



College Station, TX

Meeting Agenda City Council

1101 Texas Ave, College Station, TX 77840
Internet: <https://zoom.us/j/96728393278>
Phone: 888 475 4499 and Meeting ID: 967 2839 3278

April 14, 2022

4:00 PM

City Hall Council Chambers

Notice is hereby given that a quorum of the meeting body will be present in the physical location stated above where citizens may also attend in order to view a member(s) participating by videoconference call as allowed by 551.127, Texas Government Code. The City uses a third-party vendor to host the virtual portion of the meeting; if virtual access is unavailable, meeting access and participation will be in-person only.

1. **Call to Order.**
2. **Executive Session is Closed to the Public and Will Be Held in the 1938 Executive Conference Room. The Open Meeting Will Resume No Earlier Than 5:00 PM.**

Consultation with Attorney {Gov't Code Section 551.071};

Possible action. The City Council may seek advice from its attorney regarding a pending or contemplated litigation subject or settlement offer or attorney-client privileged information. Litigation is an ongoing process and questions may arise as to a litigation tactic or settlement offer, which needs to be discussed with the City Council. Upon occasion the City Council may need information from its attorney as to the status of a pending or contemplated litigation subject or settlement offer or attorney-client privileged information. After executive session discussion, any final action or vote taken will be in public. The following subject(s) may be discussed.

Litigation

- a. 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
- b. 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
- c. 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

Personnel {Gov't Code Section 551.074};

Possible action. The City Council may deliberate the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer. After executive session discussion, any final action or vote taken will be in public. The following public officer(s) may be discussed:

- a. City Manager
- b. Council Self Evaluation

Economic Incentive Negotiations {Gov't Code Section 551.087};

Possible action. The City Council may deliberate on commercial or financial information that the City Council has received from a business prospect that the City Council seeks to have locate, stay or expand in or near the city which the City Council in conducting economic development negotiations may deliberate on an offer of financial or other incentives for a business prospect. After executive

session discussion, any final action or vote taken will be in public. The following subject(s) maybe discussed:

a. Potential incentives for a possible location of a new storage and delivery business.

3. Reconvene from Executive Session and Take Action, if Any.

4. Pledge of Allegiance, Invocation, and Consider Absence Request.

Speaker Protocol

An individual who wishes to address the City Council regarding any item on the agenda other than those items posted for Executive Session must register with the City Secretary two (2) hours prior to the meeting being called to order. Individuals shall register to speak or provide written comments at <https://forms.cstx.gov/Forms/CSCouncil> or provide a name and phone number by calling 979-764-3500. Upon being called to speak an individual 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. Please do not carry purses, briefcases, backpacks, liquids, foods or any other object other than papers or personal electronic communication devices to the lectern, nor advance past the lectern unless you are invited to do so. Each speaker's remarks are limited to three (3) minutes. Any speaker addressing the Council through the use of a translator may speak for six (6) minutes. At the three (3) minute mark the City Secretary will announce that the speaker must conclude their remarks.

5. Hear Visitors.

During Hear Visitors an individual may address the City Council on any item which does not appear on the posted agenda. 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 concern shall be directed to the City Manager.

6. Workshop Items.

6.1. Presentation, discussion, and possible action on the proposed Military Heritage Center

Sponsors: Ross Brady

Attachments: None

6.2. Presentation, discussion, and possible action on the proposed "Cooling" College Station: Five-Year Planting Plan for Urban Heat Mitigation.

Sponsors: Michael Ostrowski

Attachments: 1. Cooling College Station - A Five-Year Planting Plan for Urban Heat Mitigation

6.3. Presentation, discussion, and possible action regarding development bordering the College Station Cemetery.

Sponsors: Steve Wright

Attachments: None

6.4. Presentation, discussion, and possible action on accepting the strategic priorities from Council Retreat

Sponsors: Bryan Woods

Attachments: 1. City Council Strategic Plan
2. Strategic Objectives Scatter Plot

7. Consent Items.

Presentation, discussion, and possible action on consent items which consist of ministerial or "housekeeping" items as allowed by law. A Councilmember may request additional information at this time. Any Councilmember may remove an item from Consent for discussion or a separate vote.

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

- March 24, 2022 Council Meeting

Sponsors: Tanya Smith

Attachments: 1. CCM032422 DRAFT Minutes

7.2. Presentation, discussion, and possible action on the second reading of a franchise agreement ordinance with Jetsam Removals & Roll-Offs LLC for the collection of recyclables from commercial businesses and multi-family locations.

Sponsors: Emily Fisher

Attachments: 1. 223003~1

7.3. Presentation, discussion, and possible action regarding an ordinance amending Chapter 40, "Utilities," Division 2 "Waste Collection," Section 40-388, 40-391, and 40-392 and renumbering the remaining sections of Division 2 and presentation, discussion, and possible action regarding a resolution amending fees related to waste collection in Resolution 08-12-21-8.4 establishing the fees, rates and charges as authorized in Chapter 2 "Administration", Art. V. "Finance", Div. 2 "Fees, Rates and Charges".

Sponsors: Debbie Eller

Attachments: 1. CH 40 Utility Ord Amend Waste Collection NG
2. FY 22 Fee Resolution Amend Waste Collection

7.4. Presentation, discussion, and possible action regarding the repeal of the existing Section 3 Implementation Plan and Administrative Guide and the adoption of a revised Section 3 Implementation Plan and Administrative Guide to comply with 24 CFR, Part 75 of the United States Department of Housing and Urban Development Section 3.

Sponsors: Debbie Eller

Attachments: 1. Attachment 1 - Section 3 Implementation Plan & Administrative Guide
2. Attachment 2 - Resolution

7.5. Presentation, discussion, and possible action regarding the award of Bid 22-045 to Custom Truck One Source, in the amount of \$139,000, for the purchase of a flatbed boom truck.

Sponsors: Timothy Crabb

Attachments: 1. Response 22-045 - Custom Truck One Source

7.6. Presentation, discussion, and possible action regarding an ordinance consenting to and extending the Mayor's renewal of a disaster declaration due to a public health emergency.

Sponsors: Bryan Woods

Attachments: 1. April 14 Disaster Declaration Renewal Ordinance

8. Regular Items.

8.1. Public Hearing, presentation, discussion, and possible action to consider a Conditional Use Permit request for a Night Club, Bar or Tavern use encompassing 5,218 square feet on

approximately 2.05 acres located at 3164 Holleman Drive South Suite 100, generally located near the intersection of Kenyon Drive and Holleman Drive South.

Sponsors: Robin Macias

Attachments:

1. Ordinance
2. Background Information
3. Vicinity, Aerial, and Small Area Map
4. Applicant's Supporting Information
5. Site plan
6. Elevations
7. Supporting Images

- 8.2. Public Hearing, presentation, discussion, and possible action regarding 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 boundary from R Rural and GC General Commercial to MF Multi-family and NAP Natural Areas Protected for approximately 42.8 acres generally located at Holleman Drive South and General Parkway.

Sponsors: Robin Macias

Attachments:

1. Ordinance
2. Vicinity Map, Aerial, and Small Area Map
3. Future Land Use and Thoroughfare Map
4. Rezoning Map (Original Request)
5. Rezoning Map (Modified Request #1)
6. Rezoning Map (Modified Request #2)
7. Rezoning Exhibit (Original Request)
8. Rezoning Exhibit (Modified Request #1)
9. Rezoning Exhibit (Modified Request #2)
10. Background Information
11. Applicant's Supporting Information

9. Council Calendar - Council May Discuss Upcoming Events.

10. Items of Community Interest.

The Council may receive reports from a Council Member or City Staff about items of community interest for which notice has not been given, including: expressions of thanks, congratulations or condolence; information regarding holiday schedules; honorary or salutary recognitions of a public official, public employee, or other citizen; reminders of upcoming events organized or sponsored by the City of College Station; information about a social, ceremonial or community event organized or sponsored by an entity other than the City of College Station that is scheduled to be attended by a Council Member, another city official or staff of the City of College Station; and announcements involving an imminent threat to the public health and safety of people in the City of College Station that has arisen after the posting of the agenda.

11. Council Reports on Committees, Boards, and Commissions.

A Council Member may make a report regarding meetings of City Council boards and commissions or meetings of boards and committees on which a Council Member serves as a representative that have met since the last council meeting. (Committees listed in Coversheet)

12. Future Agenda Items and Review of Standing List of Council Generated Future Agenda Items.

A Council Member may make a request to City Council to place an item for which no notice has been given on a future agenda or may inquire about the status of an item on the standing list of council generated future agenda items. A Council Member's or City Staff's response to the request or inquiry will be limited to a statement of specific factual information related to the request or inquiry or the recitation of existing policy in response to the request or inquiry. Any deliberation of or decision about the subject of a request will be limited to a proposal to place the subject on the agenda for a subsequent meeting.

13. Adjourn.

The City council may adjourn into Executive Session to consider any item listed on the agenda if a matter is raised that is appropriate for Executive Session discussion.

I certify that the above Notice of Meeting was posted on the website and at College Station City Hall, 1101 Texas Avenue, College Station, Texas, on April 8, 2022 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."

April 14, 2022

Item No. 6.1.

Presentation, discussion, and possible action on the proposed Military Heritage Center

Sponsor: Ross Brady, Assistant to the City Manager

Reviewed By CBC: City Council

Agenda Caption: Presentation, discussion, and possible action on the proposed Military Heritage Center

Relationship to Strategic Goals:

Good Governance

Recommendation(s):

Summary:

Budget & Financial Summary:

Attachments:

None

April 14, 2022

Item No. 6.2.

“Cooling” College Station: Five-Year Planting Plan for Urban Heat Mitigation

Sponsor: Michael Ostrowski, Director of Planning and Development

Reviewed By CBC: N/A

Agenda Caption: Presentation, discussion, and possible action on the proposed “Cooling” College Station: Five-Year Planting Plan for Urban Heat Mitigation.

Relationship to Strategic Goals:

Sustainable City

Recommendation(s): Staff recommends that the City Council receive the five-year plan to reduce the urban heat island effect and provide direction as appropriate.

Summary: In September 2021, the College Station City Council directed staff to research urban heat islands and determine costs for mitigation strategies focused on tree planting. This item and the associated report provide an overview of the urban heat island phenomenon, maps, and analysis on the City’s vegetative cover and surface area temperatures, and proposes priority locations for tree planting over the next five years. The report recommends specific tree species and estimates program costs, methods of monitoring implementation, and additional strategies the City Council may wish to consider.

Staff will present the report and have developed an accompanying [ArcGIS StoryMap presentation](#) that highlights the plan content.

ArcGIS StoryMap Presentation Link:

<https://storymaps.arcgis.com/stories/4f6e848017e743d6954d234f868d1da3>

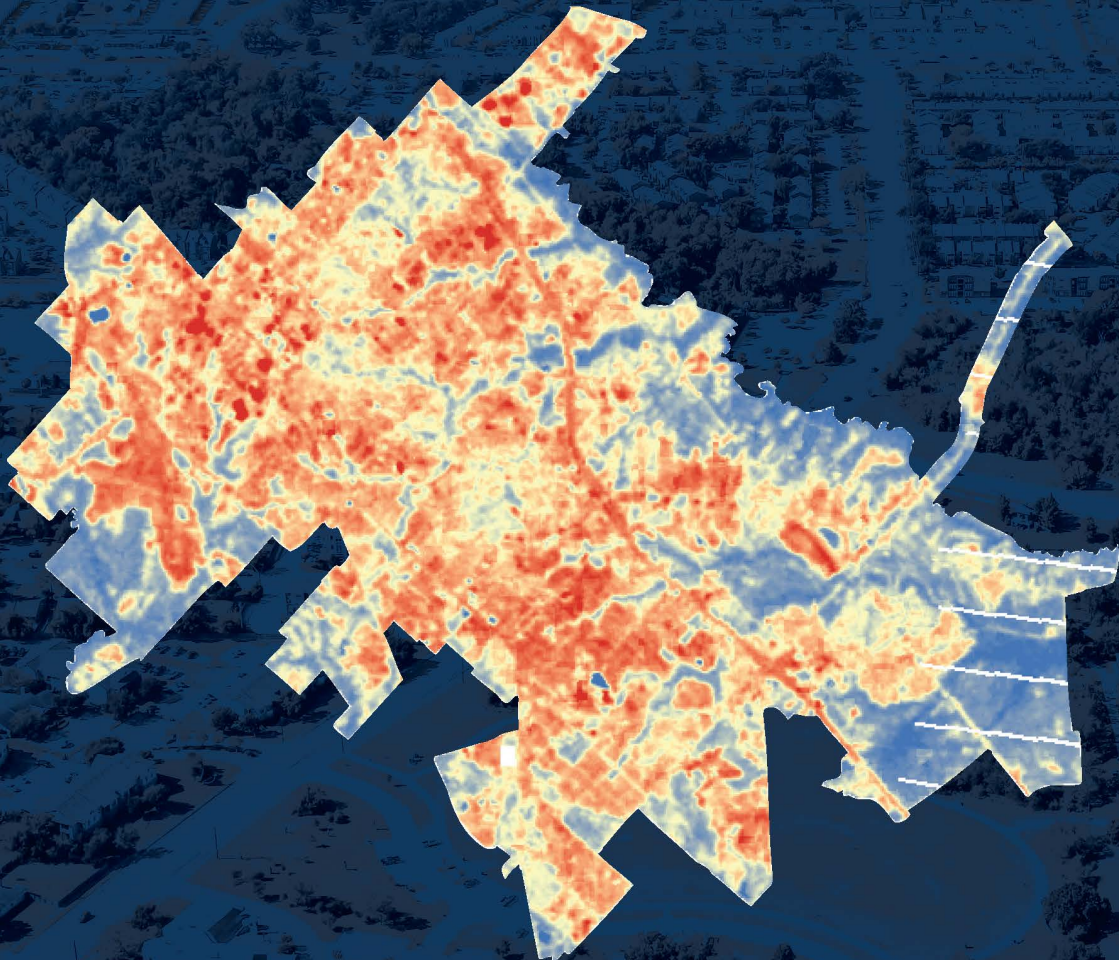
Budget & Financial Summary: The financial impact will depend on what direction the City Council takes with the proposed plan.

Attachments:

1. Cooling College Station - A Five-Year Planting Plan for Urban Heat Mitigation

“COOLING” COLLEGE STATION: A FIVE-YEAR PLANTING PLAN FOR URBAN HEAT MITIGATION

PREPARED APRIL 2022



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

Overview

In September 2021, the College Station City Council directed staff to research urban heat islands and determine costs for mitigation strategies focused on tree planting. This report provides an overview of the urban heat island phenomenon, maps and analysis on the City's vegetative cover and surface area temperatures, and proposes priority locations for tree planting over the next five years. The report recommends specific tree species and estimates program costs, methods of monitoring implementation, and additional strategies the Council may wish to consider. The report is organized as follows:

- Urban Heat Island Effect
- Methodology & Analysis
- Recommendations
 - Priority Planting Areas
 - Buffers & Spacing
 - Tree Species & Program Costs
 - Monitoring Implementation
- Additional Mitigation Strategies
 - Residential Tree Planting Program
 - Partnership Opportunities
 - Regulatory Changes
 - Non-Planting Approaches
- Appendix: Priority Planting Area Maps
 - <https://storymaps.arcgis.com/stories/4f6e848017e743d6954d234f868d1da3>

Urban Heat Island Effect

The Environmental Protection Agency (EPA) states: "Urban heat islands" occur when cities replace natural land cover with dense concentrations of pavement, buildings, and other surfaces that absorb and retain heat. This effect increases energy costs (e.g., for air conditioning), air pollution levels, and heat-related illness and mortality.¹

The heat island effect essentially creates "islands" of higher temperatures in urbanized areas as compared with less developed surrounding areas. Across the U.S., daytime temperatures in urban areas tend to be about 1–7°F higher than in surrounding areas and nighttime temperatures are approximately 2–5°F higher. These differences are typically even greater for humid regions.²

Cities are using a myriad of strategies to mitigate urban heat and its impacts. These include more trees and vegetation, green roofs, cool roofs, cool pavements, and smart growth approaches to urban planning.³ Other localities around Texas and the U.S. are exploring the issue of urban heat islands and working toward mitigation. Trees provide a wide spectrum of benefits, including: energy conservation, enhanced air quality, improved water quality, enhanced aesthetics, and increased property values.⁴

¹ www.epa.gov/heatislands/learn-about-heat-islands

² Ibid

³ www.epa.gov/heatislands/heat-island-cooling-strategies

⁴ wrrc.arizona.edu/sites/wrrc.arizona.edu/files/Urban%20Forest%20Values.pdf

This figure from the EPA provides a conceptual illustration of the urban heat island effect. While College Station does not have a defined downtown core as shown in the figure, the diagram illustrates the variation of temperatures depending on land use cover (such as buildings, water bodies, and open land). The Bryan/College Station area has an average intensity score of 6°F, according to an analysis undertaken by Climate Central – this implies that temperatures in B/CS urbanized areas are an average of 6°F higher than in surrounding areas.⁵

Open or barren land (even with grass or turf) is often associated with high levels of heat due to a lack of shading and greater absorption of heat. Conversely, metal and light-colored roofs and bodies of water appear as cool areas, since more heat is reflected off these surfaces.

The first sample image on the right is the College Station High School campus. The estimated surface temperatures clearly show hot areas on the turf football field, tennis courts, baseball and softball fields, and surrounding parking areas. The darkest blue area matches the building footprint, indicating reflective or light-colored roofing materials. The vegetated and floodplain areas to the east and southeast also render as shades of blue, indicating cooler spots due to existing tree canopy.

The second sample image on the right is the State Highway (SH) 6 and University Drive interchange. The cooling benefit of the tree canopy is viewable on the north side of the interchange where there is a significant established tree canopy, compared to the south side of the interchange where the tree canopy is younger and smaller. The pending TxDOT widening project necessitates tree relocations for much of the existing tree canopy in this location. There are opportunities to relocate these trees to identified areas using the new Public Works tree spade.

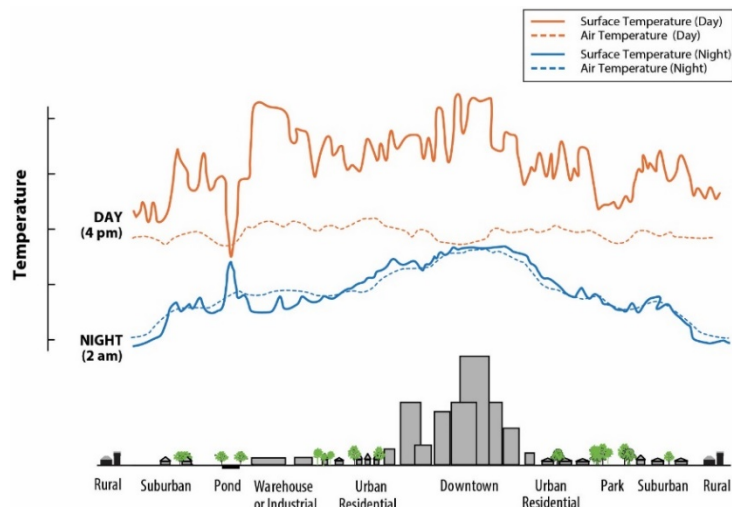
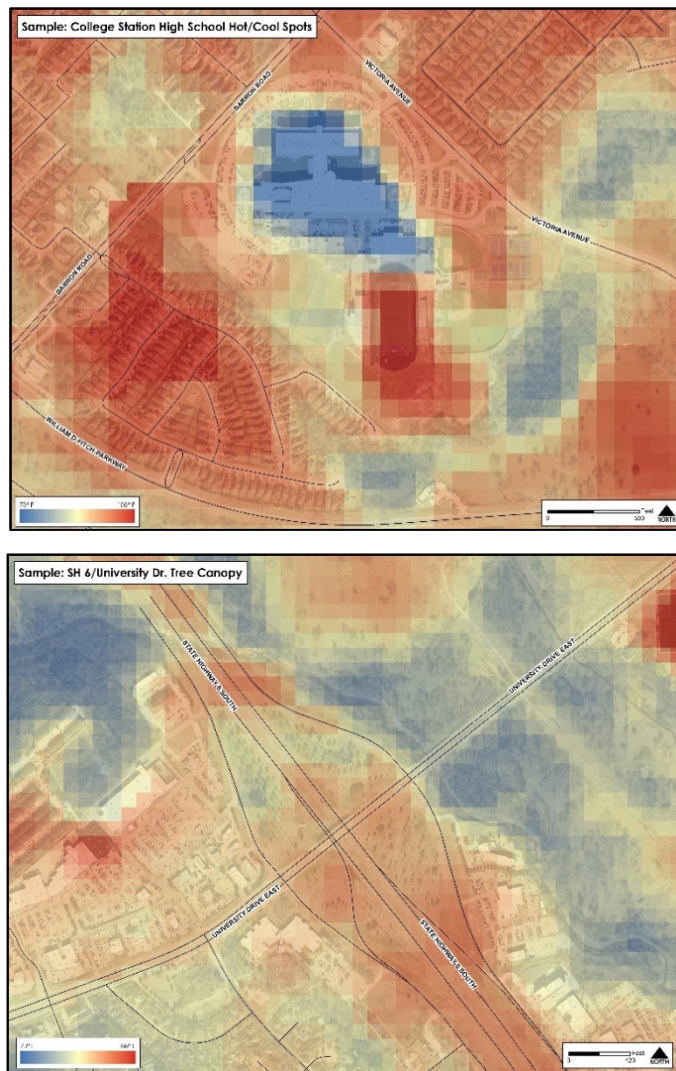


Figure 1. Urban Heat Island Effect. Source: EPA



⁵ https://ccimngs-2021.s3.amazonaws.com/2021UHI/2021UHI_Intensity_bryan_en_title_lg.jpg

Methodology & Analysis

Following City Council direction, staff have analyzed heat levels throughout the City and prepared recommendations on areas where the heat mitigation strategy of tree-planting may be most cost-effective and yield the greatest benefits.

Staff used publicly available remote sensing data from United States Geological Survey (USGS) Landsat satellites. Specifically, Landsat 7 Analysis Ready Data (ARD) was used to create the Estimated Surface Temperature Map, and this data was collected on September 23, 2021 at 3:53 p.m. The Surface Temperature Map was created using a ratio to convert from the arbitrary digital numbers (DNs) collected at the satellite into temperature, at a spatial resolution of 60 square meters per “pixel”.

Staff examined heat throughout the City using several different spatial perspectives. Staff preliminarily identified hot spots on the Landsat raw data heat map with the 60 square meter “pixels”, and then created two additional maps that aggregated the data in different ways: first according to a grid with half-mile by half-mile squares, and then according to Census blocks. These two maps aggregated the data by averaging the raw temperature data within each half-mile grid square or Census block.

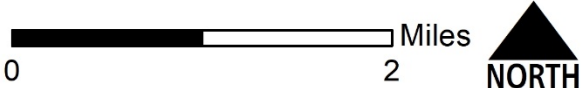
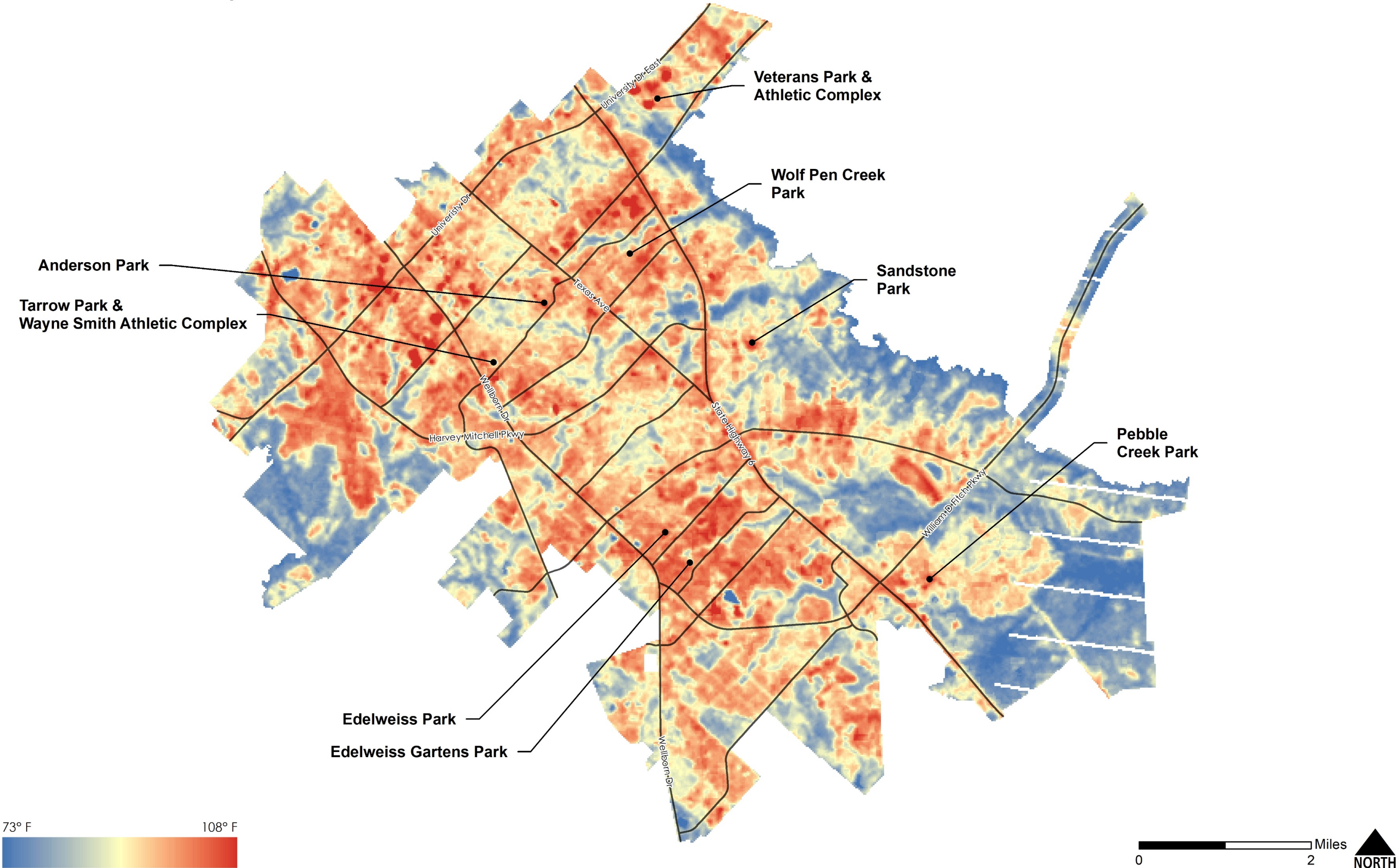
The top 10 hottest half-mile grid squares included portions of Texas A&M University and particularly West Campus, Post Oak Mall and the Harvey Road corridor, Northgate, Easterwood Airport, and newer residential developments in south College Station. The hottest 10 percent of Census blocks showed similar results, with hot temperatures on the Texas A&M University campus, Post Oak Mall and Harvey Road, Northgate, and south College Station subdivisions. Additionally, the Census blocks map showed hot spot areas along Highway 6 and at the Aggieland Driving Range, the Wellborn/ Deacon/ Fraternity Row area, and several multi-family complexes east of Easterwood Airport.

The City has limited planting opportunities on privately-owned and state-owned properties that were identified as some of the hottest areas within the city. Recognizing the need for continued discussions and partnerships with other entities, staff recommends that City-owned properties be the focus of this initial planting program. To this end, Planning & Development Services staff determined the top 10 percent of City-owned properties and met with Parks & Recreation, Public Works, and CSU Electric to ensure that proposed planting locations were feasible.

In summary, the following steps were taken in the analysis:

1. Preliminary visual spot check to identify hot spots on the Landsat raw data heat map
2. Created aggregate maps averaging the data by half-mile grid squares and Census blocks. Identified top 10 hottest grid squares and the top 10 percent of Census blocks
3. Determined top 10 percent hottest City-owned properties
4. Combined parcels within the list where appropriate (for example, W.A. Tarrow Park is composed of different parcels and these were combined for simplicity)
5. Met with other City departments to consider constraints including parks planning, drainage, infrastructure and utilities, and planned capital projects
6. Developed list of priority planting areas within City-owned properties

Estimated Surface Temperature



Recommendations

The following Priority Planting Areas are proposed based on the hot spots where planting can produce the most beneficial outcomes for heat mitigation. Furthermore, these areas were identified as ones that provide greater certainty for the prolonged growth of the trees. Staff identified areas that would not likely be subject to future disturbance, such as street widenings, which may cause the removal of the trees before they reach maturity and provide the desired benefits. This list focuses on existing park properties, which are listed in descending order, from hottest to less hot.

Priority Planting Areas

1. Edelweiss Park
2. Sandstone Park
3. Edelweiss Gartens Park
4. Anderson Park
5. Pebble Creek Park
6. Tarrow Park & Wayne Smith Athletic Complex
7. Wolf Pen Creek Park
8. Veterans Park & Athletic Complex

There are additional areas where tree-planting may be highly beneficial to mitigate the urban heat island effect, but significant constraints exist at present. These constraints include land ownership, easements, drainage concerns, limited right-of-way (ROW) widths, and future road improvement projects. These locations often require partnership with TxDOT and other agencies and therefore are not included within the recommended planting areas within the scope of this initial report, but could be considered as future initiatives.

Additional Planting Opportunities:

- University Drive corridor – requires TxDOT coordination and has constrained ROW
- Harvey Road corridor – requires TxDOT coordination, has constrained ROW, and a pending TxDOT median project
- Barron Road corridor – has constrained ROW and visibility concerns
- Graham Road corridor – has constrained ROW
- Harvey Mitchell Parkway (FM 2818) at Texas near Walmart – requires TxDOT coordination and determination of future intersection project(s)

Buffers & Spacing

Within each Priority Planting Area, City staff analyzed existing constraints including utilities, drainage, and future parks projects/fields. Staff also identified buffer areas needed between planting areas and existing infrastructure, such as utilities and sidewalks, to prevent root intrusion and/or destabilization of soils in areas designated for drainage purposes. Typical spacing requirements are included within Table 1 on the following page.

Table 1. Typical Spacing Requirements

Tree Type	Public Utility Easements	Detention pond berm or bank of drainage way	Within drainage conveyance path	Sidewalks / trails
Canopy	Not allowed. 10-15 feet buffer distance*	Not allowed within 10-15 feet	Not allowed	Not allowed within 5 feet
Non-Canopy	Not preferred. Minimum 5 feet from utility line			

* Farther for more critical infrastructure like transmission lines – a tree that will grow to 60 feet in height at maturity should be planted 60 feet from the outside edge of the transmission right-of-way

Through discussions with City Staff and CSU Electric, constraints regarding spacing from utilities were addressed. Figure 2 below shows ideal planting buffers from utility lines (figure from Oncor).

Staff recommends that trees should be planted at specific locations within each park that maximize the cooling properties of trees at the human scale. This can be accomplished by planting

“respite trees” that mitigate heat island effect and simultaneously provide heat relief for pedestrians, where cooling is needed most. In general, trees should be evenly spaced in a way that breaks up hot spots, much like road crosswalks are designed to include pedestrian refuges within the medians. Further research could be beneficial in determining the ideal distance that a pedestrian should have to walk without the “respite” provided by tree cover, and this could become a target number for the City’s ongoing efforts to grow and maintain an urban forest, with the health, aesthetic, and financial benefits that this amenity brings.

The following specific locations are recommended and were used as guidelines for this initial phase of targeted planting:

1. Along the edges of sports fields and other open areas where children and adults congregate and are gathered for an extended period of time while exposed to the elements
2. Along walking paths and other heavily-used areas of each park, as shown by “desire lines” (informal pathways where the grass is trodden down due to foot traffic over time)
3. Any large open area without trees that is not actively used for recreational purposes (such as sports or practice fields)

Table 2 below provides narrative descriptions of the planting locations and constraints within each Priority Planting Area (City park) location. Maps depicting the planting areas, total plantable square footage, estimated number of trees, and total cost per Priority Planting Area can be found in the **Appendix**.



Figure 2. Buffer Distances from Utilities

Table 2. Tree Placement

Priority	Park Name	Hottest 10 Half-Mile Grids	Planting Locations	Constraints / Considerations
1	Edelweiss Park	Yes	Along walking paths, near the parking lot and playground structure, in between the sports fields, and replant existing dead trees along Victoria Ave.	Underground utilities along Victoria Ave. and the western park boundary, overhead utilities along the southeastern park boundary, and underground lines near parking lot and basketball courts
2	Sandstone Park		Along the walking path, between the parking area and T-ball and soccer fields, and near the park perimeter	Overhead and underground utilities on the perimeter
3	Edelweiss Gartens Park	Yes	Along walking paths, near the playground, and new large planting area by the basketball court (near the stormwater detention area)	Underground utilities along the park perimeters, stormwater detention in middle portion
4	Anderson Park		Near the park perimeter and replant any dead trees along Anderson St.	Overhead and underground utilities on the perimeter and in the basketball court / playground area
5	Pebble Creek Park		Along the walking path and around the sports fields	Underground utilities along the perimeter
6	Tarrow Park & Wayne Smith Athletic Complex		Along the east side of the walking path and near the basketball court on the north side of park, small planting area near maintenance building	Overhead utilities along Holleman and serving the Lincoln Recreation Center, underground utilities along the perimeters and along the walking path
7	Wolf Pen Creek Park	Yes	Along the parking area and walking path closest to the Meyers Senior Center	Underground utilities criss-cross the park, overhead electric along Dartmouth St., floodplain and floodway near the Dartmouth St. and Holleman Dr. intersection (closest to amphitheater)
8	Veterans Park & Athletic Complex		Along parking lots and fields where possible, replant dead trees, and work with Public Works to relocate trees from the University Dr. / SH 6 interchange prior to TxDOT project using tree spade	Underground utilities along University Dr. and within the park serving facilities and irrigation lines for fields, avoid areas planned for future fields and/or memorial projects

Note: None of the hottest 10 percent of City-owned properties fell within the hottest 10 percent of Census blocks

Tree Species & Program Costs

The tree species below are recommended for the College Station area by the Texas A&M AgriLife Extension's Forest Service. The Forest Service recommends that a diversity of species be planted in each selected area to mitigate impacts of tree diseases that target certain tree species. Planting a diversity of trees helps prevent the canopy in a given area from being destroyed by species-specific diseases.

The Texas A&M Forest Service cultivates small batches of "test" seedlings that have proven to be hardy species and have indicated they may be able to give the City 20-30 seedlings each year and cultivate them in an adaptive way based on results. These potential donations are an alternative the City could explore to potentially save costs and collaborate with local organizations and institutions.

For the purposes of estimating program costs below, all trees were assumed to be purchased at government contract pricing rates. The costs of trees vary widely across species and size. Staff calculated the average mature spread range between 49.2-56.9 feet and the average price per tree of \$271.37 (not including installation, materials, and labor – see Table 4). Exact quantities of each tree species and the specific planting locations will be determined in future phases of this project, if recommended to proceed by the City Council.

Table 3. Proposed Tree Species (based on Texas A&M Forest Service recommendations)

Tree Species	Mature Height Range (ft)*		Mature Spread Range (ft)*		Caliper Inches (estimated)	Gallon Size	Price **	Notes
Live oak	40	80	60	100	2	30 g	\$ 177.00	Fast-growing but growth rate slows with age
					2.5	45 g	\$ 295.00	
					3	65 g	\$ 495.00	
Mexican white oak	50	80	50	80	2	30 g	\$ 179.00	Adaptable, resistant to drought, abundant flowers and acorns
					2.5	45 g	\$ 300.00	
Desert willow	15	25		10	0.5-1	15 g	\$ 100.00	
Chinquapin / chinkapin	40	50	50	60	2.5-3	45 g	\$ 408.99	Chinquapin acorns are a preferred food source for many wildlife
Bald cypress	50	70		25	2	30 g	\$ 179.00	Root nodes can be an issue for maintenance and mowing
					2.5-3	45 g	\$ 295.00	
Pecan	70	100	40	75	1.5-2.5	30 g	\$ 304.50	
					2.5-3	45 g	\$ 334.07	
Sycamore	40	100	70	70	2-2.5	30 g	\$ 195.00	Prices for Mexican Sycamore; Mexican and American varieties are best for the B/CS region
					2.5-3	45 g	\$ 325.00	
Loblolly pine	60	90	25	35	2	30 g	\$ 179.00	Loblolly pines from the "Lost Pines of Bastrop" area are best suited for the B/CS region
					3	45 g	\$ 304.00	
Average	45	74.4	49.2	56.9			\$ 271.37	

*Mature height and spread information collected from the Arbor Day Foundation

**Prices are from a local landscape supply store at their government contract pricing rates

Staff from the Parks & Recreation and Planning & Development Services departments collaborated to determine the estimated “all-in” total cost per tree price, tree installation (without volunteer labor), additional planting materials, and irrigation materials and line installation. Table 4 depicts those assumptions. Costs savings could be realized through partnerships with student and volunteer organizations, such as Aggie Replant and Keep Brazos Beautiful, at tree planting events and potential future maintenance programs. In addition, economies of scale can be realized for larger planting areas.

Table 4. Estimated Total Cost per Tree

Avg. cost of tree	\$	271.37
Avg. cost of installation per tree	\$	100.00
Costs of additional materials (tree posts, mulch, etc.)	\$	100.00
Avg. irrigation costs per tree (material + labor)	\$	200.00
Estimated total per tree	\$	671.37

The program cost calculations included in Table 5 below used the assumptions of the estimated “all-in” total per tree of **\$672** (rounded up), a general spacing of **55 feet** to allow for mature canopy spread, and the plantable areas (in square feet) of each park to calculate the estimated number of trees for each of the eight Priority Planting Areas (City parks). In total, the program includes planting **376 trees** over the next five-year period for a total cost of **\$289,623**.

Table 5. Estimated Total Program Cost

Priority #	Park Name	Plantable Area (Sq Ft)	Estimated # Trees	FY22 Estimated Cost per Park	FY22 Estimated Cost	Program Year	Future FY Estimated cost (with inflation)**
1	Edelweiss	92,091	56	\$37,597	\$62,566	FY23*	\$66,946
3	Edelweiss Gartens	66,044	36	\$24,169			
2	Sandstone	141,082	68	\$45,653	\$56,395	FY24	\$63,295
6	Tarrow & Wayne Smith Athletic Complex	23,785	16	\$10,742			
4	Anderson	31,349	34	\$22,827	\$51,696	FY25	\$59,726
5	Pebble Creek	56,729	34	\$22,827			
7	Wolf Pen Creek	6,556	9	\$6,042			
8	Veterans Park & Athletic Complex***	183,390	123	\$82,579	\$41,289	FY26	\$49,106
					\$41,289	FY27	\$50,551
			376	\$252,435	TOTAL:		\$289,623

* The FY23 program costs include \$800 to purchase 16 infrared thermometers (two per park) to measure ambient air temperatures

** Inflation assumptions: 7% for FY23, 5% for FY24, 3% for FY25 - FY27

*** Veterans Park costs could be significantly less based on number of trees relocated from SH6 / University Dr. TxDOT project

Monitoring Implementation

Monitoring temperatures in the planting areas over time will help ensure that targeted tree-planting is having the desired result of mitigating heat islands. The Texas A&M Forest Service recommends using infrared thermometers, which cost about \$50 each, to measure ambient air temperatures a few feet off the ground. The FY23 program costs include \$800 to purchase 16 infrared thermometers (two per park) to measure ambient air temperatures. This is more accurate to how humans experience heat islands than satellite methods that measure temperature on Earth's surface. Thermometers could be placed permanently at locations within the planting areas as well as a control area without plantings. Alternatively, thermometers could be moved around to spot-check different locations at different points in time. There are also data sources that may be available for purchase to measure temperatures across the City, but these typically measure surface temperatures rather than ambient air temperatures.

Additional Mitigation Strategies

In addition to planting trees primarily on City-owned properties and secondarily within other areas such as street rights-of-way, there are a number of additional options that the City Council may wish to consider that could mitigate areas of high heat within the city. These include a residential tree planting program, partnership opportunities, regulatory changes, and other non-planting approaches to heat island mitigation.

Residential Tree Planting Program

Another program that City Council asked staff to investigate was a residential tree planting program. Under this program, the City would provide trees to residents who request them, up to a certain amount. Included with this program, residents would go through a brief training program (could be online) and agree to maintain the trees to help ensure their survival.

TreeFolks operates a similar program in Central Texas called NeighborWoods. More information about this program can be found at the following link: <https://www.treefolks.org/get-a-tree/neighborwoods/>. Under this program, citizens are able to request a tree through an online [form](#). From there, TreeFolks will provide home delivery of the trees. Applicants have the ability to choose from a list of available species. TreeFolks also hosts free tree adoption events each year throughout the Texas tree planting season from October through March. Planning and Development Services staff has discussed this program with Parks and Recreation staff and they have interest in administering a similar type program for College Station if the City Council wishes to proceed with this type of program. In addition, staff has contacted Keep Brazos Beautiful about administering this type or a similar type of program and they have expressed interest as well, but further conversations and specifics would be needed.

For a budgetary estimate, five-gallon trees generally range from \$50 - \$100 each depending on species and quantity purchased. Using an average cost of \$75 (FY22 dollars), 500 trees will cost \$37,500. A quantity of 500 trees per year is a reasonable amount to distribute, depending on how many adoption events are done each year. Over five years, this would equate to 2,500 trees being planted throughout the city, with an anticipated five-year cost of approximately \$216,000 using the inflationary estimates identified above.

Table 6. Estimated Total Program Cost

FY2023	\$	41,125
FY2024	\$	42,131
FY2025	\$	43,395
FY2026	\$	44,697
FY2027	\$	46,038
Estimated total five-year cost		\$ 216,386

Partnership Opportunities

The Texas A&M Forest Service has indicated an interest in training City staff and residents on tree care or potentially providing scholarships for City staff to become certified arborists. This would be an opportunity for the City to build lasting partnerships with other organizations, as described in the City's recently adopted Comprehensive Plan within Chapter 9: Collaborative Partnerships. This heat islands project has already catalyzed a partnership with the Texas A&M Forest Service which can continue to be further developed. They may have forthcoming data within the year further examining the City's urban tree canopy.

Other partnerships could be developed or initiated with Texas A&M organizations such as Aggie Replant (the City does work with them already), The Big Event, and TAMU chapters of the Society of American Foresters and Society for Equal Agricultural Restoration.

Finally, the City may also consider partnering with schools, businesses, and apartment communities identified as hot spots in the analysis for additional planting areas beyond those controlled or owned by the City.

Regulatory Changes

Another approach could include amending the City's ordinances and site design guidelines to require more tree preservation and planting. For example, landscape design guidelines based on canopy coverage at maturity, rather than number of trees, may more effectively mitigate urban heat. Another option includes granting additional site requirement reliefs in exchange for additional plantings.

Non-Planting Approaches

Should the Council wish to consider heat mitigation strategies and opportunities beyond tree-planting, broader approaches like green or cool roofs, cool pavements, and smart growth planning⁶ that favors land-conserving development patterns over urban sprawl may be explored. These types of strategies could also help to proactively prevent heat islands in College Station from becoming more severe.

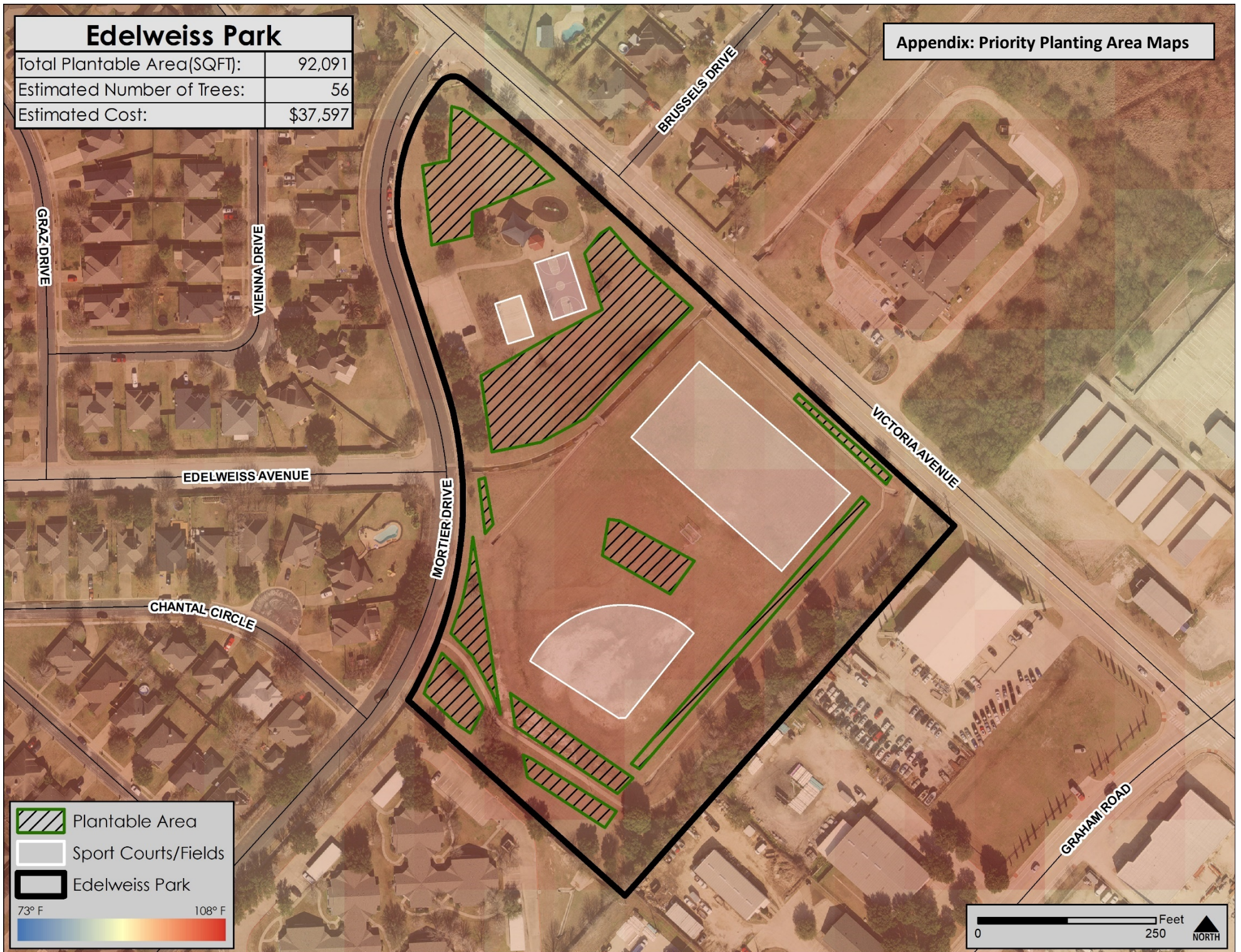
ArcGIS StoryMap Link: <https://storymaps.arcgis.com/stories/4f6e848017e743d6954d234f868d1da3>

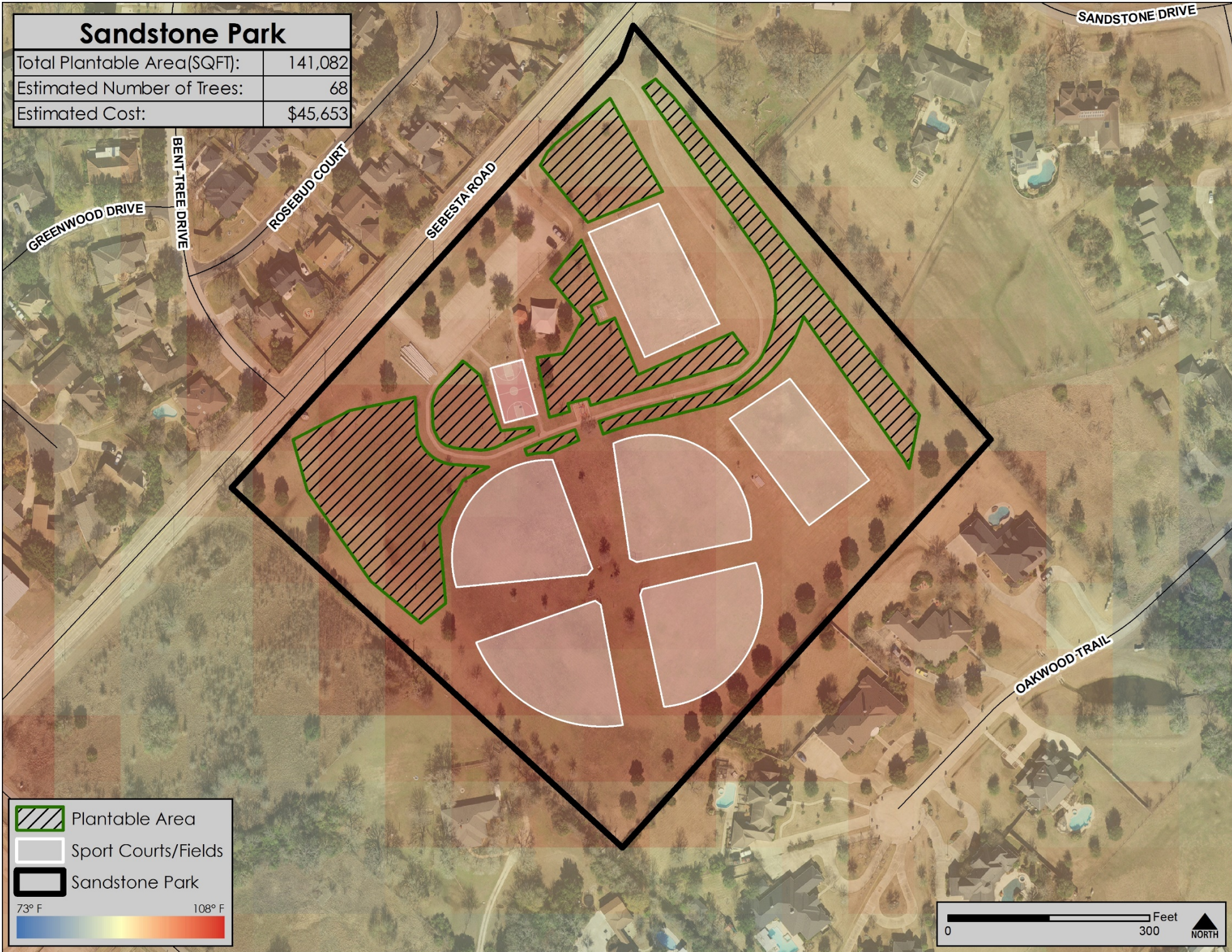
⁶ www.epa.gov/heatislands

Edelweiss Park

Total Plantable Area(SQFT):	92,091
Estimated Number of Trees:	56
Estimated Cost:	\$37,597

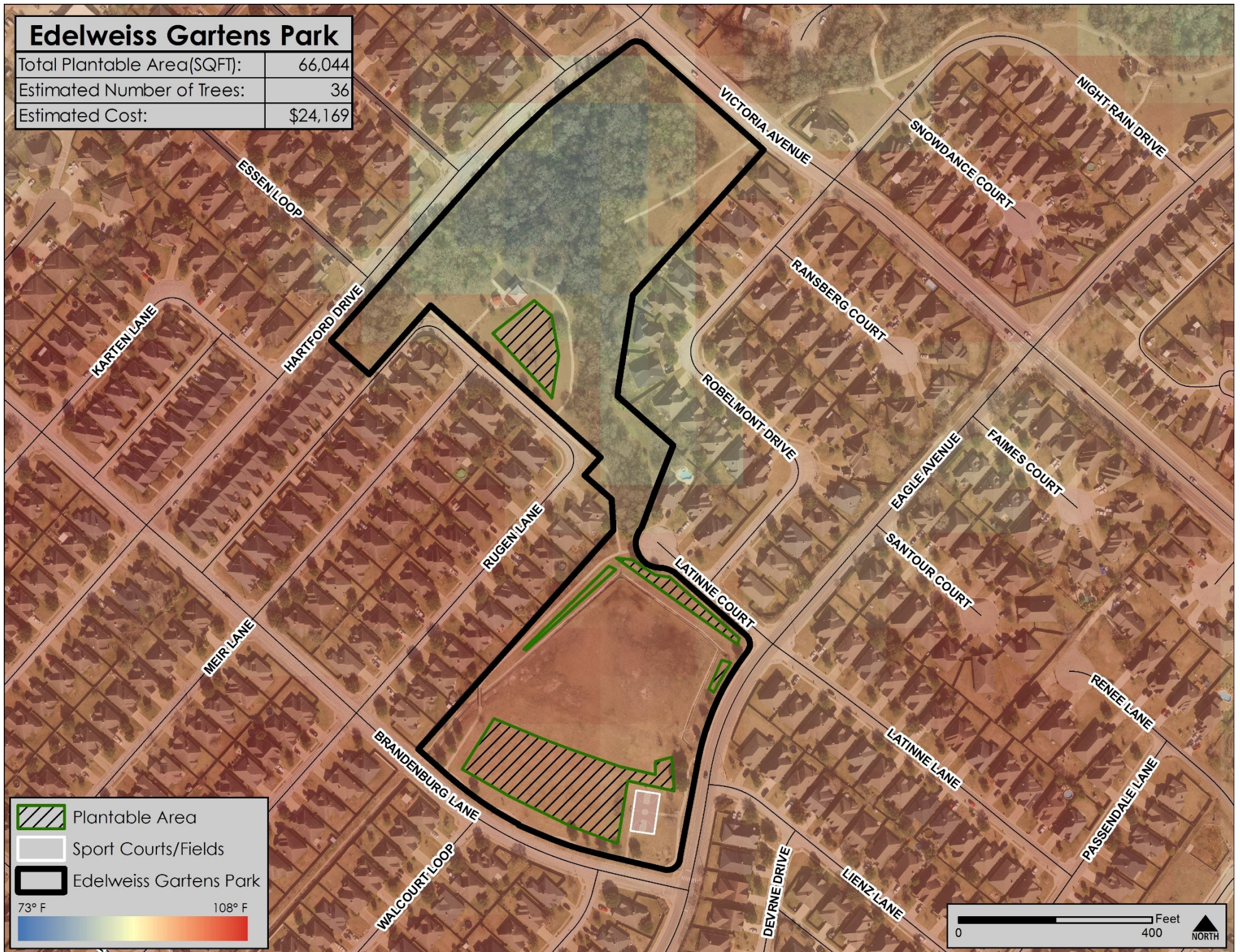
Appendix: Priority Planting Area Maps





Edelweiss Gartens Park

Total Plantable Area(SQFT):	66,044
Estimated Number of Trees:	36
Estimated Cost:	\$24,169



Plantable Area

Sport Courts/Fields

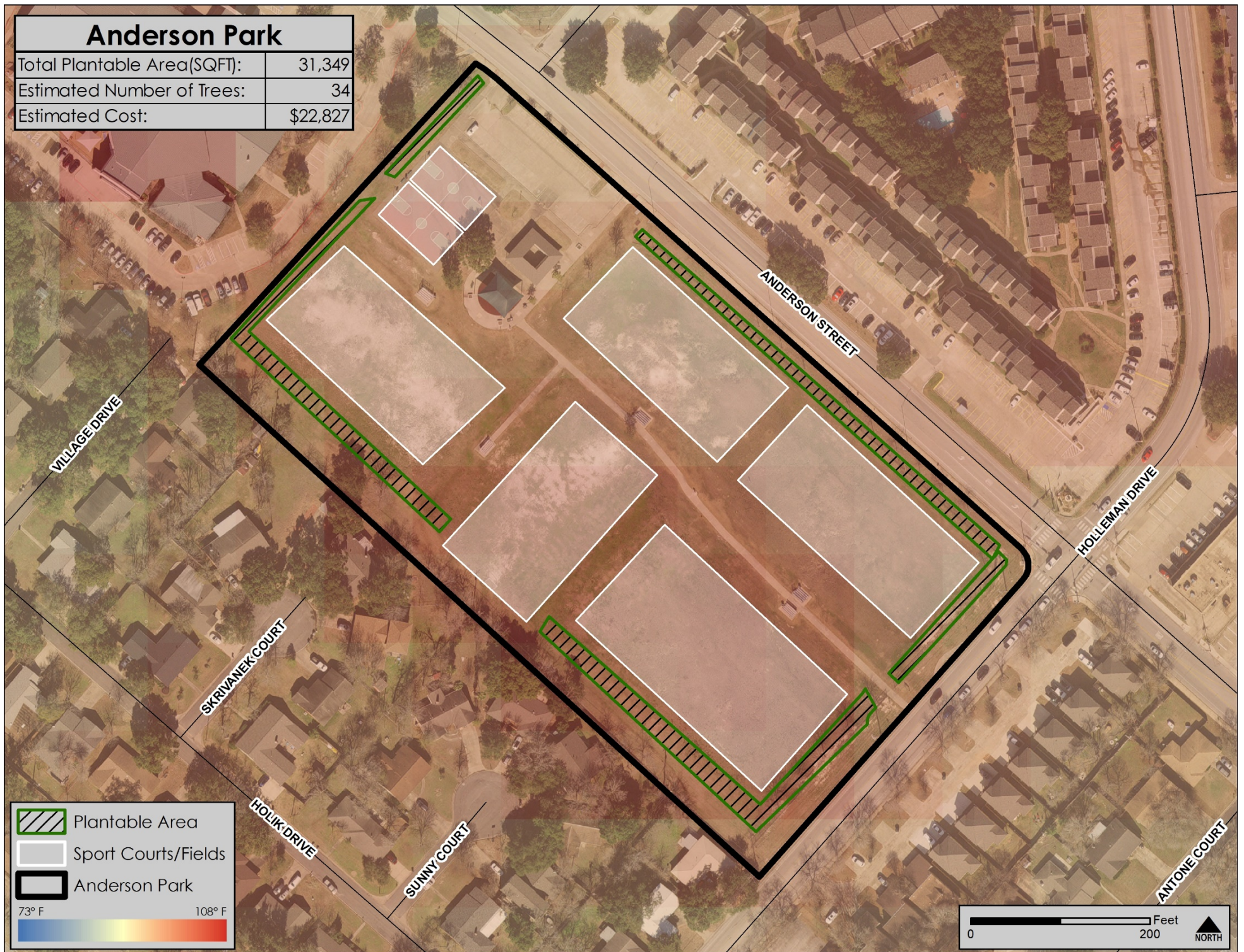
Edelweiss Gartens Park

73° F

108° F

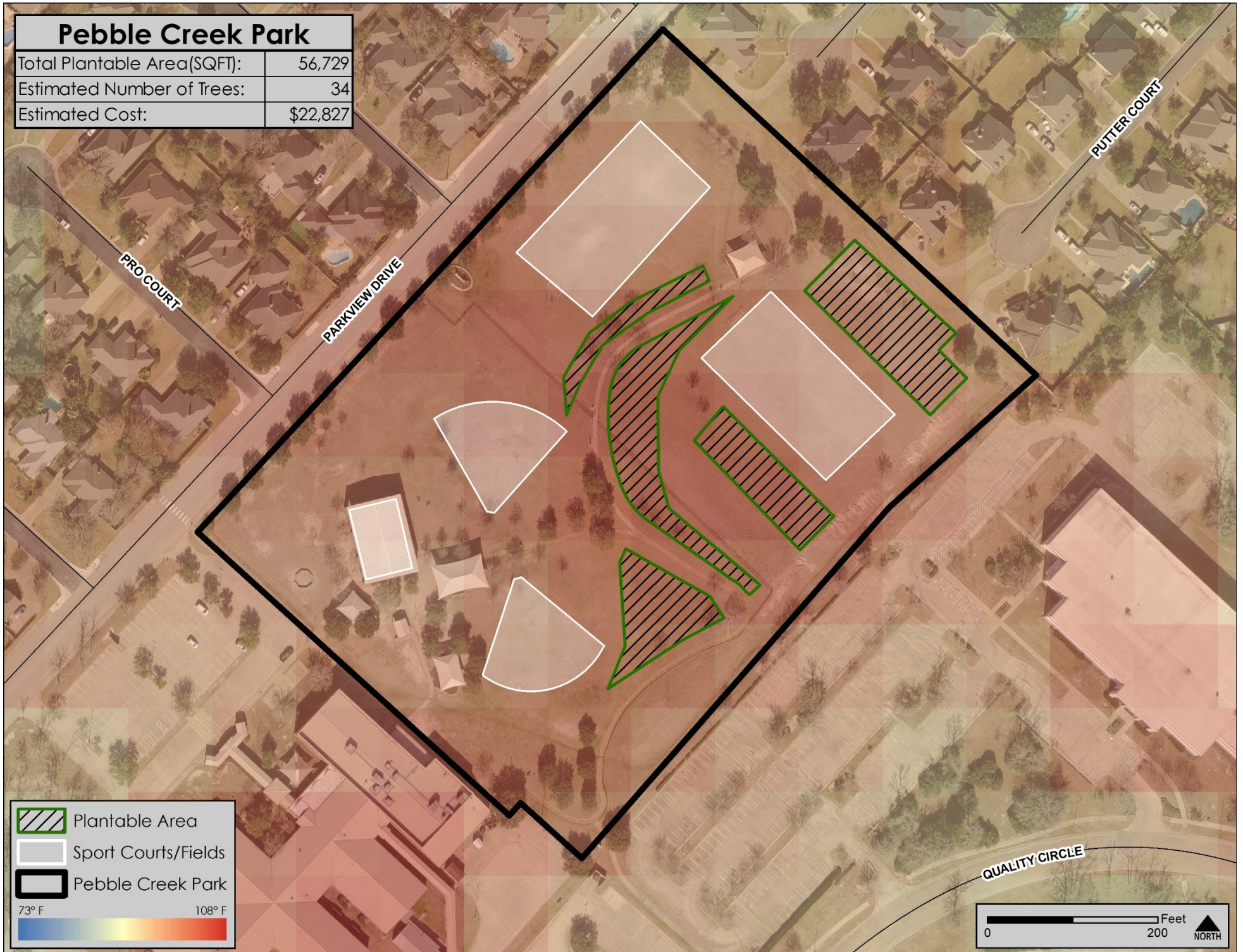
Anderson Park

Total Plantable Area(SQFT):	31,349
Estimated Number of Trees:	34
Estimated Cost:	\$22,827



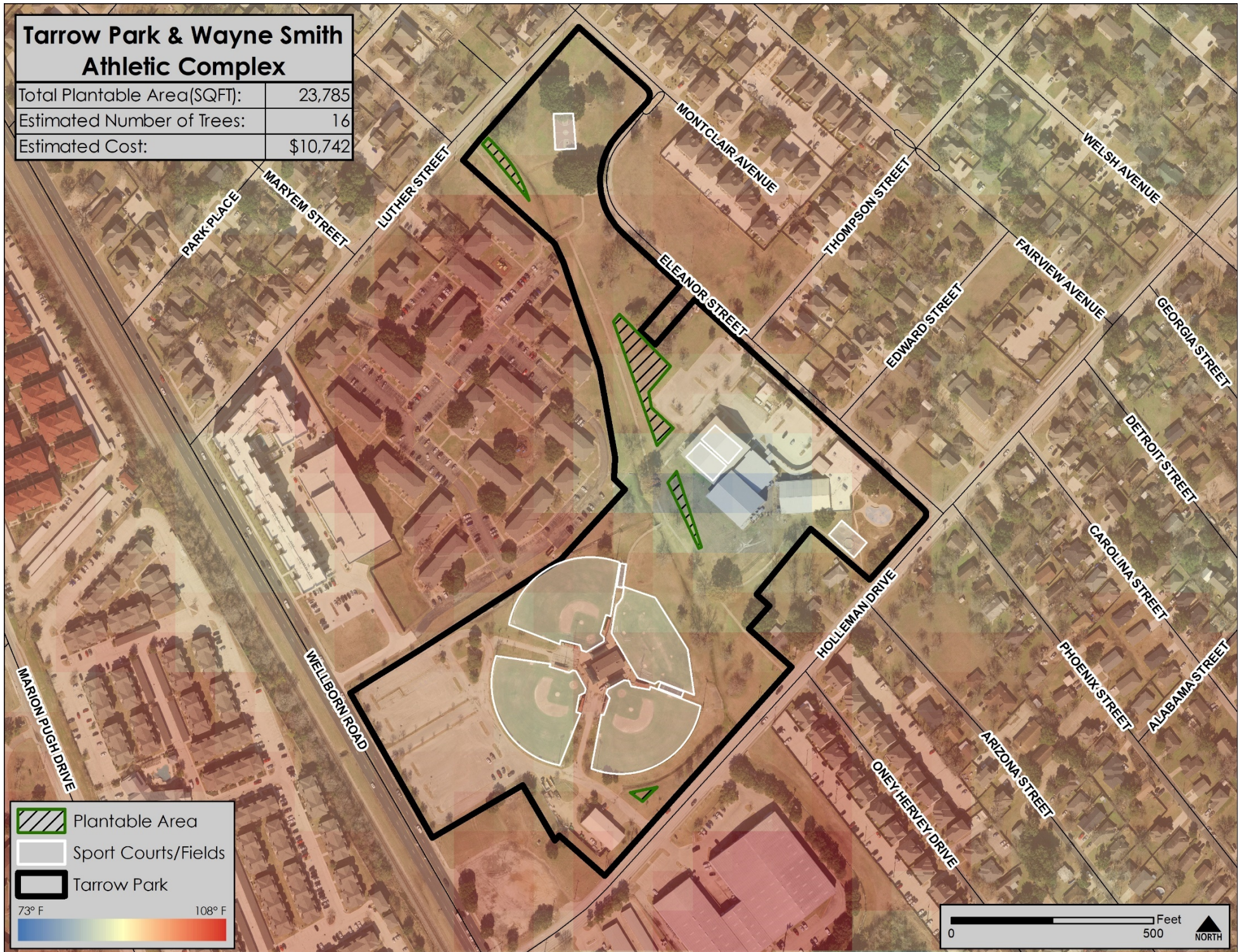
Pebble Creek Park

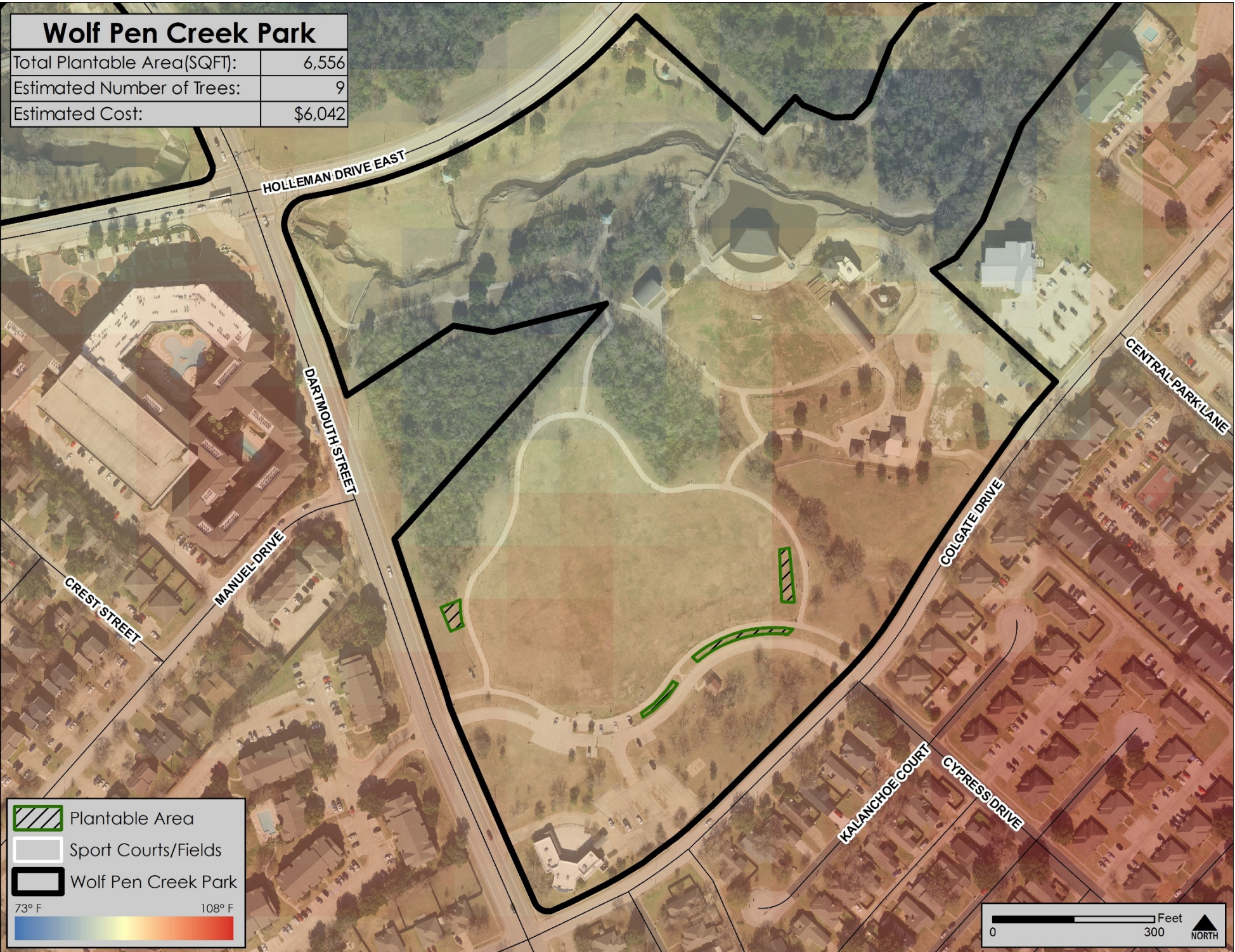
Total Plantable Area(SQFT):	56,729
Estimated Number of Trees:	34
Estimated Cost:	\$22,827



Tarrow Park & Wayne Smith Athletic Complex

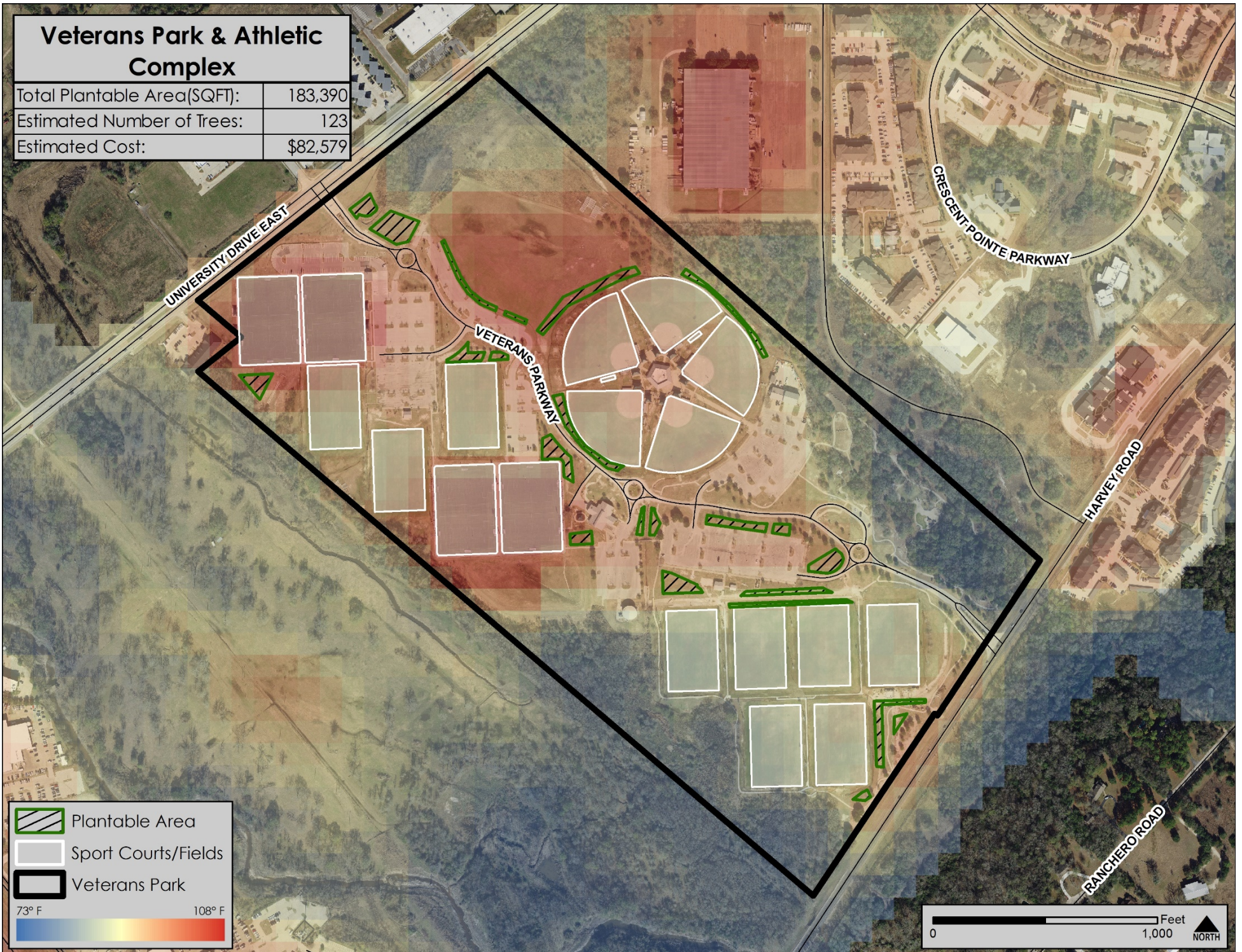
Total Plantable Area(SQFT):	23,785
Estimated Number of Trees:	16
Estimated Cost:	\$10,742





Veterans Park & Athletic Complex

Total Plantable Area(SQFT):	183,390
Estimated Number of Trees:	123
Estimated Cost:	\$82,579



 Plantable Area
 Sport Courts/Fields
 Veterans Park

73° F 108° F


April 14, 2022
Item No. 6.3.
Protection of College Station Cemetery

Sponsor: Steve Wright

Reviewed By CBC: City Council

Agenda Caption: Presentation, discussion, and possible action regarding development bordering the College Station Cemetery.

Relationship to Strategic Goals:

Recommendation(s): Council requested item.

Summary: Planning & Development Services and Parks & Recreation staff have worked alongside a developer regarding a proposed car wash bordering the College Station Cemetery. Presentation addresses raised questions on runoff, aesthetics and sound barriers.

Budget & Financial Summary:

Attachments:

None

April 14, 2022

Item No. 6.4.

Presentation, discussion, and possible action on accepting the strategic priorities from Council Retreat

Sponsor: Bryan Woods, City Manager

Reviewed By CBC: City Council

Agenda Caption: Presentation, discussion, and possible action on accepting the strategic priorities from Council Retreat

Relationship to Strategic Goals:

Good Governance

Recommendation(s):

Summary:

Budget & Financial Summary:

Attachments:

1. City Council Strategic Plan
2. Strategic Objectives Scatter Plot

CITY COUNCIL
STRATEGIC PLAN
2022 UPDATE



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

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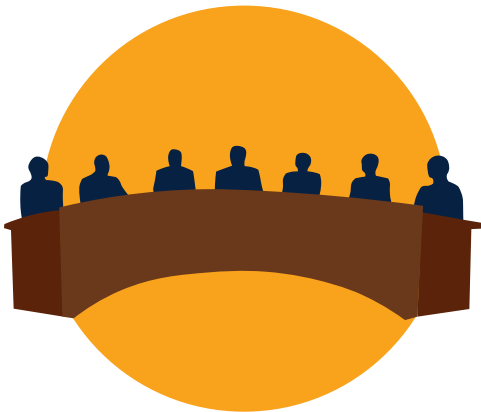
CITY COUNCIL MISSION

ON BEHALF OF THE CITIZENS OF COLLEGE STATION, HOME OF TEXAS A&M UNIVERSITY, WE WILL CONTINUE TO PROMOTE AND ADVANCE THE COMMUNITY'S QUALITY OF LIFE.

COMMUNITY VISION

College Station, the proud home of Texas A&M University and the heart of Aggieland, serves as an example of a vibrant, forward-thinking, knowledge-based community that promotes the highest quality of life.

CORE VALUES



- The community's health, safety, and general well-being.
- Excellent customer service.
- Fiscal responsibility.
- Citizen involvement and participation.
- Collaboration and cooperation.
- Regionalism as an active member of the Brazos Valley community and beyond.
- Activities to promote local autonomy.
- Plan and collaborate with Texas A&M.

WHY HAVE A PLAN?

To maintain and enhance College Station's high quality of life and unique community character, the College Station City Council works closely with residents and the city's experienced management team to plan for current and future needs. The Strategic Plan identifies shared priorities and goals and provides a cohesive framework for the annual budget process.

The Strategic Plan's seven initiatives include specific objectives and actions designed to meet the initiatives' goals. The plan also outlines performance measures that mark each initiative's progress and the plan's overall success.

GOOD GOVERNANCE

GOAL

THE CITY IS GOVERNED IN A TRANSPARENT, EFFICIENT, ACCOUNTABLE AND RESPONSIVE MANNER ON BEHALF OF ITS CITIZENS THAT ACTIVELY PROMOTES CITIZEN INVOLVEMENT.

OBJECTIVES

WHAT DOES THIS MEAN FOR CITIZENS?

- The city conducts business in an open and inclusive fashion.
- The city delivers services in an efficient, practical manner.
- The city actively pursues its citizens' aspirations, goals, and expectations.
- Citizens are encouraged to serve on city boards, commissions, and in other volunteer capacities.
- Citizens are satisfied with city services and facilities.



ACTIONS

HOW WILL WE ACHIEVE SUCCESS?

- The council will annually review and implement the Strategic Plan.
- The city will conduct regular citizen surveys about city services and priorities.
- The council will conduct regular internal audits of city services, practices and programs and report the results to the public.
- The city will televise, livestream, and record council meetings.
- Critical governance information such as plans, budgets, ordinances, expenditures, etc., will be available on the city's website and in city offices.
- Council will ensure its funding partners remain wise stewards of tax funds.
- Council will adopt and adhere to a series of practices for conducting its meetings.
- The city will ensure that notices are posted and readily available to the public.
- The city will share information and communicate with citizens about city issues through owned, earned, and paid media.
- The city will implement strategies to engage with the public safely and effectively.

FINANCIAL SUSTAINABILITY

GOAL

WISE STEWARDSHIP OF FINANCIAL RESOURCES RESULTS IN THE CITY'S ABILITY TO MEET SERVICE DEMANDS AND OBLIGATIONS WITHOUT COMPROMISING THE ABILITY OF FUTURE GENERATIONS TO DO THE SAME.

OBJECTIVES

WHAT DOES THIS MEAN FOR CITIZENS?

- The city maintains diverse sources of revenue and a comparable property tax rate for growing cities of comparable size.
- The city maintains adequate reserves to ease the impact of economic fluctuations.
- The city maintains economic competitiveness measured by comparable trends.
- Citizens know where city revenue comes from and how it is spent.
- Citizens are satisfied with city services and facilities.



ACTIONS

HOW WILL WE ACHIEVE SUCCESS?

- The city will have an annual balanced budget and a diversity of revenue sources.
- The city will endeavor to maintain or improve its current bond ratings.
- Enterprise operation rates will be set to meet service demands.
- The city will seek grants and other outside funding.
- The city will strive to maintain and rehabilitate equipment, facilities and infrastructure on a strategic schedule and establish reserve funds to enable replacement.
- The city will seek the efficient delivery of services and facilities.
- The city will maximize the transparency of expenditures, policies, and procedures.
- The city will conduct routine audits to ensure accountability and maximize efficiency.
- The city will set fees at appropriate levels to recover the costs of service delivery.

CORE SERVICES & INFRASTRUCTURE

GOAL

THE CITY'S CORE SERVICES AND INFRASTRUCTURE ARE EFFICIENTLY, EFFECTIVELY AND STRATEGICALLY DELIVERED TO ENABLE ECONOMIC GROWTH AND DEVELOPMENT, AND MAINTAIN CITIZENS' HEALTH, SAFETY, AND GENERAL WELFARE.

OBJECTIVES

WHAT DOES THIS MEAN FOR CITIZENS?

- The city has few utility failures and outages.
- The city reduces crime and fear of crime, including risk of injury or property damage.
- The city protects life and property.
- City services and facilities are adequate in size, location, and timing.
- City services and utilities are safe and efficient.
- The city assists at-risk and low-income residents.
- Citizens are satisfied with city services and facilities.



ACTIONS

HOW WILL WE ACHIEVE SUCCESS?

- The city will maintain program accreditations and certifications.
- The city will attract and retain professional staff and be an employer of choice.
- The city will guide private and public land use for business development.
- The city will plan for, maintain, and invest in the infrastructure, facilities, services, personnel, and equipment for projected needs and opportunities.
- The city will provide immersive learning experiences for citizens.
- The city will use technology to deliver services effectively and efficiently.
- The city will continue to support community development agencies that demonstrate good stewardship of public funds.
- The city will continue to support fair and workforce housing programs.
- The city will explore potential partnerships to enhance core services.

NEIGHBORHOOD INTEGRITY

GOAL

THE CITY'S NEIGHBORHOODS ARE LONG TERM, VIABLE, SAFE, AND APPEALING.

OBJECTIVES

WHAT DOES THIS MEAN FOR CITIZENS?

- The city has diverse housing choices, and property values are stable or increasing.
- Citizens are satisfied with the quality of life in their neighborhoods.
- The city strives to mitigate the negative impacts of neglected properties.
- Citizens have ample opportunities to actively engage in decisions that affect their neighborhoods.



ACTIONS

HOW WILL WE ACHIEVE SUCCESS?

- The city will have proactive code enforcement.
- Federal and state funds will be used to help provide workforce housing and address community development needs and opportunities.
- The city will use a geographic-based approach to deliver police services.
- The Police Department's Community Enhancement Unit will provide proactive neighborhood support.
- The city will continue to invest in the maintenance and rehabilitation of neighborhood infrastructure and facilities.
- The city will continue its partnerships with Texas A&M to educate renters.
- The city will expand mobile-ready technologies to inform citizens and engage them on city issues and concerns.
- The city will continue to plan with neighborhood residents to address concerns and capitalize on opportunities.
- The city will continue to support and partner with homeowner and neighborhood associations to proactively address their priorities and interests.

DIVERSE & GROWING ECONOMY

GOAL

THE CITY'S DIVERSE ECONOMY GENERATES HIGH-QUALITY, STABLE JOBS THAT STRENGTHEN THE SALES AND PROPERTY TAX BASE AND CONTRIBUTE TO AN EXCEPTIONAL QUALITY OF LIFE.

OBJECTIVES

WHAT DOES THIS MEAN FOR CITIZENS?

- The city's annual taxable value increases.
- The city's annual sales tax and hotel occupancy tax receipts increase.
- The number of high-paying, full-time private sector jobs increases.
- Adequate, serviceable land is available for economic development opportunities.
- Opportunities are available for starting and operating businesses.

ACTIONS

HOW WILL WE ACHIEVE SUCCESS?

- The city will support, expand, and diversify a consumer-oriented economy.
- The city will protect major economic assets from incompatible encroachments.
- The city will support efforts to expand and enhance broadband internet services.
- The city will support diverse, business-to-business services.
- The city will expand and diversify efforts that focus on job growth.
- The city will plan and invest in infrastructure, facilities, services, personnel, and equipment for projected needs and opportunities.
- The city will ensure that business impacts are considered in the development of regulations and standards.
- The city will ensure adequate, serviceable land is available for economic needs.
- The city will maintain and increase relationships with local, regional, and public/private economic partners.
- The city will promote the College Station brand through business recruitment and destination marketing efforts.
- The city will continue to develop and promote signature events, features, and venues for residents and visitors.

IMPROVING MOBILITY

GOAL

THE CITY HAS A SAFE, EFFICIENT, SUSTAINABLE, INNOVATIVE AND WELL-CONNECTED MULTIMODAL TRANSPORTATION SYSTEM THAT CONTRIBUTES TO A HIGH QUALITY OF LIFE AND IS SENSITIVE TO SURROUNDING USES.

OBJECTIVES

WHAT DOES THIS MEAN FOR CITIZENS?

- The city increases the number of safe and complete ways to travel in town.
- The city increases the enforcement of traffic offenses to decrease vehicle accidents.
- City streets are not heavily congested for extended periods of time.
- City streets, sidewalks, bike lanes, and multi-modal paths are well-maintained and free of hazards.



ACTIONS

HOW WILL WE ACHIEVE SUCCESS?

- The city will provide streets that safely accommodate multimodal transportation.
- The city will ensure that streets have features that promote pedestrian and bicycle safety.
- The city will seek transit opportunities through partnerships.
- The city will provide for land uses that support multimodal opportunities.
- The city will plan for infrastructure that meets projected growth and development.
- The city will seek federal and state funds to construct facilities.
- The city will make investments to help avoid long periods of traffic congestion.
- The city will promote a well-connected system of residential streets and collector avenues to ease the strain on expensive arterial boulevards.
- The city will identify and fund a multi-year capital improvements program.
- The city will maintain and rehabilitate the system to avoid costly replacement.
- The city will maximize the system's efficiency, including intersection improvements, traffic signal timing and signage.

SUSTAINABLE CITY

GOAL

THE CITY'S CONSERVATION AND ENVIRONMENTAL AWARENESS IS FISCALLY RESPONSIBLE AND RESULTS IN A REAL AND TANGIBLE RETURN ON INVESTMENT.

OBJECTIVES

WHAT DOES THIS MEAN FOR CITIZENS?

- The city purchases and uses power from renewable energy sources.
- The city reduces energy and water consumption.
- The city reduces the volume of waste generated.
- The city uses land efficiently, effectively, and equitably.
- The city protects vulnerable environmental features.
- The city reduces the risk associated with flooding and other natural hazards.



ACTIONS

HOW WILL WE ACHIEVE SUCCESS?

- The city will enhance its conservation and recycling efforts.
- The city will purchase and use renewable energy.
- The city will protect its potable water supply and its ability to meet projected demands.
- The city will conduct sound land use planning guided by its Comprehensive Plan.
- The city will increase participation in FEMA's Community Rating System program.
- The city will acquire flood-prone areas and their associated riparian areas through its Greenway Acquisition program.
- The city will seek grants and other sources of outside funding to support its sustainability efforts.
- The city will encourage education about city conservation efforts and programs.
- The city will invest in co-production in service delivery where applicable.
- The city will identify strategies to use publicly owned land for future investments.

FY23 STRATEGIES

GOOD GOVERNANCE

- Increase transparency and improve the public's ability to participate in government by continuing to offer virtual options for public meetings, providing a centralized calendar for public meetings and events, allowing citizens to book city facilities through the city website.
- Work with College Station ISD to form a joint legislative committee.
- Explore annexation opportunities.
- Assist in completing transitional housing on Anderson.

FINANCIAL SUSTAINABILITY

- Explore and pursue methods of diversifying sources of city revenue.
- Consider alternative infrastructure funding opportunities.

CORE SERVICES & INFRASTRUCTURE

- Explore options for a community recreation center.
- Identify a site and begin the design of Fire Station No. 7.
- Increase and expand programming in the parks system.
- Partner with local agencies to build a medical examiner's office, a coroner's facility in Brazos County, and a mental health facility.
- Begin the planning and design of Southwest Park.
- Contribute to the HOME Revitalization Project.
- Evaluate library services.
- Make infrastructure improvements in aging areas of the community (e.g., McCulloch).
- Improve parks facilities, including tennis courts, baseball storage at Bachmann Park, and the construction of outdoor restrooms at the Lincoln Recreation Center.
- Explore options for expanded museums.

NEIGHBORHOOD INTEGRITY

- Advance the next phase of Mabel Clare Thomas Park improvements.
- Plan and design a downtown concept at Midtown.

DIVERSE & GROWING ECONOMY

- Begin Phase 2 of the Texas Independence Ballpark.
- Explore options for an indoor sports facility.
- Find opportunities to connect Century Square with Hensel Park.
- Pursue options for redeveloping Post Oak Mall and Wolf Pen Creek Park.
- Expand Christmas in College Station.
- Improve infrastructure, programming, and opportunities in Northgate.
- Add gateway signage at major entrances into College Station.

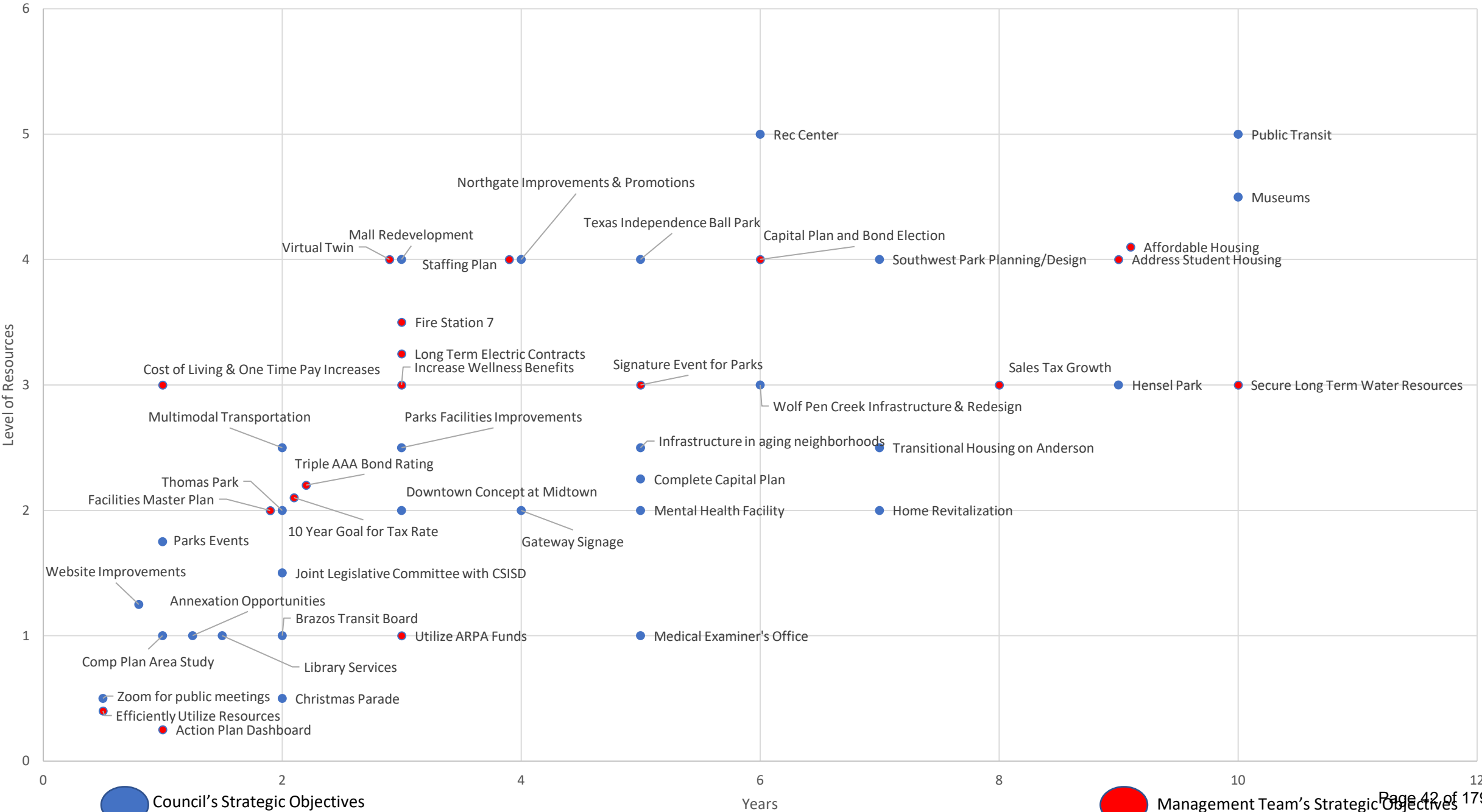
IMPROVING MOBILITY

- Expand public transit options and increase multimodal infrastructure.
- Improve cooperation with Brazos Transit, including possible board representation.

SUSTAINABLE CITY

- Examine ways to use co-production for service delivery.

Combined Council and Management Team: Short - Mid - Long Term Goals



April 14, 2022
Item No. 7.1.
Minutes

Sponsor: Tanya Smith, City Secretary

Reviewed By CBC:

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

- March 24, 2022 Council Meeting

Relationship to Strategic Goals:

- Good Governance

Recommendation(s): Recommends Approval.

Summary: N/A

Budget & Financial Summary: None

Attachments:

1. CCM032422 DRAFT Minutes

MINUTES OF THE CITY COUNCIL MEETING
IN-PERSON WITH TELECONFERENCE PARTICIPATION
CITY OF COLLEGE STATION
MARCH 24, 2022

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

Karl Mooney, Mayor

Council:

Bob Brick
John Crompton
Linda Harvell
Elizabeth Cunha
John Nichols
Dennis Maloney

City Staff:

Bryan Woods, City Manager
Jeff Capps, Deputy City Manager
Mary Ann Powel, Deputy City Attorney
Adam Falco, Senior 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 Meeting of the College Station City Council was called to order by Mayor Mooney via In-Person and Teleconference at 4:00 p.m. on Thursday, March 24, 2022, 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, and §551.087-Economic Incentive Negotiations, the College Station City Council convened into Executive Session at 4:01 p.m. on March 24, 2022, 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; and

- 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; and
- B. Deliberation on the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer; to wit:
- City Manager
 - Council Self-Evaluation
- C. Deliberation on an offer of financial or other incentives for a business prospect that the Council seeks to have locate, stay or expand in or near the City; to wit:
- Deliberation of economic incentives for a potential project in the Midtown Business Center in the City of College Station, Texas.

3. Reconvene from Executive Session and take action, if any.

Executive Session recessed at 6:24 p.m. No action was taken.

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

5. Presentation – Proclamations, Awards, and Recognitions.

5.1. Presentation of a proclamation in support of Law Enforcement Officers and Operation Safe Shield.

Mayor Mooney presented a proclamation to College Station Police Department in support of Law Enforcement Officers and Operation Safe Shield.

6. Hear Visitors Comments

No one signed up to speak.

7. WORKSHOP ITEMS

7.1. Presentation, discussion, and possible action, relating to receiving the annual audit reports and Annual Comprehensive Financial Report (ACFR) for the fiscal year ended September 30, 2021.

Marci Turner, Finance Controller, presented Amanda Eaves of BKD, LLP to speak on the results of the fiscal year 2021 audit and the 2021 ACFR.

Amanda Eaves of BKD, LLP stated that in planning and performing an audit of the financial statements they considered the City's internal control over financial reporting to determine the audit procedures that are appropriate in the circumstances for the purpose of expressing opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the City's internal control. Accordingly, the report does not express an opinion on the effectiveness of the City's internal control. She stated that consideration of internal control was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies, and therefore material weaknesses or significant deficiencies may exist that have not

been identified. Given these limitations, during the audit no deficiencies in internal control that would be considered to be material weaknesses were identified. However, there were certain deficiencies identified as described in the reports schedule of findings and questioned costs as item 2021-001, that are consider to be a significant deficiency.

Mrs. Eaves went on to explain that as part of obtaining reasonable assurance about whether the City's financial statements are free from material misstatement, tests were performed as part of its compliance with certain provisions of laws, regulations, contracts and grant agreements, noncompliance with which could have a direct and material effect on the determination of financial statement amounts. However, providing an opinion on compliance with those provisions was not an objective of the audit, and accordingly, the report does not express such an opinion. The results of tests conducted disclosed no instances of noncompliance or other matters that are required to be reported under Government Auditing Standards.

MOTION: Upon a motion made by Councilmember Harvell and a second by Councilmember Nichols, the City Council voted seven (7) for and none (0) opposed, to accept the annual audit reports and Annual Comprehensive Financial Report (ACFR) for the fiscal year ended September 30, 2021. The motion carried unanimously.

7.2. Presentation, discussion, and possible action on Parkland Dedication Ordinance amendments.

Michael Ostrowski, Planning and Development Director, stated that through several meetings, the City Council has directed staff to make changes to the parkland dedication requirements within the Unified Development Ordinance (UDO). Some of the changes were also identified in the Parkland Dedication Audit that was performed by the City Auditor in March of 2019.

An outline of the history of this item is as follows:

- March 2019 – Parkland Dedication Audit
- March 25, 2021 – City Council Workshop – City Council provided direction
- August 26, 2021 – City Council Workshop – City Council provided direction
- October 12, 2021 – Parks and Recreation Board – Recommended approval of proposed amendments
- October 21, 2021 – Planning & Zoning Commission – Recommended approval of proposed amendments
- October 28, 2021 – City Council – Requested additional changes to the ordinance
- January 25, 2022 – Representatives from the Greater Brazos Valley Builders Association – Provided comments

The proposed changes are broken down into the following categories: zones, appeals, credits, and fees.

Zones

- Reduce the number of parkland dedication zones.
- Eliminate the distinctions of parkland dedication zones.

Appeals

- Create an appeals section.

Credits

- Developer credit up to 25% if developer provides private park land and/or amenities on the site.

Fees

- Standard review of fees.
- Update the cost information relating to the average per acre cost.
- Ensure Park development fee recognizes passive parks.
- ETJ development pay the same fee.
- Calculate the fee based on current data.

Staff is seeking direction from the City Council on the proposed amendments to the ordinance. If City Council provides direction to move forward through the ordinance approval process at this meeting, the potential approval process would be:

- April 12, 2022 – Parks and Recreation Board Recommendation
- April 21, 2022 – Planning and Zoning Commission Recommendation
- May 12, 2022 – City Council Action

A consensus of the Council directed staff to add a clause that these fees may not be used for maintenance costs and in the proposed Parkland Dedication ordinance bring back a proportionate fee in appendix C and allow council to set the fee rate at that time.

7.3. Presentation, discussion, and possible action regarding regulations in neighborhoods related to noise and gatherings.

Billy Couch, Police Chief, stated that this item will provide an overview of current policies and regulations regarding gatherings and events in the city and within neighborhoods. It will discuss the current noise ordinance and special events ordinance. Currently, the police can close down, warn or cite groups having gatherings that violate the noise ordinance, when necessary. The special events process is very extensive and is mainly for larger events with over 200 attendees and typically does not require permits for events held on private property.

8. CONSENT ITEMS

Presentation, discussion, and possible action on consent items which consist of ministerial, or "housekeeping" items as allowed by law: A Councilmember may request additional information at this time. Any Councilmember may remove an item from the Consent Agenda for a separate vote.

Items 8.3, 8.4, 8.5, 8.6 and 8.11 were pulled from Consent for clarification.

(8.3): *Kelly Kelbly*, Assistant Parks and Development Director, stated that in a shared effort to meet the needs of local youth groups, and community guests, the Parks & Recreation Dept. works with the College Station Independent School District to maximize space and use of the facility inventory. This ILA details available facilities and pricing agreements for both entities.

(8.4 and 8.5): *Emily Fisher*, Public Works Director, stated that removing a section of a franchise agreement is possible at the will of Council. If Council chose to modify one of these franchise agreements, they may want to consider the other similar agreements with the removed language already in place.

(8.6): Emily Fisher, Public Works Director, stated that this item was initiated by a citizen concern about visibility of traffic at this location.

(8.11): Councilmember Cunha wanted to note her appreciation of Section II, No. 6 regarding staff and Section I-D Code of Conduct for Mayor and Council Members.

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

- **March 10, 2022 Council Meeting**

8.2. Presentation, discussion, and possible action on approving annual water meter purchases from Aqua Metric Sales Company through the Houston-Galveston Area Council (HGAC) contract. The estimated annual expenditure for water meters is \$179,629.98.

8.3. Presentation, discussion, and possible action related to an Interlocal Agreement (ILA) between the College Station Independent School District and the City of College Station for joint facility use.

8.4. Presentation, discussion, and possible action on the second reading of a franchise agreement Ordinance No. 2022-4339 with Bullseye Site Services, LLC for the collection of recyclables from commercial businesses and multi-family locations.

8.5. Presentation, discussion, and possible action on the first reading of a franchise agreement ordinance with Jetsam Removals & Roll-Offs LLC for the collection of recyclables from commercial businesses and multi-family locations.

8.6. Presentation, discussion, and possible action on Ordinance No. 2022-4340 amending Chapter 38 “Traffic and Vehicles” Article VI “Traffic Schedules”, Section 38-1014 “Traffic Schedule XIV, No Parking Here to Corner and No Parking at Any Time,” by removing parking at the intersection of Francis Drive and Foster Avenue.

8.7. Presentation, discussion, and possible action regarding the purchase of Advanced Metering Infrastructure (AMI) meters for Electric warehouse inventory stock from Landis+Gyr Technology, Inc. for an amount not to exceed \$223,632.

8.8. Presentation, discussion, and possible action for the renewal of a contract for Water Meter Reading Services, to Alexander’s Contract Services, Inc. for an amount not to exceed \$300,000 for one year.

8.9. Presentation, discussion, and possible action regarding a second change order to Contract 21300273 with PowerGrid Services for the ring bus modification work for the Spring Creek Substation. The total recommended change order amount is not to exceed \$107,484.38 which brings the contract total to \$2,497,319.63 for the project.

8.10. Presentation, discussion, and possible action regarding approval of Change Order 1 for the City’s annual price agreement with Techline Inc., for electric warehouse inventory of distribution poles in the amount of \$660,678 for an increase not to exceed total amount of \$8,013,258. The original annual price agreement was not to exceed total amount of \$7,352,580.

8.11. Presentation, discussion, and possible action regarding the approval of the updated Council Relations Policy and Code of Ethics.

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

9. REGULAR ITEMS

9.1. Public Hearing, presentation, discussion, and possible action regarding Ordinance No. 2022-4341 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 boundary from SC Suburban Commercial to PDD Planned Development District for approximately 5 acres of land generally located at the intersection of Emerald Parkway and Corsair Drive (3105 Corsair Drive). Case # REZ2022-000001

Derrick Williams, Planning and Development, stated that this request is to rezone approximately 5 acres of land from SC Suburban Commercial to PDD Planned Development District with a base zoning of SC Suburban Commercial for the development of a skilled nursing facility at the intersection of Corsair Drive and Emerald Parkway, adjacent to the Emerald Forest subdivision. Suburban Commercial allows for Extended Care Facilities/Convalescent/Nursing Homes land uses, but a PDD has been requested to allow an adjustment to the existing zoning’s individual building size limitation as applied to skilled nursing facility uses and to enhance the required buffer against the neighborhood.

Mr. Williams explained that at the time of site plan, the project will need to meet all applicable site development standards and platting requirements of the Unified Development Ordinance for the Suburban Commercial zoning district, except where meritorious modifications are granted with the PDD zoning. The applicant is requesting the following meritorious modification:

- SC Suburban Commercial requirements: UDO Section 5.3.C. “...The gross floor area of a single structure in this district shall not exceed 15,000 square feet in area.”
- Skilled nursing facilities are proposed to be allowed to consolidate permissible building area into one building exceeding the maximum of 15,000 sf.

The applicant offers the following as community benefits:

- Along with the required buffer, preservation of viable canopy trees along the property line that abuts Emerald Forest.

The Planning and Zoning Commission heard this item at their March 3, 2022 Regular Meeting and voted unanimously to recommend approval. Staff recommends approval of the rezoning.

At approximately 8:09 p.m., Mayor Mooney opened the Public Hearing.

There being no comments, the Public Hearing was closed at 8:09 p.m.

MOTION: Upon a motion made by Councilmember Maloney and a second by Councilmember Brick, the City Council voted seven (7) for and none (0) opposed, to adopt Ordinance No. 2022-4341, 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 boundary from SC Suburban Commercial to PDD Planned Development District for approximately 5 acres of land generally located at the intersection of Emerald Parkway and

Corsair Drive (3105 Corsair Drive). The motion carried unanimously.

10. Council Calendar

Council reviewed the calendar.

11. Items of Community Interest: The Council may receive reports from a Council Member or City Staff about items of community interest for which notice has not been given, including: expressions of thanks, congratulations or condolence; information regarding holiday schedules; honorary or salutary recognitions of a public official, public employee, or other citizen; reminders of upcoming events organized or sponsored by the City of College Station; information about a social, ceremonial or community event organized or sponsored by an entity other than the City of College Station that is scheduled to be attended by a Council Member, another city official or staff of the City of College Station; and announcements involving an imminent threat to the public health and safety of people in the City of College Station that has arisen after the posting of the agenda.

Nothing to report.

12. Council Reports on Committees, Boards, and Commission: A Council Member may make a report regarding meetings of City Council boards and commissions or meetings of boards and committees on which a Council Member serves as a representative that have met since the last council meeting. (Committees listed in Coversheet)

Councilmember Nichols reported on the Health Board.

Councilmember Cunha reported on the Bicycle Pedestrian and Greenways Board.

13. Future Agenda Items and Review of Standing List of Council Generated Future Agenda Items: A Council Member may make a request to City Council to place an item for which no notice has been given on a future agenda or may inquire about the status of an item on the standing list of council generated future agenda items. A Council Member's or City Staff's response to the request or inquiry will be limited to a statement of specific factual information related to the request or inquiry or the recitation of existing policy in response to the request or inquiry. Any deliberation of or decision about the subject of a request will be limited to a proposal to place the subject on the agenda for a subsequent meeting.

Councilmember Maloney requested an item reviewing the Wellborn plan with consideration of the area's current status.

Councilmember Crompton requested a future agenda item to consider a budget amendment adding a full-time code enforcement officer specifically for enforcing the no more than four unrelated ordinance. A majority of Council did not support this request.

Adjournment.

There being no further business, Mayor Mooney adjourned the Meeting of the City Council at 8:19 p.m. on Thursday, March 24, 2022.

Karl Mooney, Mayor

ATTEST:

Tanya Smith, City Secretary

April 14, 2022

Item No. 7.2.

Jetsam Removals & Roll-Offs LLC Franchise Agreement Ordinance

Sponsor: Emily Fisher, Director of Public Works

Reviewed By CBC: City Council

Agenda Caption: Presentation, discussion, and possible action on the second reading of a franchise agreement ordinance with Jetsam Removals & Roll-Offs LLC for the collection of recyclables from commercial businesses and multi-family locations.

Relationship to Strategic Goals:

Core Services and Infrastructure

Recommendation(s): Staff recommends approval of this franchise agreement ordinance.

Summary: The proposed agreement would allow Jetsam Removals & Roll-Offs LLC to collect recyclables from commercial businesses and multi-family locations within the City of College Station. The company will be responsible for developing on-site collection of recyclables so as not to interfere with the collection of municipal solid waste (MSW).

Budget & Financial Summary: N/A

Attachments:

1. 223003~1

ORDINANCE NO. _____

RECYCLABLES COLLECTION FRANCHISE AGREEMENT

AN ORDINANCE GRANTING CONTRACTOR, JETSAM REMOVALS & ROLL-OFFS LLC, ITS SUCCESSORS AND ASSIGNS, A NON-EXCLUSIVE FRANCHISE FOR THE PRIVILEGE AND USE OF PUBLIC STREETS, ALLEYS, AND PUBLIC RIGHTS OF WAY WITHIN THE CORPORATE LIMITS OF THE CITY OF COLLEGE STATION (“CITY”) FOR THE PURPOSE OF PROVIDING COLLECTION OF DEMOLITION AND CONSTRUCTION DEBRIS, RECYCABLES, AND ORGANIC WASTE FROM COMMERCIAL, INDUSTRIAL, AND MULTI-FAMILY SITES; PRESCRIBING THE TERMS, CONDITIONS, OBLIGATIONS, AND LIMITATIONS UNDER WHICH SAID FRANCHISE SHALL BE EXERCISED; PROVIDING FOR THE CONSIDERATION; FOR THE PERIOD OF THE GRANT; FOR ASSIGNMENT; FOR THE METHOD OF ACCEPTANCE; FOR REPEAL OF CONFLICTING ORDINANCES; FOR PARTIAL INVALIDITY.

WHEREAS, the City, by ordinance, exclusively provides all solid waste collection and disposal services for solid waste aggregated from within the City limits including, but not limited to Recyclables; and

WHEREAS, the City pursuant to City Charter Article XI, may grant franchises to entities for use of public streets, alleys, and highways for collection of Solid Waste and Recyclables generated within the City limits; and

WHEREAS, the City of College Station desires to exercise the Charter’s authority and grant a non-exclusive franchise to Contractor for collection of demolition and construction debris and other waste for disposal using roll off containers, and recyclable materials, and organic waste from multifamily and commercial locations for the purpose of recycling.

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

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ARTICLE I. DEFINITIONS

- 1.1 **Agreement** means this Franchise Agreement adopted by City Ordinance between City and Contractor for the collection of Recyclables within the City limits.
- 1.2 **Approved Customers** means those designated premises located within the City that generate Recyclables.
- 1.3 **Brazos Valley Solid Waste Management Agency, Inc. (BVSWMA, Inc.)** means the permitted municipal solid waste landfill and compost facility owned and operated by a Texas local government corporation.
- 1.4 **City Council or Council** means the governing body of the City of College Station, Texas.
- 1.5 **City** means the City of College Station, a Texas Home Rule Municipal Corporation.
- 1.6 **City's Representative** means the Recycling & Environmental Compliance Manager or the Manager's designated appointee.
- 1.7 **Collection** means the scheduled aggregation of Recyclables by Contractor.
- 1.8 **Construction and Demolition Debris** means buildings material waste resulting from demolition, remodeling, repairs, or construction, as well as materials discarded during periodic temporary facility clean-up generated within the City.
- 1.9 **Contaminated** means Recyclables mixed with solid waste or altered in a way that results in materials being unrecyclable or un-compostable.
- 1.10 **Contractor** means the Contractor franchised for the collection of Recyclables.
- 1.11 **Customers** means the locations designated by the City as a Commercial Business or Multifamily Residence.
- 1.12 **Organic Waste** means waste of biological origin recovered from the solid waste stream for the purposes of reuse, reclamation, or compost. Organic Waste is not solid waste, unless it is abandoned or disposed of, rather than reprocessed into another product.
- 1.13 **Receptacle** means a weatherproof container easily identifiable and designated for recycling or organic waste collection and shall not be made of any temporary materials.
- 1.14 **Recyclables or Recyclable Materials** mean materials, including construction and demolition debris recovered from the solid waste stream for the purpose of reuse or reclamation, a substantial portion of which are consistently used in the manufacture of products that may otherwise be produced using raw or virgin materials. Recyclable materials are not solid waste unless they are abandoned or disposed of as garbage rather than reprocessed into another product.

- 1.15 **Residue** means the materials regularly associated with and attached to Recyclables, as a part of the original packaging or usage of that material that is not recyclable or compostable.
- 1.16 **Roll-Off / Compactor** means a container of varying capacity used for Recyclables collection.
- 1.17 **TAC** means the Texas Administrative Code now and as amended.
- 1.18 **TCEQ** means the Texas Commission on Environmental Quality.

ARTICLE II. GRANT OF AUTHORITY AND ACCEPTANCE

- 2.1 **Non-Exclusive.** City grants Contractor a non-exclusive franchise to operate and establish Recyclables collection from designated Customers. Nothing in this Agreement shall be construed as granting an exclusive franchise or right. City grants Contractor passage and rights-of-way on, along, and across City streets, highways, alleys, public places and all other real property for collecting demolition and construction debris, recyclables and organic waste from commercial, industrial, multifamily and residential construction sites for the purpose of disposal and/or recycling within the jurisdictional limits of the City. Contractor is expressly prohibited from collecting any recyclables from completed residences that are covered by the City's residential single stream recycling contract and program. All collection, work, activity, and undertakings by Contractor are subject to this Agreement and City's governmental and police powers.
- 2.2 **Acceptance.** By accepting this Agreement, Contractor represents it has, by careful examination, satisfied itself as to the nature and location of the services, character, quality, and quantity of services to be performed, the character of the equipment and facilities necessary to fulfill obligations under this Agreement, as well as the general and local conditions and all other matters affecting services performed under this Agreement.
- 2.3 **Option to Market Materials.** If City develops services or programs resulting in materials that may be recycled or composted, including but not limited to residential construction sites, multifamily, or commercial recycling or composting, the City shall have the option to market those to any contractor.
- 2.4 **Contract with City.** If City and Contractor contract for the collection and recycling or composting of materials, those terms will be incorporated into this Agreement by amendment.

ARTICLE III. PAYMENT AND TERM

- 3.1 **Franchise Fee.** For and in consideration of the grant of the franchise herein, Contractor agrees and will pay a Franchise Fee during the term of this Agreement, a sum based on the following graduated fee schedule depending on the percentage of aggregate recycling or composting accomplished:

- a. A fee is required, equivalent to five percent (5%) of Contractor's monthly gross revenues, delivery revenues, and hauling revenues; including rates as described in **Exhibit A**, generated from Contractor's provision of Recyclables collection services within the City if Contractor reports aggregate recycling or composting of at least sixty percent (60%) of Recyclables collected.
- b. A fee is required, equivalent to six and one half percent (6.5%) of Contractor's monthly gross revenues, delivery revenues, and hauling revenues; including rates as described in **Exhibit A**, generated from Contractor's provision of Recyclables collection services within the City if Contractor reports aggregate recycling or composting of at least fifty-five percent (55%) but less than sixty percent (60%) of Recyclables collected.
- c. A fee is required, equivalent to eight percent (8%) of Contractor's monthly gross revenues, delivery revenues, and hauling revenues; including rates as described in **Exhibit A**, generated from Contractor's provision of Recyclables collection services within the City if Contractor reports aggregate recycling or composting less than fifty-five percent (55%) of Recyclables collected.

3.2 Payments. Revenue received by Contractor from this Agreement is subject to the Franchise Fee and shall be computed into Contractor's monthly gross revenues, delivery revenues, hauling revenues, and rates, as described in **Exhibit A**. Payment will be paid quarterly to the City, and shall be due by the twentieth (20th) day of the month following the end of the previous calendar quarter. Payment after that date shall incur a ten percent (10%) late fee on the outstanding account balance under Article V.

3.3 Failure to Pay. Failure by Contractor to pay any amount due under this franchise constitutes a Failure to Perform under this contract and is subject to the provisions of Article XV. General Terms of this Agreement (Termination for Cause).

3.4 Franchise Fee Requirements. Payments must state on a form approved by the City:

- a. The number and type of Customers collected from, for the previous quarter, for Customers included in this Agreement.
- b. The total tons landfilled, recycled or composted, within the jurisdictional limits of the City, for the previous quarter.
- c. The total gross revenues for the previous calendar quarter, for revenues generated under this agreement.
- d. The total payment amount.

3.5 Term. The term of this Agreement shall be for a period of five (5) years, beginning on the date of acceptance and approval by City Council.

ARTICLE IV. ACCESS TO RECORDS & REPORTING

- 4.1 Facilities.** The City shall have the right to inspect the Contractor's facilities, equipment, personnel, and operations to ensure compliance with this Agreement.
- 4.2 Records.** The City shall have the right to inspect Contractor's records, receipts, and all documentation relating to the performance of this Agreement. Those records include, but are not limited to, information concerning the quality and quantity of Recyclables collected, processed, and sold; number of Customers served, gross amounts paid to and paid by Contractor from the sale/processing of Recyclables. The City agrees to notify the Contractor at least twenty-four (24) hours prior to such inspection of operations and/or records.
- 4.3 Records Retention.** Contractor shall retain all records associated with this Agreement for a period of four (4) years. City shall have access to information regarding Contractor's markets and prices paid for each type of material's return/cost; all information obtained by City marked confidential or proprietary shall remain confidential or proprietary pursuant to the Texas Open Records Act.
- 4.4 Activity Report.** Contractor shall provide a Monthly Recycling Activity Report, on a form approved by the City, summarizing the previous month's collection. This report is due to the City's Representative no later than the twentieth (20th) calendar day of each month. Contractor's report shall include the following information:
- a. The Customer collection count, itemized by customer type.
 - b. Total tonnage of materials collected, recycled, composted and/or landfilled, itemized by type of material, within the jurisdictional limits of the City.
 - c. Any other information concerning the collections as required by the City's Representative.

ARTICLE V. RATES TO BE CHARGED BY CONTRACTOR

- 5.1** The Contractor shall follow the Schedule of Rates attached hereto as **Exhibit A** for the services described herein. The rates provided shall be kept current and made available to the City's Representative within thirty (30) days of an adopted rate change. The Contractor agrees to use due diligence to keep costs from increasing.

ARTICLE VI. APPEARANCE OF PERSONNEL AND EQUIPMENT

- 6.1 Equipment.** Contractor shall ensure all collection equipment and vehicles are attractively painted, well maintained and are in good working condition. Equipment must be washed at least one time per week. Equipment and vehicles must have sufficient carrying capacity for safe and efficient collection. The City shall have the right to inspect and approve the appearance of collection equipment. A standby vehicle shall be available at all times for collection.

- 6.2 Signage.** Contractor's vehicles shall at all times be clearly labeled with Contractor's name and phone number in visible letters and numbers not less than three (3) inches in height. Signage must be on both sides of the vehicle and placed in a conspicuous place. Only labeled vehicles shall perform collection activities under this Agreement. Contractor's roll-offs, compactors, and receptacles must be clearly marked as used for collection in letters at least twelve inches (12") in height on each side of the container.
- 6.3 Personnel.** All collection personnel shall wear a City-approved uniform to include, at minimum, matching labeled shirts with denim jeans or other standard work attire.

ARTICLE VII. COLLECTION AND TRANSPORT

- 7.1 Transport.** The Contractor shall only transport collected materials for storage, processing, disposal, or other necessary handling to locations in a manner permitted by the terms of this Agreement as well as federal, state, and local law. This Agreement does not authorize Contractor to utilize the streets, alleys, and public ways to dispose of municipal solid waste or any other type of waste intended for disposal from any other project.
- 7.2 Cover.** During transport of materials all vehicles shall be covered to prevent release of litter.

ARTICLE VIII. PLACEMENT OF RECEPTACLES

- 8.1 Placement.** All roll-offs, compactors, and receptacles placed in service shall be located in such a manner so as not to be a safety or traffic hazard. Under no circumstances shall Contractor place roll-offs, compactors, or receptacles on public streets, alleys, or thoroughfares without prior approval of the City's Representative. City reserves the right to designate the exact location of any or all roll-offs, compactors, or containers placed in service in the City.
- 8.2 City Collection.** Collections shall not interfere with the City's collection of municipal solid waste. Under no circumstances shall contractor place roll-offs, compactors, or receptacles in existing enclosures designated for City roll-offs, compactors, and receptacles.

ARTICLE IX. SERVICE COMPLAINTS

- 9.1 Nature of Complaint.** Contractor shall handle directly any complaints pertaining to customer service, property damage, or personal injury from their commercial business and multifamily Recyclables collection service.
- 9.2 Intake.** Contractor shall develop written practices and procedures for receiving and resolving Customer complaints and collection issues. Any complaint received by the City shall be forwarded to the Contractor within one (1) business day of receipt.

- 9.3 Response.** Contractor shall respond to all complaints within one (1) business day of receiving a complaint from a Customer or notice of complaint from the City. Regardless of the nature of the complaint, Contractor shall report the action taken to the City in accordance with Article IV. Access to Records & Reporting.
- 9.4 Complaint Charges.** Upon receipt of ten (10) Customer complaints within a forty-five (45) day period, Contractor shall be assessed a charge of Three Hundred Dollars (\$300.00). Complaints are to be verified by the Contractor and the City's Representative. The City shall invoice the Contractor such charges.

ARTICLE X. DISPOSAL AND PROCESSING

- 10.1 Disposal Site.** Unless approved otherwise in writing by the City, Contractor shall utilize BVSWM, Inc. Landfill for the disposal of all non-recyclable waste material collected by Contractor within the corporate limits of the City.
- 10.2 Processing Facility.** Contractor shall only use a City-approved recycling or composting facility for processing of all Recyclables collected by Contractor within the corporate limits of the City under this Agreement.

ARTICLE XI. VIOLATION AND PENALTY

- 11.1 Fine.** It shall be unlawful for any person, firm or corporation to violate any provision or term of this Agreement and they shall receive a citation and fine not to exceed \$2,000.00 per offense per day. Each and every day a violation continues constitutes a separate offense.
- 11.2 Remedies.** In addition to any rights set out elsewhere in this Agreement, or other rights the City may possess at law or equity, the City reserves the right to apply any remedies, alone or in combination, in the event Contractor violates any provision of this Agreement. The remedies provided for in this Agreement are cumulative and not exclusive; the exercise of one remedy shall not prevent the exercise of another, or any rights of the City at law or equity.

ARTICLE XII. INSURANCE

- 12.1** The Contractor shall procure and maintain, at its sole cost and expense for the term of this Agreement, insurance against claims for injuries to persons or damages to property that may arise from or in connection with the performance of the services performed by the Contractor, its agents, representatives, volunteers, employees, or subcontractors.
- 12.2** The Contractor's insurance shall list the City of College Station, its employees, agents, volunteers, and officials as additional insureds. Insurance requirements are attached in **Exhibit B**. Certificates of insurance evidencing the required insurance coverages are attached in **Exhibit C**.

ARTICLE XIII. INDEMNIFICATION AND RELEASE

- 13.1 Indemnification.** Contractor shall indemnify, hold harmless, and defend the City, its officers, agents, volunteers, and employees from and against any and all claims, losses, damages, causes of action, suits, and liability of every kind, including all expenses of litigation, court costs, and attorney's fees, for injury to or death of any person or for damage to any property arising out of or in connection with the work and services done by the Contractor under this Agreement. Such indemnity shall apply regardless of whether the claims, losses, damages, causes of action, suits, or liability arise in whole or in part from the negligence of the City, any other party indemnified hereunder, the Contractor, or any third party.
- 13.2 Release.** The Contractor assumes full responsibility for the work to be performed hereunder and hereby releases, relinquishes, and discharges the City, its officers, agents, volunteers, and employees from all claims, demands, and causes of action of every kind and character, including the cost of defense thereof, for any injury to or death of any person and any loss of or damage to any property caused by, alleged to be caused by, arising out of, or in connection with the Contractor's work and services to be performed hereunder. This release shall apply regardless of whether said claims, demands, and causes of action are covered in whole or in part by insurance and regardless of whether such injury, death, loss, or damage was caused in whole or in part by the negligence of the City, any other party released hereunder, the Contractor, or any third party.

ARTICLE XIV. DISPUTES AND MEDIATION

- 14.1 Disputes.** If a dispute arises between City and Contractor during this Agreement, the dispute shall first be referred to the operational officers or representatives designated by the parties having oversight of the Agreement's administration. The officers or representatives shall meet within thirty (30) days of either party's request for a meeting, whichever request is first, and the parties shall make a good faith effort to achieve a resolution of the dispute.
- 14.2 Mediation.** If the parties are not able to resolve the dispute under the procedure in this article, then the parties agree the matter shall be referred to non-binding mediation. The parties shall mutually agree upon a mediator to assist in resolving their differences. If the parties cannot agree upon a mediator, the parties shall jointly obtain a list of three (3) mediators from a reputable dispute resolution organization and alternate striking mediators on that list until one remains. A coin toss shall determine who may strike the first name. If a party fails to notify the other party of which mediator it has stricken within two (2) business days, the other party shall select the mediator from those mediators remaining on the list. The parties shall pay their own expenses of any mediation and will share the cost of the mediator's services.
- 14.3 Other Remedies.** If the parties fail to achieve a resolution of the dispute through mediation, either party may then pursue any available judicial remedies.

ARTICLE XV. GENERAL TERMS

- 15.1 Performance.** Contractor, its employees, associates, or subcontractors shall perform all the services in a professional manner and be fully qualified and competent to perform those services.
- 15.2 Termination.**
- a. For Convenience.** At any time, the City or Contractor may terminate this Agreement for convenience, in writing with thirty (30) days' written notice. City shall be compensated for outstanding Franchise Fees.
 - b. For Cause.** City may terminate this Agreement if Contractor materially breaches or otherwise fails to perform, comply with or otherwise observe any of the terms and conditions of this Agreement, or fails to maintain all required licenses and approvals from federal, state, and local jurisdictions, and fails to cure such breach or default within thirty (30) days of City providing Contractor written notice, or, if not reasonably capable of being cured within thirty (30) calendar days, within such other reasonable period of time upon which the parties may agree.
 - c. Hearing.** This Agreement shall not be terminated except upon a majority vote of the City Council, after giving reasonable notice to Contractor. The Contractor will have an opportunity to be heard, provided if exigent circumstances necessitate immediate termination, the hearing may be held as soon as possible after the termination.
- 15.3 Venue.** This Contract has been made under and shall be governed by the laws of the State of Texas. The parties agree that performance and all matters related thereto shall be in Brazos County, Texas.
- 15.4 Amendment.** This Agreement may only be amended by written instrument approved and executed by the parties.
- 15.5 Taxes.** The City is tax exempt and is not responsible for the payment of any taxes.
- 15.6 Compliance with Laws.** The Contractor will comply with all applicable federal, state, and local statutes, regulations, ordinances, and other laws, including but not limited to the Immigration Reform and Control (IRCA). The Contractor may not knowingly obtain the labor or services of an undocumented worker. The Contractor, not the City, must verify eligibility for employment as required by IRCA.
- 15.7 Waiver of Terms.** No waiver or deferral by either party of any term or condition of this Contract shall be deemed or construed to be a waiver of deferral of any other term or condition or subsequent waiver or deferral of the same term or condition.

15.8 Assignment. This Agreement and the rights and obligations contained herein may not be assigned by the Contractor without the prior written approval of City.

15.9 Invalid Provisions. If any provision of this Agreement shall be held to be invalid or unenforceable for any reason, the remaining provisions shall continue to be valid and enforceable. If a court of competent jurisdiction finds that any provision of this Agreement is invalid or unenforceable, and if by limiting that provision, the Agreement may become valid and enforceable, then such provision shall be deemed to be written, construed, and enforced as so limited.

15.10 Entire Agreement. This Agreement represents the entire agreement between the City and Contractor and supersedes all prior negotiations, representations, or agreements, either written or oral.

15.11 Agree to Terms. The parties' state they have read the terms and conditions of this Agreement and agree to the terms and conditions. Contractor shall evidence its unconditional written acceptance of all the terms and conditions of this Agreement by the execution of this Agreement.

15.12 Effective Date. According to City Charter, Section 105, after passage, approval and legal publication of this Agreement as provided by law, and provided it has been duly accepted by Contractor as herein above provided, this Agreement shall not take effect until sixty (60) days after its adoption on its second and final reading.

15.13 Notice. Any official notice under this Agreement will be sent to the following addresses:

City of College Station	Jetsam Removals & Roll-offs LLC
Attn: Michael Lucas, Fiscal Services	Attn: Kevin R. Caffey
PO BOX 9960	609 E 32 nd St.
College Station, TX 77842	Bryan, TX 77803
mlucas@cstx.gov	kcaffey12@gmail.com

15.14 List of Exhibits. All exhibits to this Agreement are incorporated and made part of this Agreement for all purposes.

- A. Schedule of Rates
- B. Insurance Requirements
- C. Certificates of Insurance

15.15 Public Meetings and Readings. This Agreement was passed, adopted and approved according to Texas Government Code Chapter 551.

- a. First Consideration & Approval on the ____ day of _____, 2022.
- b. Second Consideration & Approval on the ____ day of _____, 2022.

JETSAM REMOVALS & ROLL-OFFS LLC

CITY OF COLLEGE STATION

By: _____

By: _____

Printed Name: Kevin R. Caffey

Mayor

Title: Owner

Date: _____

Date: _____

ATTEST:

City Secretary

Date: _____

APPROVED:

City Manager

Date: _____

City Attorney

Date: _____

Assistant City Manager/CFO

Date: _____

EXHIBIT A. SCHEDULE OF RATES

- I. Contractor's base rate for pull and dump of one 17 cubic yard dumpster is \$400.00 and may vary based on type of waste and weight, or if there are any items in the dumpster that Contractor is charged for at the landfill. Additionally, the rate may increase, depending on a variety of conditions, including but not limited to:
 - a. Location of Customer
 - b. Impact on Existing Routes
 - c. Ingress and Egress Capabilities
 - d. Special Requests by Customers
 - e. Frequency of Collections
 - f. Volume of Materials
 - g. Type of Materials
 - h. External Contributing Conditions of Market Costs

EXHIBIT B. INSURANCE REQUIREMENTS

Throughout the term of this Agreement the Contractor must comply with the following:

I. Standard Insurance Policies Required:

- a. Commercial General Liability
- b. Business Automobile Liability
- c. Workers' Compensation

II. General Requirements Applicable to All Policies:

- a. Certificates of Insurance shall be prepared and executed by the insurance company or its authorized agent.
- b. Certificates of Insurance and endorsements shall be furnished on the most current State of Texas Department of Insurance-approved forms to the City's Representative at the time of execution of this Agreement; shall be attached to this Agreement as **Exhibit C**; and shall be approved by the City before work begins.
- c. Contractor shall be responsible for all deductibles on any policies obtained in compliance with this Agreement. Deductibles shall be listed on the Certificate of Insurance and are acceptable on a per-occurrence basis only.
- d. The City will accept only licensed Insurance Carriers authorized to do business in the State of Texas.
- e. The City will not accept "claims made" policies.
- f. Coverage shall not be suspended, canceled, non-renewed or reduced in limits of liability before thirty (30) days written notice has been given to the City.

III. Commercial General Liability

- a. General Liability insurance shall be written by a carrier rated "A: VIII" or better under the current A. M. Best Key Rating Guide.
- b. Policies shall contain an endorsement listing the City as Additional Insured and further providing "primary and non-contributory" language with regard to self-insurance or any insurance the City may have or obtain.
- c. Limits of liability must be equal to or greater than \$500,000 per occurrence for bodily injury and property damage, with an annual aggregate limit of \$1,000,000. Limits shall be endorsed to be per project.
- d. No coverage shall be excluded from the standard policy without notification of individual exclusions being submitted for the City's review and acceptance
- e. The coverage shall include, but not be limited to the following:
premises/operations with separate aggregate; independent contracts;
products/completed operations; contractual liability (insuring the indemnity provided herein) Host Liquor Liability, and Personal & Advertising Liability.

IV. Business Automobile Liability

- a. Business Automobile Liability insurance shall be written by a carrier rated "A: VIII" or better under the current A. M. Best Key Rating Guide.
- b. Policies shall contain an endorsement listing the City as Additional Insured and further providing "primary and non-contributory" language with regard to self-insurance or any insurance the City may have or obtain
- c. Combined Single Limit of Liability not less than \$1,000,000 per occurrence for bodily injury and property damage.
- d. The Business Auto Policy must show Symbol 1 in the Covered Autos Portion of the liability section in Item 2 of the declarations page
- e. The coverage shall include any autos, owned autos, leased or rented autos, non-owned autos, and hired autos.

V. Workers' Compensation Insurance

- a. Workers compensation insurance shall include the following terms:
 - i. Employer's Liability minimum limits of liability not less than \$500,000 for each accident/each disease/each employee are required
 - ii. "Texas Waiver of Our Right to Recover From Others Endorsement, WC 42 03 04" shall be included in this policy
 - iii. 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"

EXHIBIT C. CERTIFICATES OF INSURANCE



CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)
02/18/2022

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER FEDERATED MUTUAL INSURANCE COMPANY HOME OFFICE: P.O. BOX 328 OWATONNA, MN 55060		CONTACT NAME: CLIENT CONTACT CENTER PHONE (A/C, No, Ext): 888-333-4949 FAX (A/C, No): 507-446-4664 E-MAIL ADDRESS: CLIENTCONTACTCENTER@FEDINS.COM	
INSURED JETSAM REMOVALS & ROLL-OFFS LLC 609 E 32ND ST BRYAN, TX 77803-4614		INSURER(S) AFFORDING COVERAGE INSURER A: FEDERATED MUTUAL INSURANCE COMPANY INSURER B: INSURER C: INSURER D: INSURER E: INSURER F:	
189-549-9		NAIC # 13935	

COVERAGES

CERTIFICATE NUMBER: 21

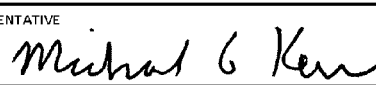
REVISION NUMBER: 0

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSR	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☐ POLICY ☒ PRO-JECT ☐ LOC OTHER:	Y	N	9918509	07/24/2021	07/24/2022	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$100,000 MED EXP (Any one person) EXCLUDED PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMPIOP AGG \$2,000,000
A	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY	Y	N	9918509	07/24/2021	07/24/2022	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) BODILY INJURY (Per accident) PROPERTY DAMAGE (Per accident)
A	☒ UMBRELLA LIAB ☒ OCCUR ☐ EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION	N	N	9918510	07/24/2021	07/24/2022	EACH OCCURRENCE \$1,000,000 AGGREGATE \$1,000,000
A	☒ WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N ☐ N / A	Y	1806588	07/24/2021	07/24/2022	☒ PER STATUTE ☐ OTH-ER E.L. EACH ACCIDENT \$1,000,000 E.L. DISEASE - EA EMPLOYEE \$1,000,000 E.L. DISEASE - POLICY LIMIT \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
SEE ATTACHED PAGE

CERTIFICATE HOLDER**CANCELLATION**

189-549-9 CITY OF COLLEGE STATION PO BOX 9960 COLLEGE STATION, TX 77842-7960	21 0	SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE 
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ACORD 25 (2016/03)

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AGENCY CUSTOMER ID: 189-549-9

LOC #:

ADDITIONAL REMARKS SCHEDULE

Page 1 of 1

AGENCY FEDERATED MUTUAL INSURANCE COMPANY		NAMED INSURED JETSAM REMOVALS & ROLL-OFFS LLC	
POLICY NUMBER SEE CERTIFICATE # 21.0		609 E 32ND ST BRYAN, TX 77803-4614	
CARRIER SEE CERTIFICATE # 21.0	NAIC CODE	EFFECTIVE DATE: SEE CERTIFICATE # 21.0	

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,

FORM NUMBER: 25 FORM TITLE: CERTIFICATE OF LIABILITY INSURANCE

ADDITIONAL INSURED ALSO INCLUDE: CITY OF COLLEGE STATION, ITS EMPLOYEES, AGENTS, VOLUNTEERS, AND OFFICIALS. THE CERTIFICATE HOLDER IS AN ADDITIONAL INSURED ON GENERAL LIABILITY SUBJECT TO THE CONDITIONS OF THE ADDITIONAL INSURED - GRANTOR OF FRANCHISE ENDORSEMENT.

THE CERTIFICATE HOLDER IS AN ADDITIONAL INSURED SUBJECT TO THE CONDITIONS OF THE ADDITIONAL INSURED BY CONTRACT ENDORSEMENT FOR BUSINESS AUTO LIABILITY.

INSURANCE PROVIDED BY THE GENERAL LIABILITY COVERAGE IS PRIMARY AND NONCONTRIBUTORY OVER OTHER INSURANCE. INSURANCE PROVIDED BY THE BUSINESS AUTO LIABILITY IS PRIMARY AND NONCONTRIBUTORY OVER OTHER INSURANCE.

WORKERS COMPENSATION CONTAINS A WAIVER OF SUBROGATION IN FAVOR OF THE CERTIFICATE HOLDER WHERE PERMITTED BY STATE STATUTE.

GENERAL LIABILITY COVERAGE CONTAINS CG 25 03 DESIGNATED CONSTRUCTION GENERAL AGGREGATE LIMIT ENDORSEMENT APPLICABLE TO EACH CONSTRUCTION PROJECT AS REQUIRED BY WRITTEN CONTRACT OR WRITTEN AGREEMENT.

FOR REASONS OTHER THAN NON-PAYMENT OF PREMIUM, 30 DAYS NOTICE WILL BE PROVIDED TO THE CERTIFICATE HOLDER IN THE EVENT THAT THE ISSUING COMPANY CANCELS THE POLICY BEFORE THE EXPIRATION DATE OF THE POLICY.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**PRIMARY AND NONCONTRIBUTORY -
OTHER INSURANCE CONDITION**

This endorsement modifies insurance provided under the following:

AUTO DEALERS COVERAGE FORM
BUSINESS AUTO COVERAGE FORM
MOTOR CARRIER COVERAGE FORM

With respect to coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by the endorsement.

- A.** The following is added to the **Other Insurance Condition** in the Business Auto Coverage Form and the **Other Insurance - Primary And Excess Insurance Provisions** in the Motor Carrier Coverage Form and supersedes any provision to the contrary:

This Coverage Form's Covered Autos Liability Coverage is primary to and will not seek contribution from any other insurance available to an "insured" under your policy provided that:

1. Such "insured" is a Named Insured under such other insurance; and
2. You have agreed in writing in a contract or agreement that this insurance would be primary and would not seek contribution from any other insurance available to such "insured".

- B.** The following is added to the **Other Insurance Condition** in the Auto Dealers Coverage Form and supersedes any provision to the contrary:

This Coverage Form's Covered Autos Liability Coverage and General Liability Coverages are primary to and will not seek contribution from any other insurance available to an "insured" under your policy provided that:

1. Such "insured" is a Named Insured under such other insurance; and
2. You have agreed in writing in a contract or agreement that this insurance would be primary and would not seek contribution from any other insurance available to such "insured".

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED BY CONTRACT ENDORSEMENT

This endorsement modifies insurance provided under the following:

BUSINESS AUTO COVERAGE PART

With respect to coverage provided by this endorsement, the provisions of the Coverage Form apply unless modified by the endorsement.

A. WHO IS AN INSURED for "bodily injury" and "property damage" liability is amended to include:

Any person or organization other than a joint venture, for which you have agreed by written contract to procure bodily injury or property damage "auto" liability insurance arising out of operation of a covered "auto" with your permission. However, this additional insurance does not apply to:

- (1) The owner or anyone else from whom you hire or borrow a covered "auto". This exception does not apply if the covered "auto" is a "trailer" connected to a covered "auto" you own.
- (2) Your "employee" if the covered "auto" is owned by that "employee" or a member of his or her household.
- (3) Someone using a covered "auto" while he or she is working in a business of selling, servicing, repairing, parking or storing "autos" unless that business is yours.
- (4) Anyone other than your "employees", partners (if you are a partnership), members (if you are a limited liability company), or a lessee or borrower or any of their "employees", while moving property to or from a covered "auto".
- (5) A partner (if you are a partnership), or a member (if you are a limited liability company) for a covered "auto" owned by him or her or a member of his or her household.

B. The coverage extended to any additional insured by this endorsement is limited to, and subject to all terms, conditions, and exclusions of the Coverage Part to which this endorsement is attached.

In addition, coverage shall not exceed the terms and conditions that are required by the terms of the written agreement to add any insured, or to procure insurance.

C. The limits of insurance applicable to such insurance shall be the lesser of the limits required by the agreement between the parties, or the limits provided by this policy.

D. Additional exclusions. The insurance afforded to any person or organization as an insured under this endorsement does not apply:

1. To "loss" which occurs prior to the date of your contract with such person or organization;
2. To "loss" arising out of the sole negligence of any person or organization that would not be an insured except for this endorsement.
3. To "loss" for any leased or rented "auto" when the lessor or his or her agent takes possession of the leased or rented "auto" or the policy period ends, whichever occurs first.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**PRIMARY AND NONCONTRIBUTORY -
OTHER INSURANCE CONDITION**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART
LIQUOR LIABILITY COVERAGE PART
PRODUCTS/COMPLETED OPERATIONS LIABILITY COVERAGE PART

The following is added to the **Other Insurance** Condition and supersedes any provision to the contrary:

Primary And Noncontributory Insurance

This insurance is primary to and will not seek contribution from any other insurance available to an additional insured under your policy provided that:

- (1) The additional insured is a Named Insured under such other insurance; and

- (2) You have agreed in writing in a contract or agreement that this insurance would be primary and would not seek contribution from any other insurance available to the additional insured.

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

**DESIGNATED CONSTRUCTION PROJECT(S)
GENERAL AGGREGATE LIMIT**

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Designated Construction Project(s):

Each construction project as required by written contract or written agreement.

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

- A.** For all sums which the insured becomes legally obligated to pay as damages caused by "occurrences" under Section I - Coverage A, and for all medical expenses caused by accidents under Section I - Coverage C, which can be attributed only to ongoing operations at a single designated construction project shown in the Schedule above:
1. A separate Designated Construction Project General Aggregate Limit applies to each designated construction project, and that limit is equal to the amount of the General Aggregate Limit shown in the Declarations.
 2. The Designated Construction Project General Aggregate Limit is the most we will pay for the sum of all damages under Coverage A, except damages because of "bodily injury" or "property damage" included in the "products-completed operations hazard", and for medical expenses under Coverage C regardless of the number of:
 - a. Insureds;
 - b. Claims made or "suits" brought; or
 - c. Persons or organizations making claims or bringing "suits".
 3. Any payments made under Coverage A for damages or under Coverage C for medical expenses shall reduce the Designated Construction Project General Aggregate Limit for that designated construction project. Such payments shall not reduce the General Aggregate Limit shown in the Declarations nor shall they reduce any other Designated Construction Project General Aggregate Limit for any other designated construction project shown in the Schedule above.
 4. The limits shown in the Declarations for Each Occurrence, Damage To Premises Rented To You and Medical Expense continue to apply. However, instead of being subject to the General Aggregate Limit shown in the Declarations, such limits will be subject to the applicable Designated Construction Project General Aggregate Limit.

- B.** For all sums which the insured becomes legally obligated to pay as damages caused by "occurrences" under Section I - Coverage A, and for all medical expenses caused by accidents under Section I - Coverage C, which cannot be attributed only to ongoing operations at a single designated construction project shown in the Schedule above:
- 1.** Any payments made under Coverage A for damages or under Coverage C for medical expenses shall reduce the amount available under the General Aggregate Limit or the Products-completed Operations Aggregate Limit, whichever is applicable; and
 - 2.** Such payments shall not reduce any Designated Construction Project General Aggregate Limit.
- C.** When coverage for liability arising out of the "products-completed operations hazard" is provided, any payments for damages because of "bodily injury" or "property damage" included in the "products-completed operations hazard" will reduce the Products-completed Operations Aggregate Limit, and not reduce the General Aggregate Limit nor the Designated Construction Project General Aggregate Limit.
- D.** If the applicable designated construction project has been abandoned, delayed, or abandoned and then restarted, or if the authorized contracting parties deviate from plans, blueprints, designs, specifications or timetables, the project will still be deemed to be the same construction project.
- E.** The provisions of Section III - Limits Of Insurance not otherwise modified by this endorsement shall continue to apply as stipulated.

FEDERATED MUTUAL INSURANCE COMPANY

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

ADDITIONAL INSURED - GRANTOR OF FRANCHISE

This endorsement modifies insurance provided under the following:

COMMERCIAL GENERAL LIABILITY COVERAGE PART

SCHEDULE

Name(s) Of Person(s) Or Organization(s):

CITY OF COLLEGE STATION
PO BOX 9960
COLLEGE STATION TX 77842

Information required to complete this Schedule, if not shown above, will be shown in the Declarations.

A. Section II - Who Is An Insured is amended to include as an additional insured the person(s) or organization(s) shown in the Schedule, but only with respect to their vicarious liability, as grantor of a franchise to you, for damages because of "bodily injury", "property damage" or "personal and advertising injury" solely caused by the Named Insured's acts or omissions.

However:

1. The insurance afforded to such additional insured only applies to the extent permitted by law;
2. The person(s) or organization(s) shown in the schedule do not qualify as an additional insured with respect to the independent acts or omissions of such person(s) or organization(s); and
3. If coverage provided to the additional insured is required by a contract or agreement, the insurance afforded to such additional insured will not be broader than that which you are required by the contract or agreement to provide for such additional insured.

B. With respect to the insurance afforded to these additional insureds, the following is added to Section III - Limits Of Insurance:

If coverage provided to the additional insured is required by a contract or agreement, the most we will pay on behalf of the additional insured is the amount of insurance:

1. Required by the contract or agreement; or
 2. Available under the applicable limits of insurance;
- whichever is less.

This endorsement shall not increase the applicable limits of insurance.

CAFFEY & SONS, LLC
609 E 32ND ST
BRYAN TX 77803

WORKERS COMPENSATION AND EMPLOYERS LIABILITY INSURANCE POLICY

TEXAS WAIVER OF OUR RIGHT TO RECOVER
FROM OTHERS ENDORSEMENT

This endorsement, effective on 07/24/2021 at 12:01 A.M. standard time, forms a part of

Policy No. 1806588

Issued to Caffey & Sons, LLC

Issued by Federated Mutual Insurance Company

Endorsement No. 1

Authorized Representative

This endorsement applies only to the insurance provided by the policy because Texas is shown in item 3.A. of the Information Page.

We have the right to recover our payments from anyone liable for an injury covered by this policy. We will not enforce our right against the person or organization named in the Schedule, but this waiver applies only with respect to bodily injury arising out of the operations described in the Schedule where you are required by a written contract to obtain this waiver from us.

This endorsement shall not operate directly or indirectly to benefit anyone not named in the Schedule.

The premium for this endorsement is shown in the Schedule.

Schedule

1. ☐ Specific Waiver

Name of person or organization:

- ☒ Blanket Waiver

Any person or organization for whom the Named Insured has agreed by written contract to furnish this waiver.

2. Operations:

3. Premium:

The premium charge for this endorsement shall be _____ percent of the premium developed on payroll in connection with work performed for the above person(s) or organization(s) arising out of the operations described.

4. Advance Premium: **Included**

FEDERATED INSURANCE COMPANIES

THIS ENDORSEMENT CHANGES THE POLICY. PLEASE READ IT CAREFULLY.

LIMITED AMENDMENT OF CANCELLATION PROVISIONS

All Coverage Parts included in this policy are subject to the following conditions:

If we cancel this policy, we will mail advance notice to the person(s) or organization(s) as shown in the Schedule.

SCHEDULE

Name and Address of Person(s) Or Organization(s): CITY OF COLLEGE STATION PO BOX 9960 COLLEGE STATION, TX 77842-7960
Number of days advance notice for any reason other than non-payment of premium: 30
Number of days advanced notice for non-payment of premium: See Common Policy Conditions

Insured:

CAFFEY & SONS, LLC
609 E 32ND ST
BRYAN, TX 77803-4614

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IL-F-50 (04-13)

Policy Number: 9918509

Transaction Effective Date: 02/18/2022

April 14, 2022

Item No. 7.3.

Ordinance Amendment Northgate District Sanitation Collection & Containers

Sponsor: Debbie Eller, Director of Community Services

Reviewed By CBC: City Council

Agenda Caption: Presentation, discussion, and possible action regarding an ordinance amending Chapter 40, "Utilities," Division 2 "Waste Collection," Section 40-388, 40-391, and 40-392 and renumbering the remaining sections of Division 2 and presentation, discussion, and possible action regarding a resolution amending fees related to waste collection in Resolution 08-12-21-8.4 establishing the fees, rates and charges as authorized in Chapter 2 "Administration", Art. V. "Finance", Div. 2 "Fees, Rates and Charges".

Relationship to Strategic Goals:

Core Services and Infrastructure, Neighborhood Integrity

Recommendation(s): Staff recommends approval of an amendment to Chapter 40, "Utilities," Article IV, "Solid Waste Collection and Disposal," Division 2 "Waste Collection," Section 40-338, 40-391, and 40-392 and renumbering the remaining sections of Division 2 and adoption of a resolution amending Resolution 08-12-21-8.4 to establish a penalty.

Summary:

The high-rise developments in the Northgate District require alternate sanitation collection planning and processes. The high-rise properties are developed with a sanitation collection area built inside the bottom floor of the building. The waste is collected in rolling commercial containers that must be rolled out of the building by property staff at specified times for collection. Property staff is responsible for moving the container back inside the collection area after Sanitation has collected the waste. This process is agreed to during the development process.

Chapter 40, Division 2 "Waste Collection" does not currently include specific language regarding the process and does not include penalties for violations. This ordinance amendment clearly defines the requirement for Northgate District Collection and Containers and establishes a violation and penalty. The resolution amending Resolution 08-12-21-8.4 establishes a penalty for a violation of the ordinance.

Budget & Financial Summary: N/A

Attachments:

1. CH 40 Utility Ord Amend Waste Collection NG
2. FY 22 Fee Resolution Amend Waste Collection

ORDINANCE NO. _____

AN ORDINANCE AMENDING CHAPTER 40, “UTILITIES,” ARTICLE IV, “SOLID WASTE COLLECTION AND DISPOSAL,” DIVISION 2 “WASTE COLLECTION,” SECTION 40-388, 40-391, AND 40-392 OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS RELATING TO WASTE COLLECTION; 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:** Chapter 40, “Utilities,” Article IV, “Solid Waste Collection and Disposal,” Division 2 “Waste Collection,” Section 40-388, 40-391, and 40-392 of the Code of Ordinances of the City of College Station, Texas, be amended as set out in Exhibit “A” attached hereto and made a part of this Ordinance for all purposes.
- PART 2:** 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 _____ day of _____, 20__.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

City Attorney

EXHIBIT A

That **Chapter 40, “Utilities,” Article IV, “Solid Waste Collection And Disposal,” Division 2 “Waste Collection,” Section 40-388, 40-391 and 40-392 and renumbering the remaining sections of Division 2** of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

Sec. 40-388. - Service level and appeal.

Upon request for solid waste collection service, the City shall designate the service level requirements for that location. The City may upon notice and hearing require replacement, removal of containers, changes in container type, container placement or the service levels, including types of collection at any location when the current service level is deemed to be inadequate causing a health, sanitation, public safety, or litter issue or concern. A change in service level may result in additional fees. The decision may be appealed in writing within seven (7) days to the City Manager by the customer.

Sec. 40-391. Commercial collection.

- (a) **Containers.** All commercial units shall utilize automated or roll-off commercial-type containers as designated by the City for the collection of commercial refuse. Automated collection containers will be provided by the City. Roll-off compacting containers and rolling containers shall be approved by the City and provided and maintained by the customer. The City is not responsible for any damage to the containers provided by the customer.
- (b) **Rates.** The City will provide for the removal of garbage and trash under the rates established for commercial containerized collection.
- (c) **Screening or Enclosures.** The customer is responsible for providing container screening or enclosures compliant with the City's Unified Development Ordinance (see App. A). The customer, owner or occupant must properly maintain and clean the screening or enclosure. Proper maintenance includes, but is not limited to properly maintained and working gates, gate rods and pins, bollards, pads, access drives and fencing.
- (d) **Unserviceable Container.** If a container is unserviceable, such as being blocked, not accessible, containing prohibited items, not in an approved collection location, screening or enclosure damage, or unsanitary conditions are present, the City will return to empty the container only after the container is serviceable, for a fee as established in Section 2-117.
- (e) **Container Access.** Containers shall not be set out, unless an all-weather access route capable of supporting the container and the service truck is available. The City will not be responsible for damage done to private drives and parking areas by service trucks servicing containers.

- (f) **Container Placement Prohibitions.** No person shall place any refuse or refuse container on, in or over any drainage system, or place any refuse or refuse container in or on a sidewalk, right-of- way, unless the container is out for approved collection.
- (g) **Sanitary Conditions.** The customer, owner or occupant of the premises is responsible for keeping the area around the container, including the pavement, sanitary and clean and clear of all waste, garbage, trash, and liquids.
- (h) **Prohibited Items Around Container.** Any person is prohibited from placing any items, materials, containers, or receptacles around or in the proximity of the container or container screening or enclosures.
- (i) **Low Waste Volumes.** When it is beneficial for small businesses generating low volumes of waste to jointly use a container set for their convenience, the basic charge will be divided between the businesses. However, this charge shall not be lower than the minimum charge for any commercial location. The size and number of containers provided shall be determined by the City.

[Editor's Note: The text of 40-392 is replaced with the below text. The former 40-392 is renumbered to 40-393 and the remainder of the Division is renumbered.]

Sec. 40-392. Northgate District Collection and Containers. The following are applicable to only customers, owners, and occupants in the Northgate District having commercial or residential containers or some combination of commercial or residential with shared collection or containers:

- (a) Customers, owners, or occupants are subject to all applicable residential or commercial collection regulations.
- (b) The customer, owner or occupant shall not place containers curbside for approved collection before 4:00 A.M. on the scheduled collection day.
- (c) The customer, owner or occupant must remove containers from the designated collection area and remove containers from the right-of-way by 9:00 A.M. on the scheduled collection day.
- (d) The customer, owner, or occupant under no circumstances, shall place any container for normal daily use within an area defined by the edge of the street, pavement, sidewalk or curb and the building set back line.
- (e) If the container is placed out or left out in violation of this section the customer, owner, or occupant in, addition to any other penalties, will be assessed a fee per container fee per container as established in Section 2-117. If the container presents a public safety issue the City may move or remove the container at the sole expense of the customer, owner, or occupant.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS (CITY), AMENDING RESOLUTION 08-12-21-8.4 ESTABLISHING THE FEES, RATES AND CHARGES AS AUTHORIZED IN CHAPTER 2 “ADMINISTRATION”, ART. V. “FINANCE”, DIV. 2 “FEES, RATES AND CHARGES” OF THE CODE OF ORDINANCES.

WHEREAS, the Code of Ordinances, City of College Station, Texas contains substantially all ordinances compiled, adopted and approved by the College Station City Council; and

WHEREAS, Chapter 2 “Administration”, Art. V. “Finance”, Div. 2 “Fees, Rates and Charges” of the Code of Ordinances, City of College Station, Texas requires all fees, rates and charges be adopted by resolution; now therefore,

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

PART 1: That the City Council has approved, authorized and established the fees, rates and charges as provided by Chapter 2 “Administration”, Art. V. “Finance”, Div. 2 “Fees, Rates and Charges” of the Code of Ordinances, City of College Station, Texas.

PART 2: That reference to a Chapter, Article, Division or Section in **Exhibit A, “Fees, Rates and Charges”** shall be considered a reference to the same Chapter, Article, Division or Section from the Code of Ordinances, City of College Station, Texas.

PART 3: That the City Council amends resolution 08-12-21-8.4 establishing fees, rates or charges as shown in **Exhibit A, “Fees, Rates and Charges”** and all other fees, rates, or charges remain in full force and effect.

PART 4: That this resolution shall become effective immediately after passage and approval.

ADOPTED this ____ day of _____, 2022.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

City Attorney

EXHIBIT A
FEES, RATES AND CHARGES

That the City Council amends resolution 08-12-21-8.4 by amending the below sections, all other fees, rates, or charges remain in full force and effect.

Article IV. Solid Waste Collection and Disposal
Division 2. Waste Collection Generally

The solid waste collection and disposal fees in this section are adjusted annually based upon the Consumer Price Index published by the U.S. Department of Labor, Bureau of Labor Statistics. Index adjustments cannot fall below zero.

a. Sec. 40-389. Residential collection generally.

- i. Any customer generating more waste than one container will hold may request an additional container and shall pay an additional fee as established in Section 2-117. - **\$11.80**

b. Sec. 40-391. Commercial collection.

- i. If a container is unserviceable, such as being blocked, not accessible, containing prohibited items, not in an approved collection location, screening or enclosure damage, or unsanitary conditions are present, the City will return to empty the container only after the container is serviceable, for a fee as established in Section 2-117. - **\$20.90**

c. Sec. 40-392. Northgate District Collection and Containers.

- i. If the container is placed out or left out in violation of this section the customer, owner, or occupant in, addition to any other penalties, will be assessed a fee per container as established in Section 2-117. If the container presents a public safety issue the City may move or remove the container at the sole expense of the customer, owner, or occupant. - **\$20.90**

d. Sec. 40-396. Unprepared solid waste.

- i. The City's Sanitation Division shall cause the clean-up of the improperly or unprepared waste, litter or debris that constitutes a health or nuisance to the community. The fee established in Section 2-117 or the actual cost of cleanup, whichever is greater, shall be paid by the responsible party. - **\$69.40**

e. Sec. 40-400. Small animals.

- i. Upon notice, the City will remove and dispose of small dead animals, including, but not limited to, dogs, cats, chickens, ducks and geese, either from private property or public rights-of-way, excluding animal clinics. - **\$21.10**
- ii. Customers requesting removal from private property shall place the animal in a plastic bag and place the bag curbside before notification of pick up. Removal and disposal of small dead animals from private animal clinics shall be for a fee as established in Section 2-117. - **\$21.10**

April 14, 2022

Item No. 7.4.

Section 3 Implementation Plan and Administrative Guide

Sponsor: Debbie Eller, Director of Community Services

Reviewed By CBC: City Council

Agenda Caption: Presentation, discussion, and possible action regarding the repeal of the existing Section 3 Implementation Plan and Administrative Guide and the adoption of a revised Section 3 Implementation Plan and Administrative Guide to comply with 24 CFR, Part 75 of the United States Department of Housing and Urban Development Section 3.

Relationship to Strategic Goals:

Good Governance, Diverse & Growing Economy, Core Service & Infrastructure

Recommendation(s): Staff recommends approval of a resolution adopting the Section 3 Implementation Plan and Administrative Guide.

Summary:

Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) (Section 3), as amended by the Housing and Community Development Act of 1994, requires that, to the greatest extent feasible, employment and other economic opportunities generated by HUD funds be directed to low- and very low-income residents. As an entitlement community with HUD, the City receives the Community Development Block Grant and HOME Investment Partnership Program Grant and must comply with Section 3.

The City is committed to ensuring that employment, training, and other economic opportunities are made available through programs carried out with funds from the federal government through the implementation of the Section 3 program. Contracts awarded for construction utilizing federal resources will require contractors to provide equal employment opportunity to all employees and applicants for employment without regard to race, color, religion, sex, national origin, disability, veteran's or familial status, or economic status and to take affirmative action to ensure that both job applicants and existing employees are given fair and equal treatment.

The City of College Station implements this Section 3 policy through awarding contracts to contractors that, to the greatest extent feasible, create employment and business opportunities for the low- and very-low income residents and business concerns of the College Station-Bryan MSA. The Section 3 Implementation Plan and Administrative Guide will provide the policies and procedures to ensure compliance.

This agenda item repeals Resolution 05-14-12-2b that adopted the Section 3 Implementation Plan and Administrative Guide based on 24 CFR 135 in 2012. This Section 3 Implementation Plan and Administrative Guide was developed to comply with the new Section 3 rule found in 24 CFR 75, effective November 30, 2020. The only contract that has been awarded since the effective date is a HOME agreement with Elder Aid. They are working with the Section 3 Coordinator in Community Development to ensure compliance.

Budget & Financial Summary: N/A

Attachments:

1. Attachment 1 - Section 3 Implementation Plan & Administrative Guide
2. Attachment 2 - Resolution

**SECTION 3 IMPLEMENTATION PLAN AND ADMINISTRATIVE GUIDE
FOR THE CITY OF COLLEGE STATION
(UPDATED 06/16/2021)**

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1. Overview of Section 3 Requirements

A. WHAT IS SECTION 3?

Section 3 is a provision of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u) that is regulated by the provisions of 24 CFR 75. Section 3 regulations ensure that employment and other economic opportunities generated by certain HUD financial assistance shall, to the greatest extent feasible, and consistent with existing Federal, State and local laws and regulations, be directed to low and very low-income persons, particularly those who are recipients of government assistance for housing, and to business concerns which provide economic opportunities to low- and very low-income persons.

B. PURPOSE OF THIS DOCUMENT

This plan outlines how the City of College Station (hereinafter referred to as “City”) and its subrecipients, contractors and subcontractors will comply with HUD’s Section 3 requirements in implementing the City’s Community Development Block Grant (CDBG) and/or HOME Investment Partnerships (HOME) programs. The City will, to the greatest extent feasible, ensure that employment and other economic opportunities are directed to low- and very low-income persons (Section 3 workers and Targeted Section 3 workers) and to eligible businesses (Section 3 Businesses) and requires the same of its contractors.

The City may amend its Section 3 Policies and Procedures document as necessary to ensure continued compliance with HUD’s requirements and/or to reflect updated Section 3 guidance and outreach strategies.

C. APPLICABILITY

For public housing financial assistance (not currently applicable to the City of College Station), all funding is covered, regardless of the amount of expenditure or size of a contract. This plan applies to development assistance, operating funds, capital funds, and all mixed-finance development.

For housing and community development financial assistance, this plan applies to housing rehabilitation, housing construction, and other public construction projects that exceed \$200,000 or more of housing and community development financial assistance from one or more HUD programs. Applicability is determined at the project level.

For projects funded with Lead and Hazard Control and Healthy Homes Programs (not currently applicable to the City of College Station), this plan applies to projects that exceed \$100,000.

This plan also applies to projects that include multiple funding sources (not currently applicable to the City of College Station). Multiple funding source projects include projects that include public housing financial assistance, housing and community development

financial assistance for single or multiple recipients, and the Lead Hazard Control and Healthy Homes Program.

Section 3 requirements **do not** apply to:

- 1) Material Supply Contracts - § 75.3(b);
- 2) Indian and Tribal Preferences - § 75.3(c), and;
- 3) Other HUD assistance and other Federal assistance not subject to Section 3 §75.3(d).
However, for financial assistance that is not subject to Section 3, recipients are encouraged to consider ways to support the purpose of Section 3.

2. Section 3 Coordinator

The City's Section 3 Coordinator serves as the central point of contact for Section 3 compliance for The City and its subrecipients, contractors and subcontractors supporting the program. Subrecipients, contractors, subcontractors and others are encouraged to reach out to The City's Section 3 Coordinator with questions regarding Section 3 compliance:

Eric Barton
Community Development Analyst
Community Services Department
Office: (979) 764-3778
vbarton@cstx.gov

3. Employment, Training, and Contracting Goals

A. SAFE HARBOR COMPLIANCE

The City will be considered to have complied with the Section 3 requirements and met safe harbor, if they certify that they followed the required prioritization of effort and met or exceeded the Section 3 benchmarks, absent evidence of the contrary.

Prior to the beginning of work, contractors and subcontractors will be required to certify that they will follow the required prioritization of effort for Section 3 workers, Targeted Section 3 workers, and Section 3 business concerns as outlined below in section C. After completion of the project, on the Section 3 Cumulative Report, contractors and subcontractors will be required to certify that they followed the prioritization of effort requirements.

If the contractor and subcontractor does not meet the safe harbor requirements, they must provide evidence that they have made qualitative efforts to assist low and very low-income persons with employment and training opportunities.

B. SAFE HARBOR BENCHMARKS

The City has established employment and training goals that subrecipients, contractors, and subcontractors should meet in order to comply with Section 3 requirements outlined in [24 CFR Part 75.9 - for public housing financial assistance] or [24 CFR Part 75.19 - for housing and community development financial assistance]. The safe harbor benchmark goals are as follows:

- 1) Twenty-five (25) percent or more of the total number of labor hours worked by all workers on a Section 3 project are Section 3 workers;

$$\text{Section 3 Labor Hours/Total Labor Hours} = 25\%$$

And

- 2) Five (5) percent or more of the total number of labor hours worked by all workers on a Section 3 project are Targeted Section 3 workers, as defined at 24 CFR Part 75.21.

$$\text{Targeted Section 3 Labor Hours/Total Labor Hours} = 5\%$$

HUD establishes and updates Section 3 benchmarks for Section 3 workers and/or Targeted Section 3 workers through a document published in the Federal Register, not less frequently than once every 3 years. Given that the Section 3 benchmarks are subject to change every three years or sooner, the City will review and update the Section 3 Plan annually, or as needed.

It is the responsibility of contractors to implement efforts to achieve Section 3 compliance. Any contractor that does not meet the Section 3 benchmarks must demonstrate why meeting the benchmarks were not feasible. All contractors submitting bids or proposals to the City are required to certify that they will comply with the requirements of Section 3.

C. CERTIFICATION OF PRIORITIZATION OF EFFORT FOR EMPLOYMENT, TRAINING, AND CONTRACTING

EMPLOYMENT AND TRAINING

Under the City's Section 3 Program, contractors and subcontractors should make best efforts to provide employment and training opportunities to Section 3 workers in the priority order listed below:

Provide employment and training opportunities to Section 3 workers within the metropolitan area (or nonmetropolitan county) in which the project is located in the priority order listed below:

- 1) Section 3 workers residing within the service area or the neighborhood of the project, and
- 2) Participants in YouthBuild programs.

Contractors and subcontractors will be required to certify that they will and have made best efforts to follow the prioritization of effort requirements prior to the beginning work and after work is completed.

CONTRACTING

Under the City's Section 3 Program, contractors and subcontractors must make their best efforts to award contracts and subcontracts to business concerns that provide economic opportunities to Section 3 workers in the following order or priority:

- 1) Business concerns that provide economic opportunities to Section 3 workers residing within the metropolitan area (or nonmetropolitan county) in which assistance is located in the following order of priority (where feasible):
 - a) Section 3 business concerns that provide economic opportunities to Section 3 workers residing within the service area or the neighborhood of the project; and
 - b) YouthBuild programs.

Contractors and subcontractors will be required to certify that they will and have made best efforts to follow the prioritization of effort requirements prior to the beginning work and after work is completed.

4. Section 3 Eligibility and Certifications

Individuals and businesses that meet Section 3 criteria may seek Section 3 preference from the City or its contractors/subcontractors for training, employment, or contracting opportunities generated by housing and community development financial assistance. To qualify as a Section 3 worker, Targeted Section 3 worker or a Section 3 business concern, each must self-certify that they meet the applicable criteria.

Businesses who misrepresent themselves as Section 3 business concerns and report false information to the City may have their contracts terminated as default and be barred from ongoing and future considerations for contracting opportunities.

A. SECTION 3 WORKER AND TARGETED SECTION 3 WORKER CERTIFICATION

A Section 3 worker seeking certification shall submit self-certification documentation to the recipient contractor or subcontractor, that the person is a Section 3 worker or Targeted Section 3 worker as defined in 24 CFR Part 75. For the purposes of Section 3 worker eligibility, the City will use individual income (1 Persons in Family column at Low

80% Income Limits row at link below) rather than family/household income to determine eligibility. The income limits will be determined annually using the guidelines currently published at:

<https://www.huduser.gov/portal/datasets/il/il2021/2021summary.odn>

Persons seeking the Section 3 worker preference shall demonstrate that it meets one or more of the following criteria currently or when hired within the past five years, as documented:

- 1) A low or very low-income resident (the worker's income for the previous or annualized calendar year is below the income limit established by HUD); or
- 2) Employed by a Section 3 business concern; or
- 3) A YouthBuild participant.

Persons seeking the Targeted Section 3 worker preference shall demonstrate that it meets one or more of the following criteria:

- 1) Employed by a Section 3 business concern; or
- 2) Currently meets, or when hired met, at least one of the following categories as documented within the past five years:
 - a) Living within the service area or the neighborhood of the project, as defined in 24 CFR Part 75.5; or
 - b) A YouthBuild participant.

Section 3 workers and Targeted Section 3 workers who are seeking preference in training and employment must submit the Section 3 Worker Certification Form provided as Appendix C. The certification procedure will consist of the following:

- Applicant submits the Section 3 Worker Certification Form to employing Contractor, along with his/her application for employment, proof of experience to fulfill the obligations and responsibilities of the position applied for, and any other required paperwork employer must have to qualify an employee to work for the company.
- Employer works with the City's Section 3 Coordinator to Section 3 qualify any and all job qualified eligible workers.
- If applicant meets or exceeds the qualifications for the job position and qualifies as a Section 3 Worker or Target Section 3 Worker, preference for employment and/or training will be given to that applicant over those that are not Section 3 qualified.

PROJECTS INVOLVING MULTIPLE SOURCES OF FUNDING (not currently applicable to the City of College Station)

In cases where Section 3 covered projects include multiple sources of funds, including public housing financial assistance and housing and community development assistance, the PHA must follow the definition of Targeted Section 3 worker and priorities as outlined in subpart B of Part 75. For housing and community development financial assistance, the City may follow either subpart B or subpart C of Part 75. As a best practice, it is recommended that for projects that include public housing financial assistance and housing and community development financial assistance, that the City follow subpart B to maintain consistency in reporting.

In cases where Section 3 covered projects include multiple housing and development funding sources (financial assistance) from single or multiple recipients, the City will follow subpart C of Part 75. Refer to chart in Appendix B.

B. SECTION 3 BUSINESS CONCERN CERTIFICATION

The City should encourage contractors and subcontractors to make best efforts to award contracts and subcontracts to Section 3 business concerns.

Businesses that believe they meet the Section 3 Business requirements can self-register in the HUD Business registry, here:

<https://hudapps.hud.gov/OpportunityPortal/>

Businesses may seek Section 3 Business Concern preference by demonstrating that it meets one or more of the following criteria:

- 1) At least 51 percent of the business is owned and controlled by low- or very low-income persons; or
- 2) At least 51 percent of the business is owned and controlled by current public housing residents or residents who currently live in Section 8-assisted housing; or
- 3) Over 75 percent of the labor hours performed for the business over the prior three-month period are performed by Section 3 workers.

Businesses that seek Section 3 preference shall certify or demonstrate to the City, contractors or subcontractors, that they meet the definitions provided in the above. Businesses may demonstrate eligibility by submitting the Section 3 Business Concern Certification Form, located in Appendix D.

Section 3 Business Concern Certification Forms must be submitted at the time of bid/proposal. If the City previously approved the business concern to be Section 3 certified, then the certification can be submitted along with the bid, as long as the form is submitted within the prescribed expiration date. The Section 3 Business Concern Certification Form will expire after 6 months unless the business remains involved in an on-going Section 3 project contract. Establishing a 6-month certification of eligibility

period allows the City the ability to assess contractor performance to ensure the business is striving to meet the required goals.

5. Assisting Contractors with Achieving Section 3 Goals

In an effort to assist contractors with meeting or exceeding the Section 3 goals, the City will do the following:

- 1) Share Section 3 Plan with contractors and subcontractors and explain policies and procedures
- 2) Require contractors wishing to submit a bid/offer/proposal to attend pre-bid meeting
- 3) Require contractor to sign the Section 3 Plan at pre-construction conference
- 4) Review Section 3 benchmarks and prioritization of effort with contractors and subcontractors to ensure that the goals are understood. It is not intended for contractors and subcontractors to terminate existing employees, but to make every effort feasible to meet Section 3 benchmark goals by utilizing existing qualified workforce and by considering qualified eligible Section 3 workers and Targeted Section 3 workers (per the prioritization of effort outlined in Section #3) before any other person, when hiring additional employees is needed to complete proposed work to be performed with the HUD program.
- 5) At the time of bid, require the contractor to present a list of the number of total labor hours, Section 3 worker labor hours and Targeted Section 3 worker labor hours expected to be generated from the initial contract, and a list of projected number of available positions to include job descriptions and wage rates.
- 6) Maintain a local Section 3 worker/Targeted Section 3 worker database and provide the contractor with a list of interested and qualified Section 3 workers and Targeted Section 3 workers and contact information.
- 7) Inform contractors about the HUD Section 3 Opportunity Portal:
<https://hudapps.hud.gov/OpportunityPortal/>
- 8) Require contractors to notify Section 3 Coordinator of their interests regarding employment of Section 3 workers prior to hiring.
- 9) Encourage local business to register on the HUD Business Registry and direct contractors to the HUD Section 3 Business Registry
<https://www.hud.gov/section3businessregistry>
- 10) Leverage the City's communication outlets (social media, website, etc.) to effectively communicate employment and contracting opportunities that arise.
- 11) Require contractors to submit a list of core employees (including administrative, clerical, planning and other positions pertinent to the construction trades) at the time of the contract award.

6. Section 3 Outreach

A. OUTREACH EFFORTS FOR EMPLOYMENT AND TRAINING

In order to educate and inform workers and contractors, the City's Section 3 Coordinator will be prepared to provide training and technical assistance on a regular basis per program guidelines. When training opportunities are available, contractors and subcontractors should, to the greatest extent feasible:

- 1) Notify the Section 3 Coordinator when training opportunities are available
- 2) Provide information/handouts about Section 3 training opportunities to potential Section 3 workers and Targeted Section 3 workers
- 3) Conduct an annual training for Section 3 workers and Section 3 businesses

Contractors and subcontractors should employ several active strategies to notify Section 3 workers and Targeted Section 3 workers of Section 3 job opportunities, including:

- 1) Clearly indicating Section 3 eligibility on all job postings with the following statement: "This job is a Section 3 eligible job opportunity. We encourage applications from individuals that are low income and/or live in Public Housing and/or receive a Section 8 voucher";
- 2) Including the Section 3 Worker and Targeted Section 3 Worker Self-Certification Form in all job postings
- 3) Working with the Section 3 Coordinator to connect Section 3 worker and Targeted Section 3 workers in the City's database with opportunities and/or utilize the Section 3 Opportunity Portal to find qualified candidates
- 4) Establishing a current list of Section 3 eligible applicants
- 5) Contacting local community organizations and provide them with job postings for Section 3 eligible applicants; and
- 6) Coordinating a programmatic ad campaign, which results in widespread job posting across diverse ad networks including:
 - a) Advertising job opportunities via social media, including LinkedIn and Facebook;
 - b) Advertising job opportunities via flyer distributions and mass mailings and posting ad in common areas of housing developments and all public housing management offices
 - c) Contacting resident councils, resident management corporations, and neighborhood community organizations to request their assistance in notifying residents of available training and employment opportunities

B. OUTREACH EFFORTS FOR CONTRACTING

When contracting opportunities arise in connection with the Community Development Block Grant (CDBG) and/or HOME Investment Partnerships (HOME) programs, the City

will employ the following strategies to notify Section 3 Business Concerns of Section 3 contracting opportunities, including but not limited to:

- 1) Adding Section 3 language to all RFPs, procurement documents, bid offerings and contracts.
- 2) Coordinating mandatory pre-bid meetings to inform Section 3 Business Concerns of upcoming contracting opportunities. The Section 3 Coordinator will participate in these meetings to explain and answer questions related to Section 3 policy.
- 3) Advertising contracting opportunities in local community papers and notices that provide general information about the work to be contracted and where to obtain additional information.
- 4) Providing written notice of contracting opportunities to all known Section 3 Business Concerns. The written notice will be provided in sufficient time to enable business concerns the opportunity to respond to bid invitations.
- 5) Coordinating with the prime contractor to publicize contracting opportunities for small businesses.
- 6) Coordinating with the City's Economic Development staff and all other business assistance agencies and contractor associations to inform them of contracting opportunities and request their assistance in identifying Section 3 business concerns. Could include local community development organizations, business development agencies (Chamber of Commerce), and minority contracting associations.
- 7) Connecting Section 3 business concerns with resources to support business development to assist in obtaining contracting opportunities (e.g., bonding and insurance assistance, etc.). Contractors will also be encouraged to collaborate with the City as subcontract opportunities arise in an effort to notify eligible Section 3 business concerns about the contracting opportunities.

7. Section 3 Contracting Policy and Procedure (suggested but not required)

The City will incorporate Section 3 in its existing Procurement Policy and adopt a Section 3 Contracting Policy and Procedure to be included in all procurements generated for use with HUD funding. This policy and procedure contain requirements for making efforts to award contracts to Section 3 Business Concerns.

All contractors/businesses seeking Section 3 preference must, before submitting bids/proposals to the City, be required to complete certifications as appropriate. Such certifications shall be adequately supported with appropriate documentation as referenced in the Section 3 Business Concern Certification Form.

8. Section 3 Provisions/Contract Language

The City will include standard Section 3 language (Section 3 Clause) in all its contracts to ensure compliance with regulations in 24 CFR Part 75. The City will take appropriate actions upon finding that a contractor is in violation of 24 CFR Part 75 and does not knowingly contract with any contractor that has been found in violation of the Section 3 regulations. On a periodic basis the Section 3 Coordinator will audit City's contractors for compliance with the minimum Section 3 requirements outlined in the Section 3 Plan.

In addition, contractors and subrecipients are required to include language in all Section 3 covered contracts or agreements for subcontractors to meet the requirements of 24 CFR Part 75.9 (for public housing financial assistance) or 24 CFR Part 75.19 (for housing and community development financial assistance).

For businesses, noncompliance with HUD's regulations in 24 CFR part 75 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

9. Reporting Requirements

For Section 3 covered contracts, contractors must submit the Section 3 Performance and Summary Report to the Section 3 Coordinator on a monthly basis, and the annual reporting requirement set forth in that form's instructions.

A. MONTHLY REPORTING

- 1) Contractors are required to submit monthly activity reports to the Section 3 Coordinator (vbarton@cstx.gov) by the last day of each month.

B. ANNUAL REPORTING

- 1) Once a project is completed, contractors must submit a final Section 3 cumulative report for the program year.
- 2) Upon the completion of a Section 3 project, the Section 3 Coordinator will conduct a final review of the project's overall performance and compliance.
- 3) The Section 3 Coordinator will submit the Section 3 data into HUD's specified reporting system in accordance with HUD's reporting requirements and timeline.

C. REPORTING ON PROJECTS WITH MULTIPLE FUNDING SOURCES (not currently applicable to the City of College Station)

- 1) For Section 3 projects that include public housing financial assistance and housing and community development financial assistance, the City and the participating PHA will report on the project as a whole and will identify the multiple associated recipients.
- 2) For projects assisted with funding from multiple sources of housing and community development assistance that exceed the thresholds of \$200,000 and \$100,000 for Lead Hazard Control and Healthy Homes Programs (LHCHH), the City will follow subpart C of Part 75 and will report to the applicable HUD program office, as prescribed by HUD. Note: LHCHH assistance is not included in calculating whether the assistance exceeds the \$200,000 threshold. HUD public housing financial assistance and HUD housing and community development financial assistance is not included in calculating whether the assistance exceeds the LHCHH \$100,000 threshold. Refer to chart in Appendix B.

10. Internal Section 3 Complaint Procedure

In an effort to resolve complaints generated due to non-compliance through an internal process, the City encourages submittal of such complaints to its Section 3 Coordinator as follows:

- 1) Complaints of non-compliance should be filed in writing and must contain the name of the complainant and brief description of the alleged violation of 24 CFR Part 75.
- 2) Complaints must be filed within fourteen (14) calendar days after the complainant becomes aware of the alleged violation.
- 3) An investigation will be conducted if complaint is found to be valid. The City will conduct an informal, but thorough investigation affording all interested parties, if any, an opportunity to submit testimony and/or evidence pertinent to the complaint.
- 4) The City will provide written documentation detailing the findings of the investigation. The City will review the findings for accuracy and completeness before it is released to complainants. The findings will be made available no later than sixty (60) days after the filing of complaint. If complainants wish to have their concerns considered outside of the City a complaint may be filed with:

U.S. Department of Housing and Urban Development
Region VI CPD Field Office
ATTN: Stacia L. Johnson
1301 Fannin Street
Suite 2200
Houston, TX 77002

The HUD program office responsible for the public housing financial assistance or the Section 3 project, or to the local HUD field office. These offices can be found through the HUD website,

https://www.hud.gov/program_offices/comm_planning/staff#TX

Complainants may be eligible to bring complaints under other federal laws. The U.S. Equal Employment Opportunity Commission (EEOC) is responsible for enforcing federal laws that make it illegal to discriminate against a job applicant or an employee because of the person's race, color, religion, sex (including pregnancy), national origin, age (40 or older), disability or genetic information (medical history or predisposition to disease). For more information about complainant rights, please contact EEOC at:

<https://www.eeoc.gov/>

The Department of Labor Office of Federal Contract Compliance Programs (OFCCP) enforces, for the benefit of job seekers and wage earners, the contractual promise of affirmative action and equal employment opportunity required of those who do business with the Federal government. More information about the services they provide can be obtained at:

<http://www.dol.gov/ofccp/>

11. Appendices

APPENDIX A: DEFINITIONS

The terms HUD, Public housing, and Public Housing Agency (PHA) are defined in 24 CFR part 5.

The following definitions also apply to 24 CFR Part 75 HUD's Economic Opportunities for Low and Very Low-Income Persons:

2020 Final Rule (24 CFR §75.5)- The terms *HUD*, *Public housing*, and *Public Housing Agency (PHA)* are defined in 24 CFR Part 5. The following definitions also apply to this part:

1937 Act means the United States Housing Act of 1937, 42 U.S.C. 1437 et seq. activities related to Public Housing

Business Concern is a business entity formed in accordance to State law, and which is licensed under State, county or municipal law to engage in the type of business activity for which it was formed.

Contractor means any entity entering into a contract with:

- (1) A recipient to perform work in connection with the expenditure of public housing financial assistance or for work in connection with a Section 3 project; or
- (2) A subrecipient for work in connection with a Section 3 project.

Labor hours means the number of paid hours worked by persons on a Section 3 project or by persons employed with funds that include public housing financial assistance.

Low-income person means a person as defined in Section 3(b)(2) of the 1937 Act, at or below 80% AMI. Note that Section 3 worker eligibility uses individual income rather than family/household income.

Material supply contracts means contracts for the purchase of products and materials, including, but not limited to, lumber, drywall, wiring, concrete, pipes, toilets, sinks, carpets, and office supplies.

Professional services means non-construction services that require an advanced degree or professional licensing, including, but not limited to, contracts for legal services, financial consulting, accounting services, environmental assessment, architectural services, and civil engineering services.

Public housing financial assistance means assistance as defined in 24 CFR Part 75.3(a)(1). Public housing project is defined in 24 CFR 905.108.

Recipient means any entity that receives directly from HUD public housing financial assistance or housing and community development assistance that funds Section 3 projects, including, but not limited to, any State, local government, instrumentality, PHA, or other public agency, public or private nonprofit organization.

Section 3 means Section 3 of the Housing and Urban Development Act of 1968, as amended (12 U.S.C. 1701u).

Section 3 business concern means:

- (1) A business concern meeting at least one of the following criteria, documented within the last six-month period:
 - (i) It is at least 51 percent owned and controlled by low- or very low-income persons;
 - (ii) Over 75 percent of the labor hours performed for the business over the prior three month period are performed by Section 3 workers; or
 - (iii) It is a business at least 51 percent owned and controlled by current public housing residents or residents who currently live in Section 8-assisted housing.
- (2) The status of a Section 3 business concern shall not be negatively affected by a prior arrest or conviction of its owner(s) or employees.
- (3) Nothing in this part shall be construed to require the contracting or subcontracting of a Section 3 business concern. Section 3 business concerns are not exempt from meeting the specifications of the contract.

Section 3 Clause is the contract provision set forth in the former Section 3 regulation citation 135.38, but modified in this plan to be used for Section 3 contracts carried out under the new 24 CFR Part 75 citation. The Section 3 Clause shall be used verbatim in all Section 3 contracts and subcontracts.

Section 3 Coordinator is person tasked with overseeing all Section 3 responsibilities for the City's Community Services office.

Section 3 Covered Assistance is assistance provided under any HUD housing or community development program that is expended for work arising in connection with housing rehabilitation, construction, or other public construction project (which includes other building or improvements, regardless of ownership).

Section 3 project means a project defined in 24 CFR Part 75.3(a)(2):

- (1) Section 3 projects means housing rehabilitation, housing construction, and other public construction projects assisted under HUD programs that provide housing and community development financial assistance when the total amount of assistance to the project exceeds a threshold of \$200,000. The threshold is \$100,000 where the assistance is from the Lead Hazard Control and Healthy Homes programs, as authorized by Sections 501 or 502 of the Housing and Urban Development Act of 1970 (12 U.S.C. 1701z-1 or 1701z-2), the Lead-Based Paint Poisoning Prevention Act (42 U.S.C 4801 et seq.); and the Residential

Lead-Based Paint Hazard Reduction Act of 1992 (42 U.S.C. 4851 et seq.). The project is the site or sites together with any building(s) and improvements located on the site(s) that are under common ownership, management, and financing.

- (2) The Secretary must update the thresholds provided in paragraph (a)(2)(i) of this section not less than once every 5 years...
- (3) The requirements in this part apply to an entire Section 3 project, regardless of whether the project is fully or partially assisted under HUD programs that provide housing and community development financial assistance.

Section 3 worker means:

- (1) Any worker who currently fits or when hired within the past five years fit at least one of the following categories, as documented:
 - (i) The worker's income for the previous or annualized calendar year is below the income limit established by HUD.
 - (ii) The worker is employed by a Section 3 business concern.
 - (iii) The worker is a YouthBuild participant.
- (2) The status of a Section 3 worker shall not be negatively affected by a prior arrest or conviction.
- (3) Nothing in this part shall be construed to require the employment of someone who meets this definition of a Section 3 worker. Section 3 workers are not exempt from meeting the qualifications of the position to be filled.

Target Section 3 Worker for housing and community development financial assistance, means a Section 3 worker who is:

- (i) A worker employed by a Section 3 business concern; or
- (ii) A worker who currently fits or when hired fit at least one of the following categories, as documented within the past five years:
 - (a) Living within the service area or the neighborhood of the project, as defined in §75.5; or
 - (b) A YouthBuild participant

Has the meanings provided in 24 CFR Part 75.11, 75.21, or 75.29, and shall not be negatively affected by a prior arrest or conviction.

Section 8-assisted housing refers to housing receiving project-based rental assistance or tenant-based assistance under Section 8 of the 1937 Act.

Service area or the neighborhood of the project means an area within one mile of the Section 3 project or, if fewer than 5,000 people live within one mile of a Section 3 project, within a circle centered on the Section 3 project that is sufficient to encompass a population of 5,000 people according to the most recent U.S. Census.

Small PHA means a public housing authority that manages or operates fewer than 250 public housing units.

Subcontractor means any entity that has a contract with a contractor to undertake a portion of the contractor's obligation to perform work in connection with the expenditure of housing and community development financial assistance or for a Section 3 project.

Subrecipient means a non-Federal entity that receives a subaward from a pass-through entity to carry out part of a Federal program; but does not include an individual that is a beneficiary of such program. A subrecipient may also be a recipient of other Federal awards directly from a Federal awarding agency. Targeted Section 3 worker has the meanings provided in 24 CFR Part 75.11, 75.21, or 75.29, and does not exclude an individual that has a prior arrest or conviction.

Very low-income person means the definition for this term set forth in section 3(b)(2) of the 1937 Act (at or below 50% AMI) or, a person whose income does not exceed 50 per centum of the median household income for the area, as determined by the Secretary with adjustments for smaller and larger households, except that the Secretary may establish income ceilings higher or lower than 50 per centum of the median for the area on the basis of the Secretary's findings that such variations are necessary because of unusually high or low household incomes.

YouthBuild programs refers to YouthBuild programs receiving assistance under the Workforce Innovation and Opportunity Act (29 U.S.C. 3226).

APPENDIX B: MULTIPLE FUNDING SOURCES – CHART (not currently applicable to the City of College Station)

TYPE OF FINANCIAL ASSISTANCE	DEFINITIONS *TARGETED SECTION 3 WORKER	THRESHOLDS	PRIORITIZATION	REPORTING
Public Housing and Housing and Community Development	PHA – must follow subpart B of Part 75 HCD – may follow subpart B or C of Part 75	None *Any amount of PH assistance triggers Section 3	PHA – must follow subpart B of Part 75 HCD – may follow subpart B or C of Part 75	PHA – must follow subpart B of Part 75 HCD – may follow subpart B or C of Part 75 Both – Must report on project as a whole and identify the multiple associated recipients
Multiple Sources of Housing and Community Development (single or multiple recipients)	Must follow subpart C of Part 75	Exceeds \$200,000 for Section 3 projects *LHCHHP exceeds \$100,000	Must follow subpart C of Part 75	Must follow subpart C of Part 75 Must report on project as a whole and identify the multiple associated recipients Must report to the applicable HUD program office, as prescribed by HUD

APPENDIX C:

CITY OF COLLEGE STATION SECTION 3 WORKER SELF-CERTIFICATION FORM

Potential Eligibility for Preference

The purpose of HUD's Section 3 program is to provide employment, training and contracting opportunities to low-income individuals, particularly those who are recipients of government assistance for housing or other public assistance programs. Your response is voluntary, confidential, and has no effect on your employment.

Eligibility for Section 3 Worker or Targeted Section 3 Worker Status

A Section 3 worker seeking certification shall self-certify and submit this form to the recipient contractor or subcontractor, that the person is a Section 3 Worker or Targeted Section 3 Worker as defined in 24 CFR Part 75.5 and 24 CFR Part 75.21 respectively.

Instructions: Enter/select the appropriate information to confirm your Section 3 worker or Targeted Section 3 Worker status.

Employee Name: _____

Job Skills and/or Certifications: _____

1. Are you a resident of public housing or a Housing Choice Voucher Holder (Section 8)? ☐ YES ☐ NO
2. Check if you a resident within the city limits of College Station or Bryan? ☐ CS ☐ BRY
3. Please check the box if your individual annual (yearly) income is, or within the last five years (not to precede being hired before November 30, 2020) has been, equal to or below the amount of: ☐ **\$38,550**
4. Please indicate if you are currently, or within the last five years (not to precede being hired before November 30, 2020) have been, in a Youthbuild program: ☐ YES ☐ NO

If yes, when and where? _____

Select from *ONE* of the following two options below:

I believe I qualify as a:

- ☐ Section 3 Worker (as defined in 24 CFR Part 75.5)
- ☐ Targeted Section 3 Worker (as defined in 24 CFR Part 75.21)

Employee Affirmation (Print on back of previous page)

I affirm that the above statements (on frontside of this form) are true, complete, and correct to the best of my knowledge and belief. I hereby certify, under penalty of law, that the following information is correct to the best of my knowledge.

Employee Address: _____

Print Name: _____

Date Hired: _____

Signature: _____ Date: _____

FOR ADMINISTRATIVE USE ONLY

Is the employee a Section 3 worker based upon their self-certification? ☐ YES ☐ NO

Is the employee a Targeted Section 3 worker based upon their self-certification? ☐ YES ☐ NO

Was this an applicant who was hired as a result of the Section 3 project? ☐ YES ☐ NO

If Yes, what is the name of the company? _____

What was the date of hire? _____

EMPLOYERS MUST RETAIN THIS FORM IN THEIR SECTION 3 COMPLIANCE FILE FOR FIVE YEARS.

APPENDIX D:

**CITY OF COLLEGE STATION
SECTION 3 BUSINESS CONCERN CERTIFICATION FORM**

INSTRUCTIONS: Enter the following information and select the criteria that applies to certify your business' Section 3 Business Concern status.

NAME OF BUSINESS: _____

PHYSICAL ADDRESS: _____

NAME OF BUSINESS OWNER: _____

PHONE NUMBER OF BUSINESS OWNER: _____

EMAIL ADDRESS OF BUSINESS OWNER: _____

PREFERRED CONTACT INFORMATION:

☐ SAME AS ABOVE

NAME OF PREFERRED CONTACT: _____

PHONE NUMBER OF PREFERRED CONTACT: _____

EMAIL ADDRESS OF PREFERRED CONTACT: _____

TYPE OF BUSINESS (SELECT FROM THE FOLLOWING CHECK BOX OPTIONS):

☐ CORPORATION ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ JOINT VENTURE

SELECT FROM ONE OF THE FOLLOWING THREE CHECK BOX OPTIONS BELOW THAT APPLIES:

☐ At least 51 percent of the business is owned and controlled by low or very low-income persons (Refer to Section 3 Worker Certification form / Appendix C for income qualifications).

☐ At least 51 percent of the business is owned and controlled by current public housing residents or residents who currently live in Section 8-assisted housing.

☐ Over 75 percent of the labor hours performed for the business over the prior three-month period are/have been performed by Section 3 workers (Refer to Section 3 Worker Certification form / Appendix C for income qualifications).

Business Concern Affirmation (Print on back of previous page)

I affirm that the above statements (on Page 1 of this form) are true, complete, and correct to the best of my knowledge and belief. I understand that businesses who misrepresent themselves as Section 3 business concerns and report false information to the City of College Station may have their contracts terminated as default and be barred from ongoing and future considerations for contracting opportunities. I hereby certify, under penalty of law, that the following information is correct to the best of my knowledge.

Print Name: _____

Signature: _____ Date: _____

*Certification expires within six months of the date of signature

Information regarding Section 3 Business Concerns can be found at 24 CFR 75.5

FOR ADMINISTRATIVE USE ONLY

Is the business a Section 3 business concern based upon their certification?

☐ **YES**

☐ **NO**

**EMPLOYERS MUST RETAIN THIS FORM IN THEIR SECTION 3 COMPLIANCE FILE
FOR FIVE YEARS.**

APPENDIX E: SECTION 3 CLAUSE

Section 3 Clause

All Section 3 covered contracts must include the following clause verbatim:

A. The work to be performed under this contract is subject to the requirements of Section 3 of the Housing and Urban Development Act of 1968, as amended, 12 U.S.C. 1701u (Section 3). The purpose of Section 3 is to ensure that employment and other economic opportunities generated by HUD assistance or HUD-assisted projects covered by Section 3, shall, to the greatest extent feasible, be directed to low and very low-income persons, particularly persons who are recipients of HUD assistance for housing.

B. The parties to this contract agree to comply with HUD's regulations in 24 CFR Part 75, which implement Section 3. As evidenced by their execution of this contract, the parties to this contract certify that they are under no contractual or other impediment that would prevent them from complying with the 24 CFR Part 75 regulations.

C. The contractor agrees to send to each labor organization or representative of workers with which the contractor has a collective bargaining agreement or other understanding, if any, a notice advising the labor organization or workers' representative of the contractor's commitments under this Section 3 clause and will post copies of the notice in conspicuous places at the work site where both employees and applicants for training and employment positions can see the notice. The notice shall describe the Section 3 preference, shall set forth the job titles subject to hire, availability of apprenticeship and training positions, the qualifications for each; and the name and location of the person(s) taking applications for each of the positions; and the anticipated date the work shall begin.

D. The contractor agrees to include this Section 3 clause in every subcontract subject to compliance with regulations in 24 CFR Part 75, and agrees to take appropriate action, as provided in an applicable provision of the subcontract or in this Section 3 clause, upon a finding that the subcontractor is in violation of the regulations in 24 CFR Part 75. The contractor will not subcontract with any subcontractor where the contractor has notice or knowledge that the subcontractor has been found in violation of the regulations in 24 CFR Part 75.

E. The contractor will certify that any vacant employment positions, including training positions, that are filled (1) after the contractor is selected but before the contract is executed, and (2) with persons other than those to whom the regulations of 24 CFR Part 75 require employment opportunities to be directed, were not filled to circumvent the contractor's obligations under 24 CFR Part 75.

F. Noncompliance with HUD's regulations in 24 CFR Part 75 may result in sanctions, termination of this contract for default, and debarment or suspension from future HUD assisted contracts.

The existing Procurement Policy also contains goals for awarding contracts to Small Disadvantaged Business.

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS REPEALING THE RESOLUTION WHICH ADOPTED THE CURENT SECTION 3 IMPLEMENTATION PLAN AND ADMINISTRATIVE GUIDE AND ADOPTING THE SECTION 3 IMPLEMENTATION PLAN AND ADMINISTRATIVE GUIDE TO COMPLY WITH 24 CFR, PART 75 OF THE UNITED STATES DEPARTMENT OF HOUSING AND URBAN DEVELOPMENT SECTION 3.

WHEREAS, the United States Congress passed Section 3 of the Housing and Urban Development Act of 1968 (12 U.S.C. 1701u)(Section 3) to further the goal of ensuring that federal funds benefit the residents of projects funded wholly or in part by those funds, and

WHEREAS, Part 75 establishes the requirement to be followed to ensure the objectives of Section 3, and

WHEREAS, the purpose of Section 3 is to ensure that economic opportunities, most importantly employment, generated by certain HUD financial assistance shall be directed to low- and very-low-income persons, particularly those who are recipients of governments assistance for housing or residents of the community in which Federal assistance is spent.

WHEREAS, the City of College Station has developed a Section 3 Implementation Plan and Administrative Guide in adherence to 24 CFR 75 that more comprehensively addresses the standards and procedures prescribed in the Act; now, therefore,

Be it resolved by the City Council of the City of College Station, Texas

PART 1: That the City Council hereby repeals Resolution 05-14-12-2b that adopted the Section 3 Implementation Plan and Administrative Guide to comply with 24 CFR 135 of the United States Department of Housing and Urban Development Section 3;

PART 2: That the City Council hereby authorizes the adoption and implementation of the Section 3 Implementation Plan and Administrative Guide to ensure compliance with 24 CFR 75 – Section 3.

ADOPTED the _____ day of _____, A.D. 2022

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

City Attorney

April 14, 2022
Item No. 7.5.
Purchase of a Flatbed Boom Truck for Electric

Sponsor: Timothy Crabb, Director of Electric

Reviewed By CBC: N/A

Agenda Caption: Presentation, discussion, and possible action regarding the award of Bid 22-045 to Custom Truck One Source, in the amount of \$139,000, for the purchase of a flatbed boom truck.

Relationship to Strategic Goals:

1. Core Services and Infrastructure

Recommendation(s): Staff recommends approval of award to Custom Truck One Source in the amount of \$139,000.00.

Summary: In January 2022, the Electric Department was approved to replace the underground construction contractor with an in-house underground crew, due to the inability of the market to sustain a reliable working crew in College Station. The approval of this additional CSU crew included three linemen positions, a boom truck, and a service truck. The award of this bid will allow for the purchase of the flatbed boom truck.

On March 22, 2022, one (1) sealed bid was received and opened in response to Invitation to Bid #22-045 for the purchase of a flatbed boom truck. The bid has been evaluated and meets CSU specifications.

Budget & Financial Summary: Funds for this vehicle are budgeted and available in the Electric fund.

Attachments:

1. Response 22-045 - Custom Truck One Source



City of College Station - Purchasing Division
Bid Tabulation #22-045
"Purchase of a Flatbed Boom Truck "
Open Date: Tuesday, March 22, 2022 @ 2:00 p.m.

				Custom Truck One Source (Fort Worth, TX)	
ITEM	QTY	UNIT	DESCRIPTION	UNIT PRICE	TOTAL PRICE
1	1	EA	Flatbed Boom Truck	\$139,000.00	\$139,000.00
TOTAL BASE BID				\$139,000.00	

- * Unit price shall include all applicable fees, shipping charges and costs to deliver the unit to the City as specified in ITB 22-045.
- * Standard new truck warranty for the Chevrolet C5500 chassis and components.
- * One year parts and labor on Load King Products.

April 14, 2022

Item No. 7.6.

Ordinance Extending Mayoral Disaster Declaration

Sponsor: Bryan Woods, City Manager

Reviewed By CBC: City Council

Agenda Caption: Presentation, discussion, and possible action regarding an ordinance consenting to and extending the Mayor's renewal of a disaster declaration due to a public health emergency.

Relationship to Strategic Goals:

Good governance

Recommendation(s): Staff recommends that Council adopt the ordinance.

Summary: On March 17, 2020, the Mayor of College Station issued a proclamation declaring a state of disaster for the City of College Station resulting from the threat of a public health emergency resulting from coronavirus disease 2019, now designated SARS-CoV-2 (COVID-19).

On March 18, 2020, the Mayor of College Station issued an order closing all bars, limiting restaurants to only take-out, drive-through, or delivery services and amended the declaration to limit gatherings to less than ten (10) people in the best interest of the public health, safety and welfare to protect life in College Station in response to COVID-19.

On March 23, 2020, the College Station City Council adopted an Extension of Disaster Ordinance with Ordinance No. 2020-4164 extending the March 17, 2020, Disaster Declaration and extending the Mayor's Order of March 18, 2020.

On March 23, 2020, the Mayor of College Station issued a Second Mayoral Order mandating the citizens of College Station to shelter in place until Tuesday, April 7, 2020. On March 30, 2020, the College Station City Council adopted an ordinance consenting and approving the Second Mayoral Order.

On April 21, 2020, the Mayor of College Station issued a renewal to the Disaster Declaration. On April 23, 2020, the College Station City Council consented with Ordinance 2020-4169 to the Mayor's April 21, 2020, Disaster Declaration Renewal.

On May 22, 2020, the Mayor of College Station issued a renewal to the Disaster Declaration. On May 28, 2020, the College Station City Council consented with Ordinance 2020-4181 to the Mayor's May 22, 2020, Disaster Declaration Renewal.

On June 22, 2020, the Mayor of College Station issued a renewal to the Disaster Declaration. On June 25, 2020, the College Station City Council consented with Ordinance 2020-4195 to the Mayor's June 22, 2020, Disaster Declaration Renewal.

On June 25, 2020, the Mayor of College Station issued a Third Mayoral Order mandating face coverings for commercial entities until Friday, July 10, 2020. On July 9, 2020, the College Station City Council consented with Ordinance No. 2020-4197 to the Third Mayoral Order of June 25, 2020, mandating commercial entities to require face coverings.

On July 22, 2020, the Mayor of College Station issued a renewal to the Disaster Declaration. On July 23, 2020, the College Station City Council consented with Ordinance 2020-4203 to the Mayor's July 22, 2020, Disaster Declaration Renewal.

On August 13, 2020, the Mayor of College Station issued a Fourth Mayoral Order delegating authority to the Texas A&M University President to approve gatherings over 10 people on state lands and facilities it owns or controls.

On August 21, 2020, the Mayor of College Station issued a renewal to the Disaster Declaration. On August 27, 2020, the College Station City Council consented with Ordinance 2020-4209 to the Mayor's August 21, 2020, Disaster Declaration Renewal.

On September 21, 2020, the Mayor of College Station issued a renewal to the Disaster Declaration. On September 24, 2020, the College Station City Council consented with Ordinance 2020-4211 to the Mayor's September 21, 2020, Disaster Declaration Renewal.

On October 20, 2020, the Mayor of College Station issued a renewal to the Disaster Declaration. On October 22, 2020, the College Station City Council consented with Ordinance 2020-4220 to the Mayor's October 20, 2020, Disaster Declaration Renewal.

On November 20, 2020, the Mayor of College Station issued a renewal to the Disaster Declaration. On November 23, 2020, the College Station City Council consented with Ordinance 2020-4226 to the Mayor's November 20, 2020, Disaster Declaration Renewal.

On December 7, 2020, the Mayor of College Station issued a renewal to the Disaster Declaration. On December 10, 2020, the College Station City Council consented with Ordinance 2020-4231 to the Mayor's December 7, 2020, Disaster Declaration Renewal.

On January 8, 2021, the Mayor of College Station issued a renewal to the Disaster Declaration. On January 14, 2021, the College Station City Council consented with Ordinance 2021-4239 to the Mayor's January 8, 2021, Disaster Declaration Renewal.

On February 8, 2021, the Mayor of College Station issued a renewal to the Disaster Declaration. On February 11, 2021, the College Station City Council consented with Ordinance 2021-4240 to the Mayor's February 8, 2021, Disaster Declaration Renewal.

On March 8, 2021, the Mayor of College Station issued a renewal to the Disaster Declaration. On March 11, 2021, the College Station City Council consented with Ordinance 2021-4246 to the Mayor's March 8, 2021, Disaster Declaration Renewal.

On April 6, 2021, the Mayor of College Station issued a renewal to the Disaster Declaration. On April 8, 2021, the College Station City Council consented with Ordinance 2021-4258 to the Mayor's April 6, 2021, Disaster Declaration Renewal.

On May 7, 2021, the Mayor of College Station issued a renewal to the Disaster Declaration. On May 13, 2021, the College Station City Council consented with Ordinance 2021-4263 to the Mayor's May 7, 2021, Disaster Declaration Renewal.

On June 7, 2021, the Mayor of College Station issued a renewal to the Disaster Declaration. On June 10, 2021, the College Station City Council consented with Ordinance 2021-4271 to the Mayor's June 7, 2021, Disaster Declaration Renewal.

On July 2, 2021, the Mayor of College Station issued a renewal to the Disaster Declaration. On July 8, 2021, the College Station City Council consented with Ordinance 2021-4275 to the Mayor's July 2, 2021, Disaster Declaration Renewal.

On August 6, 2021, the Mayor of College Station issued a renewal to the Disaster Declaration. On August 12, 2021, the College Station City Council consented with Ordinance 2021-4288 to the Mayor's August 6, 2021, Disaster Declaration Renewal.

On September 6, 2021, the Mayor of College Station issued a renewal to the Disaster Declaration. On September 9, 2021, the College Station City Council consented with Ordinance 2021-4299 to the Mayor's September 6, 2021, Disaster Declaration Renewal.

On October 7, 2021, the Mayor of College Station issued a renewal to the Disaster Declaration. On October 14, 2021, the College Station City Council consented with Ordinance 2021-4301 to the Mayor's October 7, 2021, Disaster Declaration Renewal.

On November 8, 2021, the Mayor of College Station issued a renewal to the Disaster Declaration. On November 11, 2021, the College Station City Council consented with Ordinance 2021-4313 to the Mayor's November 8, 2021, Disaster Declaration Renewal.

On December 6, 2021, the Mayor of College Station issued a renewal to the Disaster Declaration. On December 9, 2021, the College Station City Council consented with Ordinance 2021-4318 to the Mayor's December 6, 2021, Disaster Declaration Renewal.

On January 7, 2022, the Mayor of College Station issued a renewal to the Disaster Declaration. On January 13, 2022, the College Station City Council consented with Ordinance 2021-4326 to the Mayor's January 7, 2022, Disaster Declaration Renewal.

On February 7, 2022, the Mayor of College Station issued a renewal to the Disaster Declaration. On February 10, 2022, the College Station City Council consented with Ordinance 2021-4334 to the Mayor's February 7, 2022, Disaster Declaration Renewal.

On March 7, 2022, the Mayor of College Station issued a renewal of the Disaster Declaration. On March 10, 2022, the College Station City Council consented with Ordinance 2021-4337 to the Mayor's March 7, 2022, Disaster Declaration Renewal.

On April 8, 2022, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, September 21, 2020, October 20, 2020, November 20, 2020, December 7, 2020, January 8, 2021, February 8, 2021, March 8, 2021, April 6, 2021, May 7, 2021, June 7, 2021, July 2, 2021, August 6, 2021, September 6, 2021, October 7, 2021, November 8, 2021, December 6, 2021, January 7, 2022, February 7, 2022 and March 7, 2022. The conditions necessitating the declaration of a state of disaster and mayoral orders continue to exist. The Council needs to consent to and approve the Mayor's Disaster Declaration renewal.

Budget & Financial Summary: N/A

Attachments:

1. April 14 Disaster Declaration Renewal Ordinance

ORDINANCE NO. _____

DISASTER DECLARATION RENEWAL AND EXTENSION ORDINANCE

WHEREAS, on March 17, 2020, the Mayor of College Station issued a proclamation declaring a state of disaster for the City of College Station resulting from the threat of a public health emergency resulting from coronavirus disease 2019, now designated SARS-CoV2, (COVID-19); and

WHEREAS, on March 18, 2020, the Mayor of College Station issued an order closing all bars, limiting restaurants to only take-out, drive-through, or delivery services and amended the declaration to limit gatherings to less than ten (10) people in the best interest of the public health, safety and welfare to protect life in College Station in response to COVID-19; and

WHEREAS, on March 23, 2020, the College Station City Council adopted an Extension of Disaster Ordinance with Ordinance No. 2020-4164 extending the March 17, 2020, Disaster Declaration and extending the Mayor's Order of March 18, 2020; and

WHEREAS, on March 23, 2020, the Mayor of College Station issued a Second Mayoral Order mandating the citizens of College Station to shelter in place until Tuesday, April 7, 2020; and

WHEREAS, on March 30, 2020, the College Station City Council consented with Ordinance No. 2020-4166 to the Second Mayoral Order of March 23, 2020, mandating the citizens of College Station to shelter in place until Tuesday, April 7, 2020; and

WHEREAS, on April 21, 2020, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, the order and amended disaster declaration proclaimed by the Mayor on March 18, 2020, both consented to and extended by the City Council on March 23, 2020, in Ordinance No. 2020-4164; and

WHEREAS, on April 23, 2020, the College Station City Council consented with Ordinance 2020-4169 to the Mayor's April 21, 2020, Disaster Declaration Renewal; and

WHEREAS, on May 22, 2020, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, and April 21, 2020; and

WHEREAS, on May 28, 2020, the College Station City Council consented with Ordinance 2020-4181 to the Mayor's May 22, 2020, Disaster Declaration Renewal; and

WHEREAS, on June 22, 2020, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, and May 22, 2020; and

WHEREAS, on June 25, 2020, the College Station City Council consented with Ordinance 2020-4195 to the June 22, 2020, Disaster Declaration Renewal; and

WHEREAS, on June 25, 2020, the Mayor of College Station issued a Third Mayoral Order mandating commercial entities to require face coverings from: 6:00 A.M., Monday, June 29, 2020, and ending at 11:59 P.M., Friday, July 10, 2020; and

WHEREAS, on July 9, 2020, the College Station City Council consented with Ordinance No. 2020-4197 to the Third Mayoral Order of June 25, 2020, mandating commercial entities to require face coverings; and

WHEREAS, on July 22, 2020, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, and June 22, 2020; and

WHEREAS, on July 23, 2020, the College Station City Council consented with Ordinance 2020-4203 to the June 22, 2020, Disaster Declaration Renewal; and

WHEREAS, on August 13, 2020, the Mayor of College Station issued a Fourth Mayoral Order delegating authority to the Texas A&M University President to approve gatherings over 10 people on state lands and facilities it owns or controls; and

WHEREAS, on August 21, 2020, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, and July 22, 2020; and

WHEREAS, on August 27, 2020, the College Station City Council consented with Ordinance 2020-4209 to the June 22, 2020, Disaster Declaration Renewal; and

WHEREAS, on September 21, 2020, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020 and August 21, 2020; and

WHEREAS, on September 24, 2020, the College Station City Council consented with Ordinance 2020-4211 to the September 21, 2020, Disaster Declaration Renewal; and

WHEREAS, on October 20, 2020, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020; and September 21, 2020, and

WHEREAS, on October 22, 2020, the College Station City Council consented with Ordinance 2020-4220 to the October 20, 2020, Disaster Declaration Renewal; and

WHEREAS, on November 20, 2020, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, September 21, 2020, and October 20, 2020, and

WHEREAS, on November 23, 2020, the College Station City Council consented with Ordinance 2020-4226 to the November 20, 2020, Disaster Declaration Renewal; and

WHEREAS, on December 7, 2020, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, September 21, 2020, October 20, 2020, and November 20, 2020, and

WHEREAS, on December 10, 2020, the College Station City Council consented with Ordinance 2020-4231 to the November 20, 2020, Disaster Declaration Renewal; and

WHEREAS, on January 8, 2021, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, September 21, 2020, October 20, 2020, November 20, 2020 and December 7, 2020, and

WHEREAS, on January 14, 2021, the College Station City Council consented with Ordinance 2021-4239 to the January 8, 2021, Disaster Declaration Renewal; and

WHEREAS, on February 8, 2021, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, September 21, 2020, October 20, 2020, November 20, 2020, December 7, 2020, and January 8, 2021, and

WHEREAS, on February 11, 2021, the College Station City Council consented with Ordinance 2021-4240 to the February 8, 2021, Disaster Declaration Renewal; and

WHEREAS, on March 8, 2021, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, September 21, 2020, October 20, 2020, November 20, 2020, December 7, 2020, January 8, 2021, and February 8, 2021, and

WHEREAS, on March 11, 2021, the College Station City Council consented with Ordinance 2021-4246 to the March 8, 2021, Disaster Declaration Renewal; and

WHEREAS, on April 6, 2021, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020,

September 21, 2020, October 20, 2020, November 20, 2020, December 7, 2020, January 8, 2021, February 8, 2021, and March 8, 2021, and

WHEREAS, on April 8, 2021, the College Station City Council consented with Ordinance 2021-4258 to the April 6, 2021, Disaster Declaration Renewal; and

WHEREAS, on May 7, 2021, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, September 21, 2020, October 20, 2020, November 20, 2020, December 7, 2020, January 8, 2021, February 8, 2021, March 8, 2021, and April 6, 2021; and

WHEREAS, on May 13, 2021, the College Station City Council consented with Ordinance 2021-4263 to the May 7, 2021, Disaster Declaration Renewal; and

WHEREAS, on June 7, 2021, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, September 21, 2020, October 20, 2020, November 20, 2020, December 7, 2020, January 8, 2021, February 8, 2021, March 8, 2021, April 6, 2021 and May 7, 2021; and

WHEREAS, on June 10, 2021, the College Station City Council consented with Ordinance 2021-4271 to the June 7, 2021, Disaster Declaration Renewal; and

WHEREAS, on July 2, 2021, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, September 21, 2020, October 20, 2020, November 20, 2020, December 7, 2020, January 8, 2021, February 8, 2021, March 8, 2021, April 6, 2021, May 7, 2021; June 7, 2021; and

WHEREAS, on July 8, 2021, the College Station City Council consented with Ordinance 2021-4275 to the June 7, 2021, Disaster Declaration Renewal; and

WHEREAS, on August 6, 2021, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, September 21, 2020, October 20, 2020, November 20, 2020, December 7, 2020, January 8, 2021, February 8, 2021, March 8, 2021, April 6, 2021, May 7, 2021; June 7, 2021, and July 2, 2021; and

WHEREAS, on August 12, 2021, the College Station City Council consented with Ordinance 2021-4288 to the August 6, 2021, Disaster Declaration Renewal; and

WHEREAS, on September 6, 2021, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, September 21, 2020, October 20, 2020, November 20, 2020, December 7, 2020, January 8, 2021,

February 8, 2021, March 8, 2021, April 6, 2021, May 7, 2021; June 7, 2021, July 2, 2021, and August 6, 2021; and

WHEREAS, on September 9, 2021, the College Station City Council consented with Ordinance 2021-4299 to the September 6, 2021, Disaster Declaration Renewal; and

WHEREAS, on October 7, 2021, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, September 21, 2020, October 20, 2020, November 20, 2020, December 7, 2020, January 8, 2021, February 8, 2021, March 8, 2021, April 6, 2021, May 7, 2021; June 7, 2021, July 2, 2021, August 6, 2021, and September 6, 2021; and

WHEREAS, on October 14, 2021, the College Station City Council consented with Ordinance 2021-4304 to the October 7, 2021, Disaster Declaration Renewal; and

WHEREAS, on November 8, 2021, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, September 21, 2020, October 20, 2020, November 20, 2020, December 7, 2020, January 8, 2021, February 8, 2021, March 8, 2021, April 6, 2021, May 7, 2021; June 7, 2021, July 2, 2021, August 6, 2021, September 6, 2021, and October 7, 2021; and

WHEREAS, on November 11, 2021, the College Station City Council consented with Ordinance 2021-4313 to the November 8, 2021, Disaster Declaration Renewal; and

WHEREAS, on December 6, 2021, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, September 21, 2020, October 20, 2020, November 20, 2020, December 7, 2020, January 8, 2021, February 8, 2021, March 8, 2021, April 6, 2021, May 7, 2021; June 7, 2021, July 2, 2021, August 6, 2021, September 6, 2021, October 7, 2021, and November 8, 2021; and

WHEREAS, on December 9, 2021, the College Station City Council consented with Ordinance 2021-4318 to the December 6, 2021, Disaster Declaration Renewal; and

WHEREAS, on January 7, 2022, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, September 21, 2020, October 20, 2020, November 20, 2020, December 7, 2020, January 8, 2021, February 8, 2021, March 8, 2021, April 6, 2021, May 7, 2021; June 7, 2021, July 2, 2021, August 6, 2021, September 6, 2021, October 7, 2021, November 8, 2021, and December 6, 2021; and

WHEREAS, on January 13, 2022, the College Station City Council consented with Ordinance 2021-4326 to the January 7, 2022, Disaster Declaration Renewal; and

WHEREAS, on February 7, 2022, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, September 21, 2020, October 20, 2020, November 20, 2020, December 7, 2020, January 8, 2021, February 8, 2021, March 8, 2021, April 6, 2021, May 7, 2021; June 7, 2021, July 2, 2021, August 6, 2021, September 6, 2021, October 7, 2021, November 8, 2021, December 6, 2021, and January 7, 2022; and

WHEREAS, on February 10, 2022, the College Station City Council consented with Ordinance 2021-4334 to the February 7, 2022, Disaster Declaration Renewal; and

WHEREAS, on March 7, 2022, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, September 21, 2020, October 20, 2020, November 20, 2020, December 7, 2020, January 8, 2021, February 8, 2021, March 8, 2021, April 6, 2021, May 7, 2021; June 7, 2021, July 2, 2021, August 6, 2021, September 6, 2021, October 7, 2021, November 8, 2021, December 6, 2021, and January 7, 2022 and February 7, 2022; and

WHEREAS, on March 10, 2022, the College Station City Council consented with Ordinance 2021-4337 to the March 7, 2022, Disaster Declaration Renewal; and

WHEREAS, on April 8, 2022, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, September 21, 2020, October 20, 2020, November 20, 2020, December 7, 2020, January 8, 2021, February 8, 2021, March 8, 2021, April 6, 2021, May 7, 2021; June 7, 2021, July 2, 2021, August 6, 2021, September 6, 2021, October 7, 2021, November 8, 2021, December 6, 2021, January 7, 2022, February 7, 2022, March 7; 2022 and

WHEREAS, said state of disaster requires that certain emergency measures be taken pursuant to the Texas Government Code, Chapter 418; and the following regulations shall take effect immediately upon issuance, and shall remain in effect until the state of disaster is terminated or as stated below; and

WHEREAS, the conditions necessitating declaration of a state of disaster and mayoral orders continue to exist; and

WHEREAS, said state of disaster requires that certain emergency measures be taken pursuant to the Texas Government Code, Chapter 418; and the following regulations shall take effect immediately upon issuance, and shall remain in effect until the state of disaster is terminated or as stated below; and

NOW THEREFORE, BE IT ORDERED BY THE CITY COUNCIL OF COLLEGE STATION:

1. That the state of disaster renewal proclaimed by the Mayor on April 8, 2022, as set out in **Exhibit A** is consented to and extended by the College Station City Council and shall continue until terminated by the College Station City Council.
2. This Ordinance is passed as an emergency measure and pursuant to local authority for emergency measures and shall become effective on the 14th day of April, 2022.

PASSED AND ADOPTED, this 14th day of April, 2022.

APPROVED:

Mayor

ATTEST:

City Secretary

APPROVED:

City Attorney

EXHIBIT A

DISASTER RENEWAL PROCLAIMED BY THE MAYOR ON APRIL 8, 2022



DECLARATION OF DISASTER RENEWAL

WHEREAS, on March 17, 2020, the Mayor of College Station issued a proclamation declaring a state of disaster for the City of College Station resulting from the threat of a public health emergency resulting from coronavirus disease 2019, now designated SARS-CoV2, (COVID-19); and

WHEREAS, on March 18, 2020, the Mayor of College Station issued an order closing all bars, limiting restaurants to only take-out, drive-through, or delivery services and amended the declaration to limit gatherings to less than ten (10) people in the best interest of the public health, safety and welfare to protect life in College Station in response to COVID-19; and

WHEREAS, on March 23, 2020, the College Station City Council adopted an Extension of Disaster Ordinance with Ordinance No. 2020-4164 extending the March 17, 2020, Disaster Declaration and extending the Mayor's Order of March 18, 2020; and

WHEREAS, on March 23, 2020, the Mayor of College Station issued a Second Mayoral Order mandating the citizens of College Station to shelter in place until Tuesday, April 7, 2020; and

WHEREAS, on March 30, 2020, the College Station City Council consented with Ordinance No. 2020-4166 to the Second Mayoral Order of March 23, 2020, mandating the citizens of College Station to shelter in place until Tuesday, April 7, 2020; and

WHEREAS, on April 21, 2020, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, the order and amended disaster declaration proclaimed by the Mayor on March 18, 2020, both consented to and extended by the City Council on March 23, 2020, in Ordinance No. 2020-4164; and

WHEREAS, on April 23, 2020, the College Station City Council consented with Ordinance 2020-4169 to the Mayor's April 21, 2020, Disaster Declaration Renewal; and

WHEREAS, on May 22, 2020, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, and April 21, 2020; and

WHEREAS, on May 28, 2020, the College Station City Council consented with Ordinance 2020-4181 to the Mayor's May 22, 2020, Disaster Declaration Renewal; and

WHEREAS, on June 22, 2020, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, and May 22, 2020; and

WHEREAS, on June 25, 2020, the College Station City Council consented with Ordinance 2020-4195 to the June 22, 2020, Disaster Declaration Renewal; and

WHEREAS, on June 25, 2020, the Mayor of College Station issued a Third Mayoral Order mandating commercial entities to require face coverings from: 6:00 A.M., Monday, June 29, 2020, and ending at 11:59 P.M., Friday, July 10, 2020; and

WHEREAS, on July 9, 2020, the College Station City Council consented with Ordinance No. 2020-4197 to the Third Mayoral Order of June 25, 2020, mandating commercial entities to require face coverings; and

WHEREAS, on July 22, 2020, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, and June 22, 2020; and

WHEREAS, on July 23, 2020, the College Station City Council consented with Ordinance 2020-4203 to the July 22, 2020, Disaster Declaration Renewal; and

WHEREAS, on August 13, 2020, the Mayor of College Station issued a Fourth Mayoral Order delegating authority to the Texas A&M University President to approve gatherings over 10 people on state lands and facilities it owns or controls; and

WHEREAS, on August 21, 2020, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020; and July 22, 2020, and

WHEREAS, on August 27, 2020, the College Station City Council consented with Ordinance 2020-4209 to the August 21, 2020, Disaster Declaration Renewal; and

WHEREAS, on September 21, 2020, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020; July 22, 2020, and August 21, 2020, and

WHEREAS, on September 24, 2020, the College Station City Council consented with Ordinance 2020-4211 to the September 21, 2020, Disaster Declaration Renewal; and

WHEREAS, on October 20, 2020, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, and September 21, 2020, and

WHEREAS, on October 22, 2020, the College Station City Council consented with Ordinance 2020-4220 to the October 20, 2020, Disaster Declaration Renewal; and

WHEREAS, on November 20, 2020, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, September 21, 2020, and October 20, 2020, and

WHEREAS, on November 23, 2020, the College Station City Council consented with Ordinance 2020-4226 to the November 20, 2020, Disaster Declaration Renewal; and

WHEREAS, on December 7, 2020, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020; July 22, 2020, August 21, 2020, September 21, 2020, and October 20, 2020, and November 20, 2020, and

WHEREAS, on December 10, 2020, the College Station City Council consented with Ordinance 2020-4231 to the December 7, 2020, Disaster Declaration Renewal; and

WHEREAS, on January 8, 2021, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, September 21, 2020, and October 20, 2020, November 20, 2020, and December 7, 2020, and

WHEREAS, on January 14, 2021, the College Station City Council consented with Ordinance 2021-4239 to the January 8, 2021, Disaster Declaration Renewal; and

WHEREAS, on February 8, 2021, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, September 21, 2020, and October 20, 2020, November 20, 2020, December 7, 2020, and January 8, 2021, and

WHEREAS, on February 11, 2021, the College Station City Council consented with Ordinance 2021-4240 to the February 8, 2021, Disaster Declaration Renewal; and

WHEREAS, on March 8, 2021, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, September 21, 2020, and October 20, 2020, November 20, 2020, December 7, 2020, January 8, 2021, and February 8, 2021, and

WHEREAS, on March 11, 2021, the College Station City Council consented with Ordinance 2021-4246 to the March 8, 2021, Disaster Declaration Renewal; and

WHEREAS, on April 6, 2021, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020,

September 21, 2020, and October 20, 2020, November 20, 2020, December 7, 2020, January 8, 2021, February 8, 2021, and March 8, 2021; and

WHEREAS, on April 8, 2021, the College Station City Council consented with Ordinance 2021-4258 to the April 6, 2021, Disaster Declaration Renewal; and

WHEREAS, on May 7, 2021, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, September 21, 2020, and October 20, 2020, November 20, 2020, December 7, 2020, January 8, 2021, February 8, 2021, and March 8, 2021, April 6, 2021; and

WHEREAS, on May 13, 2021, the College Station City Council consented with Ordinance 2021-4263 to the April 6, 2021, Disaster Declaration Renewal; and

WHEREAS, on June 7, 2021, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, September 21, 2020, and October 20, 2020, November 20, 2020, December 7, 2020, January 8, 2021, February 8, 2021, March 8, 2021, April 6, 2021, and May 7, 2021; and

WHEREAS, on June 10, 2021, the College Station City Council consented with Ordinance 2021-4271 to the April 6, 2021, Disaster Declaration Renewal; and

WHEREAS, on July 2, 2021, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, September 21, 2020, October 20, 2020, November 20, 2020, December 7, 2020, January 8, 2021, February 8, 2021, March 8, 2021, April 6, 2021, May 7, 2021, and June 7, 2021; and

WHEREAS, on July 8, 2021, the College Station City Council consented with Ordinance 2021-4275 to the June 7, 2021, Disaster Declaration Renewal; and

WHEREAS, on August 6, 2021, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, September 21, 2020, October 20, 2020, November 20, 2020, December 7, 2020, January 8, 2021, February 8, 2021, March 8, 2021, April 6, 2021, May 7, 2021, June 7, 2021, and July 2, 2021; and

WHEREAS, on August 12, 2021, the College Station City Council consented with Ordinance 2021-4288 to the August 6, 2021, Disaster Declaration Renewal; and

WHEREAS, on September 6, 2021, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, September 21, 2020, October 20, 2020, November 20, 2020, December 7, 2020, January 8, 2021,

February 8, 2021, March 8, 2021, April 6, 2021, May 7, 2021, June 7, 2021; July 2, 2021, And August 6, 2021; and

WHEREAS, on September 9, 2021, the College Station City Council consented with Ordinance 2021-4299 to the September 6, 2021, Disaster Declaration Renewal; and

WHEREAS, on October 7, 2021, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, September 21, 2020, October 20, 2020, November 20, 2020, December 7, 2020, January 8, 2021, February 8, 2021, March 8, 2021, April 6, 2021, May 7, 2021, June 7, 2021; July 2, 2021, August 6, 2021, and September 6, 2021; and

WHEREAS, on October 14, 2021, the College Station City Council consented with Ordinance 2021-4304 to the October 7, 2021, Disaster Declaration Renewal; and

WHEREAS, on November 8, 2021, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, September 21, 2020, October 20, 2020, November 20, 2020, December 7, 2020, January 8, 2021, February 8, 2021, March 8, 2021, April 6, 2021, May 7, 2021, June 7, 2021; July 2, 2021, August 6, 2021, September 6, 2021, and October 7, 2021; and

WHEREAS, on November 11, 2021, the College Station City Council consented with Ordinance 2021-4313 to the November 8, 2021, Disaster Declaration Renewal; and

WHEREAS, on December 6, 2021, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, September 21, 2020, October 20, 2020, November 20, 2020, December 7, 2020, January 8, 2021, February 8, 2021, March 8, 2021, April 6, 2021, May 7, 2021, June 7, 2021; July 2, 2021, August 6, 2021, September 6, 2021, October 7, 2021, and November 8, 2021; and

WHEREAS, on December 9, 2021, the College Station City Council consented with Ordinance 2021-4318 to the December 6, 2021, Disaster Declaration Renewal; and

WHEREAS, on January 7, 2022, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, September 21, 2020, October 20, 2020, November 20, 2020, December 7, 2020, January 8, 2021, February 8, 2021, March 8, 2021, April 6, 2021, May 7, 2021, June 7, 2021; July 2, 2021, August 6, 2021, September 6, 2021, October 7, 2021, November 8, 2021, and December 6, 2021 and

WHEREAS, on January 13, 2022, the College Station City Council consented with Ordinance 2021-4326 to the January 7, 2022, Disaster Declaration Renewal; and

WHEREAS, on February 7, 2022, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, September 21, 2020, October 20, 2020, November 20, 2020, December 7, 2020, January 8, 2021, February 8, 2021, March 8, 2021, April 6, 2021, May 7, 2021, June 7, 2021; July 2, 2021, August 6, 2021, September 6, 2021, October 7, 2021, November 8, 2021, and December 6, 2021, and January 7, 2022 and

WHEREAS, on February 10, 2022, the College Station City Council consented with Ordinance 2021-4334 to the February 7, 2022, Disaster Declaration Renewal; and

WHEREAS, on March 7, 2022, the Mayor of College Station issued a proclamation pursuant to §418.014 of the Texas Government Code renewing the state of disaster proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, September 21, 2020, October 20, 2020, November 20, 2020, December 7, 2020, January 8, 2021, February 8, 2021, March 8, 2021, April 6, 2021, May 7, 2021, June 7, 2021; July 2, 2021, August 6, 2021, September 6, 2021, October 7, 2021, November 8, 2021, and December 6, 2021, and January 7, 2022, and February 7, 2022; and

WHEREAS, on March 10, 2022, the College Station City Council consented with Ordinance 2021-4337 to the March 7, 2022, Disaster Declaration Renewal; and

WHEREAS, said state of disaster requires that certain emergency measures be taken pursuant to the Texas Government Code, Chapter 418; and the following regulations shall take effect immediately upon issuance, and shall remain in effect until the state of disaster is terminated or as stated below; and

WHEREAS, the conditions necessitating declaration of a state of disaster and mayoral orders continue to exist; and

WHEREAS, said state of disaster requires that certain emergency measures be taken pursuant to the Texas Government Code, Chapter 418; and the following regulations shall take effect immediately upon issuance, and shall remain in effect until the state of disaster is terminated or as stated below; and

NOW, THEREFORE, BE IT PROCLAIMED BY THE MAYOR OF THE CITY OF COLLEGE STATION:

1. Pursuant to §418.014 of the Texas Government Code the state of disaster is hereby renewed as proclaimed by the Mayor on March 17, 2020, April 21, 2020, May 22, 2020, June 22, 2020, July 22, 2020, August 21, 2020, September 21, 2020, October 20, 2020, November 20, 2020 December 7, 2020, January 8, 2021, February 8, 2021, March 8, 2021, April 6, 2021, May 7, 2021, June 7, 2021, July 2, 2021, August 6, 2021, September 6, 2021, October 7, 2021, November 8, 2021, December 6, 2021, January 7, 2022, February 7, 2022, and March 7, 2022 are renewed, until terminated by the College Station City Council.

2. Pursuant to §418.108(b) of the Texas Government Code, the state of disaster shall continue for a period of not more than seven days from the date of this declaration, unless continued or renewed by the City Council of College Station.
3. Pursuant to §418.108(c) of the Texas Government Code, this declaration of a local state of disaster shall be given prompt and general publicity and shall be filed promptly with the City Secretary.
4. That this proclamation shall take effect on April 8, 2022.

DECLARED this 8th day of April, 2022.

APPROVED:



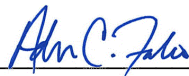
Mayor

ATTEST:



City Secretary

APPROVED:



City Attorney

April 14, 2022
Item No. 8.1.
Holleman Drive South CUP

Sponsor: Robin Macias

Reviewed By CBC: Planning & Zoning Commission

Agenda Caption:Public Hearing, presentation, discussion, and possible action to consider a Conditional Use Permit request for a Night Club, Bar or Tavern use encompassing 5,218 square feet on approximately 2.05 acres located at 3164 Holleman Drive South Suite 100, generally located near the intersection of Kenyon Drive and Holleman Drive South.

Relationship to Strategic Goals:

Diverse & Growing Economy

Recommendation(s): The Planning & Zoning Commission considered this item at their March 17, 2022 meeting and unanimously recommended approval (7-0) of the request with the condition that live music on the rooftop area be limited to non-amplified acoustic music and a 3 foot perimeter barrier be installed on the south side of the open air bar area. Staff also recommends approval of the conditional use permit with the condition that only acoustic music shall be allowed on the rooftop area; no amplified music.

Summary: This request is for a Conditional Use Permit for the use of a Night Club, Bar or Tavern for 5,218 square feet of an existing shopping center consisting of indoor and rooftop bar amenities, located at 3164 Holleman Dr South Suite 100. The property is currently zoned GC General Commercial.

REVIEW CRITERIA

1. The proposed use shall meet the purpose and intent of the Unified Development Ordinance (UDO) and meet all minimum standards for this type of use per the UDO.

Nightclubs, bars and taverns are permitted in several zoning districts, but outside of Northgate, all nightclub, bar and tavern uses require the approval of a Conditional Use Permit to operate. The zoning of the subject property is GC General Commercial, so the proposed use of a tavern at this location requires a Conditional Use Permit. The applicant is proposing to turn approximately 5,218 square feet of commercial space in the newly constructed University Heights retail center into a use classified as a tavern with a rooftop bar. The University Heights retail center has previously been constructed and has met all the minimum requirements per the UDO. The proposed use will meet all the minimum standards per the UDO.

2. The proposed use shall be consistent with the development policies and goals and objectives as embodied in the Comprehensive Plan for development in the City.

The subject tract is shown on the Comprehensive Plan Future Land Use and Character Map as Mixed Residential. The Comprehensive Plan states that these areas are appropriate for residential

infill and redevelopment that allows original character to evolve. This land use designation is intended to support neighborhoods with a mix of residential types, encourage community facilities and accommodate a walkable pattern. The property is already zoned GC General Commercial which allows for commercial uses. There is currently a small retail center developed on site and a convenience store under construction. This use would support the surrounding residential developments by providing a service at a close distance to their homes.

3. The proposed use shall not be detrimental to the health, welfare, or safety of the surrounding neighborhood or its occupants, not be substantially or permanently injurious to neighboring property.

The proposed use is required by the City of College Station Code of Ordinances to be at least 300 feet away from any church, public school or public hospital; this use will meet this ordinance. The lighting on the rooftop bar will be dim and not project to other property. The use is approximately 275 feet away from the adjacent townhome development. The use is approximately 120 feet away from the adjacent single-family lots that share a common property line with a 10-ft landscape buffer and fence between the adjacent lots. There is a complete wall on over half of the side of the building that faces the adjacent single-family homes and a five-foot wall on the open air portion which will act as a buffer to the noise (see attached elevations – left elevation).

Placing the condition to limit music on the rooftop area to acoustic only will ensure that the noise level of the rooftop area will not be harmful to the neighboring residential properties.

Thus, Staff believes that the use will not be detrimental or substantially injurious to the surrounding neighborhood or its occupants.

4. The proposed site plan and circulation plan shall be harmonious with the character of the surrounding area.

The applicant is not proposing any changes to the site. The building is an existing 12,000 square-foot Retail Shopping Center, thus keeping the site plan and circulation plan harmonious with the surrounding area's character. The use would be limited to the square footage approved through the Conditional Use Permit, which in this case would be a total of 5,218 square feet of commercial tenant space.

5. The proposed use shall not negatively impact existing uses in the area or in the City through impacts on public infrastructure such as roads, parking facilities, electrical, or water and sewer systems, or on public services such as police and fire protection, solid waste collection, or the ability of existing infrastructure and services to adequately provide services.

This use will not negatively impact public infrastructure or services. This use will be in an existing site zoned GC General Commercial that was originally planned and developed to accommodate commercial uses. This site has existing parking spaces that meet the requirements for the proposed use. Staff also reached out to the College Station Police Department for feedback on any possible concerns with the proposed use and location. The response received was that this use did not pose any concerns at this time.

6. The proposed use shall not negatively impact existing uses in the area or in the City. Existing uses in the area include commercial, public/institutional, and single-family.

Existing uses in the area include commercial and single-family. This use will not negatively impact existing uses.

Budget & Financial Summary: N/A

Attachments:

1. Ordinance
2. Background Information
3. Vicinity, Aerial, and Small Area Map
4. Applicant's Supporting Information
5. Site plan
6. Elevations
7. Supporting Images

ORDINANCE NO. _____

AN ORDINANCE GRANTING A CONDITIONAL USE PERMIT PURSUANT TO APPENDIX A, "UNIFIED DEVELOPMENT ORDINANCE," ARTICLE 3, "DEVELOPMENT REVIEW PROCEDURES," SECTION 3.16, "CONDITIONAL USE PERMIT," OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, AND OTHER APPLICABLE PROVISIONS THEREOF, APPROVING A CONDITIONAL USE PERMIT AFFECTING CERTAIN PROPERTIES LOCATED AT 3164 HOLLEMAN DRIVE SOUTH SUITE 100 AND AS DESCRIBED BELOW FOR THE USE OF A NIGHTCLUB/BAR/TAVERN; 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 a conditional use permit be granted in accordance with Appendix A, "Unified Development Ordinance," Article 3, "Development Review Procedures," Section 3.16, "Conditional Use Permit," of the Code of Ordinances of the City of College Station, Texas, and other applicable provisions thereof as set out in **Exhibit "A"** 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 14th day of April, 2022.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

City Attorney

Exhibit A

That the following conditional use permit be granted in accordance with Appendix A, “Unified Development Ordinance,” Article 3, “Development Review Procedures,” Section 3.16, “Conditional Use Permit,” of the Code of Ordinances of the City of College Station, Texas, and other applicable provisions.

That a Conditional Use Permit is hereby granted for a Nightclub/Bar/Tavern use in Appendix A, “Unified Development Ordinance,” Article 3, “Development Review Procedures,” Section 3.16, “Conditional Use Permit,” of the Code of Ordinances of the City of College Station, Texas, and other applicable provisions. The property located at 3164 Holleman Drive South, Suite 100 (approximate 5,218 square foot lease space), is granted a Conditional Use Permit for a Nightclub/Bar/Tavern use.

Conditional Use Permit Conditions:

- 1. Music on the rooftop area shall be limited to non-amplified, acoustic music. This limitation shall not apply to background radio or televisions.**
- 2. A minimum 3-foot tall sound barrier shall be installed along the south side of the rooftop open-air bar area on top of the parapet wall.**

Location of 3164 Holleman Drive South, Suite 100



NOTIFICATIONS

Advertised Commission Hearing Date: March 17, 2022

Advertised Council Hearing Dates: April 14, 2022

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: 21

Contacts in support: None

Contacts in opposition: None

Inquiry contacts: None at the time of staff report

ADJACENT LAND USES

Direction	Comprehensive Plan	Zoning	Land Use
North	Mixed Residential	T Townhomes	Single Family Townhomes
South	Mixed Residential	R Rural	Single Family Residential Homes
East	Mixed Residential	GC General Commercial	Future Convenience Store
West	Mixed Residential and Natural and Open Areas	R-4 Multi-family	Single Family Townhomes and detention pond

DEVELOPMENT HISTORY

Annexation: 2008

Zoning: A-O Agricultural Open (upon annexation)

R- 4 Multi-Family (2012)

GC General Commercial (2018)

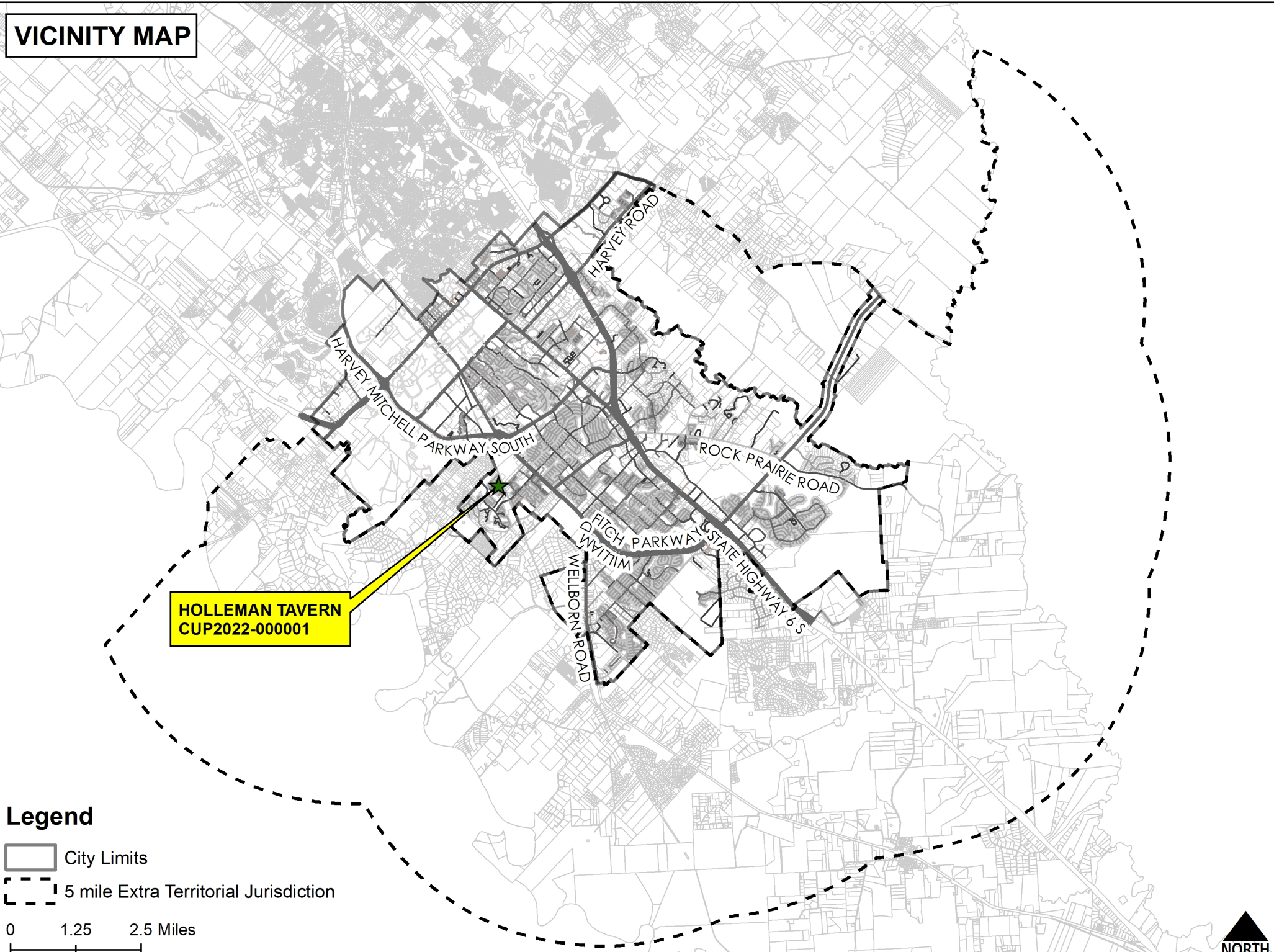
Final Plat: University Heights Ph 4 (2017)

University Heights Ph 4 Replat (2019)

University Heights Ph 4 Amending Plat (2019)

Site development: Commercial Retail Shopping Center (2020)

VICINITY MAP

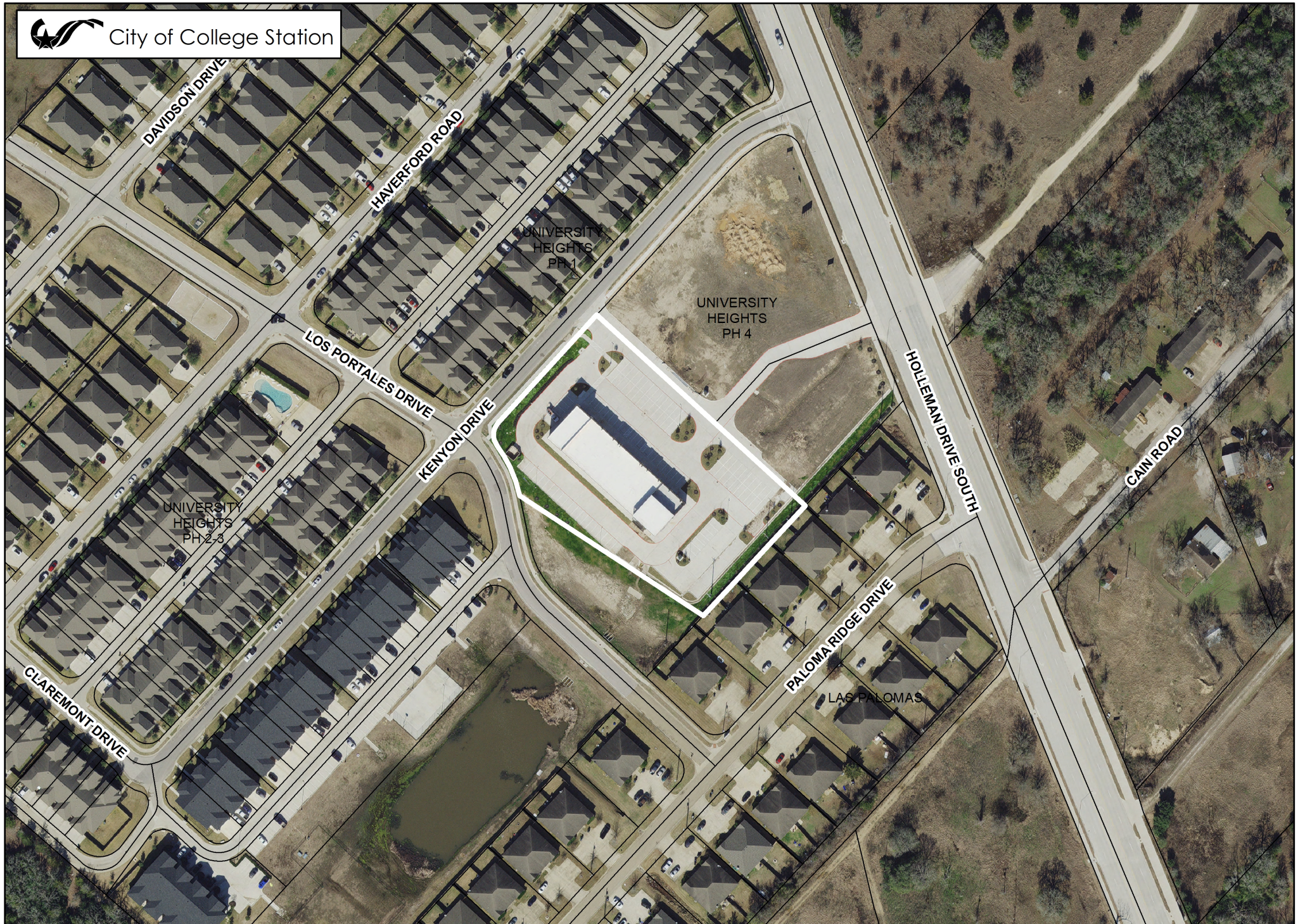


Legend

- City Limits
- 5 mile Extra Territorial Jurisdiction

0 1.25 2.5 Miles



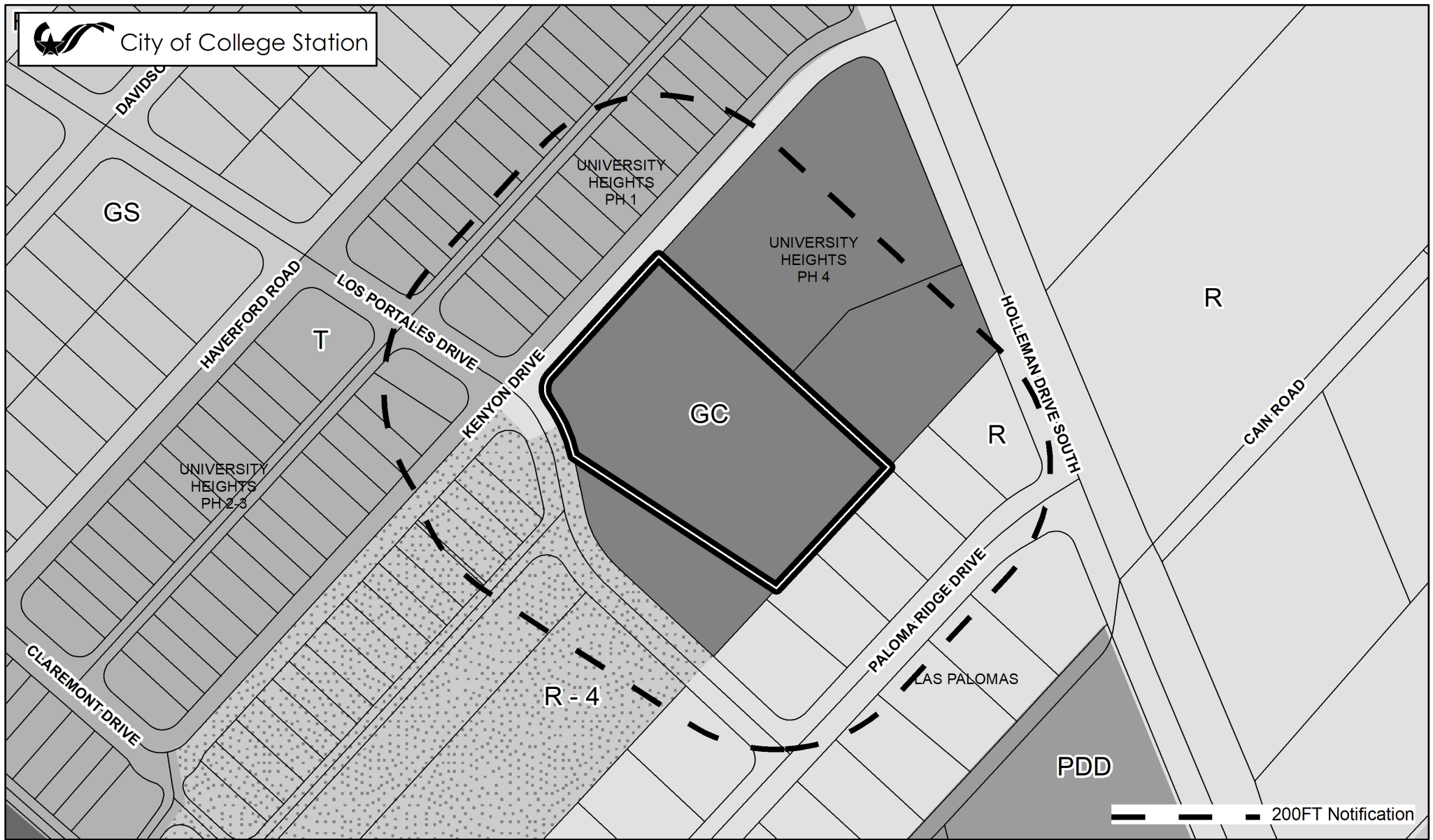


0 170 340 Feet

HOLLEMAN TAVERN

Case:
CUP2022-000001

**CONDITIONAL USE
PERMIT**



ZONING DISTRICTS (In Grayscale)

Residential		
R	Rural	MF Multi-Family
WE	Wellborn Estate	MU Mixed-Use
E	Estate	MHP Manufactured Home Pk.
WRS	Wellborn Restricted Suburban	
RS	Restricted Suburban	
GS	General Suburban	
D	Duplex	
T	Townhome	

Non-Residential

NAP	Natural Area Protected
O	Office
SC	Suburban Commercial
WC	Wellborn Commercial
GC	General Commercial
CI	Commercial Industrial
BP	Business Park
BPI	Business Park Industrial
C-U	College and University

Planned Districts

P-MUD	Planned Mixed-Use Dist.
PDD	Planned Develop. Dist.

Design Districts

WPC	Wolf Pen Creek Dev. Cor.
NG-1	Core Northgate
NG-2	Transitional Northgate
NG-3	Residential Northgate

Overlay Districts

OV	Corridor Ovr.
RDD	Redevelopment District
KO	Krenek Tap Ovr.
NPO	Nbrhd. Prevailing Ovr.
NCO	Nbrhd. Conservation Ovr.
HP	Historic Preservation Ovr.

Retired Districts

R-1B	Single Family Residential
R-4	Multi-Family
R-6	High Density Multi-Family
C-3	Light Commercial
RD	Research and Dev.
M-1	Light Industrial
M-2	Heavy Industrial



0 170 340 Feet

HOLLEMAN TAVERN

Case:
CUP2022-000001

**CONDITIONAL USE
PERMIT**



CONDITIONAL USE PERMIT APPLICATION SUPPORTING INFORMATION

Name of Project: HOLLEMAN TAVERN

Address: 3164 HOLLEMAN DR S 100

Legal Description: UNIVERSITY HEIGHTS PH 4, BLOCK 12, LOT 1R-3A, ACRES 2.05

Applicant:: KM CUSTOM HOMES

Property Owner: KGM RENTAL LLC

Detailed explanation of the proposed use:

The proposed use is for a restaurant bar to be located in an existing building.

Explain how the proposed use will meet the purpose and intent of the UDO and how it will meet all of the minimum standards:

The proposed use meets the zoning requirements and the site was designed and constructed for General Commercial and meets the minimum standards of the UDO.

Explain how the proposed use is consistent with the Comprehensive Plan:

The Comprehensive Plan has this area as Mixed Residential, the surrounding residential uses are single family detached housing, townhomes, duplexes and some multi-family. This area needs more commercial uses and this proposed facility will allow residents to use a facility that is close to their residence and possibly walk to it.

Explain how the proposed use is compatible with the surrounding areas:

The surrounding areas are primarily residential and there are few existing locations for dining and entertainment.

Explain how the proposed site plan and circulation plan will be harmonious with the character of the surround area:

The existing site was designed for General Commercial uses including a restaurant bar. The site has access not only to South Holleman Drive but to the adjoining neighborhoods on the south and west.

Explain how the infrastructure impacts will be minimized, including traffic impacts:

The traffic analysis was performed with the rezoning of the property to GC – General Commercial.

Explain the effects the use will have on the environment:

The facility will be located in an existing building so there should be not effects on the environment.

For Night Clubs, Bars, or Taverns: approximate the distance to the nearest residential area and indicate the housing type:

250', townhome residential

For Night Clubs, Bars, or Taverns: estimate the noise levels produces from the proposed use as heard from all property lines:

North – 25
East – 25
South – 45
West - 35

For Night Clubs, Bars, or Taverns: approximate the distance to the nearest church, school, or hospital from the front door, along property lines, to the front door:

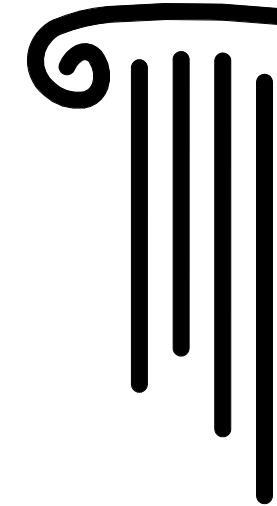
0.75 miles

For Mobile Food Courts, approximate the distance to the nearest single-family, duplex, or townhouse zoning districts:

N/A

For Long-Term Mobile Food Courts only, are alcohol sales proposed? If yes, approximate the distance to the nearest church, school or hospital from the front door, along property lines, to the front door:

N/A

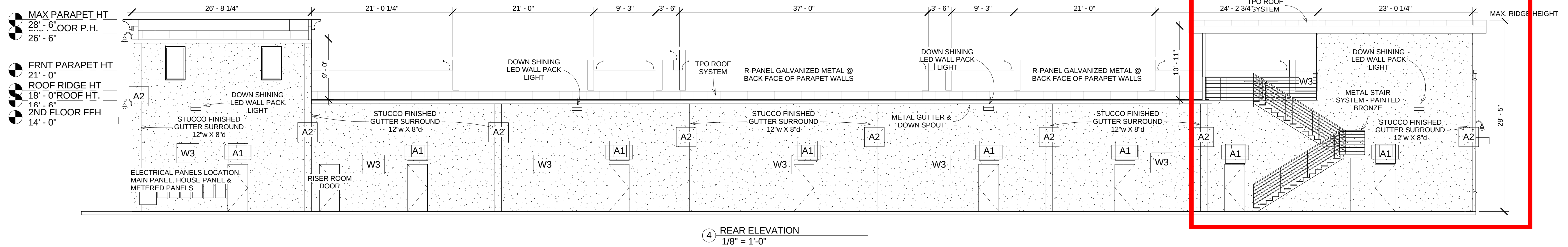


Bob Thomas, NCARB
Registered Architect

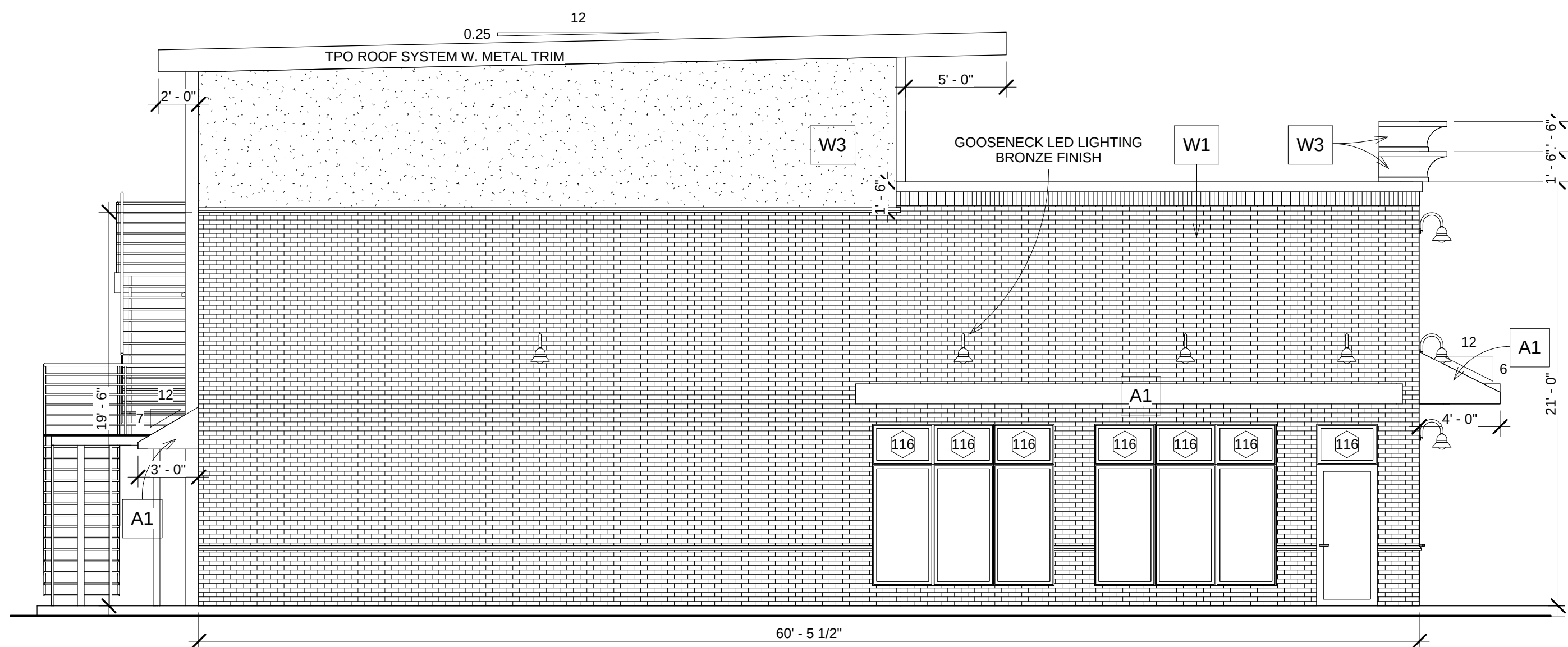
30418 Briarcrest Dr.
Georgetown, TX 78628
512-635-0621
btncarb@yahoo.com

"REVIEW ONLY"
NOT FOR REGULATORY
APPROVAL, PERMITTING
OR CONSTRUCTION

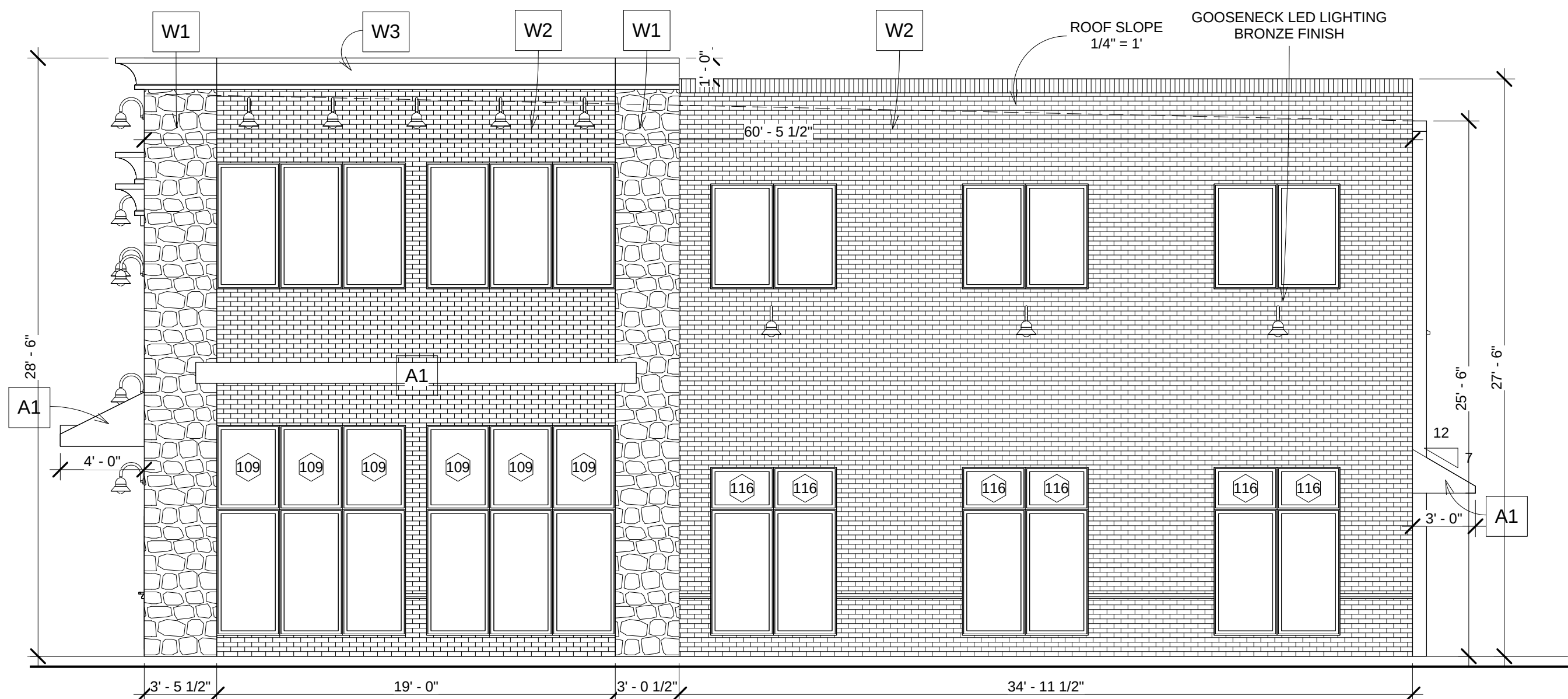
UNIVERSITY HEIGHTS
RETAIL CENTER
3160 HOLLEMAN DR. SOUTH
COLLEGE STATION, TX



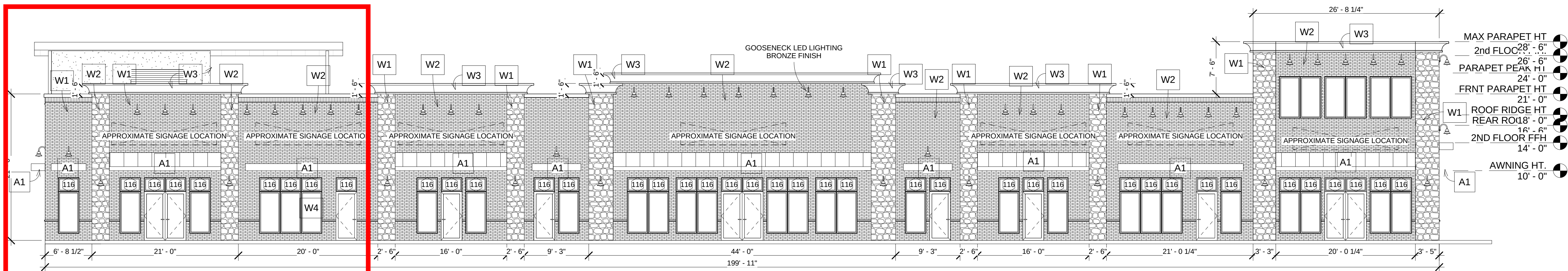
4 REAR ELEVATION
1/8" = 1'-0"



2 LEFT ELEVATION
3/16" = 1'-0"



3 RIGHT ELEVATION
3/16" = 1'-0"



1 FRONT ELEVATION
1/8" = 1'-0"

LEFT ELEVATION TOTAL FACADE AREA				REAR ELEVATION TOTAL FACADE AREA			
TTL VERTICAL SF GLAZING (STOREFRONT)	126 SF	OR	9.4%	TTL VERTICAL SF GLAZING (STOREFRONT)	32 SF	OR	0.8%
TTL VERTICAL SF MINUS OPENINGS	1,211 SF	OR	90.6%	TTL VERTICAL SF MINUS OPENINGS	1,810 SF	OR	47.0%
TTL VERTICAL SF OF BRICK/STONE	1,133 SF	OR	84.7%	TTL VERTICAL SF OF BRICK/STONE	0 SF	OR	0.0%
TTL VERTICAL SF OF STUCCO	66 SF	OR	4.9%	TTL VERTICAL SF OF STUCCO	3,610 SF	OR	93.7%
TTL VERTICAL SF OF METAL (AWNINGS)	12 SF	OR	0.9%	TTL VERTICAL SF OF METAL (AWNINGS)	212 SF	OR	5.5%
FRONT ELEVATION TOTAL FACADE AREA				RIGHT ELEVATION TOTAL FACADE AREA			
TTL VERTICAL SF GLAZING (STOREFRONT)	1,426 SF	OR	26.4%	TTL VERTICAL SF GLAZING (STOREFRONT)	455 SF	OR	26.0%
TTL VERTICAL SF MINUS OPENINGS	3,978 SF	OR	73.6%	TTL VERTICAL SF MINUS OPENINGS	1,295 SF	OR	74.0%
TTL VERTICAL SF OF BRICK/STONE	3,178 SF	OR	58.8%	TTL VERTICAL SF OF BRICK/STONE	1,224 SF	OR	69.9%
TTL VERTICAL SF OF STUCCO	200 SF	OR	3.7%	TTL VERTICAL SF OF STUCCO	50 SF	OR	2.9%
TTL VERTICAL SF OF METAL (AWNINGS)	600 SF	OR	11.1%	TTL VERTICAL SF OF METAL (AWNINGS)	21 SF	OR	1.2%

EXTERIOR FINISHES	
NAME	DESCRIPTION
W1	BRICK - ALLSTATE - MONROE
W2	STONE - MERIDIAN - CHOP BLOCK
W3	STUCCO & BANDING - TONY TAUPE SW7038
W4	STOREFRONT WINDOW SYSTEM - ACME - BRONZE
A1	METAL AWNINGS - GALVANIZED
A2	STUCCO FINISHED GUTTER SURROUND 12"w x 8"d

APPROVAL STAMP/COMMENTS HERE

REVIEWED FOR COMPLIANCE
CITY OF COLLEGE STATION
PLANNING & DEVELOPMENT SERVICES
PLANNING DIVISION

Lauren Hovde
LAUREN HOVDE, AICP, SENIOR PLANNER
10/16/2019

Revisions		
No.	Date	Description
1		
2		
3		
4		

File: KM 01

Scale: As indicated

By: SRE

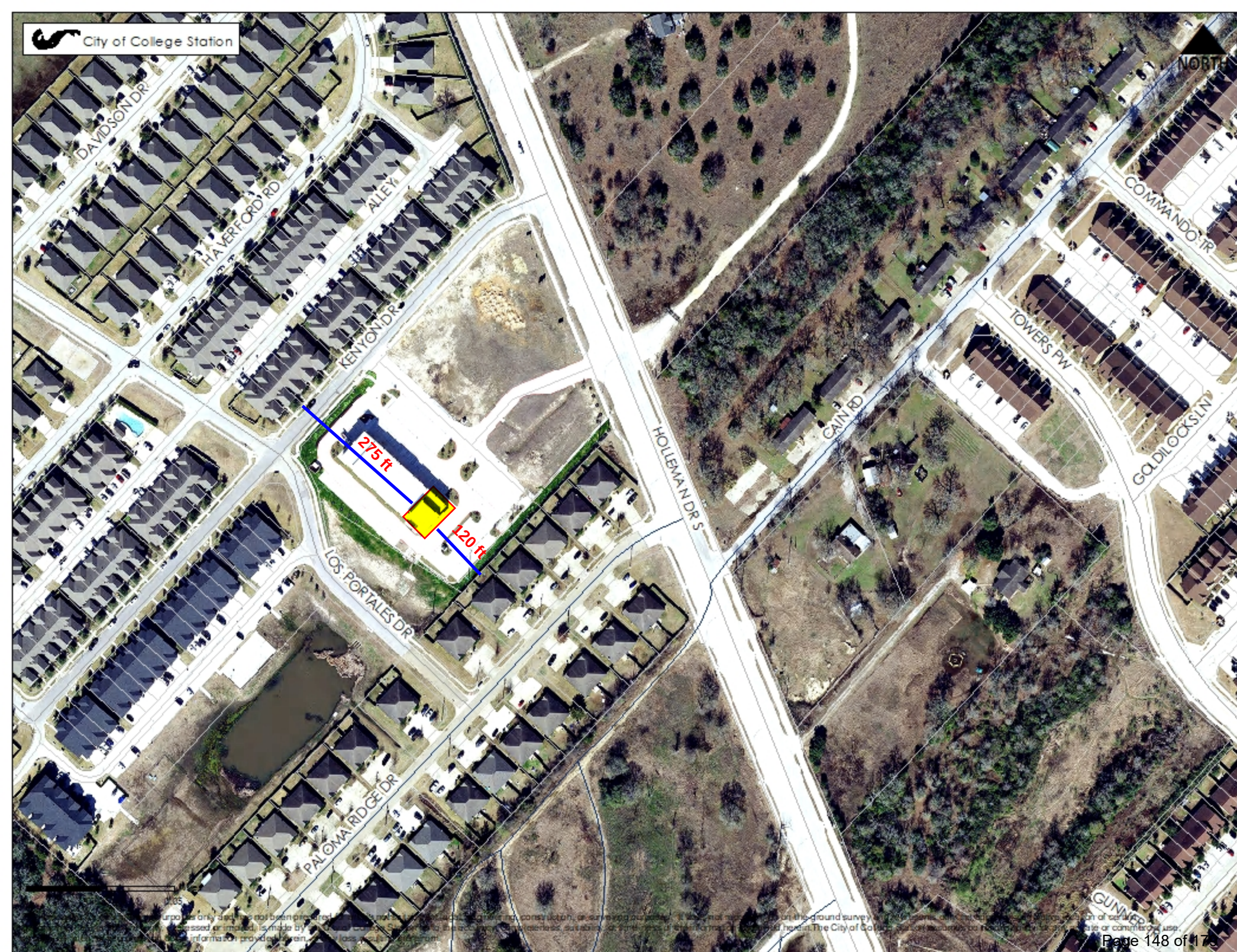
Date: 10-01-19

Sheet Name

ELEVATIONS

Sheet No.

A1



1205







**April 14, 2022
Item No. 8.2.
Butler Rezoning**

Sponsor: Robin Macias

Reviewed By CBC: Planning & Zoning Commission

Agenda Caption:Public Hearing, presentation, discussion, and possible action regarding 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 boundary from R Rural and GC General Commercial to MF Multi-family and NAP Natural Areas Protected for approximately 42.8 acres generally located at Holleman Drive South and General Parkway.

Relationship to Strategic Goals:

Diverse & Growing Economy

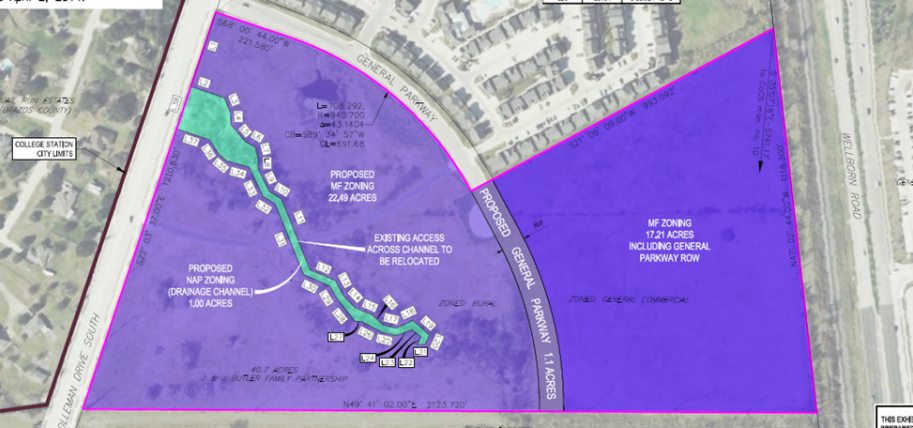
Recommendation(s): The Planning and Zoning Commission heard this item at their March 17, 2022 Regular Meeting and voted unanimously (7-0) to recommend approval of Modified Request #2. Staff recommends denial of the Original Request, but would be supportive of Modified Request #1 and Modified Request #2, which both reserve a portion of land along Holleman Drive South for potential future commercial.

Please note, the Ordinance that is included in the packet is Modified Request #2.

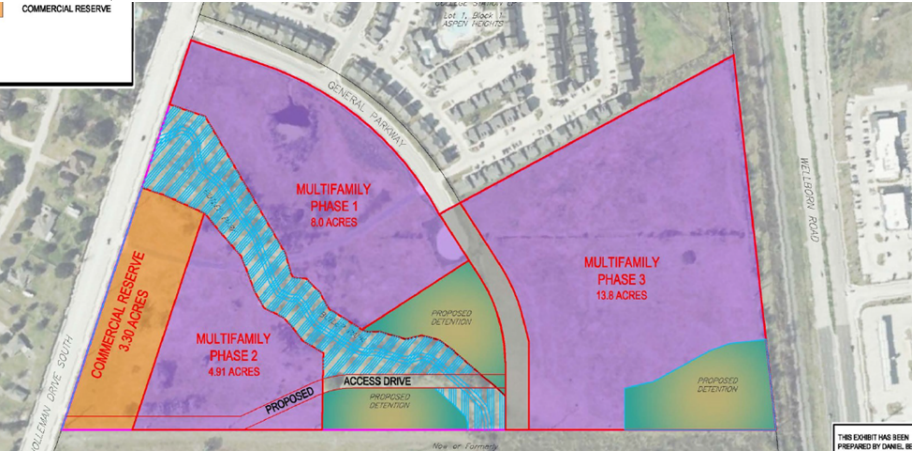
Summary: The owner’s original request was to rezone approximately 42.8 acres of undeveloped land generally located at the intersection of Holleman Drive South and General Parkway from R Rural and GC General Commercial to MF Multi-family and NAP Natural Areas Protected. The request was modified (Modified Request #1) to reduce the amount of MF Multi-family being requested, and to reserve land along Holleman Drive South for potential future commercial. The request was then modified a second time (Modified Request #2) to add back some MF Multi-family zoning between the NAP Natural Areas Protected and the area for potential future commercial. The applicant's reason for this modification was to provide a park amenity for the multi-family development between the potential future commercial use and the portion being rezoned to NAP Natural Areas Protected.

Below is a representation of the requests.

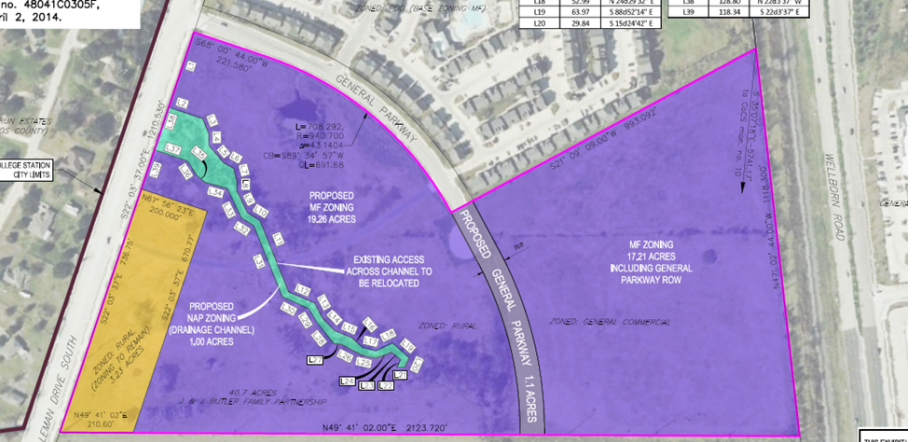
Original Request



Modified Request #1 - Please note, while the NAP Natural Areas Protected does look larger in the Modified Request #1, it is the same size in all requests. The applicant was trying to show what the intended use of the land would be (park type amenity), but the intended use will span both zoning districts, NAP and MF.



Modified Request #2



REZONING REVIEW CRITERIA

1. Whether the proposal is consistent with the Comprehensive Plan:

The subject tract is designated on the Comprehensive Plan Future Land Use and Character Map as Neighborhood Center. For the Neighborhood Center land use, the Comprehensive Plan provides the following:

Areas that are appropriate for a mix of uses arranged in a compact and walkable pattern at a smaller scale than Urban Centers. These areas consist of residential, commercial, and office uses arranged horizontally in an integrated manner and may be mixed vertically within structures. Neighborhood Centers should also incorporate consolidated parking facilities, access to transportation alternatives, open space and recreational facilities, and public uses.

The intent of the district is to:

- Create and reinforce walkable activity centers that are connected to surrounding development and include a mix of complementary uses
- Accommodate a mix of building types that frame attractive pedestrian spaces
- Encourage commercial uses along primary streets
- Support vertical mixed-use structures with ground-floor retail in appropriate locations such as along corridors or major intersections
- Support multi-family residential as a secondary component of a center
- Encourage shared surface parking located behind or to the side of buildings (with some limited parking in front of buildings), structured parking, and on-street parking where possible

The zoning districts that are generally appropriate within this land use include: Mixed-use, Wolf Pen Creek zoning (in Wolf Pen Creek only), General commercial and multi-family zoning may be considered in some circumstances if designed in an integrated manner with a preferred emphasis on urban form.

The applicant's original request was to rezone the property to MF Multi-Family, except the portion that was identified for NAP Natural Areas Protected. The original proposal to MF Multi-Family could be consistent with the Neighborhood Center land use if integrated in a manner with a preferred emphasis on urban form. MF Multi-Family does permit non-residential uses up to a maximum of 50 percent of the total floor area, if incorporated into the residential structure; however, since the commercial component cannot be required under the MF Multi-Family zoning, as it is optional, staff was not in support of this request.

After further conversations with the applicant, the applicant has submitted a revised proposal that would rezone only a portion of the property to MF Multi-Family, while leaving a portion along Holleman Drive South as a potential future commercial area. Since this item was not publicly noticed to include a commercial component, a rezoning of this area to a commercial designation cannot occur at this time, but will have to be done under a future request. Therefore, the intent would be rezone a portion of the property to MF Multi-Family and NAP Natural Areas Protected, and leave the other area along Holleman Drive South as its current zoning, R Rural.

This area of the city is already home to a significant amount of residential. While commercial uses are within the area, such as on Wellborn Road (Jones Crossing), getting to them can be difficult as it requires crossing the railroad. This also causes concern with traffic and congestion within this area.

The reason for the establishment of the Neighborhood Center land use on the west side of the railroad was to encourage additional commercial that could help support the residential that is already constructed, as well as future residential.

Currently, the property does have a portion that is zoned GC General Commercial, however, that portion of the property is located along the railroad, with no direct access to Wellborn Road. Furthermore, it is located on the opposite side of Holleman Drive South and would have limited visibility from that corridor.

The Comprehensive Plan or Unified Development Ordinance does not provide a specific amount of area for non-residential uses that must be included. However, the area that the applicant is now proposing as future commercial should provide a more balanced mixture of land uses that meets the intent of the Comprehensive Plan.

Finally, a portion of the subject tract contains a tributary of Bee Creek, which is proposed to be covered by the portion zoned as NAP Natural Areas Protected. Per the Comprehensive Plan, this zoning is generally intended for areas that represents a natural function or open space that should be conserved and promote integration of greenways within new neighborhoods. Staff does not have any concerns with this part of the request.

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

The surrounding area consists of a multi-family development to the north, predominately undeveloped property with an existing oil well pad and a single-family home to the south, commercial property across the railroad tracks to the east and single-family homes located in the City's ETJ to the west. The proposed zoning of NAP Natural Areas Protected would be compatible with the area surrounding the Bee Creek Tributary as it provides the conservation of the natural feature and open space in that area. The proposed zoning use would be compatible with the area to the north as it would allow for the same development as the adjacent multi-family property.

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

There is a small portion of the property that has been identified as floodplain which is covered in the proposed NAP Natural Areas Protected zoning of the property. The size and location of the subject property is suitable for multi-family development. The site has adequate space to meet the minimal dimensional standards and development requirements of the MF Multi-Family zoning district.

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

Domestic water and fire flow service for this tract will be provided by Wellborn SUD. Wastewater service for the tract will be provided by the City of College Station via an existing 10- and 12-inch sewer lines in the north corner of the tract. Water service from Wellborn SUD will require a large waterline to be installed along Holleman Drive South from offsite of the subject property in order to provided adequate domestic water and fire flow service.

Detention is required in accordance with the B/CS guidelines. Drainage and any other infrastructure required with the site development shall be designed and constructed in accordance with the B/CS

Unified Design Guidelines.

The subject tract has frontage to Holleman Drive South which is designated as a Minor Arterial on the Thoroughfare Plan. The tract also contains the extension of General Parkway which is designated as a Minor Collector. A traffic impact analysis (TIA) was performed for the rezoning request and evaluated five intersections. The City has a capital project under design to extend Jones Butler Road from Harvey Mitchell Parkway (FM 2818) to Holleman Drive South, which also includes a roundabout at the intersection of Jones Butler Road and Holleman Drive South. With the City completing the street extension and roundabout, all intersections are anticipated to perform at an acceptable level of service and no other traffic mitigation would be required.

5. The marketability of the property:

The applicant states that due to the lack of direct access to FM 2154 and the competition from the nearby Jones Crossing commercial development, the property is better suited and more marketable as a multi-family development rather than a strictly commercial, rural, or mixed use.

Budget & Financial Summary: N/A

Attachments:

1. Ordinance
2. Vicinity Map, Aerial, and Small Area Map
3. Future Land Use and Thoroughfare Map
4. Rezoning Map (Original Request)
5. Rezoning Map (Modified Request #1)
6. Rezoning Map (Modified Request #2)
7. Rezoning Exhibit (Original Request)
8. Rezoning Exhibit (Modified Request #1)
9. Rezoning Exhibit (Modified Request #2)
10. Background Information
11. Applicant's Supporting Information

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 R RURAL AND GC GENERAL COMMERCIAL TO MF MULTI-FAMILY AND NAP NATURAL AREAS PROTECTED ON APPROXIMATELY 38 ACRES GENERALLY LOCATED AT HOLLEMAN DRIVE SOUTH AND GENERAL PARKWAY 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 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 _____ day of _____, 20__.

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 as follows:

The following property is rezoned from R Rural to NAP Natural Areas Protected:



**ZONING FIELD NOTES
1.009 ACRES
OUT OF THE
J & J BUTLER FAMILY PARTNERSHIP, LTD.
CALLED 69.37 ACRES
VOLUME 7551, PAGE 41
CRAWFORD BURNETT LEAGUE, A - 7
CITY OF COLLEGE STATION
BRAZOS COUNTY, TEXAS**

All that certain lot, tract or parcel of land being 1.009 acres situated in the CRAWFORD BURNETT LEAGUE, Abstract No. 7, Brazos County, Texas and being a part of that certain Called 69.37 acre tract as described in deed from James G. Butler to J & J Butler Family Partnership, Ltd. of record in Volume 7551, Page 41, Official Records of Brazos County, Texas, said 1.009 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a point in the northeast right-of-way line of Holleman Drive South as described in Volume 5539, Page 47, Official Records of Brazos County, Texas for the most westerly corner, a 1/2" Iron Rod with Cap found at the intersection of the northeast right-of-way line of said Holleman Drive and the southeast right-of-way line of General Parkway as described in Volume 13426, Page 10, Official Records of Brazos County, Texas bears N 22° 03' 37" W a distance of 226.64 feet;

THENCE N 67° 56' 23" E a distance of 103.10 to a point for angle point;

THENCE S 61° 53' 32" E a distance of 45.16 to a point for angle point;

THENCE S 42° 19' 20" E a distance of 33.81 to a point for angle point;

THENCE S 80° 40' 59" E a distance of 65.49 to a point for angle point;

THENCE N 79° 05' 54" E a distance of 33.15 to a point for angle point;

THENCE S 55° 19' 06" E a distance of 35.07 to a point for angle point;

THENCE S 40° 08' 24" E a distance of 28.90 to a point for angle point;

THENCE S 66° 20' 25" E a distance of 71.25 to a point for angle point;

THENCE N 81° 15' 02" E a distance of 42.44 to a point for angle point;

THENCE S 62° 31' 50" E a distance of 221.16 to a point for angle point;

THENCE N 72° 02' 00" E a distance of 80.08 to a point for angle point;

THENCE S 68° 25' 20" E a distance of 50.35 to a point for angle point;



THENCE S 85 ° 06 ' 56 " E a distance of 49.22 to a point for angle point;
 THENCE N 72 ° 09 ' 27 " E a distance of 54.52 to a point for angle point;
 THENCE S 87 ° 04 ' 06 " E a distance of 40.15 to a point for angle point;
 THENCE N 63 ° 13 ' 21 " E a distance of 39.74 to a point for angle point;
 THENCE N 24 ° 29 ' 32 " E a distance of 52.99 to a point for angle point;
 THENCE S 88 ° 52 ' 14 " E a distance of 63.97 to a point for angle point;
 THENCE S 15 ° 24 ' 42 " E a distance of 29.84 to a point for angle point, a 3/8" Iron Rod found for the most easterly corner of said Called 69.37 acre tract bears N 59 ° 17 ' 33 " E a distance of 1150.57 feet;
 THENCE S 49 ° 23 ' 27 " W a distance of 22.13 to a point for angle point;
 THENCE N 15 ° 20 ' 57 " W a distance of 24.43 to a point for angle point;
 THENCE S 87 ° 49 ' 07 " W a distance of 33.34 to a point for angle point;
 THENCE S 28 ° 27 ' 59 " W a distance of 48.27 to a point for angle point;
 THENCE S 62 ° 04 ' 03 " W a distance of 40.38 to a point for angle point;
 THENCE S 76 ° 45 ' 38 " W a distance of 68.51 to a point for angle point;
 THENCE S 54 ° 21 ' 40 " W a distance of 20.36 to a point for angle point;
 THENCE N 79 ° 00 ' 06 " W a distance of 77.33 to a point for angle point;
 THENCE N 71 ° 50 ' 29 " W a distance of 46.82 to a point for angle point;
 THENCE S 73 ° 52 ' 43 " W a distance of 83.23 to a point for angle point;
 THENCE N 62 ° 31 ' 50 " W a distance of 219.37 to a point for angle point;
 THENCE S 81 ° 15 ' 02 " W a distance of 41.51 to a point for angle point;
 THENCE N 66 ° 20 ' 25 " W a distance of 94.31 to a point for angle point;
 THENCE S 64 ° 48 ' 59 " W a distance of 66.05 to a point for angle point;
 THENCE S 89 ° 18 ' 34 " W a distance of 31.13 to a point for angle point;



THENCE N 73 ° 18 ' 40 " W a distance of 48.87 to a point for angle point;

THENCE S 67 ° 56 ' 23 " W a distance of 99.92 to a point in the northeast right-of-way line of said Holleman Drive for the most westerly south corner, a 1/2" Iron Rod found for reference at the intersection of the southeast line of said Called 69.37 acre tract and the northeast right-of-way line of said Holleman Drive bears S 22 ° 03 ' 37 " E a distance of 855.08 feet;

THENCE N 22 ° 03 ' 37 " W along the northeast right-of-way line of said Holleman Drive a distance of 128.80 feet to the PLACE OF BEGINNING AND CONTAINING AN AREA OF 1.009 ACRES OF LAND MORE OR LESS, according to a survey performed during the month of April, 2018 under the supervision of H. Curtis Strong, Registered Professional Land Surveyor No. 4961. North Orientation is based on rotating the northeast line of said Called 69.37 acre tract to Grid North NAD83 (CORS 2011) epoch 2010.00 STATE PLANE CENTRAL ZONE. This field note description is for the purpose of Zoning and not for the purpose of a boundary transaction.



Exhibit B

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 as follows:

The following property is rezoned from R Rural and GC General Commercial to MF Multi-Family:



**ZONING FIELD NOTES
36.47 ACRES
OUT OF THE
J & J BUTLER FAMILY PARTNERSHIP, LTD.
CALLED 69.37 ACRES
VOLUME 7551, PAGE 41
CRAWFORD BURNETT LEAGUE, A - 7
CITY OF COLLEGE STATION
BRAZOS COUNTY, TEXAS**

All that certain lot, tract or parcel of land being 36.47 acres situated in the CRAWFORD BURNETT LEAGUE, Abstract No. 7, Brazos County, Texas and being a part of that certain Called 69.37 acre tract as described in deed from James G. Butler to J & J Butler Family Partnership, Ltd. of record in Volume 7551, Page 41, Official Records of Brazos County, Texas, said 36.47 acre tract being more particularly described by metes and bounds as follows:

BEGINNING at a 3/8" Iron Rod found for the most easterly corner, said corner being the most easterly corner of said Called 69.37 acre tract, said point being the most southerly corner of the J & J Butler Family Partnership, Ltd. Called 1.185 acre tract as described in Volume 14105, Page 116, Official Records of Brazos County, Texas, said point being the most northerly corner of the D. W. Fleming Called 70.4 acre tract as described in Volume 143, page 635, Deed Records of Brazos County, Texas;

THENCE S 49 ° 41 ' 02 " W, along the common line between said Called 69.37 acre tract and said Called 70.4 acre tract a distance of 1913.12 feet to a point for the most southerly corner, a 1/2" Iron Rod found in the northeast right-of-way line of said Holleman Drive South as described in Volume 5539, Page 47, Official Records of Brazos County, Texas bears S 49 ° 41 ' 02 " W a distance of 210.60 feet;

THENCE N 22 ° 03 ' 37 " W a distance of 670.77 feet to a point for angle point;

THENCE S 67 ° 56 ' 23 " W a distance of 200.00 feet to a point for angle point;

THENCE N 22 ° 03 ' 37 " W a distance of 118.34 feet to a point for angle point;

THENCE N 67 ° 56 ' 23 " E a distance of 99.92 feet to a point for angle point;

THENCE S 73 ° 18 ' 40 " E a distance of 48.87 feet to a point for angle point;

THENCE N 89 ° 18 ' 34 " E a distance of 31.13 feet to a point for angle point;

THENCE N 64 ° 48 ' 59 " E a distance of 66.05 feet to a point for angle point;

THENCE S 66 ° 20 ' 25 " E a distance of 94.31 feet to a point for angle point;

THENCE N 81 ° 15 ' 02 " E a distance of 41.51 feet to a point for angle point;



THENCE S 62 ° 31 ' 50 " E a distance of 219.37 feet to a point for angle point;
THENCE N 73 ° 52 ' 43 " E a distance of 83.23 feet to a point for angle point;
THENCE S 71 ° 50 ' 29 " E a distance of 46.82 feet to a point for angle point;
THENCE S 79 ° 00 ' 06 " E a distance of 77.33 feet to a point for angle point;
THENCE N 54 ° 21 ' 40 " E a distance of 20.36 feet to a point for angle point;
THENCE N 76 ° 45 ' 38 " E a distance of 68.51 feet to a point for angle point;
THENCE N 62 ° 04 ' 03 " E a distance of 40.38 feet to a point for angle point;
THENCE N 28 ° 27 ' 59 " E a distance of 48.27 feet to a point for angle point;
THENCE N 87 ° 49 ' 07 " E a distance of 33.34 feet to a point for angle point;
THENCE S 15 ° 20 ' 57 " E a distance of 24.43 feet to a point for angle point;
THENCE N 49 ° 23 ' 27 " E a distance of 22.13 feet to a point for angle point;
THENCE N 15 ° 24 ' 42 " W a distance of 29.84 feet to a point for angle point;
THENCE N 88 ° 52 ' 14 " W a distance of 63.97 feet to a point for angle point;
THENCE S 24 ° 29 ' 32 " W a distance of 52.99 feet to a point for angle point;
THENCE S 63 ° 13 ' 21 " W a distance of 39.74 feet to a point for angle point;
THENCE N 87 ° 04 ' 06 " W a distance of 40.15 feet to a point for angle point;
THENCE S 72 ° 09 ' 27 " W a distance of 54.52 feet to a point for angle point;
THENCE N 85 ° 06 ' 56 " W a distance of 49.22 feet to a point for angle point;
THENCE N 68 ° 25 ' 20 " W a distance of 50.35 feet to a point for angle point;
THENCE S 72 ° 02 ' 00 " W a distance of 80.08 feet to a point for angle point;
THENCE N 62 ° 31 ' 50 " W a distance of 221.16 feet to a point for angle point;
THENCE S 81 ° 15 ' 02 " W a distance of 42.44 feet to a point for angle point;
THENCE N 66 ° 20 ' 25 " W a distance of 71.25 feet to a point for angle point;



THENCE N 40 ° 08 ' 24 " W a distance of 28.90 feet to a point for angle point;

THENCE N 55 ° 19 ' 06 " W a distance of 35.07 feet to a point for angle point;

THENCE S 79 ° 05 ' 54 " W a distance of 33.15 feet to a point for angle point;

THENCE N 80 ° 40 ' 59 " W a distance of 65.49 feet to a point for angle point;

THENCE N 42 ° 19 ' 20 " W a distance of 33.81 feet to a point for angle point;

THENCE N 61 ° 53 ' 32 " W a distance of 45.16 feet to a point for angle point;

THENCE S 67 ° 56 ' 23 " W a distance of 103.10 feet to a point for angle point;

THENCE N 22 ° 03 ' 37 " W, along the northeast line of said Holleman Drive South a distance of 226.64 feet to a 1/2" Iron Rod with Cap found for the most westerly corner, said point being the southwest corner of General Parkway as described in Volume 13426, page 10, Official Records of Brazos County, Texas;

THENCE N 68 ° 00 ' 44 " E, along the southerly right-of-way line of said General Parkway a distance of 221.58 feet to a 1/2" Iron Rod with Cap found for the beginning of a curve;

THENCE continuing along the southerly right-of-way line of said General Parkway around a curve in a clockwise direction having a delta angle of 43 ° 08 ' 25 " , an arc distance of 708.29 feet, a radius of 940.70 feet, and a chord of N 89 ° 34 ' 56 " E, a distance of 691.68 feet to a 1/2" Iron Rod with Cap found for an interior corner, said point being the southeast corner of said General Parkway;

THENCE N 21 ° 09 ' 09 " E, along the southeast right-of-way line of said General Parkway at a distance of 71.00 feet passing a 1/2" Iron Rod with Cap found for the northeast corner of said General Parkway and also being the southeast corner of Aspen Heights Lot 1, Block 1 as described in Volume 13426, Page 10, Official Records of Brazos County, Texas and continuing along the southeast line of said Lot 1, Block 1 for a total distance of 993.09 feet to a 1/2" Iron Rod with Cap found for the most northerly corner, said point being the most easterly corner of said Lot 1, Block 1, said point also being located in the northeast line of said Called 69.37 acre tract, said point also being the most westerly corner of said Called 1.185 acre tract;

THENCE S 47 ° 02 ' 44 " E, along the northeast line of said Called 69.37 acre tract and the southwest line of said Called 1.185 acre tract a distance of 1118.30 feet to the PLACE OF BEGINNING AND CONTAINING AN AREA OF 36.47 ACRES OF LAND MORE OR LESS, according to a survey performed during the month of April, 2018 under the supervision of H. Curtis Strong, Registered Professional Land Surveyor No. 4961. North Orientation is based on rotating the northeast line of said Called 69.37 acre tract to Grid North NAD83 (CORS 2011) epoch 2010.00 STATE PLANE CENTRAL ZONE. This field note description is for the purpose of Zoning and not for the purpose of a boundary transaction.

3



Exhibit C

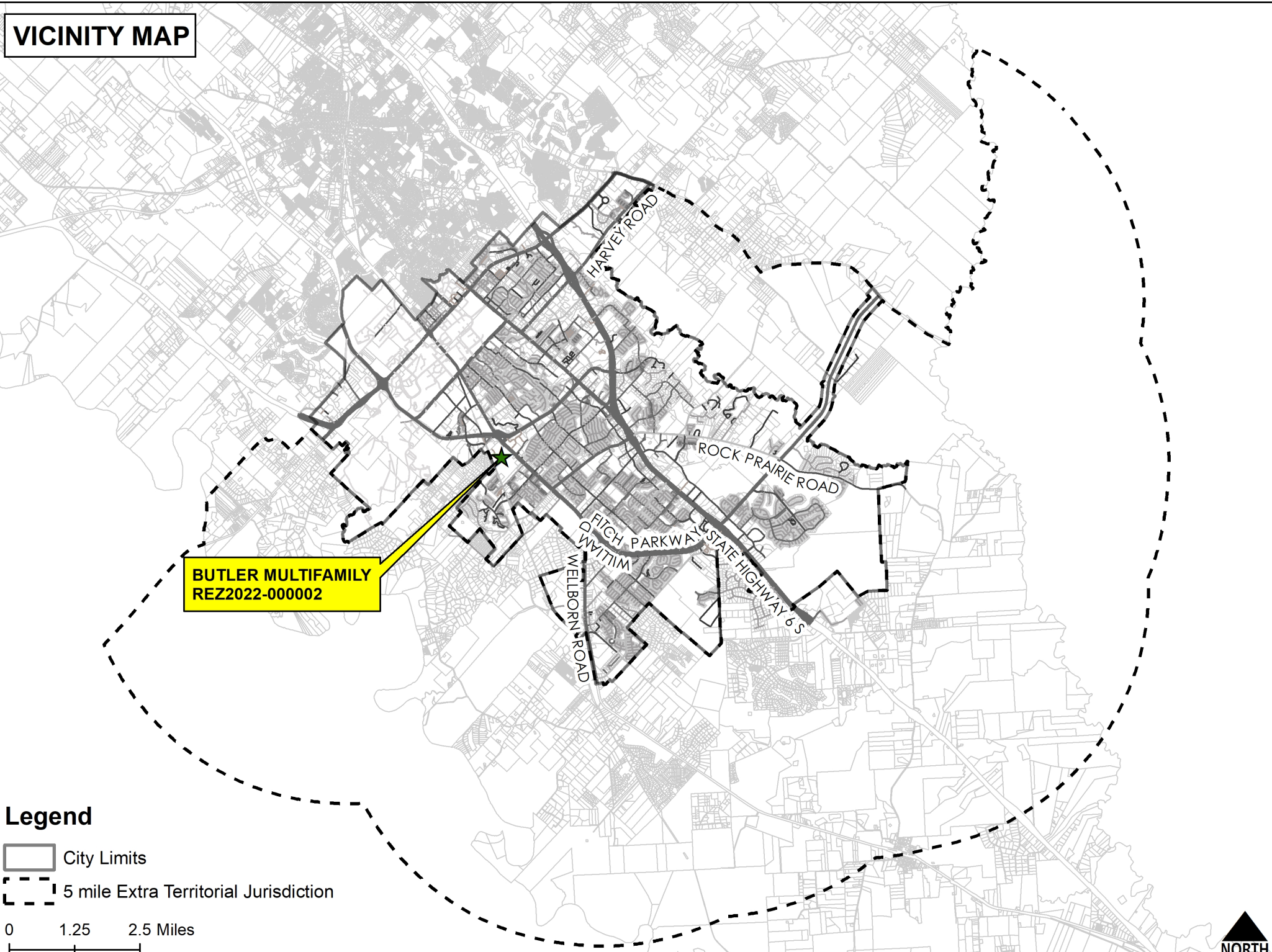
PROPOSED Zoning



EXISTING Zoning



VICINITY MAP



Legend

- City Limits
- 5 mile Extra Territorial Jurisdiction

0 1.25 2.5 Miles



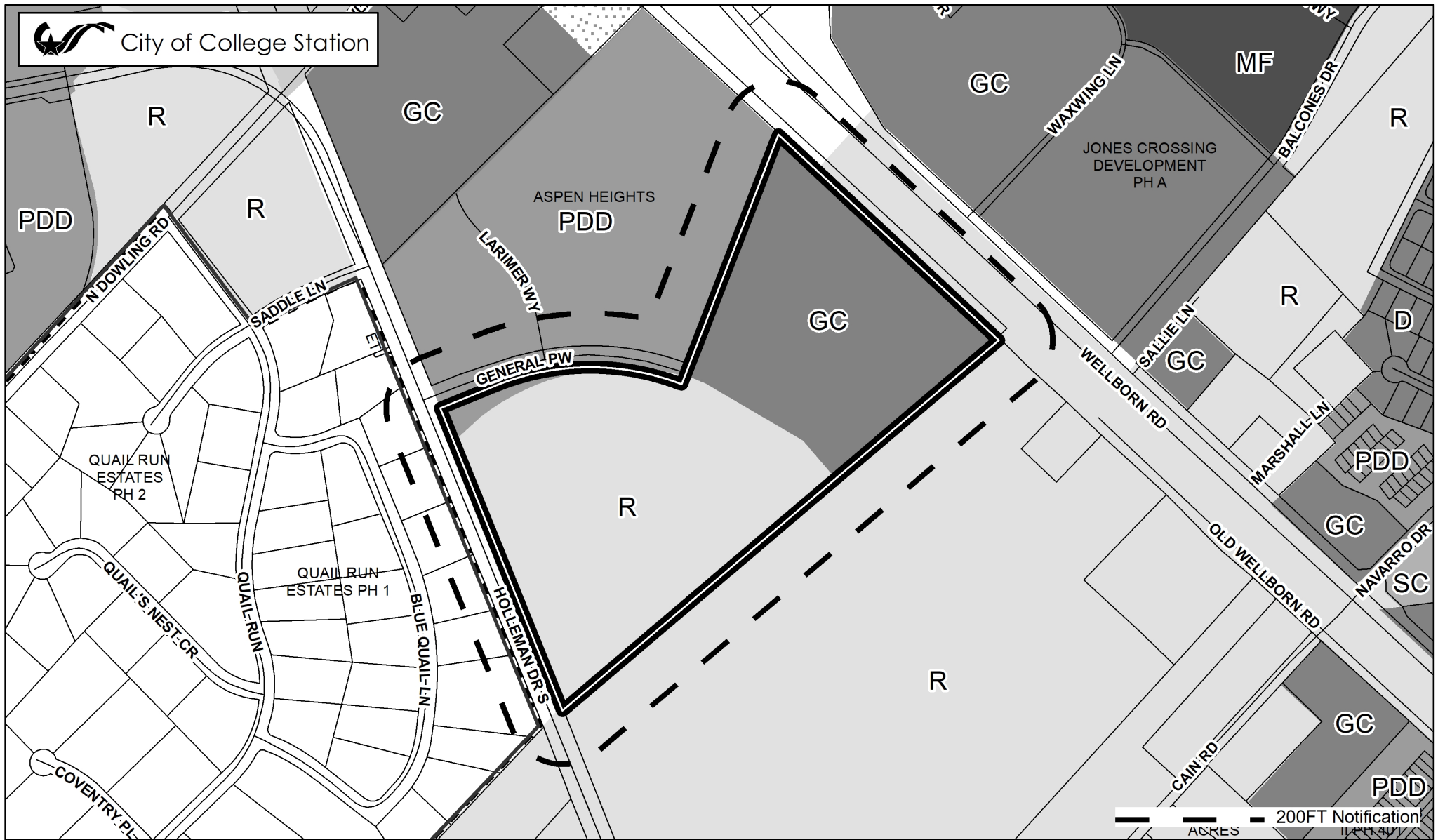


0 500 1,000 Feet

BUTLER MULTIFAMILY

Case:
REZ2022-000002

REZONING



ZONING DISTRICTS (In Grayscale)

Residential		
R	Rural	MF Multi-Family
WE	Wellborn Estate	MU Mixed-Use
E	Estate	MHP Manufactured Home Pk.
WRS	Wellborn Restricted Suburban	
RS	Restricted Suburban	
GS	General Suburban	
D	Duplex	
T	Townhome	

Non-Residential

NAP	Natural Area Protected
O	Office
SC	Suburban Commercial
WC	Wellborn Commercial
GC	General Commercial
CI	Commercial Industrial
BP	Business Park
BPI	Business Park Industrial
C-U	College and University

Planned Districts

P-MUD	Planned Mixed-Use Dist.
PDD	Planned Develop. Dist.

Design Districts

WPC	Wolf Pen Creek Dev. Cor.
NG-1	Core Northgate
NG-2	Transitional Northgate
NG-3	Residential Northgate

Overlay Districts

OV	Corridor Ovr.
RDD	Redevelopment District
KO	Krenek Tap Ovr.
NPO	Nbrhd. Prevailing Ovr.
NCO	Nbrhd. Conservation Ovr.
HP	Historic Preservation Ovr.

Retired Districts

R-1B	Single Family Residential
R-4	Multi-Family
R-6	High Density Multi-Family
C-3	Light Commercial
RD	Research and Dev.
M-1	Light Industrial
M-2	Heavy Industrial



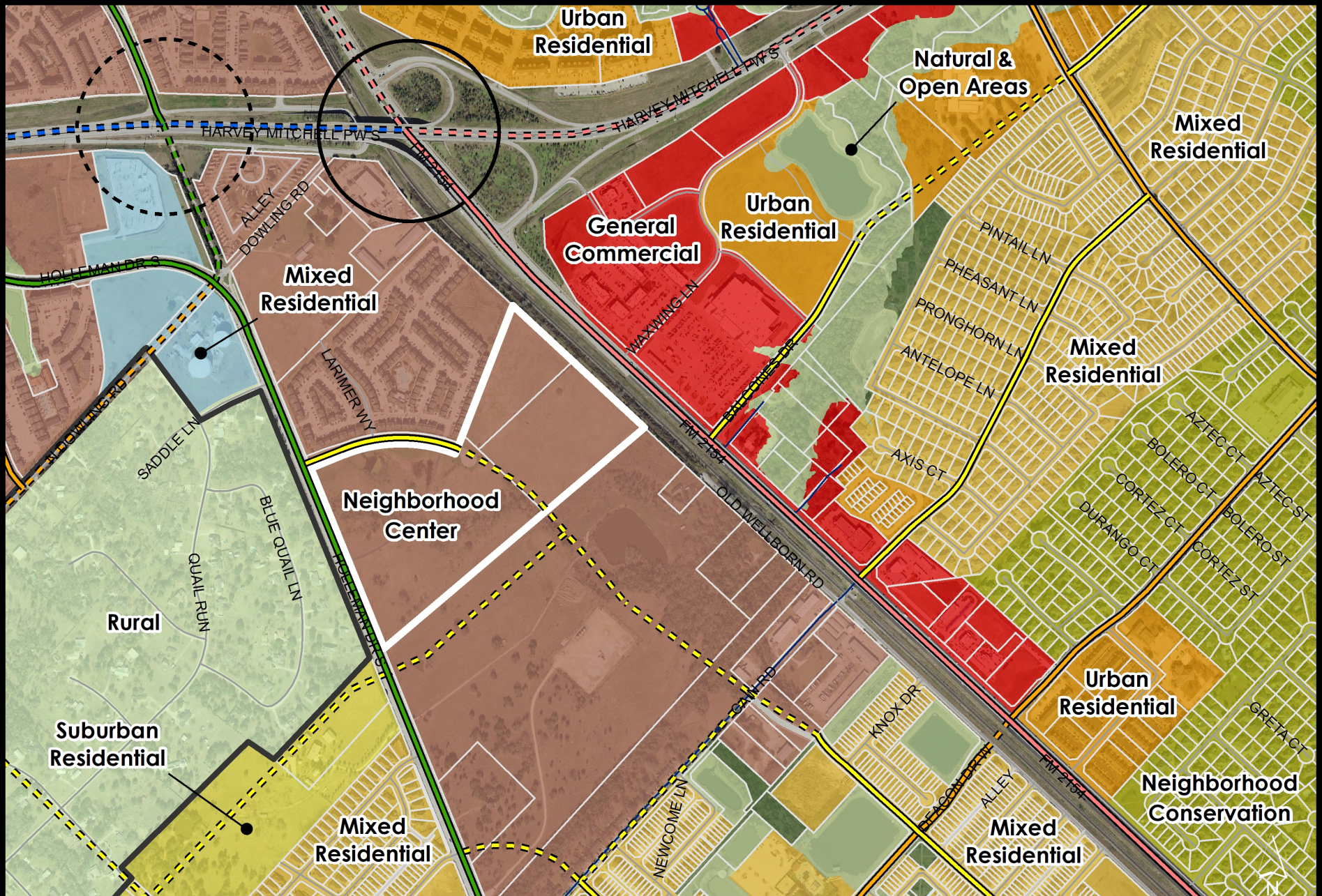
0 500 1,000 Feet

BUTLER MULTIFAMILY

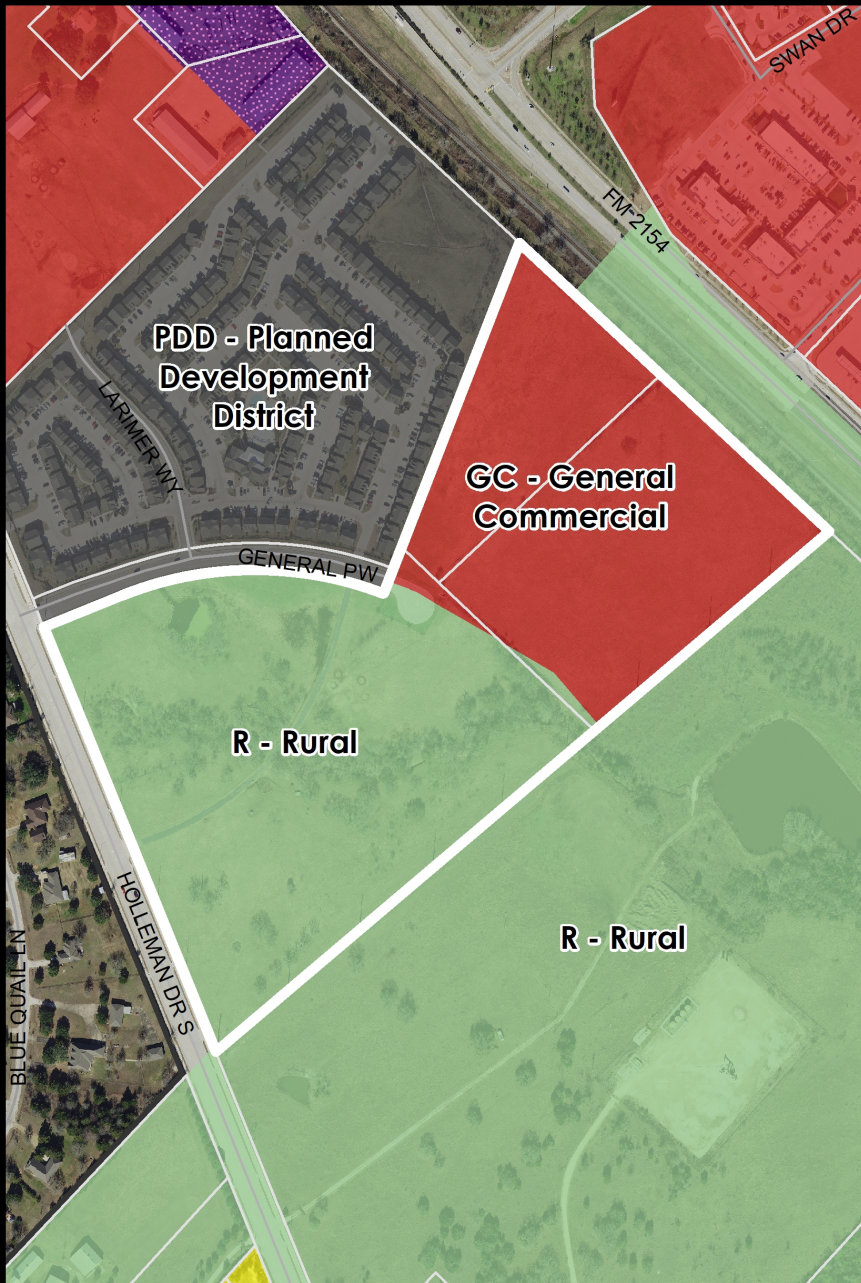
Case:
REZ2022-000002

REZONING

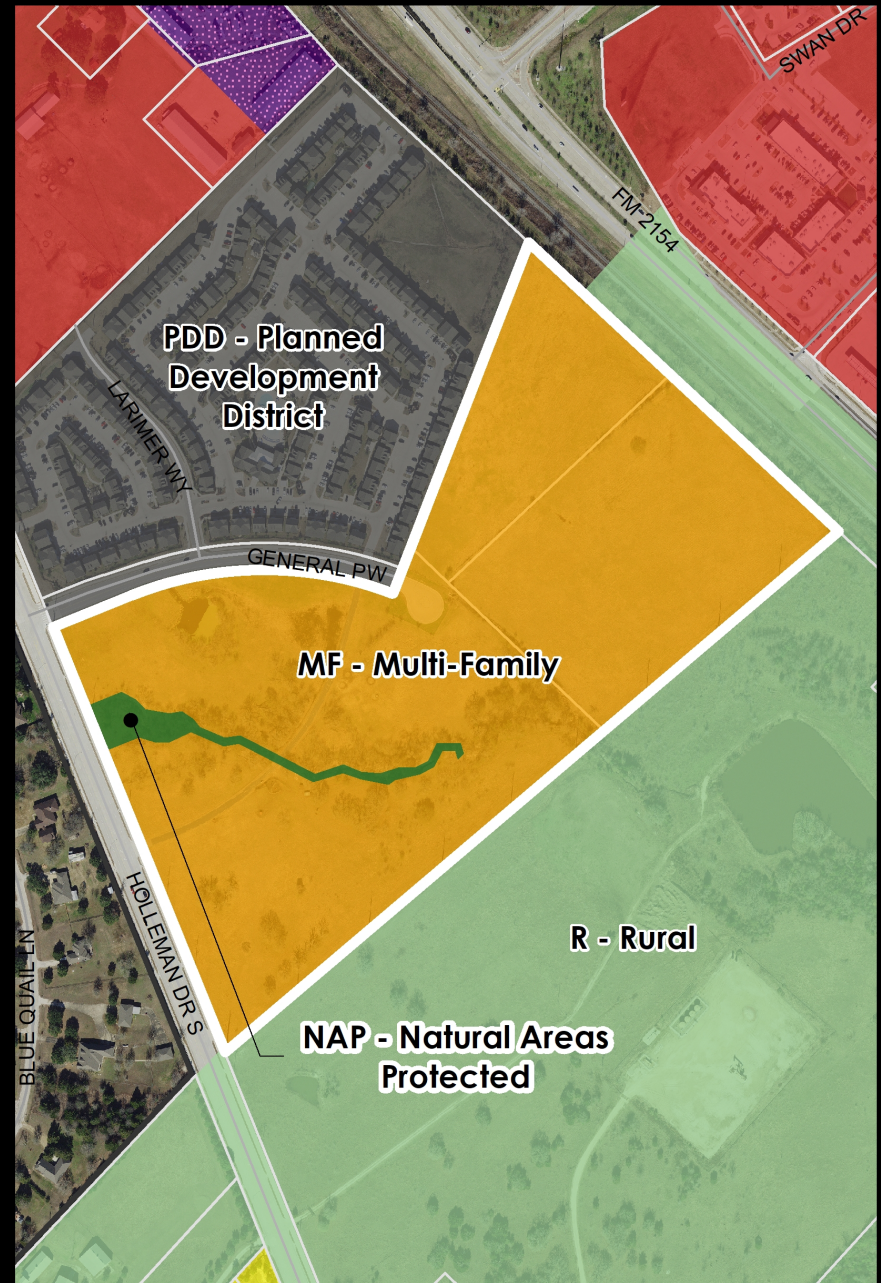
Future Land Use and Thoroughfare



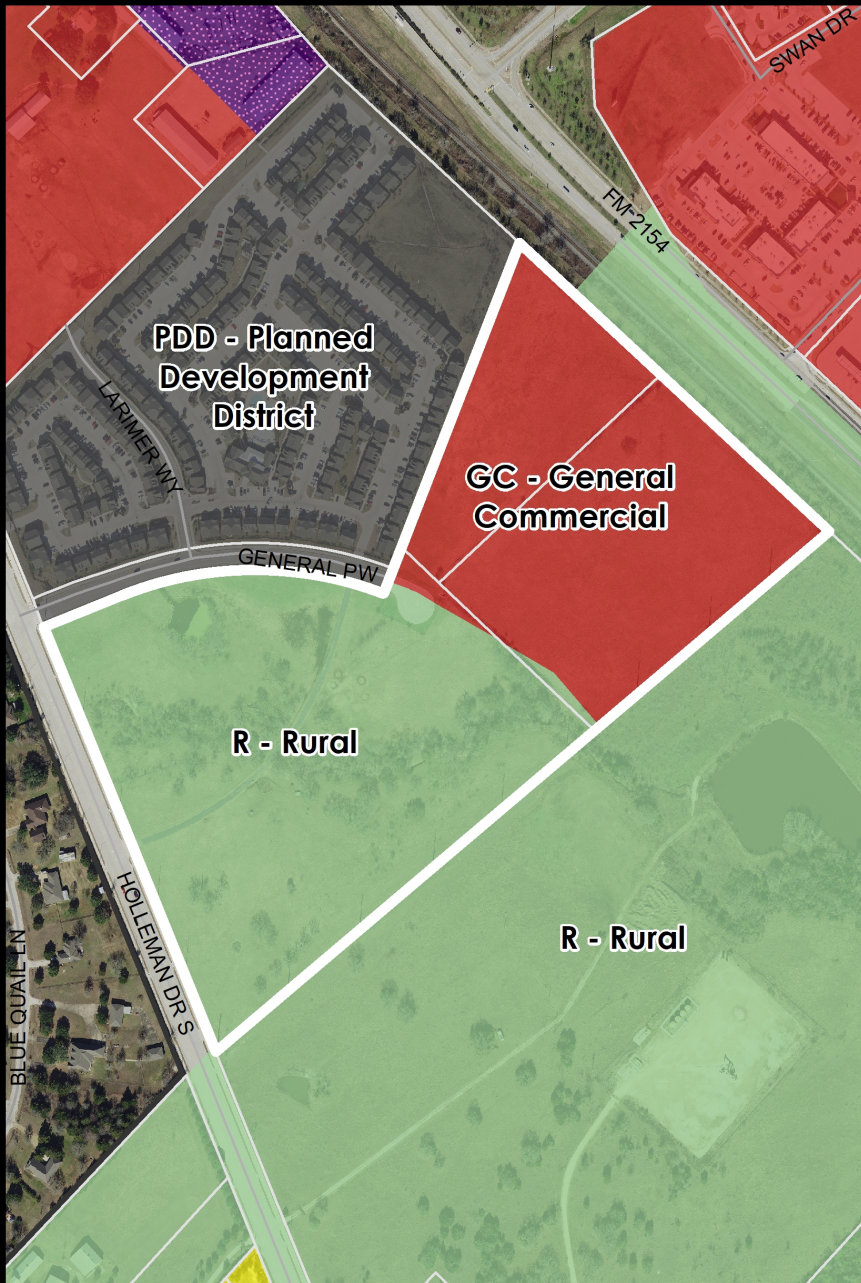
EXISTING Zoning



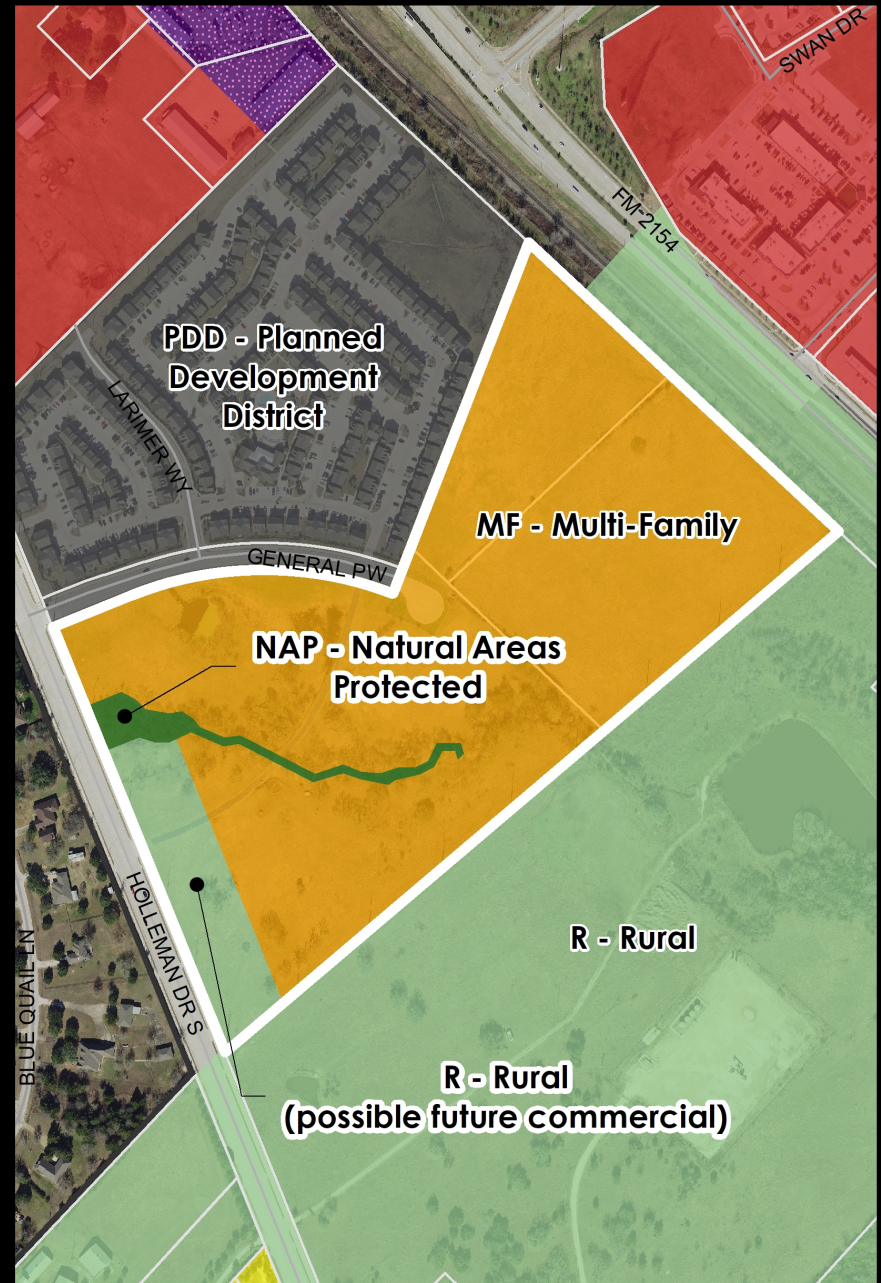
PROPOSED Zoning



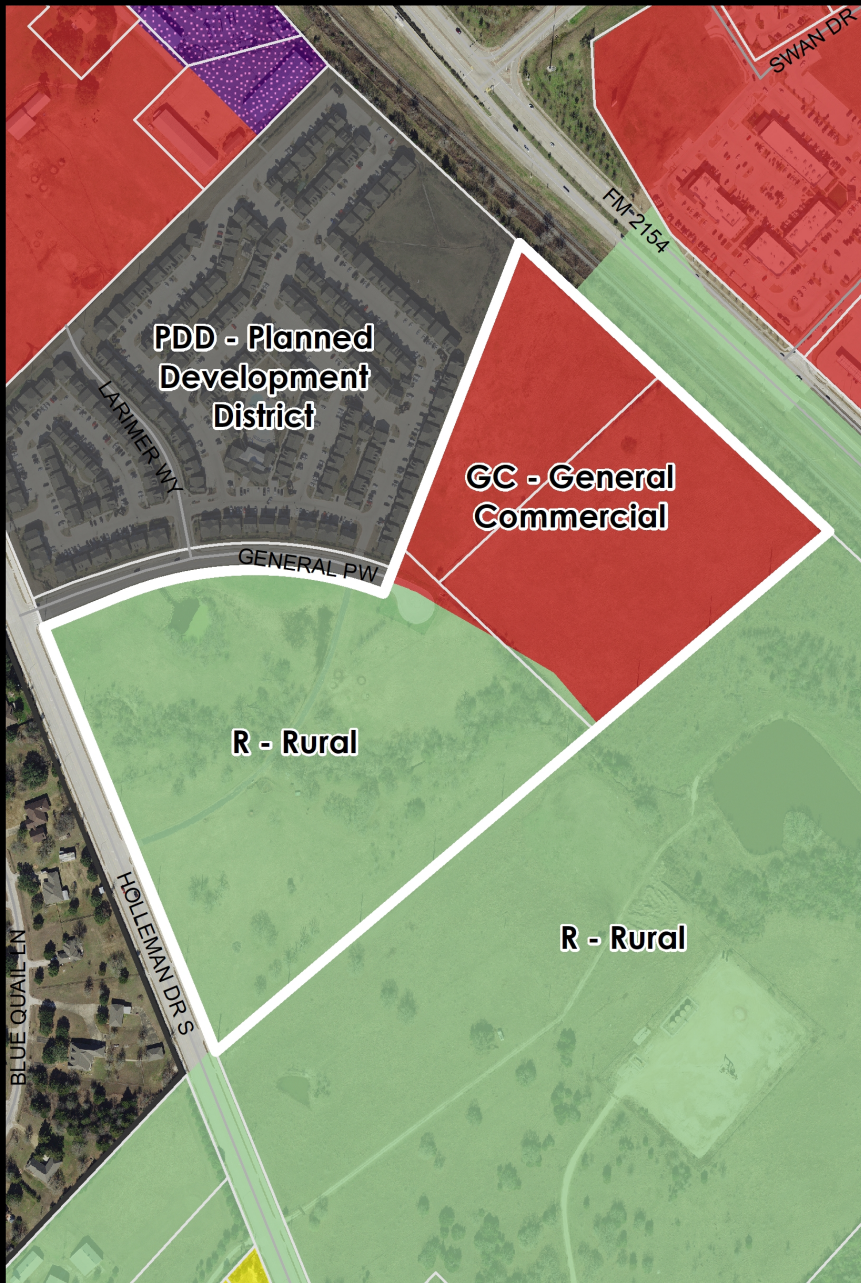
EXISTING Zoning



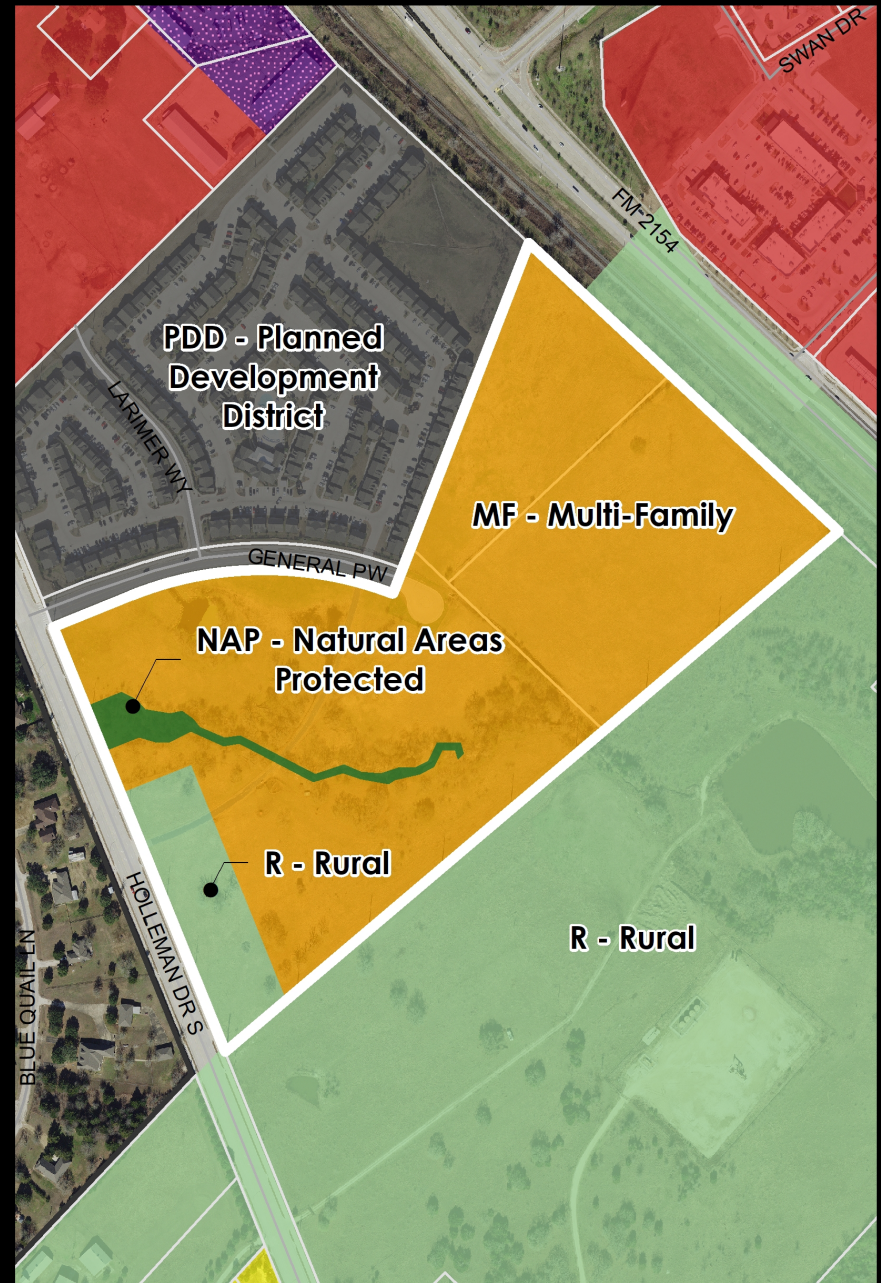
PROPOSED (MODIFIED) Zoning



EXISTING Zoning



PROPOSED Zoning



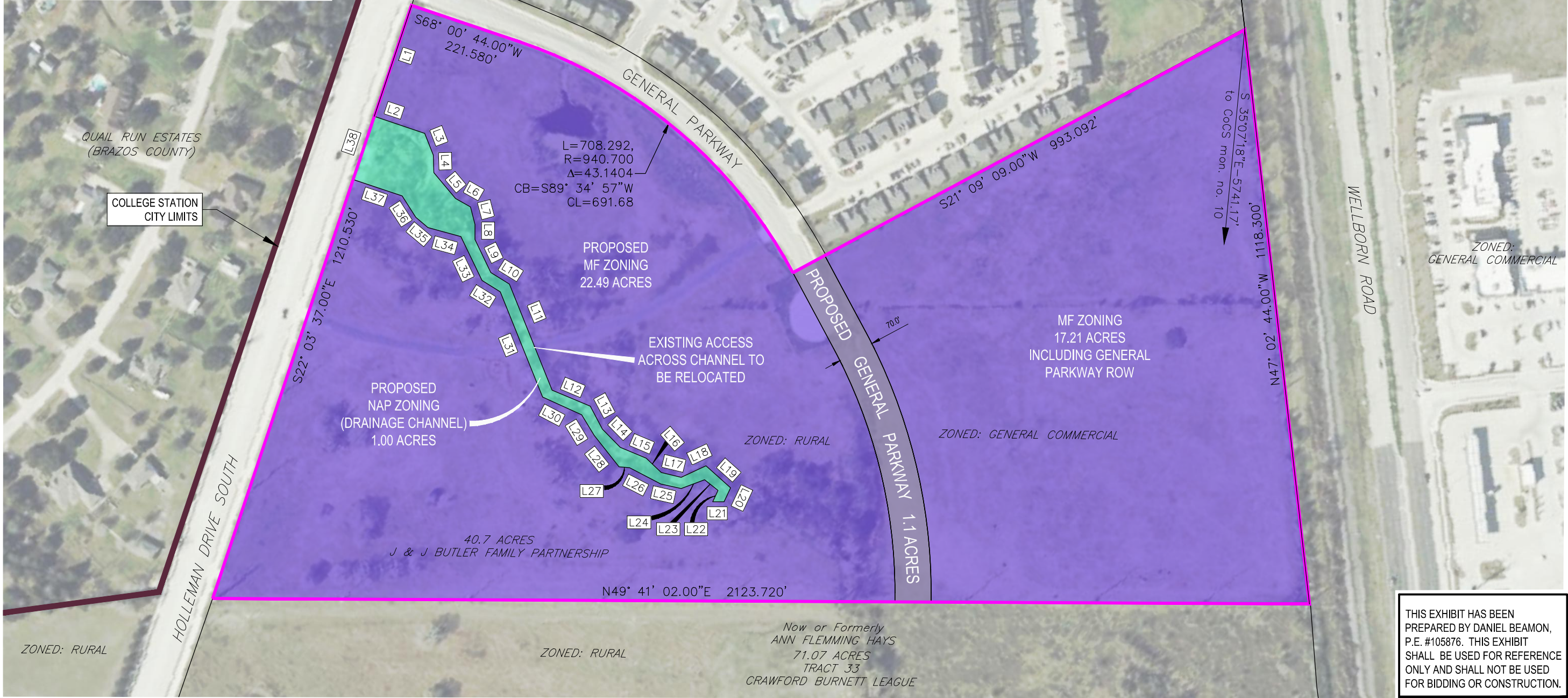
LEGEND

PROPERTY BOUNDARY

CITY LIMITS

NOTES:

- Bearings are Texas State Plane, Central Zone NAD83 datum, based on GPS observations checked to City of College Station GPS monuments no. 10.
- No part of this property lies within a special flood hazard area, according to Flood Insurance Rate Map no. 48041C0305F, revised April 2, 2014.



REZONING EXHIBIT
BUTLER RESIDENTIAL
COLLEGE STATION, TX

DRAWN BY: DPB

APPROVED BY: DPB

DATE: FEB. 21, 2022

JOB NUMBER: TBD

SCALE: 1"=200'

SHEET NO.: 1 OF 1

BEAMON
ENGINEERING

TBPE FIRM NO. F-21588
16172 BENCH LANE
BRYAN, TEXAS 77807

THIS EXHIBIT HAS BEEN
PREPARED BY DANIEL BEAMON,
P.E. #105876. THIS EXHIBIT
SHALL BE USED FOR REFERENCE
ONLY AND SHALL NOT BE USED
FOR BIDDING OR CONSTRUCTION.

Page 173 of 179

LEGEND

PROPOSED BOUNDARY

PUBLIC RIGHT OF WAY

DRAINAGE EASEMENT
AND BUTLER PARK

COMMON AREA AND
DETENTION AREA

PROPOSED MULTIFAMILY

COMMERCIAL RESERVE



TBPE FIRM NO. F-21588
16172 BENCH LANE
BRYAN, TEXAS 77807



BEAMON
ENGINEERING

**BUTLER RESIDENCES
COLLEGE STATION, TX**

DRAWN BY: DPB

APPROVED BY: DPB

DATE: FEB. 21, 2022

JOB NUMBER:

TBD

SCALE:

 $1^{\circ}=2$

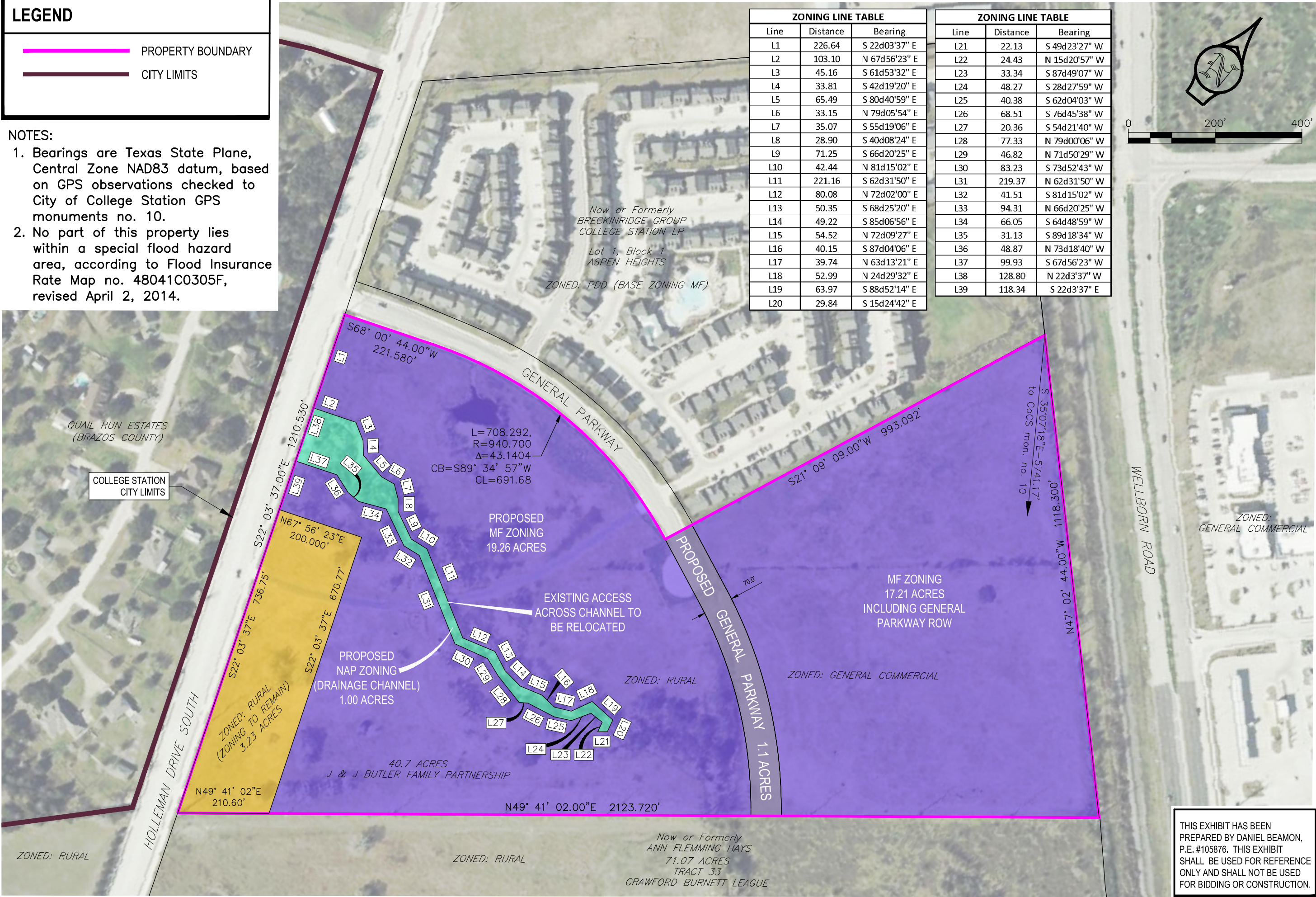
THIS EXHIBIT HAS BEEN
PREPARED BY DANIEL BEAMON,
P.E. #105876. THIS EXHIBIT
SHALL BE USED FOR REFERENCE
ONLY AND SHALL NOT BE USED
FOR BIDDING OR CONSTRUCTION

LEGEND

PROPERTY BOUNDARY

CITY LIMITS

- NOTES:
- Bearings are Texas State Plane, Central Zone NAD83 datum, based on GPS observations checked to City of College Station GPS monuments no. 10.
 - No part of this property lies within a special flood hazard area, according to Flood Insurance Rate Map no. 48041C0305F, revised April 2, 2014.



TBPE FIRM NO. F-21588
16172 BENCH LANE
BRYAN, TEXAS 77807

BEAMON
ENGINEERING

REZONING EXHIBIT
BUTLER RESIDENTIAL
COLLEGE STATION, TX

DRAWN BY:	DPB
APPROVED BY:	DPB
DATE:	MARCH 14, 2022
JOB NUMBER:	TBD
SCALE:	1"=200'
SHEET NO.:	1 OF 1

THIS EXHIBIT HAS BEEN
PREPARED BY DANIEL BEAMON,
P.E. #105876. THIS EXHIBIT
SHALL BE USED FOR REFERENCE
ONLY AND SHALL NOT BE USED
FOR BIDDING OR CONSTRUCTION.

BACKGROUND INFORMATION

NOTIFICATIONS

Advertised Commission Hearing Date: March 17, 2022
Advertised Council Hearing Date: April 14, 2022

Property owner notices mailed: 14

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

ADJACENT LAND USES

Direction	Comprehensive Plan	Zoning	Land Use
North	Neighborhood Center	PDD Planned Development District with a base zoning of MF Multi-Family	Multi-Family
South	Neighborhood Center	R Rural	Predominately undeveloped property with an existing oil well site and single family home
East	General Commercial	GC General Commercial	Commercial
West	Rural	ETJ	Residential

DEVELOPMENT HISTORY

Incorporated: November 2002
Zoning: R Rural (2002)
GC General Commercial (2018)
Final Plat: Unplatted
Site Development: Undeveloped



REZONING APPLICATION SUPPORTING INFORMATION

Name of Project: BUTLER MULTIFAMILY

Address:

Legal Description: A000701, CRAWFORD BURNETT (ICL), TRACT 135, 40.824 ACRES

Total Acreage: 42.8

Applicant:: BEAMON ENGINEERING, LLC

Property Owner: J & J BUTLER FAMILY PARTNERSHI

List the changed or changing conditions in the area or in the City which make this zone change necessary.

The recent construction of the large commercial development to the north across Wellborn Road, the lack of access to main roadways and the construction of the residential developments nearby cause this property to be more suited for Multifamily. The General Commercial zoning and use that was previously pursued for a portion of this property was for a destination commercial use and is no longer feasible for this property.

Indicate whether or not this zone change is in accordance with the Comprehensive Plan. If it is not, explain why the Plan is incorrect.

The current use for this property according to the newly adopted Comprehensive Plan is Neighborhood Center which allows multifamily as and acceptable use, "if designed in an integrated manner with a preferred emphasis on urban form."

How will this zone change be compatible with the present zoning and conforming uses of nearby property and with the character of the neighborhood?

The current zoning designation for a portion of the property is Rural and is currently being used for agriculture. The remaining portion is designated General Commercial and was once pursued as a destination commercial use. However, that use is no longer feasible for this property. The location near Wellborn Road is suitable for General Commercial, however with the lack of direct access to Wellborn Road and the competing commercial development to the north, this property is more marketable and best used for multifamily.

Explain the suitability of the property for uses permitted by the rezoning district requested.

The nearby commercial development to the north coupled with the railroad track, and lack of direct access to FM 2154 makes this property more suited for a multifamily residential use.

Explain the suitability of the property for uses permitted by the current zoning district.

The nearby commercial development to the north coupled with the railroad track, and lack of direct access to FM 2154 makes this property more suited for a multifamily residential use.

Explain the marketability of the property for uses permitted by the current zoning district.

The reasons the property is suited for Multifamily are also marketing points to future tenants. The proximity to shopping and dining and the seclusion from high traffic areas make this property very marketable to residential tenants.

List any other reasons to support this zone change.

None

April 14, 2022

Item No. 11.1.

Council Reports on Committees, Boards, and Commissions

Sponsor: City Council

Reviewed By CBC: City Council

Agenda Caption: A Council Member may make a report regarding meetings of City Council boards and commissions or meetings of boards and committees on which a Council Member serves as a representative that have met since the last council meeting. (Committees listed in Coversheet)

Relationship to Strategic Goals:

Good Governance

Recommendation(s): Review meetings attended.

Summary: Animal Shelter Board, Arts Council of Brazos Valley, Architectural Advisory Committee, Audit Committee, Bond Citizens Advisory Committee, Bicycle, Pedestrian, and Greenways Advisory Board, Bio-Corridor Board of Adjustments, Brazos County Health Dept., Brazos Valley Council of Governments, Brazos Valley Economic Development Corporation, Bryan/College Station Chamber of Commerce, Budget and Finance Committee, BVSWMA, BVWACS, Census Committee Group, Compensation and Benefits Committee, Experience Bryan-College Station, Design Review Board, Economic Development Committee, Gulf Coast Strategic Highway Coalition, Historic Preservation Committee, Interfaith Dialogue Association, Intergovernmental Committee, Joint Relief Funding Review Committee, Landmark Commission, Library Board, Metropolitan Planning Organization, Operation Restart, Parks and Recreation Board, Planning and Zoning Commission, Research Valley Technology Council, Regional Transportation Committee for Council of Governments, Sister Cities Association, Spring Creek Local Government Corporation, Transportation and Mobility Committee, TAMU Student Senate, Texas Municipal League, Walk with the Mayor, YMCA, Zoning Board of Adjustments. (Notice of Agendas posted on City Hall bulletin board.)

Budget & Financial Summary: None.

Attachments:

None