection services in an amount not to exceed \$120,000.

2d. Presentation, possible action, and discussion on approving an annual blanket purchase order for the purchase of auto parts, shop equipment and services from NAPA Auto Parts (College Station, TX) through the Purchasing Solutions Alliance (PSA) contract for the amount of \$75,000.

2e. Presentation, possible action, and discussion regarding the approval of annual tire purchases from Pilger's Tire & Auto Center through the State of Texas (TxMAS) Tire Contract in the amount of \$197,000.

2f. Presentation, possible action and discussion on consultant contract #14-171 with Gessner Engineering, LLC. in the amount of \$84,400.00 for the inspection and condition assessment of drainage structures throughout the city.

2g. Presentation, possible action and discussion on construction contract # 14-050 with Highway Intelligent Traffic Solutions, Inc. in the amount of \$352,897 for traffic signal improvements at the intersection of University Drive and Texas Avenue, Project No. ST-1415, and approval of Resolution 01-09-14-2g, declaring intention to reimburse certain expenditures with proceeds from debt.

2h. Presentation, possible action, and discussion regarding a semi-annual price agreement with Knife River for the purchase of Type D Hot Mix Asphalt to be picked up by City Staff for the maintenance of streets in the amount not to exceed \$960,000.

2i. Presentation, possible action, and discussion on an Interlocal Agreement for cooperative purchasing activities between the City of College Station and Texas Department of Public Safety.

2j. Presentation, possible action, and discussion regarding approval of a contract between the City of College Station and Shermco Industries, Inc. in the amount of \$212,655 for Annual Electric Substation Maintenance Labor Contract #14-049, which includes \$162,655 in scheduled work and a not to exceed cost of \$50,000 for emergency work as specified in the contract.

2k. Presentation, possible action, and discussion regarding Resolution 01-09-14-2k, of the City Council of the City of College Station, Texas, appointing a parliamentarian and alternate parliamentarian.

2l. Presentation, possible action, and discussion on Ordinance 2014-3544, amending the Code of Ordinances, Chapter 4 “Business Regulations”, Section 4-6 “Taxicabs”, E “Insurance Policy.

MOTION: Upon a motion made by Councilmember Aldrich and a second by Councilmember Mooney, 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, presentation, possible action, and discussion regarding Ordinance 2014-3545, amending Chapter 11, “Utilities”, of the Code of Ordinances of the City of College Station, Texas, by adopting Section 12, relating to the creation of Municipal Utility Districts; establishing procedures for the review and approval to create Municipal Utility Districts within the City or the City’s Extraterritorial Jurisdiction; requiring deposits for costs incurred; requiring prerequisite documentation for consent and providing for other matters relating to the subject and amending Chapter 14, “Service Fees”, Section 14-6, “Development Services” of the Code of Ordinances of the City of College Station, Texas by adding Subsection B, relating to the fees to be paid in conjunction with the creation and operation of Municipal Utility Districts;

Resolution 01-09-14-01, of the City Council of the City of College Station, Texas, adopting a policy on the creation, operation, and dissolution of Municipal Utility Districts located within the City’s incorporated limits or its Extraterritorial Jurisdiction; and

Resolution 01-09-14-01a, of the City Council of the City of College Station, Texas, adopting fees related to MUD petitions and the inspection of public infrastructure.

Lance Simms, Interim Director of Planning and Development, stated this ordinance and resolutions are related to creation of the Municipal Utility Districts within and without the City. City Attorney noted a couple of minor changes to the resolution in the packet.

At approximately 7:22 p.m., Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 7:22 p.m.

MOTION: Upon a motion made by Councilmember Mooney and a second by Councilmember Schultz, the City Council voted seven (7) for and none (0) opposed, to adopt Ordinance 2014-3545, amending Chapter 11, “Utilities”, of the Code of Ordinances of the City of College Station, Texas, by adopting Section 12, relating to the creation of Municipal Utility Districts; establishing procedures for the review and approval to create Municipal Utility Districts within the City or the City’s Extraterritorial Jurisdiction; requiring deposits for costs incurred; requiring prerequisite documentation for consent and providing for other matters relating to the subject and

amending Chapter 14, “Service Fees”, Section 14-6, “Development Services” of the Code of Ordinances of the City of College Station, Texas by adding Subsection B, relating to the fees to be paid in conjunction with the creation and operation of Municipal Utility Districts; to adopt Resolution 01-09-14-01, of the City Council of the City of College Station, Texas, adopting a policy on the creation, operation, and dissolution of Municipal Utility Districts located within the City’s incorporated limits or its Extraterritorial Jurisdiction; and to adopt Resolution 01-09-14-01a, of the City Council of the City of College Station, Texas, adopting fees related to MUD petitions and the inspection of public infrastructure. The motion carried unanimously.

2. Public hearing, presentation, possible action, and discussion regarding Ordinance 2014-3546, amending the Comprehensive Plan – Future Land Use & Character Map from Estate to General Commercial for the property located at 13913 FM 2154; approximately 1.3 acres generally located north of the intersection of Norton Lane and FM 2154.

Morgan Hester, Planning and Development Services, briefly explained the definitions of “Estate” and “General Commercial” and provided a brief overview of the Comprehensive Plan goals. Council has several options for consideration:

- Denial of request – The property will remain Estate as currently designated on the Comprehensive Plan;
- Accept the applicant’s proposal of amending the Comprehensive Plan to General Commercial designation; or
- Propose an alternative land use and character designation for this property.

The Planning and Zoning Commission recommended denial of the request with a 5-0 vote.

At approximately 7:36 p.m., Mayor Berry opened the Public Hearing.

Fiona Tizard-Meyer, 3180 Barron Road, spoke against the ordinance amending the Comprehensive Plan. Her concerns include increased traffic congestion, the negative effect to the character of the area, and property taxes. This is a great opportunity to plan the gateway into College Station.

Carol Fountain, 14380 Cheyenne Drive, stated she attended every meeting on the land use for the newly annexed Wellborn. They carefully planned the designation of every parcel. They planned for commercial further south of this location. Their concern was to keep the traffic volume as low as possible for as long as possible. She cannot see how anything commercial will fit into that area. This is a gateway to larger parcels, and she is concerned that larger commercial developments could follow.

There being no further comments, the Public Hearing was closed at 7:41 p.m.

MOTION: Upon a motion made by Councilmember Benham and a second by Councilmember Schultz, the City Council voted five (5) for and two (2) opposed, with Councilmembers Brick and Nichols voting against, to amend the proposed ordinance by changing it from General Commercial to Suburban Commercial and adopt Ordinance 2014-3546, amending the Comprehensive Plan – Future Land Use & Character Map from Estate to Suburban Commercial for the property located at 13913 FM 2154; approximately 1.3 acres generally located north of the intersection of Norton Lane and FM 2154. The motion carried.

3. Public hearing, presentation, possible action, and discussion regarding Ordinance 2014-3547, amending Chapter 12, “Unified Development Ordinance,” Sections 12-7.5, “Signs,” of the Code of Ordinances of the City of College Station, Texas to amend sign regulations for Places of Worship.

Teresa Rogers, Planning and Development Services, noted that places of worship are allowed in all zoning districts, and signs are allowed based on the zoning district. Low profile signs are allowed in residential districts, and free-standing signs are allowed in commercial districts. Staff recommends the following proposed amendment:

- All places of worship
 - Commercial banners
 - Attached signs
- Places of worship in residential or rural zoning with freeway frontage
 - Low profile signs; or
 - One free-standing sign.

The Planning and Zoning Commission recommended approval of the ordinance with a 5-0 vote.

At approximately 8:01 p.m., Mayor Berry opened the Public Hearing.

Ron Gay, 1106 Deacon Drive, stated on behalf of St. Thomas Aquinas Church that they need more flexibility for their signage. It is difficult to locate the building, especially with the speed limit being 65 along that road.

There being no further comments, the Public Hearing was closed at 8:02 p.m.

MOTION: Upon a motion made by Councilmember Nichols and a second by Councilmember Benham, the City Council voted seven (7) for and none (0) opposed, to adopt Ordinance 2014-3547, amending Chapter 12, “Unified Development Ordinance,” Sections 12-7.5, “Signs,” of the Code of Ordinances of the City of College Station, Texas to amend sign regulations for Places of Worship. The motion carried unanimously.

4. Public hearing, presentation, possible action, and discussion regarding Ordinance 2014-3548, amending Chapter 12, “Unified Development Ordinance”, Section 4.2, “Official Zoning Map” of the Code of Ordinances of the City of College Station, Texas by rezoning approximately 0.76 acres for Gateway Subdivision, Lot 3D, Block 1 at 180 Forest Drive, generally located adjacent to the Gateway Villas Development from GC General Commercial to R-4 Multi-Family.

Morgan Hester, Planning and Development Services, presented the Council with different renderings depicting the current aerial view and the proposed zoning.

The Planning and Zoning Commission recommended approval of the request with a 4-0 vote.

At approximately 8:07 p.m., Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 8:08 p.m.

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 adopt Ordinance 2014-3548, amending Chapter 12, “Unified Development Ordinance”, Section 4.2, “Official Zoning Map” of the Code of Ordinances of the City of College Station, Texas by rezoning approximately 0.76 acres for Gateway Subdivision, Lot 3D, Block 1 at 180 Forest Drive, generally located adjacent to the Gateway Villas Development from GC General Commercial to R-4 Multi-Family. The motion carried unanimously.

5. Adjournment.

MOTION: There being no further business, Mayor Berry adjourned the Regular Meeting of the City Council at 8:09 p.m. on Thursday, January 9, 2014.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

January 23, 2014
Consent Agenda Item No. 2b
Amendment to Purchase & Sale Agreement between
the City of College Station and the Research Valley Partnership

To: Kelly Templin, City Manager

From: Randall Heye, Assistant to the City Manager

Agenda Caption: Presentation, possible action, and discussion of an amendment to the Purchase & Sale Agreement between the City of College Station and the Research Valley Partnership.

Staff Recommendation: Staff recommends approval of the amendment.

Summary: On December 12, 2013 City Council entered into a Purchase & Sale Agreement with the Research Valley Partnership (RVP) to convey the Chimney Hill Shopping Center to PM Realty Group (PMRG) for development pursuant to an economic development agreement with the City. Under the City's Purchase & Sale Agreement with the RVP, the closing for the sale of the property shall be "within one hundred sixty-five (165) calendar days after the Effective Date, or at such time and date as Seller and Buyer may agree upon so as to facilitate the sale of the Property to PMRG." The amendment would permit the City Manager to extend the date for closing, if necessary, without having to obtain formal approval of City Council. Furthermore, the amendment would also permit the City Manager to use the title company which the City had previously used when it originally acquired the property and the previous owner had also used for title work, University Title Company.

Budget & Financial Summary: N/A

Reviewed and Approved by Legal: Yes

Attachments: The amendment will be available in the City Secretary's Office.

January 23, 2014
Consent Agenda Item No. 2c
Conference Center Sale

To: Kelly Templin, City Manager

From: Chuck Gilman, Deputy City Manager

Agenda Caption: Presentation, possible action and discussion regarding approval of a real estate contract in the amount of \$788,430 for the City's sale of the Conference Center property (approximately 2.15 acres) located at 1300 George Bush Drive to College Station ISD (CSISD).

Relationship to Strategic Goals:

1. Financially Sustainable City
2. Core Services and Infrastructure

Recommendation(s): Staff recommends that the City Council approve the real estate contract to sell the Conference Center property to CSISD.

Summary: While conducting a comprehensive facility condition assessment a number of deficiencies and safety issues were identified; including a structural issue in the roof of the building, that prompted the City to close the Conference Center in July 2012 in order to protect the public's safety.

The Conference Center property was acquired in 1980 through a property swap with CSISD. As part of that transaction, CSISD retained the first right to purchase the property from the City at fair market value.

At its January 28th, 2013 Council retreat, Council gave staff direction to begin negotiations with CSISD for the sale of the Conference Center. In accordance with that directive, staff has negotiated with CSISD to sell the Conference Center for a net amount of \$788,430. This represents an appraised value of \$972,477 minus the anticipated demolition cost of \$184,047 for a net value of \$788,430.

Budget & Financial Summary: The City will net \$788,430 from the sale of the Conference Center. The funds are currently designated for the General Fund.

Review & Approved by Legal: Yes

Attachments:

1. Contract – a copy of the contract is on file in the City Secretary's Office.

January 23, 2014
Consent Agenda Item No. 2d
Purchase of Replacement eCitation Devices

To: Kelly Templin, City Manager

From: Ben Roper, IT Director

Agenda Caption: Presentation, possible action, and discussion regarding the purchase of equipment for electronic capture of citation data (eCitations) from Brazos Technology for the total amount of \$106,120.

Relationship to Strategic Goals:

1. Core Services and Infrastructure

Recommendation(s) Staff recommends approval to purchase eCitation devices from the lowest responsible bidder: Brazos Technology.

Summary: The College Station Police Department utilizes software and hardware to electronically capture citation data in the field. The hardware used to capture the data and print resulting citations and warnings is at the end of life. This purchase replaces the handheld devices and printers used for electronic citations, in addition to increasing the inventory of available devices for use by police officers. The Police Department was funded for seven additional handheld devices in FY2013, but to align warranty and replacement cycles the IT Department requested that the purchase be made in FY2014 with the funded purchase of replacement devices.

Budget & Financial Summary: The budget for the replacement of the eCitation hardware that is currently in use was included in the FY14 Equipment Replacement budget. The budget for the seven new devices that was included in the FY13 budget, but that was not expended in FY13, will be included on an upcoming FY14 budget amendment.

Competitive sealed bids (Bid #14-027) were solicited and opened on January 8, 2014. Six bids were received and evaluated and it was determined that Brazos Technology submitted the lowest bid meeting specifications. Another vendor submitted a lower bid which included alternative hardware, however the hardware they bid is not compatible with the software the City uses to capture eCitation data.

Reviewed and Approved by Legal: N/A

Attachments:
Bid Tabulation



City of College Station - Purchasing Division
Bid Tabulation for #14-027
Purchase of Replacement eCitation Devices
Open Date: Wednesday, January 8, 2014 @ 2:00 PM

Line Item	Qty	MFR Part No.	Item Description	PCS Mobile		Danforth Systems		Brazos Technology		Consolidated Telecom Services		Scan Technology, Inc.		CDW-G	
				Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost	Unit Cost	Total Cost
1	38	MC75A8-PIFSWQRA9WR	Motorola, MC75A, GPS, WLAN 802.11 A/B/G, 2D/3D BARCODE SCANNER, CAMERA, 256MB/1GB, QWERTY KEY PAD, WM 6.5, 1.5x BATTERY, BLUETOOTH	\$1,963.40	\$74,609.20	\$2,025.25	\$76,959.50	\$1,630.00	\$61,940.00	\$1,965.39	\$74,684.82	\$1,922.00	\$73,036.00	\$1,099.00	\$41,762.00
2	38	SSB-MC75XX-30	3 Year Service/Extended Warranty for MC75A	\$278.33	\$10,576.54	\$285.23	\$10,838.74	\$275.00	\$10,450.00	\$291.55	\$11,078.90	\$268.87	\$10,217.06	Included in line 1	
3	38	MSR7000-100K	Mag Stripe Reader for MC75A	\$169.44	\$6,438.72	\$178.08	\$6,767.04	\$145.00	\$5,510.00	\$170.98	\$6,497.24	\$167.55	\$6,366.90	\$47.79	\$1,816.02
4	34	R4D-0UBA00N-00	Zebra, RW420, printer 4" DT rugged mobile receipt, CPCL/EPL/ZPL, 8MB/16MB, LCD, IP54, USB, SERIAL, BLUETOOTH, incl. battery, belt clip, 1 year warranty	\$698.77	\$23,758.18	\$654.04	\$22,237.36	\$640.00	\$21,760.00	\$637.38	\$21,670.92	\$620.17	\$21,085.78	\$709.27	\$24,115.18
5	34	ZAO-RW41-2C0	2 year extended warranty for Zebra RW420 printers, comprehensive coverage, 3-5 day turnaround	\$149.44	\$5,080.96	\$153.10	\$5,205.40	\$190.00	\$6,460.00	\$160.50	\$5,457.00	\$143.54	\$4,880.36	\$167.95	\$5,710.30
Grand Total				\$120,463.60		\$122,008.04		\$106,120.00		\$119,388.88		\$115,586.10		\$73,403.50	
Delivery Time				10 - 20 days		30 Days		45 Days w/ install		30 Days		5-7 Days from KY		2-10 Days	
Bid Certification				Y		Y		Y		Y		Y		Y	
Exceptions				The line item totals and final total have been adjusted using the unit prices provided.		* Shipping Insurance of \$343.35 added for a total of \$ 122,361.49. * 1% discount for EFT Payment				The final total has been corrected using the unit prices provided.				CDW-G bid an alternate Panasonic Model eCitation device	

January 23, 2014
Consent Agenda Item No. 2e
Rental of Heavy Machinery

To: Kelly Templin, City Manager

From: Jeff Kersten, Assistant City Manager

Agenda Caption: Presentation, possible action and discussion regarding the renewal of the annual pricing agreement for the rental of heavy machinery with Mustang Rental Services of Bryan, TX in the amount of \$75,000 annually.

Relationship to Strategic Goals:

1. Financially Sustainable City
2. Core Services and Infrastructure

Recommendation(s): Staff recommends that Council approves the renewal of the annual pricing agreement with Mustang Rental Services for Citywide rental of heavy machinery in an amount not to exceed \$75,000 annually.

Summary: In 2013, the City of College Station and the City of Bryan combined their annual requirements for heavy machinery rental and jointly solicited formal bids. On January 9, 2013, five (5) sealed bid were received and opened. Staff at the City of College Station and the City of Bryan independently reviewed the bids and both Cities awarded the pricing agreement to Mustang Rental Services. The renewal of this price agreement will meet the needs of various City departments requiring the rental of heavy and/or specialized machinery and equipment.

Evaluations were based on the monthly rental price; however, prices were also requested for daily and weekly rental rates. Mustang Rental Services was the lowest bidder on 82% of the items bid. The College Station City Council approved the original price agreement on February 14, 2013. This will be the first of two possible one year renewals.

Budget & Financial Summary: Funds are budgeted and available in the General Fund, Public Works and Parks Operations, Public Utilities Fund, and Electric/Water/Waste Water Operations.

Reviewed and Approved by Legal: N/A

Attachments: Signed Renewal Agreement

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RENEWAL ACCEPTANCE

By signing herewith, I acknowledge and agree to renew ITB 13-030, Annual Rental of Heavy Machinery in accordance with all terms and conditions previously agreed to and accepted for an amount not to exceed Seventy Five Thousand and 00/100 Dollars (\$75,000).

I understand this renewal term will be for the period beginning February 14, 2014 through February 13, 2015. This is the first of two possible renewals.

MUSTANG RENTAL SERVICES

By: *Lance Felch*
Printed Name: LANCE FELDHOUSEN
Title: SALES REPRESENTATIVE
Date: 01/08/2014

January 23, 2014
Consent Agenda Item No. 2f
Bryan/College Station Chamber of Commerce Funding Agreement

To: Kelly Templin City Manager

From: Jeff Kersten, Assistant City Manager

Agenda Caption: Presentation, possible action and discussion on approving the Hotel Tax Fund funding agreement between the City of College Station and the Bryan/College Station Chamber of Commerce for FY14 totaling \$25,000, and approving the budget for the Bryan/College Station Chamber of Commerce related to the Hotel Tax funding.

Recommendation(s): Staff recommends approval of the Chamber funding agreement.

Summary: As part of the 2013-2014 budget process the City Council approved outside agency funding for the Bryan/College Station Chamber of Commerce in the amount of \$25,000 to come from the Hotel Occupancy Tax Fund.

This funding will be used to offset a portion of the costs of the annual Economic Outlook Conference, and the Annual Chamber of Commerce banquet which are held at a local hotel and conference center.

Staff received direction from the City Council on the terms of the agreement at the January 9 Workshop Meeting.

Budget & Financial Summary: The funds for this agreement are budgeted and available in the 2013-2014 Hotel Tax Fund budget in the amount of \$25,000.

Legal Review: Yes

Attachments:

1. Bryan/College Station Chamber of Commerce Hotel Tax Fund Funding Agreement (available in City Secretary's Office)
2. Bryan/College Station Chamber of Commerce budget related to Hotel Tax funding (available in City Secretary's Office)

January 23, 2014
Consent Agenda Item No. 2g
TxDOT Advance Funding Agreement for CapRock Crossing

To: Kelly Templin, City Manager

From: Lance Simms, Interim Director of Planning & Development Services

Agenda Caption: Presentation, possible action, and discussion on a resolution approving a Texas Department of Transportation (TxDOT) Advance Funding Agreement (AFA) for CapRock Crossing and on a TxDOT AFA for CapRock Crossing.

Relationship to Strategic Goals: Supporting well planned, quality and sustainable growth

Recommendation(s): Staff recommends approval.

Summary: As part of the CapRock Crossing project, the developer has requested permission to construct landscaping and landscaping irrigation on TxDOT's right of way (ROW) along SH 6 and SH 40 (William D. Fitch Parkway). The Advance Funding Agreement (AFA), which was drafted by TxDOT, outlines the responsibilities regarding construction and maintenance of those items – which remain the responsibility of the developer, but must be endorsed by the City. Upon approval by the City, the Advance Funding Agreement will be returned to TxDOT for final execution.

Budget & Financial Summary: No funds will be exchanged between the City and TxDOT. The project budget enclosed and enumerated in Attachment "C" of the AFA reflects the costs of those items mentioned above, provided and installed by the developer's contractor.

Reviewed and Approved by Legal: Yes

Attachments:

1. Location Map
2. TxDOT AFA
3. Resolution



ARRINGTON RD

SH 6 S FRONTAGE RD W

SH 6 S FRONTAGE RD E

SH 6 S

SH 6 S FRONTAGE RD E

SH 6 S
OFF RAMP SH 6 S

WILLIAM D FITCH PW

Project Location

Project Location

CapRock Crossing

OLD ARRINGTON RD



CSJ # 0050-02-097 & 0540-08-006
District # 17-Bryan
Code Chart 64 # 09050
Project: Landscaping within ROW of SH 6
And SH 40 In College Station
Federal Highway Administration
CFDA # 20.205
Not Research and Development

STATE OF TEXAS §
COUNTY OF TRAVIS §

ADVANCE FUNDING AGREEMENT
For A
LANDSCAPE PROJECT
ON-SYSTEM

THIS AGREEMENT is made by and between the State of Texas, acting by and through the Texas Department of Transportation called the "State", and the City of College Station, acting by and through its duly authorized officials, called the "Local Government."

WITNESSETH

WHEREAS, federal law establishes federally funded programs for transportation improvements to implement its public purposes; and

WHEREAS, the Texas Transportation Code, Sections 201.103 and 222.052 establish that the State shall design, construct and operate a system of highways in cooperation with local governments; and

WHEREAS, federal and state laws require local governments to meet certain contract standards relating to the management and administration of State and federal funds; and

WHEREAS, the Texas Transportation Commission passed Minute Order Number 113675, authorizing the State to undertake and complete a highway improvement generally described as the construction of landscaping and landscaping irrigation within the ROW of SH 6 and SH 40 in College Station, Brazos County called the "Project"; and,

WHEREAS, the Governing Body of the Local Government has approved entering into this agreement by resolution or ordinance dated _____, 20__, which is attached to and made a part of this agreement as Attachment "A" for the improvement covered by this agreement. A map showing the Project location appears in Attachment "B," which is attached to and made a part of this agreement.

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

CSJ # 0050-02-097 & 0540-08-006
District # 17-Bryan
Code Chart 64 # 09050
Project: Landscaping within ROW of SH 6
And SH 40 In College Station
Federal Highway Administration
CFDA # 20.205
Not Research and Development

AGREEMENT

1. Period of the Agreement

This agreement becomes effective when signed by the last party whose signing makes the agreement fully executed. This agreement shall remain in effect until the Project is completed or unless terminated as provided below.

2. Scope of Work

Construction of landscaping and landscaping irrigation within the ROW of SH 6 and SH 40 in College Station, Brazos County.

3. Local Project Sources and Uses of Funds

- A. The total estimated cost of the Project is shown in the Project Budget – Attachment “C”, which is attached to and made a part of this agreement. The expected cash contributions from the Federal or State government, the Local Governments, or other parties is shown in Attachment “C”. The State will pay for only those project costs that have been approved by the Texas Transportation Commission. The State and the Federal Government will not reimburse the Local Government for any work performed before the federal spending authority is formally obligated to the Project by the Federal Highway Administration. After federal funds have been obligated, the State will send to the Local Government a copy of the formal documentation showing the obligation of funds including federal award information. The Local Government is responsible for 100% of the cost of any work performed under its direction or control before the federal spending authority is formally obligated.
- B. If the Local Government will perform any work under this contract for which reimbursement will be provided by or through the State, the Local Government must complete training before federal spending authority is obligated. Training is complete when at least one individual who is working actively and directly on the Project successfully completes and receives a certificate for the course entitled *Local Government Project Procedures Qualification for the Texas Department of Transportation*. The Local Government shall provide the certificate of qualification to the State. The individual who receives the training certificate may be an employee of the Local Government or an employee of a firm that has been contracted by the Local Government to perform oversight of the Project. The State in its discretion may deny reimbursement if the Local Government has not designated a qualified individual to oversee the Project.
- C. This Project cost estimate shows how necessary resources for completing the Project will be provided by major cost categories. These categories may include but are not limited to: (1) costs of real property; (2) costs of utility work; (3) costs of environmental assessment and remediation; (4) cost of preliminary engineering and design; (5) cost of construction and construction management; and (6) any other local project costs.
- D. The State will be responsible for securing the Federal and State share of the funding required for the development and construction of the local Project. If the Local Government is due funds for expenses incurred, these funds will be reimbursed to the Local Government on a cost basis.

- E.** The Local Government will be responsible for all non-federal or non-state participation costs associated with the Project, including any overruns in excess of the approved local project budget unless otherwise provided for in this agreement or approved otherwise in an amendment to this agreement.
- F.** Prior to the performance of any engineering review work by the State, the Local Government will pay to the State the amount specified in Attachment C. At a minimum, this amount shall equal the Local Government's funding share for the estimated cost of preliminary engineering for the Project. At least sixty (60) days prior to the date set for receipt of the construction bids, the Local Government shall remit its remaining financial share for the State's estimated construction oversight and construction cost.
- G.** In the event that the State determines that additional funding by the Local Government is required at any time during the Project, the State will notify the Local Government in writing. The Local Government shall make payment to the State within thirty (30) days from receipt of the State's written notification.
- H.** Whenever funds are paid by the Local Government to the State under this agreement, the Local Government shall remit a check or warrant made payable to the "Texas Department of Transportation Trust Fund." The check or warrant shall be deposited by the State in an escrow account to be managed by the State. Funds in the escrow account may only be applied to the State Project.
- I.** Upon completion of the Project, the State will perform an audit of the Project costs. Any funds due by the Local Government, the State, or the Federal government will be promptly paid by the owing party. If, after final Project accounting, excess funds remain in the escrow account, those funds may be applied by the State to the Local Government's contractual obligations to the State under another advance funding agreement with approval by appropriate personnel of the Local Government.
- J.** The State will not pay interest on any funds provided by the Local Government.
- K.** If a waiver has been granted, the State will not charge the Local Government for the indirect costs the State incurs on the local Project, unless this agreement is terminated at the request of the Local Government prior to completion of the Project.
- L.** If the Project has been approved for a "fixed price" or an "incremental payment" non-standard funding or payment arrangement under 43 TAC §15.52, the budget in Attachment C will clearly state the amount of the fixed price or the incremental payment schedule.
- M.** If the Local government is an Economically Disadvantaged County and if the State has approved adjustments to the standard financing arrangement, this agreement reflects those adjustments.
- N.** The state auditor may conduct an audit or investigation of any entity receiving funds from the State directly under this contract or indirectly through a subcontract under this contract. Acceptance of funds directly under this contract or indirectly through a subcontract under this contract acts as acceptance of the authority of the state auditor, under the direction of the legislative audit committee, to conduct an audit or investigation in connection with those funds. An entity that is the subject of an audit or investigation must provide the state auditor with access to any information the state auditor considers relevant to the investigation or audit.

- O. Payment under this contract beyond the end of the current fiscal biennium is subject to availability of appropriated funds. If funds are not appropriated, this contract shall be terminated immediately with no liability to either party.
- P. The Local Government is authorized to submit requests for reimbursement by submitting the original of an itemized invoice in a form and containing all items required by the State no more frequently than monthly, and no later than ninety (90) days after costs are incurred. If the Local Government submits invoices more than ninety (90) days after the costs are incurred, and if federal funding is reduced as a result, the State shall have no responsibility to reimburse the Local Government for those costs.
- Q. The State will not execute the contract for the construction of the Project until the required funding has been made available by the Local Government in accordance with this agreement.

4. Termination of this Agreement

This agreement shall remain in effect until the project is completed and accepted by all parties, unless:

- A. The agreement is terminated in writing with the mutual consent of the parties;
- B. The agreement is terminated by one party because of a breach, in which case any cost incurred because of the breach shall be paid by the breaching party;
- C. The Local Government elects not to provide funding after the completion of preliminary engineering, specifications, and estimates (PS&E) and the Project does not proceed because of insufficient funds, in which case the Local Government agrees to reimburse the State for its reasonable actual costs incurred during the Project; or
- D. The Project is inactive for thirty-six (36) months or longer and no expenditures have been charged against federal funds, in which case the State may in its discretion terminate this agreement.

5. Amendments

Amendments to this agreement due to changes in the character of the work, terms of the agreement, or responsibilities of the parties relating to the Project may be enacted through a mutually agreed upon, written amendment.

6. Remedies

This agreement shall not be considered as specifying the exclusive remedy for any agreement default, but all remedies existing at law and in equity may be availed of by either party to this agreement and shall be cumulative.

7. Utilities

The Local Government shall be responsible for the adjustment, removal, or relocation of utility facilities in accordance with applicable State laws, regulations, rules, policies, and procedures, including any cost to the State of a delay resulting from the Local Government's failure to ensure that utility facilities are adjusted, removed, or relocated before the scheduled beginning of construction. The Local Government will not be reimbursed with federal or state funds for the cost of required utility work. The Local Government must obtain advance approval for any variance from established procedures. Before a construction contract is let, the Local

Government shall provide, at the State's request, a certification stating that the Local Government has completed the adjustment of all utilities that must be adjusted before construction is completed.

8. Environmental Assessment and Mitigation

Development of a transportation project must comply with the National Environmental Policy Act and the National Historic Preservation Act of 1966, which require environmental clearance of federal-aid projects.

- A. The Local Government is responsible for the identification and assessment of any environmental problems associated with the development of a local project governed by this agreement.
- B. The Local Government is responsible for the cost of any environmental problem's mitigation and remediation.
- C. The Local Government is responsible for providing any public meetings or public hearings required for development of the environmental assessment. Public hearings will not be held prior to the approval of project schematic.
- D. The Local Government is responsible for the preparation of the NEPA documents required for the environmental clearance of this Project.
- E. Before the advertisement for bids, the Local Government shall provide to the State written documentation from the appropriate regulatory agency or agencies that all environmental clearances have been obtained.

9. Compliance with Texas Accessibility Standards and ADA

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

10. Architectural and Engineering Services

The Local Government has responsibility for the performance of architectural and engineering services. The engineering plans shall be developed in accordance with the applicable *State's Standard Specifications for Construction and Maintenance of Highways, Streets and Bridges* and the special specifications and special provisions related to it. For projects on the state highway system, the design shall, at a minimum conform to applicable State manuals. For projects not on the state highway system, the design shall, at a minimum, conform to applicable *American Association of State Highway and Transportation Officials* design standards. In procuring professional services, the parties to this agreement must comply with federal requirements cited in 23 CFR Part 172 if the project is federally funded and with Texas Government Code 2254, Subchapter A, in all cases. Professional contracts for federally funded projects must conform to federal requirements, specifically including the provision for participation by Disadvantaged Business Enterprises (DBEs), ADA, and environmental matters.

11. Construction Responsibilities

- A. The Local Government shall advertise for construction bids, issue bid proposals, receive and tabulate the bids, and award and administer the contract for construction of the Project. Administration of the contract includes the responsibility for construction engineering and for issuance of any change orders, supplemental agreements, amendments, or additional work orders that may become necessary subsequent to the award of the construction contract. In order to ensure federal funding eligibility, projects must be authorized by the State prior to advertising for construction.
- B. The Local Government will use its approved contract letting and award procedures to let and award the construction contract.
- C. Prior to their execution, the Local Government will be given the opportunity to review contract change orders that will result in an increase in cost to the Local Government.
- D. Upon completion of the Project, the party constructing the Project will issue and sign a "Notification of Completion" acknowledging the Project's construction completion.
- E. For federally funded contracts, the parties to this agreement will comply with federal construction requirements cited in 23 CFR Part 635 and with requirements cited in 23 CFR Part 633, and shall include the latest version of Form "FHWA-1273" in the contract bidding documents. If force account work will be performed, a finding of cost effectiveness shall be made in compliance with 23 CFR 635, Subpart B.

12. Project Maintenance

The Local Government shall be responsible for maintenance of locally owned roads after completion of the work and the State shall be responsible for maintenance of state highway system after completion of the work if the work was on the state highway system, unless otherwise provided for in existing maintenance agreements with the Local Government.

In addition, the Local Government is responsible for maintaining the landscaping and landscaping irrigation. Repairs may be due to normal wear and tear, weather, crash damage or vandalism. The State will not provide maintenance.

The State will notify the Local Government in writing of any required maintenance and in cooperation with the Local Government, will establish a time line by which all maintenance is to be completed. Failure by the Local Government to complete the required maintenance in the time period agreed upon may result in the State making the repairs and charging the Local Government for the actual cost of the work.

The State reserves the right to reconstruct, incorporate or remove any or all of the items listed above if it becomes necessary because of the construction of a future highway improvement project. The State will not compensate the Local Government for the loss of, or any changes to, these items. The State will make every effort, if practical, to re-use these items in a future project or return these items to the Local Government for their use at this or another location. The State's actions will be governed by the rules, policies and procedures in effect at the time of the future highway improvement project.

If the Local Government fails to maintain the items listed above such that they do not function as intended, detract from the overall appearance of the state highway facility or adversely

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Not Research and Development

affect the operations or the safety of the traveling public, the State reserves the right to remove any or all of these elements and seek reimbursement from the Local Government for the State's actual cost incurred by this work.

13. Right of Way and Real Property

The State is responsible for the provision and acquisition of any needed right of way or real property.

14. Notices

All notices to either party shall be delivered personally or sent by certified or U.S. mail, postage prepaid, addressed to that party at the following address:

Local Government:	State:
City of College Station Department of Public Works PO Box 9960 College Station, Texas 77842	Director of Contract Services Office Texas Department of Transportation 125 E. 11 th Street Austin, Texas 78701

All notices shall be deemed given on the date delivered in person or deposited in the mail, unless otherwise provided by this agreement. Either party may change the above address by sending written notice of the change to the other party. Either party may request in writing that notices shall be delivered personally or by certified U.S. mail, and that request shall be carried out by the other party.

15. Legal Construction

If one or more of the provisions contained in this agreement shall for any reason be held invalid, illegal, or unenforceable in any respect, such invalidity, illegality, or unenforceability shall not affect any other provisions and this agreement shall be construed as if it did not contain the invalid, illegal, or unenforceable provision.

16. Responsibilities of the Parties

The State and the Local Government agree that neither party is an agent, servant, or employee of the other party and each party agrees it is responsible for its individual acts and deeds as well as the acts and deeds of its contractors, employees, representatives, and agents.

17. Ownership of Documents

Upon completion or termination of this agreement, all documents prepared by the State shall remain the property of the State. All data prepared under this agreement shall be made available to the State without restriction or limitation on their further use. All documents

produced or approved or otherwise created by the Local Government shall be transmitted to the State in the form of photocopy reproduction on a monthly basis as required by the State. The originals shall remain the property of the Local Government. At the request of the State, the Local Government shall submit any information required by the State in the format directed by the State.

18. Compliance with Laws

The parties shall comply with all federal, state, and local laws, statutes, ordinances, rules and regulations, and the orders and decrees of any courts or administrative bodies or tribunals in any manner affecting the performance of this agreement. When required, the Local Government shall furnish the State with satisfactory proof of this compliance.

19. Sole Agreement

This agreement constitutes the sole and only agreement between the parties and supersedes any prior understandings or written or oral agreements respecting the agreement's subject matter.

20. Cost Principles

In order to be reimbursed with federal funds, the parties shall comply with the Cost Principles established in OMB Circular A-87 that specify that all reimbursed costs are allowable, reasonable, and allocable to the Project.

21. Procurement and Property Management Standards

The parties shall adhere to the procurement standards established in Title 49 CFR §18.36 and with the property management standard established in Title 49 CFR §18.32.

22. Inspection of Books and Records

The parties to this agreement shall maintain all books, documents, papers, accounting records, and other documentation relating to costs incurred under this agreement and shall make such materials available to the State, the Local Government, and, if federally funded, the Federal Highway Administration (FHWA), and the U.S. Office of the Inspector General, or their duly authorized representatives for review and inspection at its office during the contract period and for four (4) years from the date of completion of work defined under this contract or until any impending litigation, or claims are resolved. Additionally, the State, the Local Government, and the FHWA and their duly authorized representatives shall have access to all the governmental records that are directly applicable to this agreement for the purpose of making audits, examinations, excerpts, and transcriptions.

23. Civil Rights Compliance

The Local Government shall comply with the regulations of the United States Department of Transportation as they relate to non-discrimination (49 CFR Part 21 and 23 CFR Part 200), and Executive Order 11246 titled "Equal Employment Opportunity," as amended by Executive Order 11375 and supplemented in the Department of Labor Regulations (41 CFR Part 60).

24. Disadvantaged Business Enterprise (DBE) Program Requirements

- A. The parties shall comply with the Disadvantaged Business Enterprise Program requirements established in 49 CFR Part 26.
- B. The Local Government shall adopt, in its totality, the State's federally approved DBE program.
- C. The Local Government shall set an appropriate DBE goal consistent with the State's DBE guidelines and in consideration of the local market, project size, and nature of the goods or services to be acquired. The Local Government shall have final decision-making authority regarding the DBE goal and shall be responsible for documenting its actions.
- D. The Local Government shall follow all other parts of the State's DBE program referenced in TxDOT Form 2395, Memorandum of Understanding Regarding the Adoption of the Texas Department of Transportation's Federally-Approved Disadvantaged Business Enterprise by Entity, and attachments found at web address http://ftp.dot.state.tx.us/pub/txdot-info/bop/dbe/mou/mou_attachments.pdf.
- E. The Local Government shall not discriminate on the basis of race, color, national origin, or sex in the award and performance of any U.S. Department of Transportation (DOT)-assisted contract or in the administration of its DBE program or the requirements of 49 CFR Part 26. The Local Government shall take all necessary and reasonable steps under 49 CFR Part 26 to ensure non-discrimination in award and administration of DOT-assisted contracts. The State's DBE program, as required by 49 CFR Part 26 and as approved by DOT, is incorporated by reference in this agreement. Implementation of this program is a legal obligation and failure to carry out its terms shall be treated as a violation of this agreement. Upon notification to the Local Government of its failure to carry out its approved program, the State may impose sanctions as provided for under 49 CFR Part 26 and may, in appropriate cases, refer the matter for enforcement under 18 U.S.C. 1001 and the Program Fraud Civil Remedies Act of 1986 (31 U.S.C. 3801 et seq.).
- F. Each contract the Local Government signs with a contractor (and each subcontract the prime contractor signs with a sub-contractor) must include the following assurance: *The contractor, sub-recipient, or sub-contractor shall not discriminate on the basis of race, color, national origin, or sex in the performance of this contract. The contractor shall carry out applicable requirements of 49 CFR Part 26 in the award and administration of DOT-assisted contracts. Failure by the contractor to carry out these requirements is a material breach of this agreement, which may result in the termination of this agreement or such other remedy as the recipient deems appropriate.*

25. Debarment Certifications

The parties are prohibited from making any award at any tier to any party that is debarred or suspended or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549, "Debarment and Suspension." By executing this agreement, the Local Government certifies that it is not currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Programs under Executive Order 12549 and further certifies that it will not do business with any party that is currently debarred, suspended, or otherwise excluded from or ineligible for participation in Federal Assistance Programs under Executive Order 12549. The parties to this contract shall require

any party to a subcontract or purchase order awarded under this contract to certify its eligibility to receive federal funds and, when requested by the State, to furnish a copy of the certification.

26. Lobbying Certification

In executing this agreement, each signatory certifies to the best of that signatory's knowledge and belief, that:

- A.** No federal appropriated funds have been paid or will be paid by or on behalf of the parties to any person for influencing or attempting to influence an officer or employee of any federal agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with the awarding of any federal contract, the making of any federal grant, the making of any federal loan, the entering into of any cooperative agreement, and the extension, continuation, renewal, amendment, or modification of any federal contract, grant, loan, or cooperative agreement.
- B.** If any funds other than federal appropriated funds have been paid or will be paid to any person for influencing or attempting to influence an officer or employee of any agency, a Member of Congress, an officer or employee of Congress, or an employee of a Member of Congress in connection with federal contracts, grants, loans, or cooperative agreements, the signatory for the Local Government shall complete and submit the Federal Standard Form-LLL, "Disclosure Form to Report Lobbying," in accordance with its instructions.
- C.** The parties shall require that the language of this certification shall be included in the award documents for all sub-awards at all tiers (including subcontracts, subgrants, and contracts under grants, loans, and cooperative agreements) and all sub-recipients shall certify and disclose accordingly. Submission of this certification is a prerequisite for making or entering into this transaction imposed by Title 31 U.S.C. §1352. Any person who fails to file the required certification shall be subject to a civil penalty of not less than \$10,000 and not more than \$100,000 for each such failure.

27. Insurance

If this agreement authorizes the Local Government or its contractor to perform any work on State right of way, before beginning work the entity performing the work shall provide the State with a fully executed copy of the State's Form 1560 Certificate of Insurance verifying the existence of coverage in the amounts and types specified on the Certificate of Insurance for all persons and entities working on State right of way. This coverage shall be maintained until all work on the State right of way is complete. If coverage is not maintained, all work on State right of way shall cease immediately, and the State may recover damages and all costs of completing the work.

28. Federal Funding Accountability and Transparency Act Requirements

- A.** Any recipient of funds under this agreement agrees to comply with the Federal Funding Accountability and Transparency Act (FFATA) and implementing regulations at 2 CFR Part 170, including Appendix A. This agreement is subject to the following award terms:
<http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22705.pdf> and
<http://www.gpo.gov/fdsys/pkg/FR-2010-09-14/pdf/2010-22706.pdf>.

CSJ # 0050-02-097 & 0540-08-006
District # 17-Bryan
Code Chart 64 # 09050
Project: Landscaping within ROW of SH 6
And SH 40 In College Station
Federal Highway Administration
CFDA # 20.205
Not Research and Development

B. The Local Government agrees that it shall:

1. Obtain and provide to the State a Central Contracting Registry (CCR) number (Federal Acquisition Regulation, Part 4, Sub-part 4.1100) if this award provides more than \$25,000 in Federal funding. The CCR number may be obtained by visiting the CCR website whose address is: <https://www.sam.gov/portal/public/SAM/>;
2. Obtain and provide to the State a Data Universal Numbering System (DUNS) number, a unique nine-character number that allows Federal government to track the distribution of federal money. The DUNS may be requested free of charge for all businesses and entities required to do so by visiting the Dun & Bradstreet (D&B) on-line registration website <http://fedgov.dnb.com/webform>; and
3. Report the total compensation and names of its top five (5) executives to the State if:
 - i. More than 80% of annual gross revenues are from the Federal government, and those revenues are greater than \$25,000,000; and
 - ii. The compensation information is not already available through reporting to the U.S. Securities and Exchange Commission.

29. Single Audit Report

- A.** The parties shall comply with the requirements of the Single Audit Act of 1984, P.L. 98-502, ensuring that the single audit report includes the coverage stipulated in OMB Circular A-133.
- B.** If threshold expenditures of \$500,000 or more are met during the Local Government's fiscal year, the Local Government must submit a Single Audit Report and Management Letter (if applicable) to TxDOT's Audit Office, 125 E. 11th Street, Austin, TX 78701 or contact TxDOT's Audit Office at <http://www.txdot.gov/inside-txdot/office/audit/contact.html>.
- C.** If expenditures are less than \$500,000 during the Local Government's fiscal year, the Local Government must submit a statement to TxDOT's Audit Office as follows: "We did not meet the \$500,000 expenditure threshold and therefore, are not required to have a single audit performed for FY _____."
- D.** For each year the project remains open for federal funding expenditures, the Local Government will be responsible for filing a report or statement as described above. The required annual filing shall extend throughout the life of the agreement, unless otherwise amended or the project has been formally closed out and no charges have been incurred within the current fiscal year.

30. Signatory Warranty

Each signatory warrants that the signatory has necessary authority to execute this agreement on behalf of the entity represented.

CSJ # 0050-02-097 & 0540-08-006
District # 17-Bryan
Code Chart 64 # 09050
Project: Landscaping within ROW of SH 6
And SH 40 In College Station
Federal Highway Administration
CFDA # 20.205
Not Research and Development

THIS AGREEMENT IS EXECUTED by the State and the Local Government in duplicate.

THE LOCAL GOVERNMENT

Signature

Typed or Printed Name

Title

Date

THE STATE OF TEXAS

Janice Mullenix
Director of Contract Services
Texas Department of Transportation

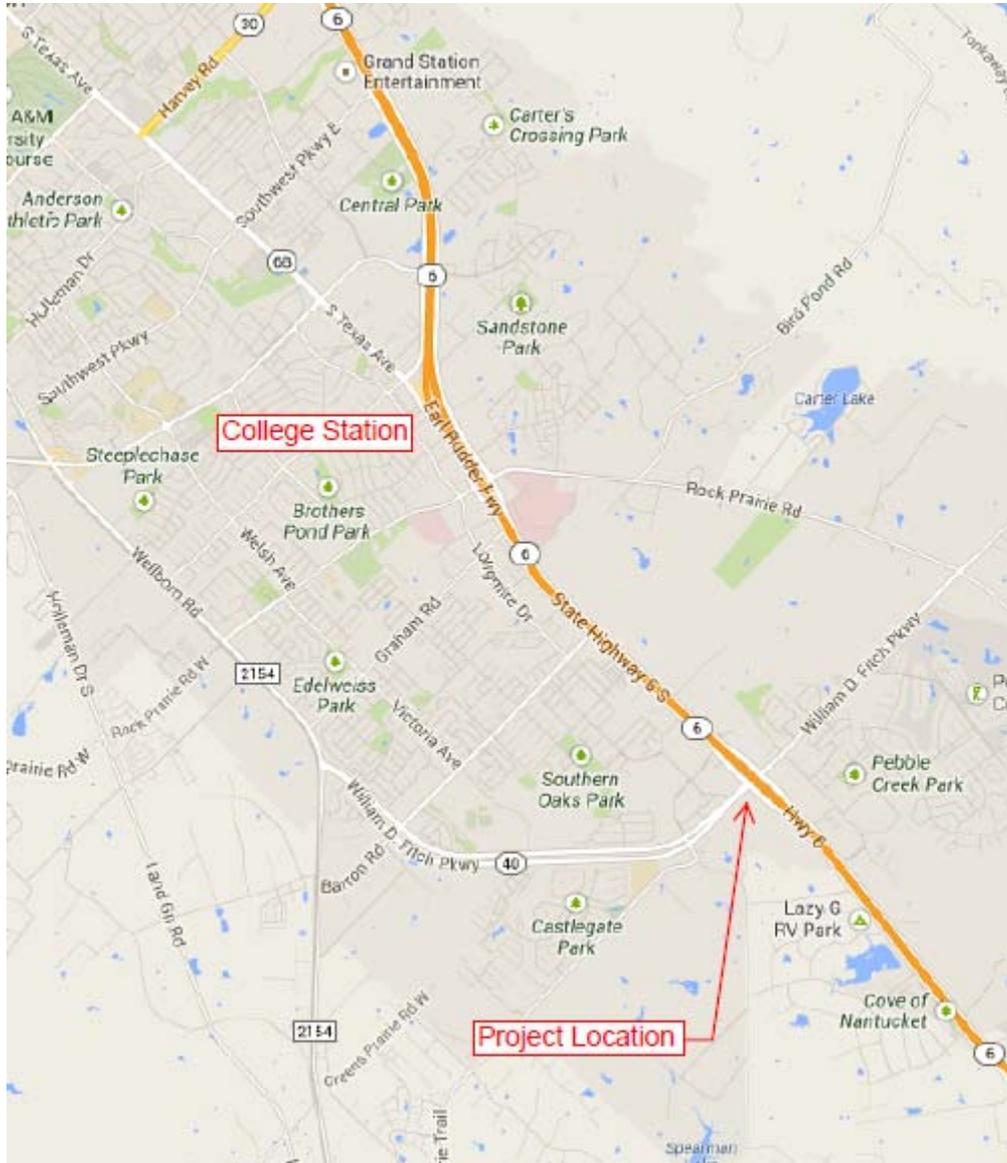
Date

CSJ # 0050-02-097 & 0540-08-006
District # 17-Bryan
Code Chart 64 # 09050
Project: Landscaping within ROW of SH 6
And SH 40 In College Station
Federal Highway Administration
CFDA # 20.205
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ATTACHMENT A
RESOLUTION OR ORDINANCE

CSJ # 0050-02-097 & 0540-08-006
District # 17-Bryan
Code Chart 64 # 09050
Project: Landscaping within ROW of SH 6
And SH 40 In College Station
Federal Highway Administration
CFDA # 20.205
Not Research and Development

ATTACHMENT B LOCATION MAP SHOWING PROJECT



CSJ # 0050-02-097 & 0540-08-006

District # 17-Bryan

Code Chart 64 # 09050

Project: Landscaping within ROW of SH 6
And SH 40 In College Station

Federal Highway Administration

CFDA # 20.205

Not Research and Development

ATTACHMENT C PROJECT BUDGET

The Local Government will then be responsible for 100% of the costs, including overruns.

Description	Total Estimated Cost	Federal Participation		State Participation		Local Participation	
		%	Cost	%	Cost	%	Cost
Engineering (by Local Government)	\$500	0%	\$0	0%	\$0	100%	\$500
Construction (by Local Government)	\$10,000	0%	\$0	0%	\$0	100%	\$10,000
Utilities (by Local Government)	\$500	0%	\$0	0%	\$0	100%	\$500
Environmental Assessment/Mitigation (by Local Government)	\$500	0%	\$0	0%	\$0	100%	\$500
Subtotal	\$11,500	\$0		\$0		\$11,500	
Construction Direct State Costs (0%)	\$0	0%	\$0	0%	\$0	0%	\$0
Utilities Direct State Costs (0%)	\$0	0%	\$0	0%	\$0	0%	\$0
Environmental Assessment/Mitigation Direct State Costs (0%)	\$0	0%	\$0	0%	\$0	0%	\$0
Indirect State Costs (0%)	\$0	0%	\$0	0%	\$0	0%	\$0
TOTAL	\$11,500	0%	\$0	0%	\$0	100%	\$11,500

Initial payment by the Local Government to the State: \$0

Payment by the Local Government to the State before construction: \$0

Estimated total payment by the Local Government to the State: \$0

This is an estimate. The final amount of Local Government participation will be based on actual costs.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF CITY OF COLLEGE STATION, TEXAS APPROVING THE ADVANCED FUNDING AGREEMENT (AFA) WITH THE TEXAS DEPARTMENT OF TRANSPORTATION FOR THE CONSTRUCTION OF LANDSCAPING AND LANDSCAPE IRRIGATION ALONG THE ROW OF SH 6 AND SH 40 AND AUTHORIZING THE CITY MANAGER TO EXECUTE THE AFA.

WHEREAS, SH 6 and SH 40 are owned and maintained by the Texas Department of Transportation, and

WHEREAS, any construction or improvements on Texas Department of Transportation right of way must be approved through the Texas Department of Transportation permitting process, and

WHEREAS, the City of College Station supports the construction and installation of landscaping and landscape irrigation along the ROW of SH 6 and SH 40 as part of the CapRock Crossing Development, and

WHEREAS, the City of College Station agrees to the provisions stated in the Texas Department of Transportation Advanced Funding Agreement and will permit the construction and installation of the landscape and landscape irrigation through a Private Improvement in Public ROW Permit with the developer of the CapRock Crossing development in lieu of project funding.

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

PART 1: That the City Council hereby approves the Advanced Funding Agreement (AFA) with the Texas Department of Transportation for construction and installation of landscaping and landscape irrigation along the ROW of FM SH 6 and SH 40.

PART 2: That the City Council hereby authorizes the City Manager to execute the Advanced Funding Agreement.

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

ADOPTED this ____ day of _____, 2014.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:



City Attorney

January 23, 2014
Consent Agenda Item No. 2h
Electronic Storage Upgrade

To: Kelly Templin, City Manager

From: Ben Roper, IT Director

Agenda Caption: Presentation, possible action, and discussion regarding the purchase of equipment, software and services from Unique Digital for the Electronic Storage Upgrade Project, CO 1401, in the amount not to exceed \$234,690.

Relationship to Strategic Goals:

1. Core Services and Infrastructure

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

Summary: Electronic storage needs of the city continue to grow. Current electronic storage capacity will soon be exhausted. This upgrade provides sufficient storage to meet projected needs for the next few years, and adds Disaster Recovery capability for network file storage records.

Budget & Financial Summary: The FY 14 CIP Budget includes funding in the amount of \$237,000 for this project.

Reviewed and Approved by Legal: Yes

Attachments:

None

January 23, 2014
Regular Agenda Item No. 1
Comprehensive Plan Amendment - 2021 Harvey Mitchell Parkway

To: Kelly Templin, City Manager

From: Lance Simms, Interim Director of Planning & Development Services

Agenda Caption: Public Hearing, presentation, possible action, and discussion regarding an ordinance amending the Comprehensive Plan – Future Land Use & Character Map from Suburban Commercial, Urban, and Natural Areas Reserved to Urban and Natural Areas Reserved for the property located at 2021 Harvey Mitchell Parkway South, generally located at the intersection of Rio Grande Boulevard and Harvey Mitchell Parkway South.

Relationship to Strategic Goals: Diverse Growing Economy

Recommendation(s): The Planning and Zoning Commission considered this item at their January 2, 2014 meeting and voted 2-2 to on a motion to recommend approval of the Comprehensive Plan Amendment request with the condition that the Natural Areas Reserved area does not change.

Summary: This request is to amend the Comprehensive Plan from Suburban Commercial, Urban, and Natural Areas Reserved to Urban and Natural Areas Reserved.

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 applicant has stated that the Suburban Commercial designation along the frontage of the property has made it difficult for the property to sell and develop. In communication with the applicant, the stated intent is to develop townhouse-style apartments on the site not to exceed 30 dwelling units per acre, the maximum density allowed in R-6 High-Density Multi-Family zoning district. Other than developer-stated 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.

This site was included in the South Knoll Area plan (adopted in September 2013). Through this effort, the neighborhood worked with Staff and recommended that any change to the land use of this area be discussed prior to moving forward through Planning & Zoning and the City Council. The applicant met with area residents on December 11, 2013 to discuss future plans for the property.

2. Scope of the request: This request is to amend the Comprehensive Plan Future Lane Use and Character Map designations on this property from Suburban Commercial, Urban, and Natural Areas Reserved to Urban and Natural Areas Reserved. This amendment will eliminate Suburban Commercial on this tract and enlarge the Urban land use while reducing the Natural Areas Reserved.

Through the South Knoll Area Neighborhood Plan, the subject property was identified as an area that the current zoning and land use designations were in conflict with one another. A City-initiated Comprehensive Plan Amendment was proposed in order to revise the land use on the subject property to be more synonymous with the zoning.

However, prior to the adoption of the Plan, the property owner indicated that they would not be interested in the proposed amendment.

- 3. Availability of adequate information:** R-6 High-Density Multi-Family is the maximum density for the proposed development on the site. The existing water/waste water facilities are able to support a single-family neighborhood of densities comparable to that which already exist in the area. More intense development would need to be reviewed further.

Staff can determine trips generated by the proposed land use to assess the traffic impact. In addition, Staff has 2009 TxDOT traffic counts on Harvey Mitchell Parkway (FM 2818). Harvey Mitchell Parkway South has a capacity of approximately 40,000 VPD. A traffic impact analysis may be required at the time of rezoning to propose any necessary mitigation due to the additional traffic. The change in land use designation is not expected to generate significantly more trips than the current land use designation. At the time of rezoning, a determination will be made if a Traffic Impact Analysis is necessary.

- 4. Consistency with the goals and strategies set forth in the Plan:** The goal for College Station's Future Lane 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 existing land use designation acts as a transitional buffer from Harvey Mitchell Parkway South to Neighborhood Conservation areas.
 - Natural Areas – Reserved allows for protection of Bee Creek in this area as well as a wide buffer from the adjacent neighborhoods.
- Promote public and private development and design practices that ensure distinct neighborhoods, districts, and corridors:
 - The South Knoll Area Neighborhood Plan was designated as an area for further study. In 2013, a Plan was adopted to enhance the area's character. To that end, the Plan established the following goals and reinforced neighborhood integrity and community character:
 - Reduce character impact of high-density housing in the neighborhood;
 - Continue investment in and maintenance of area schools, parks, and trails;
 - Preserve the existing larger-lot development patterns and eclectic architecture; and
 - Create and encourage effective neighborhood organizations.

- 5. Consideration of the Future Land Use & Character and/or Thoroughfare Plans:** The subject tract is currently designated as Natural Areas – Reserved, Urban, and Suburban Commercial on the Comprehensive Plan Future Land Use and Character Map. Through this proposed amendment, the Urban area would increase and the Natural Areas – Reserved would be reduced. The Suburban Commercial designation would be eliminated.

The proposed Urban designation is suitable for an intense level of development activity. These areas tend to consist of townhouses, duplexes and high-density apartments.

Urban allows for a higher density, equivalent to R-6 High-Density Multi-Family standards. The Comprehensive Plan identifies a considerable amount of Urban extending from this property along Harvey Mitchell Parkway towards the intersection with Texas Avenue.

The Thoroughfare Plan identifies Harvey Mitchell Parkway South as a 6-lane major arterial and is currently constructed as 4-lanes with a central median and turn lanes. The traffic produced by this type of development is not anticipated to generate a significant increase, but will need to be studied when the property is rezoned or a site plan is submitted.

- 6. Compatibility with the surrounding area:** As stated previously, the amendment request is from Suburban Commercial, Urban, and Natural Areas Reserved to Urban and Natural Areas Reserved. An Urban designation would permit townhomes, duplexes, and high-density apartments. With this type of development, an increased amount of traffic, population, and infrastructure demands can be expected.
- 7. Impacts on infrastructure including water, wastewater, drainage, and the transportation network:** Water service to the tract can be provided by an existing 24-inch water main located along the north side of Harvey Mitchell Parkway South. There is a 21-inch sanitary sewer main west of the property along Bee Creek Tributary B available to serve the property. The Sanitary Sewer Master Plan has identified this sewer line as needing to be upsized in the future. As the property develops, water and sanitary sewer mains will need to be extended into the property in accordance with the Unified Design Guidelines.

The change in land use designation is not expected to generate significantly more trips than the current land use designation. As stated earlier, at the time of rezoning, a determination will be made if a Traffic Impact Analysis is necessary.

- 8. Impact on the City's ability to provide, fund, and maintain services:** The proposed land use amendment will not impact the City's ability to provide, fund, and maintain services.
- 9. Impact on environmentally sensitive and natural areas:** The subject property is located in the Bee Creek drainage basin and contains FEMA Special Flood Hazard Area. The land use designation for a portion of the 100-year floodplain is proposed to be changed from Natural Areas-Reserved to Urban. This change could increase the intensity of the development allowed on an area of land that is currently undeveloped and intended to be preserved in its natural state for conveyance of floodwaters. No mitigation or analysis has been submitted and it is unclear at this point what impacts site development will have on the drainage system in this area and surrounding areas.

- 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 Lane 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.

The tract is located at the perimeter of at the South Knoll Area Neighborhood. The South Knoll Area Plan was adopted in 2013 which calls for further protection of the character of the neighborhood.

Budget & Financial Summary: N/A

Reviewed and Approved by Legal: Yes

Attachments:

1. Background Information
2. Aerial & Small Area Map (SAM)
3. Ordinance

NOTIFICATIONS

Advertised Commission Hearing Date: January 2, 2014
 Advertised Council Hearing Dates: January 23, 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:

Augustine-Angelina HOA
 Lawyer Place HOA

Property owner notices mailed: Twenty-six (26).
 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.

The applicant and developer held a meeting on December 11, 2013 at the City of College Station Fire Station #3 in which nearby property owners were invited. Six residents representing four households were present. Some of the residents expressed concerns about potential flooding, additional traffic, and lighting as a result of the proposed development. There were also concerns regarding buffering requirements between the development and single-family residences.

ADJACENT LAND USES

Direction	Comprehensive Plan	Zoning	Land Use
North	Natural Areas Reserved, Neighborhood Conservation	GS General Suburban	Single-Family Residences
South (across Harvey Mitchell Parkway)	Suburban Commercial	R-6 High-Density Multi-Family	Peace Lutheran Church, Friends Congregational Church
East	Urban, Suburban Commercial	R-6 High-Density Multi-Family, GC General Commercial	Multi-Family development, commercial businesses
West	Natural Areas Reserved	R Rural, C-3 Light Commercial	Vacant, City of College Station Electrical Substation

DEVELOPMENT HISTORY

Annexation: May 1969
Zoning: R-3 Townhome 1978
 Currently zoned R Rural, T Townhome, and C-3 Light Commercial
Final Plat: Unplatted
Site development: Vacant



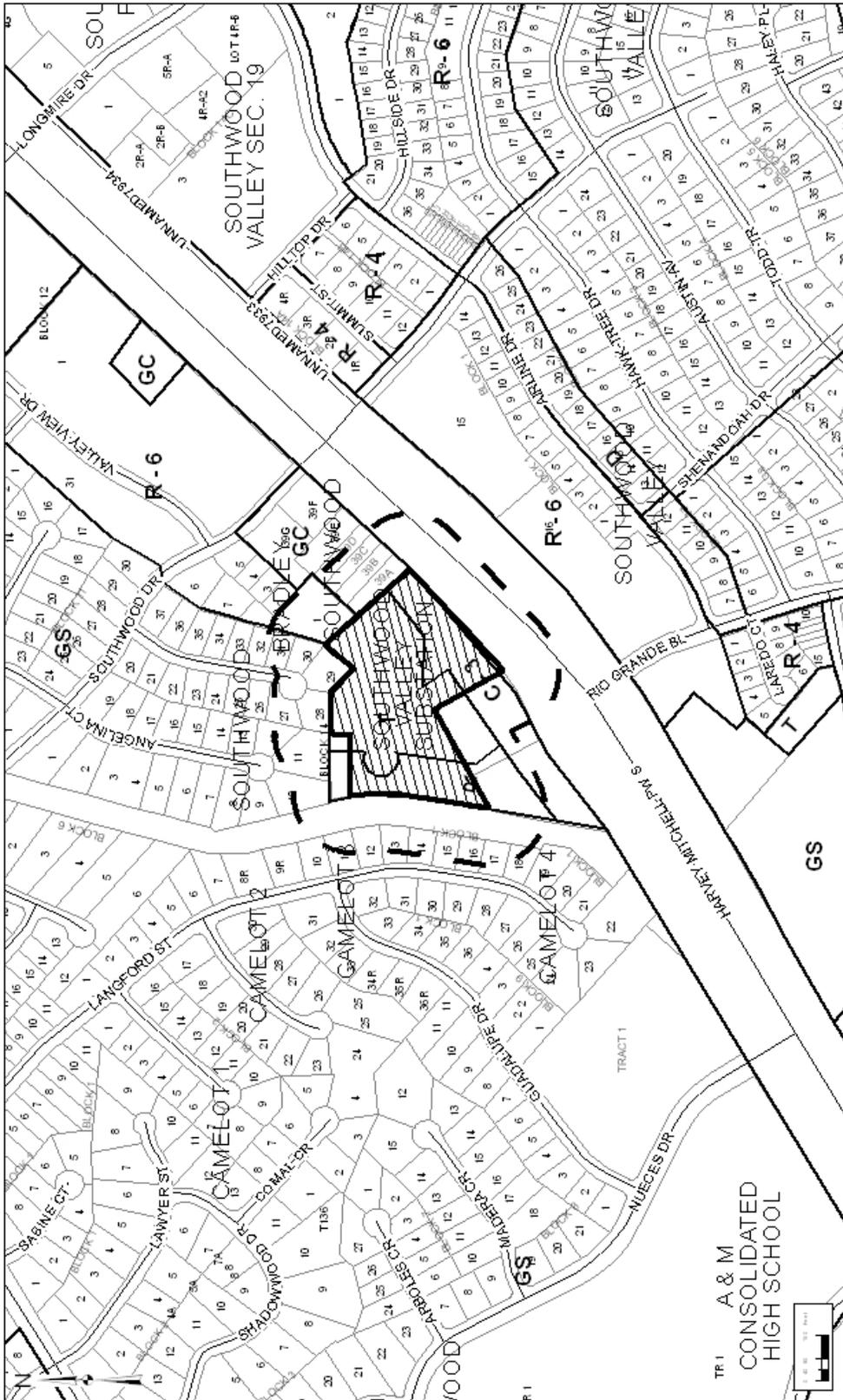
COMP PLAN
AMENDMENT

Case: 13-247

2021 HARVEY MITCHELL PKWY S

DEVELOPMENT REVIEW





TR 1 A & M
CONSOLIDATED
HIGH SCHOOL

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

DEVELOPMENT REVIEW

2021 HARVEY MITCHELL PKWY S

Case: 13-247

COMP PLAN AMENDMENT



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 2021 HARVEY MITCHELL PARKWAY, GENRALLY LOCATED AT THE INTERSECTION OF RIO GRANDE BOULEVARD AND HARVEY MITCHELL PARKWAY, 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” by amending the “Comprehensive Plan Future Land Use and Character Map”, as set out in Exhibits “A”, section C.2.f, and Exhibits “B”, and “C” attached hereto for the indentified area 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 23rd day of January, 2014.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

Carla A. Robinson

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 ____, dated January 9, 2014.
 - f. 2021 Harvey Mitchell Parkway – through this Ordinance, dated January 23, 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.

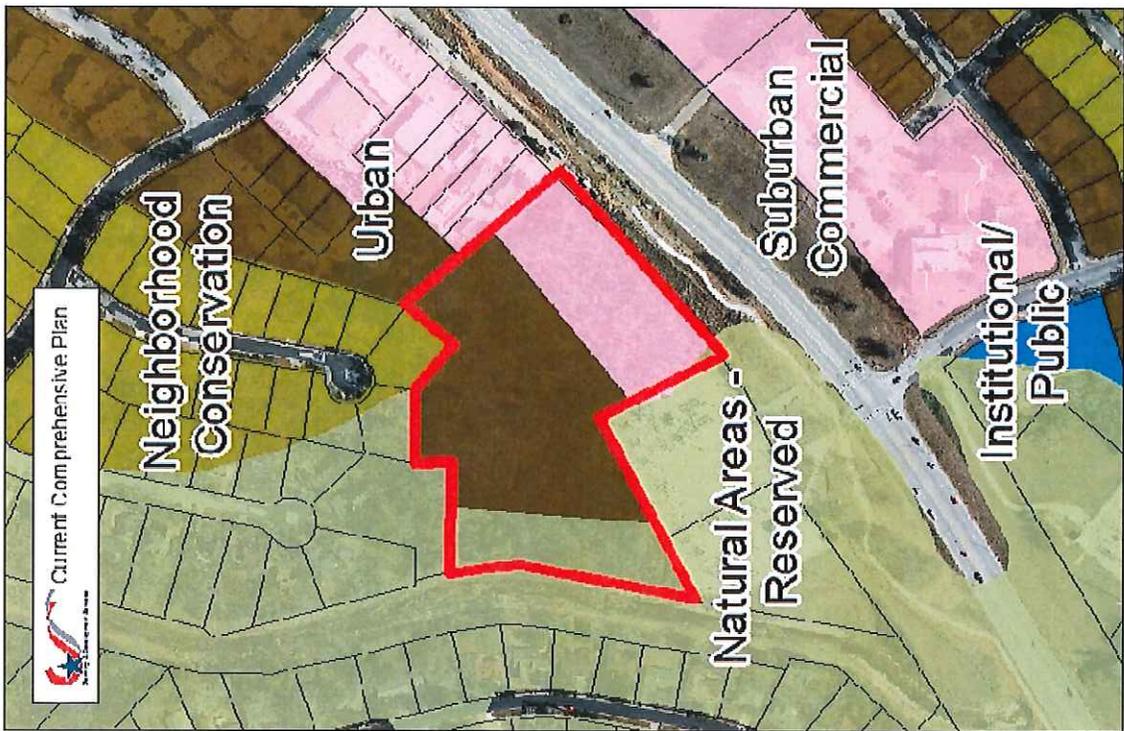
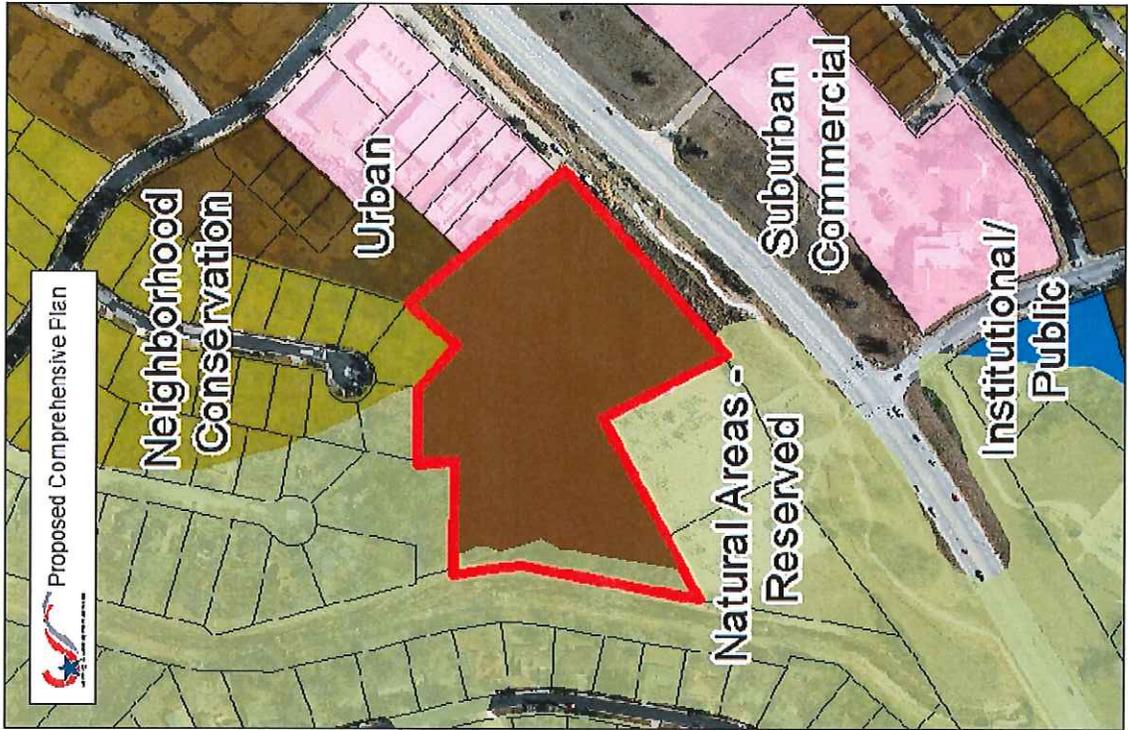
EXHIBIT "B"

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 7.3 acres located at 2021 Harvey Mitchell Parkway, generally located at the intersection of Rio Grande Boulevard and Harvey Mitchell Parkway, is amended from Suburban Commercial, Urban, and Natural Areas Reserved to Urban and Natural Areas Reserved, as shown in the attached Exhibit "C".

EXHIBIT "C"



January 23, 2014
Regular Agenda Item No. 2
Phillips Park Resolution

To: Kelly Templin, City Manager

From: Lance Simms, Interim Director, Planning & Development Services

Agenda Caption: Public Hearing, presentation, possible action, and discussion on a resolution establishing the City Council's determination that the use of parkland is allowable and that no other feasible or prudent alternative for Right-of-Way for the extension of WS Phillips Parkway within Phillips Park exists, and that all reasonable planning measures have been taken to minimize the harm to such parkland.

Recommendation(s): Staff recommends approval.

Relationship to Strategic Goals: Core Services and Infrastructure, and a Diverse Growing Economy

Summary: This resolution allows the planned extension of WS Phillips Parkway to be located on a small portion of parkland. Staff has determined that the proposed alignment through the parkland is the most appropriate location for the planned extension of WS Phillips Parkway.

Dos Dorado Development, LLC owns and is developing a parcel of land as Castlegate II Subdivision, a portion of which is adjacent to Phillips Park in Castlegate Subdivision. In compliance with the City's Thoroughfare Plan, the development of the residential subdivision includes the construction of WS Phillips Parkway. The extension of WS Phillips will necessitate crossing of an existing gas pipeline. The pipeline company is requiring that WS Phillips Parkway cross the gas pipeline as near perpendicular as possible. The most reasonable way to accomplish this requires a portion of WS Phillips Parkway to encroach slightly on parkland property. The approximate size of the right-of-way for the extension is 0.18 acres as described in Exhibit A of the Resolution.

The Texas Parks and Wildlife Code provides the following direction to the City in such cases:

"A department, agency, political subdivision, county, or municipality of this state may not approve any program or project that requires the use or taking of any public land designated and used prior to the arrangement of the program or project as a park, recreation area, scientific area, wildlife refuge, or historic site, unless the department, agency, political subdivision, county, or municipality, acting through its duly authorized governing body or officer determines that:

- (1) there is no feasible and prudent alternative to the use or taking of such land; and
- (2) the program or project includes all reasonable planning to minimize harm to the land, as a park, recreation area, scientific area, wildlife refuge, or historic site, resulting from the use or taking."

The State also requires advance notice of the public hearing. In compliance with State law, notifications of the Public Hearing on this topic were posted in the Bryan/College Station Eagle on December 23rd and 30th, 2013 and January 6th and 13th, 2014.

Budget & Financial Summary: N/A

Attachments:

- 1) Resolution
- 2) Exhibit A
- 3) Site Map

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, AUTHORIZING THE ESTABLISHMENT OF PUBLIC RIGHT-OF-WAY WITHIN PHILLIPS PARK.

WHEREAS, the Texas Parks and Wildlife Code Chapter 26.001: PROTECTED LAND; NOTICE OF TAKING et. seq. establishes the requirements for the use or taking of land currently designated and used as a park, recreation area, scientific area, wildlife refuge, or historic site; and

WHEREAS, the City of College Station wishes to extend WS Phillips Parkway through a portion of Phillips Park to meet alignment requirements of a gas pipeline crossing;

WHEREAS, in compliance with statutory requirements recited above, notice and a public hearing were held where all interested persons present who were entitled to speak did so speak; now, therefore,

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

- PART 1: That the facts and recitations set forth in the preamble of this resolution are hereby declared true and correct.
- PART 2: That the City Council of the City of College Station, Texas, hereby determines there is no feasible and prudent alternative to the use of Phillips Park land for extension of a roadway as set forth in Exhibit "A" attached hereto.
- PART 3: That the City Council of the City of College Station, Texas, hereby determines that the use of the parkland as described in this resolution includes all reasonable planning to minimize harm to the parkland.
- PART 4: That, based upon the above, the City Council of the City of College Station, Texas, hereby approves the use of a portion of the Phillips Park land for the establishment of Public Right-of Way as set forth herein.
- PART 5: That this resolution shall take effect immediately from and after its passage.

ADOPTED this _____ day of _____, A.D. 2014.

ATTEST:

APPROVED:

City Secretary

MAYOR

APPROVED:



City Attorney

**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;

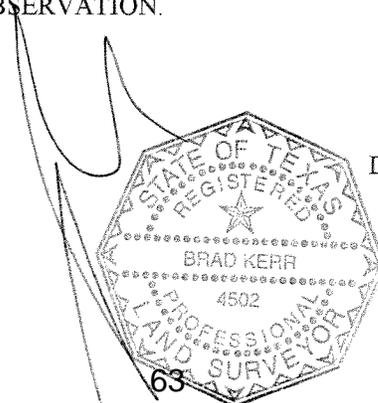
THENCE: S 48° 03' 31" E ALONG THE COMMON LINE OF SAID PARKLAND TRACT AND SAID 75.07 ACRE TRACT FOR A DISTANCE OF 425.18 FEET TO THE MOST EASTERLY CORNER OF THIS HEREIN DESCRIBED TRACT;

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;

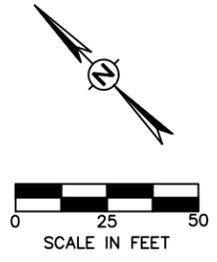
THENCE: N 42° 16' 24" W ALONG THE NORTHEAST LINE OF W. S. PHILLIPS PARKWAY FOR A DISTANCE OF 363.98 FEET TO THE BEGINNING OF A COUNTERCLOCKWISE CURVE HAVING A RADIUS OF 625.50 FEET;

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



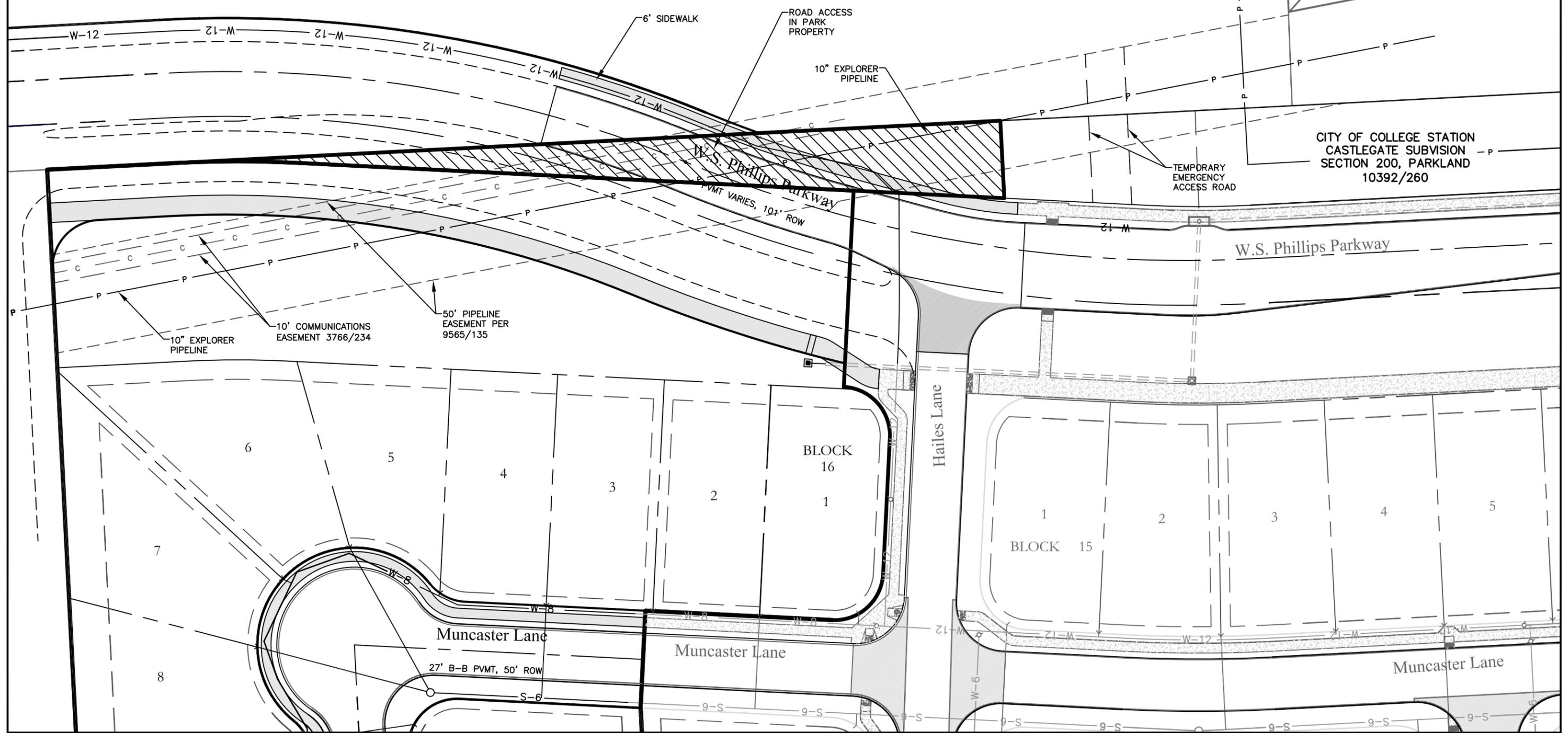
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R STEVENSON
TRACT 7
75.07 ACRES
6985/042

15

14



January 23, 2014
Regular Agenda Item No. 3
Great Oaks Rezoning

To: Kelly Templin, City Manager

From: Lance Simms, Interim Director of Planning & Development Services

Agenda Caption: Public hearing, presentation, possible action, and discussion regarding an amendment to Chapter 12, "Unified Development Ordinance," Section 4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas, by rezoning approximately 294 acres of R-1B Single-Family Residential and R Rural to RS Restricted Suburban in the area of the Great Oaks Subdivision, generally bounded by the existing Great Oaks Subdivision to the west, Rock Prairie Road West to the south, Quail Run Subdivision to the north, and Holleman Drive South to the east.

Relationship to Strategic Goals: Diverse Growing Economy

Recommendation(s): The Planning and Zoning Commission considered this item at their January 2, 2014 meeting and voted 4-0 to recommend approval of the rezoning request.

Summary: This request is to rezone the property from R-1 B Single-Family Residential and R Rural to RS Restricted Suburban.

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 Restricted Suburban on the Comprehensive Plan Future Land Use and Character Map. The proposed rezoning is consistent with this designation.
- 2. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:** The proposed rezoning will allow for the development permitted in RS Restricted Suburban, both the zoning district and land use designation. This rezoning would allow for transition in the subdivision pattern found in the existing phases of the Great Oaks Subdivision adjacent to the subject area. Although the development to the north, Quail Run Estates, is located in the Extra Territorial Jurisdiction (ETJ), the large lot pattern of the subdivision is similar to that of the existing phases of Great Oaks Subdivision. Smaller lots are planned to be developed within the future phases of Great Oaks which will help transition to small lots in the Las Palomas Subdivision, University Heights, and Barracks II.
- 3. Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment:** Although the current zoning allows for a residential development, RS Restricted Suburban allows more flexibility in the design of the subdivision. This new residential zoning district of RS Restricted Suburban was adopted in 2013 and R-1B Single-Family Residential was retired. RS Restricted Suburban allows for detached medium-density, single-family residential development and more flexibility than the current zoning classification. Additionally, through cluster development, the absolute minimum permitted lot size is 6,500 square feet with an average of 10,000 square feet.

- 4. Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment:** The current zoning designation of R-1B Single-Family Residential permits development of lots with a minimum of 8,000 square feet with no minimum lot width or depth. The applicant states that they wish to take advantage of the cluster option and provide lot sizes that are smaller than the minimum permitted lot size in the R-1B Single-Family Residential zoning district.
- 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 applicant states that the existing R-1B Single-Family Residential zoning classification is not viable for their development. Additionally, they will be permitted to cluster lots while being sensitive to the environment within the area based on the options included in the newly-created RS zoning district.
- 6. Availability of water, wastewater, stormwater, and transportation facilities generally suitable and adequate for the proposed use:** The subject tract is located in Wellborn Special Utility District's water service area. Future development of the tract will have to meet the City's minimum fire flow requirements. The subject tract has access to a 12-inch sanitary sewer main which extends to the north east property boundary. A portion of the tract is located in the Steeplechase Sanitary Sewer Impact Fee Area.

The subject tract is in the Hope's Creek drainage basin. The subject tract is not located within a FEMA regulated Special Flood Hazard Area. Future development of the tract will have to meet the requirements of the City's Storm Water Design Guidelines. The subject tract is located adjacent to Rock Prairie Road West, a 2-Lane Major Collector, to the south and Holleman Drive South, a 4-Lane Major Collector, to the east. Three future 2-Lane Minor Collectors cross the subject property; Deacon Drive, Cain Road, and Feather Run.

Budget & Financial Summary: N/A

Reviewed and Approved by Legal: Yes

Attachments:

1. Background Information
2. Aerial & Small Area Map (SAM)
3. Ordinance

NOTIFICATIONS

Advertised Commission Hearing Date: January 2, 2014
 Advertised Council Hearing Dates: January 23, 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:

Great Oaks HOA
 The Barracks HOA

Property owner notices mailed: Sixty-four (64).
 Contacts in support: None at the time of the report.
 Contacts in opposition: None at the time of the report.
 Inquiry contacts: None at the time of the report.

ADJACENT LAND USES

Direction	Comprehensive Plan	Zoning	Land Use
North (ETJ)	Rural	N/A - ETJ	Single-Family Residential - Quail Run Estates
South (Across Rock Prairie Road West)	Restricted Suburban	R Rural	Single-Family Residential, golf driving range, vacant
East	Urban, General Suburban	GS General Suburban, T Townhouse, R-4 Multi-Family, R Rural	Vacant, Las Palomas Subdivision
West	Estate, Restricted Suburban	R Rural, E Estate	Single-Family Residential - Great Oaks Phases 1 and 1B

DEVELOPMENT HISTORY

Annexation: March 2008
Zoning: A-O Agricultural Open upon annexation
 R-1B Single-Family Residential May 2008 (retired 2013)
 A-O Agricultural Open renamed R Rural (2013)
Final Plat: This property is currently unplatted
Site development: Vacant

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," SECTION 4.2, "OFFICIAL ZONING MAP," OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING CERTAIN PROPERTIES AS DESCRIBED BELOW; 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 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 "B", attached hereto and made a part of this ordinance for all purposes.
- PART 2: That if any provisions of any section of this ordinance shall be held to be void or unconstitutional, such holding shall in no way effect the validity of the remaining provisions or sections of this ordinance, which shall remain in full force and effect.
- PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than Twenty-five Dollars (\$25.00) nor more than Two Thousand Dollars (\$2,000.00). Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense. Said Ordinance, being a penal ordinance, becomes effective ten (10) days after its date of passage by the City Council, as provided by Section 35 of the Charter of the City of College Station.

PASSED, ADOPTED and APPROVED this 23rd day of January, 2014

APPROVED:

MAYOR

ATTEST:

City Secretary

APPROVED:

Carla A Robinson
City Attorney

EXHIBIT "A"

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

The following property is rezoned R-1B Single-Family Residential and R Rural to RS Restricted Suburban:

FIELD NOTES
PROPOSED RESTRICTED SUBURBAN ZONING
289.58 ACRES

Being all that certain tract or parcel of land lying and being situated in the JAMES ERWIN SURVEY, A-119 and the CRAWFORD BURNETT SURVEY, Abstract No. 7 in College Station, Brazos County, Texas and being all or a part of the following six (6) tracts:

- 1) Being part of the 116.352 acre Tract 2 described in the Correction Deed from Lieven J. Van Riet, Trustee to BCS Rock Prairie, LP recorded in Volume 11069, Page 98 of the Official Records of Brazos County (O.R.B.C.),
- 2) Being all of the 132.901 acre tract described in the deed from Charles Antony Abbate, et al to BCS Rock Prairie, LP recorded in Volume 10982, Page 82 (O.R.B.C.),
- 3) Being all of the 10.151 acre tract described in the deed from Stephen Jay Larkin and Rebecca Ann Larkin to BCS Rock Prairie, LP recorded in Volume 10982, Page 258 (O.R.B.C.),
- 4) Being all of the 12.373 acre tract described in the deed from Pauline Middlebrook to BCS Rock Prairie, LP recorded in Volume 10982, Page 253 (O.R.B.C.),
- 5) Being all of the 12.417 acre tract described in the deed from Bobby Mosley and Willie Ann Mosley to BCS Rock Prairie, LP recorded in Volume 10982, Page 241 (O.R.B.C.), and
- 6) Being all of the 12.365 acre tract described in the deed from Charles Antony Abbate, et al to BCS Rock Prairie, LP recorded in Volume 10982, Page 247 (O.R.B.C.),

and being more particularly described by metes and bounds as follows:

BEGINNING: at a found 1/2-inch iron rod marking the north corner of the said 116.352 acre BCS Rock Prairie, LP tract, the east corner of a county road known as Feather Run (based on a 60-foot width right-of-way described on the QUAIL RUN ESTATES, PHASE 1 plat recorded in Volume 351, Page 565 of the Brazos County Deed Records [B.C.D.R.]), being in the southwest line of the 20.305 acre John Kemp, et ux tract described in Volume 2561, Page 86 (O.R.B.C.) and being at or near the common most easterly corner of the W.H. FRAZIER SURVEY, A-122 and the JAMES ERWIN SURVEY, A-119;

THENCE: S 45° 31' 57" E along the northeast line of the said 116.352 acre BCS Rock Prairie, LP tract and the southwest line of the said 20.305 acre Kemp tract, said line being approximately along the northeast line of the beforesaid JAMES ERWIN SURVEY A-119 and the southwest line of the CRAWFORD BURNETT SURVEY, A-7 for a distance of 604.18 feet to a found 3/4-inch iron pipe marking the south corner of the said Kemp tract and the west corner of the 39.873 acre David S. Borsack tract described in Volume 3350, Page 238 (O.R.B.C.);

THENCE: S 46° 46' 32" E continuing along the northeast line of the said 116.352 acre BCS Rock Prairie, LP tract for a distance of 1139.74 feet to a found 1/2-inch iron rod marking the south corner of the said Borsack tract and the west corner of LAS PALOMAS Subdivision as recorded in Volume 7367, Page 53 (O.R.B.C.);

THENCE: S 45° 08' 21" E continuing along the northeast line of the said 116.352 acre BCS Rock Prairie, LP tract and the southwest line of said LAS PALOMAS Subdivision for a distance of 332.50 feet to a found 1/2-inch iron rod marking the south corner of the said LAS PALOMAS Subdivision and the west corner of the called 10.43 acre Jasper Construction, Ltd. tract described in Volume 8709, Page 53 (O.R.B.C.);

THENCE: S 46° 05' 45" E continuing along the northeast line of the said 116.352 acre BCS Rock Prairie, LP tract and the southwest line of the called 10.43 acre Jasper Construction, Ltd. tract for a distance of 472.51 feet to a found 1/2-inch iron rod marking the east corner of the said 116.352 acre tract, said iron rod also being in the northwest line of the said 132.901 acre BCS Rock Prairie, LP tract;

THENCE: N 44° 59' 54" E along the northwest line of the said 132.901 acre BCS Rock Prairie, LP tract, said line being common with the called 10.43 acre Jasper Construction, Ltd. tract for a distance of 844.11 feet to a found 5/8-inch iron rod in the southwest margin of Holleman Drive South (formerly known as I. & G.N. Road) for the northeast corner of this tract;

THENCE: S 19° 53' 42" E along the said southwest margin of Holleman Drive South for a distance of 104.20 feet to a 1/2-inch iron rod found for the northeast corner of the called 0.49 acre Gene & Betty Zulkowski tract described in Volume 323, Page 145 (B.C.D.R.);

January 23, 2014
City Council Regular Agenda Item No. 4
Board and Commission Appointments

To: Kelly Templin, City Manager

From: Sherry Mashburn, City Secretary

Agenda Caption: Presentation, possible action and discussion regarding appointments to the following boards and commissions:

- B/CS Library Committee
- Bicycle, Pedestrian, and Greenways Advisory Board
- Construction Board of Adjustments
- Convention and Visitors Bureau
- Design Review Board
- Historic Preservation Committee
- Joint Relief Funding Review Committee
- Landmark Commission
- Parks and Recreation Board
- Planning and Zoning Commission
- Zoning Board of Adjustments

Background & Summary: With the move to November elections, appointments to citizen boards and committees were moved to January, beginning this year. Terms for committee members were extended six months to accommodate the new process.

Notice of the vacancies was posted on our website and various social media. Homeowners associations and graduates of Citizens University were contacted. Applications were due in to the City Secretary by 5:00 p.m., January 10.

A reception honoring outgoing committee members is scheduled for January 30. Immediately afterward, a mandatory orientation and Open Meetings training for new appointees will be held.

Budget & Financial Summary: There is no fiscal impact.

Attachments:

- None