



College Station, TX

City Hall
1101 Texas Ave
College Station, TX 77840

Meeting Agenda - Final

City Council Regular

Thursday, July 9, 2015

7:00 PM

City Hall Council Chambers

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

Presentation:

- Presentation and recognition of the College Station Police Department for achieved compliance with the Texas Law Enforcement Agency Best Practices Recognition Program by the Texas Police Chiefs Association.

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

Consent Agenda

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

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

- 2a. [15-0357](#) Presentation, possible action, and discussion of minutes for:
- June 25, 2015 Workshop
 - June 25, 2015 Regular Council Meeting

Sponsors:

Mashburn

Attachments:

[WKSHPO62515 DRAFT Minutes.docx](#)

[RM062515 DRAFT Minutes.docx](#)

- 2b. [15-0306](#) Presentation, possible action, and discussion regarding the rejection of bid received for Bid #15-047 for the Southwood Valley Substation Transformer Rewind.

Sponsors: Crabb

Attachments: [Tabulation.pdf](#)

- 2c. [15-0307](#) Presentation, possible action, and discussion regarding the award Contract #15300227 (Bid No. 15-044) between the City of College Station and WEG Electric Corp, in the amount of \$1,150,000 for the purchase and installation of two (2) substation transformers.

Sponsors: Crabb

Attachments: [Tabulation.pdf](#)

- 2d. [15-0308](#) Presentation, possible action, and discussion regarding the rejection of RFP #15-027 for the Animal Deterrent Project for Post Oak Substation.

Sponsors: Crabb

- 2e. [15-0330](#) Presentation, possible action, and discussion regarding an annual price agreement with Brazos Paving Inc. for the purchase of cement stabilized base rock and Type D grade recycled crushed concrete base for an amount not to exceed \$806,500 and with a \$5.50 delivery charge per ton if needed.

Sponsors: Harmon

Attachments: [Bid 14-066 Signed Cement Stabilized Rock.pdf](#)

- 2f. [15-0332](#) Presentation, possible action, and discussion on the consideration of an ordinance amending Chapter 10, "Traffic Code" by implementing an all-way stop control intersection at the intersection of Francis Drive and Walton Drive.

Sponsors: Rother

Attachments: [Ordinance - All-Way Stop - Francis at Walton.docx](#)
[All-Way Stop - Francis at Walton.pdf](#)

- 2g. [15-0333](#) Presentation, possible action, and discussion on the consideration of an ordinance amending Chapter 10, "Traffic Code" by implementing a yield sign for the free right-turn bay going from southeast bound Walton Drive onto southwest bound Francis Drive.

Sponsors: Rother

Attachments: [Ordinance - Yield Sign - Walton at Francis.docx](#)
[Yield Sign - Walton at Francis.pdf](#)

- 2h. [15-0334](#) Presentation, possible action, and discussion on consideration of an ordinance amending Chapter 10, "Traffic Code" Section 2(k) to prohibit Left-Turns for southbound Francis Drive at the College

Hills Elementary School driveway during morning drop-off and afternoon pick-up times.

Sponsors:

Rother

Attachments:

[Left-Turns Ordinance - Francis Drive into College Hills.doc](#)

[No Left-Turns - Francis Drive into College Hills.pdf](#)

- 2i. [15-0335](#) Presentation, possible action, and discussion on approving the purchase of changeable message signs in the amount of \$170,950 from American Signal Company through the Houston-Galveston Area Council (H-GAC) cooperative contract (Contract PE05-15) .

Sponsors:

Rother

Attachments:

[Equipment Purchase Quote.pdf](#)

- 2j. [15-0339](#) Presentation, possible action, and discussion regarding a professional services contract, contract number 15300309, with Kimley-Horn and Associates, Inc. in the amount of \$96,000 for the professional engineering services related to the design of the traffic signal and intersection improvements at the intersection of SH 40 and Victoria Avenue and approval of a resolution declaring intention to reimburse certain expenditures with proceeds from debt.

Sponsors:

Harmon

Attachments:

[SH 40 and Victoria Signal Project Location Map.pdf](#)

[Signal at Victoria - SH40 DRR 7-9-15.pdf](#)

- 2k. [15-0340](#) Presentation, possible action, and discussion regarding the third renewal of a semi-annual competitive purchase agreement with Knife River for Type D Hot Mix Asphalt for the maintenance of streets in the amount not to exceed \$960,000.

Sponsors:

Harmon

Attachments:

[KRC HMA Extension 7 15.pdf](#)

- 2l. [15-0341](#) Presentation, possible action, and discussion on the renewal of a purchase agreement for Type II, FGSA Hot Mix Asphalt for an amount not to exceed \$526,000.

Sponsors:

Harmon

Attachments:

[City of College Station 2015 renewal.pdf](#)

- 2m. [15-0343](#) Presentation, possible action, and discussion on approving the award of an annual price agreement to ProSTAR Industries for janitorial supply purchases not-to-exceed \$60,022.40. (Bid No. 15-046)

Sponsors:

Kersten

Attachments: [15-046 Tab.pdf](#)

- 2n. [15-0344](#) Presentation, possible action, and discussion on a bid award for the annual purchase of single phase pad-mounted transformers, which will be maintained in electrical inventory and expended as needed. The total recommended award is \$283,639.04 and will be awarded by line item to the lowest responsible bidder.

Sponsors: Kersten

Attachments: [Tabulation Single Phase Transformer.pdf](#)

- 2o. [15-0345](#) Presentation, possible action, and discussion regarding the second renewal of the award for annual transformer repair and rebuild services to Greenville Transformer Company, Inc. in the amount of \$66,530.46.

Sponsors: Kersten

Attachments: [Renewal 2 Signed Greenville Transformer - Annual Repair and Rebuild.pdf](#)

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. [15-0311](#) Presentation, possible action, and discussion regarding an Infrastructure and Economic Development Agreement for the approximately 228 acres generally located along the south side of Rock Prairie Road at the future Bird Pond Road intersection owned

by College Station Land Development, Incorporated.

Sponsors:

Ruiz

Attachments:

[Infrastructure and Economic Development Agreement.docx](#)

[EDA Exhibit A - Metes and Bounds - Tract A.pdf](#)

[EDA Exhibit A - Survey Plat.pdf](#)

[EDA Exhibit B - Regional Infrastructure.pdf](#)

[EDA Exhibit C - Metes & Bounds - District.pdf](#)

[EDA Exhibit C - Survey Plat.pdf](#)

[EDA Exhibit D - Spring Creek Site Map.pdf](#)

[EDA Exhibit E Utility & Road Agreement .docx](#)

[EDA Exhibit F Notice to Owners.docx](#)

[EDA Exhibit G-Land Use Plan.pdf](#)

2. [15-0348](#) Presentation, possible action, and discussion regarding a resolution consenting to the creation of Rock Prairie Management District No. 2 generally located within the southeast quadrant of State Highway 6 and Rock Prairie Road.

Sponsors:

Ruiz

Attachments:

[City Consent Resolution.DOCX](#)

[Exhibit A.docx](#)

[Exhibit A Map.pdf](#)

3. [15-0349](#) Presentation, possible action, and discussion regarding the appointment of the Board of Directors for Rock Prairie Management District No. 2.

Sponsors:

Ruiz

Attachments:

[Board Recommendations Bios.pdf](#)

4. [15-0354](#) Public Hearing, presentation, possible action, and discussion regarding an ordinance amending the Comprehensive Plan Future Land Use and Character Map from Restricted Suburban to General Suburban for approximately 22 acres located at 3940 and 4300 North Graham Road, and more generally located west of Holleman Drive South near the Sherwood Heights Subdivision and immediately north of the city limit line.

Sponsors:

Bombek

Attachments: [Staff Report](#)
[Background](#)
[Aerial](#)
[Amendment Map](#)
[Ordinance.docx](#)

5. [15-0356](#) Public Hearing, presentation, possible action, and discussion regarding an ordinance amending Chapter 12, "Unified Development Ordinance," section 12-4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas, by changing the zoning district boundaries for approximately 22.26 acres from R Rural to GS General Suburban, consisting of one 11.26 acre tract being located in the Peter Norton Survey, Abstract No. 186 and the John Payne Survey, Abstract no. 195, College Station, Brazos County, Texas. Said tract being the same tract of land as described by a deed to Ovais Inc. recorded in Volume 6863, Page 86 of the Official Public Records of Brazos County, Texas and one 11.00 acre tract being located in the Peter Norton Survey, Abstract No. 186 and the John Payne Survey, abstract no. 195, College Station, Brazos County, Texas. Said tract being the same tract of land as described by a deed to Whitworth Financial Inc. recorded in Volume 6508, page 41 of the Official Public Records of Brazos County, Texas; located at 3940 & 4300 North Graham Road, more generally located west of Holleman Drive South near the Sherwood Heights Subdivision and immediately north of the city limit line, providing a severability clause; declaring a penalty; and providing an effective date.

Sponsors: Bombek

Attachments: [Staff Report](#)
[Background](#)
[Aerial&Small Area Map](#)
[Ordinance](#)

6. [15-0350](#) Public Hearing, presentation, possible action, and discussion regarding an ordinance amending the Comprehensive Plan - Future Land Use & Character Map from Estate and Restricted Suburban to Restricted Suburban and Suburban Commercial for approximately 25 acres located at 4201 Rock Prairie Road, and more generally located at the northeast corner of Rock Prairie Road and Bird Pond Road.

Sponsors: Prochazka

Attachments: [Background Information](#)
[Aerial](#)
[Amendment Map](#)
[Ordinance.docx](#)

7. [15-0351](#) Public Hearing, presentation, possible action, and discussion regarding an ordinance amending Chapter 12, "Unified Development Ordinance," Section 12-4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas by changing the zoning district boundaries for approximately 20.872 acres from R Rural to 17.14 acres of RS Restricted Suburban and 3.732 acres of SC Suburban Commercial, both tracts being located in the Thomas Caruthers League, Abstract No.9, College Station, Brazos County, Texas. Said Tracts being portions of the remainder of a called 26.25 acre tract as described by a deed to Dale W. Conrad and Wife, Reba J. Conrad recorded in Volume 460, Page 505 of the Deed Records of Brazos County, Texas; generally located at 4201 Rock Prairie Road, and more generally located at the northeast corner of Rock Prairie Road and Bird Pond Road.

Sponsors: Prochazka

Attachments: [Background Information](#)
[Aerial & Small Area Map](#)
[Utility Layout](#)
[Ordinance](#)

8. [15-0337](#) Public Hearing, presentation, possible action and discussion of an ordinance amending Chapter 10 "Traffic Code" to remove parking along Arrington Road.

Sponsors: Rother

Attachments: [Park Removal Ordinance - Arrington Road.docx](#)
[Map - Arrington Road No Parking.pdf](#)

9. [15-0338](#) Public Hearing, presentation, possible action and discussion of an ordinance amending Chapter 10 "Traffic Code" to remove stopping, standing, and parking along Ravenstone Loop, Appleby Place, and Edinburgh Place.

Sponsors: Rother

Attachments: [No Parking, Standing, Stopping - Ravenstone Loop.pdf](#)
[Parking Removal Ord CG 6-24-15.docx](#)

10. **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

I certify that the above Notice of Meeting was posted at College Station City Hall, 1101 Texas Avenue, College Station, Texas, on July 2, 2015 at 5:00 p.m.



City Secretary

This building is wheelchair accessible. Handicap parking spaces are available. Any request for sign interpretive service must be made 48 hours before the meeting. To make arrangements call (979) 764-3541 or (TDD) 1-800-735-2989. Agendas may be viewed on www.cstx.gov. Council meetings are broadcast live on Cable Access Channel 19.



Legislation Details (With Text)

File #: 15-0357 **Version:** 1 **Name:** Minutes
Type: Minutes **Status:** Consent Agenda
File created: 6/26/2015 **In control:** City Council Regular
On agenda: 7/9/2015 **Final action:**
Title: Presentation, possible action, and discussion of minutes for:
· June 25, 2015 Workshop
· June 25, 2015 Regular Council Meeting
Sponsors: Sherry Mashburn
Indexes:
Code sections:
Attachments: [WKSHP062515 DRAFT Minutes.pdf](#)
[RM062515 DRAFT Minutes.pdf](#)

Date	Ver.	Action By	Action	Result
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Presentation, possible action, and discussion of minutes for:

- June 25, 2015 Workshop
- June 25, 2015 Regular Council Meeting

Relationship to Strategic Goals:

- Good Governance

Recommendation(s): Approval

Summary: None

Budget & Financial Summary: None

Attachments:

- June 25, 2015 Workshop
- June 25, 2015 Regular Council Meeting

MINUTES OF THE CITY COUNCIL WORKSHOP
CITY OF COLLEGE STATION
JUNE 25, 2015

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry, Mayor

Council:

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

City Staff:

Kelly Templin, City Manager
Chuck Gilman, Deputy City Manager
Carla Robinson, City Attorney
Sherry Mashburn, City Secretary
Tanya McNutt, Deputy City Secretary

1. Call to Order and Announce a Quorum is Present

With a quorum present, the Workshop of the College Station City Council was called to order by Mayor Berry at 4:30 p.m. on Thursday, June 25, 2015 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77840.

2. Executive Session

In accordance with the Texas Government Code §551.071-Consultation with Attorney and §551.087-Economic Incentive Negotiations, the College Station City Council convened into Executive Session at 4:30 p.m. on Thursday, June 25, 2015 in order to continue discussing matters pertaining to:

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

- Deluxe Burger Bar of College Station, Inc. D/B/A Café Eccell v. Asset Plus Realty Corporation, City of College Station, Texas and the Research Valley Partnership, Inc., Cause No. 13 002978 CV 361, In the 361st Judicial District Court, Brazos County, Texas
- Bobby Trant v. BVSWMA, Inc., Cause No. 33014, In the District Court, Grimes County, Texas, 12th Judicial District
- Juliao v. City of College Station, Cause No. 14-002168-CV-272, in the 272nd District Court of Brazos County, Texas
- City of College Station, Texas, v. Embrace Brazos Valley, Inc., Cause No. 15-000804-CV-85, In the 85th Judicial District Court, Brazos County, Texas.

B. Deliberation on economic development negotiations for a business prospect the Council seeks to have locate, stay or expand in or near the City; to wit:

- Economic incentives for a project located generally in the vicinity of South College and University Drive in College Station.
- Economic Incentives for a project located generally in the vicinity of State Highway 6 and Rock Prairie Road in College Station.

The Executive Session adjourned at 5:41 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.

Item 2l was pulled for clarification.

(2l): Donald Harmon, Director of Public Works, clarified the terms and the tasks of the ILA.

5. Presentation, possible action, and discussion on the 84th Texas Legislative Session by College Station's legislative consultant Jennifer Rodriguez.

Jennifer Rodriguez, Legislative Consultant, provided information on legislation that directly impacted municipalities. Bryan/College Station advocated local bill HB3629 and is referred to as the HOT Tax bill. This bill permits the cities of Bryan and College Station to use revenue from the municipal hotel tax to promote tourism and the convention and hotel industry by using the tax for the construction, operation or expansion of a sports related facility or sports facility owned by the municipality and is effective June 17, 2015.

There were several bills that failed which would have impacted municipalities, including preemption of city ordinances, revenue caps, appraisal caps, annexation, a statewide texting ban, transportation network company regulations, payday lending regulations, prohibition of plastic bag ban ordinances, and city lobbying restrictions.

Bills that passed included 60% of the council must vote to adopt a tax rate exceeding the previous year's rate, transparency legislation, ban of fracking ordinances, open carry, campus

carry, body camera grant program, tuition revenue bonds, pre-K funding, truancy reform, and elimination of the Emerging Technology Fund and creation of the Governor's University Research Initiative.

Highlights were briefly presented for the State budget, a \$209.4 billion two-year budget, and it was noted that seven constitutional amendments will be on the November 3 ballot.

6. Presentation, possible action, and discussion on a new citizen board appointment process.

Sherry Mashburn, City Secretary, proposed a new appointment process in response to the Council's request. A Handbook has been drafted for the Council's consideration that will assist potential appointees with the process, procedures, and responsibilities. The application has been updated with different iterations: one for regular standing committees, and one for each of the following: Construction Board of Adjustments, Design Review Board, Joint Relief Funding Review, Parks and Recreation Board, Planning and Zoning Commission, and Zoning Board of Adjustments.

Advertising for all boards and commissions would commence in early August, with a submittal deadline of September 30. Staff proposed that Council conduct interviews of applicants to the quasi-judicial boards -- Construction Board of Adjustments and Appeals, Design Review Board, Parks and Recreation Board, Planning and Zoning Commission, and Zoning Board of Adjustments. Council would consider applicants' resumes for these quasi-judicial boards during Executive Sessions in October, after which each Councilmember would provide to the City Secretary the names of those individuals who should be brought back for an interview. The City Secretary would contact the applicants to schedule an interview with Council that would take place during Executive Sessions in November and December. Appointments would be made in open session at the first meeting in January.

Council provided direction to move the deadlines back to allow newly elected Councilmembers an opportunity make informed appointments. It was also suggested that applicants provide two-three references. The process should be completely digital.

7. Presentation, possible action, and discussion on the 2015 Bond Citizen Advisory Committee's prioritized project recommendations for the potential 2015 bond election.

Chuck Gilman, Deputy City Manager, reported that Council will consider an ordinance calling the Bond Election at the August 13 meeting. The Citizens Advisory Committee made the following recommendations:

- Transportation:
 - UPRR Grade Crossings and Roadway Improvements
 - Greens Prairie Road Intersection and Roadway Improvements
 - Greens Prairie & Royder Roadway Safety Improvements
 - Neighborhood Street Safety Improvements at Holik, Park Place, Anna and Glade
 - FM 2818 Capacity Improvements
 - Traffic Signals

- Sidewalks/Oversized Participation
- Parks & Leisure:
 - System Wide Improvements focus on existing facilities. (Eleven park improvement initiatives are recommended for nine parks, including lighting, parking, jogging trails, and playground and park upgrades.)

8. Council Calendar

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.

Mayor Berry reported on BVSWMA and the Council of Governments.

Councilmember Brick reported on the Transportation Committee.

Councilmember Schultz reported on the Research Valley Partnership.

Councilmember Nichols reported on the Annexation Task Force.

11. Adjournment

There being no further business, Mayor Berry adjourned the workshop of the College Station City Council at 7:09 p.m. on Thursday, June 25, 2015.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF COLLEGE STATION
JUNE 25, 2015

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry, Mayor

Council:

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

City Staff:

Kelly Templin, City Manager
Carla Robinson, City Attorney
Chuck Gilman, Deputy City Manager
Sherry Mashburn, City Secretary
Tanya McNutt, Deputy City Secretary

Call to Order and Announce a Quorum is Present

With a quorum present, the Regular Meeting of the College Station City Council was called to order by Mayor Berry at 7:18 p.m. on Thursday, June 25, 2015 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77840.

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

Boy Scout Troops 60 and 1222 led the assembly in the Pledge of Allegiance.

MOTION: Upon a motion made by Councilmember Nichols and a second by Councilmember Benham, the City Council voted six (6) for and none (0) opposed, to approve the Absence Request by Councilmember Aldrich. The motion carried unanimously.

Recognition of the Bryan Rotary Club/Newman 10 Business Performance Awards.

Mayor Berry recognized the eight (8) College Station businesses who received honors from The Bryan Rotary Club/Newman 10 Business Performance Awards: Exosent Engineering; Cortiers Real Estate; CEO, Etc.; Texas Concrete Designs; Cedar Lane; and Hotel Solutions. Special

recognition was given to Copy Corner, recipient of the Anco Insurance Award for Lifetime Business Achievement, and Essentium Materials, recipient of the Research Valley Commercialization Rising Star Award.

Citizen Comments

Ben Roper, 5449 Prairie Dawn Ct., came before Council to honor the service and sacrifice of Spec. James C. Wright.

Shirley Dupriest, 400 Fairview, requested Council to enforce the planting of trees on new construction. Compliance should be required especially with the new construction that is removing trees in the older areas of town.

CONSENT AGENDA

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

- **May 28, 2015 Workshop**
- **May 28, 2015 Regular Council Meeting**

2b. Presentation, possible action, and discussion on Ordinance 2015-3664, amending Chapter 10, Section 2 "Traffic Control Devices", G "Bike Lanes and Bike Prohibitions" and "Traffic Schedule VI - Bike Lanes and Bike Prohibitions" of the Code of Ordinances of the City of College Station, Texas, providing a severability clause; declaring a penalty; and providing an effective date.

2c. Presentation, possible action, and discussion regarding ratification of renewal number 2 of contract #13-201 between the City of College Station and Grid Utility, LLC., in the amount of \$1,259,926.12 for Annual Electric System Construction & Maintenance Labor.

2d. Presentation, possible action, and discussion on a construction contract with TF Harper, in the amount of \$204,651 for playground replacement at Jack and Dorothy Miller Park.

2e. Presentation, possible action, and discussion regarding a three (3) year Engineering Services and Materials Contract with Schweitzer Engineering Laboratories, Inc. (SEL) for \$900,000 for electrical engineering services.

2f. Presentation, possible action, and discussion regarding a purchase order with Ultra-Tech Systems, Inc. for UV System parts, at a cost of \$64,819.50.

2g. Presentation, possible action, and discussion on the purchase of four new Stryker EMS Stretchers in the amount of \$198,394.05.

2h. Presentation, possible action, and discussion regarding the purchase of 10 traffic signal cabinets from Paradigm Traffic Systems Inc. in the amount of \$90,980. This purchase is made through Texas Smart Buy Contract # 550-A.

2i. Presentation, possible action, and discussion regarding the renewal and ratification of the annual city wide land surveying services and civil engineering services contracts between the City of College Station and Joe Orr, Inc. and Binkley & Barfield, Inc. for a total amount of \$100,000.

2j. Presentation, possible action, and discussion regarding professional services contract no. 15300294 with Mitchell & Morgan, LLP. in the amount of \$280,421.50 for the professional engineering services related to the conceptual design of the Lakeway Drive Extension Project.

2k. Presentation, possible action, and discussion regarding construction contract no. 15300252 with Restocon Corporation, in the amount of \$207,559.50 for thermal and moisture protection repairs to the Northgate Parking Garage.

2l. Presentation, possible action, and discussion on an ILA with the Texas A&M University System (TAMUS) providing \$1 Million for implementation support of the City's ITS Master Plan. The funds are apportioned to TTI (\$150,000) for the analysis and review of the ITS Master Plan and to the City of College Station (\$850,000) for development and implementation of the ITS Master Plan.

2m. Presentation, possible action, and discussion on professional services contract no. 15-105 with Jones & Carter, Inc. in the amount of \$164,000; for the conceptual design for the Treatment Plants Equipment Replacement Project.

2n. Presentation, possible action, and discussion on a purchase agreement for new Zoll Medical X Series Manual Monitors/Defibrilators for \$239,246.13.

MOTION: Upon a motion made by Councilmember Benham and a second by Councilmember Schultz, the City Council voted six (6) 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 an ordinance amending Chapter 12, "Unified Development Ordinance," Section 12-4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas by changing the zoning district boundaries from R Rural and GS General Suburban to PDD Planned Development District for the property being approximately 28.5 acres situated in the Crawford Burnett League, Abstract No. 7, Brazos County, Texas and being a part of that certain called 69.37 acre tract as described in deed from James G. Butler to J & J Butler Family Partnership, Ltd. Of record in Volume 7551, Page 41, Official Records of Brazos County, Texas, being generally located along Holleman Drive South across from Saddle Lane and the Quail Run subdivision.

Jason Schubert, Planning and Development, stated that this request is to rezone the subject property from Rural and General Suburban to Planned Development District.

The Planning and Zoning Commission considered this item at their May 7, 2015 meeting and voted 4-1 to recommend approval of the rezoning. The Parks and Recreation Board considered the additional parkland fees as one of the proposed community benefits to help offset the proposed meritorious modifications at their May 12, 2015 meeting and voted 7-0 to recommend to accept the fee changes, but included as part of their motion for Council to consider additional fees for developments with higher bedroom counts per unit. Staff recommended denial of the request due to the concerns of the existing transportation network's ability to handle the additional traffic created by the proposed development.

At approximately 7:45 p.m., Mayor Berry opened the Public Hearing.

Mike Gentry, 1515 Emerald Plaza, attorney for the developer, Aspen Heights, spoke in favor of the rezoning. He said this will help to remove students from the older neighborhoods into a project that is reminiscent of a standard neighborhood, removing the pressure on single family neighborhoods. The only issue is inadequate transportation infrastructure, and the solutions are beyond any private developer. He proposed a couple of possible improvements to assist in moving traffic in the short term, including a bus service. He believes the bus service will significantly reduce the traffic impact.

Charlie Vetteratt, 1301 S. Capital of Texas Highway, reiterated Mr. Gentry's remarks regarding the shuttle service. He noted that Aspen Heights is a full service development. This is the highest and best use of the property.

Jim Butler, 6010 Thoroughbred Ridge, agreed there are traffic issues, but they are on the north side, not the south side. He has visited with TAMU Transportation Services and was encouraged by his visit with City staff regarding a Park 'n Ride. He noted that it is not only the students that use South Holleman.

There being no further comments, the Public Hearing was closed at 8:12 p.m.

Councilmember Schultz moved to approve the ordinance. The motion failed for lack of a second.

MOTION: Upon a motion made by Councilmember Schultz and a second by Councilmember Benham, the City Council voted five (5) for and one (1) opposed, with Councilmember Nichols voting against, to postpone this item until the second meeting in August. The motion carried.

2. Adjournment.

There being no further business, Mayor Berry adjourned the Regular Meeting of the City Council at 8:37 p.m. on Thursday, June 25, 2015.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary



Legislation Details (With Text)

File #:	15-0306	Version:	1	Name:	Rejection of Bid #15-047 Southwood Valley Substation Transformer Rewind
Type:	Bid Award	Status:		Status:	Consent Agenda
File created:	6/5/2015	In control:		In control:	City Council Regular
On agenda:	7/9/2015	Final action:		Final action:	
Title:	Presentation, possible action, and discussion regarding the rejection of bid received for Bid #15-047 for the Southwood Valley Substation Transformer Rewind.				
Sponsors:	Timothy Crabb				
Indexes:					
Code sections:					
Attachments:	Tabulation.pdf				

Date	Ver.	Action By	Action	Result
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Presentation, possible action, and discussion regarding the rejection of bid received for Bid #15-047 for the Southwood Valley Substation Transformer Rewind.

Relationship to Strategic Goals: (Select all that apply)

- Financially Sustainable City
- Core Services and Infrastructure

Recommendation(s):

Staff recommends approval of the rejection of bid received, and the recommendation of no award for Bid #15-047.

Summary:

On May 26, 2015 one (1) sealed proposal was received and opened in response to Bid #15-047 for the Electric Southwood Valley Substation Transformer Rewind. After evaluating the bid it was found that the bid cost of rewinding the transformer was more than the cost of a new transformer. Therefore, it has been determined to reject this bid. Electrical staff will re-evaluate the feasibility of repairing the transformer.

Budget & Financial Summary:

The rejection of Bid #15-047 will have no impact on the Electrical budget.

Attachments:

Bid Tab



City of College Station - Purchasing Division
Bid Tabulation for #15-047
"Southwood Valley Tranformer Rewind"
Open Date: Thursday, May 26, 2015

			Jordan Transformer, LLC.
Item		Delivery	Quote
1	Power Transformer Rewind	24-26 Wks	\$937,956.00
GRAND TOTAL			\$937,956.00

Note: Jordan Tranformer was the only bid received. Due to the cost and exceptions taken, the City has decided to reject this bid and re-evaluate this project.



Legislation Details (With Text)

File #:	15-0307	Version:	1	Name:	Purchase and Installation of Two (2) Substation Transformers
Type:	Contract	Status:		Status:	Consent Agenda
File created:	6/5/2015	In control:		In control:	City Council Regular
On agenda:	7/9/2015	Final action:		Final action:	
Title:	Presentation, possible action, and discussion regarding the award Contract #15300227 (Bid No. 15-044) between the City of College Station and WEG Electric Corp, in the amount of \$1,150,000 for the purchase and installation of two (2) substation transformers.				
Sponsors:	Timothy Crabb				
Indexes:					
Code sections:					
Attachments:	Tabulation.pdf				

Date	Ver.	Action By	Action	Result
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Presentation, possible action, and discussion regarding the award Contract #15300227 (Bid No. 15-044) between the City of College Station and WEG Electric Corp, in the amount of \$1,150,000 for the purchase and installation of two (2) substation transformers.

Relationship to Strategic Goals: (Select all that apply)

- Core Services and Infrastructure

Recommendation(s):

Staff recommends approval of the contract with WEG Electric Corp in the amount of \$1,150,000 to provide and install two (2) substation transformers at the lowest evaluated equivalent first cost to the City as shown by the attached Bid Tab 15-044.

Summary:

On May 21, 2015 eight (8) sealed bids were received and opened in response to Invitation to Bid #15-044. These bids were evaluated and ranked using several factors. Of the eight bids, five (5) were found to be non-compliant with the City's bid requirements. The bid submitted by WEG Electric Corp was found to be the lowest bid, and to be in full compliance with the bid requirements.

On March 16, 2015, Southwood Valley Substation power transformer 3200 open due to a sudden pressure fault inside the transformer. After several tests were performed on the transformer it was determined the transformer winding shifted and that some internal issue needed to be repaired (feasibility of repairing transformer is still being determined). Due to this failure, the need for an additional transformer in a separate substation in the 2016 budget year, the long delivery time for a substation transformer, and the current favorable prices for this device, it was determined to bid out two (2) substation power transformers. In the past we have purchased substation power transformers from the current bid price to as much as \$1.2 million.

Budget & Financial Summary:

Funds for this purchase were not included in the FY15 budget as it was not anticipated that these transformers would be needed this soon. These transformers were forecasted to be purchased in FY16 and FY17. Due to the lead time required

for ordering the transformers, the expenditure for the transformers will likely occur in FY16, but the budget for the purchase must be available in FY15 in order to contract for the purchase. Therefore, the budget for these transformers will be included on the next FY15 Budget Amendment. The budget for this purchase will be included in the Electric Capital Improvement Projects Fund.

Attachments:

1. Bid Tab 15-044



City of College Station - Purchasing Division
Bid Tabulation for # 15-044
"Purchase and Installation of Two (2) Three Phase Transformers"
Open Date: May 21, 2015 @ 2:00 p.m.

A Factor Cost per KW	\$7,611.00
B Factor Cost per KW	\$1,986.00

Dealer / Agent	JH DAVIDSON	H D Supply	Howard	VT	Pennsylvania Transf	Keasler	Delta Star	KD Johnson
Transformer Manufacturer	ABB INC	Prolec	Howard	Virginia Transf	Elgin B. Robertson	SPX (Waukesha)	Delta Star	WEG
Factory / Point of Origin	USA-AL	Mexico	USA-MS	USA- ID	USA- PA	USA-NC	USA-CA	Mexico
	Montgomery	Apodaca	Laurel	Pocatello	Cannonsburg	Goldsboro	San Carlos	Huehuetoca
Transformer Unit Cost	\$632,200.00	\$562,783.33	\$803,725.00	\$779,555.00	\$838,599.00	\$785,818.00	\$712,350.00	\$561,000.00
Cost of Losses- "A" Factor	\$145,446.21	\$167,442.00	\$163,255.95	\$147,653.40	\$182,664.00	\$165,919.80	\$154,503.30	\$148,414.50
Cost of Losses- "B" Factor	\$168,412.80	\$192,642.00	\$127,898.40	\$137,034.00	\$142,992.00	\$158,880.00	\$133,260.60	\$137,470.92
Equivalent First Cost	\$946,059.01	\$922,867.33	\$1,094,879.35	\$1,064,242.40	\$1,164,255.00	\$1,110,617.80	\$1,000,113.90	\$846,885.42
RANKING BY XFMR EQUIVALENT FIRST COST ONLY	3	2	6	5	8	7	4	1
Cost of Site Delivery / Assembly	\$59,100.00	\$48,693.00	\$28,400.00	\$0.00	\$46,000.00	\$43,050.00	\$26,780.00	\$14,000.00
Cost of Qualified Service Engineer	\$10,575.00	\$28,999.00	\$3,600.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Site Delivery Adjustment(s)	\$30,675.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Required Testing not included	None	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00
Evaluated Total Cost	\$1,046,409.01	\$1,000,559.33	\$1,126,879.35	\$1,064,242.40	\$1,210,255.00	\$1,153,667.80	\$1,026,893.90	\$860,885.42
Ranking: Cost, Losses, Delivery, Testing	4	2	6	5	8	7	3	1
Delivery (weeks)	?? weeks	As Requested	As Requested	As Requested	44 weeks	As Requested	38 weeks	As Requested
Purchase Terms	90% Delivery, Net 30	100%, Net 30	Net 30	Net 30	Net 30	Net 30	Net 30	Net 30
Spare Parts	\$11,800.00	\$10,444.44	\$8,175.00	\$18,000.00	\$55,270.00	None listed	\$5,399.00	\$8,980.00
Warranty	5 Year	5 Year	3 Year	3 Year	5 Year	5 Year	5 Year	5 Year
Purchasing Bid Requirements:								
Bid Certification	Y	Y	Y	Y	Y	Y	N	Y
Bid Bond	Y	N	Y	Y	N	Y	Y	Y
Addendum	Y	N	Y	Y	Y	Y	Y	Y
Exceptions taken to Standard Contract	Y	N	Y	N	Y	N	Y	N
BID STATUS	Non-Compliant	Non-Compliant	Non-Compliant	Compliant	Non-Compliant	Compliant	Non-Compliant	Compliant
Reason	Contract Exceptions	No Bid Bond	Contract Exceptions		Delivery Date		Contract Exceptions	
					No Bid Bond			
					Contract Exceptions			
Evaluated Total Cost for Two Units Purchased	\$2,092,818.02	\$2,001,118.66	\$2,253,758.70	\$2,128,484.80	\$2,420,510.00	\$2,307,335.60	\$2,053,787.80	\$1,721,770.84
Ranking for Two Units: Cost, Losses, Delivery, Testing	4	2	6	5	8	7	3	1
Purchase Year Capital Layout (Total Award Amount)	\$1,465,100.00	\$1,280,950.66	\$1,671,450.00	\$1,559,110.00	\$1,769,198.00	\$1,657,736.00	\$1,478,260.00	\$1,150,000.00
Final Rank	NC	NC	NC	2	NC	3	NC	1



Legislation Details (With Text)

File #:	15-0308	Version:	1	Name:	Rejection of RFP #15-027 Animal Deterrent Project for Post Oak Substation
Type:	Bid Award	Status:			Consent Agenda
File created:	6/5/2015	In control:			City Council Regular
On agenda:	7/9/2015	Final action:			
Title:	Presentation, possible action, and discussion regarding the rejection of RFP #15-027 for the Animal Deterrent Project for Post Oak Substation.				
Sponsors:	Timothy Crabb				
Indexes:					
Code sections:					
Attachments:					

Date	Ver.	Action By	Action	Result
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Presentation, possible action, and discussion regarding the rejection of RFP #15-027 for the Animal Deterrent Project for Post Oak Substation.

Relationship to Strategic Goals: (Select all that apply)

- Financially Sustainable City
- Core Services and Infrastructure

Recommendation(s):

Staff recommends approval of the rejection of RFP received, and the recommendation of no award for RFP #15-027.

Summary:

On February 20, 2015 one (1) sealed proposal was received and opened in response to RFP #15-027 for the Animal Deterrent Project for Post Oak Substation. After evaluating the RFP, the vendor determined they could not meet the cost proposal that they set forth in their bid and it has been decided to reject this proposal. Electrical staff will continue to investigate what are the best options for Animal Deterrent products for our substations.

Budget & Financial Summary:

The rejection of RFP #15-027 will have no impact on the Electrical budget.

Attachments:



Legislation Details (With Text)

File #: 15-0330 **Version:** 1 **Name:** Cement Stabilized Base Rock Renewal
Type: Renewal **Status:** Consent Agenda
File created: 6/21/2015 **In control:** City Council Regular
On agenda: 7/9/2015 **Final action:**
Title: Presentation, possible action, and discussion regarding an annual price agreement with Brazos Paving Inc. for the purchase of cement stabilized base rock and Type D grade recycled crushed concrete base for an amount not to exceed \$806,500 and with a \$5.50 delivery charge per ton if needed.
Sponsors: Donald Harmon
Indexes:
Code sections:
Attachments: [Bid 14-066 Signed Cement Stabilized Rock.pdf](#)

Date	Ver.	Action By	Action	Result
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Presentation, possible action, and discussion regarding an annual price agreement with Brazos Paving Inc. for the purchase of cement stabilized base rock and Type D grade recycled crushed concrete base for an amount not to exceed \$806,500 and with a \$5.50 delivery charge per ton if needed.

Relationship to Strategic Goals:

- Core Services and Infrastructure

Recommendation(s): Staff recommends approval of the first renewal of an annual price agreement of Cement Stabilized Base Rock and Type D Grade Recycled Crushed Concrete Base for an amount not to exceed \$806,500 and with a \$5.50 delivery charge per ton if needed.

Summary: Two (2) sealed competitive bids were received for an annual price agreement for 10,000 tons of Cement Stabilized Base Rock and 10,000 tons of Type D Grade Recycled Crushed Concrete Base on June 12, 2014. One bid was received from Brazos Paving Inc. for \$806,500 for material to be picked up by City crews and with a \$5.50 delivery charge per ton if needed. This renewal will be the first of two possible one year renewals. The line item pricing (with request for 3% increase) is as follows:

Cement stabilized base city pick up \$45.10/ton
 Recycled crushed base city pick up \$35.55/ton
 Delivery charge (as needed) \$5.50/ton

Budget & Financial Summary: Funds to purchase cement stabilized base rock are budgeted and available in street maintenance funds.

Reviewed and Approved by Legal: N/A

Attachments:

1. First Renewal Letter



June 6, 2015

ATTN:
Martin Jackson
Brazos Paving, Inc.
P.O. Box 714
Bryan, TX 77806

RE: Renewal 1 – Bid 14-066
Annual Price Agreement for Cement Stabilized Rock

Dear Mr. Jackson,

The City of College Station appreciates the services provided by Brazos Paving, Inc. this past year. We would like to exercise our option to renew the above referenced contract for the term of July 29, 2015 through July 28, 2016.

If this meets with your company's approval, please complete the following renewal agreement and return it no later than Friday, June 19, 2015 via e-mail to hpavelka@cstx.gov or via fax (979-764-3899). *Please follow up by mailing an original signed copies to my attention at the following address:*

City of College Station
Purchasing Division
PO Box 9960
College Station, TX 77842

Sincerely,

Heather Pavelka
Buyer

Attachment

PO Box 9960
1101 Texas Avenue
College Station, TX 77842

www.cstx.gov

RENEWAL ACCEPTANCE

By signing herewith, I acknowledge and agree to renew Bid 14-066, for the Annual Price Agreement for Cement Stabilized Rock, in accordance with all terms and conditions previously agreed to and accepted, for an amount not to exceed Eight Hundred Six Thousand Five Hundred and No/100 Dollars (\$806,500.00). This price includes a vendor requested 3% increase.

Line Item Pricing (With Requested Increase):

Cement Stabilized Base, City Pick Up	\$45.10/ton
Recycled Crushed Base, City Pick Up	\$35.55/ton
Delivery Charge (As Needed)	\$ 5.50/ton

I understand this renewal term will be for the period beginning July 29, 2015 through July 28, 2016. This is the first of two possible renewals.

BRAZOS PAVING, INC.

By: MARTIN JACKSON
Printed Name: [Signature]
Title: President
Date: 6/8/2015



Legislation Details (With Text)

File #:	15-0332	Version:	1	Name:	Francis Avenue at Walton Drive - All-Way Stop
Type:	Ordinance	Status:		Status:	Consent Agenda
File created:	6/21/2015	In control:		In control:	City Council Regular
On agenda:	7/9/2015	Final action:		Final action:	
Title:	Presentation, possible action, and discussion on the consideration of an ordinance amending Chapter 10, "Traffic Code" by implementing an all-way stop control intersection at the intersection of Francis Drive and Walton Drive.				
Sponsors:	Troy Rother				
Indexes:					
Code sections:					
Attachments:	Ordinance - All-Way Stop - Francis at Walton.pdf All-Way Stop - Francis at Walton.pdf				

Date	Ver.	Action By	Action	Result
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Presentation, possible action, and discussion on the consideration of an ordinance amending Chapter 10, "Traffic Code" by implementing an all-way stop control intersection at the intersection of Francis Drive and Walton Drive.

Relationship to Strategic Goals:

- Core Services and Infrastructure
- Improving Mobility

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

Summary: To improve safety and mobility for people driving, walking, and riding bicycles in the Eastgate Neighborhood, an all-way stop is warranted at the intersection of Francis Drive and Walton Drive. This change would have limited impact on mobility for people driving along Walton Drive while improving the mobility for people driving on Francis Drive.

As part of the Eastgate Neighborhood Plan, an engineering firm evaluated the need for an all-way stop at the intersection of Francis Drive and Walton Drive. Based upon the engineering firm's engineering study, an all-way stop is warranted at this intersection. Additionally, the City of College Station Traffic Management Team recommends implementing an all-way stop at this intersection.

This ordinance allows for the implementation and enforcement of an all-way stop at this intersection to improve safety and mobility for residents and visitors to the Eastgate Neighborhood.

Budget & Financial Summary: The installation of the stop signs and stop bars is budgeted and available in the traffic operations budget.

Attachments:

1. Ordinance
2. Location Map

ORDINANCE NO. _____

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

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

PART 1: That amending Chapter 10, “Traffic Code”, Section 2 “Traffic Control Devices”, C “Four-Way Stop Intersections”, Traffic Schedule II – “Four-Way Stop Intersections”, of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit “A”, attached hereto and made a part of this ordinance for all purposes.

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

PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than Twenty-Five Dollars (\$25.00) or 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 _____ day of _____, 2015.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:

City Attorney

EXHIBIT “A”

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

Francis Drive at Walton Drive



Legislation Details (With Text)

File #: 15-0333 **Version:** 1 **Name:** Francis Avenue at Walton Drive - Yield Sign
Type: Ordinance **Status:** Consent Agenda
File created: 6/21/2015 **In control:** City Council Regular
On agenda: 7/9/2015 **Final action:**
Title: Presentation, possible action, and discussion on the consideration of an ordinance amending Chapter 10, "Traffic Code" by implementing a yield sign for the free right-turn bay going from southeast bound Walton Drive onto southwest bound Francis Drive.
Sponsors: Troy Rother
Indexes:
Code sections:
Attachments: [Ordinance - Yield Sign - Walton at Francis.pdf](#)
[Yield Sign - Walton at Francis.pdf](#)

Date	Ver.	Action By	Action	Result
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Presentation, possible action, and discussion on the consideration of an ordinance amending Chapter 10, "Traffic Code" by implementing a yield sign for the free right-turn bay going from southeast bound Walton Drive onto southwest bound Francis Drive.

Relationship to Strategic Goals:

- Core Services and Infrastructure
- Improving Mobility

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

Summary: This item will modify Chapter 10, "Traffic Code," by updating schedule IV of the Traffic Control Device Inventory to add a YIELD sign on the channelized right-turn lane for southeast bound Walton Drive onto southwest bound Francis drive. Requiring traffic using a channelized right-turn bay to yield to the crossing roadway is standard engineering practice at intersections with all-way stops.

Budget & Financial Summary: The installation of yield signs and yield bars are budgeted and available in the traffic operations budget.

Attachments:

1. Ordinance
2. Location Map

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10, “TRAFFIC CODE”, SECTION 2 “TRAFFIC CONTROL DEVICES”, E “INTERSECTIONS CONTROLLED BY YIELD SIGNS”, TRAFFIC SCHEDULE IV – “YIELD SIGNS”, OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1: That amending Chapter 10, “Traffic Code”, Section 2 “Traffic Control Devices”, E “Intersections Controlled by Yield Signs”, Traffic Schedule IV – “Yield Signs”, of the Code of Ordinances of the City of College Station, Texas, be amended as set out in **Exhibit “A”**, attached hereto and made a part of this ordinance for all purposes.

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

PART 3: That any person, firm, or corporation violating any of the provisions of this chapter shall be deemed guilty of a misdemeanor and upon conviction thereof shall be punishable by a fine of not less than Twenty-Five Dollars (\$25.00) or 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 _____ day of _____, **2015.**

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:

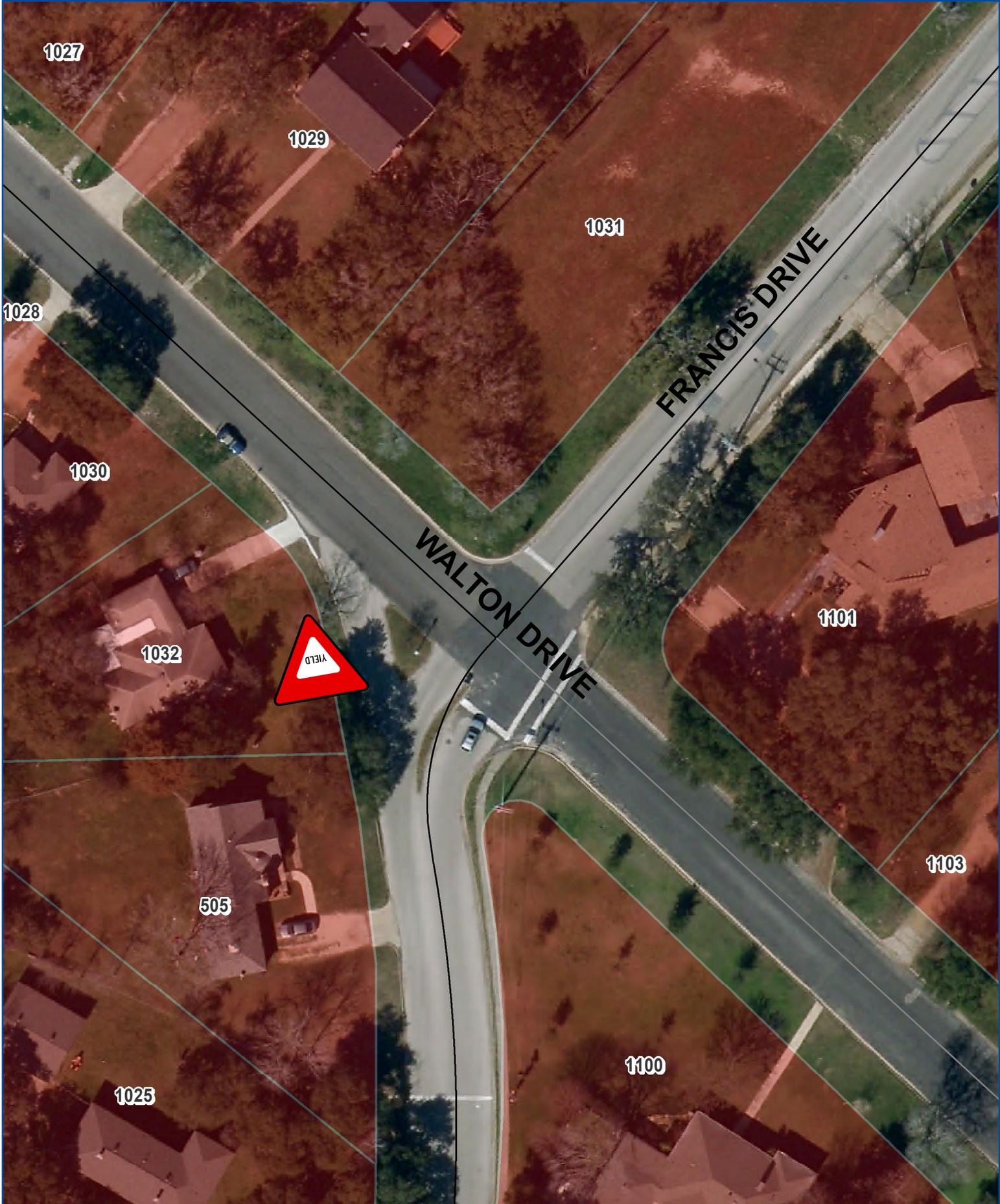
City Attorney

EXHIBIT “A”

That Chapter 10, “Traffic Code”, Section 2 “Traffic Control Devices”, E “Intersections Controlled by Yield Signs”, Traffic Schedule IV – “Yield Signs” is amended to include the following:

Southwest Bound Walton Drive Channelized Right-Turn at Francis Drive

Intersection Controlled by Yield Sign Southwest Bound Walton Drive Right-Turn at Francis Drive





Legislation Details (With Text)

File #: 15-0334 **Version:** 1 **Name:** Francis Drive at College Hills - No Left Turns
Type: Ordinance **Status:** Consent Agenda
File created: 6/21/2015 **In control:** City Council Regular
On agenda: 7/9/2015 **Final action:**
Title: Presentation, possible action, and discussion on consideration of an ordinance amending Chapter 10, "Traffic Code" Section 2(k) to prohibit Left-Turns for southbound Francis Drive at the College Hills Elementary School driveway during morning drop-off and afternoon pick-up times.
Sponsors: Troy Rother
Indexes:
Code sections:
Attachments: [Left-Turns Ordinance - Francis Drive into College Hills.pdf](#)
[No Left-Turns - Francis Drive into College Hills.pdf](#)

Date	Ver.	Action By	Action	Result
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Presentation, possible action, and discussion on consideration of an ordinance amending Chapter 10, "Traffic Code" Section 2(k) to prohibit Left-Turns for southbound Francis Drive at the College Hills Elementary School driveway during morning drop-off and afternoon pick-up times.

Relationship to Strategic Goals:

- Core Services and Infrastructure
- Improving Mobility

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

Summary: This ordinance removes left-turns for vehicles traveling southbound on Francis drive at the College Hills Elementary Driveway on school days from 7:00 am until 9:00 am (morning drop-off) and on school days from 2:30 pm until 4:30 pm (afternoon pick-up).

In April of 2015, Public Works staff were asked about the presence of a No-Left turn sign at the entrance to the College Hills Elementary Driveway. Upon review, it was determined that this sign was installed by the school district several years ago. After meeting with representatives of CSISD, including the principal of College Hills Elementary School, it was determined that the preferred solution is to have this prohibition added to the Code of Ordinances of the City of College Station.

Based upon Traffic Engineering's evaluation and discussion with CSISD, the Traffic Management Team recommends adding the left-turn prohibition to the Code of Ordinances for the City of College Station by removing Lefts-Turns for southbound traffic on Francis Avenue at the College Hills Elementary School Driveway during drop-off and pick-up periods.

Budget & Financial Summary: The No-Left Turn signs are planned operation and maintenance

expenses accounted for in the Public Works Traffic Operation budget.

Attachments:

1. Ordinance
2. Location map

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10, “TRAFFIC CODE”, SECTION 2 “TRAFFIC CONTROL DEVICES”, K “INTERSECTIONS CONTROLLED BY NO RIGHT TURN OR NO LEFT TURN SIGNS”, TRAFFIC SCHEDULE VIII – “NO RIGHT TURN AND NO LEFT TURN”, OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, AS SET OUT BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1: That Chapter 10, “Traffic Code”, Section 2 “Traffic Control Devices”, K “Intersections Controlled by No Right Turns or Left Turn Signs”, Traffic Schedule VIII – “No Right Turn and No Left Turn” of the Code of Ordinances of the City of College Station, Texas, be amended by amending as set out in **Exhibit “A”**, attached hereto and made a part of this ordinance for all purposes.

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

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

PASSED, ADOPTED and APPROVED this _____ day of _____, 2015.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:

City Attorney

EXHIBIT “A”

That Chapter 10, “Traffic Code”, Section 2 “Traffic Control Devices”, K “Intersections Controlled by No Right Turn or No Left Turn Signs”, Traffic Schedule VIII – “No Right Turn and No Left Turn” is amended to include the following:

1. Francis Drive

- a.** No Left-Turns on school days from 7:00 am until 9:00 am on southbound Francis Drive into the College Hills Elementary Driveway.
- b.** No Left-Turn on school days from 2:30 pm until 4:30 pm on southbound Francis Drive into the College Hills Elementary Driveway.

Proposed Time-of-Day Left-Turn Prohibition for Southwest Bound Francis Drive into College Hills Elementary School Driveway



Proposed prohibited movement: 
On school days from 7:00 am until 9:00 am
and on school days from 2:30 pm until 4:30 pm.



Legislation Details (With Text)

File #:	15-0335	Version:	1	Name:	Game Day Traffic Control Message Board Purchase
Type:	Contract	Status:		Status:	Consent Agenda
File created:	6/21/2015	In control:		In control:	City Council Regular
On agenda:	7/9/2015	Final action:		Final action:	
Title:	Presentation, possible action, and discussion on approving the purchase of changeable message signs in the amount of \$170,950 from American Signal Company through the Houston-Galveston Area Council (H-GAC) cooperative contract (Contract PE05-15) .				
Sponsors:	Troy Rother				
Indexes:					
Code sections:					
Attachments:	Equipment Purchase Quote.pdf				

Date	Ver.	Action By	Action	Result
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Presentation, possible action, and discussion on approving the purchase of changeable message signs in the amount of \$170,950 from American Signal Company through the Houston-Galveston Area Council (H-GAC) cooperative contract (Contract PE05-15) .

Relationship to Strategic Goals:

- Core Services and Infrastructure

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

Summary: On November 24, 2014, College Station City Council approved an ILA (15-046) between the City and TAMU for sharing the expenses of purchasing and deploying traffic control devices after each TAMU football game. The approved ILA allows TAMU to cover one-half of the total cost, up to \$200,000.

City Staff have searched several purchasing cooperatives to find the best price on the necessary equipment needed for game day traffic operations. H-GAC is one of these purchasing cooperatives for public agencies. All products and services available for purchase through H-GAC contracts have been competitively bid and awarded and satisfy any State law requirements relating to competitive bids and proposals.

Using the H-GAC purchasing cooperative, the City can spend \$170,950.00 to purchase the 12 changeable message signs needed to effectively and safely communicate to motorists the routes and/or lanes available for post-game traffic to use. These funds were appropriated in the Public Works budget through a budget amendment approved on January 8, 2015.

Another purchase request will come at a later date seeking the Council's approval to purchase other necessary equipment is needed for game day traffic control, namely cones and signs.

Budget & Financial Summary: Budget for the purchase and deployment of game day traffic control equipment was added to the Public Works Traffic Engineering budget with the approval of a budget amendment on January 8, 2015.

As outlined in the ILA (15-046), TAMU will share for one-half of the costs incurred by the City to equally share in the cost of deployment and rental or purchase of traffic control devices, which will be used implement the Game Day Traffic Control Plan (up to \$200,000).

Attachments:

1. Equipment Purchase Quote



Legislation Details (With Text)

File #:	15-0339	Version:	1	Name:	SH 40 / Victoria Intersection Signal Improvements Design Contract
Type:	Contract	Status:			Consent Agenda
File created:	6/21/2015	In control:			City Council Regular
On agenda:	7/9/2015	Final action:			
Title:	Presentation, possible action, and discussion regarding a professional services contract, contract number 15300309, with Kimley-Horn and Associates, Inc. in the amount of \$96,000 for the professional engineering services related to the design of the traffic signal and intersection improvements at the intersection of SH 40 and Victoria Avenue and approval of a resolution declaring intention to reimburse certain expenditures with proceeds from debt.				
Sponsors:	Donald Harmon				
Indexes:					
Code sections:					
Attachments:	SH 40 and Victoria Signal Project Location Map.pdf Signal at Victoria - SH40 DRR 7-9-15.pdf				

Date	Ver.	Action By	Action	Result
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Presentation, possible action, and discussion regarding a professional services contract, contract number 15300309, with Kimley-Horn and Associates, Inc. in the amount of \$96,000 for the professional engineering services related to the design of the traffic signal and intersection improvements at the intersection of SH 40 and Victoria Avenue and approval of a resolution declaring intention to reimburse certain expenditures with proceeds from debt.

Relationship to Strategic Goals:

- Core Services and Infrastructure
- Improving Mobility

Recommendation(s): Staff recommends approval of the debt reimbursement resolution and the professional services contract and recommends approval of the resolution declaring intention to reimburse certain expenditures with proceeds from debt.

Summary: In 2014, City of College Station Public Works conducted traffic signal warrant studies at 12 intersections. The purpose of these studies was to evaluate a need for signalization at these intersections and to prioritize the use of limited traffic signal construction funds. Based upon this evaluation, it was determined that the intersection of SH 40 (William D. Fitch Parkway) at Victoria Avenue had the greatest need at this time. This intersection is located near College Station High School and this traffic signal will improve mobility and safety for people driving, bicycling, and walking through this intersection.

Because SH 40 is a TxDOT highway, the City of College Station requested and received permission from TxDOT to proceed with designing and constructing a traffic signal and pavement improvements at this location.

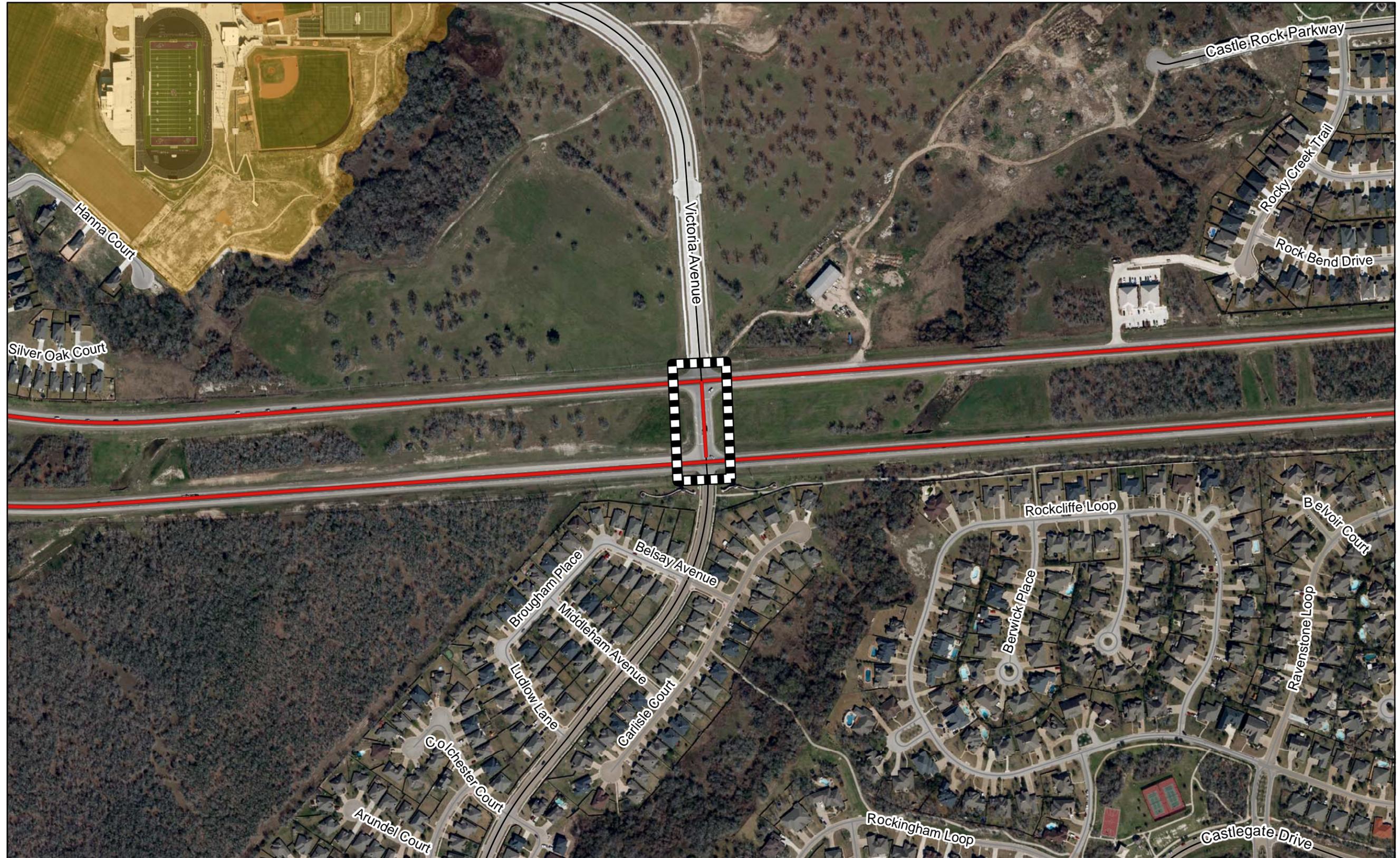
Design shall include traffic signals at the eastbound and westbound SH40 approaches to Victoria Avenue, appropriate deceleration lanes along SH 40 at Victoria, pavement restriping where appropriate, and sidewalk ramp and pedestrian pole installations where appropriate.

Budget & Financial Summary: The total estimated cost of this project is \$750,000. The budget for this project will come from traffic signal funds approved as part of the 2008 GOB Authorization. The "Resolution Declaring Intention to Reimburse Certain Expenditures with Proceeds from Debt" is necessary for this item because a portion of the long term debt has not been issued for the project. The debt is scheduled to be issued next fiscal year.

Attachments:

1. Contract No. 15300309 (on file with the City Secretary)
2. Project Map
3. Resolution Declaring Intention to Reimburse Certain Expenditures with Proceeds from Debt

ST-1503 SH 40 and VICTORIA AVE
INTERSECTION and SIGNAL IMPROVEMENTS
PROJECT LOCATION MAP



RESOLUTION NO. _____

RESOLUTION DECLARING INTENTION TO REIMBURSE CERTAIN EXPENDITURES WITH
PROCEEDS FROM DEBT

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

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

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

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

Section 1. The City reasonably expects it will incur debt, as one or more series of obligations, with an aggregate maximum principal amount not to exceed \$600,000, for the purpose of paying the aggregate costs of the Project.

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

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

PASSED AND APPROVED THIS 9th DAY OF July, 2015.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

(Seal)

APPROVED:

A handwritten signature in black ink, appearing to be 'JLH', written over a horizontal line.

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

Exhibit "A"

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

Design and construction of a traffic signal and related intersection improvements at the intersection of State Highway 40 and Victoria Avenue.



Legislation Details (With Text)

File #:	15-0340	Version:	1	Name:	Type D Asphalt Renewal
Type:	Renewal	Status:		Status:	Consent Agenda
File created:	6/21/2015	In control:		In control:	City Council Regular
On agenda:	7/9/2015	Final action:		Final action:	
Title:	Presentation, possible action, and discussion regarding the third renewal of a semi-annual competitive purchase agreement with Knife River for Type D Hot Mix Asphalt for the maintenance of streets in the amount not to exceed \$960,000.				
Sponsors:	Donald Harmon				
Indexes:					
Code sections:					
Attachments:	KRC HMA Extension 7 15.pdf				

Date	Ver.	Action By	Action	Result
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Presentation, possible action, and discussion regarding the third renewal of a semi-annual competitive purchase agreement with Knife River for Type D Hot Mix Asphalt for the maintenance of streets in the amount not to exceed \$960,000.

Relationship to Strategic Goals:

- Core Services and Infrastructure

Recommendation(s): Staff recommends approving the third renewal of the semi-annual quoted purchase agreement.

Summary: Council awarded Invitation to Bid #14-021 to Knife River, the lowest responsible bidder, consistent with City staff's recommendation. The bid provided for semi-annual renewals; this is the third of five such possible renewals. Knife River's bid estimated 15,000 tons at \$64.00 per ton for a total not to exceed amount of \$960,000. Any after hours, or emergency startup costs will be paid from this not to exceed amount. Terms include pick-up by City, not delivery.

This renewal supports the maintenance operations in the Street Maintenance Division. (HMAC Type D is the primary material used in the repair of asphalt pavement streets. It is used in both the asphalt base failure repair operations and by the crew of the pothole repair truck).

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

Attachments:

1. Third Renewal Letter

RENEWAL ACCEPTANCE

By signing herewith, I acknowledge and agree to renew Bid 14-021, Semi-Annual Price Agreement for Hot Mix Type D to be picked up by City crews, in accordance with all terms and conditions previously agreed to and accepted, for an amount not to exceed Nine Hundred Sixty Thousand and No/100 Dollars (\$960,000.00).

<u>Line Item Pricing:</u>	
City Pick Up of Hot Mix Type D	\$64.00/ ton
Emergency or After Hour Plant	
Start Up Fee	\$1,800.00/ per event

I understand this renewal term will be for the period beginning July 10, 2015 through January 9, 2016. This is the third renewal.

KNIFE RIVER CORPORATION SOUTH

By: 
Printed Name: LORINE KNUTSON
Title: MATERIALS MANAGER - BRYAN DIVISION
Date: 6/11/15



Legislation Details (With Text)

File #: 15-0341 **Version:** 1 **Name:** Type II Hot Mix Renewal
Type: Renewal **Status:** Consent Agenda
File created: 6/21/2015 **In control:** City Council Regular
On agenda: 7/9/2015 **Final action:**
Title: Presentation, possible action, and discussion on the renewal of a purchase agreement for Type II, FGSMAs Hot Mix Asphalt for an amount not to exceed \$526,000.
Sponsors: Donald Harmon
Indexes:
Code sections:
Attachments: [City of College Station 2015 renewal.pdf](#)

Date	Ver.	Action By	Action	Result
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Presentation, possible action, and discussion on the renewal of a purchase agreement for Type II, FGSMAs Hot Mix Asphalt for an amount not to exceed \$526,000.

Relationship to Strategic Goals:

- Core Services and Infrastructure

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

Summary: The City of College Station joined Brazos County in their Bid for the Annual Purchase of Hot Mix Asphalt. Two (2) sealed competitive bids were received by Brazos County and opened on June 11, 2013. The lowest responsible bidder was Knife River. Knife River bid 4,000 tons of Type II, FGSMAs Hot Mix Asphalt at \$131.50/ton, for a not to exceed amount of \$526,000 for materials to be installed on City streets as needed. This would be the second renewal of a possible three renewals.

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

Attachments:

1. Renewal letter

RENEWAL ACCEPTANCE

By signing herewith, I acknowledge and agree to renew Brazos County Joint Bid 2013-52, College Station Contract 13-323, Annual Hot Mix, Type II, FGSMA, HMAC Installed, in accordance with all terms and conditions previously agreed to and accepted, for an amount not to exceed Five Hundred Twenty Six Thousand and No/100 Dollars (\$526,000.00).

Line Item Pricing:

Hot Mix, Type II, FGSMA, HMAC delivered and installed \$131.50/ ton

I understand this renewal term will be for the period beginning July 29, 2015 through July 28, 2016. This is the second renewal.

KNIFE RIVER CORPORATION SOUTH

By: Mike Carroll
Printed Name: Mike Carroll
Title: Construction Manager
Date: 6-11-15

CITY OF COLLEGE STATION

By: _____
City Manager
Date: _____

APPROVED:

City Attorney
Date: _____

Assistant City Manager/CFO
Date: _____



Legislation Details (With Text)

File #: 15-0343 **Version:** 1 **Name:** Annual Janitorial Supplies
Type: Presentation **Status:** Consent Agenda
File created: 6/22/2015 **In control:** City Council Regular
On agenda: 7/9/2015 **Final action:**
Title: Presentation, possible action, and discussion on approving the award of an annual price agreement to ProSTAR Industries for janitorial supply purchases not-to-exceed \$60,022.40. (Bid No. 15-046)
Sponsors: Jeff Kersten
Indexes:
Code sections:
Attachments: [15-046 Tab.pdf](#)

Date	Ver.	Action By	Action	Result
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Presentation, possible action, and discussion on approving the award of an annual price agreement to ProSTAR Industries for janitorial supply purchases not-to-exceed \$60,022.40. (Bid No. 15-046)

Relationship to Strategic Goals: Financially Sustainable City Providing Response to Core Services and Infrastructure.

Recommendation(s): Recommend award to the lowest responsible bidder providing the best value to the City.

Summary: Competitive sealed bids were solicited and opened on June 10, 2015. Eight (8) bids were received and it was determined that ProSTAR Industries submitted the lowest overall bid for janitorial supplies. Four (4) of the bids were deemed non-responsive as they were incomplete; therefore, the bids were not tabulated. Contingent upon Council approval, this agreement will be effective July 10, 2015 for a term of one (1) year with two (2) 1-year renewal options available.

Budget & Financial Summary: Funds are budgeted and available in each Department for janitorial supplies.

Reviewed and Approved by Legal: N/A

Attachments: Bid Tabulation #15-046

**ANNUAL PRICE AGREEMENT FOR JANITORIAL SUPPLIES
BID TABULATION #15-046**

Item No.	Qty	Description	ProSTAR Industries (Bryan, TX)		TK Sales (Bryan, TX)		Olmstead-Kirk (Waco, TX)		Ray Criswell Distributing (Bryan, TX)	
			Unit Price	Item Total	Unit Price	Item Total	Unit Price	Item Total	Price	Item Total
1	250	Toilet tissue	\$ 32.12	\$ 8,030.00	\$39.50	\$ 9,875.00	\$37.60	\$ 9,400.00	\$34.50	\$ 8,625.00
2	200	Paper towels- multi fold	\$ 19.65	\$ 3,930.00	\$20.60	\$ 4,120.00	\$19.80	\$ 3,960.00	\$17.60	\$ 3,520.00
3	175	Roll Towels	\$ 20.21	\$ 3,536.75	\$19.59	\$ 3,428.25	\$38.15	\$ 6,676.25	\$19.70	\$ 3,447.50
4	175	Paper towels, C-fold	\$ 20.08	\$ 3,514.00	\$22.40	\$ 3,920.00	\$24.60	\$ 4,305.00	\$19.25	\$ 3,368.75
5	100	Roll towels, perforated	\$ 20.35	\$ 2,035.00	\$18.75	\$ 1,875.00	\$22.45	\$ 2,245.00	\$18.20	\$ 1,820.00
6	100	Wipers - Task Mate AI Dispensing Box	\$ 34.71	\$ 3,471.00	\$40.68	\$ 4,068.00	\$39.60	\$ 3,960.00	\$37.50	\$ 3,750.00
7	100	Wipers - Task Mate DRC Dispensing Box	\$ 34.71	\$ 3,471.00	\$40.68	\$ 4,068.00	\$48.25	\$ 4,825.00	\$44.25	\$ 4,425.00
8	100	Wipers - Task Mate SRM Dispensing Box	\$ 37.24	\$ 3,724.00	\$35.96	\$ 3,596.00	\$56.25	\$ 5,625.00	\$37.50	\$ 3,750.00
9	15	Hand soap-DermaPro	\$ 28.93	\$ 433.95	\$25.36	\$ 380.40	\$29.50	\$ 442.50	\$29.88	\$ 448.20
10	15	Hand soap - Pink	\$ 19.50	\$ 292.50	\$17.85	\$ 267.75	\$21.35	\$ 320.25	\$19.48	\$ 292.20
11	12	ProFX Foaming Luxury Hand Soap	\$ 30.80	\$ 369.60	\$39.95	\$ 479.40	\$51.30	\$ 615.60	\$42.80	\$ 513.60
12	30	Spray & wipe cleaner-19 oz.	\$ 29.94	\$ 898.20	\$35.55	\$ 1,066.50	\$31.25	\$ 937.50	\$23.40	\$ 702.00
13	30	Glass Cleaner, window-19 oz.	\$ 24.34	\$ 730.20	\$29.65	\$ 889.50	\$27.45	\$ 823.50	\$24.96	\$ 748.80
14	15	Glass Cleander, Triple S	\$ 12.80	\$ 192.00	\$26.68	\$ 400.20	\$18.10	\$ 271.50	\$17.68	\$ 265.20
15	15	Hand Cleaner, Derma Care 2000	\$ 59.04	\$ 885.60	\$86.35	\$ 1,295.25	\$95.00	\$ 1,425.00	\$66.00	\$ 990.00
16	30	Urinal Screens w/blocks	\$ 14.23	\$ 426.90	\$16.50	\$ 495.00	\$16.50	\$ 495.00	\$18.96	\$ 568.80
17	20	Metered aerosol	\$ 35.18	\$ 703.60	\$34.20	\$ 684.00	\$68.25	\$ 1,365.00	\$36.24	\$ 724.80
18	150	Trash liners, 16"x14"x36", black	\$ 10.52	\$ 1,578.00	\$10.24	\$ 1,536.00	\$23.70	\$ 3,555.00	\$12.00	\$ 1,800.00
19	225	Trash liners, 23"x17"x46", white	\$ 13.72	\$ 3,087.00	\$15.29	\$ 3,440.25	\$16.80	\$ 3,780.00	\$14.80	\$ 3,330.00
20	650	Trash liners, 38"x63", clear	\$ 28.43	\$ 18,479.50	\$26.65	\$ 17,322.50	\$36.90	\$ 23,985.00	\$29.00	\$ 18,850.00
21	20	Trash liners, 24"x23", Black, 10 Gallon	\$ 11.68	\$ 233.60	\$12.71	\$ 254.20	\$18.25	\$ 365.00	\$9.40	\$ 188.00

TOTAL	\$ 60,022.40	\$ 63,461.20	\$ 79,377.10	\$ 62,127.85
Discount on products not listed	20%	25%	25%	15%
Prompt Payment Discount	1%			
Delivery After Receipt of Order	1 day	1-2 days	4 days	1 day

Incomplete Bids: All American Poly; Central Poly-Bag Corp.; MedWaste Solutions, Inc.; Gulf Coast Paper Co.

NOTES:

ProSTAR Industries

»Bidder miscalculated the total for Bid Item 2 and the Grand Total. The highlighted totals above are correct.

TK Sales

»Bidder miscalculated the total for Bid Items 6 and 7, as well as the Grand Total. The highlighted totals above are correct.



Legislation Details (With Text)

File #: 15-0344 **Version:** 1 **Name:** Single Phase Transformers
Type: Presentation **Status:** Consent Agenda
File created: 6/22/2015 **In control:** City Council Regular
On agenda: 7/9/2015 **Final action:**
Title: Presentation, possible action, and discussion on a bid award for the annual purchase of single phase pad-mounted transformers, which will be maintained in electrical inventory and expended as needed. The total recommended award is \$283,639.04 and will be awarded by line item to the lowest responsible bidder.
Sponsors: Jeff Kersten
Indexes:
Code sections:
Attachments: [Tabulation Single Phase Transformer.pdf](#)

Date	Ver.	Action By	Action	Result
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Presentation, possible action, and discussion on a bid award for the annual purchase of single phase pad-mounted transformers, which will be maintained in electrical inventory and expended as needed. The total recommended award is \$283,639.04 and will be awarded by line item to the lowest responsible bidder.

Relationship to Strategic Goals: Core Services and Infrastructure

Recommendation(s): Recommend award to the lowest responsible bidder providing the best value to the City as follows:

Priester-Mell & Nicholson	\$257,618.00
Wesco	\$ 26,021.04
TOTAL	\$283,639.04

Summary: Eight (8) sealed competitive bids were received and opened on May 29, 2015. Electric staff evaluated the bids for compliance to the needed specifications. Line items were awarded to the lowest responsible bidders for their respective bid items.

Upon Council approval, blanket purchase orders will be issued to the vendors recommended for award. The materials will be placed and maintained in the electrical inventory and expended as needed.

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

Reviewed and Approved by Legal: N/A

Attachments: Bid Tabulation #15-050



City of College Station - Purchasing Division
Bid Tabulation for #15-050
"Purchase of Single Phase Pad-Mounted Transformers"
Open Date: Friday, May 29, 2015 @ 2:00 p.m.

ITEM NUMBER: 1

ITEM DESCRIPTION: 25 KVA Padmount Transformer 240/120

Order Quantity: 40

INVENTORY #: 285-086-00031

BIDDER	MANUFACTURER	UNIT PRICE	EXTENDED PRICE	Total Owning Cost (TOC)	DELIVERY (weeks)
Techline	Howard	\$1,580.00	\$63,200.00	\$2,040.55	9-11 wks
Irby #1	Ermco	\$1,703.72	\$68,148.80	\$2,149.04	8-10 wks
Irby #2	Cooper	\$2,261.62	\$90,464.80	\$2,756.16	8-10 wks
Priester Mell & Nicholson	Central Moloney	\$1,451.00	\$58,040.00	\$1,931.83	10 wks
KBS #1	Ermco	\$1,676.00	\$67,040.00	\$2,121.32	8-10 wks
KBS #2	Cooper	\$2,249.00	\$89,960.00	\$2,743.54	8-10 wks
Wesco	ABB	\$1,789.47	\$71,578.80	\$2,266.55	9-12 wks
TEC #1	Ermco	\$1,667.98	\$66,719.20	\$2,113.30	8-10 wks
TEC #2	GE	\$1,811.58	\$72,463.20	\$2,279.65	8-10 wks
HD Supply	Central Moloney	\$1,544.09	\$61,763.60	\$2,024.92	10-12 w

Low Bid



City of College Station - Purchasing Division
Bid Tabulation for #15-050
"Purchase of Single Phase Pad-Mounted Transformers"
Open Date: Friday, May 29, 2015 @ 2:00 p.m.

ITEM NUMBER: 2

ITEM DESCRIPTION: 37.5 KVA Padmount Transformer 240/120

Order Quantity: 40

INVENTORY #: 285-086-00059

BIDDER	MANUFACTURER	UNIT PRICE	EXTENDED PRICE	Total Owning Cost (TOC)	DELIVERY (weeks)
Techline	Howard	\$1,729.00	\$69,160.00	\$2,350.14	9-11 wks
Irby #1	Ermco	\$1,801.07	\$72,042.80	\$2,450.56	8-10 wks
Irby #2	Cooper	\$2,442.94	\$97,717.60	\$3,101.50	8-10 wks
Priester Mell & Nicholson	Central Moloney	\$1,600.00	\$64,000.00	\$2,246.71	10 wks
KBS #1	Ermco	\$1,772.00	\$70,880.00	\$2,421.49	8-10 wks
KBS #2	Cooper	\$2,404.00	\$96,160.00	\$3,062.56	8-10 wks
Wesco	ABB	\$1,873.68	\$74,947.20	\$2,516.01	9-12 wks
TEC #1	Ermco	\$1,763.35	\$70,534.00	\$2,412.84	8-10 wks
TEC #2	GE	\$1,940.00	\$77,600.00	\$2,570.82	8-10 wks
HD Supply	Central Moloney	\$1,703.23	\$68,129.20	\$2,349.94	10-12 wks

Low Bid



City of College Station - Purchasing Division
Bid Tabulation for #15-050
"Purchase of Single Phase Pad-Mounted Transformers"
Open Date: Friday, May 29, 2015 @ 2:00 p.m.

ITEM NUMBER: 3

ITEM DESCRIPTION: 50 KVA Padmount Transformer 240/120

Order Quantity: 20

INVENTORY #: 285-086-00032

BIDDER	MANUFACTURER	UNIT PRICE	EXTENDED PRICE	Total Owning Cost (TOC)	DELIVERY (weeks)
Techline	Howard	\$1,870.00	\$37,400.00	\$2,666.07	9-11 wks
Irby #1	Ermco	\$1,960.42	\$39,208.40	\$2,743.40	8-10 wks
Irby #2	Cooper	\$2,639.88	\$52,797.60	\$3,450.25	8-10 wks
Priester Mell & Nicholson	Central Moloney	\$1,660.00	\$33,200.00	\$2,506.85	10 wks
KBS #1	Ermco	\$1,924.00	\$38,480.00	\$2,706.98	8-10 wks
KBS #2	Cooper	\$2,598.00	\$51,960.00	\$3,408.37	8-10 wks
Wesco	ABB	\$2,010.52	\$40,210.40	\$2,821.86	9-12 wks
TEC #1	Ermco	\$1,919.37	\$38,387.40	\$2,702.35	8-10 wks
TEC #2	GE	\$2,083.15	\$41,663.00	\$2,846.24	8-10 wks
HD Supply	Central Moloney	\$1,766.67	\$35,333.40	\$2,613.52	10-12 wks

Low Bid



City of College Station - Purchasing Division
Bid Tabulation for #15-050
"Purchase of Single Phase Pad-Mounted Transformers"
Open Date: Friday, May 29, 2015 @ 2:00 p.m.

ITEM NUMBER: 4

ITEM DESCRIPTION: 50 KVA Type II Padmount Transformer 240/120 (low profile)

Order Quantity: 20

INVENTORY #: 285-086-00061

BIDDER	MANUFACTURER	UNIT PRICE	EXTENDED PRICE	Total Owning Cost (TOC)	DELIVERY (weeks)
Techline	Howard	\$1,737.00	\$34,740.00	\$2,521.82	9-11 wks
Irby #1	Ermco	\$1,782.88	\$35,657.60	\$2,565.86	8-10 wks
Irby #2	Cooper	\$2,594.23	\$51,884.60	\$3,418.34	8-10 wks
Priester Mell & Nicholson	Central Moloney	\$1,525.00	\$30,500.00	\$2,319.48	10 wks
KBS #1	Ermco	\$1,773.00	\$35,460.00	\$2,555.98	8-10 wks
KBS #2	Cooper	\$2,552.00	\$51,040.00	\$3,376.11	8-10 wks
Wesco	ABB	\$1,978.95	\$39,579.00	\$2,766.94	9-12 wks
TEC #1	Ermco	\$1,745.54	\$34,910.80	\$2,528.52	8-10 wks
TEC #2	GE	\$1,802.11	\$36,042.20	\$2,576.71	8-10 wks
HD Supply	Central Moloney	\$1,623.66	\$32,473.20	\$2,418.14	10-12 wks

Low bid



City of College Station - Purchasing Division
Bid Tabulation for #15-050
"Purchase of Single Phase Pad-Mounted Transformers"
Open Date: Friday, May 29, 2015 @ 2:00 p.m.

ITEM NUMBER: 5

ITEM DESCRIPTION: 75 KVA Padmount Transformer 240/120

Order Quantity: 10

INVENTORY #: 285-086-00033

BIDDER	MANUFACTURER	UNIT PRICE	EXTENDED PRICE	Total Owning Cost (TOC)	DELIVERY (weeks)
Techline	Howard	\$2,268.00	\$22,680.00	\$3,340.68	9-11 wks
Irby #1	Ermco	\$2,390.37	\$23,903.70	\$3,453.75	8-10 wks
Irby #2	Cooper	\$2,826.39	\$28,263.90	\$3,930.56	8-10 wks
Priester Mell & Nicholson	Central Moloney	\$1,918.00	\$19,180.00	\$3,054.89	10 wks
KBS #1	Ermco	\$2,352.00	\$23,520.00	\$3,415.38	8-10 wks
KBS #2	Cooper	\$2,781.00	\$27,810.00	\$3,885.17	8-10 wks
Wesco	ABB	\$2,284.21	\$22,842.10	\$3,409.62	9-12 wks
TEC #1	Ermco	\$2,340.31	\$23,403.10	\$3,403.69	8-10 wks
TEC #2	GE	\$2,416.85	\$24,168.50	\$3,465.34	8-10 wks
HD Supply	Central Moloney	\$2,041.94	\$20,419.40	\$3,178.83	10-12 wks

Low bid



City of College Station - Purchasing Division
Bid Tabulation for #15-050
"Purchase of Single Phase Pad-Mounted Transformers"
Open Date: Friday, May 29, 2015 @ 2:00 p.m.

ITEM NUMBER: 6

ITEM DESCRIPTION: 100 KVA Padmount Transformer 240/120

Order Quantity: 15

INVENTORY #: 285-086-00034

BIDDER	MANUFACTURER	UNIT PRICE	EXTENDED PRICE	Total Owning Cost (TOC)	DELIVERY (weeks)
Techline	Howard	\$2,761.00	\$41,415.00	\$4,097.91	9-11 wks
Irby #1	Ermco	\$2,774.33	\$41,614.95	\$4,144.85	8-10 wks
Irby #2	Cooper	\$3,112.04	\$46,680.60	\$4,475.44	8-10 wks
Priester Mell & Nicholson	Central Moloney	\$2,248.00	\$33,720.00	\$3,577.53	10 wks
KBS #1	Ermco	\$2,730.00	\$40,950.00	\$4,100.52	8-10 wks
KBS #2	Cooper	\$3,062.00	\$45,930.00	\$4,425.40	8-10 wks
Wesco	ABB	\$2,647.37	\$39,710.55	\$3,992.69	9-12 wks
TEC #1	Ermco	\$2,716.23	\$40,743.45	\$4,086.75	8-10 wks
TEC #2	GE	\$2,809.48	\$42,142.20	\$4,153.92	8-10 wks
HD Supply	Central Moloney	\$2,393.55	\$35,903.25	\$3,723.08	10-12 wks

Low bid



City of College Station - Purchasing Division
Bid Tabulation for #15-050
"Purchase of Single Phase Pad-Mounted Transformers"
Open Date: Friday, May 29, 2015 @ 2:00 p.m.

ITEM NUMBER: 7

ITEM DESCRIPTION: 167 KVA Padmount Transformer 240/120

Order Quantity: 6

INVENTORY #: 285-086-00035

BIDDER	MANUFACTURER	UNIT PRICE	EXTENDED PRICE	Total Owning Cost (TOC)	DELIVERY (weeks)
Techline	Howard	\$3,837.00	\$23,022.00	\$5,766.92	9-11 wks
Irby #1	Ermco	\$3,872.72	\$23,236.32	\$5,871.79	8-10 wks
Irby #2	Cooper	\$3,938.96	\$23,633.76	\$5,977.93	8-10 wks
Priester Mell & Nicholson	Central Moloney	\$3,163.00	\$18,978.00	\$5,244.07	10 wks
KBS #1	Ermco	\$3,811.00	\$22,866.00	\$5,810.07	8-10 wks
KBS #2	Cooper	\$3,875.00	\$23,250.00	\$5,913.97	8-10 wks
Wesco	ABB	\$3,352.63	\$20,115.78	\$5,405.49	9-12 wks
TEC #1	Ermco	\$3,791.62	\$22,749.72	\$5,790.69	8-10 wks
TEC #2	GE	\$3,657.90	\$21,947.40	\$5,635.98	8-10 wks
HD Supply	Central Moloney	\$3,366.67	\$20,200.02	\$5,447.74	10-12 wks

Low bid



City of College Station - Purchasing Division
Bid Tabulation for #15-050
"Purchase of Single Phase Pad-Mounted Transformers"
Open Date: Friday, May 29, 2015 @ 2:00 p.m.

ITEM NUMBER: 8

ITEM DESCRIPTION: 250 KVA Padmount Transformer 240/120

Order Quantity: 6

INVENTORY #: 285-086-00036

BIDDER	MANUFACTURER	UNIT PRICE	EXTENDED PRICE	Total Owning Cost (TOC)	DELIVERY (weeks)
Techline	Howard	\$5,049.00	\$30,294.00	\$7,713.94	9-11 wks
Irby #1	Ermco	\$5,543.31	\$33,259.86	\$8,248.78	9-11 wks
Priester Mell & Nicholson	Central Moloney	\$4,734.00	\$28,404.00	\$7,387.79	10 wks
KBS #1	Ermco	\$5,455.00	\$32,730.00	\$8,160.47	8-10 wks
Wesco	ABB	\$4,336.84	\$26,021.04	\$7,073.60	9-12 wks
TEC #1	Ermco	\$5,427.23	\$32,563.38	\$8,132.70	8-10 wks
HD Supply	Central Moloney	\$5,039.78	\$30,238.68	\$7,693.57	10-12 wks

Low bid



City of College Station - Purchasing Division
Bid Tabulation for #15-050
"Purchase of Single Phase Pad-Mounted Transformers"
Open Date: Friday, May 29, 2015 @ 2:00 p.m.

SUMMARY

Award by Item

	Vendor	Manufacturer	Quantity	Unit Price	Total
Item #1					
25 KVA Padmount Transformer 240/120	PM&N	Central Moloney	40	1,451.00	58,040.00
Inventory #285-086-00031					
Item #2					
37.5 KVA Padmount Transformer 240/120	PM&N	Central Moloney	40	1,600.00	64,000.00
Inventory #285-086-00059					
Item #3					
50 KVA Padmount Transformer 240/120	PM&N	Central Moloney	20	1,660.00	33,200.00
Inventory #285-086-00032					
Item #4					
50 KVA Type II Padmount Transformer 240/120	PM&N	Central Moloney	20	1,525.00	30,500.00
Inventory #285-086-00061					
Item #5					
75 KVA Padmount Transformer 240/120	PM&N	Central Moloney	10	1,918.00	19,180.00
Inventory #285-086-00033					
Item #6					
100 KVA Padmount Transformer 240/120	PM&N	Central Moloney	15	2,248.00	33,720.00
Inventory #285-086-00034					
Item #7					
167 KVA Padmount Transformer 240/120	PM&N	Central Moloney	6	3,163.00	18,978.00
Inventory #285-086-00035					
Item #8					
250 KVA Padmount Transformer 240/120	Wesco	ABB	6	4,336.84	26,021.04
Inventory #285-086-00036					
Total					\$283,639.04



Legislation Details (With Text)

File #: 15-0345 **Version:** 1 **Name:** Renewal of Annual Transformer Repair and Rebuild
Type: Presentation **Status:** Consent Agenda
File created: 6/22/2015 **In control:** City Council Regular
On agenda: 7/9/2015 **Final action:**
Title: Presentation, possible action, and discussion regarding the second renewal of the award for annual transformer repair and rebuild services to Greenville Transformer Company, Inc. in the amount of \$66,530.46.
Sponsors: Jeff Kersten
Indexes:
Code sections:
Attachments: [Renewal 2 Signed Greenville Transformer - Annual Repair and Rebuild.pdf](#)

Date	Ver.	Action By	Action	Result
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Presentation, possible action, and discussion regarding the second renewal of the award for annual transformer repair and rebuild services to Greenville Transformer Company, Inc. in the amount of \$66,530.46.

Relationship to Strategic Goals:

1. Financially Sustainable City
2. Core Services and Infrastructure

Recommendation(s): Staff recommends that Council approve the second renewal of the award for the annual pricing agreement with Greenville Transformer Company, Inc. for the repair and rebuild of transformers as needed, for an amount not to exceed \$66,530.46.

Summary: Three (3) sealed, competitive bids were received and opened on July 2, 2013. Greenville Transformer Company, Inc was the lowest responsible bidder. The original award to Greenville Transformer Company, Inc. was approved by Council on July 24, 2013, Item 2q. Renewal 1 was approved on July 24, 2014, Item 2g. Staff is familiar with the quality of the work provided and the reputation of Greenville Transformer Company, Inc, and has been pleased with their work over the past year. Upon Council approval a blanket purchase order will be issued to Greenville Transformer Company, Inc. This is the second of two possible one year renewals.

Budget & Financial Summary: Funds are budgeted and available in the Electrical Fund. Funds will be expensed as transformer repairs are needed throughout the term of the agreement. Repaired transformers will be held in inventory until they are needed.

Reviewed and Approved by Legal: N/A

Attachments: ITB 13-073 Renewal Letter



June 2, 2015

ATTN:
Kellye R. Pickens
Greenville Transformer Co., Inc.
P.O. Box 845
Greenville, TX 75403

RE: Renewal – Invitation to Bid 13-075
Annual Transformer Repair and Rebuild Services

Dear Ms. Pickens,

The City of College Station appreciates the services provided by Greenville Transformer Co., Inc. this past year. We would like to exercise our option to renew the above price agreement for the term of July 29, 2015 through July 28, 2016.

If this meets with your company's approval, please complete the following renewal agreement and return it no later than Friday, June 19, 2015 via e-mail to hpavelka@cstx.gov or via fax (979-764-3899). ***Please follow up by mailing the original to the following address:***

City of College Station
Purchasing Division
PO Box 9960
College Station, TX 77842

Sincerely,

Heather Pavelka
Buyer

Attachment

PO Box 9960
1101 Texas Avenue
College Station, TX 77842

www.cstx.gov

RENEWAL ACCEPTANCE

By signing herewith, I acknowledge and agree to renew Bid 13-075, Annual Transformer Rebuild and Repair, in accordance with all terms and conditions previously agreed to and accepted, for an amount not to exceed Sixty Six Thousand Five Hundred Thirty and 46/100 Dollars (\$66,530.46).

I understand this renewal term will be for the period beginning July 29, 2015 through July 28, 2016. This is the second renewal.

GREENVILLE TRANSFORMER CO., INC.

By: *Kellye Pickens*
Printed Name: Kellye Pickens
Title: Production Manager
Date: 06-03-15



Legislation Details (With Text)

File #:	15-0311	Version:	1	Name:	EDA for College Station Town Center, LP
Type:	Agreement	Status:		Status:	Agenda Ready
File created:	6/9/2015	In control:		In control:	City Council Regular
On agenda:	7/9/2015	Final action:		Final action:	
Title:	Presentation, possible action, and discussion regarding an Infrastructure and Economic Development Agreement for the approximately 228 acres generally located along the south side of Rock Prairie Road at the future Bird Pond Road intersection owned by College Station Land Development, Incorporated.				
Sponsors:	Natalie Ruiz				
Indexes:					
Code sections:					
Attachments:	Infrastructure and Economic Development Agreement.pdf EDA Exhibit A - Metes and Bounds - Tract A.pdf EDA Exhibit A - Survey Plat.pdf EDA Exhibit B - Regional Infrastructure.pdf EDA Exhibit C - Metes & Bounds - District.pdf EDA Exhibit C - Survey Plat.pdf EDA Exhibit D - Spring Creek Site Map.pdf EDA Exhibit E Utility & Road Agreement .pdf EDA Exhibit F Notice to Owners.pdf EDA Exhibit G-Land Use Plan.pdf				

Date	Ver.	Action By	Action	Result
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Presentation, possible action, and discussion regarding an Infrastructure and Economic Development Agreement for the approximately 228 acres generally located along the south side of Rock Prairie Road at the future Bird Pond Road intersection owned by College Station Land Development, Incorporated.

Relationship to Strategic Goals:

- Core Services and Infrastructure
- Diverse Growing Economy

Recommendation(s): Staff recommends approval of the Infrastructure and Economic Development Agreement.

Summary: The College Station Medical District Master Plan was approved by the City Council in October 2012. The subject property is located within the eastern portion of the District that is relatively undeveloped. The Plan identified the need for regional infrastructure in this area of the District and recommended that the city play a larger role in participating or funding the initial primary infrastructure creating "good bones" for development. The majority of the infrastructure outlined in

this agreement is required for the development of the general area even if the Medical District did not exist. The Plan provides for a mix of residential and commercial land uses on the subject property including the potential of an urban town center. The purpose of this agreement is to facilitate the installation of primary infrastructure to activate the larger area for private development.

The proposed agreement is performance based and provides a funding mechanism to reimburse the property owner for the construction of the primary infrastructure. The property taxes generated by the additional value created by the property owner are deposited into a separate fund. Once the property owner meets the performance obligations, he is able to use that additional revenue to reimburse himself for the infrastructure. In order to access the additional revenue, the property owner must create an additional \$50 million in taxable value and add at least 150,000 square feet of non-residential improvements. The more value the property owner creates, the more tax value is available to reimburse for primary infrastructure.

Budget & Financial Summary: The current taxable value of the subject property is approximately \$251,270. Property taxes generated by additional value created by the property owner could be used to reimburse the owner for regional infrastructure per the agreement.

Attachments:
Infrastructure & Economic Development Agreement

INFRASTRUCTURE AND ECONOMIC DEVELOPMENT
AGREEMENT BETWEEN
THE CITY OF COLLEGE STATION, TEXAS,
AND
COLLEGE STATION TOWN CENTER, L.P.

This INFRASTRUCTURE AND ECONOMIC DEVELOPMENT AGREEMENT (the "Agreement") is entered into between COLLEGE STATION TOWN CENTER, L.P., a Texas limited partnership ("Developer"), on behalf of itself and ROCK PRAIRIE MANAGEMENT DISTRICT NO. 2 (the "District"), and THE CITY OF COLLEGE STATION, TEXAS ("City") to be effective on the date on _____, 2015 (the "Effective Date").

RECITALS

The Developer owns or will own approximately 231.97 acres of land in Brazos County, Texas, that lies in the corporate limits of the City (defined herein as "Tract A"), the metes and bounds of which are attached hereto as **Exhibit A**. The Developer desires to develop a single family and commercial mixed use development on Tract A, and the Developer represents that the development of Tract A requires an agreement providing for long-term certainty concerning development of Tract A. The City wishes to provide for the orderly and safe development of Tract A. The City and the Developer agree that the development of Tract A can best proceed pursuant to a development agreement under the authority of Chapter 212, Texas Local Gov't Code.

The District has been created by the Texas Legislature in the 83rd legislative session and codified as Chapter 3909, Special District Local Laws Code, and consented to by the City by Resolution No. _____ ("City Consent Resolution"). The Developer intends to request that the District construct and finance a water distribution system, wastewater collection system, storm water collection, detention and drainage system, recreational facilities and a road system, all to serve the land within the District, and, with the exception of the storm water collection, detention and drainage system and recreational facilities, the District intends to convey the facilities to the City for ownership, operation, and maintenance.

In addition, the City may, in accordance with Article III, Section 52-a, Texas Constitution, and Chapter 380, Texas Local Gov't Code, establish and provide for the administration of a program for making loans and grants of public money to promote state or local economic development and to stimulate business and commercial activity in the municipality.

The City recognizes the positive impact that development of Tract A will have through the production of new jobs, the stimulation of commercial activity, and the additional ad valorem and sales and use tax revenue generated by the development of Tract A; and the City has agreed to provide incentives to the Developer to enhance and stimulate business and commercial activity in the City. To ensure that the benefits the City provides under this Agreement in the form of grants are consistent with Article III, Section 52-a of the Texas Constitution and Chapter 380, the Developer has agreed that certain performance standards must be satisfied as a condition to receiving the grants described in this Agreement, and as a result, the incentives will serve a legitimate public purpose and provide a clear public benefit in return.

The City and the Developer, on behalf of itself and the District, intend to enter into this Agreement to, among other things, establish certain criteria and performance standards for the development within Tract A, provide for utility service to Tract A, and, pursuant to Chapter 380 and Article III, Section 52-a, Texas Constitution, establish an economic development program, all as more particularly described in this Agreement. The parties recognize that the District cannot approve and execute this Agreement until the District is confirmed by majority vote at a confirmation election.

AGREEMENT

NOW THEREFORE, in consideration of the mutual promises, obligations, and benefits contained herein, the City and Developer agree as follows:

ARTICLE I. DEFINITIONS AND EXHIBITS

- 1.1 Definitions. Unless the context indicates others, the following words as used in this Agreement shall have the following meanings:

“Base Value” means the total appraised value of Tract A within the District, taxable by the City, as of January 1st of the tax year of the Effective Date of this Agreement, as established by the Brazos County Appraisal District, taking into consideration all exemptions and open space, timber and wildlife, or agricultural special valuations. The Base Value shall also include the appraised value taxable by the City of any additional area annexed into the District and included into Tract A as of January 1 of the year in which the City approved such annexation.

“Incremental Value” means the total taxable value of all real and personal property taxable by the City that is located within Tract A for each tax year during the term of this Agreement, less the Base Value.

“Central Business District” means the mixed-use development area of Tract A designated in **Exhibit G** in which the Developer is responsible for constructing a minimum amount of non-residential land uses as specified in Article 3.2.

“City” means the City of College Station, Texas.

“City Consent Resolution” means the City’s Resolution No. _____ dated _____, consenting to the District and setting forth the conditions for operation described therein.

“Developer” means College Station Town Center, L.P., a Texas limited partnership.

“District” means Rock Prairie Management District No. 2, created pursuant to Sections 52, and 52-a, Article III, and Section 59, Article XVI, Texas Constitution and codified in Chapter 3909, Special District Local Laws Code, the metes and bounds of which are attached hereto as **Exhibit C**, and as such boundaries may be modified from time to time with the approval of the City Council of the City.

“Non-Residential Mixed-Use” shall mean retail, commercial, office or business uses, and those age-restricted facilities that specifically include assisted living facilities that require skilled nursing and medical care. Other age-restricted residential facilities and multi-family residential will be considered residential uses and not defined as Non-Residential Mixed-Use for purposes of this Agreement.

“Residential Mixed-Use” shall mean a multi-story structure that incorporates a vertical mix of multi-family land uses with retail, commercial, office or business uses. For the purpose of this definition, multi-family land uses include but are not limited to apartments, condominiums or age-restricted residential facilities.

“Revenue Fund” means the fund established by the District into which the Contract Payments as distributed by the City are deposited together with any interest collected on those deposits.

“Contract Payments” shall mean the payment made to the District pursuant to the terms of this Agreement, the measure of which is to be the amount of property taxes levied and collected each year by the City on Tract A in the District on the Incremental Value.

“Tract A” means the approximately 228 acres of land to be developed by Developer, as described in **Exhibit A** and such additional land that is hereafter acquired by the Developer within one year of the effective date of this Agreement and annexed into the District.

“UDO” means the Unified Development Ordinance of the City of College Station, Texas, as amended.

1.2. Exhibits. The following Exhibits attached to this Agreement are a part of the Agreement as though fully incorporated herein:

Exhibit A	Metes and Bounds Description of Tract A
Exhibit B	Regional Infrastructure
Exhibit C	Metes and Bounds Description of the District.
Exhibit D	City Property – Spring Creek Corporate Campus
Exhibit E	Form of Utility and Road Agreement
Exhibit F	Form of Notice to Purchaser
Exhibit G	Central Business District

ARTICLE II. PUBLIC FACILITIES

2.1. Water and Sewer Facilities.

a. The Developer is responsible for the design and construction of all internal and off-site water, sewer, and drainage facilities solely for the development of Tract A, including those off-site utilities identified on **Exhibit B** to be designed and constructed by Developer. The City will provide retail water and sewer service to customers within Tract A, all in accordance with the Utility and Road Agreement, the form of which is attached hereto as **Exhibit E**. Following acceptance by the City, the water and sewer infrastructure will be owned, operated, and maintained by the City per normal practice and as described in the Utility and Road Agreement.

b. The Developer agrees to convey a utility easement to the City for the gravity sewer line as shown on **Exhibit B** within 120 days of the Effective Date of this Agreement in accordance with the City’s UDO. In the event that the Developer does not construct the gravity sewer line as shown on **Exhibit B** within the time frames of Section 3.8 of this Agreement, the City may construct such sewer line. In the event that the City constructs such sewer line, the City will be reimbursed the construction costs of the sewer line from the Contract Payments on a first priority basis over any Contract Payments paid to District under Article III.

2.2. Road Infrastructure. The parties agree and acknowledge that the Developer will prepare a Traffic Impact Analysis (“TIA”) for Tract A in accordance with the City’s UDO. The Developer or District is responsible for the design and construction of all road facilities to serve Tract A in accordance with the TIA and the UDO, in a form acceptable to the City. After acceptance by the City, such roads will be conveyed to the City for ownership, operation and repair as described in the Utility and Road Agreement.

2.3. Storm Water Detention Facilities. The Developer will cause a drainage study by a qualified engineer to be performed to determine the extent of on-site detention as required by the City’s UDO. The Developer or District will be responsible for providing all storm water detention facilities to Tract A and other District land. After construction, the Developer will cause the District or property owners association to own and maintain any required detention facilities.

2.4. Reduction of Public Infrastructure Review and Inspection Fee. The City agrees to a thirty percent (30%) reduction of the one-percent (1%) public infrastructure review and inspection fee for the regional infrastructure required to be constructed pursuant to Section 3.8 of this Agreement.

**ARTICLE III.
ECONOMIC INCENTIVES; CONTRACT PAYMENTS**

3.1. Contract Payments Specific to Tract A. It is the intent of the parties that the City’s economic grant of Contract Payments (which are calculated by the incremental increase in value of Tract A) is in exchange for and specific to the business and commercial activity generated on Tract A. In the event that additional land is annexed into the District (but not acquired by Developer), the City may grant similar tax incentives (and make similar contract payments) to the District based on incremental value of such additional tract in exchange for and specific to the business and commercial activity generated on such additional tracts. In the event that the City and District enter into subsequent agreements for contract payments specific to additional tracts outside of Tract A, the City and District will create separate accounts or funds for the contract payments related to those additional tracts.

3.2. Developer Chapter 380 Performance Obligations. In consideration of the City’s agreeing to pay the Contract Payments in accordance with the terms, provisions and conditions of this Agreement, the Developer agrees to fulfill all the following conditions described below prior to the District receiving the Contract Payments:

- a. The certified taxable value of Tract A shall have increased by at least \$50,000,000 over the certified taxable value of Tract A that existed as of

January 1st of the tax year of the Effective Date of this Agreement, all as shown on the tax rolls of the Brazos County Appraisal District;

- b. Developer shall have constructed 150,000 square feet of Non-Residential Mixed Use Improvements as defined in this Agreement within the Central Business District as shown on **Exhibit G**; and,
- c. Satisfaction of its Developer Infrastructure Obligations described in Section 3.8 below.

In the event the Developer fails to perform any of the obligations discussed in this Section 3.1, the City will not be obligated to pay the Contract Payments to the District.

3.3. City Contract Payments. Commencing in the calendar year in which the Developer has satisfied its obligations in Section 3.2, the City will pay on an annual basis by April 30, the Contract Payments to the District for the term of this Agreement to be used as described herein. The City shall calculate the Contract Payments for each tax year during the term of this Agreement, on March 1 based on taxes collected for the previous tax year. The City's first Contract Payment shall be for those taxes levied and collected by the City in the year 2016; therefore the first Contract Payment calculation will be March 1, 2017 for the 2016 tax year. Tax revenues not received by the City by March 1 of a calendar year that are subsequently received by the City will be included in the following year's Contract Payments calculation. Contract Payments that have accrued since the inception of this Agreement, but not distributed to the District, will be held in a separate City account until such time as Developer has performed the obligations in Section 3.2. Not more than once a year, the District may request from the City an annual accounting of the calculation of the Contract Payments each year of the term of this Agreement. The City's obligation to pay the Contract Payments is restricted to the property taxes collected on Tract A. The City shall not be obligated to pay the Contract Payments from other City taxes or revenues. Notwithstanding this Article III, if the City constructs the sewer line as shown on **Exhibit B**, it shall not make Contract Payments to the District until the City has been reimbursed the construction costs of the sewer line from those Contract Payments.

3.4. Use of City Contract Payments. The District shall use the Contract Payments only for certain public projects as described below. The District may not use the City Contract Payments for funding internal District water, sewer and drainage utilities or internal District roads that are not major thoroughfares. The District and/or Developer may use the Contract Payments only for the following public projects:

- a. Regional thoroughfare road improvements and improvements in aid of the roads as generally shown on **Exhibit B** including the following:

- i. Bird Pond Road in its entirety from Rock Prairie Road through the Lakeway Drive intersection and to the property boundary of Tract A; and
 - ii. The remaining portion of Lakeway Drive through Tract A.
- b. Regional water or wastewater infrastructure generally shown in **Exhibit B** including the following:
 - i. Extension of the potable water line along Bird Pond Road between Rock Prairie Road, across the Lakeway Drive intersection and to the property boundary;
 - ii. A gravity sewer line to the Lick Creek Sewer Trunk Line, near Fitch Parkway, sized to convey wastewater at ultimate buildout of the property owned by Developer (and the Nelson and Conrad tracts) as shown on **Exhibit B**; and,
 - iii. Extension of the potable water line along Lakeway Drive near Medical Way to the common property boundary with the City of College Station.
- c. Public improvements authorized under Chapter 375, Texas Local Government Code such as landscaping, decorative paving, street lighting, parks, plazas, historic areas, fountains, works of art, or pedestrian malls (but not including internal water, sewer, and drainage utilities) for the area designated as Central Business District as shown on **Exhibit G**. Contract Payments may be utilized for public improvements under this subsection only after all regional infrastructure depicted on **Exhibit B** is completed.

3.5. **Revenue Fund**. The District will deposit the proceeds of the Contract Payments into the Revenue Fund, which fund must be accounted for independently from other funds of the District. The Revenue Fund may be invested or reinvested, from time to time, as provided in the investment policy of the District and in the manner provided by and in accordance with applicable law and regulations. Interest on the Revenue Fund balances will be retained in the Revenue Fund and used by the District only as permitted by this Agreement.

3.6 **Use of City Contract Payments for District Bonds**. The District (or a corporation created to aid, assist and act on behalf of the District) has the authority to issue, sell and deliver bonds from time to time, secured by ad valorem taxes, the Contract Payments, and the Revenue Fund as deemed necessary and appropriate by the Board of Directors of the District (or such corporation), subject to the terms of this Agreement and the Utility and Road Agreement, in such forms and manner and as

permitted or provided by federal law, the general laws of the State of Texas and the City's Consent Resolution. The District may issue bonds secured by the Contract Payments and Revenue Fund only for purposes described in Section 3.4. The District may pledge or assign all or part of the Contract Payments (and the Revenue Fund) to: (i) the owners and holders of the Bonds; (ii) lenders of money to the District; and (iii) the Developer pursuant to a development financing agreement with the District. This Agreement may not be construed as a limitation on the District's authority to levy an unlimited tax rate nor as a limitation on the District's authority to issue other forms of indebtedness as allowed by applicable law and regulation, including the City's Consent Resolution.

3.7. City Road Projects. The City agrees to utilize up to fifteen million dollars (\$15,000,000) in proceeds from the City's transportation bonds approved in 2008 to improve the following major road thoroughfares listed below, including all travel lanes, curb, gutter and drainage infrastructure, street lighting, signage and pavement markings to enhance mobility in the District and City ("City Road Projects") as shown on **Exhibit B**. The City is under no obligation to complete the City Road Projects in the event that the \$15,000,000 is insufficient to fully construct the City Road Projects. If the City's \$15,000,000 in transportation bond proceeds are insufficient to fully construct the City Road Projects, City may, in its discretion, complete the City Road Projects using other revenues. It is the intent of the City to construct the following thoroughfares in the order of priority listed below:

- a. Priority One: Lakeway Drive from its existing terminus near W.D. Fitch through the Spring Creek Corporate Campus.
- b. Priority Two: Pebble Creek Parkway from State Highway 6 to Lakeway Drive including the Lakeway Drive intersection.
- c. Priority Three: Lakeway Drive from the Spring Creek Corporate Campus, through Tract A to connect with the existing section of Lakeway Drive near Scott & White Hospital, including one-half of the boulevard section and providing one row of on-street parking.

If the \$15,000,000 in proceeds from the City's transportation bonds is insufficient to fully construct the City Road Projects, the Developer shall not be obligated to comply with timing requirements of the Developer Infrastructure Obligations described in Section 3.8 below. The Developer will nonetheless be required to construct the Developer Infrastructure Obligations prior to receipt of the Contract Payments as part of its Developer Performance Obligations in Section 3.2.

If the City has completed its City Road Projects in satisfaction of this Section 3.7, and the Developer has not constructed any vertical improvements on Tract A within two years of the City's completion of the City Road Projects, the City may terminate this

Agreement after giving the Developer notice and opportunity to cure in accordance with this Agreement.

3.8. Developer Infrastructure Obligations. Within 120 days of when the City awards a construction contract for the Lakeway Drive (Priority One of the City Road Projects above), the Developer agrees to commence construction on the infrastructure listed below (“Developer Infrastructure Obligations”) as generally shown on **Exhibit B.**

- a. Extension of Bird Pond Road between Lakeway Drive and Rock Prairie Road.
- b. Extension of the potable water line along Bird Pond Road between Lakeway Drive and Rock Prairie Road.
- c. A gravity sewer line to the Lick Creek Sewer Trunk Line, near Fitch Parkway, sized to convey wastewater at ultimate buildout of the property owned by Developer (and the Nelson and Conrad tracts) as shown on **Exhibit B.**

The Developer will be considered to have commenced construction on the Developer Infrastructure Obligations if it has awarded (or caused the District to award) a construction contract (or contracts) for the Developer Infrastructure Obligations. If Developer has not commenced construction (or caused the District to commence construction) within 120 days of the City’s award of a contract for the Lakeway Drive extension, the City will provide notice to Developer and opportunity to cure in accordance with Article V of this Agreement. If after notice and opportunity to cure, the Developer has still not commenced construction, the Developer will be considered to be in default of the Agreement and, in addition to other remedies described in Article V, the City may terminate the Agreement.

The City will consider non-issuance of permits by any environmental or regulatory agency after all due diligence to obtain such permits as a force majeure condition whereby the Developer is unable to perform its Developer Infrastructure Obligations. The Developer will not be in default of this Article III to the extent performance is affected by such force majeure and to the extent that due diligence is being used to resume performance at the earliest practicable time.

3.9. City Tract. As of the date of this Agreement, the City owns approximately 485 acres within close proximity to Tract A, shown as Spring Creek Corporate Campus on the attached **Exhibit D** (“City Tract”). The City intends to sell the City Tract, or portions thereof, to a third party or parties for development purposes. The City recognizes the economic benefit to the City if the Developer develops its Non-Residential Mixed Use component of Tract A. In an effort to stimulate economic activity in Tract A and the City, the City agrees not to develop the City Tract or to

convey or sell the City Tract to a third party for a “town center” mixed-use development for a period of 10 years from the Effective Date. City further agrees to make a good faith effort to not develop the City Tract or convey or sell the City Tract to a third party for a Residential Mixed Use development for a period of 10 years from the Effective Date.

ARTICLE IV. NOTICE TO PURCHASER

4.1. Notice to Purchaser. In connection with the sale or conveyance of all or any portion of Tract A, the Developer shall file a notice to purchaser in the real property records of Brazos County in accordance with state law. The form of such notice is attached hereto as **Exhibit F**, or such form as may be otherwise required by law.

ARTICLE V. DEFAULT AND TERMINATION

5.1 Breach of Agreement. If a party to this Agreement believes that another party has, by act or omission, committed a breach of this Agreement, the provisions of this Article shall govern the remedies for breach of this Agreement.

5.2. Notice of Developer’s Default.

- a. The City shall notify Developer in writing of an alleged failure by the Developer to comply with a provision of this Agreement, describing the alleged failure with reasonable particularity. Developer shall, within thirty (30) days after receipt of the notice or a longer period of time as the City may specify in the notice, either cure the alleged failure or, in a written response to the City, either present facts and arguments in refutation or excuse of the alleged failure or state that the alleged failure will be cured and set forth the method and time schedule for accomplishing the cure.
- b. The City shall determine in good faith: (i) whether a failure to comply with a provision has occurred; (ii) whether the failure is excusable; and (iii) whether the failure has been cured or will be cured by Developer.
- c. If the City determines in good faith that the failure has not occurred, or that the failure either has been or will be cured in a manner and in accordance with a schedule reasonably satisfactory to the City, or that the failure is excusable, the determination shall conclude the investigation.

- d. If the City determines in good faith that a failure to comply with a provision has occurred and that the failure is not excusable and has not been or will not be cured by Developer in a manner and in accordance with a schedule reasonably satisfactory to the City, then the City may exercise the applicable remedy under Section 5.4 or 5.5.

5.3. Notice of City's Default.

- a. Developer shall notify the City in writing specifying any alleged failure by the City to comply with a provision of this Agreement, describing the alleged failure with reasonable particularity. The City shall, within thirty (30) days after receipt of the notice or the longer period of time as Developer may specify in the notice, either cure the alleged failure or, in a written response to Developer, either present facts and arguments in refutation or excuse of the alleged failure or state that the alleged failure will be cured and set forth the method and time schedule for accomplishing the cure.
- b. Developer shall determine in good faith: (i) whether a failure to comply with a provision has occurred; (ii) whether the failure is excusable; and (iii) whether the failure has been cured or will be cured by the City.
- c. If Developer determines in good faith that the failure has not occurred, or that the failure either has been or will be cured in a manner and in accordance with a schedule reasonably satisfactory to Developer, or that the failure is excusable, the determination shall conclude the investigation.
- d. If Developer determines in good faith a failure to comply with a provision has occurred and that the failure is not excusable and has not been or will not be cured by the City in a manner and in accordance with a schedule reasonably satisfactory to Developer, then Developer may exercise the applicable remedy under Section 5.4 or 5.5.

5.4. Remedies.

- a. If the City determines that Developer has committed one or more breaches of this Agreement, the City may file suit in a court of competent jurisdiction in Brazos County, Texas and seek damages to the full extent allowed by law, seek specific performance of this Agreement to the full extent allowed by law, or seek mediation with Developer under Section 5.5. The City may seek different remedies as specified in this section for different breaches.
- b. If Developer determines that the City has committed one or more breaches of this Agreement, Developer may file suit in a court of competent

jurisdiction in Brazos County, Texas, seek damages to the full extent allowed by law, seek specific performance of this Agreement to the full extent allowed by law, or seek mediation with the City under Section 5.5. Developer may seek different remedies as specified in this section for different breaches.

5.5. Mediation. Before filing suit or seeking any other remedy for breach of this Agreement, the parties shall endeavor to settle all disputes under, or relating to, this Agreement by amicable negotiations. Except as otherwise provided herein, any claim, dispute, disagreement, or controversy that arises between the parties under or relating to this Agreement that is not amicably settled shall be submitted to mediation.

**ARTICLE VI.
CITY'S CONSENT TO CREATION;
DISTRICT ANNEXATION OF LAND**

6.1. Consent to Creation of the District. On _____, the City approved the City Consent Resolution consenting to creation of the District, and the City agrees that the City Consent Resolution will be deemed to constitute the City's consent to creation of the District. No further action will be required on the part of the City to evidence its consent; however the City agrees to provide any additional confirmation of its consent that may be required by the Developer or the District if requested to do so.

6.2. Annexation of Land by District. The District may not annex additional land into the boundaries of the District or serve property outside the boundaries of the District without the consent of the City. In the event land is annexed into the boundaries of Tract A in the District with the City's consent, the terms of this Agreement shall apply to the annexed land.

**ARTICLE VII.
MISCELLANEOUS**

7.1. Sale of Tract; Assignability. This Agreement is only assignable upon the written consent of the City. Notwithstanding the foregoing, this Agreement shall be assignable by Developer in part to the District upon written notice to the City.

Any Agreement by Developer to sell the entirety or any portion of Tract A to a person intending to develop Tract A or such portion thereof (a "Successor Developer," whether one or more) and any instrument of conveyance for the entirety or any portion of Tract A to such Successor Developer shall recite and incorporate this Agreement and provide that this Agreement be binding on such Successor Developer. This Agreement

is not intended to be, and shall not be, binding on the ultimate purchasers of residential lots or residential parcels out of Tract A.

7.2 Law Governing. This Agreement shall be governed by the laws of the State of Texas and no lawsuit shall be prosecuted on this Agreement except in a federal or state court of competent jurisdiction.

7.3. No Additional Waiver Implied. No waiver or waivers of any breach or default (or any breaches or defaults) by any party hereto of any term, covenant, condition, or liability hereunder, or the performance by any party of any duty or obligation hereunder, shall be deemed or construed to be a waiver of subsequent breaches or defaults of any kind, under any circumstances.

7.4. Addresses and Notice. Unless otherwise provided in this Agreement, any notice, communication, request, reply, or advise (herein severally and collectively, for convenience, called "Notice") herein provided or permitted to be given, made, or accepted by any party to another (except bills), must be in writing and may be given or be served by depositing the same in the United States mail postpaid and registered or certified and addressed to the party to be notified. Notice deposited in the mail in the manner hereinabove described shall be conclusively deemed to be effective, unless otherwise stated in this Agreement, from and after the expiration of three (3) days after it is deposited. Notice given in any such other manner shall be effective when received by the party to be notified. For the purpose of notice, addresses of the parties shall, until changed as hereinafter provided, be as follows:

If to the City, to:

City of College Station
P. O. Box 9960
College Station, TX 77842
Attention: City Attorney

If to the Developer, to:

College Station Town Center, L.P.
3600 State Highway 6 South, Suite 100
College Station, Texas 77840
Attention: James G. Murr

With a copy to:

Schwartz, Page & Harding, L.L.P.
1300 Post Oak Boulevard, Suite 1400
Houston, Texas 77056
Attention: Howard M. Cohen

The parties shall have the right from time to time and at any time to change their respective addresses and each shall have the right to specify any other address by at least fifteen (15) days' written notice to the other parties.

7.5. Merger and Modification. This Agreement, including the exhibits that are attached hereto and incorporated herein for all purposes, embodies the entire agreement between the parties relative to the subject hereof. This Agreement shall be subject to change or modification only with the mutual written consent of all the parties.

7.6. Severability. The provisions of this Agreement are severable, and if any part of this Agreement or the application thereof to any person or circumstances shall ever be held by any court of competent jurisdiction to be invalid or unconstitutional for any reason, the remainder of this Agreement and the application of part of this Agreement to other persons or circumstances shall not be affected thereby.

7.7. Benefits of Agreement. This Agreement is for the benefit of the City, Developer and the District, and shall not be construed to confer any benefit on any other person except as expressly provided for herein.

7.8. Attorney's Fees. In the event of any litigation between the parties with respect to this Agreement, the prevailing party shall be entitled to recover its reasonable attorney's fees and court costs from the losing party.

7.9. Recordation. The City shall record this Agreement, or a memorandum of the terms hereof in recordable form (and the parties hereby agree to execute such memorandum), in the deed records of Brazos County at the Developer's expense.

7.10. Execution of Agreements by District. After organization of the District, Developer shall cause the assignment, execution and adoption by the Board of Directors of the District of the Utility and Road Agreement in the form attached hereto as **Exhibit E**, within 90 days after the election authorizing bonds and taxes.

7.11. Term. This Agreement shall be in force and effect from the Effective Date and continue for a term of twenty (20) years unless otherwise previously terminated pursuant to some term or condition of this Agreement or by express written agreement by the City and Developer. Upon expiration of twenty (20) years from the Effective Date of this Agreement, this Agreement may be extended upon mutual consent of the Developer and the City. Notwithstanding the preceding sentences, this Agreement shall be terminated and of no force and effect if the Developer has not constructed any vertical improvements on Tract A within two years after City's construction of the City Road Projects under Section 3.7.

7.12. Authority for Execution. The City hereby certifies, represents and warrants that the execution of this Agreement is duly authorized and adopted in conformity with the City Charter and City Ordinances. The Developer hereby certifies, represents and warrants that the execution of this Agreement is duly authorized and adopted in conformity with the articles of incorporation and bylaws or partnership agreement of such entity.

(Signature Page to Follow)

Executed by the Developer and the City to be effective on the Effective Date.

COLLEGE STATION TOWN CENTER, L.P.,
a Texas limited partnership

By: _____

Name: _____

Title: _____

STATE OF TEXAS §

§

COUNTY OF BRAZOS §

This instrument was acknowledged before me this _____ day of _____, 2015, by _____, _____ of COLLEGE STATION TOWN CENTER, L.P., a _____, _____, on behalf of said limited partnership and said limited liability company.

Notary Public, State of Texas

(NOTARY SEAL)

CITY OF COLLEGE STATION, TEXAS

By: Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

APPROVED:

Carla A. Robinson, City Attorney

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

This instrument was acknowledged before me this _____ day of _____, 2015, by _____, Mayor, City of College Station, on behalf of said City.

Notary Public, State of Texas

(NOTARY SEAL)

Exhibit "F"
NOTICE TO PURCHASERS

The real property, described below, that you are about to purchase is located in Rock Prairie Management District No. 2 (the "District"). The District has taxing authority separate from any other taxing authority, and may, subject to voter approval, issue an unlimited amount of bonds and levy an unlimited rate of tax in payment of such bonds. As of this date, the District has not yet levied taxes on real property located within the District. However, the most recent projected rate of tax, as of this date, is \$_____ on each \$100 of assessed valuation. The total amount of bonds, excluding refunding bonds and any bonds or any portion of bonds issued that are payable solely from the revenues received or expected to be received under a contract with a governmental entity, approved by the voters and which have been or may, at this date, be issued is \$_____, and the aggregate initial principal amounts of all bonds issued for one or more of the specified facilities of the District and payable in whole or in part from property taxes is \$_____.

The District is located within the corporate boundaries of the City of College Station, Texas (the "City"). The taxpayers of the District are subject to the taxes imposed by the City and by the District until the District is dissolved. By law, a district located within the corporate boundaries of a municipality may be dissolved by municipal ordinance without the consent of the district or the voters of the district.

The purpose of this District is to provide water, sewer, drainage, flood control, recreational, road and parking facilities and services and an economic development program and services within the District through the issuance of bonds payable in whole or in part from property taxes. The cost of these facilities and services is not included in the purchase price of your property.

The legal description of the property which you are acquiring is described in Exhibit "A" attached hereto and made a part hereof.

_____, Seller

Date

By: _____
Name: _____
Title: _____

This instrument was acknowledged before me on this ____ day of _____, by _____.

Notary Public in and for
the State of T E X A S

(SEAL)

METES AND BOUNDS DESCRIPTION
OF A
231.97 ACRE TRACT
THOMAS CARUTHERS LEAGUE, A-9
COLLEGE STATION, BRAZOS COUNTY, TEXAS

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE THOMAS CARUTHERS LEAGUE, ABSTRACT NO. 9, COLLEGE STATION, BRAZOS COUNTY, TEXAS, SAID TRACT BEING THE REMAINDER OF A CALLED 341.06 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO WILLIS S. RITCHEY RECORDED IN VOLUME 1160, PAGE 777 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS AND THE REMAINDER OF A CALLED 11 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO WILLIS S. RITCHEY RECORDED IN VOLUME 260, PAGE 466 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS.

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

BEGINNING AT A ½ INCH IRON ROD SET ON THE SOUTH LINE OF ROCK PRAIRIE ROAD EAST (R.O.W. VARIES) MARKING THE NORTHEAST CORNER OF THE REMAINDER OF A CALLED 10.846 ACRE TRACT OF LAND AS DESCRIBED AS BY A DEED TO JO ANN ATKINS RECORDED IN VOLUME 267, PAGE 483 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS, FOR REFERENCE, A ½ INCH IRON ROD FOUND BEARS: S 13° 49' 13" W FOR A DISTANCE OF 1.02 FEET;

THENCE: ALONG THE SOUTH LINE OF ROCK PRAIRIE ROAD EAST FOR THE FOLLOWING CALLS:

S 86° 27' 34" E, AT 300.64 FEET PASS THE COMMON LINE OF SAID REMAINDER OF 341.06 ACRE TRACT AND SAID REMAINDER OF 11 ACRE TRACT (FROM WHICH A ½ INCH IRON ROD FOUND BEARS: S 00° 37' 23" E FOR A DISTANCE OF 1.09 FEET), CONTINUE ON FOR A TOTAL DISTANCE OF 603.26 FEET (DEED CALL: S 86° 27' 34" E - 603.27 FEET) TO A ½ INCH IRON ROD SET (THIS LINE USED FOR BEARING ORIENTATION HONORING THE RIGHT-OF-WAY BEARING AS SHOWN IN THE DEED RECORDED IN VOLUME 10437, PAGE 79 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS), FOR REFERENCE, A ½ INCH IRON ROD FOUND BEARS: S 04° 14' 47" W FOR A DISTANCE OF 1.00 FEET;

S 85° 01' 50" E FOR A DISTANCE OF 1226.55 FEET (DEED CALL: S 85° 02' 05" E - 1226.41 FEET, 10437/65) TO A ½ INCH IRON ROD SET. FOR REFERENCE, A ½ INCH IRON ROD FOUND BEARS: S 05° 17' 18" W FOR A DISTANCE OF 1.00 FEET;

S 84° 23' 35" E FOR A DISTANCE OF 70.89 FEET (DEED CALL: S 84° 23' 02" E - 70.75 FEET, 10437/65) TO A ½ INCH IRON ROD SET ON THE COMMON LINE OF SAID REMAINDER OF 341.06 ACRE TRACT AND SAID REMAINDER OF 11 ACRE TRACT. FOR REFERENCE, A 3/8 INCH IRON ROD FOUND MARKING THE SOUTHEAST CORNER OF SAID REMAINDER OF 11 ACRE TRACT BEARS: S 00° 40' 34" E FOR A DISTANCE OF 268.14 FEET;

N 00° 40' 34" W FOR A DISTANCE OF 1.51 FEET TO A ½ INCH IRON ROD SET;

S 84° 23' 35" E FOR A DISTANCE OF 543.05 FEET (DEED CALL: S 84° 23' 02" E - 543.10 FEET, 10437/79) TO A ½ INCH IRON ROD SET. FOR REFERENCE, A ½ INCH IRON ROD FOUND BEARS: S 06° 46' 24" W FOR A DISTANCE OF 2.50 FEET;

S 82° 03' 38" E FOR A DISTANCE OF 195.36 FEET (DEED CALL: S 82° 02' 02" E - 195.35 FEET, 10437/79) TO A ½ INCH IRON ROD SET ON THE WEST LINE OF LOT 1, ROCK PRAIRIE BAPTIST CHURCH ACCORDING TO THE PLAT RECORDED IN VOLUME 7312, PAGE 207 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. FOR REFERENCE, A ½ INCH IRON ROD FOUND MARKING

THE NORTHWEST CORNER OF SAID LOT 1 BEARS: N 07° 35' 00" E FOR A DISTANCE OF 7.64 FEET;

THENCE: S 07° 58' 42" W ALONG THE WEST LINE OF SAID LOT 1, AT 2.50 FEET PASS A ½ INCH IRON ROD FOUND, CONTINUE ON FOR A TOTAL DISTANCE OF 528.64 FEET (PLAT CALL: S 07° 57' 58" W - 586.27 FEET, 7312/207) TO ½ INCH IRON ROD SET MARKING THE SOUTHWEST CORNER OF SAID LOT 1;

THENCE: S 82° 01' 39" E ALONG THE SOUTH LINE OF SAID LOT 1 FOR A DISTANCE OF 698.85 FEET (PLAT CALL: S 82° 02' 02" E - 699.33 FEET, 7312/207) TO ½ INCH IRON ROD FOUND ON THE WEST LINE OF A CALLED 13.95 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO OLIVER GOEN RECORDED IN VOLUME 10424, PAGE 40 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. SAID IRON ROD FOUND MARKING THE SOUTHEAST CORNER OF SAID LOT 1;

THENCE: S 20° 23' 16" E ALONG THE WEST LINE OF SAID 13.95 ACRE TRACT FOR A DISTANCE OF 112.62 FEET (DEED CALL BEARING: S 17° 23' 00" E, 1160/777) TO A CROSS-TIE FENCE POST FOUND;

THENCE: S 41° 51' 55" W CONTINUING ALONG THE WEST LINE OF SAID 13.95 ACRE TRACT FOR A DISTANCE OF 1390.07 FEET (DEED CALL: S 44° 44' 00" W - 1391.04 FEET, 10424/40) TO 6 INCH FENCE POST FOUND MARKING THE SOUTHWEST CORNER OF SAID 13.95 ACRE TRACT;

THENCE: S 48° 02' 02" E ALONG THE SOUTHWEST LINE OF SAID 13.95 ACRE TRACT FOR A DISTANCE OF 341.48 FEET (DEED CALL: S 48° 05' 26" E - 341.98 FEET, 10424/40) TO ½ INCH IRON ROD FOUND MARKING THE SOUTH CORNER OF SAID 13.95 ACRE TRACT AND THE SOUTHWEST CORNER OF A CALLED 19.61 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO ARCHIE P. CLARK AND LINDA L. CLARK RECORDED IN VOLUME 561, PAGE 28 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: S 48° 17' 01" E ALONG THE SOUTHWEST LINE OF SAID 19.61 ACRE TRACT FOR A DISTANCE OF 250.65 FEET (DEED CALL: S 44° 52' 55" E - 250.66 FEET, 561/28) TO ½ INCH IRON ROD FOUND MARKING THE SOUTH CORNER OF SAID 19.61 ACRE TRACT AND THE SOUTHWEST CORNER OF A CALLED 19.69 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO EUGENE BERNARD SAVAGE, III AND GRACE LYNN SAVAGE RECORDED IN VOLUME 7912, PAGE 265 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: S 48° 35' 09" E ALONG THE SOUTHWEST LINE OF SAID 19.69 ACRE TRACT FOR A DISTANCE OF 437.42 FEET (DEED CALL: S 48° 34' 49" E - 437.68 FEET, 7912/265) TO ½ INCH IRON ROD FOUND MARKING THE SOUTH CORNER OF SAID 19.69 ACRE TRACT, THE SOUTHWEST CORNER OF A CALLED 66.32 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO THE CITY OF COLLEGE STATION RECORDED IN VOLUME 4480, PAGE 135 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS AND THE NORTH CORNER OF A CALLED 100.64 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO THE CITY OF COLLEGE STATION RECORDED IN VOLUME 6927, PAGE 226 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: S 77° 55' 55" W ALONG THE NORTHWEST LINE OF SAID 100.64 ACRE TRACT FOR A DISTANCE OF 2980.10 FEET (DEED CALL: S 77° 56' 03" W - 2981.71 FEET, 6927/226) TO 12 INCH FENCE POST FOUND ON THE NORTHEAST LINE OF A CALLED 46.60 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO THE CITY OF COLLEGE STATION RECORDED IN VOLUME 3310, PAGE 321 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. SAID FENCE POST FOUND MARKING THE WEST CORNER OF SAID 100.64 ACRE TRACT;

THENCE: N 68° 42' 56" W ALONG THE NORTHEAST LINE OF SAID 46.60 ACRE TRACT AND ALONG AN EXISTING FENCE LINE FOR A DISTANCE OF 189.31 FEET TO A 6 INCH CEDAR FENCE POST FOUND MARKING THE NORTH CORNER OF SAID 46.60 ACRE TRACT AND THE EAST CORNER OF A CALLED 10.01 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO M. D. WHEELER, LTD RECORDED IN VOLUME 3007, PAGE 341 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: ALONG THE NORTHEAST LINE OF SAID 10.01 ACRE TRACT AND CONTINUING ALONG SAID FENCE LINE FOR THE FOLLOWING CALLS:

N 56° 54' 36" W FOR A DISTANCE OF 108.66 FEET TO A 3 INCH CEDAR FENCE POST FOUND;
N 47° 58' 11" W FOR A DISTANCE OF 372.04 FEET TO A FENCE POST FOUND;
N 47° 52' 01" W FOR A DISTANCE OF 828.48 FEET TO A FENCE POST FOUND;
N 48° 14' 35" W FOR A DISTANCE OF 163.14 FEET TO A FENCE POST FOUND;
N 47° 03' 10" W FOR A DISTANCE OF 129.80 FEET TO A FENCE POST FOUND;
N 46° 26' 14" W FOR A DISTANCE OF 535.34 FEET TO A 4 INCH FENCE POST FOUND MARKING THE SOUTH CORNER OF A CALLED 25.79 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO BRIAN HOWARD PERRY RECORDED IN VOLUME 10459, PAGE 34 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: ALONG THE SOUTHEAST LINE OF SAID 25.79 ACRE TRACT FOR THE FOLLOWING CALLS:

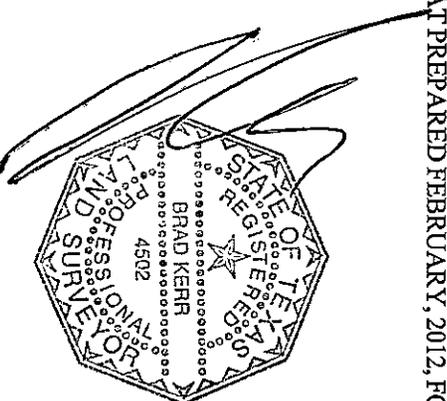
N 66° 46' 41" E FOR A DISTANCE OF 605.80 FEET (DEED CALL: N 69° 46' 00" E - 600.50 FEET, 1160/77) TO A FENCE POST FOUND;
N 55° 06' 22" E FOR A DISTANCE OF 196.90 FEET (DEED CALL: N 57° 44' 00" E - 195.20 FEET, 1160/77) TO A FENCE POST FOUND;
N 41° 30' 56" E FOR A DISTANCE OF 424.36 FEET (DEED CALL: N 44° 44' 00" E - 423.09 FEET, 1160/77) TO A ½ INCH IRON ROD FOUND;
N 05° 17' 42" E FOR A DISTANCE OF 216.35 FEET (DEED CALL: N 08° 04' 00" E - 217.30 FEET, 1160/77) TO A 6 INCH CEDAR FENCE POST FOUND MARKING THE SOUTHWEST CORNER OF SAID REMAINDER OF 10.846 ACRE TRACT;

THENCE: ALONG THE COMMON LINE OF SAID REMAINDER OF 10.846 ACRE TRACT AND SAID REMAINDER OF 341.06 ACRE TRACT FOR THE FOLLOWING CALLS:

S 81° 11' 52" E FOR A DISTANCE OF 256.72 FEET (DEED CALL: S 78° 33' 00" E - 258.20 FEET, 1160/77) TO A 6 INCH FENCE POST FOUND MARKING THE SOUTHEAST CORNER OF SAID REMAINDER OF 10.846 ACRE TRACT;
N 18° 43' 49" E FOR A DISTANCE OF 471.11 FEET (DEED CALL: N 21° 24' 00" E - 467.10 FEET, 1160/77) TO A FENCE POST FOUND;
N 13° 49' 13" E FOR A DISTANCE OF 522.38 FEET (DEED CALL: N 16° 44' 00" E - 586.42 FEET, 1160/77) TO THE POINT OF BEGINNING CONTAINING 231.97 ACRES OF LAND, MORE OR LESS, AS SURVEYED ON THE GROUND FEBRUARY, 2012. SEE PLAT PREPARED FEBRUARY, 2012, FOR MORE DESCRIPTIVE INFORMATION.

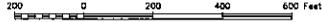
BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4502

C:\WORK\MAB\12-041





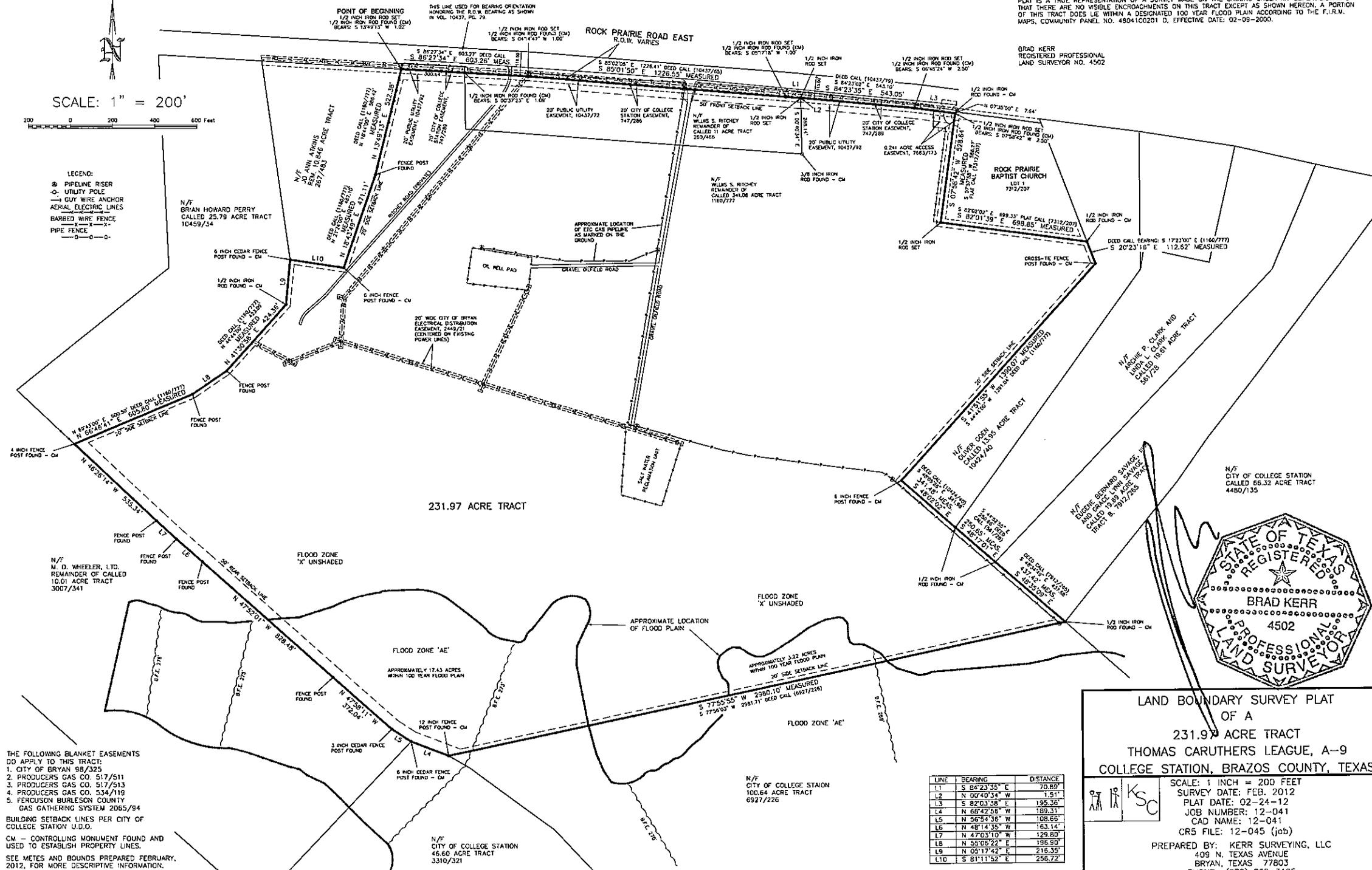
SCALE: 1" = 200'



- LEGEND:
- ⊙ PIPELINE RISER
 - UTILITY POLE
 - GUY WIRE ANCHOR
 - AERIAL ELECTRIC LINES
 - BARBED WIRE FENCE
 - PIPE FENCE
 - O—O—O— PIPE FENCE

SURVEYOR'S CERTIFICATE:
 I, BRAD KERR, R.P.L.S. NO. 4502, DO HEREBY CERTIFY THAT TO THE BEST OF MY KNOWLEDGE THIS
 PLAN IS A TRUE REPRESENTATION OF A SURVEY MADE ON THE GROUND UNDER MY SUPERVISION AND
 THAT THERE ARE NO VISIBLE ENCROACHMENTS ON THIS TRACT EXCEPT AS SHOWN HEREON. A PORTION
 OF THIS TRACT DOES LIE WITHIN A DESIGNATED 100 YEAR FLOOD PLAIN ACCORDING TO THE F.I.R.M.
 MAPS, COMMUNITY PANEL NO. 4804100201 D, EFFECTIVE DATE: 02-09-2000.

BRAD KERR
 REGISTERED PROFESSIONAL
 LAND SURVEYOR NO. 4502



THE FOLLOWING BLANKET EASEMENTS DO APPLY TO THIS TRACT:

1. CITY OF BRYAN 98/325
2. PRODUCERS GAS CO. 517/511
3. PRODUCERS GAS CO. 517/513
4. PRODUCERS GAS CO. 534/119
5. FERGUSON BURLESON COUNTY GAS GATHERING SYSTEM 2065/94

BUILDING SETBACK LINES PER CITY OF COLLEGE STATION U.D.O.

CM - CONTROLLING MONUMENT FOUND AND USED TO ESTABLISH PROPERTY LINES.

SEE METES AND BOUNDS PREPARED FEBRUARY, 2012, FOR MORE DESCRIPTIVE INFORMATION.

LINE	BEARING	DISTANCE
L1	S 84°23'35" E	70.89'
L2	N 00°40'34" W	1.51'
L3	S 82°03'38" E	195.36'
L4	N 68°42'55" W	189.31'
L5	N 56°54'36" W	108.66'
L6	N 48°14'35" W	163.14'
L7	N 47°03'10" W	129.80'
L8	N 55°08'22" E	198.90'
L9	N 05°17'42" E	218.35'
L10	S 81°11'52" E	256.72'

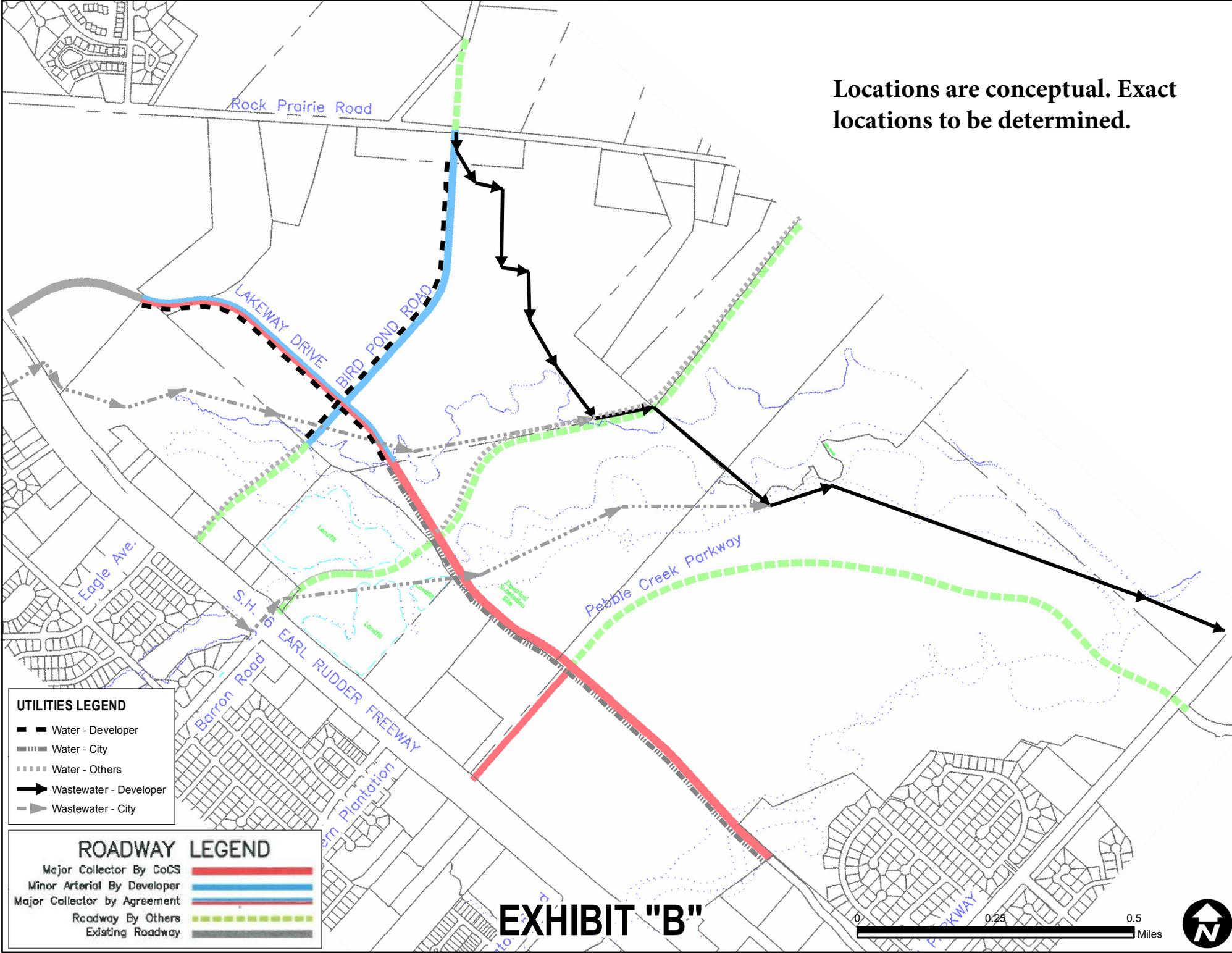


LAND BOUNDARY SURVEY PLAT
 OF A
 231.97 ACRE TRACT
 THOMAS CARUTHERS LEAGUE, A-9
 COLLEGE STATION, BRAZOS COUNTY, TEXAS

SCALE: 1 INCH = 200 FEET
 SURVEY DATE: FEB. 2012
 PLAT DATE: 02-24-12
 JOB NUMBER: 12-041
 CAD NAME: 12-041
 CRS FILE: 12-045 (job)

PREPARED BY: KERR SURVEYING, LLC
 409 N. TEXAS AVENUE
 BRYAN, TEXAS 77803
 PHONE (979) 268-3195

Locations are conceptual. Exact locations to be determined.



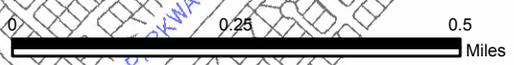
UTILITIES LEGEND

	Water - Developer
	Water - City
	Water - Others
	Wastewater - Developer
	Wastewater - City

ROADWAY LEGEND

	Major Collector By CoCS
	Minor Arterial By Developer
	Major Collector by Agreement
	Roadway By Others
	Existing Roadway

EXHIBIT "B"



Joe Orr, Inc.
A BASELINE CORPORATION CO.
Post Office Box 11979
College Station, TX 77842-1979
(979) 693-2777
TBPLS Firm no. 100544-00

Municipal Management District Two
Participating Tracts – 270.58 acres
College Station, Texas
June 2015

All those certain tracts or parcels of land lying and being situated in the Thomas Caruthers league (abstract no. 9) and Robert Stevenson league (abstract no. 54) in College Station, Brazos County, Texas, comprised of the remainder of that 25.79 acre tract conveyed to Brian Howard Perry by deed recorded in volume 10459, page 34 of the Official Public Records of Brazos County, Texas, all of that 10.35 acre tract conveyed to Barry C. Nelson by deed recorded in volume 10577, page 191 of the Official Public Records of Brazos County, Texas, all of that 231.97 acre tract conveyed to College Station Land Investment, LP by deed recorded in volume 10600, page 156 of the Official Public Records of Brazos County, Texas, and the remainder of that 2.996 acre tract conveyed to Chakde Holdings, L.L.C. by deed recorded in volume 10990, page 21 of the Official Public Records of Brazos County, Texas, and the boundary being more particularly described as follows:

Perry, Nelson and College Station Land Investment, LP tracts:

Beginning at the southeast corner Lot 1, Rock Prairie Baptist Church subdivision (vol. 7312, pg. 207), which is also an east corner of the said College Station Land Investment, LP 231.97 acre tract, and from where City of College Station GPS control monument no. 9 bears S 88° 50' 15" E – 2550.7 feet.

Thence along the common boundary of the said 231.97 acre tract and the Goen (vol. 10424, pg. 40), Clark (vol. 561, pg. 28) and Savage (vol. 7912, pg. 265) tracts as follows:

S 20° 22' 54" E – 112.43 feet, S 41° 53' 54" W – 1390.60 feet, S 48° 05' 26" E – 341.98 feet, S 48° 21' 21" E – 250.43 feet and S 48° 32' 07" E – 437.74 feet to the south corner of the said Savage tract, also being an east corner of the said 231.97 acre tract and a north corner of the City of College Station 100.64 acre tract (vol. 6927, pg. 226);

Thence S 77° 56' 03" W – 2981.71 feet along the common line of said 231.97 acre tract and the said 100.64 acres, to their west common corner in the northeast line of the City of College Station 46.60 acre tract (vol. 3310, pg. 321);

Thence N 68° 16' 02" W – 185.06 feet along the common line of said 231.97 acre tract and the said 46.60 acres, to their west common corner;

Thence along the common boundary of the said 231.97 acre tract and the Wheeler 71.52 acre (vol. 3007, pg. 341) tracts as follows:

N 57° 11' 22" W – 112.33 feet, N 47° 58' 11" W – 372.04 feet, N 47° 52' 01" W – 828.48 feet,

N 48° 14' 35" W – 163.14 feet, N 47° 03' 10" W – 128.80 feet and N 46° 26' 14" W – 535.34 feet to the most westerly corner of the said 231.97 acre tract;

Thence N 64° 40' 08" E – 5.63 feet to the most southerly corner of the said Perry 25.79 acre tract;

Thence N 47° 40' 38" W – 251.08 feet along the southwest line of the said Perry 25.79 acre tract to the north corner of the said Wheeler 71.52 acre tract, being an east corner of the Scott & White Healthcare Subdivision (vol. 10179, pg. 50);

Thence along the common boundary of the said Perry tract and said Scott & White subdivision as follows:

N 47° 37' 11" W – 128.13 feet, N 50° 49' 32" E – 930.60 feet and N 2° 42' 34" W – 1025.16 feet to the south right-of-way line of Rock Prairie Road East (118 ft. width);

Thence along the south right-of-way lines of Rock Prairie Road East (59.0 feet south of the surveyed centerline) as follows:

S 86° 27' 34" E – 1756.74 feet, S 85° 02' 05" E – 1226.41 feet, S 84° 23' 02" E – 70.75 feet to a right-of-way offset corner;

Thence N 0° 42' 21" W – 1.51 feet to another offset corner in the south right-of-way line of Rock Prairie Road East (115 ft. width);

Thence along the south right-of-way line of Rock Prairie Road East (57.5 feet south of the surveyed centerline), also being the north lines of said 231.97 acre tract, as follows:

S 84° 23' 02" E – 543.10 feet and S 82° 02' 02" E – 195.35 feet to the west line of said Lot 1, Rock Prairie Baptist Church subdivision, at a northeast corner of said 231.97 acre tract;

Thence along the common lines of said 231.97 acre tract and Lot 1, Rock Prairie Baptist Church subdivision as follows:

S 7° 57' 58" W – 528.77 feet and S 82° 02' 02" E – 699.33 feet to the Point of Beginning and containing 267.77 acres of land more or less.

Chakde Holdings tract:

Beginning at the southeast corner said Chakde Holdings 2.996 acre tract, located S 81° 00' 37" E – 428.78 feet from the point-of-beginning of the above described 270.58 acre tract, and from where City of College Station GPS control monument no. 9 bears N 89° 35' 21" E – 2126.7 feet.

Thence N 77° 25' 29" W – 169.24 feet to the southwest corner of the said 2.996 acre tract;

Thence N 0° 43' 14" W – 528.90 feet to the south right-of-way line of Rock Prairie Road East (115 ft. width);

Thence S 82° 02' 02" E – 293.41 feet along said south right-of-way line, parallel and 57.5 feet south of the surveyed centerline, to its intersection with the common line of the said 2.996 acre tract and the White 2.00 acre tract (vol. 1249, pg. 612);

Thence S 12° 44' 40" W – 538.30 feet along said common line of the Chakde and White to the Point of Beginning and containing 2.81 acres of land more or less.

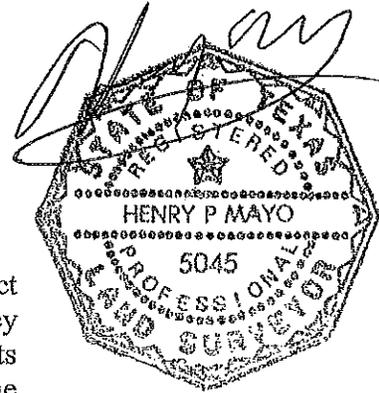
Combined, these two described tracts total 270.58 acres more or less.

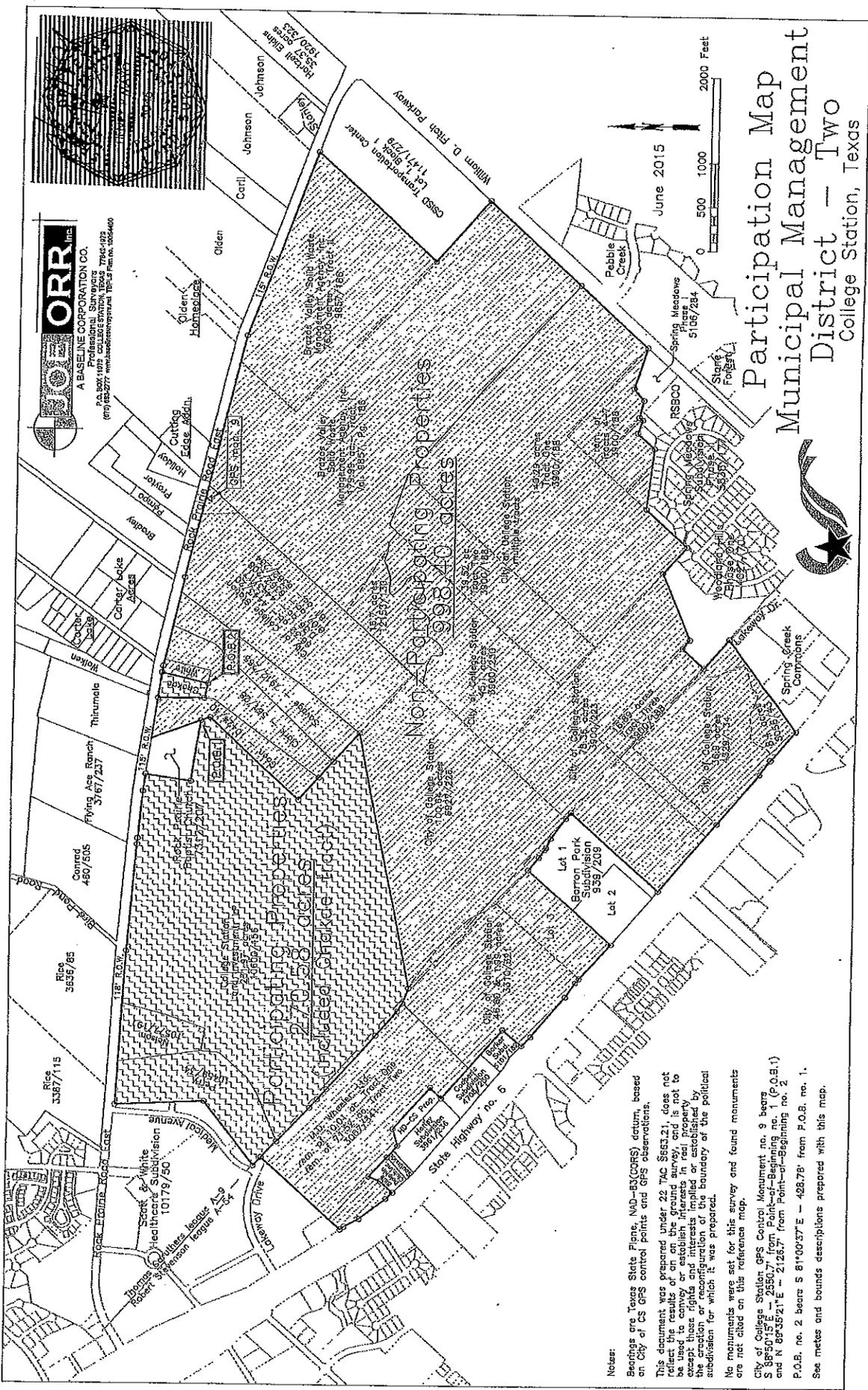
Bearings are Texas State Plane, NAD-83(CORS) datum, based on City of College Station GPS control points and GPS observations. Volume and page numbers cited refer to the Brazos County public records.

No monuments were set for this survey and found monuments are not cited.

This document was prepared under 22 TAC §663.21 does not reflect the results of an on the ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

See exhibit map prepared with this description, dated June 2015.





Participation Map Municipal Management District - Two College Station, Texas

Notar:

Bearings are Texas State Plane, NAD-83(CORS) datum, based on City of CS GPS control points and GPS observations. This document was prepared under 22 TAC §62.121, does not reflect the results of an on the ground survey. It is not to be used to convey or establish interests in real property except those rights and interests implied or established by prescription or reconfiguration of the boundary of the political subdivision for which it was prepared.

No monuments were set for this survey and found monuments are not cited on this reference map.

City of College Station: GPS Control Monument no. 9 bears S 89°50'15" E - 265.07' from Point-of-Beginning no. 1 (P.O.B. 1) and N 63°45'21" E - 212.54' from Point-of-Beginning no. 2

P.O.B. no. 2 bears S 81°00'37" E - 428.78' from P.O.B. no. 1.

See metes and bounds descriptions prepared with this map.



The
Arkitex
Studio, Inc.

308 N. Bryan Ave.
Bryan, TX 77803
P (979)821-2635
F (979)775-8224
www.arkitex.com

The Arkitex Studio, Inc. is providing, by agreement with certain parties, materials stored electronically. The parties recognize that data, plans, specifications, reports, documents, or other information recorded on or transmitted as electronic media (including but not necessarily limited to "CAD documents") are subject to undetectable alteration, either intentional or unintentional, due to, among other causes, transmission, conversion, media degradation, software error, or human alteration. Accordingly, all such documents are provided to the parties for informational purposes only and not as an end product or as a record document. Any reliance thereon is deemed to be unreasonable and unenforceable. The signed and/or stamped hard copies of the Architect's Instruments of Service are the only true contract documents of record.

**Spring Creek
Corporate Campus**
College Station, Texas,

Revisions	
Number	Date

Project 1230
April 2015

A1



1 GENERAL SITE MAP
Scale: +/- 1 : 4800

WHEREAS, the City and the District have determined that they are authorized by the Constitution and laws of the State of Texas to enter into this Agreement and have further determined that the terms, provisions and conditions hereof are mutually fair and advantageous to each; NOW, THEREFORE;

AGREEMENT

For and in consideration of these premises and of the mutual promises, obligations, covenants and benefits herein contained, the District and the City contract and agree as follows:

ARTICLE I DEFINITIONS

The capitalized terms and phrases used in this Agreement shall have the meanings as follows:

“Approving Bodies” shall mean the City, the Commission, the Attorney General of Texas, the Comptroller of Public Accounts of Texas, the United States Department of Justice and all other federal and state governmental authorities having regulatory jurisdiction and authority over the financing, construction or operation of the Facilities or the subject matter of this Agreement.

“Bonds” shall mean the District’s bonds, notes or other evidences of indebtedness issued from time to time for the purpose of financing the costs of acquiring, constructing, purchasing, operating, repairing, improving or extending the Facilities, whether payable from ad valorem taxes, the proceeds of one or more future bond issues or otherwise, and including any bonds, notes or similar obligations issued to refund such bonds.

“City Manager” shall mean the City Manager of the City.

“Commission” shall mean the Texas Commission on Environmental Quality or its successor agency of the State of Texas having jurisdiction over the District.

“District” shall mean Rock Prairie Management District No. 2, a body politic and corporate and a governmental agency of the State of Texas organized under the provisions of Article XVI, Section 59 and Article III, Sections 52 and 52-a of the Texas Constitution, Chapter 3909, Special District Local Laws Code and Chapter 375, Local Government Code, as amended, and which includes within its boundaries approximately _____ acres of land described on **Exhibit “A”** attached hereto, and any land that is annexed to the District with the consent of the City.

“District Assets” shall mean (i) all rights, title and interests of the District in and to the Facilities, (ii) any Bonds of the District which are authorized but have not been issued by the District, (iii) all rights and powers of the District under any agreements or commitments with any persons or entities pertaining to the financing, construction or operation of all or any portion of the Facilities and/or the operations of the District, and (iv) all books, records, files, documents, permits, funds and other materials or property of the District.

“District’s Obligations” shall mean (i) all outstanding Bonds of the District, (ii) all other debts, liabilities and obligations of the District to or for the benefit of any persons or entities relating to the financing, construction or operation of all or any portion of the Facilities or the operations of the District, and (iii) all functions performed and services rendered by the District, for and to the owners of property within the District and the customers of the Facilities.

“Facilities” shall mean and include the water distribution, sanitary sewer collection, transportation and treatment, and stormwater collection, detention and drainage systems, recreational, road and related facilities constructed or acquired or to be constructed or acquired by the District to serve lands within and adjacent to its boundaries, and all improvements, appurtenances, additions, extensions, enlargements or betterments thereto, together with all contract rights, permits, licenses, properties, rights-of-way, easements, sites and other interests related thereto. For purposes of conveyance to the City in Article III, Facilities do not include stormwater detention facilities or recreational facilities.

“UDO” means the Unified Development Ordinance of the City of College Station, as amended.

ARTICLE II DESCRIPTION, DESIGN, FINANCING AND CONSTRUCTION OF THE FACILITIES

2.01. Facilities. The Facilities shall be designed and constructed in compliance with all applicable requirements and criteria of the applicable Approving Bodies, including the UDO. The District shall not be required to design and construct the Facilities to requirements more stringent than the City’s requirements and criteria applicable to all design and construction within the City’s jurisdiction, unless required by State or Federal regulation or code. The District shall design, construct or extend the Facilities in such phases or stages as the District, in its sole discretion, from time to time may determine to be economically feasible.

2.02. Water Distribution and Supply Facilities. The City shall provide the

District with its ultimate requirements for water production supply as needed and required by the District, and same shall be provided without capital charges of any kind. The City shall supply water through water supply lines located at the points of connection to be determined by the City and the District through the plan approval process. In the provision of water supply to the District, the District will be subject to all rules and regulations concerning water capacity or supply generally applicable to water consumers including water conservation and drought contingency rules. The District will pay all design, easement, and construction costs for all off-site infrastructure that is required to provide City water service to the District, and all on-site water infrastructure, unless City requires any oversizing to serve land outside the District, which oversizing will be funded pursuant to the terms of the City's Unified Development Code. The District may make other points of connection to the City's water supply system as approved by the City engineer.

2.03. Wastewater Treatment Plant Facilities. The City and the District agree that the property located within the District is designated as part of the service area of the Lick Creek Wastewater Treatment Plant. The City represents that at this time it has sufficient capacity in the Lick Creek Wastewater Treatment Plant to serve the full development of the District as needed.

2.04 Wastewater Connections. The District will pay all design, easement, and construction costs for all off-site and on-site wastewater infrastructure that is required to collect wastewater and cause the wastewater to flow to the treatment plant. The District and City engineer will agree as to the mutually acceptable points of connection to the City's wastewater treatment system. All wastewater collected from customers within the District shall be delivered by gravity sewer through the wastewater points of discharge.

Notwithstanding the foregoing, the City shall not allow to be made any connection to the District's sanitary sewer system until, with respect to such connection:

(1) the City has inspected the connection and premises and has issued a building permit for that connection; and

(2) pursuant to the City ordinances, all buildings or structures served by connections shall be located entirely within the boundaries of a lot or parcel shown in a preliminary plan, final plat, site plan, or replat filed with and finally approved by the City Planning & Zoning Commission of the City and duly recorded in the official records of the county where the property is located (provided this limitation shall not apply if no preliminary plan, final plat, site plan, or replat is required by applicable State statutes, City ordinances or City Planning & Zoning Commission regulations).

2.05. Letter of Assurance and Issuance of Assignments of Capacity by the

District. The City agrees that, from time to time, the City shall, upon reasonable request, issue a letter of assurance to the District upon reasonable request of the District that the City has capacity in the Lick Creek Wastewater Treatment Plant and/or has sufficient water supply to serve the District.

ARTICLE III
OWNERSHIP, OPERATION AND MAINTENANCE OF FACILITIES

3.01. Ownership by the City. As the Facilities described in Article II (except for stormwater detention and recreational facilities) are acquired and constructed by the District, the District shall convey the same to the City free and clear of any encumbrances in a form of deed acceptable to the City. For purposes of this Article III, Facilities does not include stormwater detention facilities or recreational facilities as the City will not take ownership of stormwater detention facilities or recreational facilities.

3.02. Operation by the City. As construction of each phase of the Facilities is completed, representatives of the City shall inspect the same and, if the City finds that the same has been completed in accordance with the approved plans and specifications, the City will accept the same, whereupon such portion of the Facilities shall be operated and maintained by the City at its sole expense as provided herein. In the event that the Facilities have not been completed in accordance with the approved plans and specifications the City will immediately advise the District in what manner the Facilities do not comply, and the District shall immediately correct the same; whereupon the City shall again inspect the Facilities and accept the same if the defects have been corrected. During the term of this Agreement, the City will operate the Facilities and, as to water and wastewater infrastructure, provide service to all users within the District without discrimination. The City shall at all times maintain the Facilities or cause the same to be maintained, in good condition and working order and will operate the same, or cause the same to be operated, in an efficient and economical manner at a reasonable cost and in accordance with sound business principles in operating and maintaining the Facilities, and the City will comply with all contractual provisions and agreements entered into by it and with all valid rules, regulations, directions or orders by any governmental administrative or judicial body promulgating the same.

3.03. Rates and Meters. The City shall bill and collect fees from District customers of the water and wastewater system and shall from time to time fix or adjust such rates and charges for such customers of the system as the City, in its sole discretion, determines are necessary; provided that the rates and charges for services afforded by the system will be equal and uniform to those charged other similar classifications of users in non-municipal utility district areas of the City. All water and wastewater revenues from the District customers shall belong exclusively to the City.

The City shall be responsible for providing and installing any necessary meters for the individual customers.

3.04. Tap Fees / Connection Charges. Notwithstanding any City ordinance to the contrary, the City will impose a charge for tap fees or connections to the water and wastewater system at a rate to be determined from time to time by the City, provided the charge is equal to the sums charged other City users for comparable connections, and the connection charges shall belong exclusively to the City.

3.05 Condemnation of Property. Pursuant to Chapter 3909, Special District Local Laws Code, the District may not exercise the power of eminent domain.

ARTICLE IV FINANCING OF FACILITIES

4.01 Authority of District to Issue Bonds. The District shall have the authority to issue, sell and deliver Bonds from time to time, as deemed necessary and appropriate by the Board of Directors of the District, for the purposes, in such form and manner and as permitted or provided by federal law, the general laws of the State of Texas and the City's Consent Resolution. The authorizing order or resolution regarding the issuance of bonds, which bonds shall be and remain obligations of the District until its dissolution, must be approved the City Council to the extent that such resolution is in compliance with the City's Consent Resolution.

At least thirty (30) days before the issuance of bonds, except refunding bonds, the District's financial advisor shall certify in writing that bonds are being issued within the existing economic feasibility guidelines established by the TCEQ, if applicable, whether or not the District has been approved by the TCEQ. The report, provided to the City Manager, should also state the following:

- The amount of bonds being proposed for issuance,
- The projects to be funded by such bonds,
- The proposed debt service tax rate after issuance of the bonds.

Within thirty (30) days after the District closes the sale of a series of bonds, the District shall deliver to the City Manager a copy of the final official statement for such series of bonds as well as any additional information requested by the City and provide the City with a complete transcript of bond proceedings within sixty (60) days after the date the bonds are delivered.

Terms of any refunding proposed by the District must be approved by the City Council.

4.02 Purpose for Bonds and Use of Bond Proceeds. The District will issue Bonds only for the purpose of purchasing and constructing or otherwise acquiring Facilities, or parts thereof, and to make any and all necessary purchases, construction, improvements, extensions, additions, and repairs thereto, and purchase or acquire all necessary land, right-of-way, easements, sites, equipment, buildings, plants, structures, and facilities therefor within or without the boundaries of the District, and providing for developer interest and for any necessary capitalized interest and costs of issuance.

4.03 Bond Provisions. The District's Bonds shall expressly provide that the District reserves the right to redeem the Bonds on any date subsequent to the eighth anniversary of the date of issuance without premium and will be sold only after the taking of public bid therefore. None of such Bonds, other than refunding bonds, will be sold for less than 95% of par; provided that the net effective interest rate on Bonds so sold, taking into account any discount or premium as well as the interest rate borne by such bonds, will not exceed two percent above the highest average interest rate reported by the Daily Bond Buyer in its weekly "20 Bond Index" during the one-month period next preceding the date notice of the sale of such bonds is given, and that bids for the bonds will be received not more than forty-five days after notice of sale of the bonds is given. The Bonds shall not have a maturity of more than thirty years and shall not provide for more than twenty-four months of capitalized interest.

4.04. Bonds as Obligation of District. Unless and until the City shall dissolve the District and assume the properties, assets, obligations and liabilities of the District, the Bonds of the District, as to both principal and interest, shall be and remain obligations solely of the District and shall never be deemed or construed to be obligations or indebtedness of the City; the Bonds shall not contain a pledge of any of the water and wastewater revenues.

4.05. Construction by Third Parties. From time to time, the District may enter into one or more agreements, (hereinafter, "Development Financing Agreement") with landowners or developers of property located within or in the vicinity of the District whereby such landowners or developers will undertake, on behalf of the District, to pre-finance and pre-construct, in one or more phases, all or any portion of the Facilities. Under the terms of each Development Financing Agreement, the landowners or developers will be obligated to finance and construct the Facilities in the manner which would be required by law if such work were being performed by the District. Each Development Financing Agreement will provide for the purchase of the Facilities from the landowners or developers using the proceeds of one or more issues of Bonds, as otherwise permitted by law and the applicable rules, regulations and guidelines of the applicable Approving Bodies or as provided in Section 5.01 below.

ARTICLE V
DISTRICT TAXES

5.01. District Taxes. The District is authorized to assess, levy and collect ad valorem taxes upon all taxable properties within the District to provide for (i) the payment in full of the District's Obligations, including principal, redemption premium, if any, or interest on the Bonds and to establish and maintain any interest and sinking fund, debt service fund or reserve fund and (ii) for maintenance purposes, all in accordance with applicable law. The parties agree that nothing herein shall be deemed or construed to prohibit, limit, restrict or otherwise inhibit the District's authority to levy ad valorem taxes as the Board of Directors of the District from time to time may determine to be necessary. The City and the District recognize and agree that all ad valorem tax receipts and revenues collected by the District shall become the property of the District and may be applied by the District to the payment of all or any designated portion of the principal or redemption premium, if any, or interest on the Bonds or otherwise in accordance with applicable law. Each party to this Agreement agrees to notify the other party as soon as is reasonably possible in the event it is ever made a party to or initiates a lawsuit for unpaid taxes.

5.02. Sale or Encumbrance of Facilities. It is acknowledged that, except as otherwise provided in Article III of this Agreement, the District may not dispose of or discontinue any portion of the Facilities.

ARTICLE VI
DISSOLUTION OF THE DISTRICT

6.01. Dissolution of District Prior to Retirement of Bonded Indebtedness. The City and the District recognize that, as provided in the laws of the State of Texas, the City has the right to dissolve the District and to acquire the District's assets and assume the District's obligations. Notwithstanding the foregoing, the City shall not dissolve the District until that certain Infrastructure and Economic Development Agreement between the City and College Station Town Center, L.P. (on behalf of itself and the District) (the "Chapter 380 Agreement") has been terminated or the term of the Chapter 380 Agreement has expired.

Upon dissolution of the District, the City shall acquire the District's assets and shall assume the District's obligations. If requested by the District, the City shall afford the District the opportunity to discharge any remaining District's obligations pursuant to any existing Development Financing Agreements of the District, by either (i) authorizing the District to sell its Bonds before or during a transition period prior to the effective date of dissolution as established by the City, or (ii) pursuant to Local Government Code Section 43.080, as amended, issuing and selling bonds of the City in

at least the amount necessary to discharge the District's obligations, including those under any Development Financing Agreements.

6.02. Transition upon Dissolution. In the event all required findings and procedures for the annexation and dissolution of the District have been duly, properly and finally made and satisfied by the City, and unless otherwise mutually agreed by the City and the District pursuant to then existing law, the District agrees that its officers, agents and representatives shall be directed to cooperate with the City in any and all respects reasonably necessary to facilitate the dissolution of the District and the transfer of the District's assets to, and the assumption of the District's obligations by, the City.

ARTICLE VII REMEDIES IN EVENT OF DEFAULT

7.01. Remedies. The parties hereto expressly recognize and acknowledge that a breach of this Agreement by either party may cause damage to the nonbreaching party for which there will not be an adequate remedy at law. Accordingly, in addition to all the rights and remedies provided by the laws of the State of Texas, in the event of a breach hereof by either party, the other party shall be entitled but not limited to the equitable remedy of specific performance or a writ of mandamus to compel any necessary action by the breaching party. In the event that a party seeks a remedy as provided in this Article or any monetary damages as otherwise provided in this Agreement, the breaching party shall be required to pay for the non-breaching party's attorney's fees and court costs.

ARTICLE VIII MISCELLANEOUS PROVISIONS

8.01. Force Majeure. In the event either party is rendered unable, wholly or in part, by force majeure to carry out any of its obligations under this Agreement, then the obligations of such party, to the extent affected by such force majeure and to the extent that due diligence is being used to resume performance at the earliest practicable time, shall be suspended during the continuance of any inability so caused, to the extent provided, but for no longer period. As soon as reasonably possible after the occurrence of the force majeure relied upon, the party whose contractual obligations are affected thereby shall give notice and the full particulars of such force majeure to the other party. Such cause, as far as possible, shall be remedied with all reasonable diligence.

8.02. Approvals and Consents. Approvals or consents required or permitted to be given under this Agreement shall be evidenced by an ordinance, resolution or order adopted by the governing body of the appropriate party or by a certificate executed by a person, firm or entity previously authorized to give such approval or consent on

behalf of the party. Approvals and consents shall be effective without regard to whether given before or after the time required for giving such approvals or consents.

8.03. Address and Notice. Unless otherwise provided in this Agreement, any notice to be given under this Agreement shall be given in writing and may be given either by depositing the notice in the United States mail postpaid, registered or certified mail, with return receipt requested; delivering the notice to an officer of such party; or sending the notice by prepaid telegram, when appropriate. Notice deposited by mail in the foregoing manner shall be effective the day after the day on which it is deposited. Notice given in any other manner shall be effective only when received by the party to be notified. For the purposes of notice, the addresses of the parties shall be as follows:

If to the City, to: City Manager
City of College Station
P.O. Box 9960
College Station, TX 77842

If to the District, to: Rock Prairie Management District No. 2
c/o Schwartz, Page & Harding, L.L.P.
1300 Post Oak Boulevard, Suite 1400
Houston, Texas 77056

The parties shall have the right from time to time to change their respective addresses by giving at least fifteen (15) days' written notice of such change to the other party.

8.04. Assignability. This Agreement may not be assigned by either except upon written consent of the other party.

8.05. No Additional Waiver Implied. The failure of either party to insist upon performance of any provision of this Agreement shall not be construed as a waiver of the future performance of such provision by the other party.

8.06. Reservation of Rights. All rights, powers, privileges and authority of the parties hereto not restricted or affected by the express terms and provisions hereof are reserved by the parties and, from time to time, may be exercised and enforced by the parties.

8.07. Parties in Interest. This Agreement shall be for the sole and exclusive benefit of the parties hereto and shall not be construed to confer any rights upon any third parties.

8.08. Merger. This Agreement embodies the entire understanding between the parties and there are no representations, warranties or agreements between the parties covering the subject matter of this Agreement other than the City Consent Resolution. If any provisions of the City Consent Resolution appear to be inconsistent or in conflict with the provisions of this Agreement, then the provisions contained in this Agreement shall be interpreted in a way which is consistent with the City Consent Resolution.

8.9. Captions. The captions of each section of this Agreement are inserted solely for convenience and shall never be given effect in construing the duties, obligations or liabilities of the parties hereto or any provisions hereof, or in ascertaining the intent of either party, with respect to the provisions hereof.

8.10. Interpretations. This Agreement and the terms and provisions hereof shall be liberally construed to effectuate the purposes set forth herein and to sustain the validity of this Agreement.

8.11. Severability. If any provision of this Agreement or the application thereof to any person or circumstances is ever judicially declared invalid, such provision shall be deemed severed from this Agreement and the remaining portions of this Agreement shall remain in effect.

8.12. Term and Effect. This Agreement shall remain in effect until the earlier to occur of (i) the dissolution of the District by the City or (ii) the expiration of thirty (30) years from the date hereof.

List of Exhibits
Exhibit "A": Metes and Bounds of the District

[SIGNATURE PAGES FOLLOW]

IN WITNESS WHEREOF, the parties hereto have executed this Agreement in multiple copies, each of equal dignity, on this ____ day of ____ 2015.

THE CITY OF COLLEGE STATION, TEXAS

Mayor

ATTEST/SEAL:

City Secretary

APPROVED AS TO FORM:

City Attorney

ROCK PRAIRIE MANAGEMENT DISTRICT
NO. 2

By: _____
President, Board of Directors

ATTEST:

By: _____
Secretary, Board of Directors

(SEAL)

Exhibit "F"
NOTICE TO PURCHASERS

The real property, described below, that you are about to purchase is located in Rock Prairie Management District No. 2 (the "District"). The District has taxing authority separate from any other taxing authority, and may, subject to voter approval, issue an unlimited amount of bonds and levy an unlimited rate of tax in payment of such bonds. As of this date, the District has not yet levied taxes on real property located within the District. However, the most recent projected rate of tax, as of this date, is \$_____ on each \$100 of assessed valuation. The total amount of bonds, excluding refunding bonds and any bonds or any portion of bonds issued that are payable solely from the revenues received or expected to be received under a contract with a governmental entity, approved by the voters and which have been or may, at this date, be issued is \$_____, and the aggregate initial principal amounts of all bonds issued for one or more of the specified facilities of the District and payable in whole or in part from property taxes is \$_____.

The District is located within the corporate boundaries of the City of College Station, Texas (the "City"). The taxpayers of the District are subject to the taxes imposed by the City and by the District until the District is dissolved. By law, a district located within the corporate boundaries of a municipality may be dissolved by municipal ordinance without the consent of the district or the voters of the district.

The purpose of this District is to provide water, sewer, drainage, flood control, recreational, road and parking facilities and services and an economic development program and services within the District through the issuance of bonds payable in whole or in part from property taxes. The cost of these facilities and services is not included in the purchase price of your property.

The legal description of the property which you are acquiring is described in Exhibit "A" attached hereto and made a part hereof.

_____, Seller

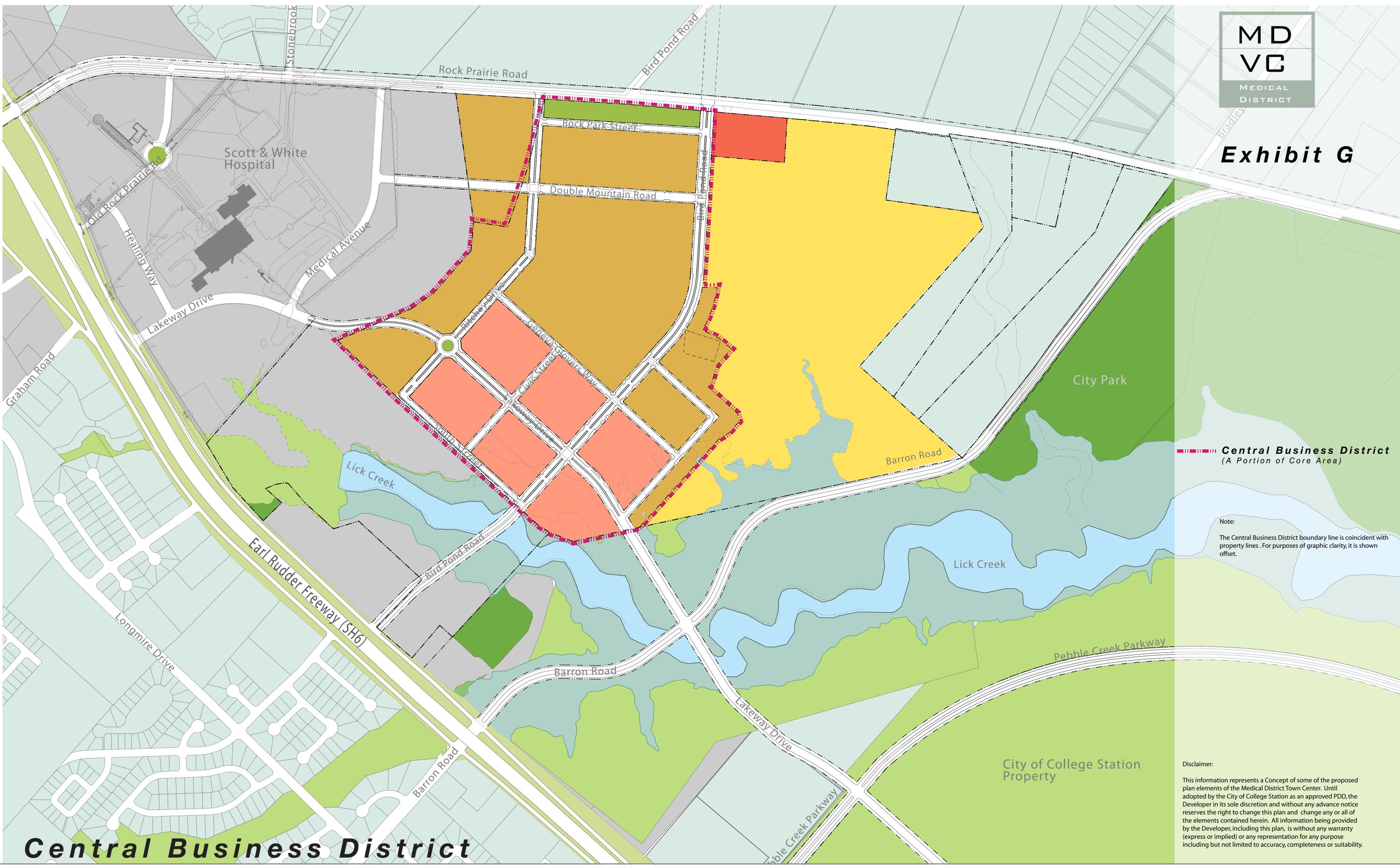
Date

By: _____
Name: _____
Title: _____

This instrument was acknowledged before me on this ____ day of _____, by _____.

Notary Public in and for
the State of T E X A S

(SEAL)



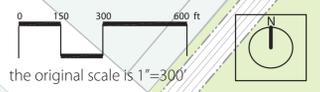
Central Business District
(A Portion of Core Area)

Note:
The Central Business District boundary line is coincident with property lines. For purposes of graphic clarity, it is shown offset.

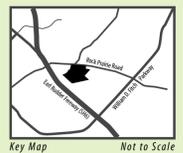
Disclaimer:
This information represents a Concept of some of the proposed plan elements of the Medical District Town Center. Until adopted by the City of College Station as an approved PDD, the Developer in its sole discretion and without any advance notice reserves the right to change this plan and change any or all of the elements contained herein. All information being provided by the Developer, including this plan, is without any warranty (express or implied) or any representation for any purpose including but not limited to accuracy, completeness or suitability.

Central Business District
Medical District Village Center - ±241.82 Ac
Conceptual Master Plan

June 26, 2015



ADDRESS:
4200 Rock Prairie Rd
Area H Acreage Tracts



APPLICANT:
SLA Studio-Land
1900 West Loop South, Studio 1900
Houston, Texas 77027
Tel: 713-787-0719

DEVELOPER:
College Station Land Development, LLC
3600 Texas 6 Frontage Road #100
College Station, Texas 77845
(979) 985-5610



Legislation Details (With Text)

File #:	15-0348	Version:	1	Name:	Resolution for Rock Prairie Management District No. 2
Type:	Resolution	Status:		Status:	Agenda Ready
File created:	6/24/2015	In control:		In control:	City Council Regular
On agenda:	7/9/2015	Final action:		Final action:	
Title:	Presentation, possible action, and discussion regarding a resolution consenting to the creation of Rock Prairie Management District No. 2 generally located within the southeast quadrant of State Highway 6 and Rock Prairie Road.				
Sponsors:	Natalie Ruiz				
Indexes:					
Code sections:					
Attachments:	City Consent Resolution.pdf Exhibit A.pdf Exhibit A Map.pdf				

Date	Ver.	Action By	Action	Result
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Presentation, possible action, and discussion regarding a resolution consenting to the creation of Rock Prairie Management District No. 2 generally located within the southeast quadrant of State Highway 6 and Rock Prairie Road.

Relationship to Strategic Goals: (Select all that apply)

- Financially Sustainable City
- Core Services and Infrastructure

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

Summary: The College Station Medical District Master Plan adopted in October 2012 outlined several implementation strategies including the creation of a municipal management district. As a result, the City worked closely with local and state leaders to pass enabling legislation during the 83rd Legislature creating Rock Prairie Management Districts No. 1 and No. 2. This legislation provided the framework for both districts to implement the Master Plan. This resolution consents to the creation of District No. 2 which is predominantly the land owned by College Station Town Center, LP. The purpose of the district is to construct and finance water, wastewater, storm water, detention, drainage, roadways and recreational facilities to serve land within the District. Rock Prairie Management District No. 2 will be managed by a Board of Directors appointed by the City of College Station and meeting the criteria of state law.

Budget & Financial Summary: The District will have the authority to issue, sell and deliver bonds as deemed necessary by the Board.

Attachments:

Resolution

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS AUTHORIZING CERTAIN TERRITORY WITHIN THE CORPORATE LIMITS OF THE CITY OF COLLEGE STATION, TEXAS TO BE INCLUDED WITHIN ROCK PRAIRIE MANAGEMENT DISTRICT NO. 2

WHEREAS, Rock Prairie Management District No. 2 (the "District") was created pursuant to a special act in the 83rd Legislature and codified in Chapter 3909, Special District Local Laws Code under the authority of Sections 52 and 52-a, Article III, and Section 59, Article XVI, Texas Constitution, said District to encompass the land described in **Exhibit A**; and

WHEREAS, the City desires to consent to the creation of and inclusion of land into the District upon the terms and conditions set forth in this resolution:

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

Section 1. All of the matters and facts set out in the preamble hereof are true and correct.

Section 2. The City Council officially finds, determines, recites and declares that sufficient written notice of the date, hour, place and subject of this meeting of the City Council was posted at a place convenient to the public at the City Hall of the City for the time required by law preceding this meeting, as required by the Open Meetings Law, Texas Government Code, Chapter 551 and that this meeting has been open to the public as required by law at all times during which this Resolution and the subject matter thereof has been discussed, considered and formally acted upon. The City Council further ratifies, approves and confirms such written notice and the contents and posting thereof.

Section 3. Subject to the terms and conditions hereinafter set forth the City Council of the City of College Station, Texas hereby consents to the creation of ROCK PRAIRIE MANAGEMENT DISTRICT NO. 2 within the corporate limits of the City and further consents to the inclusion of the property described in **Exhibit A** within the boundaries of said District.

Section 4. Additional territory shall not be added to or annexed by the District nor shall the District be permitted to serve territory located outside the District without the written consent of City. The District shall not be authorized to exercise the power of eminent domain to acquire any interest in property that is located outside the

boundaries of the District except when such power is exercised upon the written consent of City.

Section 5. Infrastructure.

- (a) Public Infrastructure/Utility Agreement. All water distribution, sanitary sewer collection, detention and drainage systems, recreational, road and related facilities constructed or acquired by the District shall be designed and constructed in compliance with all applicable requirements and criteria of the City. The Developer will cause the District to enter into a written City contract for the City to provide water and wastewater services to the District. The District must pay all applicable connection fees. All District utility infrastructure must be designed and constructed as a part of the City's regional utility system and in compliance with the City's Water Master Plan and City's Wastewater Master Plan. Except as described below, the District will not own any facilities without the City's written approval. The District will finance water, wastewater, drainage, and road facilities and, to the extent permitted by law, recreation facilities, and convey those facilities (except for stormwater detention and recreational facilities) within the City's service areas to the City, upon completion of construction, for operation and maintenance.
- (b) City Approvals. Plans for District infrastructure shall be prepared, reviewed and approved in accordance with City ordinances. District infrastructure shall be constructed in accordance with City design standards. The City reserves the right to inspect all facilities being constructed by or on behalf of the District and to charge inspection fees required by ordinance.
- (c) Service Outside Boundaries. The District may not provide water or wastewater service outside the boundaries of the District or enter into an agreement with another District or municipality to receive water and wastewater service without written consent from the City.
- (d) Park and Recreational Facilities. The District may use any available revenue source (other than ad valorem taxes) to construct, maintain and finance those park and recreational facilities and improvements permitted under Chapter 3909, Special District Local Laws Code and Chapter 375 , Texas Local Government Code.

Section 6. Financings.

- (a) Bonds. The District shall have the authority to issue, sell and deliver bonds from time to time, as deemed necessary and appropriate by the Board of Directors of the District, for the purposes, in such form and manner and as permitted or provided by federal law, the general laws of the State of Texas and this Resolution. The authorizing order or resolution regarding the issuance of any series of bonds, which bonds shall be and remain obligations of the District until its dissolution, must be approved by the City Council. The City Council may refuse to give its approval for the issuance of bonds or limit the amount of bonds issued by the District if the District is not in compliance with the City's requirements contained in this consent resolution or ancillary documents. The City will request compliance with the following terms and reporting requirements:
- (1) The District's initial bond debt maturity date will not exceed thirty (30) years. Once the District has established a maturity date for its initial bonds, the maturity date for any additional bonds will not extend beyond the maturity date for the initial bonds, without the approval of the City.
 - (2) The amount for each annual principal payment on bond debt should be substantially the same or only moderately increased throughout the repayment term. In any case, at least 40% of the principal must be repaid in the first half of the repayment schedule, unless a portion of the bonds are structured as capital appreciation bonds.
 - (3) The District may not fund capitalized interest in an amount in excess of the lesser of twenty-four (24) months or the amount approved by the TCEQ.
 - (4) The City may limit the District to only issue bonds secured by property taxes for the purposes of providing water, wastewater, drainage, road improvements and improvements in aid of the roads, including street lighting, landscaping, sidewalks and signage within the road right-of-way, as provided in Texas Water Code, Section 54.016(e).
 - (5) At least thirty (30) days before the issuance of bonds, except refunding bonds, the District's financial advisor shall certify in writing that bonds are being issued within the existing economic feasibility guidelines established by the TCEQ whether or not the

District has been approved by the TCEQ. The report, provided to the City Manager, should also state the following:

- i. The amount of bonds being proposed for issuance,
 - ii. The projects to be funded by such bonds,
 - iii. The proposed debt service tax rate after issuance of the bonds.
- (6) Within thirty (30) days after the District closes the sale of a series of bonds, the District shall deliver to the City Manager a copy of the final official statement for such series of bonds as well as any additional information requested by the City and provide the City with a complete transcript of bond proceedings within sixty (60) days after the date the bonds are delivered.
- (7) Terms of any refunding proposed by the District must be approved by the City Council.
- (b) Purpose for Bonds and Use of Bond Proceeds. The District will issue bonds only for the purpose of purchasing and constructing or otherwise acquiring the facilities described in Section 5 of this resolution, and to make any and all necessary purchases, construction, improvements, extensions, additions, and repairs thereto, and purchase or acquire all necessary land, right-of-way, easements, sites, equipment, buildings, plants, structures, and facilities related thereto, whether within or without the boundaries of the District, and providing for developer interest and for any necessary capitalized interest and costs of issuance.

Section 7. Other Conditions to City Consent.

- (a) The District will require that District board meetings be recorded and that such recordings be available on-line. The District will require that minutes of District board meetings will be available on-line. In addition to compliance with the Open Meeting Act, all District meetings shall be posted at City Hall and on the City's website.
- (b) The District shall send a copy of the order or other action setting an ad valorem tax rate to the City Secretary and the City Manager within thirty (30) days after District adoption of the rate.
- (c) The District shall send a copy of its annual audit to the City Manager. The District will also ensure that they are meeting accounting standards set by the Governmental Accounting Standards Board (GASB), and that they are fulfilling all arbitrage compliance reports to the satisfaction of the City Manager.

- (d) The District shall provide copies of any material event notices filed under applicable federal securities laws or regulations to the City Manager within thirty (30) days after filing such notices with the applicable federal agency.
- (e) The City shall have the right to review the District's annual budget. The District shall submit the proposed budget to the City Manager prior to adoption by the District for review and comment.

Section 8. Dissolution of District.

- (a) The City and the District recognize that, as provided in the laws of the State of Texas, the City has the right to dissolve the District and to acquire the District's assets and assume the District's obligations. Notwithstanding the foregoing, the City shall not dissolve the District until that certain Infrastructure and Economic Development Agreement between the City and College Station Town Center, L.P. (on behalf of itself and the District) (the "Chapter 380 Agreement") has been terminated or the term of the Chapter 380 Agreement has expired.
- (b) Upon dissolution of the District, the City shall acquire the District's assets and shall assume the District's obligations. If requested by the District, the City shall afford the District the opportunity to discharge any remaining District's obligations pursuant to any existing Development Financing Agreements of the District, by either (i) authorizing the District to sell its Bonds before or during a transition period prior to the effective date of dissolution as established by the City, or (ii) pursuant to Local Government Code Section 43.080, as amended, issuing and selling bonds of the City in at least the amount necessary to discharge the District's Obligations, including those under any Development Financing Agreements.

Section 9. City and College Station Town Center, L.P. have entered into a Utility and Road Agreement of even date with this resolution, wherein the parties have acted pursuant to Texas Local Government Code §552.014 to contract as to other matters not inconsistent with the terms of this resolution. City's consent given herein is expressly subject to the requirement that the District's Board of Directors must accept the assignment of such Agreement, ratify and agree to be bound by the terms thereof. Ratification and acceptance of the Utility and Road Agreement shall be the first substantive order of business following the District's organization, confirmation election and other preliminary matters necessary to constitute the District's governing body. District shall have no authority to issue bonds prior to its ratification and acceptance of the Utility and Road Agreement. This resolution shall expire and the consent herein given

shall be automatically revoked on the third anniversary hereof unless the Board of Directors of the District first adopts a resolution accepting, ratifying and adopting the Utility and Road Agreement.

Section 10. This resolution shall be effective immediately upon adoption.

PASSED AND APPROVED this the ____ day of _____, 2015.

Nancy Berry, Mayor

ATTEST:

Sherry Mashburn, City Secretary

APPROVED:

Carla A. Robinson, City Attorney

Exhibit A

Joe Orr, Inc.

A BASELINE CORPORATION CO.
Post Office Box 11979
College Station, TX 77842-1979
(979) 693-2777
TBPLS Firm no. 100544-00

Municipal Management District Two
Participating Tracts – 270.58 acres
College Station, Texas
June 2015

All those certain tracts or parcels of land lying and being situated in the Thomas Caruthers league (abstract no. 9) and Robert Stevenson league (abstract no. 54) in College Station, Brazos County, Texas, comprised of the remainder of that 25.79 acre tract conveyed to Brian Howard Perry by deed recorded in volume 10459, page 34 of the Official Public Records of Brazos County, Texas, all of that 10.35 acre tract conveyed to Barry C. Nelson by deed recorded in volume 10577, page 191 of the Official Public Records of Brazos County, Texas, all of that 231.97 acre tract conveyed to College Station Land Investment, LP by deed recorded in volume 10600, page 156 of the Official Public Records of Brazos County, Texas, and the remainder of that 2.996 acre tract conveyed to Chakde Holdings, L.L.C. by deed recorded in volume 10990, page 21 of the Official Public Records of Brazos County, Texas, and the boundary being more particularly described as follows:

Perry, Nelson and College Station Land Investment, LP tracts:

Beginning at the southeast corner Lot 1, Rock Prairie Baptist Church subdivision (vol. 7312, pg. 207), which is also an east corner of the said College Station Land Investment, LP 231.97 acre tract, and from where City of College Station GPS control monument no. 9 bears S 88° 50' 15" E – 2550.7 feet.

Thence along the common boundary of the said 231.97 acre tract and the Goen (vol. 10424, pg. 40), Clark (vol. 561, pg. 28) and Savage (vol. 7912, pg. 265) tracts as follows:

S 20° 22' 54" E – 112.43 feet, S 41° 53' 54" W – 1390.60 feet, S 48° 05' 26" E – 341.98 feet, S 48° 21' 21" E – 250.43 feet and S 48° 32' 07" E – 437.74 feet to the south corner of the said Savage tract, also being an east corner of the said 231.97 acre tract and a north corner of the City of College Station 100.64 acre tract (vol. 6927, pg. 226);

Thence S 77° 56' 03" W – 2981.71 feet along the common line of said 231.97 acre tract and the said 100.64 acres, to their west common corner in the northeast line of the City of College Station 46.60 acre tract (vol. 3310, pg. 321);

Thence N 68° 16' 02" W – 185.06 feet along the common line of said 231.97 acre tract and the said 46.60 acres, to their west common corner;

Thence along the common boundary of the said 231.97 acre tract and the Wheeler 71.52 acre (vol. 3007, pg. 341) tracts as follows:

N 57° 11' 22" W – 112.33 feet, N 47° 58' 11" W – 372.04 feet, N 47° 52' 01" W – 828.48 feet,

N 48° 14' 35" W – 163.14 feet, N 47° 03' 10" W – 128.80 feet and N 46° 26' 14" W – 535.34 feet to the most westerly corner of the said 231.97 acre tract;

Thence N 64° 40' 08" E – 5.63 feet to the most southerly corner of the said Perry 25.79 acre tract;

Thence N 47° 40' 38" W – 251.08 feet along the southwest line of the said Perry 25.79 acre tract to the north corner of the said Wheeler 71.52 acre tract, being an east corner of the Scott & White Healthcare Subdivision (vol. 10179, pg. 50);

Thence along the common boundary of the said Perry tract and said Scott & White subdivision as follows:

N 47° 37' 11" W – 128.13 feet, N 50° 49' 32" E – 930.60 feet and N 2° 42' 34" W – 1025.16 feet to the south right-of-way line of Rock Prairie Road East (118 ft. width);

Thence along the south right-of-way lines of Rock Prairie Road East (59.0 feet south of the surveyed centerline) as follows:

S 86° 27' 34" E – 1756.74 feet, S 85° 02' 05" E – 1226.41 feet, S 84° 23' 02" E – 70.75 feet to a right-of-way offset corner;

Thence N 0° 42' 21" W – 1.51 feet to another offset corner in the south right-of-way line of Rock Prairie Road East (115 ft. width);

Thence along the south right-of-way line of Rock Prairie Road East (57.5 feet south of the surveyed centerline), also being the north lines of said 231.97 acre tract, as follows:

S 84° 23' 02" E – 543.10 feet and S 82° 02' 02" E – 195.35 feet to the west line of said Lot 1, Rock Prairie Baptist Church subdivision, at a northeast corner of said 231.97 acre tract;

Thence along the common lines of said 231.97 acre tract and Lot 1, Rock Prairie Baptist Church subdivision as follows:

S 7° 57' 58" W – 528.77 feet and S 82° 02' 02" E – 699.33 feet to the Point of Beginning and containing 267.77 acres of land more or less.

Chakde Holdings tract:

Beginning at the southeast corner said Chakde Holdings 2.996 acre tract, located S 81° 00' 37" E – 428.78 feet from the point-of-beginning of the above described 270.58 acre tract, and from where City of College Station GPS control monument no. 9 bears N 89° 35' 21" E – 2126.7 feet.

Thence N 77° 25' 29" W – 169.24 feet to the southwest corner of the said 2.996 acre tract;

Thence N 0° 43' 14" W – 528.90 feet to the south right-of-way line of Rock Prairie Road East (115 ft. width);

Thence S 82° 02' 02" E – 293.41 feet along said south right-of-way line, parallel and 57.5 feet south of the surveyed centerline, to its intersection with the common line of the said 2.996 acre tract and the White 2.00 acre tract (vol. 1249, pg. 612);

Thence S 12° 44' 40" W – 538.30 feet along said common line of the Chakde and White to the Point of Beginning and containing 2.81 acres of land more or less.

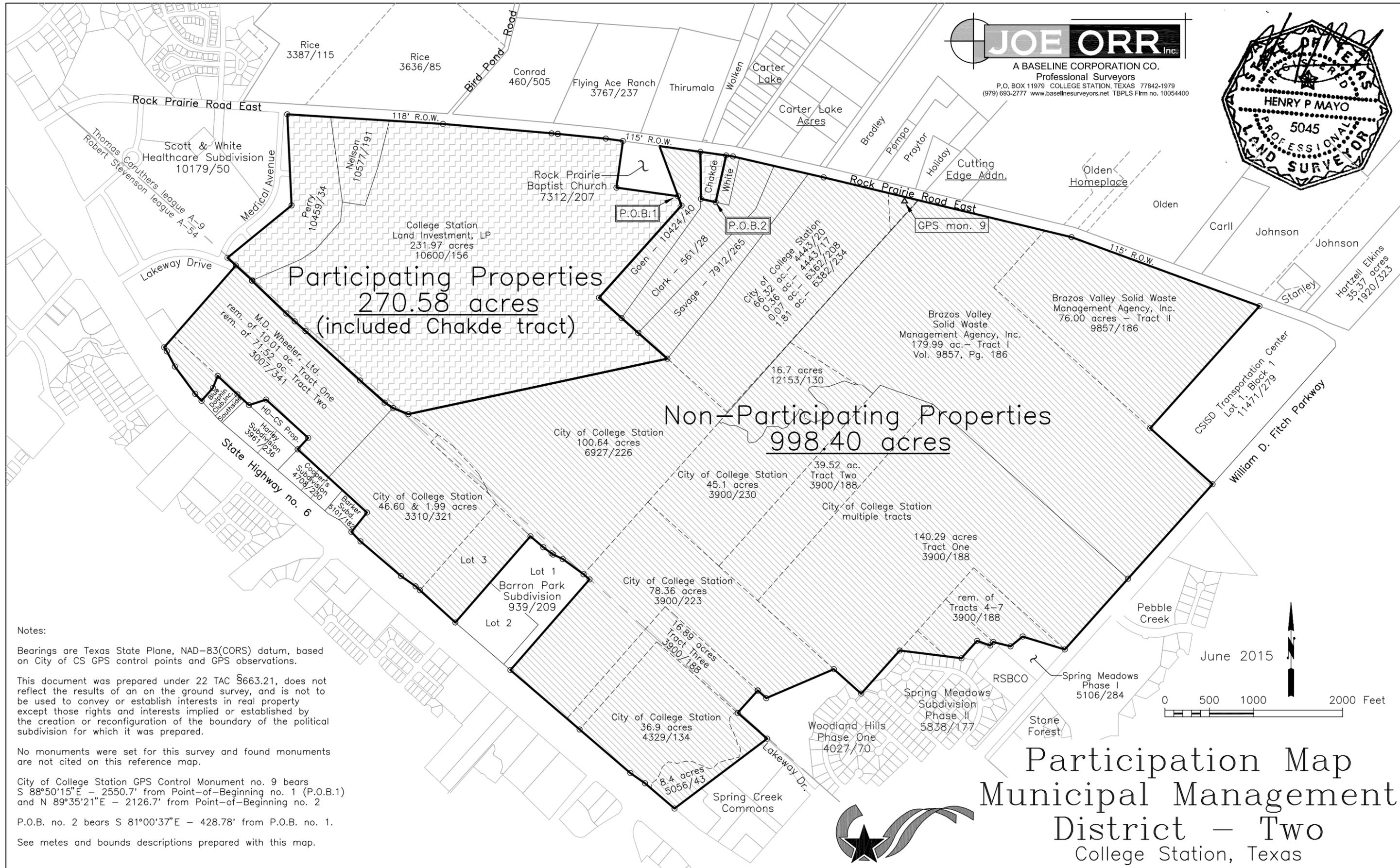
Combined, these two described tracts total 270.58 acres more or less.

Bearings are Texas State Plane, NAD-83(CORS) datum, based on City of College Station GPS control points and GPS observations. Volume and page numbers cited refer to the Brazos County public records.

No monuments were set for this survey and found monuments are not cited.

This document was prepared under 22 TAC §663.21 does not reflect the results of an on the ground survey and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.

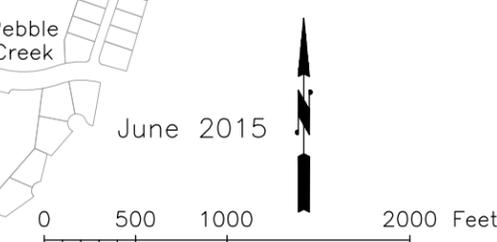
See exhibit map prepared with this description, dated June 2015.



Participating Properties
270.58 acres
(included Chakde tract)

Non-Participating Properties
998.40 acres

Notes:
Bearings are Texas State Plane, NAD-83(CORS) datum, based on City of CS GPS control points and GPS observations.
This document was prepared under 22 TAC §663.21, does not reflect the results of an on the ground survey, and is not to be used to convey or establish interests in real property except those rights and interests implied or established by the creation or reconfiguration of the boundary of the political subdivision for which it was prepared.
No monuments were set for this survey and found monuments are not cited on this reference map.
City of College Station GPS Control Monument no. 9 bears S 88°50'15"E - 2550.7' from Point-of-Beginning no. 1 (P.O.B.1) and N 89°35'21"E - 2126.7' from Point-of-Beginning no. 2
P.O.B. no. 2 bears S 81°00'37"E - 428.78' from P.O.B. no. 1.
See metes and bounds descriptions prepared with this map.



Participation Map
Municipal Management
District - Two
College Station, Texas





Legislation Details (With Text)

File #: 15-0349 **Version:** 1 **Name:** Rock Prairie District No. 2 Board of Directors
Type: Minutes **Status:** Agenda Ready
File created: 6/24/2015 **In control:** City Council Regular
On agenda: 7/9/2015 **Final action:**
Title: Presentation, possible action, and discussion regarding the appointment of the Board of Directors for Rock Prairie Management District No. 2.
Sponsors: Natalie Ruiz
Indexes:
Code sections:
Attachments: [Board Recommendations Bios.pdf](#)

Date	Ver.	Action By	Action	Result
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Presentation, possible action, and discussion regarding the appointment of the Board of Directors for Rock Prairie Management District No. 2.

Relationship to Strategic Goals: (Select all that apply)

- Good Governance
- Core Services and Infrastructure

Recommendation(s): Staff recommends approval.

Summary: The state legislation that created Rock Prairie Management District No. 2 provided for a Board of Directors to manage the District. The initial Board will consist of five (5) voting directors who serve staggered terms of four (4) years with two (2) or three (3) directors' terms expiring June 1 of each odd-numbered year. The Board may change the number of voting directors in the future with approval of the City Council. To qualify as a director, a person must be at least 18 years old and a resident of the district; an owner of property in the district; an owner of stock of a corporate owner of property in the district; an owner of a beneficial interest in a trust that owns property in the district; or, an agent, employee or tenant of a person the listed above. The owner of the College Station Town Center tract nominated five directors that meet the minimum qualifications.

Budget & Financial Summary: None.

Attachments:
Director Recommendations

College Station Land Development, LLC (CSLD)

Board Member Recommendations

Jeff Brown

Jeff Brown is co-founder and managing partner of RoseRock Capital. Mr. Brown is an attorney, financial officer, accomplished venture capitalist and business leader. With 25 years of experience in law, finance, business development, and strategic planning, Mr. Brown brings a diverse skill-set and proven business success to Seed Sumo. He has taken a lead role in and completed investments, mergers and acquisitions of both public and private companies valued in excess of \$5 billion. He led the venture capital team for Cox Communications from 1999 to 2006. During that time his team invested in and managed dozens of software and hardware companies in the telecommunications, television, internet and entertainment industries.

Mr. Brown oversees all financial and legal concerns of RoseRock and is responsible for the efficient and strategic management of the company at a global and administrative level. He manages and is responsible for acquisitions, insurance, tax and accounting, and banking relationships. Mr. Brown is also responsible for equity capital and assists with investor relations.

Mr. Brown received his J.D., Magna Cum Laude, from South Texas College of Law in 1992 and a B.A. in Finance and Accounting from the University of Houston in 1989 after attending The University of Texas at Austin for three years.

College Station Land Development, LLC (CSLD)

Hays Glover

Hays Glover is President of Warwick Partners, a comprehensive financial planning and wealth management firm.

He is a member of the Board of Visitors of Trinity University, San Antonio, Texas and is the Finance Chair for the Bryan/College Station chapter of Entrepreneurs' Organization and fundraising co-chair for the St. Thomas Early Learning Center "Where Children Grow" Capital Campaign.

Hays is past president of the Brazos Valley Symphony Society, past president of the Board of Trustees of the St. Thomas Early Learning Center and was a member of the City of College Station Citizens Advisory Committee for the 2003 five-year General Obligation Capital Improvements Program. He is also a former Board member of Family Legacy Missions, International and the Health Education Foundation of Texas. Hays was also a participant in the 1984-1985 Class of Leadership Brazos.

Hays earned a BA from Trinity University in San Antonio, Texas and he holds the designations of Chartered Mutual Fund Counselor® and Certified Fund Specialist.

Hays and his wife, Robin, have three adult children.

College Station Land Development, LLC (CSLD)

Kamal Ariss

Kamal Ariss earned two degrees from Texas A&M University, a master's degree in land development in 1987 and a bachelor's degree in engineering technology in 1983. He currently serves as chair of the Chancellor's Century Council and the board of trustees for the A&M PAC. Ariss is a member of the 12th Man Champions Council and the Houston A&M Club. In addition to his gifts to renovate the Clayton W. Williams, Jr. Alumni Center, he is a Century Club donor at the Endowed level.

Ariss is a past member of the Board of Directors of The Association of Former Students and served as a representative at large prior to his election to the Board. During his return to College Station for the masters program, he helped found the first chapter of the Texas A&M University Beta Theta Pi Fraternity.

Ariss, now president and owner of Woodway Enterprises, a consulting and construction management services company in Houston, previously held the position of vice president of Business Development and Marketing for JE Dunn South Central with offices located in Houston, Dallas, Austin and Oklahoma City. JE Dunn Construction is a national third generation family-owned company and leader in the construction industry with a volume of \$3.2 billion in 2014.

Ariss is a member of the National Association of Industrial and Office Properties, Construction Owners Association of America, and CoreNet Global. Kamal serves on the board of directors for the Fort Bend County Chamber of Commerce, is actively involved in his community, and currently resides in Houston with his two children, Conner 14 and Maya 11.

College Station Land Development, LLC (CSLD)

Uri Geva

Uri Geva is the CEO of Infinity Sports & Entertainment, a Texas based digital agency that has helped such brands as the Tennessee Titans, Dallas Cowboys, World Poker Tour, Zig Ziglar, Larry Fitzgerald, Greg Jennings, Cal Ripken Jr, the Florida Panthers, Harlem Globetrotters, CJ Wilson, Deron Williams and hundreds of others via web solutions & social media creativity and integration.

Geva is also the proud owner of the Brazos Valley Bombers, a summer collegiate baseball team that has been ranked in the top 30 for attendance seven years running and has won the Summer Ball Conference 2010 largest attendance growth. The Bombers have had great successes on the field including making the making playoff for eight consecutive seasons and winning the 2013 National Championship, along with the Texas Collegiate League Championship both in 2013 & 2014.

Geva has been serving as the President of the Texas Collegiate League since 2008 and has provided leadership in providing expansion and stability to the owners in the league and national exposure via a Television deal with Fox College Sports.

Infinity's rapid growth has not gone unnoticed. The company appeared three times on the Aggie 100 List of fastest growing Aggie owned or managed businesses in the world, and four times on the Newman 10 Fastest Growing Business Award for the Brazos Valley area. Geva also serves on the Bryan / College Station Chamber of Commerce Executive Board and EO BCS Chapter Board.

Geva is the proud father of two magnificent daughters (Maya & Ella) and a husband to the love of his life Gali.

College Station Land Development, LLC (CSLD)

Randall Rother

Randall G. Rother founded Oakmont Group with Matt Davis in 1983.

Randy focuses much of his time in customizing the design of life insurance policies to maximize their efficiency in the overall wealth transfer programs. In addition, he helps to make the complex world of estate planning understandable to his clients so they can make their plans with more confidence. Randy works closely with accountants, attorneys, and other advisors to facilitate the complex needs of his clients.

Randy serves on the Boards of Kingdom Ranch and Kids Across America Thrift, both are Christian organizations that work with underprivileged kids. In addition, he is a deacon at Central Baptist Church in Bryan and was named Chairman Emeritus at Brazos Christian School after serving on the Board for 20 years. Randy also serves on the Texas A&M Planned Giving Council.

He has been married to Suzanne for 30 years and they have four grown children.



Legislation Details (With Text)

File #: 15-0354 **Version:** 1 **Name:** 3940 & 4300 North Graham Road- Comprehensive Plan Amendment

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

File created: 6/25/2015 **In control:** City Council Regular

On agenda: 7/9/2015 **Final action:**

Title: Public Hearing, presentation, possible action, and discussion regarding an ordinance amending the Comprehensive Plan Future Land Use and Character Map from Restricted Suburban to General Suburban for approximately 22 acres located at 3940 and 4300 North Graham Road, and more generally located west of Holleman Drive South near the Sherwood Heights Subdivision and immediately north of the city limit line.

Sponsors: Mark Bombek

Indexes:

Code sections:

Attachments: [Staff Report](#)
[Background](#)
[Aerial](#)
[Amendment Map](#)
[Ordinance.pdf](#)

Date	Ver.	Action By	Action	Result
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Public Hearing, presentation, possible action, and discussion regarding an ordinance amending the Comprehensive Plan Future Land Use and Character Map from Restricted Suburban to General Suburban for approximately 22 acres located at 3940 and 4300 North Graham Road, and more generally located west of Holleman Drive South near the Sherwood Heights Subdivision and immediately north of the city limit line.

Relationship to Strategic Goals:

- Core Services and Infrastructure
- Neighborhood Integrity
- Diverse Growing Economy

REVIEW CRITERIA

- 1. Changed or changing conditions in the subject area or the City:** The subject property is located just north of College Station's City limit boundary in an area annexed within the last seven years. Staff is not aware of any changed or changing conditions in the subject area.
- 2. Scope of the request:** The request is to amend the Comprehensive Plan Future Land Use and Character Map designation for approximately 22.26 acres from Restricted Suburban to General Suburban. This amendment to the Future Land Use and character Map would set the stage for a rezoning to allow a residential subdivision with high density single-family housing (average 5,000 square-foot lots) along an existing rural section road proposed as a future 2-Lane Major Collector,

in an area with a prevailing rural character. The proposed land use is more intense than the current surrounding land use and the proposed land uses for the area. Under the existing Restricted Suburban land use designation, future residential development would be characterized by a medium density with homes dispersed across lot sizes with a minimum of 10,000 square feet. This would allow a gross density of 4 units per acre as opposed to the requested change to General Suburban, which would allow a gross density of 8 units per acre effectively doubling the density in an area that is anticipated to be largely rural or low density residential.

- 3. Availability of adequate information:** A General Suburban designation allows for future development of a high-density single-family residential subdivision. Properties in this area are served by Wellborn Special Utility District. Wellborn SUD has indicated an ability to serve domestic water service to the proposed subdivision, but additional infrastructure improvements will be needed with further site development to meet minimum fire flow requirements.

Sanitary sewer service is currently not available in this area, necessitating the construction of a lift station and approximately one mile of force main to serve the property.

The property and surrounding area are not within the Fire Department's desired 4.5 minute response time.

Traffic Impact Analysis is not required for residential development. However, North Graham Road is substandard in both street width and condition.

- 4. Consistency with the goals and strategies set forth in the Plan:** The goal for College Station's Future Land Use and Character is to create a community with strong, unique neighborhoods, protected rural areas, special districts, distinct corridors, and a protected and enhanced natural environment. The subject property and surrounding area to the north are identified in the Comprehensive Plan as part of a future Neighborhood Planning area. While no area plan exists for the area at this point, it has been as an area for study at an undetermined time in the future.

The proposed amendment would essentially create a pocket of high-density single-family housing that would be out of character with the surrounding area.

- 5. Consideration of the Future Land Use & Character and/or Thoroughfare Plans:** The existing Future Land Use and Character designation on the property is "Restricted Suburban." "Restricted Suburban" is a designation for areas that should have a moderate level of development activities. This land use is typically characterized by larger single-family lots acting as a transitional use between higher density General Suburban land uses and lower density Estate and Rural land uses.

Generally, land located south of Rock Prairie Road West is planned for low intensity residential uses. Due to the location of the property, being at the very edge of the city limits and the existing rural residential development in the area, there is very little thoroughfare infrastructure planned in this area, limiting overall thoroughfare capacity.

The applicant has requested an amendment to "General Suburban." "General Suburban" is a designation for areas that should have a high- level of development with smaller lots (5,000 square feet or smaller if clustered around open space). The adjacent properties are designated

"Restricted Suburban," and properties to the south, across North Graham Road, are designated for "Rural" and the property is located along an existing rural section street that is reflective of the existing character and thoroughfare capacity of the area.

North Graham Road is designated as a 2-lane Major Collector on the City's Thoroughfare Plan Map and is proposed to maintain its current alignment. The roadway is currently built to a 2-lane rural section.

- 6. Compatibility with the surrounding area:** The adjacent land uses are large lot single-family and rural tracts varying in size from 2 to 45 acres (overall future density of 4 dwelling units per acre) and land to the immediate south and west, located in the City's Extraterritorial Jurisdiction, (ETJ) is largely rural agricultural land with the exception of the Sherwood Heights Subdivision which is a minimum half-acres subdivision. These existing developments are less dense than the Restricted Suburban designation prescribes. A General Suburban development will provide a different character than these existing developments.

Current agricultural land located to the north of the proposed amendment is designated as future Restricted Suburban. The proposed amendment is not consistent with future land uses further north across Holleman Drive South, a proposed 4-lane Major Collector, on Graham Road.

Current agricultural land located to the south across North Graham Road has been planned for the future Estate uses. The proposed amendment is not consistent with future land uses to the south as they still remain in the City's ETJ and are undeveloped.

- 7. Impacts on infrastructure including water, wastewater, drainage, and the transportation network:** The subject tract is located within Wellborn SUD's CCN. Wellborn SUD has indicated that they will provide domestic water service for this property. Domestic and fire flow demands will necessitate further water infrastructure improvements at the time of final platting. These utilities will be required to be designed and constructed in accordance with the B/CS Unified Design Guidelines.

The City does not currently have sanitary sewer infrastructure in the vicinity available to serve this property. The applicant has indicated that they plan to construct a lift station on the east side of the property with approximately a mile of force main that would connect to a gravity sanitary sewer system at the intersection of Rock Prairie Road and Keefer Loop, which is in the Steeplechase-Wellborn Sanitary Sewer Impact Fee Area (Steeplechase).

The sewer infrastructure within the Steeplechase sewer shed was designed with adequate capacity to serve that area. The subject property, however, is located within a different sewer shed, so the Steeplechase sewer infrastructure was not designed to support this additional development. Additionally, the current wastewater master plan was created with the expectation that this area of the City would remain low density or rural in character.

While there may currently be some sewer capacity available to serve this development, Staff is concerned that this development could compromise the city's ability to provide sewer service for other tracts within Steeplechase that were planned for under the current wastewater master plan. It should also be noted that the subject property is not subject to sewer impact fees and the proposed lift station and force main would become public infrastructure, maintained by the City. Typically, small lift stations have significant maintenance issues and associated costs long term

which are not recouped from the customers who are served by it. If lots in the proposed development had a minimum size of one acre, they could be served by on-site septic systems.

There is no FEMA regulated floodplain identified on the tract. The development will be required to comply with the City's drainage ordinance and BCS Unified Stormwater Design Guidelines.

The subject tract would have access to North Graham Road which is designated as a 2-Lane Major Collector on the Thoroughfare Plan.

- 8. Impact on the City's ability to provide, fund, and maintain services:** The subject property and surrounding area are not within the Fire Department's desired 4.5 minute response time, a performance indicator that can have bearing on the City's ISO rating.

The area surrounding this property is located within the Wellborn SUD water CCN.

There are currently no existing sanitary sewer mains available to serve this property, the applicant is proposing a lift station and force main to accommodate the development.

- 9. Impact on environmentally sensitive and natural areas:** This area is not recognized as environmentally sensitive.

- 10. Contribution to the overall direction and character of the community as captured in the Plan's vision and goals:** The goal for College Station's Future Land Use and Character is to create a community with strong, unique neighborhoods, protected rural areas, special districts, distinct corridors, and a protected and enhanced natural environment. The proposed amendment from Restricted Suburban to General Suburban on just over 22 acres does limit the general goals of the Comprehensive Plan. The amendment is proposing a density and level of service to an area that currently does not have the capacity for given the current conditions.

Recommendation(s): The Planning and Zoning Commission considered this item at their June 18, 2015 meeting and voted 3-2 to recommend approval of the request. Staff recommends denial of the request. The City's Comprehensive Plan is a long-range, twenty-year plan that includes future land uses, thoroughfares, and utility lines that are planned and considered together to assure that future development is adequately served, and is not an indication of the appropriate timing of development.

Summary: The applicant is requesting an amendment to General Suburban on the Future Land Use and Character Map and as a step toward permitting a high-density single-family residential subdivision on approximately 22 acres located west of the Sherwood Heights Subdivision and immediately north of the city limits boundary. The subject property and properties to the north, east, and west are primarily designated Restricted Suburban, while land to the south is designated Rural on the Future Land Use and Character Map.

Budget & Financial Summary: N/A

Attachments:

1. Background Information
2. Aerial

3. Amendment Map
4. Ordinance



CITY OF COLLEGE STATION
Home of Texas A&M University®

**REZONING REQUEST
FOR
3940 & 4300 North Graham Road
REZ2015-000002**

REQUEST: R Rural to GS General Suburban

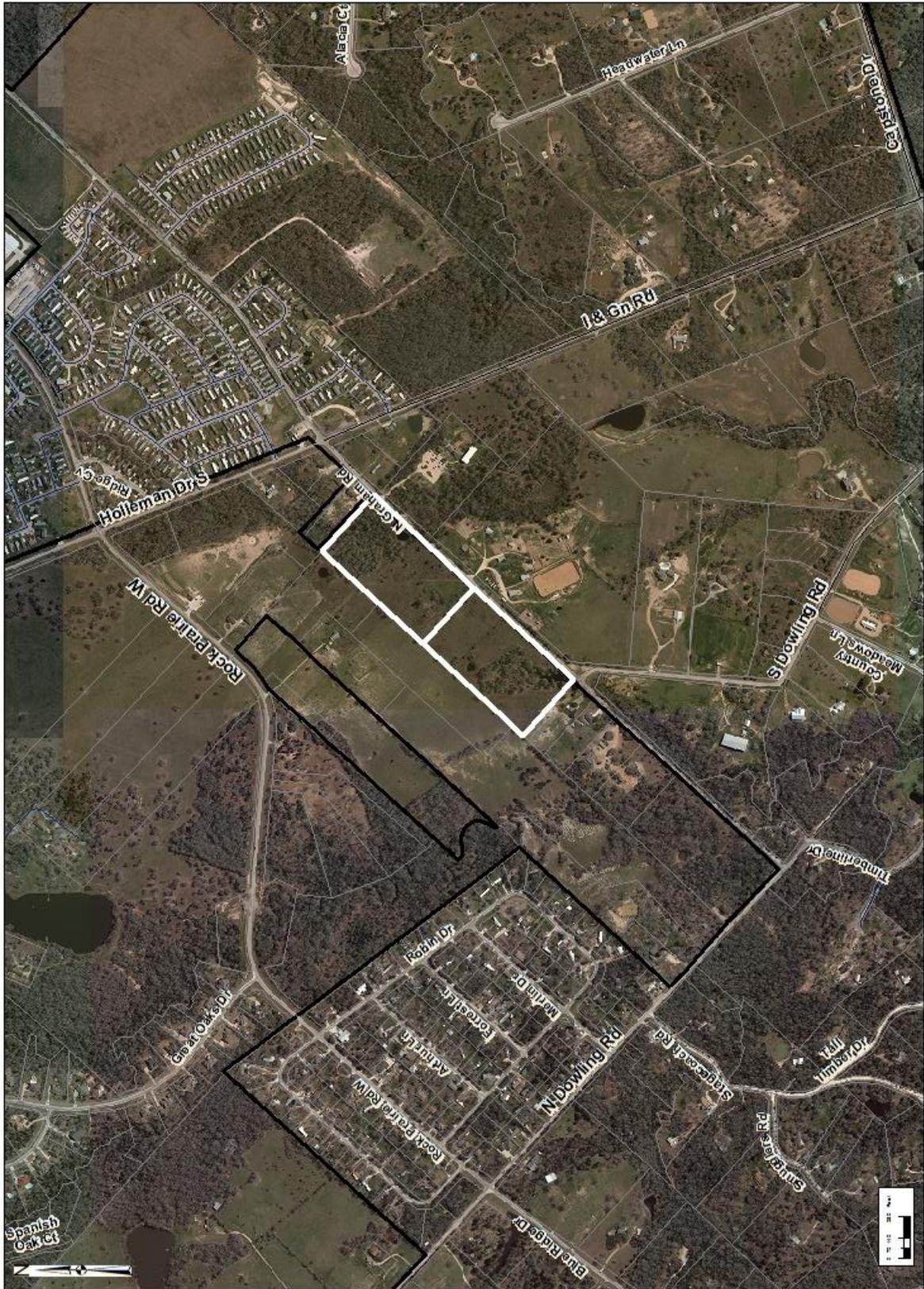
SCALE: 22.26 acres

LOCATION: 3940 & 4300 North Graham Road, generally located west of Holleman Drive South near the Sherwood Heights Subdivision and immediately north of the city limit line. Both tracts being located in the Peter Norton Survey, Abstract No. 186 and the John Payne Survey, Abstract No. 195, College Station, Brazos County, Texas. Said tract being the same tract of land as described by a deed to Ovais Inc. recorded in Volume 6863, Page 86 of the official Public Records of Brazos County, Texas.

APPLICANT: Jeff Mazzolini

PROJECT MANAGER: Mark Bombek, Staff Planner
mbombek@cstx.gov

RECOMMENDATION: Staff recommends denial of the General Suburban rezoning request.



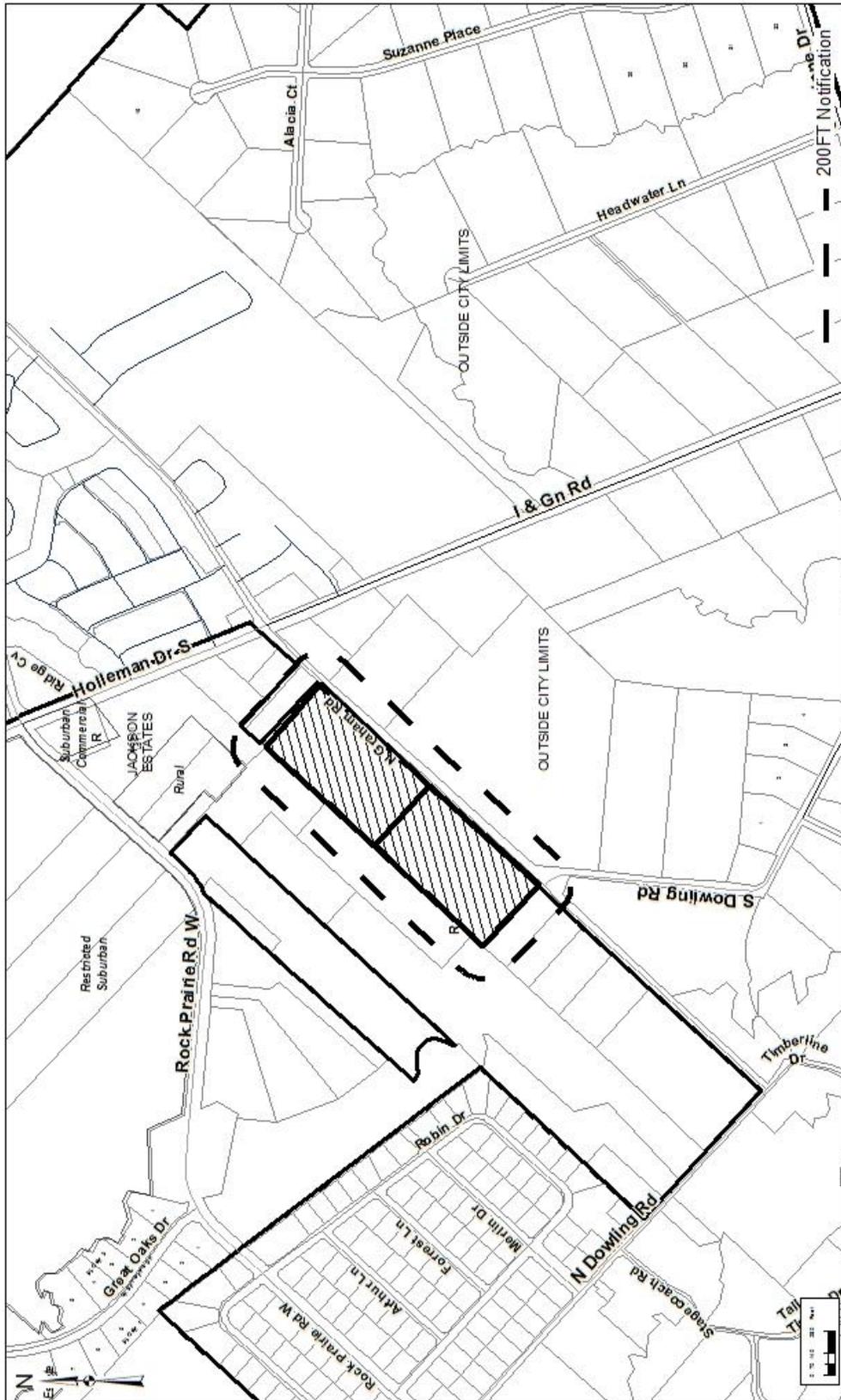
Case: REZ2015-000002

3940 & 4300 GRAHAM RD N

REZONING - GENERAL

DEVELOPMENT REVIEW





Zoning Districts	R - 4	Multi-Family	BPI	PDD
R	Rural	High Density	NAP	Planned Development District
E	MHP	Manufactured Home Park	C-3	Wolf Pen Creek Dev. Corridor
RS	O	Office	M-1	Core Northgate
GS	SC	Suburban Commercial	M-2	Transitional Northgate
R-1B	GC	General Commercial	C-U	Residential Northgate
D	CI	Commercial/Industrial	R & D	Corridor Overlay
T	BP	Business Park	P-MUD	Redevelopment District
				Krenk Tap Overlay

DEVELOPMENT REVIEW

3940 & 4300 GRAHAM RD N

Case: REZ2015-000002

REZONING - GENERAL

NOTIFICATIONS

Advertised Commission Hearing Date: June 18, 2015

Advertised Council Hearing Dates: July 9, 2015

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:

N/A

Contacts in support: None

Contacts in opposition: One at the time of the staff report. The call was a general opposition to the request.

Inquiry contacts: Three at the time of the staff report.

ADJACENT LAND USES

Direction	Comprehensive Plan	Zoning	Land Use
North	Restricted Suburban	R Rural	Agricultural
South (across North Graham Road)	Estate	N/A	Outside City Limits
East	Restricted Suburban	R Rural	Agricultural
West	Restricted Suburban	R Rural	Agricultural

DEVELOPMENT HISTORY

Annexation: 2008

Zoning: R Rural

Final Plat: Unplatted

Site development: Vacant

PROPOSAL

The applicant has requested the proposed amendment to General Suburban as a step toward permitting a residential subdivision on approximately 22.26 acres located west of Holleman Drive South near the Sherwood Heights Subdivision and immediately north of the city limit line. The subject property and properties to the north and east are primarily designated Restricted Suburban on the Comprehensive Plan Future Land Use and Character Map.

REVIEW CRITERIA

- 1. Consistency with the Comprehensive Plan:** The existing Future Land Use and Character designation on the property is “Restricted Suburban,” with a pending application to amend the Plan to “General Suburban.” The property is also located in an unstudied Neighborhood Planning Area. Generally, this area consists largely of undeveloped land used for agricultural purposes or large acreage single-family residences. According to the Comprehensive Plan, the area is anticipated to be developed for medium density single-family residential use. However, due to current service limitations and the prevailing rural

character, the area should remain rural in character and be developed at a low intensity until the timing of services can be better improved to support an appropriate level of density anticipated with the Comprehensive Plan.

“Rural” is a designation for areas that, due to service limitations, inadequate public infrastructure, or prevailing rural character, should have limited development activities. These areas tend to include a mix of large acreages (ranches and farmsteads) and large-lot (one acre or larger) residential developments. Open space is the dominant feature of these areas.

“General Suburban” is a designation for areas that should have a intense level of development with smaller lots (i.e.: 5,000 square feet or smaller if clustered around open space).

The proposed General Suburban rezoning request is not consistent with the Comprehensive Plan as the request is for a level of development much higher than what is existing and what has been anticipated for the area overall.

- 2. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:** The adjacent land uses are large lot single-family and rural tracts varying in size from 2 to 45 acres (overall future density of 4 dwelling units per acre) and land to the immediate south and west, located in the City’s Extraterritorial Jurisdiction, ETJ is largely rural agricultural land with the exception of the Sherwood Heights Subdivision which is a minimum half-acres subdivision.

The subject property and the surrounding area are currently developed as rural residential or used for agricultural purposes. The character of the proposed development is not compatible with existing surrounding uses and prevailing rural character of the area.

- 3. Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment:** The rezoning request is for a GS General Suburban development, which allows for a gross development density of 8 dwelling units per acre. The proposed amendment would allow for a development that could consist of minimum 5,000 square foot lot sizes or smaller if the development is clustered. Based on the density the applicant is suggesting a development that would provide roughly 110 single-family lots.

The subject property and surrounding area has some infrastructure/service limitations:

- The property is in the Wellborn Special Utility District CCN. Wellborn cannot currently provide adequate fire flows in this area.
- There is not sewer in this area. The developer intends to construct a lift station and a force main to a sewer main near Keefer Loop and The Barracks Subdivision.
- North Graham Road is a substandard road with limited capacity that is inadequate to provide effective service to a development that would potentially generate in excess of 1100 trips per day based on a 10 trip per day count for the suggested development size of 110 single-family lots.
- The property is not within the Fire Department’s desired 4.5 minute response time.

With the exception of sewer service, all of these issues exist regardless of whether the property is developed as Estate lots or as Restricted Suburban lots. Some of these issues may be resolved with other capital projects over time.

- 4. Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment:** The property is currently zoned R Rural providing opportunities for large-lot rural residential development and agricultural uses. The surrounding area is currently developed or used in a similar manner. Additionally, the subject property has service limitations including a lack of sewer infrastructure, the need for additional water line infrastructure to meet fire flow requirements, substandard rural roads, and it is not located within the Fire Department's desired 4.5 minute response time. The property is currently suitable for agricultural or rural residential uses.
- 5. Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment:** The applicant indicates that while the property could be marketed as an R Rural subdivision, the marketability as entry level single-family product is much better given the developments that are anticipated for the general area being the future Mission Ranch and Polo Estates Subdivisions.
- 6. Availability of water, wastewater, stormwater, and transportation facilities generally suitable and adequate for the proposed use:** The subject tract is located within Wellborn SUD's CCN. Wellborn SUD has indicated that they will provide domestic water service for this property. Domestic and fire flow demands will necessitate further water infrastructure improvements at the time of final platting the property. These utilities will be required to be designed and constructed in accordance with the BCS Unified Design Guidelines.

The City does not currently have sanitary sewer infrastructure in the vicinity available to serve this property. With the proposed site development, the applicant has indicated that they plan to construct a lift station on the east side of the property with approximately a mile of force main located in Public Utility Easements (PUEs). The force main would connect to a gravity sanitary sewer system at the intersection of Rock Prairie Road and Keefer Loop, which is in the Steeplechase-Wellborn Sanitary Sewer Impact Fee Area (Steeplechase). The sewer infrastructure within the Steeplechase sewer shed was designed with adequate capacity to serve that area. The subject property, however, is located within a different sewer shed, so the Steeplechase infrastructure was not designed to support this additional development. Additionally, the current wastewater master plan was created with the expectation that this area of the City would remain low density or rural in character. There are significant concerns regarding the downstream capacity and impact fee implications. While there may currently be some available capacity to serve this development, in the future the sanitary sewer system may not be able to adequately serve other tracts within Steeplechase that were planned for under the current master plan, and already have land use designations identified for higher density development. If lots in the proposed development had a minimum size of one acre, they could be served by on-site septic systems. It should also be noted that the subject property is not subject to impact fees, and that the lift station and force main would become public infrastructure that the City is responsible for owning and maintaining. Typically small lift stations have significant maintenance issues and associated costs long term, which will not be recouped from the customers who are served by it.

The subject tract is in Hopes Creek Drainage Basin. Detention will be required with site development. There is no FEMA regulated floodplain identified on the tract, however further study will be needed to identify and preserve flood prone areas. The development will be required to comply with the City's drainage ordinance and BCS Unified Stormwater Design Guidelines.

Access will be via North Graham Road. Public infrastructure shall be designed and constructed in accordance with B/CS Unified Design Guidelines.

STAFF RECOMMENDATION

Staff recommends denial of the requested GS General Suburban zoning. Staff believes the proposed development to be incompatible with the existing surrounding land uses and existing prevailing character and the future character of the area.

Additionally, the subject property has service limitations including a lack of sewer infrastructure, the need for additional water line infrastructure to meet fire flow requirements, substandard rural roads, and it is not located within the Fire Department's desired 4.5 minute response time. The City's Comprehensive Plan is a long-range, twenty-year plan that includes future land uses, thoroughfares, and utility lines that are considered together to assure that future development is adequately served. The intensity of the proposed development cannot yet be served safely and effectively.

SUPPORTING MATERIALS

1. Application
2. Rezoning map

NOTIFICATIONS

Advertised Commission Hearing Date: June 18, 2015

Advertised Council Hearing Dates: July 9, 2015

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:

N/A

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

Contacts in opposition: Five at the time of the staff report

Inquiry contacts: Three at the time of the staff report

ADJACENT LAND USES

Direction	Comprehensive Plan	Zoning	Land Use
North	Restricted Suburban	R Rural	Large-lot residential
South (Across N. Graham Rd.)	Estate	N/A	Outside City Limits
East	Restricted Suburban	R Rural	Large-lot residential
West	Restricted Suburban	R Rural	Agricultural

DEVELOPMENT HISTORY

Annexation: 2008

Zoning: R Rural

Final Plat: Unplatted

Site development: Vacant



Case: REZ2015-000001

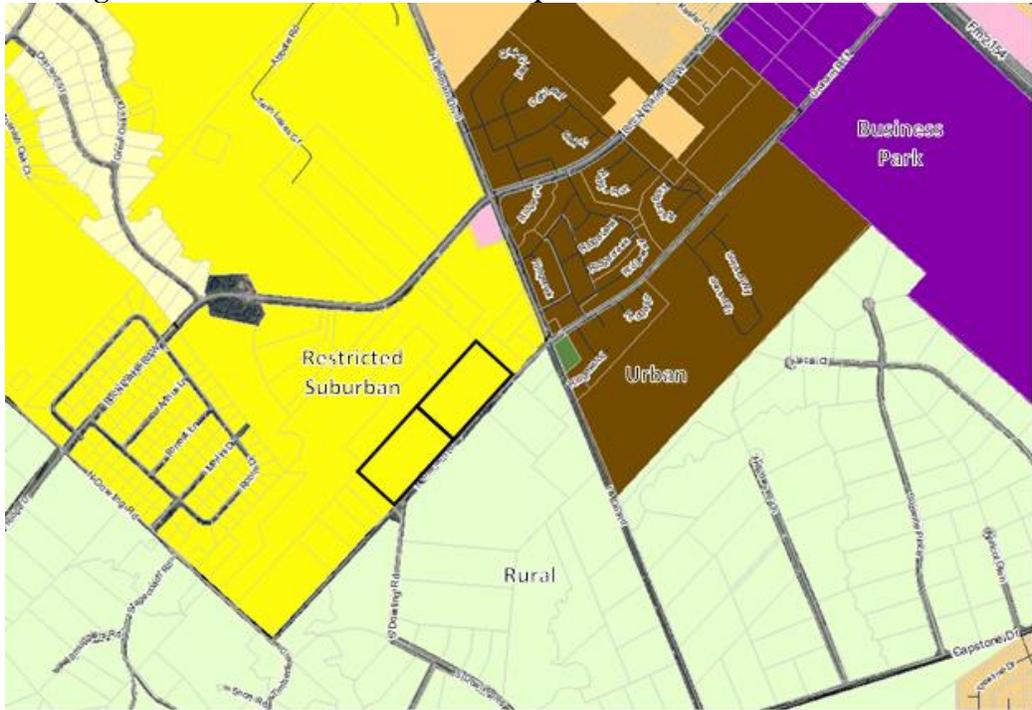
3940 & 4300 GRAHAM RD N

DEVELOPMENT REVIEW

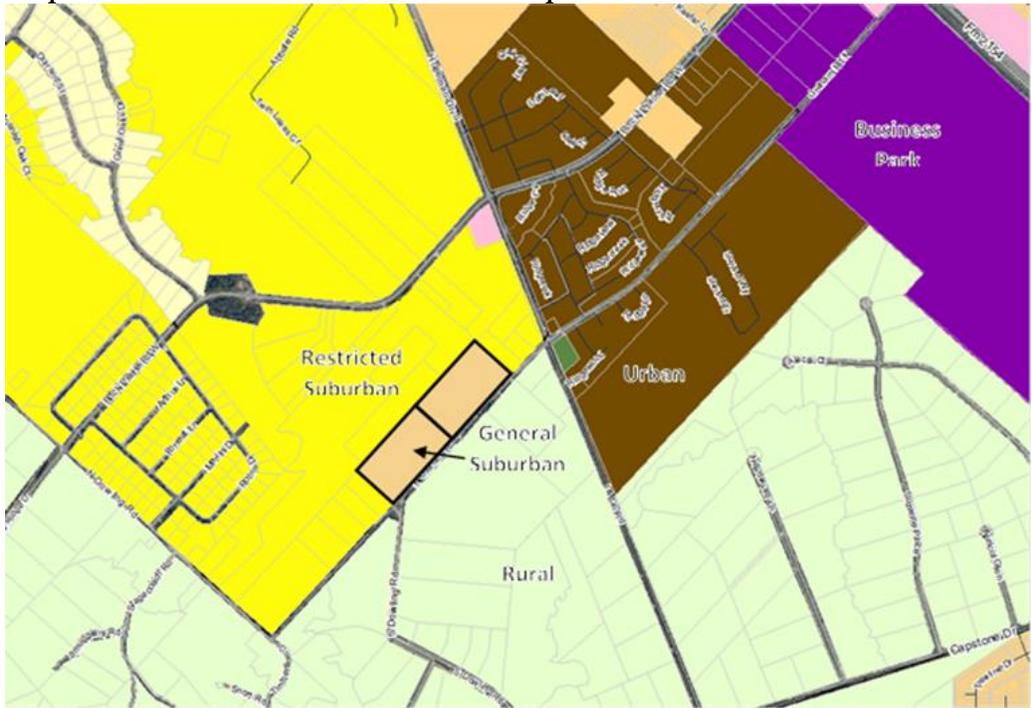


COMP PLAN AMENDMENT

Existing Future Land Use & Character Map



Proposed Future Land Use & Character Map



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 FROM RESTRICTED SUBURBAN TO GENERAL SUBURBAN, FOR THE PROPERTY LOCATED AT 3940 & 4300 NORTH GRAHAM ROAD, APPROXIMATELY 22.26 ACRES GENERALLY LOCATED AT WEST OF HOLLEMAN DRIVE SOUTH NEAR THE SHERWOOD HEIGHTS SUBDIVISION AND IMMEDIATELY NORTH OF THE CITY LIMIT LINE, 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.i, and Exhibits “B”, and “C” attached hereto for the identified 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 9th day of July, 2015.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

City Attorney

EXHIBIT “A”

A. Comprehensive Plan

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

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

B. Master Plans

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

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

C. Miscellaneous Amendments

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

1. Text Amendments:
 - a. Chapter 2 “Community Character,” “Growth Areas” by amending the text regarding Growth Area IV and Growth Area V – Ordinance 3376, dated October 2011.
2. Future Land Use and Character Map Amendment:
 - a. 301 Southwest Parkway – Ordinance 3255, dated July 2010.
 - b. Richards Subdivision – Ordinance 3376, dated October 2011.
 - c. 1600 University Drive East – Ordinance 3535, dated November 14, 2013.
 - d. 2560 Earl Rudder Freeway S. – Ordinance 3541, dated December 12, 2013.
 - e. 13913 FM 2154. – Ordinance 3546, dated January 9, 2014.
 - f. 2021 Harvey Mitchell Parkway – Ordinance 3549, dated January 23, 2014.
 - g. 1201 Norton Lane – Ordinance 3555, dated February 27, 2014.
 - h. 3715 Rock Prairie Road West – Ordinance 3596, dated August 25, 2014.
 - i. 3940 & 4300 North Graham Road – with this ordinance, dated July 9, 2015.
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.
 - h. Cain Road extension – Ordinance 3639, dated February 26, 2015.
5. Bicycle, Pedestrian and Greenways Master Plan Amendment:
 - a. Cain Road extension – Ordinance 3639, dated February 26, 2015

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 LAND 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 approximately 22 acres located at 3940 & 4300 North Graham Road, generally located west of Holleman Drive South near the Sherwood Heights Subdivision and north of the city limit line, and shown graphically below, is amended from Restricted Suburban to General Suburban, as shown in the attached Exhibit "C".

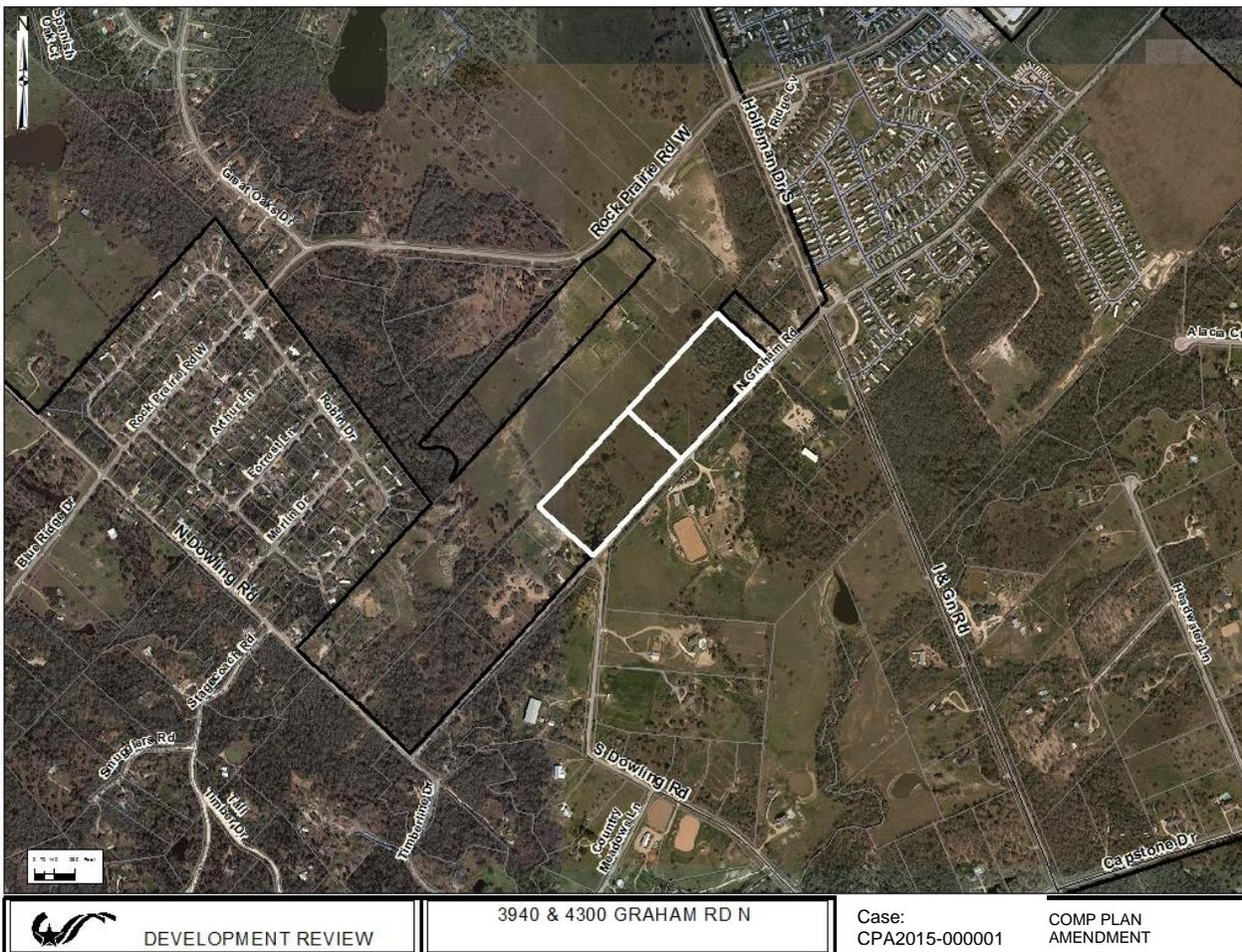
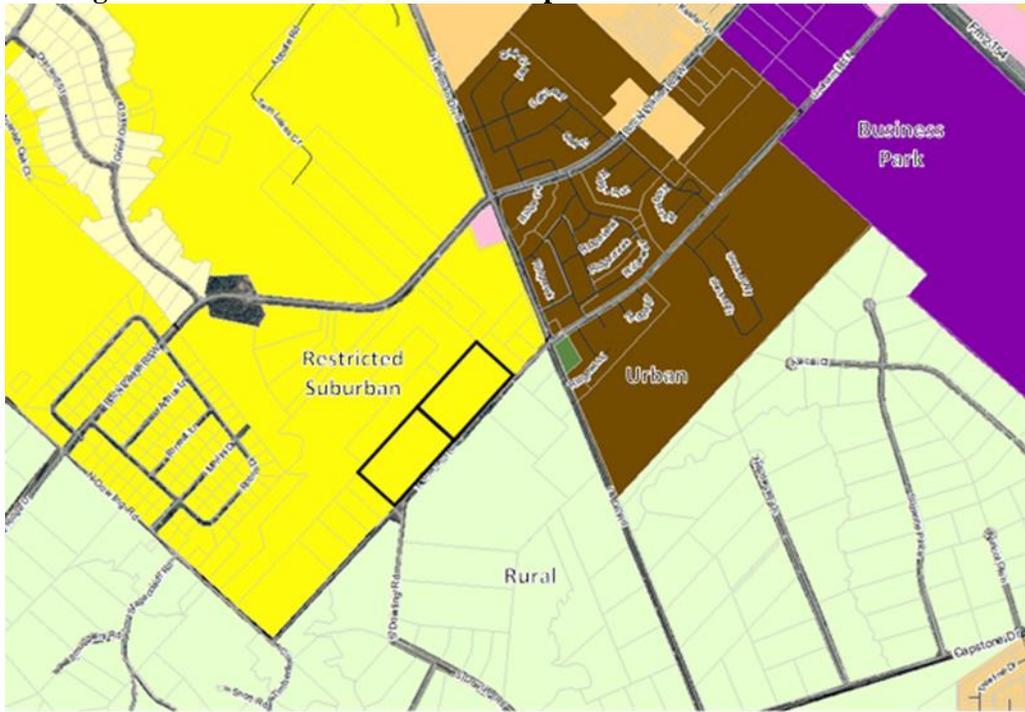
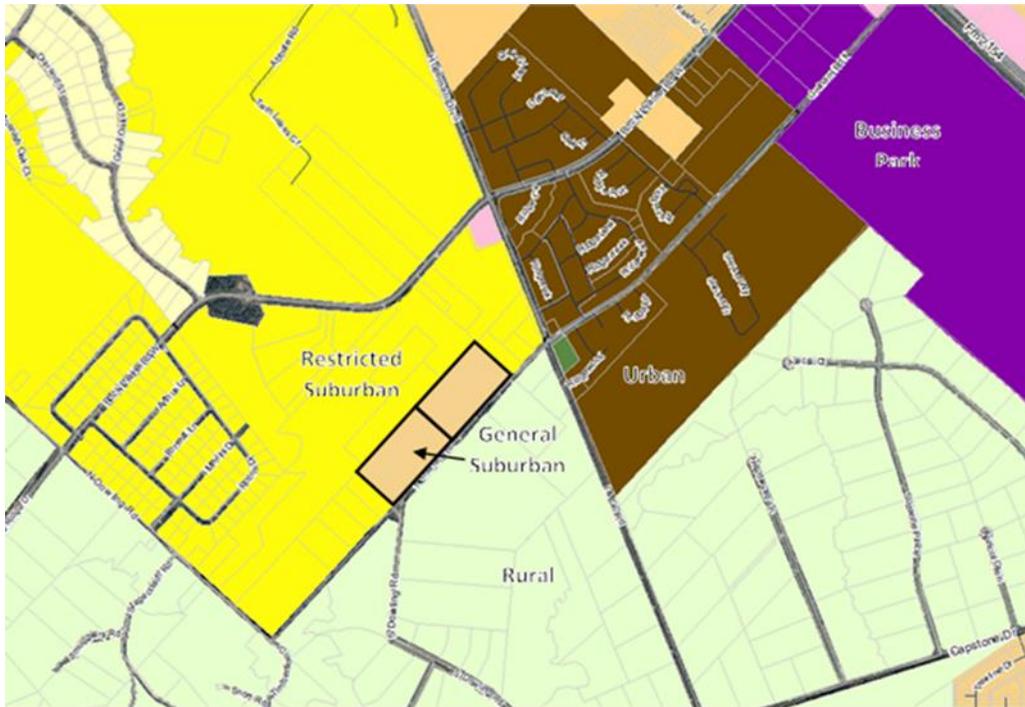


EXHIBIT "C"

Existing Future Land Use & Character Map



Proposed Future Land Use & Character Map





Legislation Details (With Text)

File #: 15-0356 **Version:** 1 **Name:** 3940 & 4300 North Graham Road- Rezoning
Type: Rezoning **Status:** Agenda Ready
File created: 6/25/2015 **In control:** City Council Regular
On agenda: 7/9/2015 **Final action:**

Title: Public Hearing, presentation, possible action, and discussion regarding an ordinance amending Chapter 12, "Unified Development Ordinance," section 12-4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas, by changing the zoning district boundaries for approximately 22.26 acres from R Rural to GS General Suburban, consisting of one 11.26 acre tract being located in the Peter Norton Survey, Abstract No. 186 and the John Payne Survey, Abstract no. 195, College Station, Brazos County, Texas. Said tract being the same tract of land as described by a deed to Ovais Inc. recorded in Volume 6863, Page 86 of the Official Public Records of Brazos County, Texas and one 11.00 acre tract being located in the Peter Norton Survey, Abstract No. 186 and the John Payne Survey, abstract no. 195, College Station, Brazos County, Texas. Said tract being the same tract of land as described by a deed to Whitworth Financial Inc. recorded in Volume 6508, page 41 of the Official Public Records of Brazos County, Texas; located at 3940 & 4300 North Graham Road, more generally located west of Holleman Drive South near the Sherwood Heights Subdivision and immediately north of the city limit line, providing a severability clause; declaring a penalty; and providing an effective date.

Sponsors: Mark Bombek

Indexes:

Code sections:

Attachments: [Staff Report](#)
[Background](#)
[Aerial&Small Area Map](#)
[Ordinance](#)

Date	Ver.	Action By	Action	Result
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Public Hearing, presentation, possible action, and discussion regarding an ordinance amending Chapter 12, "Unified Development Ordinance," section 12-4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas, by changing the zoning district boundaries for approximately 22.26 acres from R Rural to GS General Suburban, consisting of one 11.26 acre tract being located in the Peter Norton Survey, Abstract No. 186 and the John Payne Survey, Abstract no. 195, College Station, Brazos County, Texas. Said tract being the same tract of land as described by a deed to Ovais Inc. recorded in Volume 6863, Page 86 of the Official Public Records of Brazos County, Texas and one 11.00 acre tract being located in the Peter Norton Survey, Abstract No. 186 and the John Payne Survey, abstract no. 195, College Station, Brazos County, Texas. Said tract being the same tract of land as described by a deed to Whitworth Financial Inc. recorded in Volume 6508, page 41 of the Official Public Records of Brazos County, Texas; located at 3940 & 4300 North Graham Road, more generally located west of Holleman Drive South near the Sherwood Heights Subdivision and immediately north of the city limit line, providing a severability clause; declaring a penalty; and providing an effective date.

Relationship to Strategic Goals:

- Core Services and Infrastructure
- Neighborhood Integrity
- Diverse Growing Economy

REVIEW CRITERIA

- 1. Consistency with the Comprehensive Plan:** The existing Future Land Use and Character designation on the property is “Restricted Suburban,” with a pending application to amend the Plan to “General Suburban.” The property is also located in an unstudied Neighborhood Planning Area. Generally, this area consists largely of undeveloped land used for agricultural purposes or large acreage single-family residences. According to the Comprehensive Plan, the area is anticipated to be developed for medium density single-family residential use. However, due to current service limitations and the prevailing rural character, the area should remain rural in character and be developed at a low intensity until the timing of services can be better improved to support an appropriate level of density anticipated with the Comprehensive Plan.

“Rural” is a designation for areas that, due to service limitations, inadequate public infrastructure, or prevailing rural character, should have limited development activities. These areas tend to include a mix of large acreages (ranches and farmsteads) and large-lot (one acre or larger) residential developments. Open space is the dominant feature of these areas.

“General Suburban” is a designation for areas that should have a intense level of development with smaller lots (i.e.: 5,000 square feet or smaller if clustered around open space).

The proposed General Suburban rezoning request is not consistent with the Comprehensive Plan as the request is for a level of development much higher than what is existing and what has been anticipated for the area.

- 2. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:** The adjacent land uses are large lot single-family and rural tracts varying in size from 2 to 45 acres (overall future density of 4 dwelling units per acre) and land to the immediate south and west, located in the City’s Extraterritorial Jurisdiction (ETJ). The ETJ is largely rural agricultural land with the exception of the Sherwood Heights Subdivision which is a minimum half-acre subdivision.

The subject property and the surrounding area are currently developed as rural residential or used for agricultural purposes. The character of the proposed development is not compatible with existing surrounding uses and prevailing rural character of the area.

- 3. Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment:** The rezoning request is for a GS General Suburban development, which allows for a gross development density of 8 dwelling units per acre. The proposed amendment would allow for a development that could consist of minimum 5,000 square foot lot sizes or smaller if the development is clustered. Based on the density the applicant is suggesting a development that would provide roughly 110 single-family lots.

The subject property and surrounding area has some infrastructure/service limitations:

- The property is in the Wellborn Special Utility District CCN. Wellborn SUD may not be able to provide adequate fire flows in this area without upgrading existing waterlines.
- Sewer service is not available in this area. The developer intends to construct a lift

station and a force main to an existing gravity sewer main near Keefer Loop and The Barracks Subdivision.

- North Graham Road is a substandard road with limited capacity that is inadequate to provide effective service to a development that would potentially generate in excess of 1100 trips per day based on a 10 trip per day count for the development of 110 single-family lots.
- The property is not within the Fire Department's desired 4.5 minute response time.

With the exception of sewer service, all of these issues exist regardless of whether the property is developed as Estate lots or as Restricted Suburban lots. Some of these issues may be resolved with other capital projects over time.

4. Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment: The property is currently zoned R Rural providing opportunities for large-lot rural residential development and agricultural uses. The surrounding area is currently developed or used in a similar manner. Additionally, the subject property has service limitations including a lack of sewer infrastructure, the need for additional water line infrastructure to meet fire flow requirements, substandard rural roads, and it is not located within the Fire Department's desired 4.5 minute response time. The property is currently suitable for agricultural or rural residential uses.

5. Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment: The applicant indicates that while the property could be marketed as an R Rural subdivision, the marketability as entry level single-family product is much better given the developments that are anticipated for the general area being the future Mission Ranch and Polo Estates Subdivisions.

6. Availability of water, wastewater, stormwater, and transportation facilities generally suitable and adequate for the proposed use: The subject tract is located within Wellborn SUD's CCN. Wellborn SUD has indicated that they will provide domestic water service for this property. Domestic and fire flow demands will necessitate further water infrastructure improvements at the time of final platting the property. These utilities will be required to be designed and constructed in accordance with the BCS Unified Design Guidelines.

The City does not currently have sanitary sewer infrastructure in the vicinity available to serve this property. With the proposed site development, the applicant has indicated that they plan to construct a lift station and a one mile force main. The force main would connect to a gravity sanitary sewer system at the intersection of Rock Prairie Road and Keefer Loop, which is in the Steeplechase-Wellborn Sanitary Sewer Impact Fee Area (Steeplechase). The sewer infrastructure within the Steeplechase sewer shed was designed with adequate capacity to serve that area. The subject property, however, is located within a different sewer shed, so the Steeplechase infrastructure was not designed to accommodate the sewer from the proposed development. Additionally, the current wastewater master plan was created with the expectation that this area of the City would remain low density or rural in character. There are significant concerns regarding the downstream capacity and impact fee implications. While there may currently be some available capacity to serve this development, in the future the sanitary sewer system may not be able to adequately serve other tracts within Steeplechase that were planned for under the current master plan, and already have land use designations identified for higher density development. If lots in the proposed development had a minimum size of one acre, they

could be served by on-site septic systems. It should also be noted that the subject property is not subject to impact fees, and that the lift station and force main would become public infrastructure that the City is responsible for owning and maintaining. Typically, small lift stations have significant maintenance issues and associated costs long term which will not be recouped from the customers who are served by it.

The subject tract is in Hopes Creek Drainage Basin. Detention will be required with site development. There is no FEMA regulated floodplain identified on the tract, however further study will be needed to identify and preserve flood prone areas. The development will be required to comply with the City's drainage ordinance and BCS Unified Stormwater Design Guidelines.

Access will be via North Graham Road. Public infrastructure shall be designed and constructed in accordance with B/CS Unified Design Guidelines

Recommendation(s): The Planning and Zoning Commission considered this item on June 18, 2015 and voted 3-2 to approve the rezoning request. Staff recommends denial of the requested rezoning because the request is inconsistent with the Comprehensive Plan and the subject property has service limitations including a lack of sewer infrastructure, rural road sections, and Fire Department response time. In summary, the intensity of the proposed development cannot yet be served safely and effectively.

Summary: The applicant has requested rezoning approximately 22 acres from R Rural to GS General Suburban for the property located at 3940 & 4300 North Graham Road.

Budget & Financial Summary: N/A

Attachments:

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



CITY OF COLLEGE STATION
Home of Texas A&M University®

**REZONING REQUEST
FOR
3940 & 4300 North Graham Road
REZ2015-000002**

REQUEST: R Rural to GS General Suburban

SCALE: 22.26 acres

LOCATION: 3940 & 4300 North Graham Road, generally located west of Holleman Drive South near the Sherwood Heights Subdivision and immediately north of the city limit line. One 11.26 acre tract being located in the Peter Norton Survey, Abstract No. 186 and the John Payne Survey, Abstract no. 195, College Station, Brazos County, Texas. Said tract being the same tract of land as described by a deed to Ovais Inc. recorded in Volume 6863, Page 86 of the Official Public Records of Brazos County, Texas and one 11.00 acre tract being located in the Peter Norton Survey, Abstract No. 186 and the John Payne Survey, abstract no. 195, College Station, Brazos County, Texas. Said tract being the same tract of land as described by a deed to Whitworth Financial Inc. recorded in Volume 6508, page 41 of the Official Public Records of Brazos County, Texas

APPLICANT: Jeff Mazzolini

PROJECT MANAGER: Mark Bombek, Staff Planner
mbombek@cstx.gov

RECOMMENDATION: Staff recommends denial of the General Suburban rezoning request.



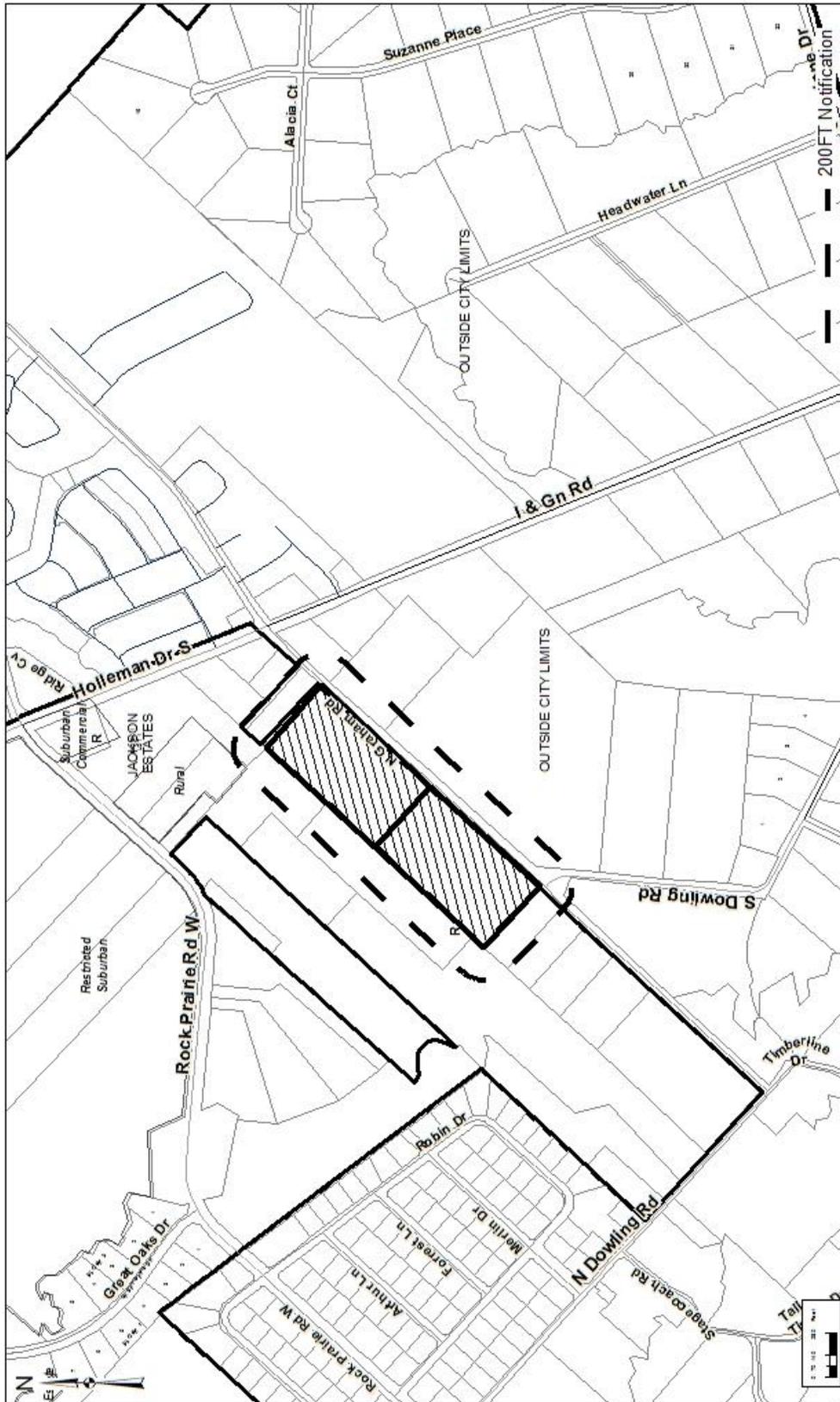
Case: REZ2015-000002

3940 & 4300 GRAHAM RD N

REZONING - GENERAL

DEVELOPMENT REVIEW





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



DEVELOPMENT REVIEW

3940 & 4300 GRAHAM RD N

REZONING - GENERAL

Case: REZ2015-000002

NOTIFICATIONS

Advertised Commission Hearing Date: June 18, 2015

Advertised Council Hearing Dates: July 9, 2015

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:

N/A

Contacts in support: None

Contacts in opposition: Five at the time of the staff report.

Inquiry contacts: Three at the time of the staff report.

ADJACENT LAND USES

Direction	Comprehensive Plan	Zoning	Land Use
North	Restricted Suburban	R Rural	Agricultural
South (across North Graham Road)	Estate	N/A	Outside City Limits
East	Restricted Suburban	R Rural	Agricultural
West	Restricted Suburban	R Rural	Agricultural

DEVELOPMENT HISTORY

Annexation: 2008

Zoning: R Rural

Final Plat: Unplatted

Site development: Vacant

PROPOSAL

The applicant has requested the proposed amendment to General Suburban as a step toward permitting a residential subdivision on approximately 22.26 acres located west of Holleman Drive South near the Sherwood Heights Subdivision and immediately north of the city limit line. The subject property and properties to the north and east are primarily designated Restricted Suburban on the Comprehensive Plan Future Land Use and Character Map.

REVIEW CRITERIA

- 1. Consistency with the Comprehensive Plan:** The existing Future Land Use and Character designation on the property is “Restricted Suburban,” with a pending application to amend the Plan to “General Suburban.” The property is also located in an unstudied Neighborhood Planning Area. Generally, this area consists largely of undeveloped land used for agricultural purposes or large acreage single-family residences. According to the Comprehensive Plan, the area is anticipated to be developed for medium density single-family residential use. However, due to current service limitations and the prevailing rural character, the area should remain rural in character and be developed at a low intensity until

the timing of services can be better improved to support an appropriate level of density anticipated with the Comprehensive Plan.

“Rural” is a designation for areas that, due to service limitations, inadequate public infrastructure, or prevailing rural character, should have limited development activities. These areas tend to include a mix of large acreages (ranches and farmsteads) and large-lot (one acre or larger) residential developments. Open space is the dominant feature of these areas.

“General Suburban” is a designation for areas that should have a intense level of development with smaller lots (i.e.: 5,000 square feet or smaller if clustered around open space).

The proposed General Suburban rezoning request is not consistent with the Comprehensive Plan as the request is for a level of development much higher than what is existing and what has been anticipated for the area overall.

- 2. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood:** The adjacent land uses are large lot single-family and rural tracts varying in size from 2 to 45 acres (overall future density of 4 dwelling units per acre) and land to the immediate south and west, located in the City’s Extraterritorial Jurisdiction, ETJ is largely rural agricultural land with the exception of the Sherwood Heights Subdivision which is a minimum half-acres subdivision.

The subject property and the surrounding area are currently developed as rural residential or used for agricultural purposes. The character of the proposed development is not compatible with existing surrounding uses and prevailing rural character of the area.

- 3. Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment:** The rezoning request is for a GS General Suburban development, which allows for a gross development density of 8 dwelling units per acre. The proposed amendment would allow for a development that could consist of minimum 5,000 square foot lot sizes or smaller if the development is clustered. Based on the density the applicant is suggesting a development that would provide roughly 110 single-family lots.

The subject property and surrounding area has some infrastructure/service limitations:

- The property is in the Wellborn Special Utility District CCN. Wellborn cannot currently provide adequate fire flows in this area.
- There is not sewer in this area. The developer intends to construct a lift station and a force main to a sewer main near Keefer Loop and The Barracks Subdivision.
- North Graham Road is a substandard road with limited capacity that is inadequate to provide effective service to a development that would potentially generate in excess of 1100 trips per day based on a 10 trip per day count for the suggested development size of 110 single-family lots.
- The property is not within the Fire Department’s desired 4.5 minute response time.

With the exception of sewer service, all of these issues exist regardless of whether the property is developed as Estate lots or as Restricted Suburban lots. Some of these issues may be resolved with other capital projects over time.

- 4. Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment:** The property is currently zoned R Rural providing opportunities for large-lot rural residential development and agricultural uses. The surrounding area is currently developed or used in a similar manner. Additionally, the subject property has service limitations including a lack of sewer infrastructure, the need for additional water line infrastructure to meet fire flow requirements, substandard rural roads, and it is not located within the Fire Department's desired 4.5 minute response time. The property is currently suitable for agricultural or rural residential uses.
- 5. Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment:** The applicant indicates that while the property could be marketed as an R Rural subdivision, the marketability as entry level single-family product is much better given the developments that are anticipated for the general area being the future Mission Ranch and Polo Estates Subdivisions.
- 6. Availability of water, wastewater, stormwater, and transportation facilities generally suitable and adequate for the proposed use:** The subject tract is located within Wellborn SUD's CCN. Wellborn SUD has indicated that they will provide domestic water service for this property. Domestic and fire flow demands will necessitate further water infrastructure improvements at the time of final platting the property. These utilities will be required to be designed and constructed in accordance with the BCS Unified Design Guidelines.

The City does not currently have sanitary sewer infrastructure in the vicinity available to serve this property. With the proposed site development, the applicant has indicated that they plan to construct a lift station on the east side of the property with approximately a mile of force main located in Public Utility Easements (PUEs). The force main would connect to a gravity sanitary sewer system at the intersection of Rock Prairie Road and Keefer Loop, which is in the Steeplechase-Wellborn Sanitary Sewer Impact Fee Area (Steeplechase). The sewer infrastructure within the Steeplechase sewer shed was designed with adequate capacity to serve that area. The subject property, however, is located within a different sewer shed, so the Steeplechase infrastructure was not designed to support this additional development. Additionally, the current wastewater master plan was created with the expectation that this area of the City would remain low density or rural in character. There are significant concerns regarding the downstream capacity and impact fee implications. While there may currently be some available capacity to serve this development, in the future the sanitary sewer system may not be able to adequately serve other tracts within Steeplechase that were planned for under the current master plan, and already have land use designations identified for higher density development. If lots in the proposed development had a minimum size of one acre, they could be served by on-site septic systems. It should also be noted that the subject property is not subject to impact fees, and that the lift station and force main would become public infrastructure that the City is responsible for owning and maintaining. Typically small lift stations have significant maintenance issues and associated costs long term, which will not be recouped from the customers who are served by it.

The subject tract is in Hopes Creek Drainage Basin. Detention will be required with site development. There is no FEMA regulated floodplain identified on the tract, however further study will be needed to identify and preserve flood prone areas. The development will be required to comply with the City's drainage ordinance and BCS Unified Stormwater Design Guidelines.

Access will be via North Graham Road. Public infrastructure shall be designed and constructed in accordance with B/CS Unified Design Guidelines.

STAFF RECOMMENDATION

Staff recommends denial of the requested GS General Suburban zoning. Staff believes the proposed development to be incompatible with the existing surrounding land uses and existing prevailing character and the future character of the area.

Additionally, the subject property has service limitations including a lack of sewer infrastructure, the need for additional water line infrastructure to meet fire flow requirements, substandard rural roads, and it is not located within the Fire Department's desired 4.5 minute response time. The City's Comprehensive Plan is a long-range, twenty-year plan that includes future land uses, thoroughfares, and utility lines that are considered together to assure that future development is adequately served. The intensity of the proposed development cannot yet be served safely and effectively.

SUPPORTING MATERIALS

1. Application
2. Rezoning map

NOTIFICATIONS

Advertised Commission Hearing Date: June 18, 2015

Advertised Council Hearing Dates: July 9, 2015

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:

N/A

Contacts in support: None

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Inquiry contacts: Three at the time of the staff report.

ADJACENT LAND USES

Direction	Comprehensive Plan	Zoning	Land Use
North	Restricted Suburban	R Rural	Agricultural
South (across North Graham Road)	Estate	N/A	Outside City Limits
East	Restricted Suburban	R Rural	Agricultural
West	Restricted Suburban	R Rural	Agricultural

DEVELOPMENT HISTORY

Annexation: 2008

Zoning: R Rural

Final Plat: Unplatted

Site development: Vacant



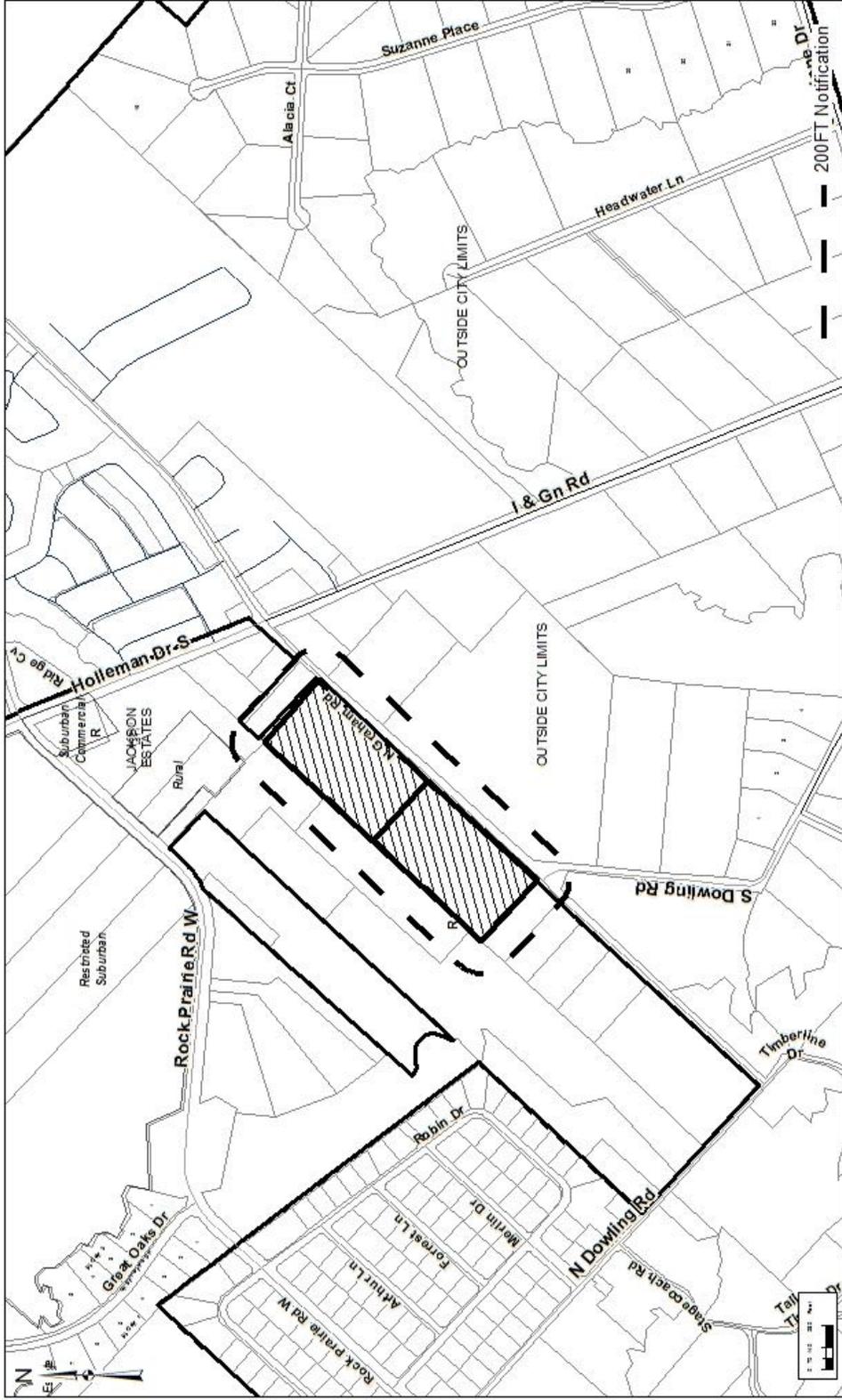
Case: REZ2015-000002

3940 & 4300 GRAHAM RD N

DEVELOPMENT REVIEW



REZONING - GENERAL



Zoning Districts	R - 4	Multi-Family	BPI	PDD
R	Rural	High Density Multi-Family	Business Park Industrial	Planned Development District
E	High Density Multi-Family	Manufactured Home Park	Natural Areas Protected	Wolf Pen Creek Dev. Corridor
RS	MHP	Office	Light Commercial	Core Northgate
GS	O	Suburban Commercial	Light Industrial	Transitional Northgate
R - 1B	SC	General Commercial	Heavy Industrial	Residential Northgate
D	GC	Commercial-Industrial	College and University	Corridor Overlay
T	CI	Business Park	Research and Development	Redevelopment District
	BP		Planned Mixed-Use Development	Krenek Tap Overlay

Case: **REZ2015-000002**

REZONING - GENERAL

3940 & 4300 GRAHAM RD N

DEVELOPMENT REVIEW



ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," SECTION 12-4.2, "OFFICIAL ZONING MAP," OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY CHANGING THE ZONING DISTRICT BOUNDARIES FOR APPROXIMATELY 22.26 ACRES FROM R RURAL TO GS GENERAL SUBURBAN, CONSISTING OF ONE 11.26 ACRE TRACT BEING LOCATED IN THE PETER NORTON SURVEY, ABSTRACT NO. 186 AND THE JOHN PAYNE SURVEY, ABSTRACT NO. 195, COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID TRACT BEING THE SAME TRACT OF LAND AS DESCRIBED BY A DEED TO OVAIS INC. RECORDED IN VOLUME 6863, PAGE 86 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS AND ONE 11.00 ACRE TRACT BEING LOCATED IN THE PETER NORTON SURVEY, ABSTRACT NO. 186 AND THE JOHN PAYNE SURVEY, ABSTRACT NO. 195, COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID TRACT BEING THE SAME TRACT OF LAND AS DESCRIBED BY A DEED TO WHITWORTH FINANCIAL INC. RECORDED IN VOLUME 6508, PAGE 41 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS; LOCATED AT 3940 & 4300 NORTH GRAHAM ROAD, MORE GENERALLY LOCATED WEST OF HOLLEMAN DRIVE SOUTH NEAR THE SHERWOOD HEIGHTS SUBDIVISION AND IMMEDIATELY NORTH OF THE CITY LIMIT LINE, PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

- PART 1: That Chapter 12, "Unified Development Ordinance," Section 12-4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A" and Exhibit "B", and as shown graphically in Exhibit "C", 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 9th day of July, 2015

APPROVED:

MAYOR

ATTEST:

City Secretary

APPROVED:

ORDINANCE NO. _____

Page 2

City Attorney

EXHIBIT "A"

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

The following property is rezoned from R Rural to GS General Suburban, as shown graphically in EXHIBIT "C":

**METES AND BOUNDS DESCRIPTION
OF AN
11.26 ACRE TRACT
PETER NORTON SURVEY, A-186
JOHN PAYNE SURVEY, A-195
COLLEGE STATION, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE PETER NORTON SURVEY, ABSTRACT NO. 186 AND THE JOHN PAYNE SURVEY, ABSTRACT NO. 195, COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID TRACT BEING THE SAME TRACT OF LAND AS DESCRIBED BY A DEED TO OVAIS INC. RECORDED IN VOLUME 6863, PAGE 86 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS.

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

BEGINNING AT A 1 INCH IRON ROD FOUND ON THE SOUTHEAST LINE OF A CALLED 89.5 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO ARNER WHITE RECORDED IN VOLUME 984, PAGE 567 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. SAID IRON ROD FOUND MARKING THE NORTH CORNER OF THIS HEREIN DESCRIBED TRACT AND THE WEST CORNER OF A CALLED 2.00 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO ERVIN N. WILLIAMS, SR. AND WIFE, MILDRED WILLIAMS RECORDED IN VOLUME 976, PAGE 782 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: S 43° 22' 59" E ALONG THE SOUTHWEST LINE OF SAID 2.00 ACRE TRACT FOR A DISTANCE OF 518.20 FEET (DEED CALL: S 44° 33' 40" E - 518.20 FEET, 1863/86) TO A 1/2 INCH IRON ROD SET ON THE NORTHWEST LINE OF NORTH GRAHAM ROAD MARKING THE EAST CORNER OF THIS HEREIN DESCRIBED TRACT. FOR REFERENCE, A 1 INCH IRON ROD FOUND BEARS: S 41° 13' 21" E FOR A DISTANCE OF 3.85 FEET AND A 1/2 INCH IRON ROD FOUND ON THE NORTHEAST LINE OF SAID 2.00 ACRE TRACT BEARS: N 42° 26' 59" E FOR A DISTANCE OF 165.36 FEET;

THENCE: S 42° 30' 29" W ALONG THE NORTHWEST LINE OF NORTH GRAHAM ROAD FOR A DISTANCE OF 928.76 FEET (DEED CALL: S 44° 59' 49" W - 928.76 FEET, 6863/86) TO A POINT. FOR REFERENCE, A 1/2 INCH IRON ROD FOUND BENT BEARS: S 15° 08' 10" W FOR A DISTANCE OF 0.37 FEET;

THENCE: S 43° 09' 47" W CONTINUING ALONG THE NORTHWEST LINE OF NORTH GRAHAM ROAD FOR A DISTANCE OF 18.80 FEET TO A 1/2 INCH IRON ROD SET MARKING THE SOUTH CORNER OF THIS HEREIN DESCRIBED TRACT AND THE EAST CORNER OF AN 11.00 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO WHITWORTH FINANCIAL, INC. RECORDED IN VOLUME 6508, PAGE 41 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. FOR REFERENCE, A 1/2 INCH IRON ROD FOUND MARKING THE SOUTH CORNER OF SAID 11.00 ACRE TRACT BEARS: S 42° 50' 18" W FOR A DISTANCE OF 929.32 FEET;

THENCE: N 47° 39' 24" W ALONG THE NORTHEAST LINE OF SAID 11.00 ACRE TRACT FOR A DISTANCE OF 515.86 FEET (DEED CALL: N 45° 07' 04" W - 515.86 FEET, 6863/86) TO A 1/2

INCH IRON ROD SET ON THE SOUTHEAST LINE OF SAID 89.5 ACRE TRACT MARKING THE EAST CORNER OF THIS HEREIN DESCRIBED TRACT AND THE NORTH CORNER OF SAID 11.00 ACRE TRACT. FOR REFERENCE, A 1/2 INCH IRON ROD FOUND MARKING THE WEST CORNER OF SAID 11.00 ACRE TRACT BEARS: S 42° 29' 46" W FOR A DISTANCE OF 928.85 FEET;

THENCE: N 42° 29' 28" E ALONG THE SOUTHEAST LINE OF SAID 89.5 ACRE TRACT FOR A DISTANCE OF 18.80 FEET (DEED CALL: N 44° 59' 47" W - 18.80 FEET, 6863/86) TO A 1/2 INCH IRON ROD SET;

THENCE: N 42° 22' 38" E CONTINUING ALONG THE SOUTHEAST LINE OF SAID 89.5 ACRE TRACT FOR A DISTANCE OF 930.78 FEET (DEED CALL: N 44° 51' 58" E - 930.78 FEET, 6863/86) TO THE **POINT OF BEGINNING** CONTAINING 11.26 ACRES OF LAND, MORE OR LESS, AS SURVEYED ON THE GROUND JUNE, 2014. SEE PLAT PREPARED JUNE, 2014, FOR MORE DESCRIPTIVE INFORMATION. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED BY GPS OBSERVATION.

BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4502

C:\WORK\MAB\14-315



EXHIBIT "B"

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

The following property is rezoned from R Rural to GS General Suburban, as shown graphically in EXHIBIT "C":

**METES AND BOUNDS DESCRIPTION
OF AN
11.00 ACRE TRACT
PETER NORTON SURVEY, A-186
JOHN PAYNE SURVEY, A-195
COLLEGE STATION, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OR PARCEL OF LAND LYING AND BEING SITUATED IN THE PETER NORTON SURVEY, ABSTRACT NO. 186 AND THE JOHN PAYNE SURVEY, ABSTRACT NO. 195, COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID TRACT BEING THE SAME TRACT OF LAND AS DESCRIBED BY A DEED TO WHITWORTH FINANCIAL, INC. RECORDED IN VOLUME 6508, PAGE 41 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS.

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

BEGINNING AT A 1/2 INCH IRON ROD FOUND ON THE NORTHWEST LINE OF NORTH GRAHAM ROAD MARKING THE SOUTH CORNER OF THIS HEREIN DESCRIBED TRACT AND THE EAST CORNER OF A CALLED 2.277 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO BIENSKI PROPERTIES, LP RECORDED IN VOLUME 8557, PAGE 168 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. FOR REFERENCE, A FENCE CORNER POST FOUND BEARS: N 50° 09' 58" E FOR A DISTANCE OF 2.94 FEET AND A 1/2 INCH IRON ROD FOUND BEARS: S 44° 20' 57" W FOR A DISTANCE OF 381.01 FEET;

THENCE: N 47° 27' 54" W ALONG THE NORTHEAST LINE OF SAID 2.277 ACRE TRACT FOR A DISTANCE OF 515.72 FEET (DEED CALL: N 44° 57' 56" W - 515.81 FEET, 6508/41) TO A 1/2 INCH IRON ROD FOUND ON THE SOUTHEAST LINE OF A CALLED 89.5 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO ABNER WHITE RECORDED IN VOLUME 984, PAGE 567 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS. SAID IRON ROD FOUND MARKING THE WEST CORNER OF THIS HEREIN DESCRIBED TRACT AND THE NORTH CORNER SAID 2.277 ACRE TRACT;

THENCE: N 42° 29' 46" E ALONG THE SOUTHEAST LINE OF SAID 89.5 ACRE TRACT FOR A DISTANCE OF 928.05 FEET (DEED CALL: N 44° 59' 47" E - 928.22 FEET, 6508/41) TO A 1/2 INCH IRON ROD SET MARKING THE NORTH CORNER OF THIS HEREIN DESCRIBED TRACT AND THE WEST CORNER OF AN 11.26 ACRE TRACT OF LAND AS DESCRIBED BY A DEED TO OVAIS INC. RECORDED IN VOLUME 6853, PAGE 86 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: S 47° 36' 24" E ALONG THE SOUTHWEST LINE OF SAID 11.26 ACRE TRACT FOR A DISTANCE OF 515.86 FEET (DEED CALL: S 45° 07' 04" E - 515.86 FEET, 6508/41) TO A 1/2 INCH IRON ROD SET ON THE NORTHWEST LINE OF NORTH GRAHAM ROAD MARKING THE EAST CORNER OF THIS HEREIN DESCRIBED TRACT AND THE SOUTH CORNER OF SAID 11.26 ACRE TRACT;

THENCE: S 42° 30' 18" W ALONG THE NORTHWEST LINE OF NORTH GRAHAM ROAD FOR A DISTANCE OF 929.32 FEET (DEED CALL: S 45° 00' 00" W - 929.59 FEET, 6508/41) TO THE POINT OF BEGINNING CONTAINING 11.00 ACRES OF LAND, MORE OR LESS, AS SURVEYED ON THE GROUND JUNE, 2014. SEE PLAT PREPARED JUNE, 2014, FOR MORE DESCRIPTIVE INFORMATION. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED BY GPS OBSERVATION.

BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4502

C:/WORK/MAB/14-336





Legislation Details (With Text)

File #:	15-0350	Version:	1	Name:	4201 Rock Prairie Road Comprehensive Plan Amendment
Type:	Comprehensive Plan	Status:		Status:	Agenda Ready
File created:	6/24/2015	In control:		In control:	City Council Regular
On agenda:	7/9/2015	Final action:		Final action:	
Title:	Public Hearing, presentation, possible action, and discussion regarding an ordinance amending the Comprehensive Plan - Future Land Use & Character Map from Estate and Restricted Suburban to Restricted Suburban and Suburban Commercial for approximately 25 acres located at 4201 Rock Prairie Road, and more generally located at the northeast corner of Rock Prairie Road and Bird Pond Road.				
Sponsors:	Jennifer Prochazka				
Indexes:					
Code sections:					
Attachments:	Background Information Aerial Amendment Map Ordinance.pdf				

Date	Ver.	Action By	Action	Result
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Public Hearing, presentation, possible action, and discussion regarding an ordinance amending the Comprehensive Plan - Future Land Use & Character Map from Estate and Restricted Suburban to Restricted Suburban and Suburban Commercial for approximately 25 acres located at 4201 Rock Prairie Road, and more generally located at the northeast corner of Rock Prairie Road and Bird Pond Road.

Relationship to Strategic Goals: (Select all that apply)

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

Recommendation(s): The Planning and Zoning Commission considered this item at their June 18, 2015 meeting and voted 5-0 to recommend approval of the request. Staff also recommends approval. The City's Comprehensive Plan is a long-range, twenty-year plan that includes future land uses, thoroughfares, and utility lines that are planned and considered together to assure that future development is adequately served, and is not an indication of appropriate timing of development.

Summary: The applicant has requested the proposed amendment to Restricted Suburban and Suburban Commercial as a step toward permitting a residential subdivision on approximately 17 acres with an additional five to seven acres of Suburban Commercial located at the northeast corner of Rock Prairie Road and Bird Pond Road. The subject property and properties to the north and east

are primarily designated Estate on the Comprehensive Plan Future Land Use and Character Map.

REVIEW CRITERIA

- 1. Changed or changing conditions in the subject area or the City:** The subject property is located north of the future Medical District. The subject property was studied as a part of the Medical District Master Plan in 2012, and no future land use amendment was recommended for the subject property at that time.
- 2. Scope of the request:** The request is to amend the Comprehensive Plan Future Land Use and Character Map designation for approximately 25.5 acres from Restricted Suburban and Estate to Restricted Suburban and Suburban Commercial. This amendment will allow for a future residential subdivision with medium density single-family housing (average 10,000 square-foot lots) and small-scale commercial development at the intersection of two future thoroughfares in an area with a prevailing rural character. The proposed land use is more intense than the surrounding land uses, but is less intense than potential future development south of Rock Prairie Road in the Medical District area.
- 3. Availability of adequate information:** A Restricted Suburban designation allows for future development of a medium-density single-family residential subdivision and the Suburban Commercial designation is for small-scale commercial development. Properties in this area are primarily served by Wellborn Special Utility District (water). Wellborn SUD has indicated an ability to serve domestic water service to the proposed subdivision, but cannot currently meet minimum fire flow requirements. College Station Utilities has the ability to operate and maintain fire-only waterline infrastructure to provide adequate fire flows for this development. College Station Utilities does not receive revenue on fire-only lines. Preliminary discussions related to CCN boundaries have begun with Wellborn SUD, but no agreement has been reached.

Currently, there is no sewer service in this area. Long term, however, there are plans to have a gravity sewer line across Rock Prairie Road that could potentially serve this area.

The property and surrounding area are not within the Fire Department's desired 4.5 minute response time.

Traffic Impact Analysis is not required for residential development. Rock Prairie Road is substandard in both street width and condition, but is being rebuilt in its current configuration. Bird Pond Road was recently improved, but retains a rural two-lane section.

- 4. Consistency with the goals and strategies set forth in the Plan:** The goal for College Station's Future Land Use and Character is to create a community with strong, unique neighborhoods, protected rural areas, special districts, distinct corridors, and a protected and enhanced natural environment. The subject property and surrounding area to the north and east are identified in the Comprehensive Plan as part of Growth Area III. Growth Area III states that "due to the prevailing rural character, this area should remain rural in character and be developed at a low intensity. A significant portion of the total area shall be retained as natural areas, parks, or open spaces with land uses clustered or placed on large lots."

The proposed amendment shifts the existing Restricted Suburban designation further to the east to encompass all of the subject property and extends the Suburban Commercial currently on the south side of Rock Prairie Road to the north. Further amendments in this area are discouraged

due to a limited future street network and utility constraints in this area, as well as to retain the existing rural character anticipated by the Comprehensive Plan.

5. Consideration of the Future Land Use & Character and/or Thoroughfare Plans: The existing Future Land Use and Character designation on the property is primarily "Estate." "Estate" is a designation for areas with a prevailing rural character that should have limited development activities consisting of low-density single-family of one acre lots (or denser if clustered).

Generally, land located between Carter's Creek and Rock Prairie Road is planned for low intensity residential uses. Due to the location of Carter's Creek and existing rural residential development in the area, there is very little thoroughfare infrastructure planned in this area, limiting overall thoroughfare capacity.

The applicant has requested an amendment to "Restricted Suburban" and "Suburban Commercial." "Restricted Suburban" is a designation for areas that should have a moderate level of development with larger lots (10,000 square feet or smaller if clustered around open space). "Suburban Commercial" is a designation for concentrations of small-scale commercial that caters to nearby residents. Although adjacent properties are also designated "Estate," properties to the west, across Bird Pond Road, are already designated for "Restricted Suburban" and properties to the south across Rock Prairie Road are designated "Suburban Commercial."

The property is located at the corner of two significant roadways. Rock Prairie Road is designated as a Major Collector east of the realigned Bird Pond Road and as a Major Arterial west of Bird Pond Road. Bird Pond Road is designated as a future Minor Arterial on the City's Thoroughfare Plan Map and is proposed to be realigned through the subject property in the future. Both roadways are currently built to a 2-lane rural section.

6. Compatibility with the surrounding area: The adjacent land uses are phases of Bird Pond Estates to the north (average 1.25 acre lots with an overall future density of 0.4 dwelling units per acre) and Flying Ace Ranch to the east (an 18 dwelling unit equestrian/residential development with a density of 0.7 dwelling units per acre). Located further to the east is the Carter Lake subdivision. These existing developments are in compliance with the Estate designation on the Future Land Use & Character Map in this area. A Restricted Suburban development with Suburban Commercial along Rock Prairie Road will provide a different character than these existing developments.

Current agricultural land located to the west across Bird Pond Road is designated as future Restricted Suburban. The amendment is consistent with future land uses to the west.

Current agricultural land located to the south across Rock Prairie Road has been planned for Suburban Commercial in the future Medical District. The amendment is consistent with future land uses to the south.

7. Impacts on infrastructure including water, wastewater, drainage, and the transportation network: Domestic water service for the majority of the area is located within the CCN of the Wellborn Special Utility District. However, Wellborn does not have the ability to provide fire adequate fire flow for the area. Water for fire lines to serve fire hydrants can be provided by College Station Utilities.

There are no existing sanitary sewer mains available to serve this property. As part of the rezoning for this property, the developer is proposing to install a lift station and a force main to a sewer line located near the intersection of Rock Prairie Road and William D. Fitch Parkway (nearly two miles).

The future Thoroughfare Plan in this area provides very little connectivity and/or capacity. Future thoroughfares are limited in this area because of Carter's Creek to the north and the location of existing rural residential development, including the Carter Lake subdivision. Both Rock Prairie Road and Bird Pond Road are currently built to a 2-lane rural section. Upgrades to their future thoroughfare sections are not currently planned, however, Rock Prairie Road is proposed to be reconstructed at its current width in the future. A traffic impact analysis is not required for residential development.

There is no FEMA regulated floodplain identified on the tract. The development will be required to comply with the City's drainage ordinance.

8. Impact on the City's ability to provide, fund, and maintain services: The subject property and surrounding area are not within the Fire Department's desired 4.5 minute response time, a performance indicator that can have bearing on the City's ISO rating.

Properties northeast of the intersection of Rock Prairie Road and Bird Pond Estates are located within the Wellborn Special Utility District. Wellborn SUD cannot currently provide adequate fire flows in this area.

There are currently no existing sanitary sewer mains available to serve this property, so a nearly two mile force main with lift station have been proposed to accommodate development.

9. Impact on environmentally sensitive and natural areas: This area is not recognized as environmentally sensitive. However, Growth Area III states that "due to the prevailing rural character, this area should remain rural in character and be developed at a low intensity. A significant portion of the total area shall be retained as natural areas, parks, or open spaces with land uses clustered or placed on large lots."

10. Contribution to the overall direction and character of the community as captured in the Plan's vision and goals: The goal for College Station's Future Land Use and Character is to create a community with strong, unique neighborhoods, protected rural areas, special districts, distinct corridors, and a protected and enhanced natural environment. The proposed amendment from Estate to Restricted Suburban and Suburban Commercial on just over 25 acres neither furthers, nor limits the general goals of the Comprehensive Plan. However, the amendment limits more specific goals stated as a part of Growth Area III which indicates a desire to protect the prevailing rural character of this area.

Budget & Financial Summary:

Attachments:

1. Background Information
2. Aerial

3. Amendment Map
4. Ordinance

HISTORY

In February 2015, the Planning & Zoning Commission considered a Comprehensive Plan amendment to Restricted Suburban for the subject property. The P&Z recommended denial of that request in a 3-3 vote, citing timing, the need to preserve Estate densities in this area, and the progression of land uses to protect existing development in the area as concerns. The applicant chose not to proceed to City Council for a final decision. Because the City Council did not consider this item, the applicant was not required to wait 180 days before applying for a new Comprehensive Plan Amendment on the property.

NOTIFICATIONS

Advertised Commission Hearing Date: June 18, 2015

Advertised Council Hearing Dates: July 9, 2015

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:

N/A

Contacts in support: None as of date of staff report

Contacts in opposition: Staff received eight (8) contacts in opposition to the request citing concerns with increased traffic, character, and compatibility with adjacent land uses.

Inquiry contacts: Staff received six (6) inquiry contacts.

ADJACENT LAND USES

Direction	Comprehensive Plan	Zoning	Land Use
North	Estate	E Estate	Large-lot residential in Bird Pond Estates Subdivision
South (across Rock Prairie Road)	Suburban Commercial	R Rural	Agricultural
East	Estate	R Rural	Rural Equestrian / Residential Development
West (across Bird Pond Road)	Restricted Suburban	R Rural	Agricultural

DEVELOPMENT HISTORY

Annexation: Approximately 200 feet to the north of Rock Prairie Road was annexed in 1983. The remainder was annexed in 2002.

Zoning: R Rural

Final Plat: Unplatted

Site development: Vacant



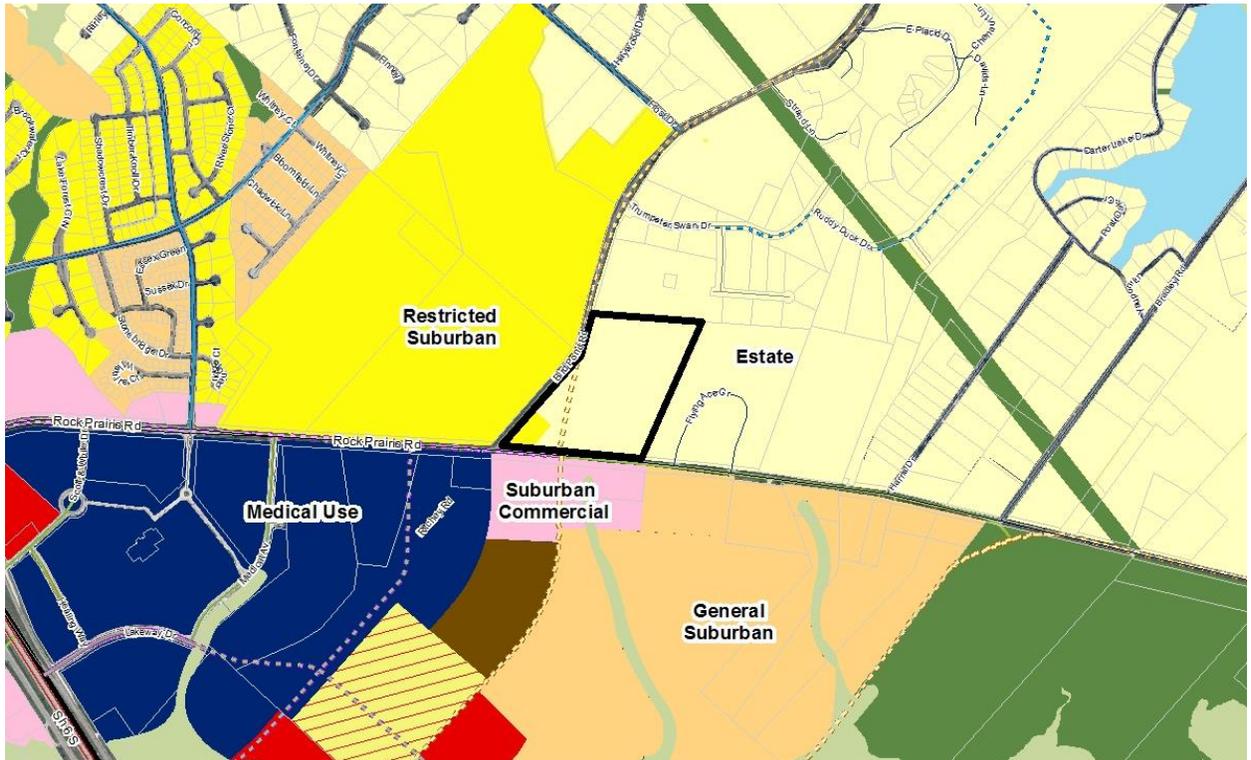
Case: COMP PLAN AMENDMENT
CPA2015-000002

4201 ROCK PRAIRIE RD

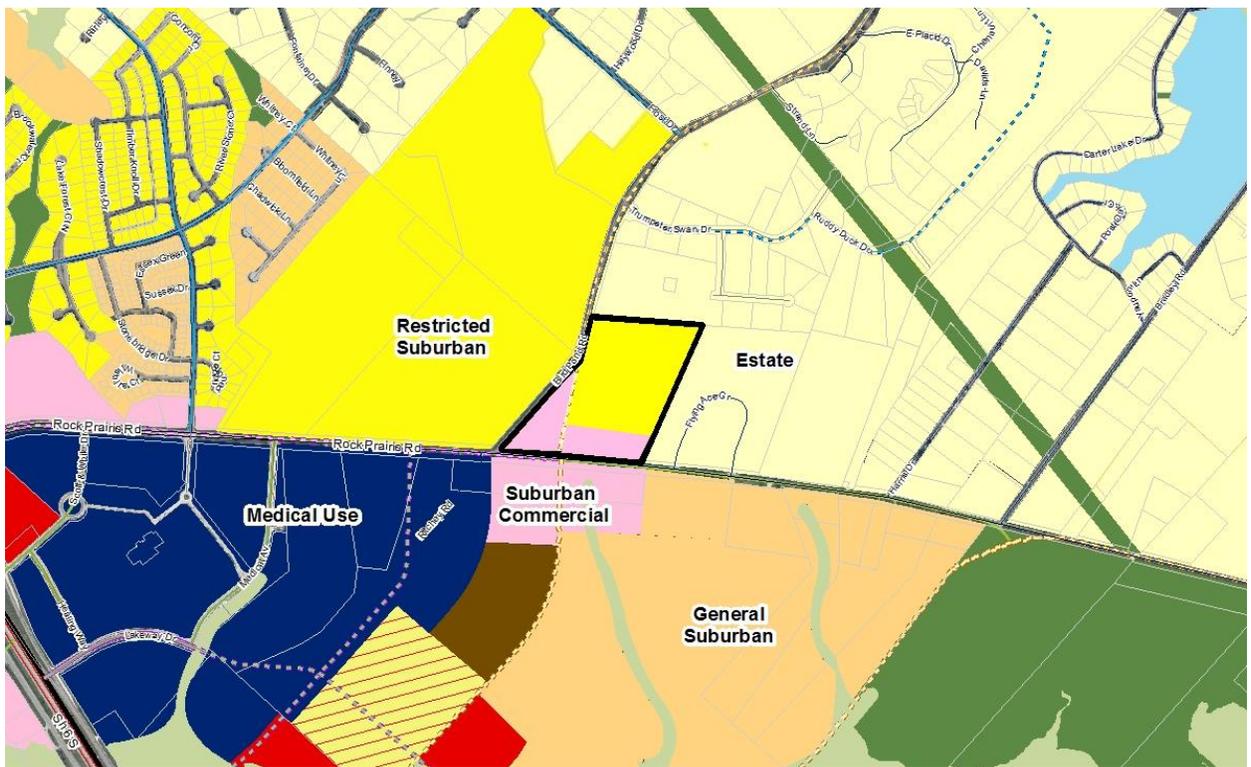
DEVELOPMENT REVIEW



Existing Future Land Use & Character Map



Proposed Future Land Use & Character Map



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 FROM ESTATE AND RESTRICTED SUBURBAN TO RESTRICTED SUBURBAN AND SUBURBAN COMMERCIAL, FOR THE PROPERTY LOCATED AT 4201 ROCK PRAIRIE ROAD, APPROXIMATELY 25 ACRES GENRALLY LOCATED AT THE NORTHEAST CORNER OF ROCK PRAIRIE ROAD AND BIRD POND ROAD, PROVIDING A SEVERABILITY CLAUSE; PROVIDING AN EFFECTIVE DATE; AND CONTAINING OTHER PROVISIONS RELATED THERETO.

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

PART 1: That the “Comprehensive Plan of the City of College Station” by amending the “Comprehensive Plan Future Land Use and Character Map”, as set out in Exhibits “A”, Section C.2.i, and Exhibits “B”, and “C” attached hereto for the identified 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 9th day of July, 2015.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

City Attorney

EXHIBIT "A"

A. Comprehensive Plan

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

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

B. Master Plans

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

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

C. Miscellaneous Amendments

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

1. Text Amendments:
 - a. Chapter 2 “Community Character,” “Growth Areas” by amending the text regarding Growth Area IV and Growth Area V – Ordinance 3376, dated October 2011.
2. Future Land Use and Character Map Amendment:
 - a. 301 Southwest Parkway – Ordinance 3255, dated July 2010.
 - b. Richards Subdivision – Ordinance 3376, dated October 2011.
 - c. 1600 University Drive East – Ordinance 3535, dated November 14, 2013.
 - d. 2560 Earl Rudder Freeway S. – Ordinance 3541, dated December 12, 2013.
 - e. 13913 FM 2154. – Ordinance 3546, dated January 9, 2014.
 - f. 2021 Harvey Mitchell Parkway – Ordinance 3549, dated January 23, 2014.
 - g. 1201 Norton Lane – Ordinance 3555, dated February 27, 2014.
 - h. 3715 Rock Prairie Road West – Ordinance 3596, dated August 25, 2014.
 - i. 4201 Rock Prairie Road – with this ordinance, dated July 9, 2015.
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.
 - h. Cain Road extension – Ordinance 3639, dated February 26, 2015.
5. Bicycle, Pedestrian and Greenways Master Plan Amendment:
 - a. Cain Road extension – Ordinance 3639, dated February 26, 2015

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 LAND 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 approximately 25 acres located at 4201 Rock Prairie Road, generally located at the northeast corner of Rock Prairie Road and Bird Pond Road, and shown graphically below, is amended from Estate and Restricted Suburban to Restricted Suburban and Suburban Commercial, as shown in the attached Exhibit "C".

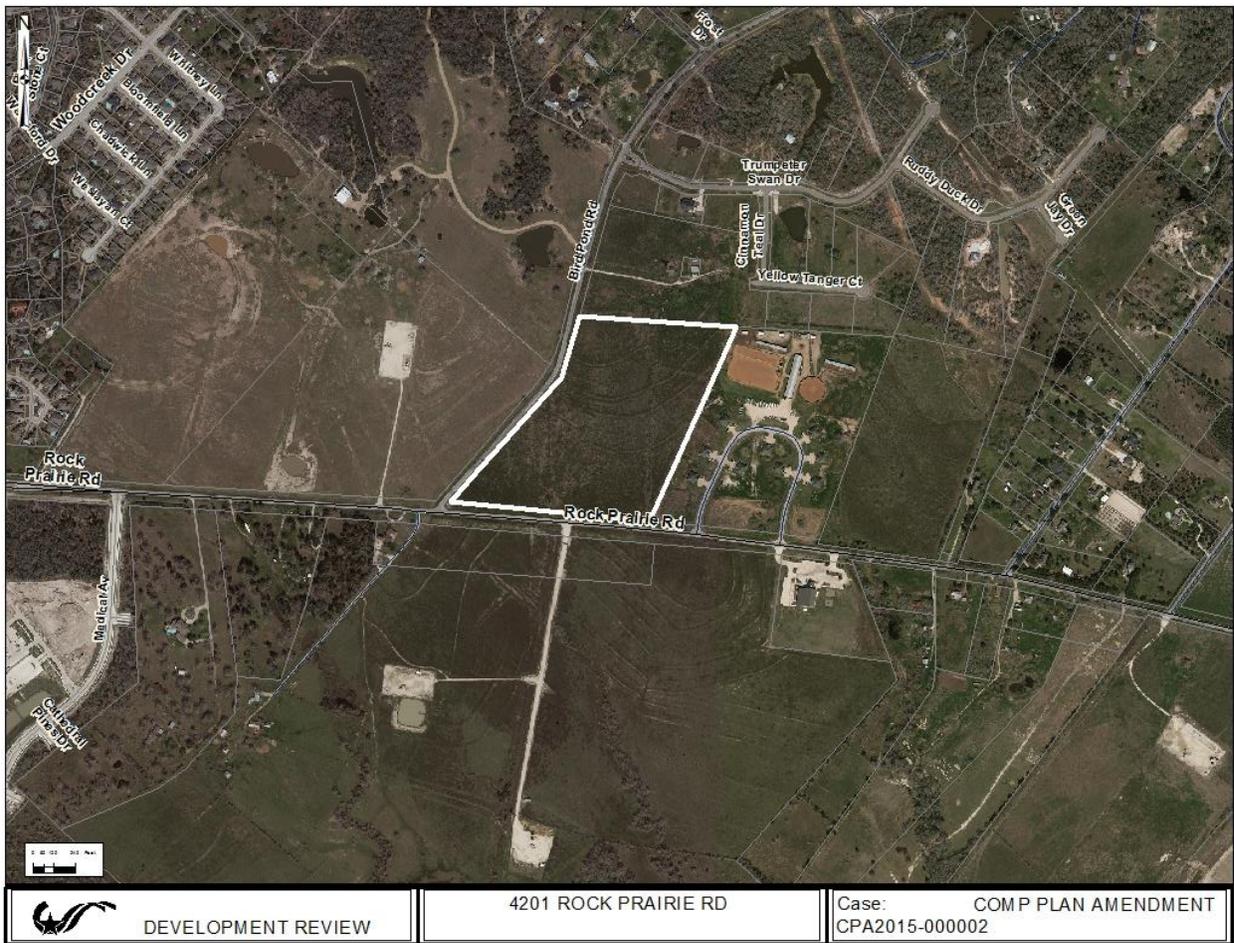
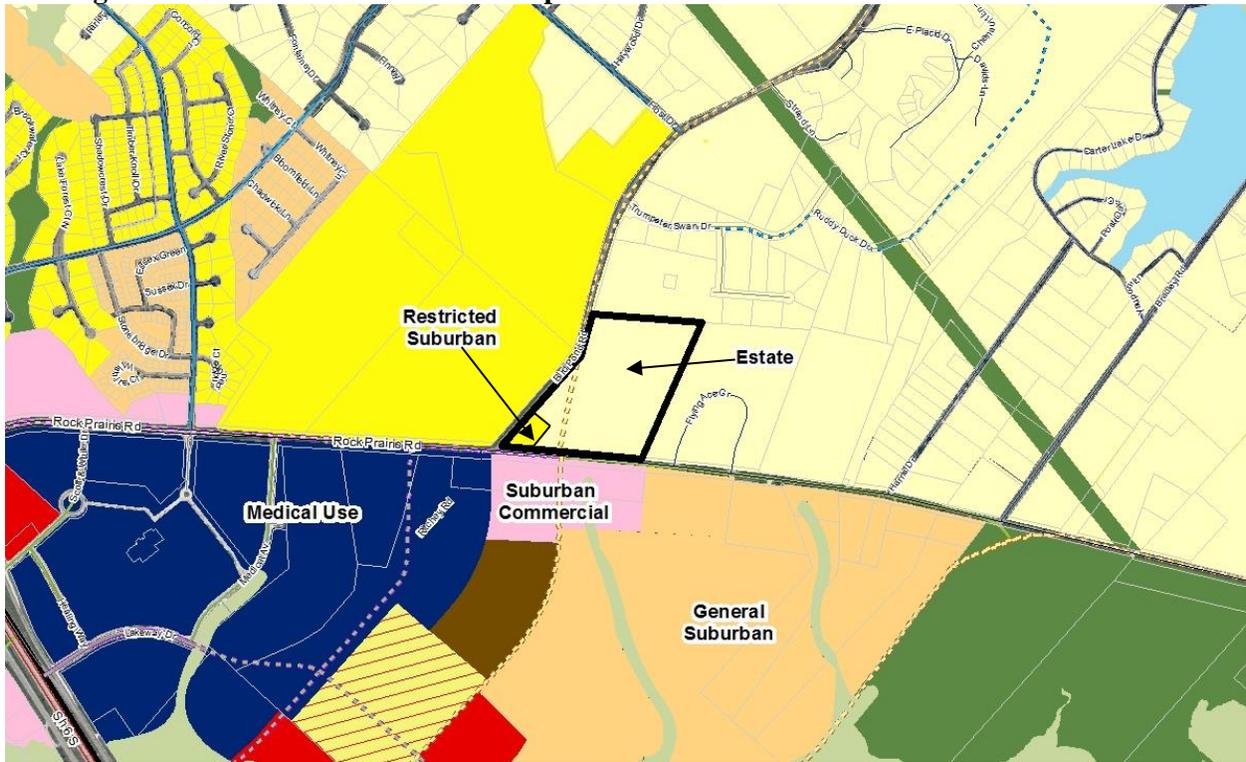
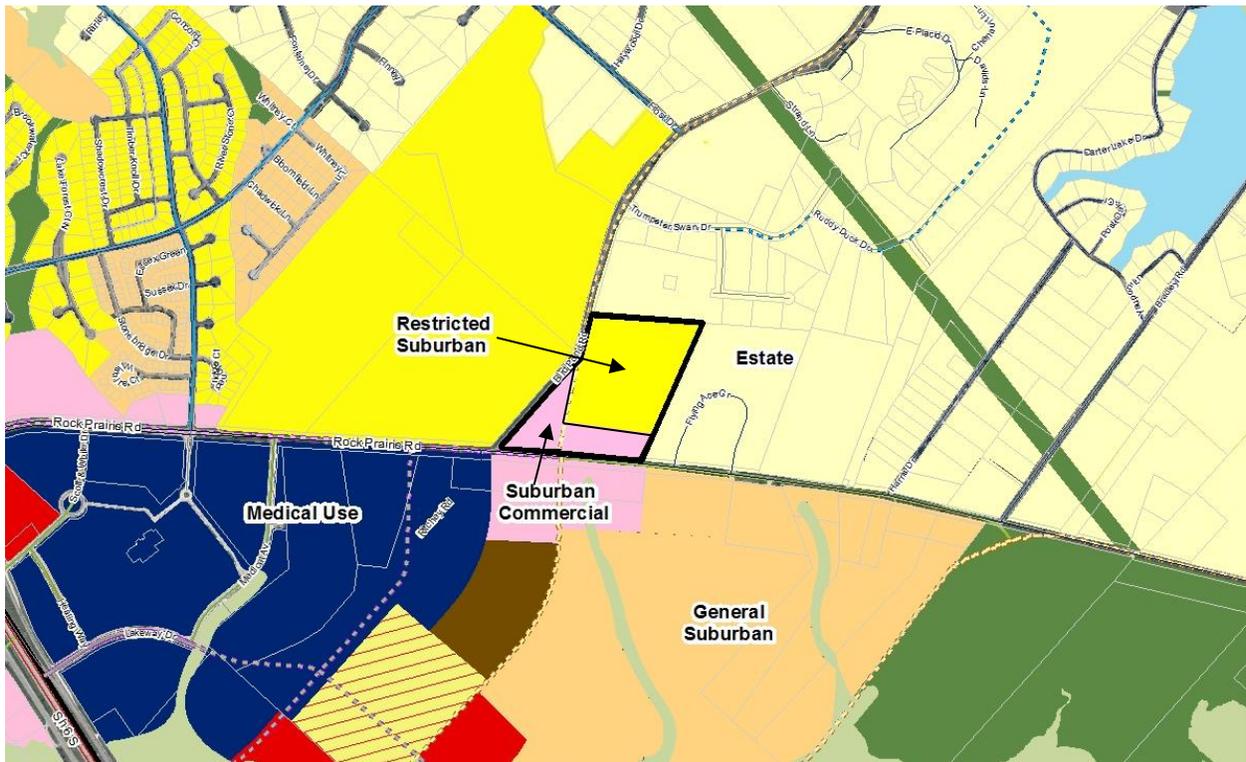


EXHIBIT "C"

Existing Future Land Use & Character Map



Proposed Future Land Use & Character Map





Legislation Details (With Text)

File #: 15-0351 **Version:** 1 **Name:** 4201 Rock Prairie Road Rezoning

Type: Rezoning **Status:** Agenda Ready

File created: 6/24/2015 **In control:** City Council Regular

On agenda: 7/9/2015 **Final action:**

Title: Public Hearing, presentation, possible action, and discussion regarding an ordinance amending Chapter 12, "Unified Development Ordinance," Section 12-4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas by changing the zoning district boundaries for approximately 20.872 acres from R Rural to 17.14 acres of RS Restricted Suburban and 3.732 acres of SC Suburban Commercial, both tracts being located in the Thomas Caruthers League, Abstract No.9, College Station, Brazos County, Texas. Said Tracts being portions of the remainder of a called 26.25 acre tract as described by a deed to Dale W. Conrad and Wife, Reba J. Conrad recorded in Volume 460, Page 505 of the Deed Records of Brazos County, Texas; generally located at 4201 Rock Prairie Road, and more generally located at the northeast corner of Rock Prairie Road and Bird Pond Road.

Sponsors: Jennifer Prochazka

Indexes:

Code sections:

Attachments: [Background Information](#)
[Aerial & Small Area Map](#)
[Utility Layout](#)
[Ordinance](#)

Date	Ver.	Action By	Action	Result
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Public Hearing, presentation, possible action, and discussion regarding an ordinance amending Chapter 12, "Unified Development Ordinance," Section 12-4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas by changing the zoning district boundaries for approximately 20.872 acres from R Rural to 17.14 acres of RS Restricted Suburban and 3.732 acres of SC Suburban Commercial, both tracts being located in the Thomas Caruthers League, Abstract No.9, College Station, Brazos County, Texas. Said Tracts being portions of the remainder of a called 26.25 acre tract as described by a deed to Dale W. Conrad and Wife, Reba J. Conrad recorded in Volume 460, Page 505 of the Deed Records of Brazos County, Texas; generally located at 4201 Rock Prairie Road, and more generally located at the northeast corner of Rock Prairie Road and Bird Pond Road.

Relationship to Strategic Goals:

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

Recommendation(s): The Planning and Zoning Commission considered this item on June 18, 2015

and voted 5-0 to approve the rezoning request. Staff recommends denial of the requested rezoning because the subject property has service limitations including a lack of sewer infrastructure, the need for additional water line infrastructure to meet fire flow requirements, rural road sections, and it is not located within the Fire Department's desired 4.5 minute response time. The intensity of the proposed development cannot yet be served safely and effectively.

Summary: The applicant has requested rezoning to 17.14 acres of RS Restricted Suburban and 3.732 acres of SC Suburban Commercial along the Rock Prairie Road frontage. An additional five acres at the corner of Rock Prairie Road and Bird Pond Road (also under consideration for a Comprehensive Plan amendment to SC Suburban Commercial) is not requested to be rezoned at this time and would remain zoned R Rural.

REVIEW CRITERIA

1. Consistency with the Comprehensive Plan: The existing Future Land Use and Character designation on the property is primarily "Estate," with a pending application to amend the Plan to "Restricted Suburban" and "Suburban Commercial." The property is also located in Growth Area III. Generally, this area consists of land along Rock Prairie Road surrounded by established rural subdivisions. According to the Comprehensive Plan, due to service limitations and the prevailing rural character, the area should remain rural in character and be developed at a low intensity.

"Estate" is a designation for areas with a prevailing rural character that should have limited development activities consisting of low-density single-family of one acre lots (or denser if clustered).

"Restricted Suburban" is a designation for areas that should have a moderate level of development with larger lots (i.e.: 10,000 square feet or smaller if clustered around open space). To accomplish this desired character, the City adopted the RS Restricted Suburban zoning district in 2013.

"Suburban Commercial" is a designation for concentrations of small-scale commercial that caters to nearby residents. To accomplish this desired character, the City adopted the SC Suburban Commercial zoning district in 2012.

If the proposed amendment to the Comprehensive Plan Land Use and Character Map is approved, the proposed rezoning will be in compliance.

2. Compatibility with the present zoning and conforming uses of nearby property and with the character of the neighborhood: The adjacent land uses are phases of Bird Pond Estates to the north (acreage lots with an average lot size of 1.25 acres and an overall future density of 0.4 dwelling units per acre) and Flying Ace Ranch to the east (an equestrian/residential development with 18 dwelling units and a density of 0.7 dwelling units per acre).

The subject property and the surrounding area are currently developed as rural residential or used for agricultural purposes. The character of the proposed development maybe compatible with existing surrounding uses and prevailing rural character of the area as a gradient in intensity from the proposed Medical District area located to the south across Rock Prairie Road.

3. Suitability of the property affected by the amendment for uses permitted by the district that would be made applicable by the proposed amendment: The rezoning request

is for RS Restricted Suburban and SC Suburban Commercial along Rock Prairie Road.

The subject property and surrounding area has some infrastructure/service limitations:

- The majority of the property is in the Wellborn Special Utility District CCN. Wellborn cannot currently provide adequate fire flows in this area. College Station Utilities has the ability to operate and maintain waterlines for fire hydrants needed to meet minimum fire flow requirements, while Wellborn serves domestic water in this area. CSU does not receive revenue on fire-only lines. Preliminary discussions related to CCN boundaries have begun with Wellborn SUD, but no agreement has been reached.
- There is not sewer in this area. The developer has proposed the construction of a lift station and a nearly two mile long force main to a gravity sewer main near the intersection of Rock Prairie Road and William D. Fitch Parkway. City staff recommends a commitment to a gravity sanitary sewer line prior to rezoning of the property for development.
- Both Rock Prairie Road and Bird Pond Road are not built to their ultimate cross section. Rock Prairie Road is currently in substandard condition.
- The property is not within the Fire Department's desired 4.5 minute response time.

With the exception of sewer service, all of these issues exist regardless of the developed use of the property. Some of these issues may be resolved with other capital projects over time.

4. Suitability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment: The property is currently zoned R Rural providing opportunities for large-lot rural residential development and agricultural uses. The surrounding area is currently developed or used in a similar manner. Additionally, the subject property has service limitations including a lack of sewer infrastructure, the need for additional water line infrastructure to meet fire flow requirements, rural road sections, and it is not located within the Fire Department's desired 4.5 minute response time. The property is suitable for agricultural or rural residential uses.

5. Marketability of the property affected by the amendment for uses permitted by the district applicable to the property at the time of the proposed amendment: The applicant indicates that while the property could be marketed as an R Rural subdivision, the marketability of RS Restricted Suburban lots and SC Suburban Commercial lots is greater.

6. Availability of water, wastewater, stormwater, and transportation facilities generally suitable and adequate for the proposed use: Currently, Wellborn SUD holds the majority of the water CCN, but does not have sufficient capacity for fire protection. City of College Station will need to maintain a water main through the subdivision to provide fire protection.

There is currently no sanitary sewer available to serve the property. It is possible to construct a lift station with a force main along Rock Prairie Road to an existing sewer main near the intersection of Rock Prairie Road and William D. Fitch Parkway. There is capacity in the line at this time. However, as other development occurs in the area, capacity will be affected. City staff recommends a commitment to a gravity sanitary sewer line prior to rezoning of the property for development.

The subject tract is in Lick Creek Drainage basin. Detention is required with this development.

Bird Pond Road, a Minor Arterial, is planned to be realigned to Rock Prairie Road in the future. Access will be via Rock Prairie Road and future realigned Bird Pond Road. Public infrastructure shall be designed and constructed in accordance with B/CS Unified Design Guidelines.

Budget & Financial Summary: N/A

Attachments:

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

HISTORY

In February 2015, the Planning & Zoning Commission considered a rezoning to PDD Planned Development District on the entire 25 acres that included a gated single-family subdivision with approximately 70 homes. The P&Z recommended denial of that request in a 6-0 vote, citing infrastructure concerns, density, and inconsistent character as concerns. The applicant chose not to proceed to City Council for a final decision. Because the City Council did not consider this item, the applicant was not required to wait 180 days before applying for a new zoning on the property.

NOTIFICATIONS

Advertised Commission Hearing Date: June 18, 2015

Advertised Council Hearing Dates: July 9, 2015

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:

N/A

Contacts in support: None as of date of staff report
 Contacts in opposition: Staff received eight (8) contacts in opposition to the request citing concerns with increased traffic, character, and compatibility with adjacent land uses.
 Inquiry contacts: Staff received six (6) inquiry contacts.

ADJACENT LAND USES

Direction	Comprehensive Plan	Zoning	Land Use
North	Estate	E Estate	Large-lot residential in Bird Pond Estates Subdivision
South (across Rock Prairie Road)	Suburban Commercial	R Rural	Agricultural
East	Estate	R Rural	Rural Equestrian / Residential Development
West (across Bird Pond Road)	Restricted Suburban	R Rural	Agricultural

DEVELOPMENT HISTORY

Annexation: Approximately 200 feet to the north of Rock Prairie Road was annexed in 1983. The remainder was annexed in 2002.

Zoning: R Rural

Final Plat: Unplatted

Site development: Vacant



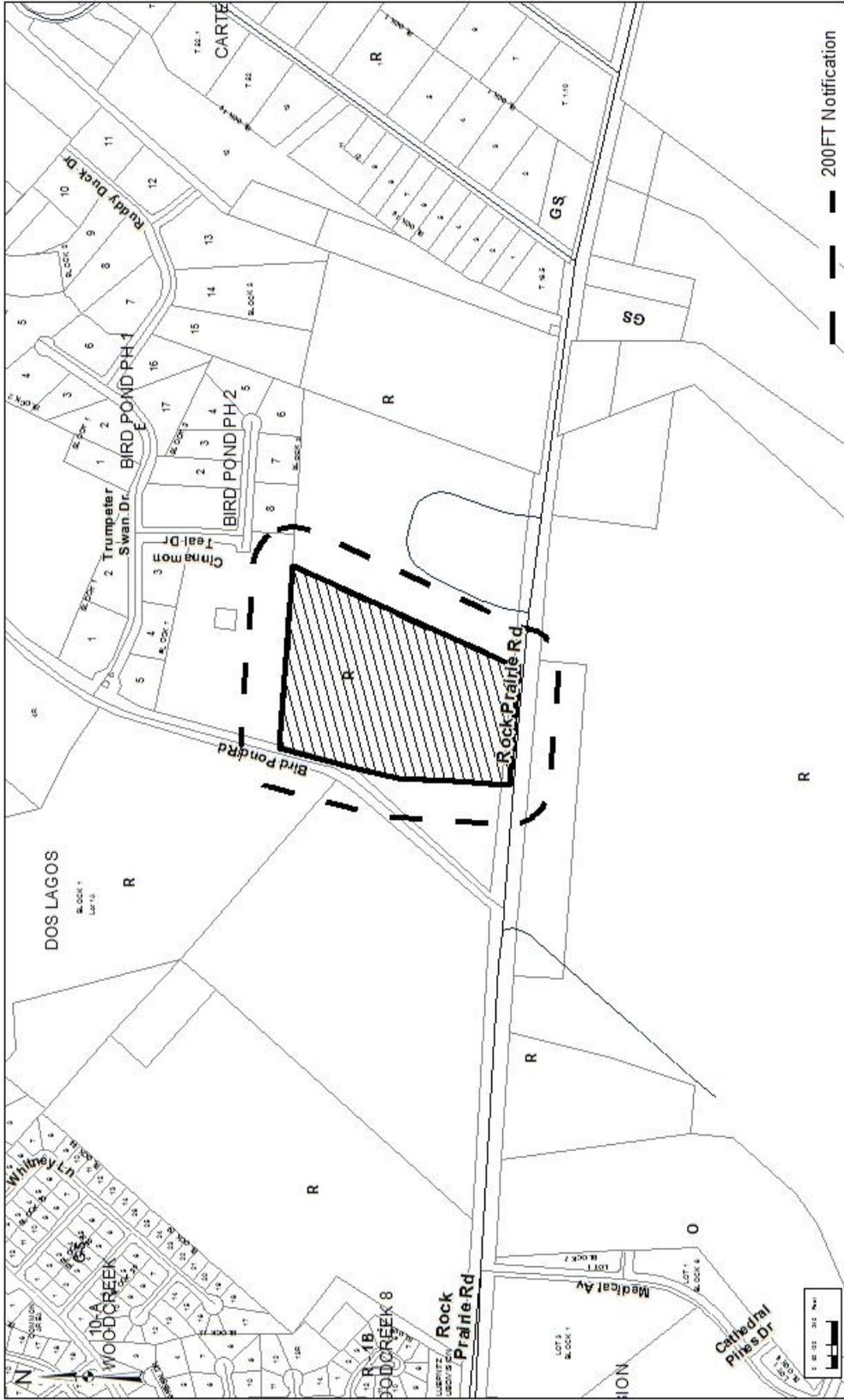
REZONING

Case:
REZ2015-000005

4201 ROCK PRAIRIE RD

DEVELOPMENT REVIEW



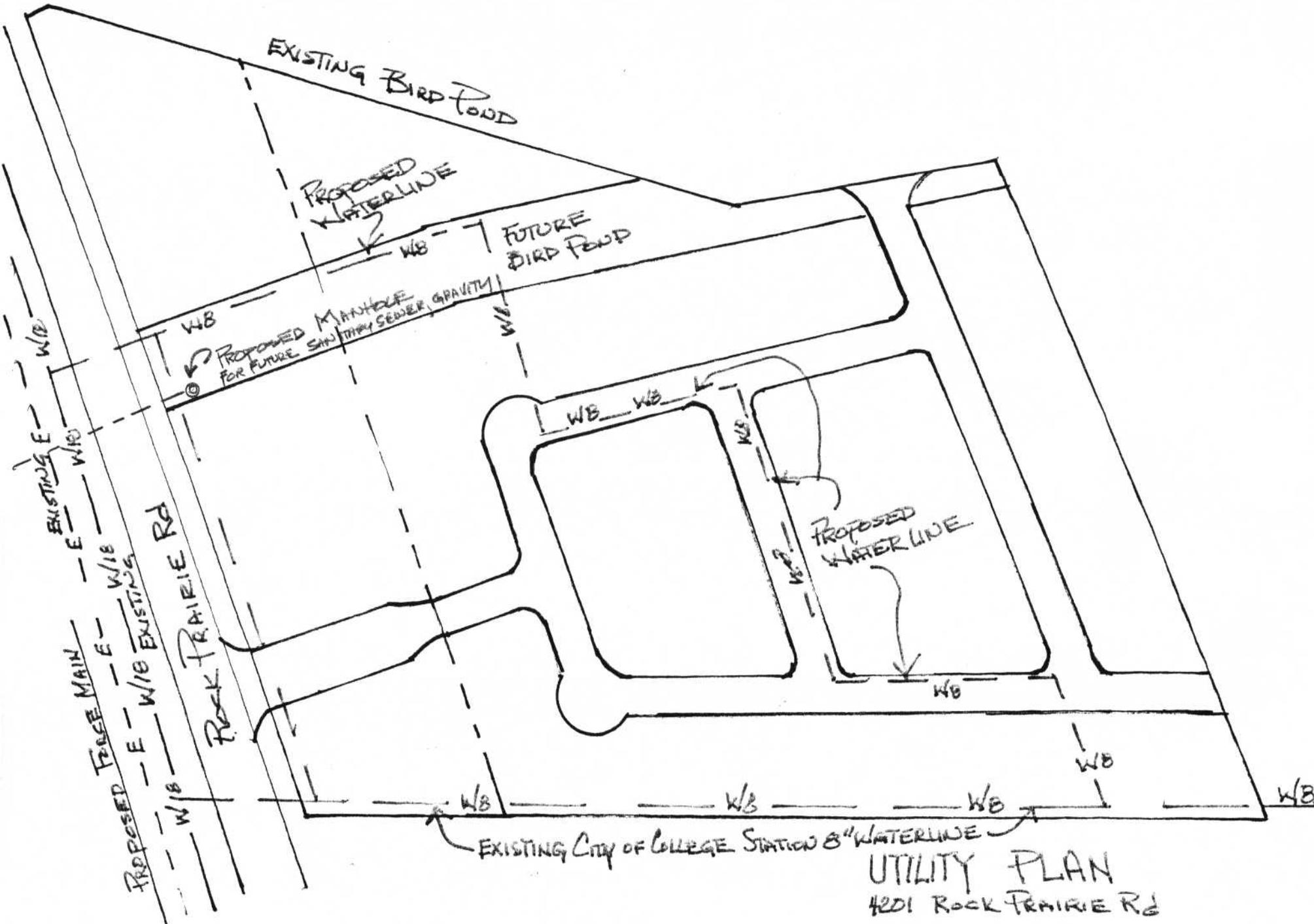


200FT Notification

Zoning Districts

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

	DEVELOPMENT REVIEW	4201 ROCK PRAIRIE RD	REZONING
Case:		REZ2015-000005	



UTILITY PLAN
 4201 ROCK PRAIRIE RD

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 12, "UNIFIED DEVELOPMENT ORDINANCE," SECTION 12-4.2, "OFFICIAL ZONING MAP," OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY CHANGING THE ZONING DISTRICT BOUNDARIES FOR APPROXIMATELY 20.872 ACRES FROM R RURAL TO 17.14 ACRES OF RS RESTRICTED SUBURBAN AND 3.732 ACRES OF SC SUBURBAN COMMERCIAL, BOTH TRACTS BEING LOCATED IN THE THOMAS CARUTHERS LEAGUE, ABSTRACT NO.9, COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID TRACTS BEING PORTIONS OF THE REMAINDER OF A CALLED 26.25 ACRE TRACT AS DESCRIBED BE A DEED TO DALE W. CONRAD AND WIFE, REBA J. CONRAD RECORDED IN VOLUME 460, PAGE 505 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS; GENERALLY LOCATED AT 4201 ROCK PRAIRIE ROAD, MORE GENERALLY LOCATED AT THE NORTHEAST CORNER OF ROCK PRAIRIE ROAD AND BIRD POND ROAD, PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

- PART 1: That Chapter 12, "Unified Development Ordinance," Section 12-4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit "A" and Exhibit "B", and as shown graphically in Exhibit "C", 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 9th day of July, 2015

APPROVED:

MAYOR

ATTEST:

City Secretary

APPROVED:

City Attorney

EXHIBIT "A"

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

The following property is rezoned from R Rural to RS Restricted Suburban, as shown graphically in EXHIBIT "C":

**METES AND BOUNDS DESCRIPTION
OF A
17.14 ACRE TRACT
THOMAS CARUTHERS LEAGUE, A-9
COLLEGE STATION, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OF LAND LYING AND BEING SITUATED IN THE THOMAS CARUTHERS LEAGUE, ABSTRACT NO. 9, COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF THE REMAINDER OF A CALLED 26.25 ACRE TRACT AS DESCRIBED BY A DEED TO DALE W. CONRAD AND WIFE, REBA J. CONRAD RECORDED IN VOLUME 460, PAGE 505 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS.

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

BEGINNING AT A 3/8 INCH IRON ROD FOUND ON THE EAST LINE OF BIRD POND ROAD (VARIABLE WIDTH R.O.W.) MARKING THE NORTHWEST CORNER OF SAID REMAINDER OF 26.25 ACRE TRACT AND THE SOUTHWEST CORNER OF A CALLED 13.36 ACRE TRACT AS DESCRIBED BY A DEED TO JOHN PATTON ATKINS RECORDED IN VOLUME 10955, PAGE 193 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: S 85° 53' 05" E ALONG THE COMMON LINE OF SAID REMAINDER OF 26.25 ACRE TRACT AND SAID 13.36 ACRE TRACT FOR A DISTANCE OF 926.97 FEET TO A 1/2 INCH IRON ROD FOUND MARKING THE COMMON CORNER OF SAID REMAINDER OF 26.25 ACRE TRACT AND A CALLED 26.225 ACRE TRACT AS DESCRIBED BY A DEED TO FLYING ACE DEVELOPMENT, LLC RECORDED IN VOLUME 11581, PAGE 155 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, FOR REFERENCE A 1/2 INCH IRON ROD FOUND MARKING THE NORTHEAST CORNER OF SAID 26.225 ACRE TRACT BEARS: S 85° 53' 05" E FOR A DISTANCE OF 908.15 FEET;

THENCE: S 24° 23' 30" W ALONG THE COMMON LINE OF SAID REMAINDER OF 26.25 ACRE TRACT AND SAID 26.225 ACRE TRACT FOR A DISTANCE OF 961.81 FEET TO THE SOUTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT, FOR REFERENCE A 1/2 INCH IRON ROD FOUND BEARS: S 24° 23' 30" W FOR A DISTANCE OF 264.07 FEET;

THENCE: THROUGH SAID REMAINDER OF 26.25 ACRE TRACT FOR THE FOLLOWING CALLS:

N 85° 01' 43" W FOR A DISTANCE OF 697.37 FEET TO THE SOUTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;

N 03° 35' 37" E FOR A DISTANCE OF 283.30 FEET;

N 13° 06' 51" E FOR A DISTANCE OF 242.04 FEET TO A FENCE POST FOUND ON THE EAST LINE OF BIRD POND ROAD;

THENCE: N 14° 35' 54" E ALONG THE EAST LINE OF BIRD POND ROAD FOR A DISTANCE OF 375.72 FEET TO THE **POINT OF BEGINNING** CONTAINING 17.14 ACRES OF LAND, MORE OF LESS, AS SURVEYED ON THE GROUND OCTOBER 2014. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION.

BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4502

D:/WORK/MAB/15-398A.MAB



EXHIBIT "B"

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

The following property is rezoned from R Rural to SC Suburban Commercial, as shown graphically in EXHIBIT "C":

**METES AND BOUNDS DESCRIPTION
OF A
3.732 ACRE TRACT
THOMAS CARUTHERS LEAGUE, A-9
COLLEGE STATION, BRAZOS COUNTY, TEXAS**

METES AND BOUNDS DESCRIPTION OF ALL THAT CERTAIN TRACT OF LAND LYING AND BEING SITUATED IN THE THOMAS CARUTHERS LEAGUE, ABSTRACT NO. 9, COLLEGE STATION, BRAZOS COUNTY, TEXAS. SAID TRACT BEING A PORTION OF THE REMAINDER OF A CALLED 26.25 ACRE TRACT AS DESCRIBED BY A DEED TO DALE W. CONRAD AND WIFE, REBA J. CONRAD RECORDED IN VOLUME 460, PAGE 505 OF THE DEED RECORDS OF BRAZOS COUNTY, TEXAS.

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

COMMENCING AT A 3/8 INCH IRON ROD FOUND ON THE EAST LINE OF BIRD POND ROAD (VARIABLE WIDTH R.O.W.) MARKING THE NORTHWEST CORNER OF SAID REMAINDER OF 26.25 ACRE TRACT AND THE SOUTHWEST CORNER OF A CALLED 13.36 ACRE TRACT AS DESCRIBED BY A DEED TO JOHN PATTON ATKINS RECORDED IN VOLUME 10955, PAGE 193 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS;

THENCE: S 85° 53' 05" E ALONG THE COMMON LINE OF SAID REMAINDER OF 26.25 ACRE TRACT AND SAID 13.36 ACRE TRACT FOR A DISTANCE OF 926.97 FEET TO A 1/2 INCH IRON ROD FOUND MARKING THE COMMON CORNER OF SAID REMAINDER OF 26.25 ACRE TRACT AND A CALLED 26.225 ACRE TRACT AS DESCRIBED BY A DEED TO FLYING ACE DEVELOPMENT, LLC RECORDED IN VOLUME 11581, PAGE 155 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS, FOR REFERENCE A 1/2 INCH IRON ROD FOUND MARKING THE NORTHEAST CORNER OF SAID 26.225 ACRE TRACT BEARS: S 85° 53' 05" E FOR A DISTANCE OF 908.15 FEET;

THENCE: S 24° 23' 30" W ALONG THE COMMON LINE OF SAID REMAINDER OF 26.25 ACRE TRACT AND SAID 26.225 ACRE TRACT FOR A DISTANCE OF 961.81 FEET TO THE POINT OF BEGINNING OF THIS HEREIN DESCRIBED TRACT;

THENCE: S 24° 23' 30" W CONTINUING ALONG THE COMMON LINE OF SAID REMAINDER OF 26.25 ACRE TRACT AND SAID 26.225 ACRE TRACT, AT 264.07 FEET PASS A 1/2 INCH IRON ROD FOUND, CONTINUE ON FOR A TOTAL DISTANCE OF 265.08 FEET TO THE NORTH LINE OF ROCK PRAIRIE ROAD (VARIABLE WIDTH R.O.W.) MARKING THE SOUTHEAST CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE: N 85° 01' 43" W ALONG THE NORTH LINE OF ROCK PRAIRIE ROAD FOR A DISTANCE OF 603.22 FEET TO THE SOUTHWEST CORNER OF THIS HEREIN DESCRIBED TRACT;

THENCE: THROUGH SAID REMAINDER OF 26.25 ACRE TRACT FOR THE FOLLOWING CALLS:

N 03° 35' 37" E FOR A DISTANCE OF 250.07 FEET;

S 85° 01' 43" E, 250.00 FEET FROM AND PARALLEL TO THE NORTH LINE OF ROCK PRAIRIE ROAD, FOR A DISTANCE OF 697.37 FEET TO THE POINT OF BEGINNING CONTAINING 3.732 ACRES OF LAND, MORE OR LESS, AS SURVEYED ON THE GROUND OCTOBER 2014. BEARING SYSTEM SHOWN HEREIN IS BASED ON GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION.

BRAD KERR
REGISTERED PROFESSIONAL
LAND SURVEYOR No. 4502

D:/WORK/MAB/15-398C.MAB





Legislation Details (With Text)

File #: 15-0337 **Version:** 1 **Name:** No Parking - Arrington Road
Type: Ordinance **Status:** Agenda Ready
File created: 6/21/2015 **In control:** City Council Regular
On agenda: 7/9/2015 **Final action:**
Title: Public Hearing, presentation, possible action and discussion of an ordinance amending Chapter 10 "Traffic Code" to remove parking along Arrington Road.
Sponsors: Troy Rother
Indexes:
Code sections:
Attachments: [Park Removal Ordinance - Arrington Road.pdf](#)
[Map - Arrington Road No Parking.pdf](#)

Date	Ver.	Action By	Action	Result
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Public Hearing, presentation, possible action and discussion of an ordinance amending Chapter 10 "Traffic Code" to remove parking along Arrington Road.

Relationship to Strategic Goals:

- Core Services and Infrastructure
- Improving Mobility

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

Summary: Many citizens have contacted the City concerned about parking along Arrington Road between State Highway 6 Frontage Road South and Decatur Drive. A primary concern is vehicles needing to drive in the opposing left-turn lane or on the other side of the double yellow line due to available pavement width.

Traffic engineering evaluated the parking situation and presented a need to remove parking along Arrington Road to the Traffic Management Team. The Traffic Management Team evaluated Traffic Engineering's request and recommends removing parking along Arrington Road in the affected area.

Based upon the Traffic Management Teams Recommendation, City Staff presented a no parking ordinance to the property owners, residents, and business owners along Arrington Road at a public meeting on June 2, 2015. This included residents and property owners within Springcreek Townhomes. The public meeting was held at Fire Station 3 on Barron road. Two (2) residents and (3) business owners/managers attended. The business owners/managers in attendance were from the School, the Car Wash, and the Steak House. City Staff also received one email from a citizen that could not attend the meeting. All of the residents, property owners, and business owners/managers at the public meeting support this ordinance. Additionally, the citizen that emailed city staff is in support of this ordinance.

Budget & Financial Summary: The "NO PARKING" signs are planned operation and maintenance expenses accounted for in the Public Works Traffic Operations budget.

Attachments:

1. Ordinance
2. Map

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10, “TRAFFIC CODE”, SECTION 4 “ADMINISTRATIVE ADJUDICATION OF PARKING VIOLATIONS”, E “PARKING REGULATIONS OF CERTAIN DESCRIBED AREAS”, (1) “TRAFFIC SCHEDULE XIV - NO PARKING HERE TO CORNER OR NO PARKING ANYTIME”, OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1: That Chapter 10, “Traffic Code”, Section 4 “Administrative Adjudication of Parking Violations”, E “Parking Regulations of Certain Described Areas”, (1) “Traffic Schedule XIV – No Parking Here to Corner or No Parking Anytime”, of the Code of Ordinances of the City of College Station, Texas, be amended as set out in **Exhibit “A”**, attached hereto and made a part of this ordinance for all purposes.

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

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

PASSED, ADOPTED and APPROVED this _____ day of _____, 2015.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:

City Attorney

EXHIBIT “A”

That Chapter 10, “Traffic Code”, Section 4 “Administrative Adjudication of Parking Violations”, E “Parking Regulations of Certain Described Areas”, (1) “Traffic Schedule XIV – No Parking Here to Corner or No Parking Anytime”, is hereby amended to include the following:

1. Arrington Road – No Parking Anytime

- a.** Northbound traffic – no parking anytime on the east side of Arrington Road from 300 feet south of Decatur Drive to the State Highway 6 Frontage Road South.
- b.** Southbound traffic – no parking anytime on the west side of Arrington Road from State Highway 6 Frontage Road South to Decatur Drive.

Proposed No Parking Along Arrington Road Between Decatur Drive and SH 6 Frontage Road West



Proposed No Parking: — Existing Bicycle Lane: —



Legislation Details (With Text)

File #:	15-0338	Version:	1	Name:	No Parking, Standing, or Stopping - Ravenstone, Appleby, and Edinburgh
Type:	Ordinance	Status:		Status:	Agenda Ready
File created:	6/21/2015	In control:		In control:	City Council Regular
On agenda:	7/9/2015	Final action:		Final action:	
Title:	Public Hearing, presentation, possible action and discussion of an ordinance amending Chapter 10 "Traffic Code" to remove stopping, standing, and parking along Ravenstone Loop, Appleby Place, and Edinburgh Place.				
Sponsors:	Troy Rother				
Indexes:					
Code sections:					
Attachments:	No Parking, Standing, Stopping - Ravenstone Loop.pdf Parking Removal Ord CG 6-24-15.pdf				

Date	Ver.	Action By	Action	Result
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Public Hearing, presentation, possible action and discussion of an ordinance amending Chapter 10 "Traffic Code" to remove stopping, standing, and parking along Ravenstone Loop, Appleby Place, and Edinburgh Place.

Relationship to Strategic Goals:

- Core Services and Infrastructure
- Improving Mobility

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

Summary: Many citizens have contacted the City concerned about the loading and unloading of Forest Ridge Elementary School students at trailheads along Ravenstone Loop. A primary concern is the ability to see pedestrians crossing the street at the trailheads and at Ravenstone Loop's intersection with Appleby Place and Edinburgh Place. An additional concern is the ability for emergency vehicles to respond to emergencies along Ravenstone Loop, Appleby Place, and Edinburgh Place during school pick-up and drop-off periods.

Based upon the observations of the fire department, police department, and traffic engineering, the city presented a no stopping, standing, or parking ordinance to the residents along Ravenstone Loop, Appleby Place, and Edinburgh Place at a public meeting on June 4, 2015. The City of College Station and The Castlegate Home Owners Association organized this meeting. Twenty (20) residents attended the meeting; approximately half were in favor of the ordinance and half were not in favor of the ordinance.

Those in favor of the ordinance were in favor over concerns for child safety, property damage from people driving on grass, and emergency vehicle access. This group of citizens asked that the City

look at extending the distance of the proposed removal to provide emergency vehicle access. After considering this request, the Fire Department and Traffic Engineering have added these segments of the roadway to the proposed removal.

Those opposed to the ordinance were opposed over concerns that this ordinance may negatively affect property values, over a dislike for signs on their property, and concerns that the parking ordinance will limit parking opportunities for guests and visitors.

Based upon the need for emergency vehicle access and the need to see pedestrians along Ravenstone Loop, Appleby Place, and Edinburgh Place, the traffic management team recommends approving this ordinance.

Budget & Financial Summary: The "NO STOPPING, STANDING, OR PARKING" signs are planned operation and maintenance expenses accounted for in the Public Works Traffic Operations budget.

Attachments:

1. Ordinance
2. Map

Proposed No Parking, Standing, or Stopping Along Ravenstone Loop, Appleby Place, and Edinburgh Place



Privately Owned Path: 
Existing no Parking: 

Proposed No Parking, Standing or Stopping
on School Days from 7:00 AM until 9:00 AM
and on School Days from 2:30 PM until 4:30 PM : 

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 10, “TRAFFIC CODE”, SECTION 4 “ADMINISTRATIVE ADJUDICATION OF PARKING VIOLATIONS”, E “PARKING REGULATIONS OF CERTAIN DESCRIBED AREAS”, (1) “TRAFFIC SCHEDULE XIV - NO PARKING HERE TO CORNER OR NO PARKING ANYTIME”, OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1: That Chapter 10, “Traffic Code”, Section 4 “Administrative Adjudication of Parking Violations”, E “Parking Regulations of Certain Described Areas”, (1) “Traffic Schedule XIV – No Parking Here to Corner or No Parking Anytime”, of the Code of Ordinances of the City of College Station, Texas, be amended as set out in **Exhibit “A”**, attached hereto and made a part of this ordinance for all purposes.

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

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

PASSED, ADOPTED and APPROVED this _____ day of _____, 2015.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:

City Attorney

EXHIBIT “A”

That Chapter 10, “Traffic Code”, Section 4 “Administrative Adjudication of Parking Violations”, E “Parking Regulations of Certain Described Areas”, (1) “Traffic Schedule XIV – No Parking Here to Corner or No Parking Anytime”, is hereby amended to include the following:

1. Ravenstone Loop – on school days from 7:00 am until 9:00 am

- a.** Counter-clockwise traffic (east to north to west travel) – No stopping, standing, or parking along Ravenstone Loop on school days from 7:00 am until 9:00 am from the property line between 2073 and 2075 Ravenstone Loop to the property line between 2025 and 2023 Ravenstone Loop.
- b.** Clockwise traffic (north to east to south to west travel) – No stopping, standing, or parking along Ravenstone Loop on school days from 7:00 am until 9:00 am from Ravenstone Loop to Ravenstone Loop.

2. Appleby Place – on school days from 7:00 am until 9:00 am

- a.** Eastbound traffic – No stopping, standing, or parking along Appleby Place on school days from 7:00 am until 9:00 am from the property line between 4414 and 4416 Appleby Place to the intersection with Ravenstone Loop.
- b.** Westbound traffic – No stopping, standing, or parking along Appleby Place on school days from 7:00 am until 9:00 am from the intersection with Ravenstone Loop to the property line between 4404 and 4406 Appleby Place.

3. Edinburgh Place – on school days from 7:00 am until 9:00 am

- a.** Eastbound traffic – No stopping, standing, or parking along Edinburgh Place on school days from 7:00 am until 9:00 am from the property line between 4414 and 4416 Edinburgh Place to the intersection with Ravenstone Loop.
- b.** Westbound traffic – No stopping, standing, or parking along Edinburgh Place on school days from 7:00 am until 9:00 am from the intersection with Ravenstone Loop to the property line between 4404 and 4406 Edinburgh Place.

4. Ravenstone Loop – on school days from 2:30 pm until 4:30 pm

- a. Counter-clockwise traffic (east to north to west travel) – No stopping, standing, or parking along Ravenstone Loop on school days from 2:30 pm until 4:30 pm from the property line between 2073 and 2075 Ravenstone Loop to the property line between 2025 and 2023 Ravenstone Loop.
- b. Clockwise traffic (north to east to south to west travel) – No stopping, standing, or parking along Ravenstone Loop on school days from 2:30 pm until 4:30 pm from Ravenstone Loop to Ravenstone Loop.

5. Appleby Place – on school days from 2:30 pm until 4:30 pm

- a. Eastbound traffic – No stopping, standing, or parking along Appleby Place on school days from 2:30 pm until 4:30 pm from the property line between 4414 and 4416 Appleby Place to Ravenstone Loop.
- b. Westbound traffic – No stopping, standing, or parking along Appleby Place school days from 2:30 pm until 4:30 pm from Ravenstone Loop to the property line between 4404 and 4406 Appleby Place.

6. Edinburgh Place – on school days from 2:30 pm until 4:30 pm

- a. Eastbound traffic – No stopping, standing, or parking along Edinburgh Place on school days from 2:30 pm until 4:30 pm from the property line between 4414 and 4416 Edinburgh Place to Ravenstone Loop.
- b. Westbound traffic – No stopping, standing, or parking along Edinburgh Place on school days from 2:30 pm until 4:30 pm from Ravenstone Loop to the property line between 4404 and 4406 Edinburgh Place.