

MINUTES OF THE REGULAR CITY COUNCIL MEETING
CITY OF COLLEGE STATION
MARCH 28, 2013

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Nancy Berry

Council:

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

City Staff:

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

Call to Order and Announce a Quorum is Present

With a quorum present, the Regular Meeting of the College Station City Council was called to order by Mayor Nancy Berry at 7:07 p.m. on Thursday, March 28, 2013 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77842.

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

Presentation of appreciation and recognition of the retirement of Texas A&M University Police Chief Elmer Schneider.

Mayor Berry presented a proclamation honoring TAMU Police Chief Elmer Schneider on the occasion of his retirement.

Presentation by the Aggieland Humane Society regarding their donation of Dog Park Equipment.

Vickie Green, President of the Board of Directors and Kathy Bice, Executive Director, with Aggieland Humane Society, provided a pictorial presentation, depicting the equipment donated by the Aggieland Humane Society for use in the Bark Park at University Park.

Citizen Comments

John Bounds, 9411 Twelve Oaks, reported that he lives directly across from the proposed landfill. He thanked the Council for their service to the community and for their interest in what is happening in the Brushy community. He asked them to join Brushy on April 3 and register as an affected party.

Cora Rogers, 7472 Old Jones Road, asked the Council why do we need two landfills? What will the dump site do to improve the Brushy community? The community has been here 150 years. She stated that money is the root of all evil and asked why are they giving us trash. The trash will also start killing us. She wants to see her grandchildren enjoy coming to the community. But each time someone gives Mancuso money to take their trash, it will be like taking drug money, but will be death money to the community.

Chris Kling, 1502 Laura Lane, reported that he has resided in College station since August 1951. An application has been filed with TCEQ to site a type 4 solid waste facility. The draft permit describes the type of waste and includes medical waste. This is a 111' tall landfill. The location, size, community impact and the type of waste dictate that College Station be involved as an affected party. They can do that until next Wednesday and will be the last opportunity.

Argie Butler, 8783 Vincent Road, spoke on the landfill and voiced her opposition to it. The things going in the landfill will be horrible. No one wants that in their neighborhood. It seems like it is falling on deaf ears and they feel they are not a part of College Station. She asked Council just think about having a landfill in their neighborhood at 111' tall and to consider the germs when the wind blows. It will travel over the city and not remain just in Brushy. If it is contagious, if it causes cancer, you'll breathe it. The community would appreciate having the City as an affected party. The permittee only had to notify those residents within ¼ mile of the dump site, but they will still see it.

CONSENT AGENDA

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

- **March 14,2013 Workshop**
- **March 14, 2013 Regular Council Meeting**

2b. Presentation, possible action, and discussion regarding construction contract 13-144 with Elliott Construction, LLC, in the amount of \$2,269,045.00 for Phase 1 of the Bee Creek Sanitary Sewer Trunk Line Rehabilitation, and approval of Resolution 03-28-13-2b, declaring intention to reimburse certain expenditures with proceeds from debt.

2c. Presentation, possible action, and discussion regarding approval of a contract, # 13-156, between the City of College Station and Glenn Fuqua, Inc. in the amount of \$1,447,902.83 to construct the Bird Pond Road Rehabilitation Project.

2d. Presentation, possible action, and discussion regarding award of a construction contract with Dudley Construction, Ltd. in the amount of \$2,975,669.11 for the Jones Butler Road Extension project.

2e. Presentation, possible action and discussion concerning approval of: (1) a ground lease from TAMUS to College Station for property located generally northeast of the intersection of Wellborn Road and University Drive for the purpose of constructing an electrical substation, (2) an interlocal agreement between College Station and TAMU providing the terms and conditions necessary for the construction of an electrical substation on the ground lease site, and (3) a release of an existing right-of-way easement conveyed from TAMUS to College Station by instrument dated August 8, 2006, recorded in Volume 7572, Page 179, of the Real Property Records of Brazos County, Texas.

2f. Presentation, possible action, and discussion regarding the award of Bid Tab 13-047 and approval of a contract between the City of College Station and WEG Electric Corp, as bid by KD Johnson in the amount of \$735,545 for the purchase of 25/33/46.6 MVA substation transformer for the new Northgate Substation to be built at the existing TAMU 138 kV Switchyard. This action would authorize the City Manager to execute the contract on behalf of the City Council.

2g. Presentation, possible action, and discussion regarding approval of Resolution 03-28-13-2g, authorizing City staff to negotiate for the purchase of right-of-way needed for the University Drive Pedestrian Improvements Project.

2h. Presentation, possible action, and discussion on Ordinance 2013-3487, for a City Participation Agreement for water line improvements in the Northpoint Crossing Ph. 1 Subdivision being made per City Code of Ordinances, Chapter 12, Unified Development Ordinance, Section 8.5, Responsibility for Payment for Installation Costs for a total requested City participation of \$67,101.59.

2i. Presentation, possible action and discussion regarding Ordinance 2013-3488, amending Chapter 2 - Animal Control of the City of College Station Ordinances.

j. Presentation, possible action, and discussion to approve an agreement for the City to sell reclaimed water to the Pebble Creek Country Club.

k. Presentation, possible action, and discussion regarding approval of an ILA transferring surplus radio equipment from the City of College Station to the City of Brenham.

l. Presentation, possible action, and discussion regarding the approval of police safety equipment and supplies to Smith & Wesson for \$56,551.35, to GT Distributors for \$100,560.32 for rifle accessories and ammunition, and tactical vests for SWAT, and to ArmorUp, dba Bulletproofme for \$23,220.00 for tactical vests for Patrol.

Items 2g, 2h, 2i, and 2k were pulled for a separate vote.

Carla Robinson, City Attorney, reported that regarding 2h, the performance bond has not yet been received and approval needs to be conditioned upon receipt of the performance bond in a form acceptable to the City.

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

(2g)MOTION: Upon a motion made by Councilmember Mooney and a second by Councilmember Brick, the City Council voted six (6) for and one (1) opposed, with Councilmember Fields voting against, to adopt Resolution 03-28-13-2g, authorizing City staff to negotiate for the purchase of right-of-way needed for the University Drive Pedestrian Improvements Project. The motion carried.

(2h)MOTION: Upon a motion made by Councilmember Mooney and a second by Councilmember Benham, the City Council voted seven (7) for and none (0) opposed, to adopt Ordinance 2013-3487, for a City Participation Agreement for water line improvements in the Northpoint Crossing Ph. 1 Subdivision being made per City Code of Ordinances, Chapter 12, Unified Development Ordinance, Section 8.5, Responsibility for Payment for Installation Costs for a total requested City participation of \$67,101.59, contingent upon receipt of the performance bond in a form acceptable to the City. The motion carried unanimously.

(2i)MOTION: Upon a motion made by Councilmember Nichols and a second by Councilmember Mooney, the City Council voted seven (7) for and none (0) opposed, to adopt Ordinance 2013-3488, amending Chapter 2 - Animal Control of the City of College Station Ordinances. The motion carried unanimously.

(2k)MOTION: Upon a motion made by Councilmember Benham and a second by Councilmember Schultz, the City Council voted six (6) for and one (1) opposed, with Councilmember Fields voting against, to approve an ILA transferring surplus radio equipment from the City of College Station to the City of Brenham. The motion carried.

REGULAR AGENDA

1. Public Hearing, presentation, possible action, and discussion on Ordinance 2013-3489, for Budget Amendment #2 amending ordinance number 3443 which will amend the budget for the 2012-2013 Fiscal Year in the amount of \$961,834; increase the number of regular full-time positions in the budget by two (2.0); and presentation, possible action and discussion on one interfund transfer.

At approximately 7:43 p.m., Mayor Berry opened the Public Hearing.

Jane Cohen, 3655 McCullough Road, spoke against putting a seal coat on McCullough Road. At every meeting on the annexation of Wellborn, it was discussed they wanted to maintain their rural way of life. Part of that discussion was they did not want McCullough to be paved. Letters were to be sent to area residents before anything happened, but the City proceeded with grading

the road without notification. She asked the City to remove this construction contract from the budget amendment and save the City some money.

There being no further comments, the Public Hearing was closed at 7:44 p.m.

MOTION: Upon a motion made by Councilmember Schultz and a second by Councilmember Brick, the City Council voted seven (7) for and none (0) opposed, to adopt Ordinance 2013-3489, for Budget Amendment #2 amending Ordinance Number 3443 which will amend the budget for the 2012-2013 Fiscal Year in the amount of \$961,834; increase the number of regular full-time positions in the budget by two (2.0); and presentation, possible action and discussion on one interfund transfer. The motion carried unanimously.

2. Public Hearing, presentation, possible action, and discussion regarding Ordinance 2013-3490, amending Chapter 12, "Unified Development Ordinance", Section 4.2, "Official Zoning Map" of the Code of Ordinances of the City of College Station, Texas by rezoning 7.547 acres located at 4080 State Highway 6 South from PDD Planned Development District to PDD Planned Development District to amend the Concept Plan.

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

Jun Lin, 3904 Puffin Way, spoke in opposition to this rezoning request. This is a residential area and will be able to see them from her front yard. She was told this is just a matter of formality and why should she bother. She noted this is a culturally diverse and educated community. She was not part of the original notification. Having a funeral home so close to a residential neighborhood is not thinkable in Chinese culture and is extremely upsetting. To even think of coming this close to a residential area, she has to ask how welcome she is to College Station. If Council does approve this, will area residents have input regarding buffers, etc.

Natalie Ruiz, with IPS Group, spoke on behalf of the applicant. Their long term plan needs more room to grow. The building will not be 15,000 square feet to begin with. They are also requesting some signage and design flexibility. They hired an architect to design something that really fits. They want to bring the tradition of A&M out to Highway 6. They have done everything they can from a landscaping perspective to protect the neighborhood. The modification request is to relocate ten trees along Highway 6 to the main entrance. This will help buffer the neighborhood and address Dr. Lin's concerns. She noted they have quadrupled the number of points required in the landscaping concept.

There being no further comments, the Public Hearing was closed at 8:11 p.m.

Carla Robinson, City Attorney stated that a replacement ordinance was on the dais with two minor modifications and replaces the ordinance in the agenda packet. The applicant submitted a new concept plan as Exhibit "C", attached. The new concept plan adds the phrase "of which 4,350 points are in canopy trees" in two places and these new additions are highlighted on the attached copy. There is also a meritorious modification related to signs to reflect changing the orientation from Highway 6 to being oriented to Longmire Drive.

MOTION: Upon a motion made by Councilmember Fields and a second by Councilmember Benham, the City Council voted six (6) for and one (1) opposed, with Mayor Berry voting

against, to adopt Ordinance 2013-3490, amending Chapter 12, "Unified Development Ordinance", Section 4.2, "Official Zoning Map" of the Code of Ordinances of the City of College Station, Texas by rezoning 7.547 acres located at 4080 State Highway 6 South from PDD Planned Development District to PDD Planned Development District to amend the Concept Plan, as amended. The motion carried.

3. Public Hearing, presentation, possible action, and discussion approving Ordinance 2013-3491, vacating and abandoning a 0.10 acre right-of-way, which is located on Lots 3-10 of Block B of the College Heights Subdivision according to the plat recorded in Volume 7623, Page 231 of the Deed Records of Brazos County, Texas.

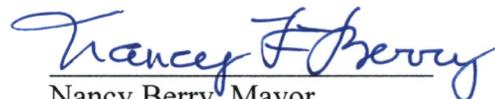
At approximately 8:21 p.m., Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 8:22 p.m.

MOTION: Upon a motion made by Councilmember Fields and a second by Councilmember Benham, the City Council voted seven (7) for and none (0) opposed, to adopt Ordinance 2013-3491, vacating and abandoning a 0.10 acre right-of-way, which is located on Lots 3-10 of Block B of the College Heights Subdivision according to the plat recorded in Volume 7623, Page 231 of the Deed Records of Brazos County, Texas. The motion carried unanimously.

4. Adjournment.

MOTION: There being no further business, Mayor Berry adjourned the Regular Meeting of the City Council at 8:23 p.m. on Thursday, March 28, 2013.


Nancy Berry, Mayor

ATTEST:


Sherry Mashburn, City Secretary



CITY OF COLLEGE STATION
Home of Texas A&M University

College Station City Council Regular Agenda
Sign In Sheet
Thursday, March 28, 2013 at 7:00 p.m.
City Hall Council Chamber

Mayor
Nancy Berry
Mayor Pro Tem
Karl Mooney
Interim City Manager
Frank Simpson

Council Members
Blanche Brick
Jess Fields
John Nichols
Julie Schultz
James Benham

	Name	Address	Email or Phone No.
1.	Jack Roges		
2.	Linda Huff	16130 woodlake CS	
3.	Stephanie Huff		
4.	Yanyan Jiang		
5.	Yichi Zhang		
6.	Yongwon Cho		
7.	Zachary Grubbs		
8.	Alec Wexlers		
9.	Stormy Grades		
10.	Jenna Howard		
11.	Shane Roe		
12.	Lory Harris		
13.	Parker [Signature]		
14.	Justin Hilscher		
15.	Alex Becker		

Note this not a Hear Visitors form To speak on a particular item please file out the Citizen Speakers Form next to sign in sheet.



CITY OF COLLEGE STATION
Home of Texas A&M University

College Station City Council Regular Agenda
Sign In Sheet
Thursday, March 28, 2013 at 7:00 p.m.
City Hall Council Chamber

Mayor
Nancy Berry
Mayor Pro Tem
Karl Mooney
Interim City Manager
Frank Simpson

Council Members
Blanche Brick
Jess Fields
John Nichols
Julie Schultz
James Benham

	Name	Address	Email or Phone No.
1.	Wendi Ghasseni	8415 Wilde wood Circle	
2.	Stephen King	7548 GreensPacrie Trail	
3.	Grant Dikes	16729 Woodlake Drive	
4.	Cassandra O'Connell	8415 Wildewoods CR.	
5.	Betsy Ortega	330 P Baner Drive	
6.	Chelsea Luchte	917 Eagle Ave	
7.	Bryn Garza	1803 Francis Cir	
8.	Rito Herrera	700 Dominik Dr.	
9.	Jarrett Jones	2313 Tree Meadows	
10.	Corra Rogers	7472 Old Spans Rd	
11.	Nelina Preston	6721 Nuyk West	
12.	Dannie Portillo		
13.	Jeff Sobelle		
14.	Caitlynnet Hollis		
15.	Chandler Bonney		

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CITY OF COLLEGE STATION
Home of Texas A&M University

College Station City Council Regular Agenda
Sign In Sheet
Thursday, March 28, 2013 at 7:00 p.m.
City Hall Council Chamber

Mayor
Nancy Berry
Mayor Pro Tem
Karl Mooney
Interim City Manager
Frank Simpson

Council Members
Blanche Brick
Jess Fields
John Nichols
Julie Schultz
James Benham

	Name	Address	Email or Phone No.
1.	Daniel Train	1418 Salem Ct.	dane1890220@jehoo.com
2.	Daltan Families	4602 Double easle Ct.	
3.	Gary Ives	3943 Blue Jay Ct	690-7870
4.	Kirstyn Mclutchen		
5.	Scott Day	1100 carmel Ct.	979-324-6365
6.	Michael Shaw	2901 Raynold ct	mshaw13@hotmail.com
7.	John Bounds	9411 Twelve Oaks	587-1015
8.	Chris Klins	1502 Laura Ln, A.S.Tx.	cjklins@att.net
9.	KATHALIE RUIZ	511 UNN.F. #204	MTALR@PSU-CAMPUS
10.	Briken Blackshear		
11.	JUAN ALIWA		
12.	Shelby overby		
13.	Lauren Privett	908 Gail Pl.	979-6935749
14.	Kyla Brown		
15.	Angela Allison	1525 Edgely #605 Bryan TX 77807	7397797

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

College Station City Council Regular Agenda
Sign In Sheet
Thursday, March 28, 2013 at 4:30 p.m.
City Hall Council Chamber

Mayor
Nancy Berry
Mayor Pro Tem
Karl Mooney
Interim City Manager
Frank Simpson

Council Members
Blanche Brick
Jess Fields
John Nichols
Julie Schultz
James Benham

	Name	Address	Email or Phone No.
1.	Ruby E. Hill	7512 R.S. PERRY	
2.	ARGIE BUTLER	8783 VINCENT RD CS, TX 77845	abutler@mays.tamu.edu
3.	@ J. C. Gisela Ln	3904 Puffinbarger, CS TX 77845	
4.	Michael Shao	2901 Rayado Ct	Mshao13@hotmail.com
5.	Irene Demarie	18033 Rebutera Run	irenedemarie@gmail.com
6.			
7.			
8.			
9.			
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11.			
12.			
13.			
14.			
15.			

Note this not a Hear Visitors form To speak on a particular item please file out the Citizen Speakers Form next to sign in sheet.



CITIZEN COMMENT SIGN-UP FORM

Regular Meeting Date: _____
MM / DD / YY

**** Please PRINT all information ****

Name: John Bounds Phone: 587-1015
Address: 9411 Twelve Oaks College Station, TX 77845
Email: jdounds67@gmail.com Comments: WRITTEN ORAL
Comments are presented for: HEAR VISITORS AGENDA ITEM # _____

FOR WRITTEN COMMENTS, PLEASE WRITE BELOW:

COMMENTS CONTINUED ON ATTACHED DOCUMENT OF _____ PAGE(S)

FOR ORAL COMMENTS:

1. YOU MUST SIGN UP PRIOR TO THE SCHEDULED MEETING
(At the City Secretary's Office during regular business hours, or from 5:00 p.m. to 6:45 p.m. the day of the meeting.);
2. YOU WILL HAVE ONE OPPORTUNITY TO SPEAK; AND
3. YOU MUST OBSERVE THE 3-MINUTE TIME LIMIT. (Time cannot be transferred to another speaker.)

Inquiries from speakers about matters not listed on the agenda will either be directed to the Staff or placed on a future agenda for Council consideration. **See reverse side for additional rules.**

MAIL, FAX OR EMAIL COMPLETED FORM TO:

City of College Station
City Secretary's Office – City Hall
1101 Texas Avenue, College Station, Texas 77840
Fax: 979-764-6377
Email: smashburn@cstx.gov

OFFICE USE ONLY:
(# in which received)

1



Citizen Comment

PUBLIC HEARING SIGN-UP FORM

Regular Meeting Date: 3 28 2013
MM/DD/YY

**** Please PRINT all information ****

Name: Cora W. Rogers Phone: 979-260-9130
Address: 7472 Old Jones Rd
Email: CoraRogers@yahoo.com Comments: WRITTEN ORAL

Comments will be presented for PUBLIC HEARING AGENDA ITEM # _____

FOR WRITTEN COMMENTS, PLEASE WRITE BELOW:

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COMMENTS CONTINUED ON ATTACHED DOCUMENT OF _____ PAGE(S)

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2



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

PUBLIC HEARING SIGN-UP FORM

Regular Meeting Date: 03/28/13
MM/DD/YY

**** Please PRINT all information ****

Name: Chris Kling Phone: 979.703.8556
Address: 1502 Laura Lane College Station, Texas 77840
Email: cjkling1@cstx.net Comments: WRITTEN ORAL

Comments will be presented for PUBLIC HEARING AGENDA ITEM # Hear Visitors

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3



CITIZEN COMMENT SIGN-UP FORM

Regular Meeting Date: _____
MM / DD / YY

**** Please PRINT all information ****

Name: ARGIE BUTLER Phone: 979-846-8670

Address: 8783 VINCENT RD, C.S., TX

Email: abutler@maystatamu.edu Comments: WRITTEN ORAL

Comments are presented for: HEAR VISITORS AGENDA ITEM # _____

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OFFICE USE ONLY:
(# in which received)



Public Hearing
CITIZEN COMMENT SIGN-UP FORM

Regular Meeting Date: March 28, 2013
MM / DD / YY

**** Please PRINT all information ****

Name: Jane Cohen Phone: 979-690-3500
Address: 3655 Mc Cullough Rd, College Station, TX
Email: j-cohen@aggie-network.com Comments: WRITTEN ORAL
Comments are presented for: HEAR VISITORS AGENDA ITEM # 1

FOR WRITTEN COMMENTS, PLEASE WRITE BELOW:

COMMENTS CONTINUED ON ATTACHED DOCUMENT OF _____ PAGE(S)

FOR ORAL COMMENTS:

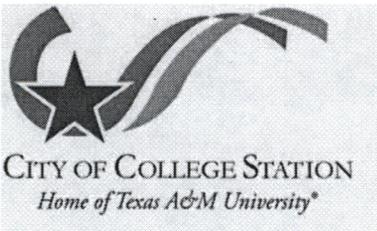
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OFFICE USE ONLY:
(# in which received)



CITIZEN COMMENT SIGN-UP FORM

Regular Meeting Date: _____
MM / DD / YY

**** Please PRINT all information ****

Name: Juan-choi taseba Lin Phone: 979 595 6285

Address: 3904 Paffin Way, college station, TX 77845

Email: _____ Comments: WRITTEN ORAL

Comments are presented for: HEAR VISITORS AGENDA ITEM # 2

FOR WRITTEN COMMENTS, PLEASE WRITE BELOW:

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Fax: 979-764-6377
Email: smashburn@cstx.gov

OFFICE USE ONLY: (# in which received)

REGULAR AGENDA ITEM # 2

March 28, 2013

The attached is a copy of the ordinance the Council is considering this evening and this ordinance will replace the ordinance included in the agenda packet. The applicant submitted a new concept plan attached as Exhibit "C" to the ordinance. The new concept plan adds the phrase "of which 4,350 points are in canopy trees" in two places and these new additions are highlighted on the attached copy.

Thank you,

Carla

ORDINANCE NO. _____

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

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

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

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

PASSED, ADOPTED and APPROVED this 28th day of March, 2013.

APPROVED:

MAYOR

ATTEST:

City Secretary

APPROVED:

Carla A. Robinson

City Attorney

EXHIBIT "A"

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

The following property is rezoned from PDD Planned Development District to PDD Planned Development District, as shown graphically in Exhibit "B", and with a Concept Plan as described and shown graphically in Exhibit "C":

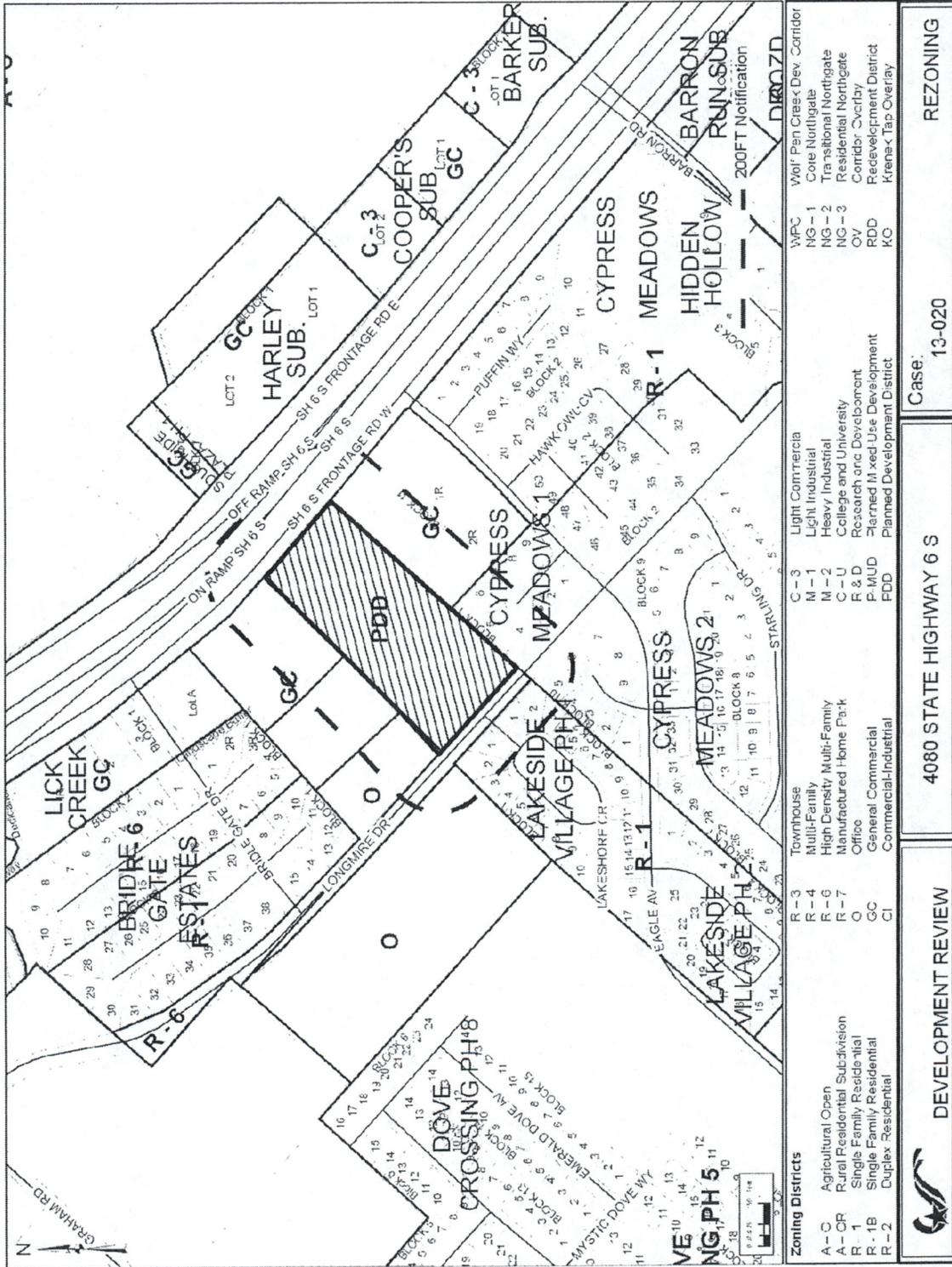
**FIELD NOTES
7.547 ACRES
OUT OF THE
PEYTON WALLER
CALLED 22.796 ACRE TRACT
VOLUME 327, PAGE 90
ROBERT STEVENSON LEAGUE, A - 54
CITY OF COLLEGE STATION
BRAZOS COUNTY, TEXAS
MARCH 21, 2012**

All that certain lot, tract or parcel of land being 7.547 acres situated in the ROBERT STEVENSON LEAGUE, Abstract No. 54, Brazos County, Texas and being a part of that certain Called 22.796 acre tract as described in deed from Joseph S. Osoba and wife Mildred L. Osoba to Peyton Waller of record in Volume 327, Page 90, Deed Records of Brazos County, Texas, said 7.547 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 1/2" Iron Rod with Cap found in the northeast Right-of-Way line of Longmire Drive for the most westerly corner, said corner being located in the northwest line of said Called 22.796 acre tract;
THENCE N 44 ° 02 ' 44 " E, along the northwest line of said Called 22.796 acre tract a distance of 872.74 feet to a 1/2" Iron Rod with Cap set for the most northerly corner, said corner being located in the southwest Right-of-Way line of State Highway No. 6, a 1/2" Iron Rod with cap found for reference bears N 46 ° 52 ' 02 " W a distance of 257.25 feet;
THENCE S 46 ° 52 ' 02 " E, along the southwest Right-of-Way line of said State Highway No. 6 a distance of 152.81 feet to a Concrete Right-of-Way Monument found for angle point;
THENCE S 49 ° 23 ' 21 " E, continuing along said southwest Right-of-Way line a distance of 200.99 feet to a 5/8" Iron Rod found for the most easterly corner, said corner being located in the southeast line of said Called 22.796 acre tract;
THENCE S 41 ° 13 ' 53 " W, along the southeast line of said Called 22.796 acre tract a distance of 883.60 feet to a 1/2" Iron Rod with Cap found for the most southerly corner, said corner being located in the northeast Right-of-Way line of said Longmire Drive;
THENCE N 46 ° 37 ' 48 " W, along the northeast Right-of-Way line of said Longmire Drive a distance of 396.83 feet to the PLACE OF BEGINNING AND CONTAINING AN AREA OF 7.547 ACRES OF LAND MORE OR LESS, according to a survey performed on March 21, 2012, under the supervision of H. Curtis Strong, Registered Professional Land Surveyor No. 4961. North Orientation is based on rotating the northwest line to GRID North (CORS96) State Plane Central Zone. For adjoiner and other information, see accompanying plat.



EXHIBIT "B"



Zoning Districts	Development Review	Case	Rezoning
A-O Agricultural Open A-CR Rural Residential Subdivision R-1 Single Family Residential R-1B Single Family Residential R-2 Duplex Residential R-3 Townhouse R-4 Multi-Family R-5 High Density Multi-Family R-6 Manufactured Home Park R-7 Office R-8 General Commercial R-9 Commercial-Industrial R-10 Light Commercial R-11 Light Industrial R-12 Heavy Industrial R-13 College and University R-14 Research and Development R-15 Planned Development District R-16 Planned Development District R-17 Planned Development District R-18 Planned Development District R-19 Planned Development District R-20 Planned Development District R-21 Planned Development District R-22 Planned Development District R-23 Planned Development District R-24 Planned Development District R-25 Planned Development District R-26 Planned Development District R-27 Planned Development District R-28 Planned Development District R-29 Planned Development District R-30 Planned Development District R-31 Planned Development District R-32 Planned Development District R-33 Planned Development District R-34 Planned Development District R-35 Planned Development District R-36 Planned Development District R-37 Planned Development District R-38 Planned Development District R-39 Planned Development District R-40 Planned Development District R-41 Planned Development District R-42 Planned Development District R-43 Planned Development District R-44 Planned Development District R-45 Planned Development District R-46 Planned Development District R-47 Planned Development District R-48 Planned Development District R-49 Planned Development District R-50 Planned Development District R-51 Planned Development District R-52 Planned Development District R-53 Planned Development District R-54 Planned Development District R-55 Planned Development District R-56 Planned Development District R-57 Planned Development District R-58 Planned Development District R-59 Planned Development District R-60 Planned Development District R-61 Planned Development District R-62 Planned Development District R-63 Planned Development District R-64 Planned Development District R-65 Planned Development District R-66 Planned Development District R-67 Planned Development District R-68 Planned Development District R-69 Planned Development District R-70 Planned Development District R-71 Planned Development District R-72 Planned Development District R-73 Planned Development District R-74 Planned Development District R-75 Planned Development District R-76 Planned Development District R-77 Planned Development District R-78 Planned Development District R-79 Planned Development District R-80 Planned Development District R-81 Planned Development District R-82 Planned Development District R-83 Planned Development District R-84 Planned Development District R-85 Planned Development District R-86 Planned Development District R-87 Planned Development District R-88 Planned Development District R-89 Planned Development District R-90 Planned Development District R-91 Planned Development District R-92 Planned Development District R-93 Planned Development District R-94 Planned Development District R-95 Planned Development District R-96 Planned Development District R-97 Planned Development District R-98 Planned Development District R-99 Planned Development District R-100 Planned Development District	C-3 M-1 M-2 C-U R & D P.MUD FDD	4080 STATE HIGHWAY 6 S Case: 13-020	WOLF PEN CREEK DEV. CORRIDOR ONE NORTHGATE TRADITIONAL NORTHGATE RESIDENTIAL NORTHGATE CORRIDOR OVERLAY REDEVELOPMENT DISTRICT KRENECK TAP-OVERLAY WPC NG-1 NG-2 NG-3 OV RDD KC

EXHIBIT "C"**Statement of Purpose & Intent:**

The purpose of the PDD is to allow the development of the subject property in accordance with the City's Comprehensive Plan providing commercial activities along the Earl Rudder Freeway frontage and stepping down commercial development intensity closer to Longmire Drive and the residential neighborhoods.

Base Zoning Districts:

Phase 1 meets the SC Suburban Commercial zoning district uses and requirements, with the addition of funeral homes as a permitted use. In addition, commercial amusements, fuel sales, and crematoriums are prohibited uses.

Phase 2 meets the SC Suburban Commercial zoning district uses and requirements. Commercial amusements, fuel sales, and crematoriums are prohibited uses.

Phase 3 meets the O Office zoning district uses and requirements.

Approved Meritorius Modifications to Subdivision and/or Site Development Standards:

UDO Section 7.5 "Signs"

In lieu of signage allowed under SC Suburban Commercial standards, the 7.5 acre property is allowed one freestanding sign on State Highway 6 in accordance with GC General Commercial standards and one freestanding sign on Longmire Drive in accordance with SC Suburban Commercial standards (the maximum height of the sign may not exceed the eave height of the structure to which it most closely relates and the sign must be adjacent to and orient to the Freeway).

UDO Section 7.6.D.1 "Streetscape Requirements"

Not require streetscape trees along State Highway 6 South with the condition a minimum of 21,000 landscape points are provided for Phase 1, of which 4,350 points are in canopy trees.

UDO Section 7.6.D.2 "Streetscape Requirements"

Allow required streetscape trees along Longmire Drive to be located within 60 feet of the property line instead of 50 feet.

UDO Section 8.3.E.3 "Street Projections"

Not require street projections to unplatted adjoining lots.

UDO Section 8.3.G.2 "Blocks"

Not require a public street or public way to break the block length created by Eagle Avenue, Longmire Drive, Bridle Gate Drive, and the SH 6 Frontage Road.

Concept Plan Notes:

1. The base zoning districts and land uses for this property are as follows:

Phase 1:

Base zoning district - SC Suburban Commercial

Use regulations - SC Suburban Commercial with the following additions:

Permitted Uses - Funeral Homes

Prohibited Uses - Commercial amusements, fuel sales and crematoriums

Phase 2:

Base zoning district - SC Suburban Commercial

Use regulations - SC Suburban Commercial with the following additions:

Prohibited Uses - Commercial amusements, fuel sales and crematoriums

Phase 3:

Base zoning district - O Office

Use regulations - O Office

2. The range of building heights are as follows:

Phases 1, 2 & 3:

Maximum building height is 2 stories and 24' eave height for a 2 story structure. Overall height maximum is 35' to the peak of the roof.

3. The storm water drainage from this site will be taken to the Longmire Drive storm sewer system, the SH 6 right-of-way or to an existing drainage path on the adjacent property. Storm water requirements will be in accordance with the B/CS Unified Stormwater Design Guidelines.

4. The detention ponds for this site will be generally located as shown on this plan.

5. A buffer will be provided as shown on the concept plan.

6. Phase 1 Building Façade Enhancements:

The building façade standards for brick, stone, marble, granite, tile or specified concrete product will be modified as follows:

- East Elevation, Façade facing State Highway 6 - Increase from 25% to 35%
- West Elevation, Façade opposite State Highway 6 - Maintain 10%
- North Elevation, Façade facing Self Storage Facility - Increase from 10% to 15%
- South Elevation, Façade facing Stylecraft Facility - Increase from 10% to 20%

7. Site lighting located on the buildings or in the parking areas is proposed to ensure the security and safety of the users of the site and will strive to be compatible with the surrounding neighborhoods.

8. The general bulk or dimensional variations (meritorious modifications) sought are as follows:

UDO Section 7.5.D 1&2 - Streetscape requirements. Due to the existing overhead electrical transmission line and the easement which prevents the placement of trees near the Longmire Drive right-of-way, it is requested that the required streetscape trees be allowed to be within 60' of the property line instead of 50' along Longmire Drive. Streetscape trees in Phase 1 may be distributed throughout Phase 1 as designed by a registered landscape architect with the condition that a minimum of 21,000 total landscaping points are provided, of which 4,350 points are in canopy trees.

UDO Section 8.3.E.3.a - Waiver to Street Projections. This project will not provide street projections to unplatted adjoining lots.

UDO Section 8.3.G.2.b - Waiver to Block Length Requirements. This project will not provide a public street or public way to break the block length created by Eagle Avenue, Longmire Drive, Bridle Gate Drive and the SH 6 Frontage Road.

UDO Section 7.5 - Signs. Phase 1 will be allowed one freestanding sign in accordance with the GC General Commercial standards oriented to State Highway 6. Phases II and III will also be allowed one freestanding sign in accordance with the SC Suburban Commercial standards oriented to Longmire Drive.

9. Private cross access will be provided for traffic to go between each section of this development, the 2 unplatted properties to the north and to the undeveloped tract to the south. This cross access will allow traffic from this development and the adjoining tracts to each have access to the SH 6 Frontage Road, Eagle Avenue, and Longmire Drive. The location of this cross access will be determined at platting or site plan submittal. To improve overall mobility, the access drive from the SH 6 Frontage Road to Longmire Drive will be constructed initially in Phase 1

10. An access way from SH6 to Longmire Drive will be provided for a pedestrian connection. The location of the access way will be determined at the platting or site planning stage. The 5' sidewalk will be constructed with phase one within a 15' public access easement adjacent to the private cross access easement. To encourage pedestrian use, the easement and sidewalk will terminate at a crosswalk into the main entrance of the funeral home. The access easement and sidewalk will stub out to the adjacent platted commercial lot to the south. The 15' access easement will be dedicated at the time of plat.

11. The range of building sizes for:

Phase 1 - Maximum of 15,000 SF*

Phase 2 - Maximum of 8,000 SF

Phase 3 - Maximum of 6,000 SF

**Due to the unique operational characteristics of a funeral home, the square footage calculations for the funeral home are limited to the interior areas that are heated and cooled. Outdoor covered patios and porte cochere's are excluded from the square footage calculations.*

Total Estimated Building Square Footage for the building plot is less than 50,000 SF which includes 15,000 SF in Phase 1, 29,000 SF in Phase 2, and 6,000 SF in Phase 3.

12. Solid waste dumpsters shall be located away from the adjacent residential uses.