



## College Station, TX

### Meeting Agenda

#### City Council - Amended

1101 Texas Ave, College Station, TX 77840

Internet: <https://zoom.us/j/96728393278>

Phone: 888 475 4499 and Meeting ID: 967 2839 3278

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December 8, 2022

4:00 PM

City Hall Council Chambers

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**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. **Presentation of employee service awards.**
3. **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 6:00 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. Shana Elliott and Lawrence Kalke v. City of College Station, et al., Cause No. 22-001122-CV-85, in the 85th District Court, Brazos County, Texas
- d. Robert Danny Clack, II v. City of College Station, et al., Civil Action No. 4:22-cv-02404, in the U.S. District Court for the Southern District of Texas, Houston Division
- e. Kristin Marriott v. City of College Station, Cause No. 22-002259-CV-272, in the 272nd District Court, Brazos County, Texas

#### Legal Advice

- a. Legal advice regarding the process to acquire property generally located near the Carters Creek WWTP that is northeast of the intersection of Appomattox Dr. and N. Forest Pkwy. needed for the Carters Creek WWTP diversion lift station and force main.
- b. Legal advice regarding short term rentals.
- c. Legal advice related to disaster declarations.

Real Estate {Gov't Code Section 551.072}:

Possible action. The City Council may deliberate the purchase, exchange, lease or value of real property if deliberation in an open meeting would have a detrimental effect on the position of the City in negotiations with a third person. After executive session discussion, any final action or vote taken will be in public. The following subject(s) may be discussed:

- a. Property generally located at the intersection of State Highway 6 South and Corporate Parkway in the Midtown Business Park.

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. Planning and Zoning Commission
- b. City Manager
- c. Council Self-Evaluation (Mayor Pro Tempore)

**4. Reconvene from Executive Session and Take Action, if Any.****5. Pledge of Allegiance, Invocation, and Consider Absence Request.**Speaker Protocol

An individual who desires to address the City Council regarding any agenda item other than those items posted for Executive Session must register with the City Secretary two (2) hours before 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 using a translator may speak for six (6) minutes. The speaker's microphone will mute when the allotted time expires and the speaker must leave the podium.

**6. Presentation - Proclamations, Awards, and Recognitions.**

- 6.1. Presentation proclaiming December 11, 2022 as BCS Marathon Day.

Sponsors: Aubrey Nettles

Attachments: 1. 2022 BCS Marathon Proclamation

- 6.2. Presentation proclaiming December 10, 2022 as USA Track and Field National Junior Olympics Cross Country Championships Day.

Sponsors: Aubrey Nettles

Attachments: 1. 2022 USATF Proclamation

**7. 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.

## **8. Workshop Items.**

- 8.1. Presentation, discussion, and possible action on the election of Mayor Pro Tempore.

Sponsors: Tanya Smith

Attachments: None

- 8.2. Presentation, discussion, and possible action regarding an overview of multi-family solid waste collections.

Sponsors: Emily Fisher

Attachments: None

- 8.3. Presentation and discussion in relation to the Texas A&M Student Senate Community Relations Committee.

Sponsors: Ross Brady

Attachments: 1. SGA Legislative Priorities

## **9. Consent Agenda.**

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.

- 9.1. Presentation, discussion, and possible action of minutes for:

- November 21, 2022 Council Meeting

Sponsors: Tanya Smith

Attachments: 1. CCM112122 DRAFT Minutes

- 9.2. Presentation, discussion, and possible action regarding adoption of the 2023 Annual Council Calendar.

Sponsors: Tanya Smith

Attachments: 1. 2023 Council Meeting Calendar  
2. 2023 Council Meetings and Holidays-Year at a glance 3

- 9.3. Presentation, discussion, and possible action approving a contract with Utility Restoration Services, Inc. for Annual Padmount Equipment Repair and Restoration in the amount of \$352,318.14.

Sponsors: Timothy Crabb

Attachments: 1. Contract is available for review in the City Secretary's Office

- 9.4. Presentation, discussion, and possible action regarding an ordinance amending Chapter 103, "Buildings and Building Regulations," Article VI, "Short Term Rental Registration".

Sponsors: Debbie Eller

Attachments: 1. CH 103 Art VI Short Term Rental Ord Amend 11-30-22

- 9.5. Presentation, discussion, and possible action regarding the approval of an annual price agreement for the purchase of Type D Hot Mix Asphalt to be picked up by City crews or to be

delivered to the job site as requested for the maintenance of streets to BPI Materials LLC for an amount not to exceed \$2,105,000.

Sponsors: Emily Fisher

Attachments: 1. Tabulation

- 9.6. Presentation, discussion, and possible action regarding amending the City's contract with St. Joseph Regional Health Center for Employee Health Clinic operations and management services not to exceed \$252,250.

Sponsors: Alison Pond

Attachments: 1. Contract is available for review in the City Secretary's Office

- 9.7. Presentation, discussion, and possible action on a funding agreement with the Bryan/College Station Chamber of Commerce for FY23 in the amount of \$25,000.

Sponsors: Mary Ellen Leonard

Attachments: 1. BCS Chamber of Commerce FY23 FA  
2. BCS Chamber of Commerce FY23 Budget

- 9.8. Presentation, discussion, and possible action on a construction contract with MBC Management for \$1,492,316 for construction services for the Arnold Road Fleet Fuel Station, a construction contract with A1 Pump, Inc. for \$571,507 for construction services for the Arnold Road Fleet Fuel Station, the City's contingency of \$203,377 for a total appropriation of \$2,267,200 and rejection of all previous responses in RFP 21-039 and RFP 21-068 regarding the project. Approval of this item grants authority for the City Manager to authorize expenditures up to the City's contingency amount.

Sponsors: Jennifer Cain

Attachments: 1. Project Location Map - Arnold Rd Fuel Station

- 9.9. Presentation, discussion, and possible action regarding a resolution appointing Tradd Mills as the Emergency Management Coordinator.

Sponsors: Richard Mann

Attachments: 1. EMC Resolution 12-2022 (Tradd Mills) (1)  
2. College Station - TDEM147- Rev 07.2021 (1)

- 9.10. Presentation, discussion, and possible action adopting a resolution supplementing resolution 04-28-22-8.5, authorizing a promissory note in the principal amount of \$2,808,000, pursuant to a contract for Loan Guarantee Assistance Under Section 108 of the Housing Community Development Act of 1974, as amended.

Sponsors: Debbie Eller

Attachments: 1. Resolution Supplementing Resolution 04-28-22-8.5  
2. Exhibit A to Resolution  
3. Exhibit B to Resolution

- 9.11. Presentation, discussion, and possible action regarding the City facilities and sub-facilities naming policy.

Sponsors: Bryan Woods

Attachments: 1. Council Naming Policy 11-29-22

- 9.12. Presentation, discussion, and possible action regarding an interlocal agreement for cooperative purchasing with the City of Georgetown.

Sponsors: Mary Ellen Leonard

Attachments: 1. Georgetown ILA

## 10. Regular Agenda.

- 10.1. Presentation, discussion, and possible action regarding a real estate contract for \$9,363,222 selling to Levcor Acquisition, LLC approximately 28.66 acres of land in the Midtown Business Park that is generally located near Midtown Drive and Corporate Parkway.

Sponsors: Natalie Ruiz

Attachments: 1. Real estate contract is on file with the City Secretary

- 10.2. 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 PDD Planned Development District to PDD Planned Development District on approximately 2 acres of land located at Harper’s Crossing Block 1 Lot 2, more generally located northeast of the intersection of Barron Road and William D Fitch Parkway.

Sponsors: Robin Macias

Attachments:

1. Ordinance
2. Vicinity, Aerial, and Small Area Map
3. Applicant's Supporting Information
4. Rezoning Map
5. Future Land Use Map
6. Existing Concept Plan
7. Proposed Concept Plan

- 10.3. 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 PDD Planned Development District to PDD Planned Development District to amend the Concept Plan for approximately 45 acres located at 700 Scott & White Drive.

Sponsors: Anthony Armstrong

Attachments:

1. Ordinance
2. Vicinity Map, Aerial, and Small Area Map
3. Background Information
4. PDD Ordinance 2010-3300
5. Applicant's Supporting Information
6. Proposed Concept Plan
7. Adopted Concept Plan
8. Rezoning Exhibit

- 10.4. 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 O Office to MF Multi-Family on approximately 17 acres located at 400 Double Mountain Road.

Sponsors: Anthony Armstrong

Attachments:

1. Ordinance
2. Vicinity Map, Aerial, and Small Area Map
3. Future Land Use Exhibit
4. Rezoning Exhibit
5. Background Information

6. Applicant's Supporting Information

10.5. Presentation, discussion, and possible action regarding a funding agreement with Unlimited Potential for an amount not to exceed \$345,424 for the demolition of the dilapidated and unsafe structure at 1115 Anderson.

Sponsors: Debbie Eller

Attachments: 1. CDBG Funding Agreement - Unlimited Potential

10.6. 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. December 8 Disaster Declaration Renewal Ordinance

**11. Council Calendar - Council May Discuss Upcoming Events.**

**12. 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.

**13. 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)

**14. 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.

**15. 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 December 5, 2022 at 3:30 p.m.



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Deputy 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](mailto: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."