



College Station, TX

Meeting Agenda City Council

1101 Texas Ave, College Station, TX 77840

Internet: www.microsoft.com/microsoft-teams/join-a-meeting

Meeting ID: 223 427 023 174 | Passcode: MvPmTr

Phone: 469-480-7460 | Phone Conference: 952 310 468#

August 24, 2023

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 Agenda.

Executive Session is closed to the public and will be held in the 1938 Executive Conference Room. The City Council may according to the Texas Open Meetings Act adjourn the Open Meeting during the Consent, Workshop or Regular Agendas and return into Executive Session to seek legal advice from the City Attorney regarding any item on the Workshop, Consent or Regular Agendas under Chapter 551, Texas Government Code.

2.1. 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:

- 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. City of College Station v. 47 Oaks, LLC, Cause No. 626-CC, in the County Court at Law No. 2 of Brazos County, Texas.
- e. SOAH Docket No. 473-22-2464 and PUC Docket No. 52728 – Application of the City of College Station to Change Rates for Wholesale Transmission Services.
- f. Legal advice regarding Texas Independence Ball Park.

2.2. 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. Approximately 28 acres of land generally located at Midtown Drive and Corporate Pkwy in the Midtown Business Park.

2.3. 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

3. The Open Meeting will Reconvene No Earlier than 6:00 PM from Executive Session and City Council will take action, if any.

4. 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.

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. 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.

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

- August 10, 2023 Council Meeting

Sponsors: Tanya Smith

Attachments: 1. CCM081023 DRAFT Minutes

6.2. Presentation, discussion, and possible action regarding a general services contract with Buyers Barricades Houston, LLC in a not to exceed amount of \$122,535 for the 2023 TAMU Football Post Game Day Traffic Control.

Sponsors: Emily Fisher

Attachments: 1. Contract 23300675

- 6.3. Presentation, discussion, and possible action on a contract with Binkley & Barfield | DCCM, Inc. in the amount of \$1,404,740.50 for professional services for the Rock Prairie East Widening Project (Town Lake Dr. to William D. Fitch Pkwy) as part of the 2022 Bond Program.

Sponsors: Jennifer Cain

Attachments: 1. Rock Prairie East 2022 Bond Project Location Map
2. Rock Prairie East 2022 Bond Vendor Signed Contract

- 6.4. Presentation, discussion, and possible action on a construction contract with Brazos Paving, Inc. in the amount of \$7,840,856.15 for construction services for the Rock Prairie East Widening Project (Hwy. 6 to Town Lake Dr.), plus the City's contingency in the amount of \$392,000 for a total appropriation of \$8,232,856.15. 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. Rock Prairie East Project Location Map
2. Rock Prairie East Construction Vendor Signed Contract

- 6.5. Presentation, discussion, and possible action on the Atmos Mid-Tex 2023 Rate Review Mechanism (RRM) Ordinance.

Sponsors: Ross Brady

Attachments: 1. Atmos Mid-Tex 2023 RRM Ordinance wAttachments

- 6.6. Presentation, discussion and possible action to authorize expenditure of funds for Fiscal Year 2024 for items exempt from competitive bidding as described more fully in Texas Local Government Code, Chapter 252.022 and other expenditures for interlocal contracts or fees mandated by state law that are greater than \$100,000; and to authorize the City Manager to approve contracts and expenditures that are on the exemption list.

Sponsors: Mary Ellen Leonard

Attachments: 1. 2024 Exemptions List Over \$100K

- 6.7. Presentation, discussion, and possible action on the fourth renewal of an annual contract for Professional Auditing Services with FORVIS, LLP (formerly BKD, LLP) for an amount not to exceed \$150,000.

Sponsors: Mary Ellen Leonard

Attachments: 1. 18300669 Prof Audit Svcs Ren5 Amd2

- 6.8. Presentation, discussion, and possible action on an Interlocal Agreement between the City of College Station and Brazos County Emergency Service District 4 for the transfer of a surplus vehicle.

Sponsors: Emily Fisher

Attachments: 1. ILA - Chevy Tahoe Transfer - Brazos Co. ESD 4_v8-9-2023

- 6.9. Presentation, discussion, and possible action regarding an amendment to the Funding Agreement for Payment and Use of Hotel Tax with the Arts Council of the Brazos Valley for FY23.

Sponsors: Mary Ellen Leonard

Attachments: 1. 23300016 Arts Council FY23 Funding Agreement - HOT Fund
2. First Amendment to the Funding Agreement CoCS Arts Council 08-18-2023

- 6.10. Presentation, discussion, and possible action regarding a resolution directing the Brazos County Tax Office to calculate the FY25 voter-approved rate in the manner provided for a special taxing

unit affected by a disaster declaration. The Proposed FY25 Budget will not be prepared and presented to the City Council until July 2024.

Sponsors: Mary Ellen Leonard

Attachments: 1. Wildfire Resolution Disaster 2023

- 6.11. Presentation, discussion, and possible action on a contract with Elliott Construction, LLC, not to exceed \$116,900 for the repair of an existing 8-inch wastewater line at Montclair Avenue and Park Place, plus \$35,000 in contingencies for a total appropriation of \$151,900. Approval of this item grants authority for the City Manager to authorize expenditures up to the City's contingency amount.

Sponsors: Gary Mechler

Attachments: 1. Location Map
2. Construction Contract (Available in City Secretary's Office)

7. Workshop Agenda.

- 7.1. Presentation, discussion, and possible action regarding the Texas Independence Ballpark Project.

Sponsors: Jennifer Cain

Attachments: None

8. Regular Agenda.

- 8.1. Public Hearing, presentation, discussion, and possible action on the City of College Station 2024 advertised ad valorem tax rate of \$0.513086 per \$100 valuation, resulting in an increase in tax revenues.

Sponsors: Mary Ellen Leonard

Attachments: None

- 8.2. Presentation, discussion, and possible action on an ordinance adopting the City of College Station 2023-2024 Budget; and presentation, discussion, and possible action ratifying the property tax revenue increase reflected in the budget.

Sponsors: Mary Ellen Leonard

Attachments: 1. Budget Ordinance FY23-24

- 8.3. Presentation, discussion, and possible action on an ordinance adopting the City of College Station 2023-2024 ad valorem tax rate of \$0.513086 per \$100 assessed valuation, the debt service portion being \$0.211442 per \$100 assessed valuation and the operations and maintenance portion being \$0.301644 per \$100 assessed valuation.

Sponsors: Mary Ellen Leonard

Attachments: 1. Ad Valorem Tax Ord FY 23-24

- 8.4. Presentation, discussion, and possible action on a resolution adopting fees, rates and charges as provided by Chapter 2 "Administration", Article V "Finance", Division 2 "Fees, Rates and Charges" of the Code of Ordinances, City of College Station, Texas.

Sponsors: Mary Ellen Leonard

Attachments: 1. FY 23-24 Fee Resolution - Final 8-24-23

- 8.5. 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 amending the

concept plan on approximately 33 acres PDD Planned Development District located at 5900 Rock Prairie Road.”

Sponsors: Jesse Dimeolo

Attachments:

1. Ordinance
2. Vicinity, Aerial, and Small Area Maps
3. Proposed Concept Plan
4. Original Concept Plan
5. Background Information
6. Applicant's Supporting Information

- 8.6. 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 GC General Commercial to GS General Suburban for approximately 0.356 acres, being a portion of Lot 1R-2 Holleman Place Subdivision, generally located at 217 Richards Street.

Sponsors: Jesse Dimeolo

Attachments:

1. Ordinance
2. Vicinity, Aerial, and Small Area Maps
3. Rezoning Exhibit
4. Background Information
5. Applicants Supporting Information
6. Rezoning Map
7. Existing Future Land Use Map

- 8.7. 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 GC General Commercial to WPC Wolf Pen Creek for approximately 0.092 Acres at 213 Holleman Drive East, generally located at the intersection of Holleman Drive East and George Bush Drive East.

Sponsors: Gabriel Schrum

Attachments:

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

- 8.8. Public Hearing, presentation, discussion, and possible action to consider a Conditional Use Permit for ground floor multifamily in the WPC Wolf Pen Creek zoning district on approximately 1.02 acres located at 213-219 Holleman Drive East, generally located at the intersection of George Bush Drive East and Holleman Drive East.

Sponsors: Gabriel Schrum

Attachments:

1. Ordinance
2. Vicinity, Aerial, and Small Area Map
3. Background Information
4. Applicant's Supporting Information
5. Site Plan

6. Landscape Plan

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 August 18, 2023 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."