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

Hear Visitors: During this time a citizen may address the City Council on any item which
does not appear on the posted Agenda. Registration forms are available in the Office of the
City Secretary. This form should be completed and returned to the office by 5:30 PM on the
day of the Council meeting. Upon stepping to the podium the speaker must state their name
and city of residence, including the state of residence if the city is located out of state. Speakers are encouraged to identify their College Station neighborhood or geographic location. Each speaker’s remarks are limited to three minutes. A group of five or more may register at the Office of the City Secretary by 5:30 PM on the day of the meeting and designate an individual to speak for 10 minutes on their behalf. All signers must be in attendance when the speaker is introduced and may not speak individually during Hear Visitors. A speaker who wishes to include computer-based information while addressing the Council must provide the electronic file to the City Secretary by noon on the day of the Council meeting. During presentations a series of timer lights will change from green to yellow and an alarm will sound after two and one-half or nine and one-half minutes to signal thirty seconds remaining. When time expires the timer light will change to red, the final alarm will sound, and the speaker must conclude the remarks. The City Council will listen and receive the information presented by the speaker, 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. 18-0450 Presentation, possible action, and discussion of minutes for:
    • June 28, 2018 Workshop
    • June 28, 2018 Regular

Sponsors: Smith
2b. **18-0451**

Presentation, possible action, and discussion to appoint the Brazos County Board of Health Director.

**Sponsors:** Smith

**Attachments:** Health Board's Summary

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2c. **18-0412**

Presentation, possible action, and discussion of the rejection of all proposals received in response to RFP 18-059 - Parking Access and Revenue Control System in the College Main Parking Garage.

**Sponsors:** Eller

**Attachments:** Change Order 2

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2d. **18-0417**

Presentation, possible action, and discussion regarding the ratification of Change Order 2 to Greens Prairie Substation Contract Number 17300106 in the amount of $84,301.88.

**Sponsors:** Crabb

**Attachments:** Change Order 2

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2e. **18-0419**

Presentation, possible action, and discussion regarding renewing contracts for Temporary Personnel Services with Spherion Staffing LLC and Kelly Services. The estimated annual expenditure for temporary personnel services is $290,000.

**Sponsors:** Pond

**Attachments:** Contract 16300536 Spherion Ren2
                   Contract 16300537 Kelly Ren 2

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2f. **18-0427**

Presentation, possible action, and discussion regarding an ordinance extending the City’s Extraterritorial Jurisdiction from 3.5 miles beyond the city limits to 5 miles beyond the city limits.

**Sponsors:** Simms

**Attachments:** ETJ Map
                   Ordinance

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2g. **18-0452**

Presentation, possible action, and discussion regarding an ordinance amending chapter 8, "Businesses," of the Code of Ordinances of the City of College Station, Texas, by adding Article XIII "Dockless Bike Share Program"; providing a severability clause; declaring a penalty; and providing an effective date

**Sponsors:** Nettles

**Attachments:** Proposed Dockless Bike Share Ordinance

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**Regular Agenda**
Individuals who wish to address the City Council on an item posted as a Public Hearing shall register with the Office of the City Secretary. Registration forms are available in the Office of the City Secretary. This form should be completed and returned to the office by 5:30 PM on the day of the Council meeting. Upon stepping to the podium the speaker must state their name and city of residence, including the state of residence if the city is located out of state. Speakers are encouraged to identify their College Station neighborhood or geographic location. Each speaker's remarks are limited to three minutes. A group of five or more may register at the Office of the City Secretary by 5:30 PM on the day of the meeting and designate an individual to speak for 10 minutes on their behalf. All signers must be in attendance when the speaker is introduced and may not speak individually during that Public Hearing. A speaker who wishes to include computer-based information while addressing the Council must provide the electronic file to the City Secretary by noon on the day of the Council meeting. During presentations a series of timer lights will change from green to yellow and an alarm will sound after two and one-half or nine and one-half minutes to signal thirty seconds remaining. When time expires the timer light will change to red, the final alarm will sound, and the speaker must conclude the remarks. If Council needs additional information from the general public after the Public Hearing is closed some limited comments may be allowed at the discretion of the Mayor. Comments should not personally attack other speakers, Council or staff.

1. **18-0429** Public Hearing, presentation, possible action, and discussion regarding an ordinance amending Chapter 12, "Unified Development Ordinance," Section 12-4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas by changing the zoning district boundaries from PDD Planned Development District to GS General Suburban for approximately 5.2 acres, generally located north of the intersection of Deacon Drive West and Holleman Drive South.

   **Sponsors:** Gray

   **Attachments:**
   - Background Information
   - Vicinity, SAM, Aerial Map
   - Rezoning Map
   - Ordinance

2. **18-0437** Public Hearing, presentation, possible action, and discussion regarding an ordinance amending Appendix A, "Unified Development Ordinance," Section 4.2, “Official Zoning Map,” of the Code of Ordinances of the City of College Station, Texas, by changing the zoning district boundaries from M-1 Light Industrial to GC General Commercial and NAP Natural Areas Protected for approximately 2.5 acres of land located at 1726 Harvey Mitchell Parkway South.

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

4. 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.

I certify that the above Notice of Meeting was posted at College Station City Hall, 1101 Texas Avenue, College Station, Texas, on July 6, 2018 at 5:00 p.m.

_____________________
City Secretary

This building is wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need accommodations, auxiliary aids, or services such as interpreters, readers, or large print are asked to contact the City Secretary’s Office at (979) 764-3541, TDD at 1-800-735-2989, or email adaassistance@cstx.gov at least two business days prior to the meeting so that appropriate arrangements can be made. If the City does not receive notification at least two business days prior to the meeting, the City will make a reasonable attempt to provide the necessary accommodations.

Penal Code § 30.07. Trespass by License Holder with an Openly Carried Handgun.

"Pursuant to Section 30.07, Penal Code (Trespass by License Holder with an Openly Carried Handgun) A Person Licensed under Subchapter H, Chapter 411, Government Code (Handgun Licensing Law), may not enter this Property with a Handgun that is Carried Openly."

Codigo Penal § 30.07. Traspasar Portando Armas de Mano al Aire Libre con Licencia.

“Conforme a la Seccion 30.07 del codigo penal (traspasar portando armas de mano al aire libre con licencia), personas con licencia bajo del Sub-Capitulo H, Capitulo 411, Codigo de Gobierno (Ley de licencias de arma de mano), no deben entrar a esta propiedad portando arma de mano al aire libre.”
Presentation, possible action, and discussion of minutes for:
• June 28, 2018 Workshop
• June 28, 2018 Regular

Relationship to Strategic Goals:

• Good Governance

Recommendation(s): Approval

Summary: N/A

Budget & Financial Summary: None

Attachments:
• June 28, 2018 Workshop
• June 28, 2018 Regular
STATE OF TEXAS §
COUNTY OF BRAZOS §

Present:
Karl Mooney, Mayor

Council:
Bob Brick
Jerome Rektorik
Linda Harvell
Barry Moore
John Nichols
James Benham – via remote

City Staff:
Jeff Capps, Interim City Manager
Jeff Kersten, Assistant City Manager
Adam Falco, Assistant City Attorney
Tanya Smith, City Secretary
Ian Whittenton, 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 Mooney at 4:03 p.m. on Thursday, June 28, 2018 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 §551.074-Personnel, the College Station City Council convened into Executive Session at 4:03 p.m. on Thursday, June 28, 2018 in order to continue discussing matters pertaining to:

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

- Kathryn A. Stever-Harper as Executrix for the Estate of John Wesley Harper v. City of College Station and Judy Meeks; No. 15,977-PC in the County Court No. 1, Brazos County, Texas; and
- McCrory Investments II, LLC d/b/a Southwest Stor Mor v. City of College Station; Cause No. 17-000914-CV-361; In the 361st District Court, Brazos County, Texas
- City of College Station v. Gerry Saum, Individually, and as Independent Executrix of the Estate of Susan M. Wood, Deceased; Cause No. 17-002742-CV-361; In the 361st District Court, Brazos County, Texas
- Maura Juarez Garcia v. Andres Garcia and City of College Station; Cause No. 18-000419-CV-85; In the 85th District Court, Brazos County, Texas.
B. Legal advice:
   - Legal advice concerning the City Council’s ratification of actions as related to Experience Bryan College Station acting as College Station’s Local Organizing Committee to coordinate the application for funding for the 2018 American Quarter Horse Association Youth World Cup Event under the Event Trust Fund.

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

The Executive Session recessed at 5:09 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.**

Items 2e were pulled from Consent for clarification.

_(2e): Donald Harmon, Director of Public Works, provided an explanation of the bid tally sheet. This was a joint bid with Brazos County for thin overlay mix. The County orders by unit and the City of College Station orders by square footage, so each entity can keep track of the material delivered to individual job sites._

5. **Presentation, possible action, and discussion regarding dockless bike share regulations.**

Aubrey Nettles, Special Projects Coordinator, updated Council on Texas A&M University entering into an exclusive contract with the bike share company OFO for a dockless program in February of 2018. OFO launched their program in March with the introduction of 850 OFO bikes in College Station. TAMU and OFO plan to expand their fleet to 3,000 to 4,000 bikes for the fall semester, and have 13,000 bike parking spaces on campus. OFO statistics show over 15,000 people have signed up for OFO locally, over 170,000 bike trips have been taken, over 70,000 total miles have been biked, and round 2% of rides are non-compliant. Mrs. Nettles stated based on feedback received staff has explored regulations for dockless bike share and drafted an ordinance.

Staff requested Council’s direction on how to move for with the dockless bike share regulations ordinance, Geofence Zone – include single family neighborhoods, and fee structure and enforcement.

Council directed staff to move forward with the dockless bike share regulations ordinance with fee structure as presented.

Mayor Mooney recessed the Workshop at 6:08 p.m.

Workshop reconvened at 7:42 p.m.
6. Presentation, possible action, and discussion regarding possible changes to Section 6.5, Accessory Uses, and Section 7.3, Off-Street Parking Standards, of the Unified Development Ordinance.

Jenifer Paz, Planning and Development, provided Council a brief overview of two community engagement meetings that were held on April 30th to gather input on various neighborhood protection proposals, including Sections 6.5.B & 7.4, Accessory Living Quarters and Single-Family Parking, of the UDO. Attendees were able to provide feedback via paper surveys at both community engagement meetings and an online survey was also open for a period of two weeks following the meetings.

The Planning & Zoning Commission considered this item at their June 21, 2018 meeting and voted unanimous to recommend approval of the request.

Accessory Living Quarters

- Possible Council Direction
  - No action (leave UDO language as is)
  - Amend ordinance to allow accessory living quarters to be rented, with some provisions (# of unrelated, additional parking, owner live on-site, etc.)
  - Amend ordinance to allow accessory living quarters to be rented, with little to no provisions

- Commission Recommendation
  - No additional parking requirements for accessory living quarters – allow parking on the street
  - ALQ’s will allow for ‘short-term rental’ or alternative housing options for professionals
  - Additional restrictions (# of unrelated) will create enforcement issues
  - Number of unrelated will be self-regulated due to 25% limitation for accessory living quarters
  - Debated the merits of requiring the primary structure to be owner-occupied

Staff required direction from Council regarding any possible changes to the aforementioned UDO sections.

Council directed staff to move forward amending the ordinance to allow accessory living quarters to be rented, with some provisions (2 unrelated, 1 addition parking space with grandfathering options, owner live on-site, and 1 accessory living quarter.)

Off-Street Parking Standards for Single-Family

- Possible Council Direction
  - No action (leave UDO language as is)
  - Amend required off-street parking for single-family city-wide
  - Amend required off-street parking for single-family only in Neighborhood Conservation

- Planning & Zoning Commission Recommendation
  - Require 1 off-street parking space per bedroom in Neighborhood Conservation areas
  - Concerns of unintended consequences
    - non-rental SF that have more than 4 bedrooms
7. Presentation, possible action, and discussion regarding possible changes to Section 7.2.H, Height, of the Unified Development Ordinance.

Lance Simms, Director of Planning and Development, provided Council a brief overview of two community engagement meetings that were held on April 30th to gather input on various neighborhood protection proposals, including Section 7.2.H, Height, of the UDO. Attendees were able to provide feedback via paper surveys at both community engagement meetings and an online survey was also open for a period of two weeks following the meetings.

The Planning & Zoning Commission considered this item at their June 21, 2018 meeting and voted unanimous to recommend approval of the request.

Possible Options:
- Do nothing (keep current UDO language)
- Explore ways to simplify/clarify existing language
- Consider different way(s) to determine the building height
- Strike 2:1 building setback requirement and keep 2:1 slope requirement

Other Considerations
- Buffer requirements (distance, wall/fence, and landscaping)
- Standard building setbacks based on zoning districts (varies from 15 to 20 feet)

Staff required direction from Council regarding any possible changes to the requirements contained in Section 7.2.H, Height of the UDO.

Council directed staff to simplify/clarify existing language with illustrations.

8. Council Calendar

Council reviewed the calendar.

Development, TAMU Student Senate, Texas Municipal League, Twin City Endowment, Walk with the Mayor, YMCA, Youth Advisory Council, Zoning Board of Adjustments.

Councilmember Nichols reported on BVSWMA.

Councilmember Harvell reported on County Health Board.

Mayor Mooney reported on Walk with the Mayor, and YMCA.

Councilmember Rektorik reported on the Experience Bryan-College Station and Economic Development Committee.

9. **Adjournment**

There being no further business, Mayor Mooney adjourned the workshop of the College Station City Council at 9:48 p.m. on Thursday, June 28, 2018.

________________________
Karl Mooney, Mayor

ATTEST:

_______________________
Tanya Smith, 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 Mooney at 6:20 p.m. on Thursday, June 28, 2018 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.

Camden Stackhouse, Patrick Stackhouse, Kieran Wylie, and Mark Johnson with the Boy Scouts Troop 102 & 802 lead the Pledge of Allegiance.

The Mayor asked the City to observe a moment of silence to honor the life and service of former Mayor Ron Silvia.

Hear Visitors Comments

CONSENT AGENDA

2a. Presentation, possible action, and discussion of minutes for:
   - June 14, 2018 Workshop Meeting
   - June 14, 2018 Regular Meeting
2b. Presentation, possible action, and discussion regarding approval of a three year contract between the City of College Station and Shermco Industries, Inc. for an amount not to exceed $797,355 for Electric Substation Testing and Maintenance. This amount includes the three year base amount of $664,463 in scheduled work and potential additional/miscellaneous repairs as specified in the bid, and an additional 20% not to exceed cost of $132,892 as a contingency for unforeseen emergency work.

2c. Presentation, possible action, and discussion on Change Order 1 to the TriTech Software Systems IQ Subscription Agreement (Contract No. 15300408) adding IQ FireView for $13,265.

2d. Presentation, possible action, and discussion on authorizing the payment of $1,277,906 to the College Station Independent School District for repayment of unspent funds in TIRZ 1.

2e. Presentation, possible action, and discussion regarding the approval of contract 18300554 with Brazos Paving, Inc. for the installation of One Inch Overlay With Specialty Mix as needed for an amount not to exceed $432,000.

2f. Presentation, possible action, and discussion regarding approval of Change Order No. 9 in the amount of $53,475 to the Lincoln Recreation Center Addition construction contract 16300432 with JaCody, Inc.

2g. Presentation, possible action, and discussion on a construction contract with Dudley Construction, LTD. in the amount of $327,000 for the construction of a basketball pavilion at John Crompton Park.


MOTION: Upon a motion made by Councilmember Rektorik and a second by Councilmember Moore, the City Council voted seven (7) for and none (0) opposed, to approve the Consent Agenda. The motion carried unanimously.

REGULAR AGENDA


Jade Broadnax, Planning and Development, stated that this request is amending the zoning district boundaries on the property from GS General Suburban to D Duplex. The applicant has proposed to rezone 18 lots, each of which, as currently platted, meet the required minimum 3,500 square foot lot size per dwelling unit, and 60 foot lot width with approved rear or side yard parking in the D Duplex zoning district. Each lot has individual driveway access from Aurora Court. Mr. Broadnax also state that the proposed D Duplex zoning district is physically suitable for the
The subject properties are currently zoned GS General Suburban and are presently non-conforming duplex uses. The desired future use of the property is duplex. Due to the nonconforming status through this area, the properties are less marketable as currently zoned than if rezoned for a duplex use, which allows for the existing structures to be rebuilt as duplexes.

The Planning and Zoning Commission considered this item at their June 7, 2018 meeting and voted 7-0 to recommend approval. Staff recommended approval of the rezoning request.

At approximately 6:35 p.m., Mayor Mooney opened the Public Hearing.

There being no further comments, the Public Hearing was closed at 6:35 p.m.

**MOTION:** Upon a motion made by Councilmember Moore and a second by Councilmember Rektorik, the City Council voted seven (7) for and none (0) opposed, to adopt Ordinance No. 2018-4021 amending Appendix A, “Unified Development Ordinance,” Section 4.2, “Official Zoning Map,” of the Code of Ordinances of the City of College Station, Texas, by changing the zoning district boundaries from GS General Suburban to D Duplex for approximately 5 acres located at Aurora Court near the intersection of Anderson Street and Park Place. The motion carried unanimously.

2. **Presentation, possible action, and discussion on Ordinance No. 2018-4022 creating a 5% Property Tax Homestead Exemption.**

Jeff Kersten, Assistant City Manager, presented an overview on the Budget and Finance Committee request for information on the impact of a Property Tax Homestead Exemption. The information was presented to the committee and they requested the presentation be provided to City Council. Staff presented an update regarding research related to the institution of a Homestead Exemption to City Council on June 14th. At that time Council directed staff to move forward with the implementation of a 5% exemption and offset with tax rate increase. Mrs. Nettles stated that staff has drafted an ordinance for the 5% homestead exemption that will result in a loss of $644,000 in revenue annually for the city. This could be mitigated through a tax rate increase of .759 cents.

At the discretion on the Mayor approximately 6:46 p.m., Mayor Mooney opened a Public Hearing.

Richard Dysold, Pebble Creek, came before council to state he is favor of the homestead exemption but concerned with savings rate. Mr. Dysold, also state that he feels citizens with higher priced homes are getting a higher tax break then one less.

Lisa Halperin, South Knoll, came before council to state her concerns on neighborhood integrity in conjunction with the proposed homestead exemption, aggie shacks, tax rate, and other neighborhood issues.

There being no further comments, the Public Hearing was closed at 6:51 p.m.

Upon a motion made by Councilmember Rektorik to amended the main motion, to raise Property Tax Homestead Exemption from 5% to 7.5%. Due to lack of second, motion to amend failed.

Upon a motion made by Mayor Mooney and a second by Councilmember Brick, the City Council voted two (2) for and five (5) opposed, with Councilmember Rektorik, Harvell, Moore, Nichols,
and Benham voting against, to amended the main motion, to raise Property Tax Homestead Exemption from 5% to 10% and 1.52% mitigate tax rate increase. Motion failed.

**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, with Councilmember Brick abstaining, to adopt the main motion, as stated, on Ordinance No. 2018-4022 creating a 5% Property Tax Homestead Exemption. The motion carried unanimously.

**3. Presentation, possible action, and discussion regarding appointments to the Bicycle, Pedestrian, and Greenway Advisory Board.**

**MOTION:** Upon a motion made by Councilmember Moore and a second by Councilmember Rektorik, the City Council voted seven (7) for and none (0) opposed, to appoint Elizabeth Hatala for Position (D) Bicycling and Allen Thornton for Position (B) Recreation, Health or Kinesiology for an expired to the Bicycle, Pedestrian, and Greenway Advisory Board. The motion carried unanimously.

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

Mayor Mooney requested a discussion on ordinances recently amended by the City of Bryan for neighborhood integrity.

**5. Adjournment.**

There being no further business, Mayor Mooney adjourned the Regular Meeting of the City Council at 7:29 p.m. on Thursday, June 28, 2018.

_________________________
Karl Mooney, Mayor

ATTEST:

___________________________
Tanya Smith, City Secretary
Presentation, possible action, and discussion to appoint the Brazos County Board of Health Director.

Relationship to Strategic Goals:

- Good Governance

Recommendation(s): To approve the Health Department Board of Health’s recommendation by approving the appointment of Santos Navarrette, Jr., M.A., M.B.A. as the next Health Department Director, tentatively effective October 8, 2018.

Summary: The current Health Department Director, Ken Bost, announced his pending retirement earlier this year, who has been serving in his role since February, 1984. With this announcement, the Board of Health appointed a subcommittee (“Search Committee,” comprised of City of Bryan’s Councilman Greg Owens, current Board Chair, Commissioner Steve Aldrich, also on the Board of Health, and the Dean of the TAMU School of Public Health, Dr. Jay Maddock) with the task of searching for a new director to replace Mr. Bost. On June 13, 2018, the Search Committee unanimously recommended the appointment of Santos Navarrette, Jr., M.A., M.B.A., as the Health Department Director, and the Health Department Board of Health unanimously concurred with this recommendation, to be effective at Mr. Bost's retirement.

The College Station City Council, Bryan City Council and the Brazos County Commissioners’ Court must each take action to appoint Mr. Navarrette.

Budget & Financial Summary: N/A

Attachments:
1. Summary of the Health Board's Selection
Summary:

Brazos County and the cities of Bryan and College Station jointly fund and provide oversight to the Brazos County Health District, which is sometimes referred to as the Brazos County Health Department, or the Health Department. A Cooperative Agreement was entered into on October 1, 2009, as a revised and updated version to the original Cooperative Agreement dated August 31, 1984.

The Brazos County Board of Health is the governing board responsible for promoting and preserving the health and safety of the public through the Health Department, and in particular, through advising the Health Department Director. Each of the three (3) entities have two (2) representatives on the Board as appointed by the governing bodies of each of the entities. The City of College Station representatives are currently Councilmembers John Nichols and Linda Harvell.

The current Health Department Director, Ken Bost, announced his pending retirement earlier this year, who has been serving in his role since February, 1984. With this announcement, the Board of Health appointed a subcommittee (“Search Committee,” comprised of City of Bryan’s Councilman Greg Owens, current Board Chair, Commissioner Steve Aldrich, also on the Board of Health, and the Dean of the TAMU School of Public Health, Dr. Jay Maddock) with the task of searching for a new director to replace Mr. Bost. On June 13, 2018, the Search Committee unanimously recommended the appointment of Santos Navarrette, Jr., M.A., M.B.A., as the Health Department Director, and the Health Department Board of Health unanimously concurred with this recommendation, to be effective at Mr. Bost’s retirement.

Based on Section 4.2.a, of the Cooperative Agreement, "The Director of the Brazos County Health District shall be appointed by the District Members upon recommendation by the Board of Health." As previously stated, the "District Members" are the two (2) cities and the County. Consequently, the City of College Station City Council has an opportunity to consider and appoint the Health Department Director.

The Board of Health's recommendation, Mr. Navarrette, has the credentials, expertise, background, and education necessary to fulfill the duties and responsibilities of the Director's position. Mr. Navarrette’s experience and qualifications include: Health Services Director of the City of Abilene/Taylor County Public Health District (April, 2014 – present); Associate Director Environmental Health and Disease Control of Tarrant County Public Health (July, 2005 – August, 2012); Master of Arts in Human Resource Management from Wayland Baptist University; and Master of Business Administration from Wayland Baptist University. For a more complete review of Mr. Navarrette’s background, please see his attached resume.
Staff Analysis and Recommendation:

Based on the Search Committee’s thorough review of candidates, along with the Search Committee’s and the Board of Health’s recommendation of Mr. Navarrette as the next Health Department Director, City staff recommends the City Council approve Mr. Navarrette as the Director. After the pending retirement of Mr. Bost, having qualified leadership in the director's position is necessary for the continued effective and efficient operations of the Health Department. The Director has an instrumental role in the operations of the Department and is the direct liaison between the Department and the Board of Health.

While Mr. Bost has indicated a willingness to remain as the Director until such time that a replacement is found, a new Director needs to be appointed as soon as possible to complete the succession process and begin the transition between the outgoing Director and the incoming Director. The tentative start date for Mr. Navarrette is October 8, 2018.

Options:

1. Approve the Health Department Board of Health’s recommendation by approving the appointment of Santos Navarrette, Jr., M.A., M.B.A. as the next Health Department Director, tentatively effective October 8, 2018.

2. Do not approve the Health Department Board's recommendation and do not approve the appointment of Santos Navarrette, Jr., M.A., M.B.A. as the next Health Department Director, and provide the City of College Station's Board of Health representatives with direction.

Attachment:

Santos Navarrette, Jr., M.A., M.B.A.’s resume
Presentation, possible action, and discussion of the rejection of all proposals received in response to RFP 18-059 - Parking Access and Revenue Control System in the College Main Parking Garage.

Relationship to Strategic Goals: (Select all that apply)

- Financially Sustainable City
- Core Services and Infrastructure

Recommendation(s): Staff recommends that council rejects all proposals.

Summary: RFP 18-059 - Parking Access and Revenue Control System in the College Main Parking Garage was released on February 8, 2018 and ended on March 8, 2018. Five (5) proposals were received and evaluated. Staff entered into negotiations with the contractor (PSX) with a proposal that was identified to best meet the needs of the parking garage. However, it was determined that PSX nor any of the other proposals received would be able to address all IT system requirements.

Budget & Financial Summary: N/A

Attachments: N/A
Legislation Details (With Text)

File #: 18-0417  Version: 1  Name: Change Order Number 2 for Greens Prairie Substation Ring Bus Modification Contract #17300106

Type: Change Order  Status: Consent Agenda
File created: 6/20/2018  In control: City Council Regular
On agenda: 7/12/2018  Final action:

Title: Presentation, possible action, and discussion regarding the ratification of Change Order 2 to Greens Prairie Substation Contract Number 17300106 in the amount of $84,301.88.

Sponsors: Timothy Crabb

Indexes:

Code sections:

Attachments: Change Order 2

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Presentation, possible action, and discussion regarding the ratification of Change Order 2 to Greens Prairie Substation Contract Number 17300106 in the amount of $84,301.88.

Relationship to Strategic Goals: (Select all that apply)

- Financially Sustainable City
- Core Services and Infrastructure

Recommendation(s):
Staff recommends the approval of Change Order Number 2 for $84,301.88 to the Greens Prairie Substation Ring Bus Modification and Transformer #2 Relocation Construction Contract, due to the discovery of additional requirements needed to correct existing conditions at the substation site during the construction of this project.

Summary:
Greens Prairie Substation was modified to place the two (2) existing COCS distribution transformers within the 138 kV ring bus to improve reliability to citizens served from the substation. During construction the following items were discovered that needed to be addressed in order to complete the project and restore the substation to normal operating conditions:

- Motor Operator: Replace a faulty motor operator
- BTU Points: Program additional transmission protection settings
- Additional Panel Work: Fix additional issues identified in transmission and communication panels.
- T1 & T2 Work: Installation of wildlife protection on T1 & T2 bus work.
• Generator Work: Rewiring associated with the onsite backup generator
• AC Rewiring: Fixing identified AC wiring issues.

The above changes necessitated Change Order #2 for an amount of $84,301.88. The tasks identified above were completed in the July - September 2017 time period. The Greens Prairie Substation was placed back in service under normal operating conditions in October 2017.

Budget & Financial Summary:
Original contract amount : $1,680,883.00
Change order no. 1 : $226,865.00 (13.50% change, approved on 5/11/2017)
Change order no. 2 : $84,301.88 (5.02% change)
Revised contract amount : $1,992,049.88 (18.51% total change)

Funds for this project and Change Order are available from the Electric Capital Improvement Project (CIP) budget.

Attachments:
Change Order Number 2 Contract Number 17300106
# City of College Station
Greens Prairie Substation Ring Bus Modification and
Transformer No. 2 Relocation
Contract No. 17300106 Change Order No. 2 Revision 4

## Summary

<table>
<thead>
<tr>
<th>Group</th>
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<th>Original Contract Price</th>
<th>Change Order No. 1 Contract Price</th>
<th>Change Order No. 2 Contract Price</th>
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<td><strong>GRAND TOTAL - ALL GROUPS (Including Owner Furnished Materials)</strong></td>
<td><strong>2,966,103.45</strong></td>
<td><strong>3,212,968.65</strong></td>
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<td><strong>Owner Furnished Materials</strong></td>
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<td><strong>Amount Less Owner Furnished Materials</strong></td>
<td><strong>1,680,883.45</strong></td>
<td><strong>1,907,748.65</strong></td>
<td><strong>1,992,020.65</strong></td>
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CO 1 - Indicates a net change to the original contract price

CO 2 - Indicates a net change to the original contract price including Change Order No.1

Signature: [Authenticated Signature]
Saber Power Services, LLC

Date: 6-13-18
CHANGE ORDER NO:2  
DATE: 6/12/2018  
Contract No. 17300108  
P.O. #: 17200571-00  
PROJECT: Green Prairie Substation Ring Bus Modification and Transformers #2 Relocation

OWNER:  
City of College Station  
P.O. Box 9960  
College Station, Texas 77842

CONTRACTOR:  
Sauer Power Services  
9841 Sabor Power Lane  
Rosharon, TX 77583

PURPOSE OF THIS CHANGE ORDER:  
Additional Work Related to the following:
- AC REWIring  
- BTU POINTS  
- GENERATOR WORK  

<table>
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<tr>
<th>ITEM</th>
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<th>DESCRIPTION</th>
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<th>ORIGINAL QUANTITY</th>
<th>REVISED QUANTITY</th>
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<td>$23,402.50</td>
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<tr>
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TOTAL: $84,301.88

THE NET AFFECT OF THIS CHANGE ORDER IS: 6.02% INCREASE

LINE 1 (F1187630-1 ISS-CONSTRUCT 9101072-6540): $84,301.88

TOTAL CHANGE ORDER: $84,301.88

ORIGINAL CONTRACT AMOUNT: $1,680,883.00

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<td>$34,301.88</td>
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REVISED CONTRACT AMOUNT: $1,992,049.88

ORIGINAL CONTRACT TIME: 224 Days

Time Extension No. 1: 0 Days

Revised Contract Time: 224 Days

SUBSTANTIAL COMPLETION DATE: 1-Oct-17

REVISED SUBSTANTIAL COMPLETION DATE: not applicable

APPROVED

A/E CONTRACTOR:  
[Signature]  
[Date]

DEPARTMENT DIRECTOR:  
[Signature]  
[Date]

CONSTRUCTION CONTRACTOR:  
[Signature]  
[Date]

ASST. CITY MGR. - CFO:  
[Signature]  
[Date]

PROJECT MANAGER:  
[Signature]  
[Date]

CITY ATTORNEY:  
[Signature]  
[Date]

CITY ENGINEER:  
[Signature]  
[Date]

CITY MANAGER:  
[Signature]  
[Date]
City of College Station  
Greens Prairie Substation Ring Bus Modification and Transformer No. 2 Relocation  
Contract No. 17300106  
Change Order No. 2 Revision 4

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**CHANGE ORDER NO. 2 TOTAL**  
$84,301.88

Authorized Signature  
Saber Power Services, LLC  
Date  
June 12, 2018
Presentation, possible action, and discussion regarding renewing contracts for Temporary Personnel Services with Spherion Staffing LLC and Kelly Services. The estimated annual expenditure for temporary personnel services is $290,000.

Relationship to Strategic Goals: (Select all that apply)

- Financially Sustainable City

Recommendation(s): Staff recommends approval to renew the contracts with the employment agencies for a total not-to-exceed amount of $290,000.00. The City's primary contract is with Spherion Staffing LLC and the estimated annual expenditure for their services is $250,000.00. The secondary contract is with Kelly Services and the estimated annual expenditure for their services is $40,000.00.

Summary: From time to time, for continued City Operations, it is necessary to retain temporary staffing services. These services allow City departments to fill short term vacancies with temporary workers. In some cases, when in the best interest of the City, the City may choose to convert/hire these workers as full time City employees. The temp-to-perm option is beneficial in some cases as it gives both the employer and prospective hire to see if the permanent relationship would be mutually beneficial.

In accordance with Chapter 791 of the Texas Government Code, the City has established an interlocal agreement with Texas A&M that allows the City to piggyback their agreements. The City will be procuring temporary personnel services through existing Texas A&M Master Agreements with each staffing agency. Procuring these services in this manner satisfies state law bidding requirements.
Budget & Financial Summary: Funding is available in various department and project budgets.

Attachments: Spherion Staffing LLC and Kelly Services Renewal Documents
RENEWAL 2 ACCEPTANCE

By signing herewith, I acknowledge and agree to renew Contract 16300536 for Temporary Personnel Services, in accordance with all terms and conditions previously agreed to and accepted for an amount not to exceed Two Hundred Fifty Thousand and No/100 Dollars ($250,000.00).

I understand this renewal term will be for the period beginning July 18, 2018 through July 17, 2019. This is the second of three (3) possible renewal options available.

Spherion Staffing LLC

By: ___________________________
Printed Name: Katherine Kicemon
Title: Franchise owner
Date: 4.19.2018

City of College Station

By: ___________________________
City Manager
Date: __________________

APPROVED:

________________________
City Attorney
Date: __________________

________________________
Asst. City Manager/ CFO
Date: __________________
RENEWAL 2 ACCEPTANCE

By signing herewith, I acknowledge and agree to renew Contract 16300537 for Temporary Personnel Services, in accordance with all terms and conditions previously agreed to and accepted for an amount not to exceed Forty Thousand and No/100 Dollars ($40,000.00).

I understand this renewal term will be for the period beginning July 18, 2018 through July 17, 2019. This is the second of three (3) possible renewal options available.

Kelly Services

By: JOY ROY
Printed Name: JOY ROY
Title: DISTRICT MANAGER
Date: 6/18/18

City of College Station

By: _____________________________
City Manager
Date: ________________

APPROVED:

________________________________________
City Attorney
Date: ________________

________________________________________
Asst. City Manager/ CFO
Date: ________________
Presentation, possible action, and discussion regarding an ordinance extending the City’s Extraterritorial Jurisdiction from 3.5 miles beyond the city limits to 5 miles beyond the city limits.

Relationship to Strategic Goals:

- Good Governance
- Financially Sustainable City
- Core Services and Infrastructure
- Diverse Growing Economy
- Improving Mobility

Recommendation(s): Staff recommends approval.

Summary: As directed by City Council, this ordinance extends the City’s ETJ from 3.5 miles to 5 miles. Chapter 42 of the Texas Local Government provides for a 5 mile ETJ for municipalities with 100,000 or more inhabitants. As of May 2018, the population estimate in College Station was 117,846.

Budget & Financial Summary: N/A

Attachments:

1. ETJ Map
2. Ordinance
ORDINANCE NO. __________________

AN ORDINANCE MAKING CERTAIN AFFIRMATIVE FINDINGS; EXTENDING THE BOUNDARY LIMITS OF THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF COLLEGE STATION, TEXAS, TO FIVE MILES; GRANTING TO ALL INHABITANTS OF PROPERTY WITHIN THE EXTENDED EXTRATERRITORIAL JURISDICTION ALL THE RIGHTS AND PRIVILEGES OF OTHER CITIZENS IN THE EXTRATERRITORIAL JURISDICTION; AND BINDING SAID INHABITANTS BY ALL OF THE ACTS, ORDINANCES, RESOLUTIONS AND REGULATIONS OF SAID CITY THAT MAY APPLY WITHIN THE EXTRATERRITORIAL JURISDICTION.

WHEREAS, TEXAS LOCAL GOVERNMENT CODE, Section 42.021 allows a municipality’s extraterritorial jurisdiction (“ETJ”) generally to extend five miles from the municipality’s corporate boundaries when the number of inhabitants in the municipality are 100,000 or more; and

WHEREAS, the City of College Station, Texas, has determined, through certain estimates, forecasts, counts and analysis, that there are at least 100,000 inhabitants within the City; and

WHEREAS, the City Council of the City of College Station, Texas, desires to make certain affirmative findings in order to extend the City’s ETJ to five miles; now therefore,

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

PART 1: That the foregoing recitals are true and correct and incorporated by reference as if fully set forth herein.

PART 2: That the City Council hereby finds and declares that the number of inhabitants within the City of College Station is at least 100,000 based on the 2010 population estimate of the U.S. Bureau of Census extrapolated by estimates, forecasts, counts and analysis based on: the average number of persons in a household as estimated by the U.S. Bureau of Census; the City’s occupancy rate as estimated by the U.S. Bureau of Census; the City’s Certificate of Occupancy issuance records from 2010 to 2018; and the City’s new building permit issuance records from 2010 to 2018.

PART 3: That the City Council hereby finds and declares that the orderly growth of the City of College Station requires that the subdivision of land be regulated so as to be consistent with the development of the City.

PART 4: That the City Council hereby finds and declares that the extraterritorial jurisdiction of the City of College Station shall extend for a distance of five miles from the corporate limits of the City.

PART 5: That the City Council hereby finds and declares that the inhabitants of the extraterritorial jurisdiction as extended are entitled to all the rights and privileges of other citizens of the extraterritorial jurisdiction of the City of College Station and
they shall be bound by the acts, ordinances, resolutions, and regulations of said City that may apply within the extraterritorial jurisdiction.

PASSED, ADOPTED and APPROVED this ______ day of ________________, 2018.

ATTEST: 

____________________________
City Secretary

APPROVED: 

____________________________
Mayor

APPROVED: 

____________________________
City Attorney
Presentation, possible action, and discussion regarding an ordinance amending chapter 8, "Businesses," of the Code of Ordinances of the City of College Station, Texas, by adding Article XIII "Dockless Bike Share Program"; providing a severability clause; declaring a penalty; and providing an effective date

Relationship to Strategic Goals: (Select all that apply)
- Good Governance
- Neighborhood Integrity
- Improving Mobility

Recommendation(s): staff recommends approval of the ordinance

Summary: Texas A&M University entered into an exclusive contract with the bike share company OFO for a bike share program in February of 2018. OFO launched their program in March with the introduction of 850 OFO bikes in College Station. TAMU and OFO plan to expand their fleet to 3,000 to 4,000 bikes for the fall semester. Based on feedback received from City Council at the workshop meeting on June 28th, staff is moving forward with an ordinance regulating dockless bike share.

Attachments: Proposed Dockless Bike Share Ordinance

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<tr>
<th>Date</th>
<th>Ver.</th>
<th>Action By</th>
<th>Action</th>
<th>Result</th>
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Presentation, possible action, and discussion regarding an ordinance amending chapter 8, "Businesses," of the Code of Ordinances of the City of College Station, Texas, by adding Article XIII "Dockless Bike Share Program"; providing a severability clause; declaring a penalty; and providing an effective date
Dockless Bike Share Ordinance
ORDINANCE NO.____________________

AN ORDINANCE AMENDING CHAPTER 8, “BUSINESSES,” OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY ADDING ARTICLE XIII “DOCKLESS BIKE SHARE PROGRAM”; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of College Station (“City”) is a Texas home-rule city and as such is empowered to employ its police powers to ensure public health, safety and welfare, including regulating the use of its roadways, easements, public ways, and other properties, and including the regulation of land use, businesses, structures and related activities in accordance with applicable law; and

WHEREAS, pursuant to Texas Transportation Code Section 311.001, the City of College Station maintains and regulates the streets and alleys within the City; and

WHEREAS, pursuant to Texas Transportation Code Section 316.021, cities may grant permission and prescribe the consideration and terms for the use of a portion of a municipal street or sidewalk for a private purpose if it does not interfere with the public use of the street or sidewalk or create a dangerous condition on the street or sidewalk; and

WHEREAS, bike share service companies now possess GPS, 3G, and self-locking technology on their bicycles such that their bicycles may be locked and opened by users with a smart phone application and tracked to provide for operations and maintenance; and

WHEREAS, some of the goals of the City are to provide safe and affordable multimodal transportation options to all residents, increase mobility across the City, maintain all current uses of streets and sidewalks, and regulate the placement and proliferation of bicycles in the City’s right-of-way in a manner that ensures the public health, safety and welfare; and

WHEREAS, bike share services are a component to help the City achieve its transportation goals and the City desires to make bike share services available to residents, employees and visitors in the City, while maintaining the right-of-way for use by the public for passage and maintaining or enhancing property values; and

WHEREAS, the City will incur costs administering and regulating the use and safe operation of bike share systems; now therefore

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

PART 1: That the facts and recitations of this Ordinance are hereby declared true and correct.

PART 2: That Chapter 8, “Businesses,” of the Code of Ordinances of the City of College Station, Texas, be amended by adding Article XIII “Dockless Bike Share Program,”
as set out in Exhibit “A”, attached hereto and made a part of this Ordinance for all purposes.

PART 3: If any provision of this Ordinance or its application to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality does not affect other provisions or application of this Ordinance or of the Code of Ordinances of the City of College Station, Texas, that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Ordinance are severable.

PART 4: That any person, corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than twenty five dollars ($25.00) and not more than five hundred dollars ($500.00) or more than two thousand dollars ($2,000) for a violation of fire safety, zoning, or public health and sanitation ordinances, other than the dumping of refuse. Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PART 5: This Ordinance is a penal ordinance and becomes effective __________________ which is at least ten (10) days after its date of passage by the City Council, as provided by City of College Station Charter Section 35.

PASSED, ADOPTED and APPROVED this ______ day of _________________, 2018.

ATTEST: 

APPROVED: 

City Secretary 

Mayor

APPROVED: 

City Attorney
Exhibit A

Article XIII Dockless Bike Share Program of Chapter 8, “Businesses,” of the Code of Ordinances of the City of College Station, Texas, is hereby created to read as follows:

“ARTICLE XIII. DOCKLESS BIKE SHARE PROGRAM

Sec. 8-810. Applicability.

This Article applies to all Dockless Bike Share Systems and to all Dockless Bike Share Operators unless expressly provided otherwise herein.

Sec. 8-811. Definitions.

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Customer means a person who rents or otherwise uses a Bicycle from a Dockless Bike Share Operator.

Dockless Bike, Bicycle or Bike means a device that a person may ride that is propelled by human power, typically has two tandem wheels, and is part of a Dockless Bike Share System.

Dockless Bike Share Operator or Operator means a corporation, firm, joint venture, limited liability company, partnership, person, or other organized entity that operates a Dockless Bike Share System, whether for profit or not for profit.

Dockless Bike Share System means a system which provides Bicycles for short-term rentals for point-to-point trips and which may be locked and unlocked without the requirement of a bicycle rack or other docking station within the City.

Geo-Fence Platform means an interactive geographic spatial layer or map controlled by the City to quickly and effectively detect and manage connected devices, like shared Bicycles, in the City’s public spaces.

Geo-Fence Zone means an area used for commercial, single-family, or multi-family purposes in the City and which is designated in accordance with this Article defined by GPS or RFID that registers when a mobile device like a Bicycle enters or leaves such designated area and in which Operator is allowed to conduct certain activities as set forth in this Article.

Home Zone means one or more areas located within a Geo-Fence Zone which is approved by the City as a Home Zone for an Operator within which Operator may store, relocate or rebalance its fleet of Bikes for availability to its Customers or within which the City may relocate Bikes which fail to meet the standards under this Article.
Public Right-of-Way means public land acquired by reservation, dedication, prescription, deed, or condemnation and intended for use by the public as a street, alley, or other public way.

Sec. 8-812. Permit Required.

Only Dockless Bike Share Systems are allowed pursuant to this Article, and expressly exclude scooters, and other electronic modes of transportation systems. Dockless Bicycle Share Systems may operate in the City only in accordance with the terms of a City permit and must comply with all the provisions of this Article and applicable law. Permits shall be issued for a twelve (12) month period unless expressly provided otherwise in this Article.

Sec. 8-813. Permit Application.

A person desiring to provide a Dockless Bike Share System must first submit an application for a permit or for renewal of a permit, and may not operate such System until the permit or renewal thereof is approved by the City. The permit application shall contain the following:

(a) The name and form of business of the Operator;

(b) The name, phone number, and business street address (and mailing address if different) of the Operator and Operator’s agent for service of legal process, if different;

(c) The name, phone number (including cell number), street address of the local representative of the Operator to the City available and authorized to act on behalf of the Operator;

(d) Size and location of fleet;

(e) A photographic image or visual representation of each type of Bicycle to be deployed as part of Operator’s Dockless Bike Share System;

(f) A description of an internet-enabled mobile device application to be used by Customers to register membership to locate, use, pay for, lock, and unlock each bicycle;

(g) The proposed Geo-Fence Zones, including any area in which Operator plans to expand its Dockless Bike Share System during the permit period;

(h) Proposed Home Zones in the City, if any;

(i) A plan for Operator to maintain each Bicycle in a safe and operable condition, and to recover and repair bicycles discovered or reported to be unsafe or inoperable before redeployment;

(j) A plan for Operator to rebalance and relocate Bicycles;
(k) A plan for educating Customers on the safe use of a Bicycle, knowledge of compliance of all applicable laws and proper Bicycle parking;

(l) Proof of current coverage of insurance as required by this Article;

(m) Payment of a permit fee in the amount applicable to the Operator as specified in this Article;

(n) The provision of any other information reasonably requested by the City in making its determination; and

(o) An escrow account as required by this Article.

Sec. 8-814 Granting, Renewing Permit and Permit Terms.

(a) Granting or Renewing Permit. A person may operate a Dockless Bike Share System only with a properly granted or renewed City permit as set forth in this Article, and only in accordance with applicable law.

(b) Terms of Permit. The City may identify Geo-Fence Zones and Home Zones within which an Operator may conduct certain activities and such other reasonable terms as are necessary in order to ensure the public health, safety and welfare of the general public.

Sec. 8-815. Permit Denial and Revocation.

(a) Denial of Permit. The application shall be denied and no permit shall be issued if the City finds that:

1. Any statement made in the application is incomplete, inaccurate, misleading, or false;
2. The Operator, its partners, officers, owners, and other principals have not paid to the City all fees due under this Article; or
3. The Operator has otherwise not complied with this Article or has had a history of noncompliance with the provisions of this Article.

(b) Revocation of Permit. The City may revoke a permit due to Operator’s failure to comply with its permit, this Article, or any applicable federal, state, or local law or regulation. Permits may also be revoked for one or more of the following reasons:

1. Poor Customer response or service;
2. Posing an unreasonable risk to the health, safety and welfare of the general public;
3. Having a history of violating one or more requirements of this Article; or
4. Nonpayment for monies owed City in accordance with this Article.

   (c) Notice of Denial or Revocation. The City shall provide written notice within ten (10) days of the denial or revocation of a permit to Operator, which notice shall state the reason(s) for the decision and inform the Operator of its right to appeal the decision in writing including by when and to whom it must be delivered.

Sec. 8-816. Appellate Review.

An Operator may appeal the revocation, denial or terms of a permit to the City Manager or designee if it requests an appeal in writing and delivers it to the City Manager or designee not more than ten (10) business days after receiving notice of the action.

The City Manager or designee shall act as the appeal hearing officer and shall conduct a hearing as soon as practicable or within five (5) business days of receipt of notice of appeal. The hearing officer shall give the appealing party an opportunity to present information and to make argument on its behalf. The hearing officer may affirm, modify or reverse all or part of the action being appealed. If Operator is in non-compliance with this Article or other applicable law, the hearing officer may give the Operator an opportunity to correct the problem.

The decision of the hearing officer shall be rendered in writing to Operator and as soon as practicable or within five (5) business days of such hearing. The decision of the hearing officer is final.

Sec. 8-817. Dockless Bike Sharing Operating Requirements.

Each Dockless Bike Share Operator shall do the following:

   (a) Customer Communication. Provide a mechanism for Customers to notify the Operator that there is a safety or maintenance issue with the Bicycle, and to include a telephone number, web address, and email address that must be properly established, maintained and available twenty-four (24) hours a day;

(b) Affix on Each Bike. Affix on each Bike the following:

   1. Contact information of the Operator, including the web site address;

   2. Contact information of Operator’s Customer service and report incorrectly parked Dockless Bicycle, safety concerns, complaints, or questions;

   3. A clearly visible name, logo, trademark, or other identifying information of the Operator; and

   4. A unique identification for each deployed Bicycle, consisting of number or letters or both.
(c) **Customer Notification.** Notify Customers via a web site or mobile device application the following information:

1. Bicycle riders are encouraged to wear helmets;

2. Bicycle riders must follow all traffic laws;

3. Customers must park the Bicycles properly and in compliance with this Article and applicable laws; and

4. That the City is not responsible for educating users regarding bicycle laws. Neither is the City responsible for educating users on how to ride or operate a bicycle.

(d) **Staffing.** Maintain sufficient staff to relocate or rebalance Bicycles on a regular basis as needed, in addition to handling local issues as they arise, including timely removals, installation or maintenance of equipment and other issues arising pursuant to this Article requiring local action on the part of Operator;

(e) **Contact Information to City.** Provide to City contact information for Operator’s staff responsible for the relocating or rebalancing Bicycles, and the handling of all local issues as they arise, including removals, installation or maintenance of equipment, and other issues arising pursuant to this Article requiring local action on the part of Operator;

(f) **Repairs.** Assume responsibility for the cost and all obligations associated with properly maintaining its Bikes in good, safe operating condition, including fixing, repairing, or correcting each Bicycle that is considered inoperable, unsafe, or otherwise in violation of the standards under this Article before re-deployment back into service;

(g) **Repair and Reimbursement of City Costs.** Be responsible for repair and payment of actual costs of repair to public infrastructure damaged by the use of Operator’s Bicycles, including reimbursement to City if City makes such repair, and including payment of costs incurred by the City to remove and/or store Bicycles that have been improperly parked or otherwise are required to be removed from the Public Right-of-Way or other areas pursuant to this Article. Payment shall be due within thirty (30) days of written notice by City to Operator;

(h) **Change of Information on Permit.** Operator’s permit must be kept current and accurate at all times. Changes in the information of the permit, including Geo-Fence Zones, Home Zones, size of fleet, change of inventory of fleet, change of address, contact person, or any other information must be approved through amending the permit before instituting such change.

(i) **Geo-Fence Zones.** Operators must identify the Geo-Fence Zones in which they desire to conduct operations in the City. The City shall consider approval of these areas if Operator establishes to City’s satisfaction that it has an adequate plan for the Geo-Fence Zones including an overall implementation plan that ensures the orderly conduct of its System as a whole, and that includes a bike parking system such as a rack or designated area, and which addresses all traffic, safety, public nuisance, and aesthetic issues.
Dockless Bike Share Operators shall have the capability to create Geo-Fence Platform(s) operable on six (6) workstations simultaneously, compatible with the City of College Station GIS system and must keep same operational at all times when operating within the City.

(j) Escrow Accounts. The Operator must provide Five Thousand Dollars ($5,000.00) in cash that the City will hold in escrow for the term of this Permit to cover direct costs incurred by the City due to violations of the Permit. Should the escrow account be debited and drop to an amount below Five Hundred Dollars ($500.00), operator shall provide additional funds to raise the amount back to Five Thousand Dollars ($5,000.00).

(k) Home Zones. One or more Home Zones may be required or requested in the permit application. In such case, the City may approve one or more Home Zones if Operator establishes to City’s satisfaction that it has an adequate plan for the Home Zones including an overall implementation plan that ensures the orderly conduct of its System as a whole, and that includes a bike parking system such as a rack or designated area, a rebalancing program, and which addresses all traffic, safety, public nuisance, and aesthetic issues.

(l) Inoperable or Unsafe. Any inoperable Bicycle, or any Bicycle that is not safe to operate shall be removed from service within 24 hours after notice from a Customer, the City, or any third party, and shall be repaired before the Bicycle is returned to service.

(m) Use of Latest Technology. Operator shall use and employ the latest technology reasonably available to it in carrying out its Dockless Bike Share Operations in the City, including enhancements to safety, accountability, and precision of location of Bikes as possible.

(n) Operations Center. Operators shall maintain a staffed operations center located within the City.

Sec. 8-818 –Safety.

(a) Standards. All Bicycles deployed by an Operator shall meet the standards outlined in the following:

1. Code of Federal Regulations, Title 16, Chapter II, Subchapter C, Part 1512 – Requirements for Bicycles, as may be amended;

2. International Standards Organization 43.150 – Cycles, subsection 4210, as may be amended; and

3. Section 551.104 of the Texas Transportation Code, as may be amended, regulating the safety equipment of bicycles.

(b) Signage. All Operators shall have visible language on signs approved by the City in designated parking areas or other appropriate places that notify the user that:

1. Helmet use is encouraged while riding the Bicycle;
2. User shall yield to pedestrians on sidewalks; and

3. When riding on a street, Bicyclists must follow the rules of the road as one would in a motor vehicle.

**Sec. 8-819. Bicycle Parking.**

(a) **Proper Parking.** All Bicycles deployed by an Operator shall be parked:

1. In an upright position on top of a hard surface;
2. In a manner that does not detrimentally impact vehicular or pedestrian traffic;
3. Only within a Geo-Fence Zone or Home Zone.

(b) **Improper Parking.** Bicycles shall not be parked adjacent to or within:

1. Transit zones, including bus stops and shelters;
2. Loading zones;
3. ADA handicap parking zones;
4. Street furniture that requires pedestrian access;
5. Curb ramps;
6. Entryways and driveways;
7. Within the visibility triangle at intersections;
8. Rail road tracks and crossings;
9. Passenger loading zones or valet parking service areas; and
10. A place where the City determines poses an unreasonable risk to the health, safety, and welfare of the general public.

(c) **Block Faces.** City reserves the right to determine certain block faces where Dockless Bicycle parking is prohibited;

(d) **Remove or Relocate.** Relocate or remove from the Public Right-of-Way or anywhere within the City each Bicycle that is inoperable, unsafe, or otherwise failing to meet the standards under this Article, within the following times:
1. Within two hours of when Operator becomes aware of or receives notice between 6:00 a.m. to 6:00 p.m., seven days per week, except a holiday observed by the closure of City offices; and

2. Within twelve (12) hours of when Operator becomes aware of or receives notice during all other times.

Sec. 8-820. Survey, Records, and Data Sharing.

Dockless Bike Share Operators are required to report monthly information to the City regarding their operations, fleet, and membership. The goal of these reports is to better understand how the entire Dockless Bike Share System is being utilized and to better inform future policy changes. Operators will work with the City to provide the following information on their operations in the City:

1. Number of Bicycles in their Dockless Bike Share System;
2. Origin and destination data;
3. Usage (total trips, per timeframe, per location, per Bicycle);
4. Total number of Customers;
5. Customer survey and general demographics (if available);
6. Reported repairs, collisions;
7. Removal or relocation data including response times and locations; and
8. Any other data determined by City as necessary to ensure compliance with this Article and with applicable law.

Sec. 8-821. Relocation, Removal or Impoundment.

The City has the right to relocate, remove, or impound any obstruction or encumbrance caused by a Bicycle anytime such Bicycle poses a threat to the health, safety and welfare of the general public or anytime a Bicycle has been parked or otherwise located in violation of this Article. In such case the Operator may be assessed a fee in accordance with this Article.

8-822-Indemnity.

By making application for a permit, the Operator, its assigns, successors, and representatives agree to and shall defend, indemnify, release, and hold the City, its agents, employees, officers, volunteers, and legal representatives harmless for all claims, causes of action, liabilities, fines, and expenses (including, without limitation, attorneys’ fees, court costs, and all other defense costs and interests) for injury, death, damage, or loss to personal or real property sustained in connection with or incidental to the activity related to operating a Dockless Bike Share System in the City and as may be authorized by the permit.

Sec. 8-823.-Insurance.
The following types of insurance must be procured and maintained by Operator:

(a) Commercial general liability with minimum limits of liability per occurrence of $1,000,000 with $2,000,000 general aggregate.
   (1) Policy shall be written by a licensed carrier authorized to do business in Texas, rated A:VI or better under the current A. M. Best Key Rating Guide.
   (2) Policy shall be endorsed to name the City of College Station as an Additional Insured, with a waiver of subrogation rights and “primary and non-contributory” language with regard to any self-insurance or insurance the City may have or obtain.
   (3) Policy shall not exclude: personal and advertising liability, contractual liability (for the indemnity provided herein), products/completed operations; independent contracts.

(b) Business Automobile Liability
   1. Policy shall be written by a licensed carrier authorized to do business in Texas rated A:VI or better under the current A. M. Best Key Rating Guide.
   2. Policy shall name the City of College Station as an Additional Insured, with a waiver of subrogation rights and “primary and non-contributory” language with regard to any self-insurance or insurance the City may have or obtain.
   3. Minimum combined single limit of liability of $1,000,000 for bodily injury and property damage.
   4. Coverage shall include any autos, owned autos, leased or rented autos, non-owned autos and hired autos.

Workers’ Compensation Insurance
   1. Statutory limits required.
   2. Employer’s Liability minimum limits of liability of $1,000,000 for each accident/each disease/each employee.
   3. “Texas Waiver of Our Right to Recover From Others Endorsement, WC 42 03 04.”
   4. Texas must appear in Item 3A of the Workers’ Compensation coverage or Item 3C must contain the following: “All States except those listed in Item 3A and the States of NV, ND, OH, WA, WV, and WY.”

Operator shall provide the City with evidence of required coverage on the most current State of Texas Department of Insurance-approved form. Carrier may be an eligible non-admitted insurer in the State of Texas.

Policy shall not be canceled, non-renewed, suspended or reduced in limits of liability until the City has received 30 days’ written notice of such change. Should policies lapse or expire, the permit shall automatically be suspended and Operator shall discontinue its Dockless Bike Share System within the City. Such permit suspension shall be in effect until Operator provides City with evidence of a replacement policy. If Operator
fails to provide evidence of replacement policies acceptable to the City within five (5) business days following the policy lapse, the permit shall terminate automatically.

8-824. Fees and Costs.

(a) The following fees are established and may be assessed by the City in the amount set forth in Section 2-117:

1. Permit Application Fee.
2. Permit Renewal Fee.
3. Removal, Impoundment and/or Relocation Fee.

Sec. 8-825. Violation. Penalties.

It shall be unlawful for a Dockless Bike Share Operator to operate, maintain or conduct within the City a Dockless Bike Share System without first securing a permit, and/or without complying with all of the provisions of this Article or any other law.
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 from PDD Planned Development District to GS General Suburban for approximately 5.2 acres, generally located north of the intersection of Deacon Drive West and Holleman Drive South.

Sponsors: Laura Gray

Indexes:

Code sections: Background Information, Vicinity, SAM, Aerial Map, Rezoning Map, Ordinance

REZONING REVIEW CRITERIA

1. Whether the proposal is consistent with the Comprehensive Plan: The subject property has a Future Land Use and Character designation of General Suburban and is in Growth Area V. This land use designation is generally for areas that should have an intense level of development activities. These areas will tend to consist of high-density single-family residential lots (minimum
5,000 square feet). Town homes, duplexes, and neighborhood commercial and office uses may also be permitted in growth areas.

Growth Area V expands on the General Suburban residential development direction by suggesting the incorporation of design criteria including, but not limited to, minimum open space, floor-to-area ratios, and bufferyards. Suburban or neighborhood commercial and office uses are also viewed as appropriate in Growth Area V.

The proposed zoning district of General Suburban is consistent with the Comprehensive Plan land use designation of General Suburban within Growth Area V because it promotes residential development activities including necessary and adequate facilities and services. Residential development activities would be subject to the Unified Development Ordinance General Development Standards design criteria which is in keeping with the general design criteria identified in Growth Area V.

2. Whether the uses permitted by the proposed zoning district will be appropriate in the context of the surrounding area:

The surrounding area is currently zoned R Rural to the north, PDD Planned Development District to the south and east, and R Rural and RS Restricted Suburban to the west (across Holleman Road). The subject property and surrounding areas were annexed into the City in 2002 and given a zoning designation of AO Agricultural Open Space.

Over the past 10 years, several of the surrounding properties have been rezoned for more intensive residential uses. In 2014, the subject property was one of four tracts of land rezoned from R Rural to PDD Planned Development District for the purpose of expanding a higher density residential development known as the Barracks. The subject properties PDD concept map was further refined in 2015 to accommodate townhomes across the subject property.

The proposed rezoning to General Suburban is appropriate and compatible with the existing context of the surrounding area because the surrounding area is developed with a mixture of single family residences and townhomes all of which are compatible with the types of uses permitted for the General Suburban zoning district.

3. Whether the property to be rezoned is physically suitable for the proposed zoning district:

This location is physically suitable for the proposed General Suburban zoning district as the 5.2 tract’s topography is fairly level and it has over 185 feet of direct frontage along Holleman Road, an existing 2-lane collector street which is presently being widened through a capital improvement project to a 4-lane minor arterial.

4. Whether there is available water, wastewater, stormwater, and transportation facilities generally suitable and adequate for uses permitted by the proposed zoning district:

The subject property has available water, wastewater, stormwater, and transportation facilities that are generally suitable and adequate for uses permitted by the General Suburban zoning district.

Water service will be provided by Wellborn Special Utility District. Sanitary sewer service will be provided by the City of College Station. There are 2 existing 8-inch sanitary sewer manholes on the property.

Drainage occurs southeast to northwest and detention will be required as part of the development planning process. Drainage and other public infrastructure required with site development shall be designed and constructed in accordance with the BCS Unified Design Guidelines. The property has access to Holleman Road South, Towers Parkway, and Gunner Trail. Interconnecting access to and through the property along with residual block length in the surrounding PDD neighborhood
will be addressed during the Preliminary Plan process. On-site public sanitary sewer will need to be extended through and to the adjacent unplatted properties to the north.

5. **The marketability of the property:** The subject property’s PDD Planned Development District concept plan depicts the subject property being developed entirely with townhomes. Since the time of the PDD rezoning, a place of worship has acquired the property and has expressed an intent to build at this location. If the property were to be marketed for single family uses, the marketability of the property may slightly decrease if the property were rezoned as General Suburban because fewer dwelling units would be allowed given the less intense dimensional standards of GS General Suburban when compared to the PDD.

Budget & Financial Summary: N/A

Attachments:
1. Background Information
2. Vicinity Map, Aerial, and Small Area Map
3. Rezoning Map
4. Ordinance
NOTIFICATIONS
Advertised Commission Hearing Date: June 21st, 2018
Advertised Council Hearing Dates: July 12th, 2018

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:

The Barracks HOA

Property owner notices mailed: Fifty-four (54)
Contacts in support: None at the time of staff report.
Contacts in opposition: None at the time of staff report.
Inquiry contacts: 2 general inquiry contacts.

ADJACENT LAND USES

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<th>Direction</th>
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<th>Zoning</th>
<th>Land Use</th>
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<td>R-Rural</td>
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<td>Single Family &amp; Multi-Family Residential</td>
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DEVELOPMENT HISTORY
Annexation: 2002

Zoning: AO Agricultural Open Space upon annexation in 2002
Rezoned to PDD in 2014 - PDD Concept Plan updated in 2015

Final Plat: Not Platted

Site development: The property is currently undeveloped.
ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX A “UNIFIED DEVELOPMENT ORDINANCE,” ARTICLE 4 “ZONING DISTRICTS,” SECTION 12-4.2, “OFFICIAL ZONING MAP” OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY CHANGING THE ZONING DISTRICT BOUNDARIES AFFECTING APPROXIMATELY 5.2 ACRES, GENERALLY LOCATED NORTH OF THE INTERSECTION OF DEACON DRIVE WEST AND HOLLEMAN DRIVE SOUTH AS DESCRIBED BELOW; PROVIDING A SEVERABILITY CLAUSE; DECLARING A PENALTY; AND PROVIDING AN EFFECTIVE DATE.

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

PART 1: That Appendix A “Unified Development Ordinance,” Article 4 “Zoning Districts,” 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”, Exhibit “B” and Exhibit “C” attached hereto and made a part of this Ordinance for all purposes.

PART 2: If any provision of this Ordinance or its application to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality does not affect other provisions or application of this Ordinance or the Code of Ordinances of the City of College Station, Texas, that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Ordinance are severable.

PART 3: That any person, corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than twenty five dollars ($25.00) and not more than five hundred dollars ($500.00) or more than two thousand dollars ($2,000) for a violation of fire safety, zoning, or public health and sanitation ordinances, other than the dumping of refuse. Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PART 4: This Ordinance is a penal ordinance and becomes effective ten (10) days after its date of passage by the City Council, as provided by City of College Station Charter Section 35.
PASSED, ADOPTED, and APPROVED this 12th day of July, 2018.

ATTEST: ______________________________

City Secretary

APPROVED: ______________________________

Mayor

APPROVED: ______________________________

City Attorney
Exhibit A

That Appendix A “Unified Development Ordinance,” Article 4 “Zoning Districts,” Section 12-4.2, “Official Zoning Map” of the Code of Ordinances of the City of College Station, Texas, is hereby amended as follows:

The following property is rezoned from PDD-Planned Development District to GS-General Suburban:

FIELD NOTES
5.193 ACRES

Being all that certain tract or parcel of land lying and being situated in the CRAWFORD BURNETT LEAGUE, Abstract No. 7, in College Station, Brazos County, Texas and being all of the called 5.193 acre tract described in the deed from Heath Phillips Investments, LLC to Antioch Community Church of College Station, a Texas nonprofit corporation, recorded in Volume 13706, Page 212 (O.R.B.C.) and being more particularly described by metes and bounds as follows:

BEGINNING: at a found 1/2-inch iron rod marking southwest corner of this herein described tract and the southwest corner of the called 5.193 acre Church tract, said iron rod also being the west corner of Lot 1A-R, Block 1, THE BARRACKS SUBDIVISION, PHASE 100, according to the replat recorded in Volume 13131, Page 70 (O.R.B.C.) and being in the in the easterly right-of-way line of Holleman Drive South (based on a variable width right-of-way);

THENCE: N 22° 02' 42" W along the easterly right-of-way line of said Holleman Drive South for a distance of 175.40 feet to a found 1/2-inch iron rod marking the west corner of this tract, said iron rod also being in the southeast line of the called 0.023 acre Right-of-Way Taking tract recorded in Volume 5452, Page 278 (O.R.B.C.);

THENCE: N 42° 08' 32" E along the southeast line of the called 0.023 acre Right-of-Way Taking tract, at 1.39 feet, pass a found 5/8-inch iron rod marking the south corner of the called 2.988 acre Antioch Community Church of CS tract recorded in Volume 13565, Page 243 (O.R.B.C.) for a total distance of 568.36 feet to a found 1/2-inch iron rod marking the north corner of the herein described tract, the north corner of the 5.193 acre Church tract and the west corner of the called 0.37 acre Parkland Tract 10 as depicted on the plat of THE BARRACKS II SUBDIVISION, PHASE 300 recorded in Volume 12555, Page 196 (O.R.B.C.);

THENCE: along the common line of the called 5.193 acre Church tract and the called 0.37 acre Parkland Tract 10 for the following four (4) calls:

1) S 47° 45' 43" E for a distance of 108.28 feet to a found 1/2-inch iron rod for corner,
2) N 42° 14' 17" E for a distance of 35.84 feet to a found 1/2-inch iron rod for corner,
3) S 47° 45' 43" E for a distance of 119.21 feet to a found 1/2-inch iron rod for corner, and
4) 11.22 feet in a counter-clockwise direction along the arc of a curve having a central angle of 25° 43' 12", a radius of 25.00 feet, a tangent of 5.71 feet and a long chord bearing N 20° 12' 46" W at a distance of 11.13 feet to a found 1/2-inch iron rod in the southwest right-of-way line of Towers Parkway (based on a 67' width) as depicted on the final plat of THE BARRACKS II SUBDIVISION, PHASE 109 as recorded in Volume 13650, Page 38 (O.R.B.C.);
THENCE: along the common line of the called 5.193 acre Antioch Community Church tract and the southwest right-of-way line of said Towers Parkway for the following two (2) calls:

1) 118.81 feet in a counter-clockwise direction along the arc of a curve having a central angle of 14° 41' 14", a radius of 463.50 feet, a tangent of 59.73 feet and a long chord bearing S 40° 25' 05" E at a distance of 118.49 feet to a found 1/2-inch iron rod marking the Point of Tangency, and
2) S 47° 45' 43" E for a distance of 56.14 feet to a found 1/2-inch iron rod marking the east corner of this herein described tract and the east corner of the called 5.193 acre Antioch Community Church tract, said iron rod also being in the northwest line of THE BARRACKS II SUBDIVISION PHASE 100, according to the final plat recorded in Volume 10570, Page 293 (O.R.B.C.);

THENCE: S 42° 14' 17" W along the common line of the called 5.193 acre Antioch Community Church tract and said THE BARRACKS II SUBDIVISION PHASE 100 for a distance of 519.01 feet to a found 1/2-inch iron rod marking the south corner of this tract and the south corner of the called 5.193 acre Church tract, said iron rod also being in the northeast line of Lot 1A-R, Block 1, THE BARRACKS SUBDIVISION, PHASE 100, according to the replat recorded in Volume 13131, Page 70 (O.R.B.C.);

THENCE: along the common line of the called 5.193 acre Antioch Community Church tract and said Lot 1A-R for the following three (3) calls:

1) N 56° 23' 58" W for a distance of 203.52 feet to a found 1/2-inch iron rod for corner,
2) 105.70 feet in a right direction along the arc of a curve having a central angle of 26° 54' 58", a radius of 225.00 feet, a tangent of 53.84 feet and a long chord bearing S 54° 29' 49" W at a distance of 104.73 feet to a found 1/2-inch iron rod for corner, and
3) S 67° 57' 18" W for a distance of 20.41 feet to the POINT OF BEGINNING and containing 5.193 acres of land, more or less.

I, Gregory Hopcus, Registered Professional Land Surveyor No. 6047, State of Texas, do hereby certify to the best of my knowledge, information and belief, and in my professional opinion, that this survey is true and correct and agrees with a survey made on the ground under my supervision on December 19, 2017.
Exhibit C
Public Hearing, presentation, possible action, and discussion regarding an ordinance amending Appendix A, “Unified Development Ordinance,” Section 4.2, “Official Zoning Map,” of the Code of Ordinances of the City of College Station, Texas, by changing the zoning district boundaries from M-1 Light Industrial to GC General Commercial and NAP Natural Areas Protected for approximately 2.5 acres of land located at 1726 Harvey Mitchell Parkway South.

Relationship to Strategic Goals:

- Good Governance
- Financially Sustainable City
- Core Services and Infrastructure
- Diverse Growing Economy

Recommendation(s): The Planning and Zoning Commission considered this item at their June 21, 2018 meeting and voted 5-0 to recommend approval.

Summary: This request is amending the zoning district boundaries on the property to rezone approximately 2.5 acres from M-1 Light Industrial to GC General Commercial and NAP Natural Areas Protected.
designation is generally for areas that should have a very intense level of development activities. These areas will tend to consist of townhomes, duplexes, and high-density apartments. General commercial and office uses, business parks, and vertical mixed-use may also be permitted within growth and redevelopment areas. The Natural Areas Reserved designation is generally for areas that represent a constraint to development and that should be preserved for their natural function or open space qualities.

Growth Area V consists of land near the Wellborn Road and Harvey Mitchell intersection to the Rock Prairie and Wellborn Road intersection, bounded by the established Southwood Valley area to the east and the Great Oaks neighborhood to the west. Growth Area VI consists of land north of Harvey Mitchell Parkway (FM 2818) bounded by the Texas A&M University campus to the northwest, Wellborn Road (FM 2154) to the east, and Southwest Parkway to the northeast. The Comprehensive Plan states that the entire Urban portion of both growth areas should be used for intense land use activities including general commercial, office uses, townhomes, high-density apartments, and vertical mixed-use (Growth Area V includes a limitation on the amount of residential that should be allowed).

The property also lies within the Central College Station Neighborhood Plan, which serves as an extension of the Comprehensive Plan. The community character of the Central College Station Neighborhood has been identified as suburban and single family surrounded by regional commercial uses with a more urban-scale multi-family component closest to Texas A&M. These areas should balance residential character with denser redevelopment options along the neighborhood fringe. The intersection of Harvey Mitchell Parkway South and FM 2154 (Wellborn Road) forms an outer edge of the Central College Station Neighborhood Plan, and therefore should promote compatible zoning and uses in line with the plan.

The proposed zoning district GC General Commercial and NAP Natural Areas Preserved would allow for the development of retail sales and service that function to serve the entire community and its visitors. The property is suitable for high density commercial development. The proposed zoning district is consistent with Growth Areas V and VI, the Central College Station Neighborhood Plan, and the Future Land Use and Character designations of Urban and Natural Areas-Reserved within the City’s Comprehensive Plan.

2. Whether the uses permitted by the proposed zoning district will be appropriate in the context of the surrounding area: The surrounding area is currently zoned R-4 Multi-Family, GC General Commercial, PDD Planned District Development and NAP Natural Areas Protected. The Jones Crossing Development is located adjacent to the west of the subject property and it features regionally significant developments such as HEB store No. 3 and a variety of proposed retail and restaurant developments that are currently under construction. East of the subject property is a vacant lot zoned R-4 Multi-Family which has significant floodplain, owned by the First Baptist Church of College Station that is developed to the southeast of the subject property. Across Harvey Mitchell Parkway to the north is The Woodlands of College Station: a Planned District Development with borrowed use standards from the General Commercial and High Density Multifamily zoning districts.

The area has developed high density housing options, and is continuing to establish its commercial character that serves residents both near and far from the subject property. The diverse menu of permitted uses in General Commercial zoning complement the existing and future developments in the area while the uses permitted in M-1 Light Industrial zoning are limited in number and generally less compatible to surrounding residential uses. Along Harvey Mitchell
Parkway (a six-lane major arterial) there are existing high density residential land uses, and properties in this context should be developed for higher density residential and commercial uses as directed by the Comprehensive Plan and Growth Area VI within the Comprehensive Plan.

3. Whether the property to be rezoned is physically suitable for the proposed zoning district: The applicant is proposing to rezone one 2.5 acre lot which meets the required 24 foot minimum lot width and 100 foot lot depth for General Commercial zoning. The lot currently takes access off of Harvey Mitchell Parkway South, a major arterial on the Thoroughfare Plan, and is suitable for the purposes of General Commercial zoning. The property is adjacent to the Jones Crossing Development, and if rezoned, the subject property will have cross access at the time of platting or site plan for interconnected driveway access between developments. Floodplain exists on the 0.232 acres of the property that have been proposed as NAP Natural Areas Protected.

4. Whether there is available water, wastewater, storm water, and transportation facilities generally suitable and adequate for uses permitted by the proposed zoning district: Water and sanitary sewer service will be provided by CSU. There is an existing 24-inch water line and an existing 18-inch sanitary sewer line adjacent to this development within the Harvey Mitchell Parkway South (major arterial) right-of-way. There is adequate capacity in the water and sanitary sewer system to serve the proposed development. Drainage and other public infrastructure required with site development shall be designed and constructed in accordance with the BCS Unified Design Guidelines.

The site has access to Harvey Mitchell Parkway South, an existing 6-lane major arterial on the Thoroughfare Plan. The Pedestrian Plan proposes a 10-foot multi-use path to run parallel to the property in Harvey Mitchell Parkway South’s right-of-way.

5. The marketability of the property: The subject property was annexed into the city in 1970 with the zoning designation of R-1 Single Family Residential and was rezoned in 1976 to M-1 Light Industrial. Since its rezoning in 1976, the property has contained low-intensity development and remains unplatte. The recently demolished structure was constructed on unplatte property before subdivision regulations were in effect. M-1 zoning allows for primarily light industrial uses along with places of worship, educational facilities, and parks. The owner’s desired future use of the property is for a shopping center. Due to the adjacent Stratus retail development and prominent multifamily developments through this area, the property is more marketable as the proposed General Commercial zoning with its intended Retail Sales and Service use than if remained for a Light Industrial use.

STAFF RECOMMENDATION
Staff recommends approval of the rezoning request.

Budget & Financial Summary: N/A

Attachments:

1. Background Information
2. Vicinity Map, Aerial, and Small Area Map
3. Rezoning Map
4. Ordinance
NOTIFICATIONS
Advertised Commission Hearing Date: June 21, 2018
Advertised Council Hearing Dates: July 12, 2018

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

None

Property owner notices mailed: Twenty (20)
Contacts in support: None at the time of staff report.
Contacts in opposition: None at the time of staff report.
Inquiry contacts: None at the time of staff report.

ADJACENT LAND USES

<table>
<thead>
<tr>
<th>Direction</th>
<th>Comprehensive Plan</th>
<th>Zoning</th>
<th>Land Use</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>North</strong></td>
<td>Natural Areas Reserved</td>
<td>R-4 Multifamily &amp; PDD Planned Development District</td>
<td>Multifamily and Mixed Use</td>
</tr>
<tr>
<td>(across Harvey Mitchell Pkwy)</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td><strong>South</strong></td>
<td>Natural Areas Reserved and Urban</td>
<td>NAP Natural Areas Protected and R-4 Multifamily</td>
<td>Vacant &amp; Floodplain</td>
</tr>
<tr>
<td><strong>East</strong></td>
<td>Urban and Natural Areas Reserved</td>
<td>R-4 Multifamily</td>
<td>Vacant &amp; Church</td>
</tr>
<tr>
<td><strong>West</strong></td>
<td>Urban and Natural Areas Reserved</td>
<td>GC General Commercial, and NAP Natural Areas Protected</td>
<td>Vacant with Retail Sales and Service under construction and Floodplain</td>
</tr>
</tbody>
</table>

DEVELOPMENT HISTORY
Annexation: 1970

Zoning: R-1 Single Family Residential upon annexation in 1970
Rezoned to M-1 in 1976

Final Plat: Not Platted

Site development: The property is currently vacant.
ORDINANCE NO. _____

AN ORDINANCE AMENDING APPENDIX A “UNIFIED DEVELOPMENT ORDINANCE,” ARTICLE 4 “ZONING DISTRICTS,” SECTION 4.2, “OFFICIAL ZONING MAP” OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY CHANGING THE ZONING DISTRICT BOUNDARIES FROM M-1 LIGHT INDUSTRIAL TO GC GENERAL COMMERCIAL AND NAP NATURAL AREAS PROTECTED AFFECTING APPROXIMATELY TWO AND ONE HALF ACRES LOCATED AT 1726 HARVEY MITCHELL PARKWAY SOUTH; 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 Appendix A “Unified Development Ordinance,” Article 4 “Zoning Districts,” Section 4.2 “Official Zoning Map” of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit “A” and Exhibit “B” and “Exhibit C” attached hereto and made a part of this Ordinance for all purposes.

PART 2: If any provision of this Ordinance or its application to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality does not affect other provisions or application of this Ordinance or the Code of Ordinances of the City of College Station, Texas, that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Ordinance are severable.

PART 3: That any person, corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than twenty five dollars ($25.00) and not more than five hundred dollars ($500.00) or more than two thousand dollars ($2,000) for a violation of fire safety, zoning, or public health and sanitation ordinances, other than the dumping of refuse. Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

PART 4: This Ordinance is a penal ordinance and becomes effective ten (10) days after its date of passage by the City Council, as provided by City of College Station Charter Section 35.
PASSED, ADOPTED, and APPROVED this 12th day of July, 2018.

ATTEST: ____________________________ APPROVED: ____________________________

City Secretary Mayor

APPROVED: ____________________________

City Attorney
Exhibit A

That Appendix A “Unified Development Ordinance,” Article 4 “Zoning Districts,” Section 4.2, “Official Zoning Map” of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

The following property is rezoned from M-1 Light Industrial to GC General Commercial and NAP Natural Areas Protected:
METES AND BOUNDS DESCRIPTION
2.262 ACRES

All that certain tract or parcel containing 2.262 acres of land in the Crawford Burnett Survey, A-7, Brazos County, Texas, being a portion of a tract which was called 2.497 acres and conveyed from Frank A. Ramsey to Hearvennz Property, LLC, by an instrument of record in Volume 142204, Page 47, of the Brazos County Official Public Records, (BCOPR), said 2.262 acres being more particularly described by metes and bounds as follows, basing bearings on the Texas Coordinate System of 1983, Central Zone, to wit:

BEGINNING at a 1/2" iron rod found for west corner, being the north corner of a tract which was called Lot 3, Block 1, Jones Crossing Development, Phase A, a subdivision of record in Volume 142223, Page 287, BCOPR, lying in the south right-of-way (R-O-W) line of Farm to Market Road 2818 (Harvey Mitchell Parkway), from which a City of College Station control marker #46 found bears: N49°12'06"E, 1,118.17 feet;

THENCE N67°02'46"E, 42.46 feet along the common line of said 2.497 acre tract and Harvey Mitchell Parkway to a 5/8" iron rod set for angle point;

THENCE N58°43'26"E, 345.85 feet continuing along the common line of said 2.497 acre tract and Harvey Mitchell Parkway to a 1/2" iron rod found for north corner, being the most northerly corner of a tract which was called Tract E, Southwood Valley, Section 30, a subdivision of record in Volume 508, Page 571, BCOPR, and conveyed from Griffin M. James, et ux to First Baptist Church of College Station, by an instrument of record in Volume 2538, Page 351, BCOPR;

THENCE departing Harvey Mitchell Parkway, S48°54'19"E, 160.50 feet along the common line of said 2.497 acre tract and Tract E to a point for an east corner, being an interior corner of Tract E, from which the center of a sanitary sewer manhole cover bears: N62°27'40"E, 0.83 feet;

THENCE S39°29'45"W, 236.89 feet continuing along the common line of said 2.497 acre tract and Tract E to a point for interior corner, being a west corner of Tract E, from which the center of a sanitary sewer manhole cover bears: S60°20'39"E, 0.41 feet and a 5/8" iron rod with aluminum cap for reference bears: N78°40'30"E, 8.34 feet;

THENCE S48°14'10"E, 131.58 feet continuing along the common line of said 2.497 acre tract and Tract E to a point for most southerly east corner, from which a point marking the southerly east corner of said 2.497 acre tract and most northern corner of a tract which was called Common Area, Jones Crossing Development, Phase A, a subdivision of record in Volume 142223, Page 287, BCOPR bears: S46°14'10"E, 36.86 feet;

THENCE S48°14'10"E, 112.45 feet crossing said 2.497 acre tract to an angle point;

THENCE S24°21'04"W, 31.05 feet continuing across said 2.497 acre tract to an angle point;

THENCE S45°49'14"W, 27.61 feet continuing across said 2.497 acre tract to an angle point;

THENCE S89°11'20"W, 20.94 feet continuing across said 2.497 acre tract to an angle point;

THENCE S41°20'14"W, 54.27 feet continuing across said 2.497 acre tract to an angle point;
THENCE S68°48'13"W, 13.11 feet continuing across said 2.497 acre tract to a point for south corner, lying in the common line of said 2.497 acre tract and said Common Area, from which a point marking the south corner of said 2.497 acre tract in Bee Creek and interior corner of said Common Area bears: S48°11'07"E, 121.58 feet;

THENCE N48°11'07"W, 380.75 feet along the common lines of said 2.497 acre tract, said Common Area and Lot 3 to the PLACE OF BEGINNING, containing 2.262 acres of land, more or less. A certified plat has been prepared under the same job number as a part of this professional service.

Troy Maxwell
Professional Land Surveyor
Texas Registration No. 5585

Compiled By:
Johnson & Pace Incorporated,
1201 NW Loop 281 • LB-1
Longview, Texas 75604
TBPLS #10025400

Engineering • Architecture • Surveying
Job No. 4342-001
Date: May 22, 2018
METES AND BOUNDS DESCRIPTION
NO BUILD ZONE
0.232 ACRE

All that certain tract or parcel containing 0.232 acre of land in the Crawford Burnett Survey, A-7, Brazos County, Texas, being a portion of a tract which was called 2.497 acres and conveyed from Frank A. Ramsey to Heavernz Property, LLC, by an instrument of record in Volume 14204, Page 47, of the Brazos County Official Public Records, (BCOPR), said 0.232 acre being more particularly described by metes and bounds as follows, basing bearings on the Texas Coordinate System of 1983, Central Zone, to wit:

BEGINNING at a point for south corner in Bee Creek, being the south corner of said 2.497 acre tract and interior corner of a tract which was called Common Area, Jones Crossing Development, Phase A, a subdivision of record in Volume 142223, Page 287, BCOPR, from which City of College Station control marker #46 found bears: N23°53′45″E, 1,165.42 feet;

THENCE N48°11′07″W, 121.58 feet along the common line of said 2.497 acre tract and said Common Area to a point for west corner, from which a 1/2″ iron rod found for west corner of said 2.497 acre tract bears: N48°11′07″W, 380.75 feet;

THENCE N68°48′13″E, 13.11 feet crossing said 2.497 acre tract to an angle point;

THENCE N41°20′14″E, 54.27 feet continuing across said 2.497 acre tract to an angle point;

THENCE N89°11′20″E, 20.94 feet continuing across said 2.497 acre tract to an angle point;

THENCE N45°49′14″E, 27.61 feet continuing across said 2.497 acre tract to an angle point;

THENCE N24°21′04″E, 31.05 feet continuing across said 2.497 acre tract to a point for north corner, lying in the common line of said 2.497 acre tract and a tract which was called Tract E, Southwood Valley, Section 30, a subdivision of record in Volume 508, Page 571, BCOPR, and conveyed from Griffin M. James, et ux to First Baptist Church of College Station, by an instrument of record in Volume 2538, Page 351, BCOPR, from which a point for interior corner of said 2.497 acre tract bears: N44°41′07″W, 107.65 feet, a 5/8″ iron rod with aluminum cap for reference bears: N44°41′07″W, 107.65 feet;

THENCE S48°14′10″E, 36.56 feet along the common line of said 2.497 acre tract and said Common Area to a point for east corner, being the most southerly east corner of said 2.497 acre tract and most northern corner of said Common Area, from which the center of a sanitary sewer manhole cover bears: S48°01′30″W, 2.48 feet;

THENCE S14°18′21″W, along the common line of said 2.497 acre tract and said Common Area, at 134.77 feet pass a 1/2″ iron rod found for reference and continuing along the common line of said 2.497 acre tract and said Common Area for a distance in all of 154.82 feet to the PLACE OF BEGINNING, containing 0.232 acre of land, more or less.

Johnson & Pace Incorporated
Engineering • Architecture • Surveying
TBPLS #10025400
1201 NW Loop 281 • LB-1
Longview, Texas 75604
Job No. 4342-001
Date: May 22, 2018

Troy Maxwell
Professional Land Surveyor
Texas Registration No. 5585

ORDINANCE NO. ____________
Page 6 of 8

Ordonance Form 8-14-17
Exhibit C