



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#

June 13, 2024

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. 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.
- b. City of College Station v. 47 Oaks, LLC, Cause No. 626-CC, in the County Court at Law No. 2 of Brazos County, Texas.
- c. 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.
- d. Cynthia Hopkins & Geoffrey Hopkins v. City of College Station, Cause No. 23-002880-CV-85 in the 85th District Court, Brazos County Texas.
- e. CBL & Associates Management, Inc. v. City of College Station, Cause No. 23-003159-CV-85 In The 85th District Court, Brazos County Texas.
- f. City of College Station v. Clarke and Wyndham, Inc., Real Alchemy, L.P., Real Alchemy 1, L.P., JPJ Investments, a Texas General Partnership, Cause No. 629-CC, in the County Court at Law No. 1 of Brazos County, Texas.
- g. Legal advice related to an interlocal agreement with the City of Bryan regarding utilities.
- h. Legal advice related to the sale of land and land dedication by plat and by separate instrument.

i. Legal advice related to protesting the possible issuance of transport and export permits by the Brazos Valley Groundwater Conservation District and an interlocal agreement supporting the same efforts.

2.2. 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

2.3. 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 4,476 SF located at the 1120 block of Midtown Drive in College Station.
- b. Property generally located in the area of FM 60, Boyett Street, Church Avenue, and College Main Street.

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. Comments should not personally attack other speakers, Council or staff. 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. Presentation - Proclamations, Awards, and Recognitions.

5.1. Presentation to recognize three students from College Station that received a College Station Arts Scholarship.

Sponsors: Tanya Smith

- Attachments:
- 1. 24 College Station Arts Scholarship Day
 - 2. Certificate of Award - Abraham Guillen
 - 3. Certificate of Award - Kendall McKinney
 - 4. Certificate of Award - Madison Jackson

5.2. Presentation proclaiming June 13, 2024 as International Community Association Managers Day.

Sponsors: Tanya Smith

Attachments: 1. 24 International Community Association Managers Day

6. 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.

7. 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.

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

- May 23, 2024 Council Meeting

Sponsors: Tanya Smith

Attachments: 1. CCM052324 DRAFT Minutes

7.2. Presentation, discussion, and possible action regarding a revision to the Community Development Block Grant Minor Home Repair Program guidelines to increase the grant amount available to \$20,000.

Sponsors: Debbie Eller

Attachments: 1. Minor Repair Program Guidelines 6.13.2024

7.3. Presentation, discussion, and possible action for the purchase of electric inventory items with Techline, Inc., for the Rock Prairie Widening Project, not to exceed \$240,056.39.

Sponsors: Jennifer Cain

Attachments: 1. RPE Light Pole Bid Summary
2. RPE Techline, Inc. Bid

7.4. Presentation, discussion, and possible action on a three-year contract with Baylor Scott & White Health for employee health clinic operations and management services, not to exceed \$2,174,803.55.

Sponsors: Alison Pond

Attachments: 1. Contract will be available at City Secretary's Office

7.5. Presentation, discussion, and possible action on the first reading of a franchise agreement ordinance with Organix Recycling, LLC for the collection of recyclables from commercial businesses and multi-family locations.

Sponsors: Emily Fisher

Attachments: 1. Organix Recycling, LLC Franchise Agreement

7.6. Presentation, discussion, and possible action regarding a Semi-Annual Report on System-Wide Impact Fees for Water, Wastewater, and Roadway.

Sponsors: Carol Cotter

Attachments: 1. Impact Fee Semi-Annual Report - 20240606
2. Future Land Use Map (from FNI Report)
3. Service Area Maps -Water, Wastewater and Roadway
4. Status of Impact Fee CIP - Water Wastewater Roadway - March 2024

7.7. Presentation, discussion, and possible action on a resolution delegating and authorizing the Mayor and City Manager to protest and request a contested case hearing regarding the water

transport and export permits that are currently pending at the Brazos Valley Groundwater Conservation District and to negotiate and enter into an interlocal agreement for cost sharing and joint representation with other similarly aligned entities.

Sponsors: Stephen Maldonado

Attachments: 1. Resolution BVGCD Transport Export Permit Protest 6-13-2024
2. BVGCD Public Permit Hearing Notice For Transport Permits
3. BVGCD Transport Permit Hearing Presentation

- 7.8. Presentation, possible action, and discussion regarding an Extraterritorial Jurisdiction (ETJ) release petition for approximately 15.78 acres of land generally located at 11630 SH 30.

Sponsors: Anthony Armstrong

Attachments: 1. ETJ Denial Resolution- Copus 6-13-24 w. Exhibit

8. Workshop Agenda.

- 8.1. Presentation, discussion, and possible action regarding impact fee waivers.

Sponsors: Anthony Armstrong

Attachments: None

- 8.2. Presentation, discussion, and possible action regarding a Capital Projects Update.

Sponsors: Jennifer Cain

Attachments: None

9. Regular Agenda.

- 9.1. Public Hearing, presentation, discussion, and possible action regarding an ordinance adopting the standards of care for the City's Parks and Recreation Department's elementary age (5-13) Youth Recreational Program in compliance with the exemptions for childcare licensing according to Texas Human Resources Code Section 42.041(b)(14).

Sponsors: Kelsey Heiden

Attachments: 1. 2024 - Standards Of Care Ordinance

- 9.2. Public Hearing, presentation, discussion, and possible action regarding an ordinance vacating and abandoning a 1,788 square foot portion of a 20-foot-wide public utility easement located over, across and upon Lot 35, Block 4 of the Williams Creek Lake Estates Subdivision Phase 4, College Station, Brazos County, Texas according to the final plat recorded in Volume 17508, Page 181 of the Official Public Records of Brazos County, Texas.

Sponsors: Lucas Harper

Attachments: 1. Ordinance
2. Ordinance Exhibit A
3. Vicinity Map
4. Location map
5. Application

- 9.3. Presentation, discussion, and possible action on Deductive Change Order No. 10 for a credit in the amount of \$802,227 for the Lick Creek WWTP Capacity Expansion construction contract with CSA Construction, Inc.

Sponsors: Jennifer Cain

Attachments: 1. LCWWTP Change Order 10 Signed

10. Council Calendar - Council May Discuss Upcoming Events.

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.

12. 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)

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.

14. 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 June 7, 2024 at 5:00 p.m.



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 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."

June 13, 2024
Item No. 5.1.
College Station Arts Scholarships

Sponsor: Tanya Smith, City Secretary

Reviewed By CBC: City Council

Agenda Caption: Presentation to recognize three students from College Station that received a College Station Arts Scholarship.

Relationship to Strategic Goals:

Recommendation(s): N/A

Summary: The Arts Council has completed its 2024 Scholarship Program and would like to recognize the (3) three College Station ISD winners through Mayor Nichols reading a proclamation and presenting them with a Certificate of Award at the Council meeting.

Netta Jackson Simek Emerging Artist Scholarship: \$5,000 award					
Name	High School	City	County of Residence	Intended College	Area of Study
Madison Jackson	A&M Consolidated High School	College Station	Brazos	Texas A&M University	Architecture
James Young Bradfield Fine Arts Scholarship: \$5,000 award					
Name	High School	City	County of Residence	Intended College	Area of Study
Abraham Guillen	A&M Consolidated High School	College Station	Brazos	Boston Conservatory at Berklee	Music Composition
College Arts Scholarships: \$3,000					
Name	High School		County of Residence	Intended College	Area of Study
Kendall McKinney	A&M Consolidated High School	College Station	Brazos	University of Texas (Austin)	Art History

Budget & Financial Summary: N/A

Attachments:

1. 24 College Station Arts Scholarship Day
2. Certificate of Award - Abraham Guillen
3. Certificate of Award - Kendall McKinney
4. Certificate of Award - Madison Jackson



Proclamation

WHEREAS, The Arts Council of Brazos Valley, through the unwavering support of local donors, honors the talents of young artists pursuing a college degree and career in the arts by awarding scholarships to graduating high school seniors in the Brazos Valley; and

WHEREAS, In the present year, The Arts Council of Brazos Valley has granted \$16,000 in scholarships to support aspiring young artists pursuing their dreams of making the world a better place through the arts; and

WHEREAS, In the present year, three A&M Consolidated High School students displayed exceptional talent and passion for the arts and were selected as 2024 Arts Council scholarship recipients; and

WHEREAS, Abraham Guillen has been awarded the James Young Bradfield Fine Arts Scholarship to pursue Music Composition at the Boston Conservatory at Berklee; and

WHEREAS, Madison Jackson has been awarded the Netta Jackson Simek Emerging Artist Scholarship to pursue Architecture at Texas A&M University; and

WHEREAS, Kendall McKinney has been awarded the College Arts Scholarship to pursue Art History at the University of Texas.

NOW, THEREFORE, I, John P. Nichols, Mayor of the City of College Station, Texas, do hereby proclaim and officially recognize June 2024 as

College Station Arts Scholarship Day

And call upon the people of College Station to applaud their accomplishments and express our support in their future journey.

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the seal of the City of College Station, Texas this 13th day of June 2024.

John P. Nichols
Mayor

Attest:

Tanya Smith
City Secretary



CERTIFICATE

of Award

THIS ACKNOWLEDGES THAT

Abraham Guillen
from A&M Consolidated High School

HAS RECEIVED \$5,000 JAMES YOUNG BRADFIELD FINE ARTS SCHOLARSHIP



2024 James Young Bradfield Fine Arts Scholarship



SWORN TO and Subscribed before me by John P. Nichols, Mayor of the City of College Station on this the 13th day of June 2024.

John P. Nichols, Mayor





CERTIFICATE

of Award

THIS ACKNOWLEDGES THAT

Kendall McKinney
from A&M Consolidated High School

HAS RECEIVED \$3,000 COLLEGE ARTS SCHOLARSHIP

2024 College Arts Scholarship

SWORN TO and Subscribed before me by John P. Nichols, Mayor of the City of College Station on this the 13th day of June 2024.

John P. Nichols
John P. Nichols, Mayor





CERTIFICATE

of Award

THIS ACKNOWLEDGES THAT

Madison Jackson
from A&M Consolidated High School

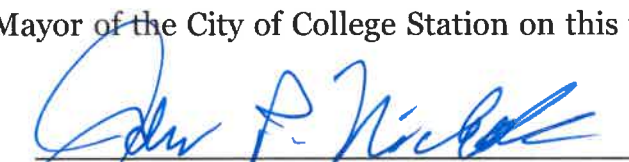
HAS RECEIVED \$5,000 NETTA JACKSON SIMEK EMERGING ARTIST SCHOLARSHIP



2024 Netta Jackson Simek Emerging Artist Scholarship



SWORN TO and Subscribed before me by John P. Nichols, Mayor of the City of College Station on this the 13th day of June 2024.


John P. Nichols, Mayor



June 13, 2024

Item No. 5.2.

International Community Association Managers Day

Sponsor: Tanya Smith, City Secretary

Reviewed By CBC: City Council

Agenda Caption: Presentation proclaiming June 13, 2024 as International Community Association Managers Day.

Relationship to Strategic Goals:

Recommendation(s):

- Good Governance

Summary:

Budget & Financial Summary:

Attachments:

1. 24 International Community Association Managers Day



Proclamation

WHEREAS, Community Association Managers serve as the backbone of residential communities, working tirelessly to enhance the quality of life for homeowners and residents through their dedicated management, administrative expertise, and problem-solving abilities; and

WHEREAS, these professionals manage a wide range of tasks including financial management, maintenance coordination, enforcement of community rules, and fostering effective communication among residents, thereby ensuring that communities remain vibrant and well-maintained; and

WHEREAS, Community Association Managers often go above and beyond their job descriptions to address the diverse needs of residents, from organizing community events to mediating disputes, demonstrating a profound commitment to the well-being and cohesion of the communities they serve; and

WHEREAS, recognizing the invaluable contributions of community association managers not only highlights their dedication but also encourages continued excellence and professional development within the field; and

WHEREAS, the celebration of International Community Association Managers Day provides an opportunity for homeowners, residents, and colleagues to express their gratitude and appreciation for the hard work and unwavering commitment exhibited by these professionals.

NOW, THEREFORE, I, John P. Nichols, Mayor of the City of College Station and on behalf of the City Council, do hereby proclaim June 13, 2024, as:

International Community Association Managers Day

IN TESTIMONY WHEREOF, I have hereunto set my hand and caused to be affixed the seal of the City of College Station, Texas this 13th day of June 2024.

A handwritten signature in blue ink, reading "John P. Nichols", is written over a horizontal line.

John P. Nichols
Mayor

Attest:

A handwritten signature in blue ink, reading "Tanya Smith", is written over a horizontal line.

Tanya Smith
City Secretary

Proclaimed this 13th Day of June 2024.

June 13, 2024
Item No. 7.1.
May 23, 2024 Minutes

Sponsor: Tanya Smith, City Secretary

Reviewed By CBC: City Council

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

- May 23, 2024 Council Meeting

Relationship to Strategic Goals:

- Good Governance

Recommendation(s): Recommends Approval.

Summary: N/A

Budget & Financial Summary: None

Attachments:

1. CCM052324 DRAFT Minutes

MINUTES OF THE CITY COUNCIL MEETING
IN-PERSON WITH TELECONFERENCE PARTICIPATION
CITY OF COLLEGE STATION
MAY 23, 2024

STATE OF TEXAS §
 §
COUNTY OF BRAZOS §

Present:

John Nichols, Mayor

Council:

Mark Smith
William Wright
Linda Harvell
Elizabeth Cunha
Bob Yancy
Dennis Maloney

City Staff:

Bryan Woods, City Manager
Jennifer Prochazka, Assistant City Manager
Jeff Kersten, Assistant City Manager
Adam Falco, City Attorney
Leslie Whitten, Deputy 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 Nichols via In-Person and Teleconference at 4:00 p.m. on May 23, 2024, in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77840.

2. Executive Session Agenda.

In accordance with the Texas Government Code §551.071-Consultation with Attorney, §551.074-Personnel, and §551.086-Competitive Matters, and the College Station City Council convened into Executive Session at 4:01 p.m. on May 23, 2024, to continue discussing matters pertaining to:

2.1. Consultation with Attorney to seek advice regarding pending or contemplated litigation, to wit:

- 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; and
- City of College Station v. 47 Oaks, LLC, Cause No. 626-CC, in the County Court at Law No. 2 of Brazos County, Texas; and
- 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; and

- Cynthia Hopkins & Geoffrey Hopkins v. City of College Station, Cause No. 23-002880-CV-85 in the 85th District Court, Brazos County Texas.
- CBL & Associates Management, Inc. v. City of College Station, Cause No. 23-003159-CV-85 In The 85th District Court, Brazos County Texas.
City of College Station v. POM-College Station, LLC and Wells Fargo Bank, National Association, Cause No. 628-CC, in the County Court at Law No. 1 of Brazos County, Texas.
- City of College Station v. Clarke and Wyndham, Inc., Real Alchemy, L.P., Real Alchemy 1, L.P., JPJ Investments, a Texas General Partnership, Cause No. 629-CC, in the County Court at Law No. 1 of Brazos County, Texas.

2.2. Deliberation on the appointment, employment, evaluation, reassignment, duties, discipline, or dismissal of a public officer; to wit:

- City Attorney
- City Manager
- Council Self-Evaluation

2.3. Deliberation on a competitive matter as that term is defined in Gov't Code Section 552.133; to wit:

- Power Supply

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

Executive Session recessed at 6:23 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 recognizing the George & Barbara Bush Foundation's 41 at 100 Celebration honoring the 100th anniversary of President George H.W. Bush's birth.

Mayor Nichols presented a proclamation to Dr. Robert Holtzweiss, Deputy Director for the Bush Library & Museum, recognizing the 100th Anniversary of President George H.W. Bush's birth.

5.2. Presentation proclaiming the week of May 19 - May 25, 2024, as National Public Works Week.

Mayor Nichols presented a proclamation to Public Works Department, proclaiming May 19-25, 2024 as National Public Works Week.

5.3. Presentation proclaiming May 2024 as National Tennis Month.

Mayor Nichols presented a proclamation to Brandon Carlson, President of the Brazos Tennis Association, recognizing May 2024 as National Tennis Month.

5.4. Presentation of a proclamation celebrating the 50th Anniversary of the Dixie Chicken.

Mayor Nichols presented a proclamation to Cortney Phillips and Business Owners recognizing the 50th Anniversary of the Dixie Chicken.

6. Hear Visitors Comments.

No one signed up to speak at this time.

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 the Consent Agenda for a separate vote.

No items were pulled for discussion.

Item 7.4 and was pulled from Consent for clarification.

(7.4) Emily Fisher, Public Works Director explained that the cost estimate for a stop sign to be installed is \$150.

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

- **May 13, 2024 Council Meeting**

7.2. Presentation, discussion, and possible action on a contract for electric overhead distribution construction with Echo Powerline, LLC, not-to-exceed \$380,177.68.

7.3. Presentation, discussion, and possible action regarding Ordinance No. 2024-4516 amending Chapter 38, Traffic and Vehicles, Article IV, Traffic Schedules, Section 38-1002, Traffic Schedule II, four-way stop intersections by adding the intersection of Church Avenue and Stasney Street.

7.4. Presentation, discussion, and possible action regarding Ordinance No. 2024-4517 amending Chapter 38, Traffic and Vehicles, Article IV, Traffic Schedules, Section 38-1002, Traffic Schedule II, four-way stop intersections by adding the intersection of Church Avenue and First Street.

7.5. Presentation, discussion, and possible action on approving annual polymer purchases from SNF Water Science Polydyne, Inc., not to exceed \$288,144.

7.6. Presentation, discussion, and possible action on contracts for the purchase of single phase and three phase transformers for Electric warehouse inventory with: (1) Texas Electric Cooperatives for \$243,626.25; (2) KBS Electrical Distributors for \$747,262; and (3) Techline, Inc. for \$354,923. Total expenditures not-to-exceed \$1,345,811.25.

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

8. WORKSHOP ITEMS

8.1. Presentation, discussion, and possible action regarding an update on economic development and tourism strategies, activities, and events.

Michael Ostrowski, Chief Development Officer, stated that the leading efforts are to promote a diversified economy generating quality, stable, full-time jobs; bolstering the sales and property tax base; and increasing Hotel Occupancy Tax in College Station.

- Execute a comprehensive and proactive economic development program for new primary job growth.
- Support retail development and redevelopment opportunities.
- Support and stimulate local tourism through sports tournaments, conventions, and event attractions.
- Sustain and enhance a high quality of life.

Areas of Focus

- Building & Strengthening Partnerships
- Identification of Target Industry Sectors
- Business Retention & Expansion
- Entrepreneurship & Innovation
- Redevelopment & Fiscal Sustainability
- Marketing & Promotion
- Quality of Life Initiatives

Brian Piscacek, Assistant Director Economic Development, presented an overview of strategic priorities, 2023 highlights, and a look forward regarding new initiatives and planning efforts. He also explained the industry recruitment and engagement, and quality of life initiatives.

Strategic Real Estate

City-owned properties recently sold:

1. College Station Business Center – Caprock Development (2023)
 - 5-acre office development for \$1,450,000
2. College Station Business Center – Hunton (2024)
 - 11.899-acre warehousing/distribution development for \$3,369,000

City-owned properties under contract:

3. College Station Business Center – FERA Diagnostics & Biologicals
 - 11.642-acre HQ and manufacturing facility development for \$3,300,000

City-owned properties available:

4. Midtown Business Park Subdistrict A 28 acres
 - Listing contract approved 5/13/24
5. Midtown Business Park Subdistricts B-E

Retail Recruitment Strategy consultant The Retail Coach helps with new development and backfill/infill strategies. Target prospects and engagements include retail entertainment, destination/specialty retailer, and restaurants not presently in Brazos county as well as business retention and expansion activities.

Jeremiah Cook, Tourism Manager, presented an overview of marketing and promotion of College Station through the integrated Grow, Visit, Compete, and Meet College Station brands.

Tourism Indicators

- FY23 – Hotel occupancy increased 2%
- FY23 - Hotel Occupancy Tax (HOT) revenue increased 13.7%
- 2023 - \$169.4 million in industry earnings
- 2023 - \$433.1 million in direct travel spend
- 2nd in Top 10 Growing Summer Destinations – Tripadvisor
- 1st in statewide percent growth in leisure and hospitality jobs

8.2. Presentation, discussion, and possible action regarding a crosswalk on Midtown Drive near Carroll Fancher Way.

Emily Fisher, Public Works Director, gave details about the present situation, a potential crosswalk on Midtown Drive, and the available options near Carroll Fancher Way given the driving sight distance.

Challenges

- Sight distance
- Downhill, lower volume can lead to higher vehicle speeds
- Risk with at-grade and mid-block crossings higher than separated crossings

Options

- Continue utilizing trail underpass.
- High visibility pedestrian crossing with median refuge at-grade near the intersection of Midtown Drive and Carroll Fancher Way.
 - ✓ Estimated cost \$70,000
- High visibility pedestrian crossing at-grade with median refuge and rectangular rapid flashing beacons (RRFB) near the trail access points.
 - ✓ Estimated cost \$120,000

Option – Crossing at Carroll Fancher

- High visibility crossing with median refuge.
- Can be built to accommodate RRFBs in the future with higher traffic demand.

MOTION: Upon a motion made by Mayor Nichols and a second by Councilmember Maloney, the City Council voted seven (7) for and none (0) opposed, to approve a standard crosswalk with standard signs located in the most visible area near Carrol Fancher Way. The motion carried unanimously.

9. REGULAR ITEMS

9.1. Public Hearing, presentation, discussion, and possible action on Ordinance No. 2024-4518 for Budget Amendment No. 2 amending Ordinance No. 2023-4457 amending the budget for the 2023-2024 Fiscal Year in the amount of \$361,631.

Mary Ellen Leonard, Finance Director, stated that the proposed budget amendment is to increase the FY24 budget appropriations by \$361,631 because of an increase needed to replace totaled police cars and expend funds related to the police Victim Liaison grant and Fun for All Playground. The city has resources or can reasonably expect resources to cover the appropriations in this budget amendment. The summary has the complete description of the items included on the proposed budget amendment. If approved, the net revised 2023-2024 budget appropriations will be \$505,984,947.

- Police Department Victim Liaison Grant (OOG) \$37,000 - (General Fund Budget Amendment)
- Replace totaled Police Cars- \$140,000 (General Fund Budget Amendment)
- Fun For All Plaza Design Cost - \$75,000 (Fun for All Fund Budget Amendment)
- 1207 Texas Acoustic Tiles- \$109,631 (HOT Fund Budget Amendment)

At approximately 8:31 p.m., Mayor Nichols opened the Public Hearing.

There being no further comments, the Public Hearing was closed at 8:31 p.m.

MOTION: Upon a motion made by Councilmember Harvell and a second by Councilmember Smith, the City Council voted seven (7) for and none (0) opposed, to adopt Ordinance No. 2024-4518, amending Ordinance No. 2023-4457 amending the budget for the 2023-2024 Fiscal Year in the amount of \$361,631. The motion carried unanimously.

9.2. Presentation, discussion, and possible action on Resolution No. 05-23-24-9.2 directing publication of notice of intention to issue Certificates of Obligation, Series 2024; and providing an effective date.

Michael DeHaven, Assistant Finance Director, stated that in November 2022, the citizens of College Station approved 3 of the 5 bond authorization propositions totaling \$56,000,000. Citizen authorization is used for the issuance of general obligation bonds or GO debt. In connection with the issuance of the FY24, general bond obligation, the City of College Station typically issues Certificates of Obligation (CO) debt to fund various capital projects identified and approved as a part of the annual budget. The utility systems will cover their associated portion of debt service for capital utility projects through utility revenues. In addition to the GO Obligations, Certificates of Obligation are used to fund street, parks, and technology projects as well as to pay debt issuance costs. This notice resolution provides that the maximum amount of Certificates of Obligation indebtedness that may be authorized to be sold is \$43,300,000, with \$16,500,000 related to utility projects and \$26,800,000 related to general government projects. 2022 General Government Obligations to be issued in addition to the COs total \$13,200,000.

At the July 25th meeting, the City Council will consider the approval of sale parameters ordinance for the Certificates of Obligation Bonds, and the General Obligation Bonds depending upon market conditions. A sale parameters ordinance appoints a Paying Agent/Registrar, appoints Underwriters, adopts Bond Ordinances, and authorizes the preparation of the Official Statements for the Certificates of Obligations and General Obligation Bonds. If the City is not prepared to issue the Certificates of Obligation and General Obligation Bonds at the July 25th meeting, the City Council may postpone adoption of the ordinance for up to ninety days from July 25th.

MOTION: Upon a motion made by Councilmember Smith and a second by Councilmember Yancy, the City Council voted seven (7) for and none (0) opposed, to approve Resolution No. 05-23-24-9.2, directing publication of notice of intention to issue Certificates of Obligation, Series 2024; and providing an effective date. The motion carried unanimously.

9.3. Public Hearing, presentation, discussion, and possible action regarding Ordinance No. 2024-4519 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 M-1 Light Industrial to SC Suburban

Commercial for approximately 2.017 acres, being Lot 11R of the Century Hill Development generally located at 3109 Corsair Dr.

Gabriel Schrum, Planning and Development, stated that this request is to rezone approximately 2.017 acres of land from M-1 Light Industrial to SC Suburban Commercial. The subject lot is currently undeveloped/vacant, and it is the applicant's intent to develop a medical clinic. Nearby properties include undeveloped and developed light industrial lots, an assisted living facility, a pool supply store, and a medical clinic. The uses allowed by the proposed zoning district are generally marketable for the area. The applicant has indicated that even though the property is marketable for some industrial uses, the lack of outdoor storage and yard space makes it less desirable.

Staff recommends approval of the rezoning request as it is in line with the Comprehensive Plan and is compatible with the surrounding area.

At approximately 8:43 p.m., Mayor Nichols opened for the Public Hearing.

There being no further comments, the Public Hearing was closed at 8:43 p.m.

MOTION: Upon a motion made by Councilmember Maloney and a second by Councilmember Wright, the City Council voted seven (7) for and none (0) opposed, to adopt Ordinance No. 2024-4519, 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 M-1 Light Industrial to SC Suburban Commercial for approximately 2.017 acres, being Lot 11R of the Century Hill Development generally located at 3109 Corsair Dr. The motion carried unanimously.

9.4. Public Hearing, presentation, discussion, and possible action regarding Ordinance No. 2024-4520 amending the Comprehensive Plan - Future Land Use & Character Map from Suburban Residential and Natural and Open Areas to Neighborhood Commercial and Natural and Open Areas for approximately 3.25 acres, generally located west of the intersection of Nantucket Drive and State Highway 6 South.

Regular Items 9.4 and 9.5 were presented together.

9.5 Public Hearing, presentation, discussion, and possible action regarding Ordinance No. 2024-4521 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 to PDD Planned Development District on approximately 3.25 acres being in the Sterrett D. Smith League, Abstract 210 and a portion of Lot 3, Block 13, Nantucket Phase 2, generally located west of the intersection of Nantucket Drive and State Highway 6 South.

Robin Macias, Planning and Development, stated that the applicant is requesting an amendment to the Comprehensive Plan Future Land Use & Character Map from Suburban Residential and Natural and Open Areas to Neighborhood Commercial and Natural and Open Areas for approximately 3.25 acres, generally located west of the intersection of Nantucket Drive and State Highway 6 South. This Comprehensive Plan Amendment is in conjunction with a rezoning request of PDD Planned Development District. It is the applicant's intent to develop the property as office and medical uses.

Mrs. Macias also stated that the request to rezone the subject property from R Rural to PDD Planned Development District with a base zoning of O (Office) and NAP (Natural Areas Protected). The proposed Concept Plan shows the general building and parking layout of the site as well as open space and a walking trail. The proposed concept plan will remove a portion of the buffer at the northwest corner of the lot between the subject property and the adjacent property that is zoned R Rural and remove the requirement for a fence along the buffer, but will remove more intense uses, modify signage requirements and lighting to the standards of the SC Suburban Commercial zoning district, restrict parking lot lighting, increase architectural standards, restrict business hours, and provide for a recreational trail.

The Planning and Zoning Commission heard both items at the May 2, 2024 meeting and unanimously recommended approval. Staff recommends approval of the Comprehensive Plan Future Land Use & Character Map amendment and the rezoning and associated Concept Plan as it is in line with the proposed amendment to the Comprehensive Plan, is compatible with the surrounding area, and the community benefits provided will offset the change in use of the property.

Modifications

1. Remove the requirement for a fence along the buffer area without double plantings.
2. Remove a 50 ft portion of the buffer area.

Community Benefits

1. Remove more intense permitted uses
 - Educational Facility, indoor instruction, and vocational/trade
 - Animal care facilities, indoor
 - Day care, commercial
 - Personal service shop
 - Printing/copy shop
 - Dry cleaners and Laundry
 - Sexually Oriented Business
 - Wireless Telecommunication Facilities
2. Follow SC Suburban Commercial standards for NRA and parking lot lighting
3. Hours of operation for businesses will end at 7:00 p.m. and parking lot lighting will be off during the hours of 8:00 p.m. to 6:00 a.m.
4. Construct a recreational trail
5. No freestanding signs permitted
6. No internally illuminated cabinet signage is allowed. Signage may only be externally illuminated.

At approximately 8:55 p.m., Mayor Nichols opened for the Public Hearing.

There being no further comments, the Public Hearing was closed at 8:55 p.m.

(9.4) MOTION: Upon a motion made by Councilmember Yancy and a second by Councilmember Maloney, the City Council voted seven (7) for and none (0) opposed, to adopt Ordinance No. 2024-4520, amending the Comprehensive Plan - Future Land Use & Character Map from Suburban Residential and Natural and Open Areas to Neighborhood Commercial and Natural and Open Areas for approximately 3.25 acres, generally located west of the intersection of Nantucket Drive and State Highway 6 South. The motion carried unanimously.

(9.5) MOTION: Upon a motion made by Councilmember Yancy and a second by Councilmember Maloney, the City Council voted seven (7) for and none (0) opposed, to adopt Ordinance No. 2024-4521, amending the Comprehensive Plan - Future Land Use & Character Map from Suburban Residential and Natural and Open Areas to Neighborhood Commercial and Natural and Open Areas for approximately 3.25 acres, generally located west of the intersection of Nantucket Drive and State Highway 6 South. The motion carried unanimously.

9.6. Presentation, discussion, and possible action on Change Order No. 2 for the Northeast Sewer Trunk Line Ph IV Project design contract with Kimley-Horn and Associates, Inc., not to exceed \$1,030,400.

Item pulled from the agenda.

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.

Councilmember Maloney recognized the Never Forget Garden event at Veterans Park.

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 Yancy reported on the Board of Health.

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.

No future items at this time.

14. Adjournment.

There being no further business, Mayor Nichols adjourned the meeting of the City Council at 9:03 p.m. on Thursday, May 23, 2024.

John P. Nichols, Mayor

ATTEST:

Tanya Smith, City Secretary

June 13, 2024
Item No. 7.2.
Minor Home Repair Guidelines Revision

Sponsor: Debbie Eller, Director of Community Services

Reviewed By CBC: City Council

Agenda Caption: Presentation, discussion, and possible action regarding a revision to the Community Development Block Grant Minor Home Repair Program guidelines to increase the grant amount available to \$20,000.

Relationship to Strategic Goals:

Core Services & Infrastructure, Neighborhood Integrity, Diverse & Growing Economy

Recommendation(s): Staff recommends approval of the proposed revisions to the Community Development Minor Home Repair Program guidelines.

Summary: The current Minor Home Repair Program provides a grant of up to \$10,000.00 in Community Development Block Grant funds for repairs to owner-occupied homes. The repairs are emergency and/or necessary to address specific health and safety concerns of homeowners and preserve and enhance the supply of affordable, decent, safe, and sanitary housing available to income-qualified homeowner households. The applicants receiving assistance will also be provided with information on proactively managing the maintenance of their home following repairs. Due to the increase in the cost of construction materials and labor expenses, staff recommends revising the guidelines to increase the amount of the grant to \$20,000.00 per house to achieve the objectives of the program.

Budget & Financial Summary: Funds available for Minor Home Repair Program grants are available in the Community Development budget.

Attachments:

1. Minor Repair Program Guidelines 6.13.2024

CITY OF COLLEGE STATION
MINOR HOME REPAIR PROGRAM
PROGRAM GUIDELINES

Unless herein stated otherwise, the requirements contained in 24 CFR Part 570 (Community Development Block Grant Program) and/or 24 CFR Part 92 (Home Investment Partnership Program) will be followed.

A. STATEMENT OF PURPOSE & PROGRAM OVERVIEW

The City of College Station has established a Minor Home Repair Program (MHRP) funded through the U.S. Department of Housing and Urban Development (HUD) Community Development Block Grant Program (CDBG). Additionally, the City may utilize other appropriate local, state, or federal resources that may become available.

The MHRP is designed to provide the financial assistance necessary to accomplish minor repair of eligible, qualified, owner-occupied dwellings. The City's Community Development staff will assist homeowners in planning, implementing, and managing the process to repair substandard features of their dwellings. In addition, the City seeks to impede the acceleration of slum and blighting influences through this activity, as well as preserve and enhance neighborhood quality and integrity. Depending upon applicant eligibility and costs of the project, assistance may be available to applicants under the provisions of 24 CFR § 570.202, Eligible Rehabilitation and Preservation Activities. Eligible project activities will comply with program requirements published in the U.S. Code of Federal Regulations (CFR), as it may be modified over time. The basic goals of this program are:

- To provide emergency and/or necessary repairs to address specific health and safety concerns of homeowners.
- To preserve and enhance the supply of affordable, decent, safe, and sanitary housing available to qualified low-income households.
- To provide applicants information on proactively managing the maintenance of their homes following repair.

Technical and financial assistance is available to low-income, owner-occupant homeowners requiring minor repair to alleviate health/safety issues or address other necessary repairs as determined by program staff and/or other qualified City staff. This program is available on a city-wide basis and is limited to only those properties located within the municipal boundaries of the city. Properties that lie partially within the city limits may be considered on a case-by-case basis.

The MHRP financial assistance shall be managed as follows:

Program staff will assist qualified and approved applicants to make essential repairs to their homes by requiring the applicant to enter into a minor repair assistance agreement with the City. The agreement will allow the use of program funds for the cost of repairs and associated program delivery costs of the project. The agreement must be approved and executed prior to the commencement of any rehabilitation activities.

Because this program is designed to address conditions of immediate need, assistance is provided in the form of a grant of up to \$20,000.00. At the sole discretion of the Community Services Director, assistance may be allowed to exceed the amount of \$20,000.00 in order to achieve the objectives of the program.

B. DESIGNATED AUTHORITY

Administrative authority for implementation of this program will rest with the City Manager's Office or its designee. The Community Development office will serve as the designated office for approval of contractual agreements and budget changes as needed to accomplish project completion, in accordance with Council-approved purchasing procedures.

The Director of Community Services (Director) will be responsible for authorizing the amount of assistance to be made available to the project, up to \$20,000.00 or a greater amount with approval of the Community Services Department Director, in accordance with the implementing procedures. This determination will be based upon the evaluations of the cost to be incurred by providing the housing assistance and upon the demonstrated needs of eligible applicants.

The Director will also be responsible for approval of applicant eligibility for this program and final approval of selection of applicants to be assisted. This will be based upon relative need of applicants for the specific housing assistance sought.

C. PROGRAM IMPLEMENTATION PROCESS

Steps in implementing the program will be as follows:

The Community Development office (CD office) will create and maintain applications for all housing assistance programs. All applicants shall submit a completed application to the CD office and await an evaluation of eligibility by the appropriate staff member(s). For this Program, applicants are required to hold majority title interest to an improved property within the corporate limits of College Station, which is their permanent place of residence, prior to submitting an application.

Program staff will evaluate all applications for eligibility and prioritize the processing of applications based upon completeness and accuracy of information/documentation and demonstrated housing need. Program staff will process applications as expeditiously as possible, considering funding limitations and other staff responsibilities as assigned.

Applicants will be notified by phone if they are eligible for participation in the program. If the applicants are not eligible, they will be notified in writing with an explanation of why they do not qualify. Non-qualification issues may include (but are not limited to) income, assets, deed restrictions, title concerns, and/or environmental concerns.

Program staff will meet with the applicant(s) to explain the basic goals and objectives of the program and further assess the needs of the applicant's household that will occupy the dwelling once completed. After the household needs are fully assessed, staff will review the project site to determine any additional repair needs of the home to fully realize a decent, safe and sanitary unit.

Applicant(s) will be involved in several meetings with program staff to ensure proper steps are followed in the repair process of their homes.

Repair work shall be done in accordance with the City's prepared scope of work and in accordance with City purchasing policies.

Program staff will obtain all required close-out documents at project completion.

D. APPLICANT ELIGIBILITY CRITERIA

Eligible applicants of this Program must meet the following qualifications:

1. **Income:** An applicant must have a gross income of 80 percent or less than the College Station/Bryan area median income as reported by HUD. Income will be determined by the provisions of 24 CFR § 92.203 (Income determinations) and 24 CFR § 5.609 (Annual income).
2. **Assets:** Applicants will not be eligible for this program if, upon application, they have assets exceeding \$40,000 on hand. IRS-recognized savings accounts are excluded.
3. **Principal Residence and Homestead:** Applicants will be required to certify that they intend to occupy the repaired dwelling as their principal residence upon project completion.
4. **Employment History:** Applicants must have an employment history in the same job, or in the case of professional, salaried employees (as defined in 29 CFR § 541 meeting

any of the requirements in Subparts B, C, D, E, or F), in the same field of employment, for a minimum of two (2) months.

5. Citizenship: In order to receive program assistance, applicants must be United States Citizens, U.S. Non-Citizen Nationals, or Qualified Aliens as defined by Title IV of the Personal Responsibility and Work Opportunity Reconciliation Act of 1996. Qualified alien status will be verified by the Citizenship and Immigration Services division of the U.S. Department of Homeland Security.

E. ELIGIBLE PROPERTY CRITERIA

Property eligible for Program assistance is subject to the requirements of 24 CFR § 570.202 and as follows:

1. Location: The Program will be implemented on a city-wide basis within the corporate limits of the City of College Station. Properties that lie partially within the corporate limits will be considered on a case-by-case basis. However, program preference will rest with properties wholly in the City.
2. Property Type: Eligible properties must be improved, single-family residential lots, which are:
 - a. The principal residence of the applicant, and
 - b. Needing minor repairs but structurally sound, and
 - c. Have all utility service connections available to the property.
3. Title: The applicant household must hold majority title to the property. An existing mortgage will not prohibit participation in the program.
4. All eligible properties, following rehabilitation, shall not exceed 95% of the maximum amount insurable under Section 203(b) of the National Housing Act (FHA lending limit) for the College Station/Bryan area.
5. Manufactured Housing: Manufactured housing units are not eligible for program assistance unless:
 - a. The property on which the manufactured home sits is owned by the applicant; and
 - b. The property is properly zoned; and
 - c. The applicant has resided in the home and on that site for not less than two years prior to the application date.

6. Property Taxes: all property taxes must be current. With approval from the Community Services Department Director, properties with tax deferral for tax payers 65 years of age or older under the Texas Tax Code, Section 33.06 will be acceptable.

F. FEASIBILITY OF MINOR REPAIR

Minor home repair projects eligible for this program include:

1. Addressing health/safety issues
 - a. Replacement of an air conditioning/heating systems
 - b. Replacement of a water heater system
 - c. Water/sewer/gas line breaks
 - d. Electrical system failures
 - e. Ordinance Compliance
 - f. Other minor repairs necessary to ensure safe living conditions
2. Exterior home repairs/structural integrity issues
 - a. Minor weatherization
 - b. Roofing repair or replacement
 - c. Minor gutter installation
 - d. Walkway repair or replacement
 - e. Siding or exterior trim repair
 - f. Other minor repairs necessary to ensure exterior home repairs and structural integrity.

G. SELECTION OF RECIPIENTS FOR ASSISTANCE

1. Recipients for assistance of this program will be taken from the applications of eligible homeowners residing in structures in need of minor repair determined to be structurally sound by program staff.
2. The number of recipients to receive assistance will be subject to general availability of funds.
3. Community Development staff will evaluate all applications of eligible homeowners whose structures are determined to be feasible to rehabilitate. Based upon this evaluation, a recommendation will be made to the Director as to the order of applicants to be assisted. Generally, those in the most imminent danger to personal health or safety will be extended priority under the program.
4. Criteria to be used to make this evaluation will include the following items listed in priority order:

- a. Degree of threat to health and safety of occupants presented by continuance of residing in the structure. This will include evaluation factors such as availability of basic services including water, sewer, electricity, and structural deficiencies of the home.
- b. Health and disability of occupants which necessitates the home to undergo handicapped accessible construction because of the owner's existing situation.
- c. Time and date that all application requirements are met.
- d. Time and date of application.

H. FORMS OF ASSISTANCE AND ALLOWABLE EXPENSES

Minor home repair assistance shall be in the form of a grant, through federal CDBG funds. The allowable budget authority for minor repair assistance shall not exceed Twenty Thousand and No/100 Dollars (\$20,000.00) per applicant for eligible project costs. Homeowners are limited to one (1) minor repair project every twenty-four (24) months. At his/her sole discretion, the Community Services Department Director may allow subsequent minor repair projects to occur sooner to accomplish other City or program objectives, or upon significant demonstration of extraordinary circumstances.

I. MINOR REPAIR AGREEMENT

Each applicant assisted through this program will sign a Minor Home Repair Agreement with the City which defines the overall terms and conditions of the City providing the MHRP assistance. Other construction documents will be required to be executed by the applicant during the repair assistance process.

J. FINAL INSPECTION

The City of College Station will be responsible for final inspection of all housing units made available through the program to determine that the unit meets all City of College Station and HUD requirements.

June 13, 2024

Item No. 7.3.

Rock Prairie Road Widening Electric Inventory Items: Streetlight Poles, Heads, and Anchors

Sponsor: Jennifer Cain, Director Capital Projects

Reviewed By CBC: City Council

Agenda Caption: Presentation, discussion, and possible action for the purchase of electric inventory items with Techline, Inc., for the Rock Prairie Widening Project, not to exceed \$240,056.39.

Relationship to Strategic Goals:

Core services and infrastructure

Recommendation(s): Staff recommends approval.

Summary: Staff issued Bid #24-050 on April 19, 2024, to purchase Electric Inventory Items for the Rock Prairie Widening Project and the Bid was opened on April 26, 2024. Two (2) sealed proposals were received; Electric and Capital Projects staff reviewed for compliance of required specifications, pricing, and delivery times.

Budget & Financial Summary: \$8,550,000 is included in the Capital Improvement Projects Fund. A total of \$8,225,301 has been expended or committed to date, leaving a balance of \$324,699 for this contract and related costs.

Attachments:

1. RPE Light Pole Bid Summary
2. RPE Techline, Inc. Bid

Event Number	24-050
Event Title	Purchase of Streetlight Poles and Heads
Close Date	5/6/2024 02:00:00 PM (CT)

Responding Supplier	City	State	Response Total
Priester-Mell & Nicholson Inc.	Austin	TX	\$198,107.00
Techline, Inc.	Austin	TX	\$240,056.39

Please note: Lines Responded and Response Total only includes responses to specification. No alternate response data is included.

Date: 5/1/2024

PROPOSAL FROM: Techline

PROPOSAL TO: City Of College Station
1101 Texas Ave.
College Station, TX 77842

The Undersigned proposes to furnish all materials, tools and necessary equipment for the purchase of the Streetlight Poles and Heads as set out by the Specifications, in strict accordance with the Contract Documents.

Please type or write legibly in blue or black ink. A unit price is required for all bid items. If there are discrepancies between unit prices and totals, the unit price will prevail. Please initial all corrections and do not round totals.

In submitting this Proposal, it is understood that this Proposal may not be altered or withdrawn for ninety (90) days, and that the Owner has reserved the right to reject any and all Proposals.

The Undersigned certifies that this Proposal is made in good faith, without collusion or connection with any other person, persons, partnership, company, firm, association, or corporation offering Proposals on this work, for the following sum or prices to wit:

BASE PROPOSAL: Stipulated Total Bid of: (\$ \$240,056.39)

NO Of Delivery in DAYS: Total number of calendar days for delivery 196 days.

RECEIPT OF ADDENDA

I hereby acknowledge receipt of the following Addenda: Gary Shoyfell

CONTRACTOR NAME: Techline

CONTRACTOR SIGNATURE: Gary Shoyfell

Item		Inventory			
No.	Description	No.	UOM	Qty.	Unit Price
1	Streetlight pole	285-065-00053	EA	49	\$4,070.00
2	Lightpole Heads	285-056-00018	EA	49	\$639.11
3	Anchor bolt Kits		EA	49	\$190.00

Total Base Bid
\$240,056.39

CERTIFICATION OF BID

The undersigned affirms that they are duly authorized to execute this contract, that this bid has not been prepared in collusion with any other bidder, and that the contents of this bid have not been communicated to any other bidder prior to the official opening of this bid. Additionally, the undersigned affirms that the firm is willing to sign the enclosed Standard Form of Agreement (if applicable).

Signed By: Gary Troxell Title: Sales

Typed Name: Gary Troxell Company Name: Techline

Phone No.: 512-615-8123 Fax No.: 512-833-5407

Email: gary.troxell@techline-inc.com

Bid Address:	<u>9609 Beck Circle</u>	<u>Austin</u>	<u>TX</u>	<u>78758</u>
	<u>P.O. Box or Street</u>	<u>City</u>	<u>State</u>	<u>Zip</u>

Order Address:	<u>9609 Beck Circle</u>	<u>Austin</u>	<u>TX</u>	<u>78758</u>
	<u>P.O. Box or Street</u>	<u>City</u>	<u>State</u>	<u>Zip</u>

Remit Address:	<u>P.O. Box 674005</u>	<u>Dallas</u>	<u>TX</u>	<u>75267-4005</u>
	<u>P.O. Box or Street</u>	<u>City</u>	<u>State</u>	<u>Zip</u>

Company is a publicly traded business entity, including a wholly owned subsidiary of the business entity: Yes ☒ No

Federal Tax ID No.: 17424802472

DUNS No.: 02-603-1435

Date: 5/1/2024

END OF ITB #24-050

June 13, 2024

Item No. 7.4.

Employee Health Clinic Operations and Management Services

Sponsor: Alison Pond, Director of Human Resources

Reviewed By CBC: City Council

Agenda Caption: Presentation, discussion, and possible action on a three-year contract with Baylor Scott & White Health for employee health clinic operations and management services, not to exceed \$2,174,803.55.

Relationship to Strategic Goals:

Financially Sustainable City

Recommendation(s): Staff respectfully recommends approval of the contract with Baylor Scott & White Health.

Summary: In November 2023, the City of College Station solicited proposals from firms to provide Employee Health Clinic Operations and Management Services for City of College Station employees, retirees, and dependents enrolled in the City's self-funded group health insurance plan.

The City went out to bid (RFP 24-012) in November 2023 and received proposals from three (3) health care companies. A review panel comprised of Human Resources/Risk Management staff, the City Manager's Office, and the City's outside benefits consultant recommended Baylor Scott & White Health as the new clinic partner.

The proposed contract with Baylor Scott & White Health is a three-year agreement with one additional three-year renewal term by mutual agreement of the parties.

The annual not-to-exceed amounts include all costs for facilities, personnel, equipment and supplies, and contingencies.

Year 1 Not-to-Exceed: \$704,765.60

Year 2 Not-to-Exceed: \$724,603.88

Year 3 Not-to-Exceed: \$745,434.07

Budget & Financial Summary: Funds are available and budgeted in the Employee Benefits Fund.

Attachments:

1. Contract will be available at City Secretary's Office

The contract will be made available in the City Secretary's Office.

June 13, 2024

Item No. 7.5.

Organix Recycling, LLC Franchise Agreement Ordinance First Reading

Sponsor: Emily Fisher, Director of Public Works

Reviewed By CBC: City Council

Agenda Caption: Presentation, discussion, and possible action on the first reading of a franchise agreement ordinance with Organix Recycling, LLC for the collection of recyclables from commercial businesses and multi-family locations.

Relationship to Strategic Goals:

1. Core Services and Infrastructure

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

Summary: This item is an ordinance granting Organix Recycling, LLC a non-exclusive franchise for the use of public streets, alleys, and public rights-of-ways within the city for the purpose of providing collection of demolition and construction debris, recyclables, and organic waste from commercial, industrial, and multi-family sites.

This franchise agreement allows Organix Recycling, LLC to collect and haul recyclables and construction and demolition debris from commercial, industrial, and multi-family sites. This standard agreement sets the franchise fee based on the contractors' monthly gross revenues, delivery revenues, and hauling revenues, as well as the percentage of aggregate recycling and composting. Contractors must provide the total number of customers and total tons landfilled quarterly but are not required to disclose specific sites that are utilizing recycling services. The term of this agreement is five years.

If the second reading of this franchise agreement ordinance is approved, the city will have a total of eighteen (18) franchised haulers. This list can be found on the city's website under Public Works.

Budget & Financial Summary: N/A

Attachments:

1. Organix Recycling, LLC Franchise Agreement

ORDINANCE NO. _____

RECYCLABLES COLLECTION FRANCHISE AGREEMENT

AN ORDINANCE GRANTING CONTRACTOR, ORGANIX RECYCLING 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,

Table of Contents

Article I. Definitions	3
Article II. Grant of Authority and Acceptance	4
Article III. Payment and Term	4
Article IV. Access to Records & Reporting	6
Article V. Rates to be Charged by Contractor	6
Article VI. Appearance of Personnel and Equipment	6
Article VII. Collection and Transport of Recyclables	7
Article VIII. Placement of Receptacles	7
Article IX. Service Complaints	7
Article X. Disposal and Processing	8
Article XI. Violation and Penalty	8
Article XII. Insurance	8
Article XIII. Indemnification and Release	9
Article XIV. Disputes and Mediation	9
Article XV. General Terms	10
Exhibit A. Schedule of Rates	13
Exhibit B. Insurance Requirements	14
I) Standard Insurance Policies Required:	14
II) General Requirements Applicable to All Policies:	14
III) Commercial General Liability	14
IV) Business Automobile Liability	15
V) Workers' Compensation Insurance	15
Exhibit C. Certificates of Insurance	16

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
Attn: Caroline Ask
PO BOX 9960
College Station, TX 77842
mlucas@cstx.gov

ORGANIX RECYCLING LLC
Attn: Julia Gustafson
3308 Bernice Ave
Russellville AR 72802
safety@organixrecycling.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 13th day of June, 2024.
- b. Second Consideration & Approval on the 27th day of June, 2024.

ORGANIX RECYCLING LLC

CITY OF COLLEGE STATION

By: _____

Printed Name: _____

Title: **Owner/Member**

Date: _____

By: _____

Mayor

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 is \$100 per pull, and 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)

5/21/2024

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 Arthur J. Gallagher Risk Management Services, LLC 1490 Market Street Suite 3 Lake Charles LA 70601	CONTACT NAME: Lynn Erpelding, CIC, CISR PHONE (A/C, No, Ext): 337-475-7442 FAX (A/C, No): E-MAIL ADDRESS: lynn_erpelding@ajg.com
INSURED Dispatch Parent, LLC; Denali Water Solutions, LLC 220 South Commerce Avenue 1st Floor Russellville AR 72801	INSURER(S) AFFORDING COVERAGE INSURER A: Colony Insurance Company INSURER B: National Union Fire Insurance Company of Pittsburg INSURER C: Granite State Insurance Company INSURER D: Gemini Insurance Company INSURER E: AXIS Surplus Insurance Company INSURER F: National Fire & Marine Insurance Co
License#: BR-724491 DENAWAT-03	NAIC # 39993 19445 23809 10833 26620 20079

COVERAGES**CERTIFICATE NUMBER:** 1677969126**REVISION NUMBER:**

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 INSD	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	Y	PACE4279461	6/30/2023	6/30/2024	EACH OCCURRENCE \$1,000,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$300,000 MED EXP (Any one person) \$25,000 PERSONAL & ADV INJURY \$1,000,000 GENERAL AGGREGATE \$2,000,000 PRODUCTS - COMP/OP AGG \$2,000,000 \$
B	☒ AUTOMOBILE LIABILITY ☒ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY ☒ MCS-90	Y	Y	5717880	6/30/2023	6/30/2024	COMBINED SINGLE LIMIT (Ea accident) \$1,000,000 BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
A D U M	☒ UMBRELLA LIAB ☒ OCCUR ☒ EXCESS LIAB ☐ CLAIMS-MADE DED RETENTION \$	Y	Y	EXC4279462 GVE100272503 P-001-001126335-01 42-XSF-316137-03	6/30/2023 6/30/2023 6/30/2023 6/30/2023	6/30/2024 6/30/2024 6/30/2024 6/30/2024	EACH OCCURRENCE \$15,000,000 AGGREGATE \$15,000,000 \$
C B	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	Y	014195820 014195821	6/30/2023 6/30/2023	6/30/2024 6/30/2024	☒ 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
A	Pollution Liability and Professional Liability	Y	Y	PACE4279461	6/30/2023	6/30/2024	Pollution - Per Occur \$1,000,000 Professional - Claim \$1,000,000

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

Certificate Holder is included as Additional Insured on the General Liability policy pursuant to and subject to the policy's terms, definitions, conditions and exclusions as per endorsement #EPACE101-0721. Certificate Holder is included as Additional Insured on the Automobile policy as per endorsement #87950, edition date 09/14. Waiver of Subrogation applies to Certificate Holder as respects the General Liability, Automobile, Workers Compensation and Excess Liability policies pursuant to and subject to the policy's terms, definitions, conditions and exclusions. General Liability and Automobile policies are primary and noncontributory pursuant to the policy's term, definitions, conditions and exclusions. Pollution Liability is on Occurrence Basis while Professional Liability is on Claims Made Basis. Policies listed above contain a 30 day Notice of Cancellation, except 10 days in the event of nonpayment.

Workers Compensation Policy #: 014195820 covers State of California only.
See Attached...

CERTIFICATE HOLDER**CANCELLATION**

City of College Station
Public Works
P.O. Box 9960
College Station TX 77842

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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ADDITIONAL REMARKS SCHEDULE

Page 1 of 1

AGENCY Arthur J. Gallagher Risk Management Services, LLC		NAMED INSURED Dispatch Parent, LLC; Denali Water Solutions, LLC 220 South Commerce Avenue 1st Floor Russellville AR 72801
POLICY NUMBER		
CARRIER	NAIC CODE	EFFECTIVE DATE:

ADDITIONAL REMARKS

THIS ADDITIONAL REMARKS FORM IS A SCHEDULE TO ACORD FORM,
FORM NUMBER: 25 **FORM TITLE:** CERTIFICATE OF LIABILITY INSURANCE

Workers Compensation Policy #: 014195821 covers all other States.

Excess Liability policies follow form of underlying policies as listed below:

Policy #: EXC4279462 - Colony Insurance Company - \$5,000,000 limit and is excess over General Liability, Pollution Liability and Professional Liability only.

Policy #: GVE100272503 - Gemini Insurance Company - \$3,000,000 limit and is excess over Automobile and Employer's Liability only.

Policy #: P-001-001126335-01 - AXIS Surplus Insurance Company - \$2,000,000 xs \$3,000,000 limit and is excess over Automobile and Employer's Liability only.

Policy #: 42-XSF-316137-03 - National Fire & Marine Insurance Company - \$5,000,000 xs \$2,000,000 xs \$3,000,000 limit and is excess over Automobile and Employer's Liability only.

Policy #ENVX000044823 - Certain Underwriters at Lloyds, London - \$15,000,000 xs \$5,000,000 over General Liability, Pollution Liability and Professional Liability only. NAIC # 15792, Policy term 11/01/2023-11/01/2024

Equipment Coverage:

Policy No: IMP 4001324-00

Carrier: Transguard Insurance Company

Policy Dates: 06/30/23 - 06/30/24

Cargo Limit: \$100,000

Trailer Interchange Limit: \$85,000

Rented/Leased Equipment Limit: \$1,000,000 Scheduled Equipment: \$68,662,540

Deductible: \$50,000 each occurrence

Complete list of Named Insureds: Dispatch Parent, LLC; Terra Renewal Services, Inc.; Denali Water Solutions, LLC; Organix Recycling, LLC; NuTerra SE FL Organics, LLC; WeCare Denali, LLC; New Earth, LLC; Denali ROI, LLC; OR Processing, LLC; OR Composting, LLC; Ramco, Environmental, LLC; Solid Solutions, LLC; Nebo Services, LLC; Veris Environmental, LLC; AWS Dredge, LLC; Intermountain Dredge Equipment and Supply, L.C.; TerraGro Farms, LLC; Viridiun Equipment, Inc.; Organix Composting of Texas, LLC; Viridiun, LLC; Viridiun Products, LLC; Swanson Bark & Wood Products, Inc., Imperial Western Products, Inc.

June 13, 2024
Item No. 7.6.
Impact Fee Semi-Annual Report

Sponsor: Carol Cotter

Reviewed By CBC: Impact Fee Advisory Committee

Agenda Caption: Presentation, discussion, and possible action regarding a Semi-Annual Report on System-Wide Impact Fees for Water, Wastewater, and Roadway.

Relationship to Strategic Goals:

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

Recommendation(s): The Impact Fee Advisory Committee (IFAC) heard this item at their meeting on June 6, 2024, and recommended acceptance of the report. Staff recommends that Council acknowledge and accept the Semi-Annual Report - No Further Action is required at this time.

Summary: The attached Impact Fee Semi-Annual Report is provided to the City Council in accordance with the Texas Local Government Code Chapter 395.058. The City of College Station adopted System-Wide Impact Fees for water, wastewater, and roadways in 2016. The statutory 5-year update was completed on November 22, 2021. Revised land use assumptions and capital improvements plans were adopted, including resultant maximum assessable rates and associated collection rates. In July of last year, residential impact fee collection rates were amended to provide for annual increases to water and roadway impact fees over the next three years, beginning January 1, 2024.

This report documents the period of October 1, 2023, through March 31, 2024. Other than the programmed increase in collection rates, there have been no major changes in the water, wastewater, or roadway impact fee programs during this reporting period. This report includes a summary of the utility and roadway impact fees collected, transferred, and available for capital improvement projects. It also lists ongoing capital improvement projects partially funded by impact fee revenues.

The Planning and Zoning Commission serves as the Impact Fee Advisory Committee (IFAC) per the City of College Station Code of Ordinances Chapter 107, Impact Fees. Ad hoc members were also appointed for the update process.

Budget & Financial Summary: N/A

Attachments:

1. Impact Fee Semi-Annual Report - 20240606
2. Future Land Use Map (from FNI Report)
3. Service Area Maps -Water, Wastewater and Roadway
4. Status of Impact Fee CIP - Water Wastewater Roadway - March 2024



MEMORANDUM

DATE: June 6, 2024
TO: Impact Fee Advisory Committee
FROM: Carol Cotter, P.E., City Engineer
SUBJECT: Semi-Annual Report - System-Wide Impact Fees for Water, Wastewater, and Roadway

The City of College Station adopted “System-Wide” Impact Fees for water, wastewater, and roadways in the latter part of 2016. In accordance with Texas Local Government Code, the 5-year update was completed on November 22, 2021. Revised land use assumptions and capital improvements plans were adopted including resultant maximum assessable rates and associated collection rates. In July of last year, residential impact fee collection rates were amended to provide for annual increases to water and roadway impact fees over the next three years, beginning January 1, 2024.

Texas Local Government Code requires Semi-Annual Reporting to monitor the progress of impact fees and to determine if an update to the fee study is necessary before the statutory five-year requirement. Other than the programmed increase to the collection rates, there have been no major changes in the water, wastewater, or roadway impact fee programs during this reporting period. This report documents the period of October 1, 2023 to March 31, 2024 and includes a summary of the utility and roadway impact fees collected, transferred, and available for capital improvement projects. It also lists ongoing capital improvement projects partially funded by impact fee revenues.

Staff recommends that the Impact Fee Advisory Committee accept this report and forward to City Council for their update.

Impact Fee Advisory Committee (IFAC)

The City of College Station Code of Ordinances Chapter 107, Impact Fees, designates the Planning and Zoning Commission as the Impact Fee Advisory Committee (IFAC). Additional ad hoc members were appointed for the update process. The role of the IFAC is to:

1. Advise and assist the City in adopting Land Use Assumptions.
2. Review the Capital Improvements Plan and file written comments.
3. Monitor and evaluate implementation of the Capital Improvements Plan.
4. File semi-annual reports with respect to the progress of the Capital Improvements Plan.
5. Advise the City Council of the need to update or revise the Land Use Assumptions, Capital Improvements Plan, and Impact Fees.

System-Wide Impact Fees

System-wide impact fees for water and wastewater were adopted September 22, 2016, with roadway impact fees following on November 10, 2016. Maximum assessable rates were adopted, and reduced collection rates implemented. Water and wastewater fees were phased in, starting at 50% of the collection rate the first year with full collection rates the following year. Roadway impact fees were phased in, beginning with zero fee collection in year one and 50% in year two. Full implementation of the initial collection rates occurred in December 2018.

The statutory 5-year update of the water, wastewater and roadway impact fee programs was completed November 22, 2021. Amendments to the land use assumptions and capital improvements plans were adopted, including resultant maximum assessable rates and associated collection rates, and became effective on January 1, 2022. The collection rate for residential developments was increased by 10% from the previous rates and became effective March 1, 2022. The service area for roadway impact fees remained unchanged, bounded by the city limits. Service areas for system-wide water and wastewater impact fees were adjusted to respective services areas within the city limits, removing areas of the City's extra-territorial jurisdiction (ETJ). In July of last year, residential impact fee collection rates were amended to provide for annual increases to water and roadway impact fees over the next three years, beginning January 1, 2024. The amendments have been incorporated in the semi-annual report.

Status of the impact fee programs are presented in the following tables.

Impact Fee Program Overview – 2021 Study Updates

Impact Fee	Adopted Max Rate	Collection Rate per Service Unit*		Total Estimated Capital Costs	Recoverable Costs at Max Rate (2021 – 2031)	Recoverable Cost at Collection Rate (2021-2031) **
		Res	Non-Res			
Water	\$3,877	\$550	\$500	\$67,722,554	\$54,457,437	\$11.8M
Wastewater	\$5,572	\$3,300	\$3,000	\$189,748,166	\$71,917,188	\$24.2M

Roadway A	\$499	\$438.83	\$80	\$13,915,012	\$9,052,650	\$3.4M
Roadway B	\$1,261	\$438.83	\$80	\$48,390,353	\$20,114,165	\$5.9M
Roadway C	\$2,127	\$438.83	\$80	\$78,250,564	\$25,687,488	\$8.9M
Roadway D	\$3,452	\$438.83	\$80	\$74,492,580	\$57,399,762	\$5.7M
Roadway Totals				\$215,048,509	\$112,254,065	\$23.7M

* Refer to Collection Rate Adjustment Schedule table for programmed collection rates.

** Recoverable costs include programmed collection rate adjustments.

Collection Rate Adjustment Schedule

Impact Fee	Collection Rate Per Service Unit			
	Residential			Non-Residential
	2024	2025	2026	
Water	\$1,950	\$2,150	\$2,325	\$500
Wastewater	\$3,300	\$3,300	\$3,300	\$3,000

Roadway A	\$499	\$499	\$499	\$80
Roadway B	\$897	\$1,163*	\$1,261*	\$80
Roadway C	\$897	\$1,163	\$1,514	\$80
Roadway D	\$897	\$1,163	\$1,514	\$80

* For properties platted prior to January 1, 2022, the collection rate is limited to the 2016 maximum assessable rate of \$1,072.

Impact fee revenues collected since the initial adoption of system-wide impact fees in 2016 are provided by fiscal year in the table below. Amounts collected for this six (6) month reporting period from October 1, 2023 through March 31, 2024 are also provided.

Impact Fee Revenues

Impact Fee	FY17	FY18	FY19	FY20	FY21	FY22	FY23	FY24	Total Impact Fees Collected
Water	\$45,075	\$339,325	\$335,400	\$381,880	\$420,200	\$474,025	\$328,370	\$145,400	\$2,469,675
Wastewater	\$155,475	\$1,606,025	\$1,575,150	\$1,666,800	\$2,243,700	\$2,333,880	\$1,725,705	\$786,540	\$12,093,275
Roadway A	\$0	\$40,893	\$81,193	\$123,327	\$117,261	\$454,618	\$142,401	\$64,073	\$1,023,766
Roadway B	\$0	\$32,671	\$80,625	\$427,118	\$538,988	\$494,585	\$316,257	\$155,609	\$2,045,853
Roadway C	\$0	\$156,540	\$391,243	\$186,979	\$194,634	\$255,872	\$205,679	\$183,467	\$1,574,414
Roadway D	\$0	\$33,000	\$150,526	\$79,161	\$85,404	\$288,661	\$229,382	\$10,112	\$876,246
Roadway Totals	\$0	\$263,104	\$703,587	\$816,585	\$936,287	\$1,493,736	\$893,719	\$413,261	\$5,520,279

Impact Fee Capital Improvement Plan Implementation as of March 31, 2024

Impact Fee	Impact Fees Allocated	Developer Constructed (Estimated)	City Funded	Total Capital Project Expenditures
Water	\$2,196,085	\$120,000	\$32,160,511	\$34,476,596
Wastewater	\$10,113,956	\$690,000	\$70,471,727	\$81,275,683
Roadway A	\$767,500	\$0	\$445,858	\$1,213,358
Roadway B	\$617,500	\$0	\$29,654,763	\$30,272,263
Roadway C	\$1,193,333	\$77,667	\$41,695,859	\$42,966,859
Roadway D	\$767,500	\$777,500	\$10,493,820	\$12,038,820
Roadway Totals	\$3,345,833	\$855,167	\$82,290,300	\$86,491,300

The impact fee revenues are being utilized to aid in funding a number of the impact fee capital improvement projects. Impact fees may only be spent on eligible projects identified in the respective impact fee capital improvement plans and are then further restricted to the specific zones for roadway impact fees. The projects that have received impact fee funding are listed as follows.

Capital Projects Receiving Impact Fee Allocation

Water Impact Fee Projects:

- Well #9 and Collection Line (Project F)
- SH 6 Water Line Phases 1 and 2 (Project N)
- SH 6 Water Line Phase 3 (Project O)
- 2021 Impact Fee Study (Project R)

Wastewater Impact Fee Projects:

- Lick Creek Trunk Line (Project C)
- Northeast Trunk Line Phases 1 and 2 (Project E)
- Carters Creek Diversion Lift Station Phase 1 (Project M)
- Lick Creek WWTP Phase 1 Expansion (Project N)
- 2021 Impact Fee Update (Project O)

Roadway Impact Fee Projects:

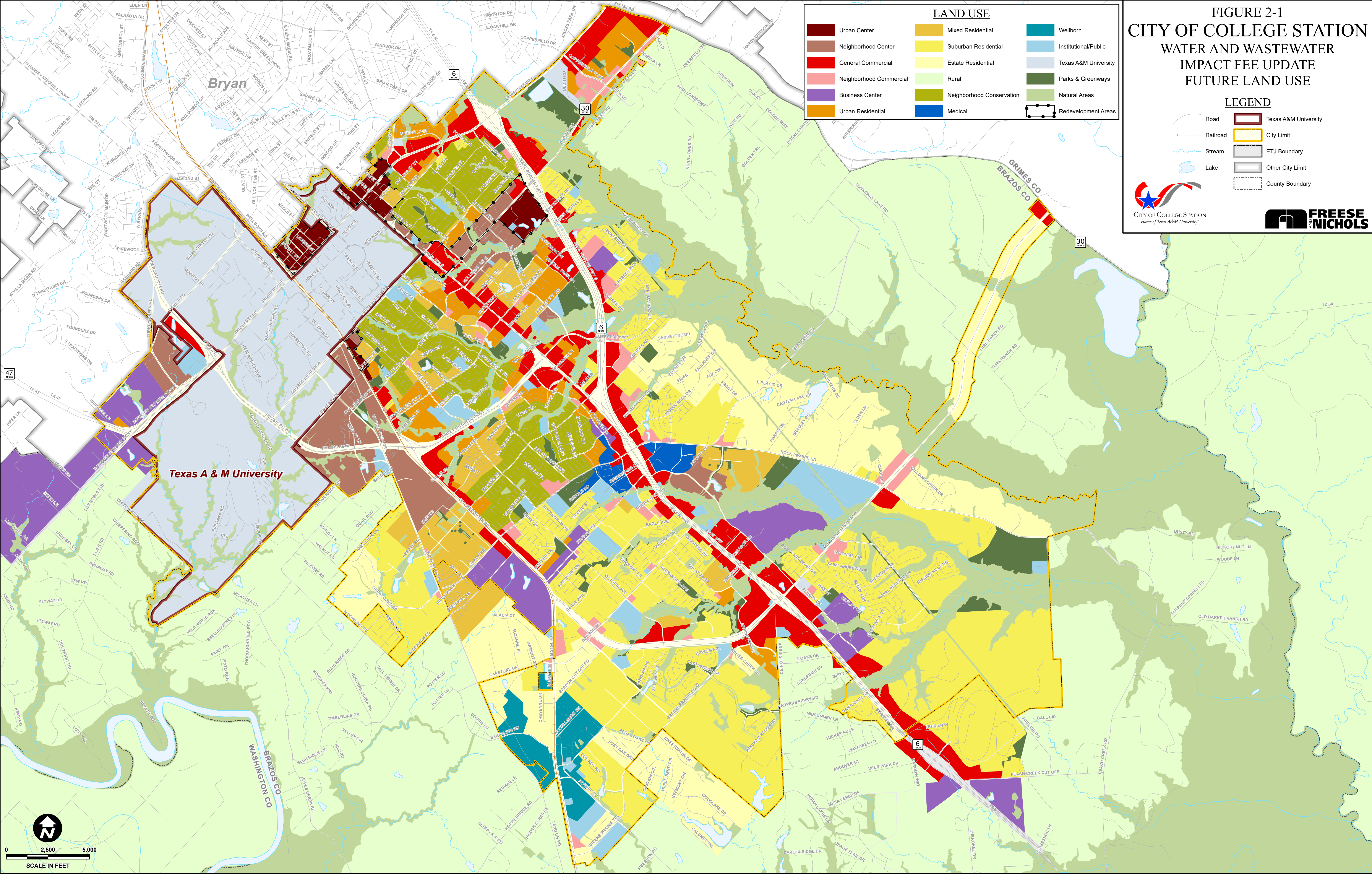
- Zones A and D - Rock Prairie Road from SH 6 to Stonebrook Drive (Project A-5/D-1)
- Zones A and D - Rock Prairie Road from Stonebrook Drive to Town Lake Drive (Project A-6/D-2)
- Zones B and C - Rock Prairie Road W from 715' west of Towers Parkway to Wellborn Road (Project B-3/C-1)
- Zone C - Capstone Drive from 1,265' west of Wellborn Road to Wellborn Road (Project C-4)
- Zone C - Barron Road from Wellborn Road to WS Phillips Parkway (Project C-5)
- Impact Fee Study (all Zones)

Recommendation:

Staff recommends that the Impact Fee Advisory Committee accept this report and forward to City Council for their update.

Attachments:

1. Future Land Use Map
2. Service Area Maps - Water, Wastewater, and Roadway
3. Status of the Impact Fee Capital Improvements Plans – Water, Wastewater, and Roadway



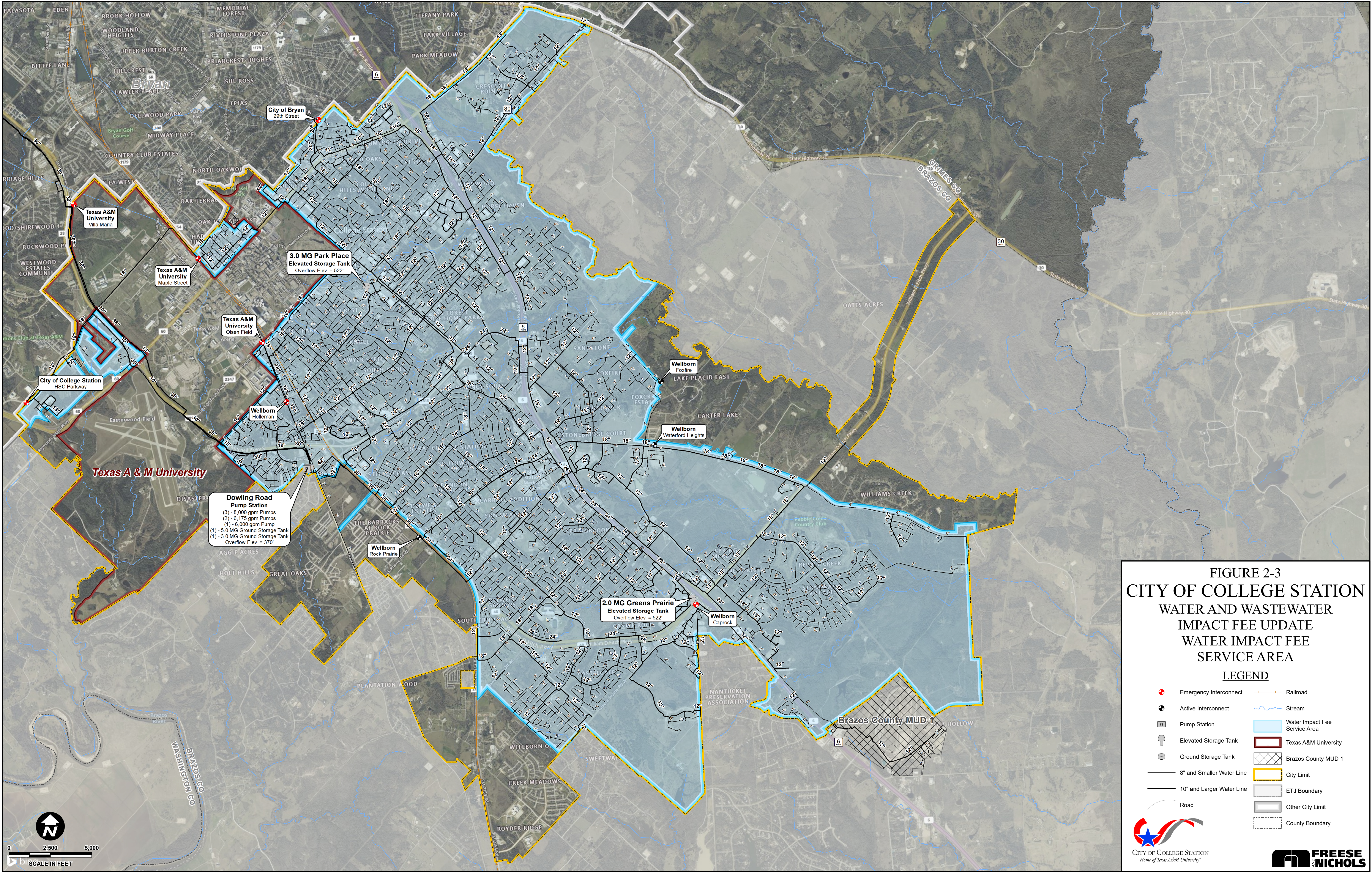


FIGURE 2-3
CITY OF COLLEGE STATION
WATER AND WASTEWATER
IMPACT FEE UPDATE
WATER IMPACT FEE
SERVICE AREA

LEGEND

- | | | | |
|--|------------------------|--|-------------------------------|
| | Emergency Interconnect | | Railroad |
| | Active Interconnect | | Stream |
| | Pump Station | | Water Impact Fee Service Area |
| | Elevated Storage Tank | | Texas A&M University |
| | Ground Storage Tank | | Brazos County MUD 1 |
| | 8\"/> | | City Limit |
| | 10\"/> | | ETJ Boundary |
| | Road | | Other City Limit |
| | | | County Boundary |



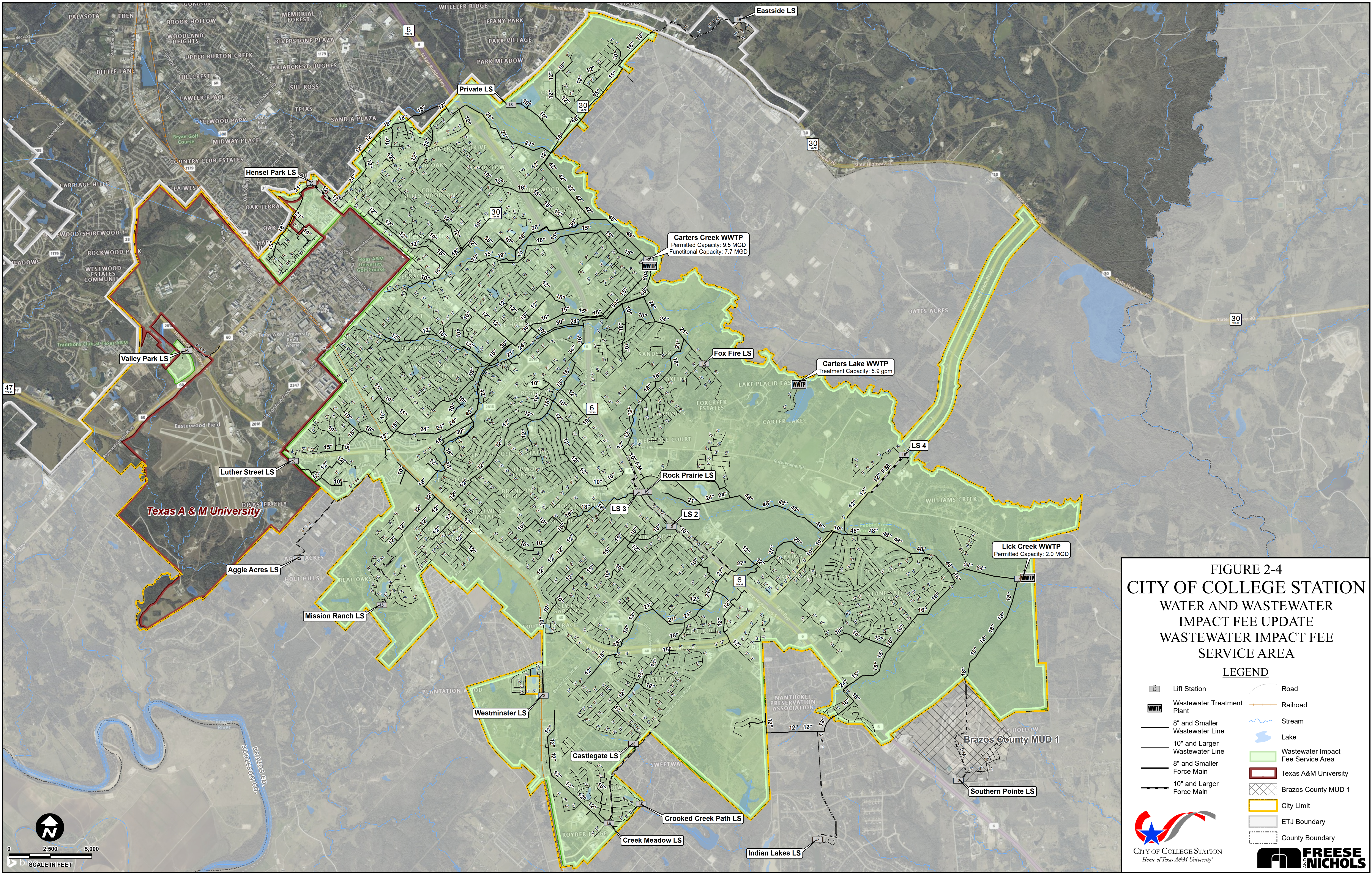
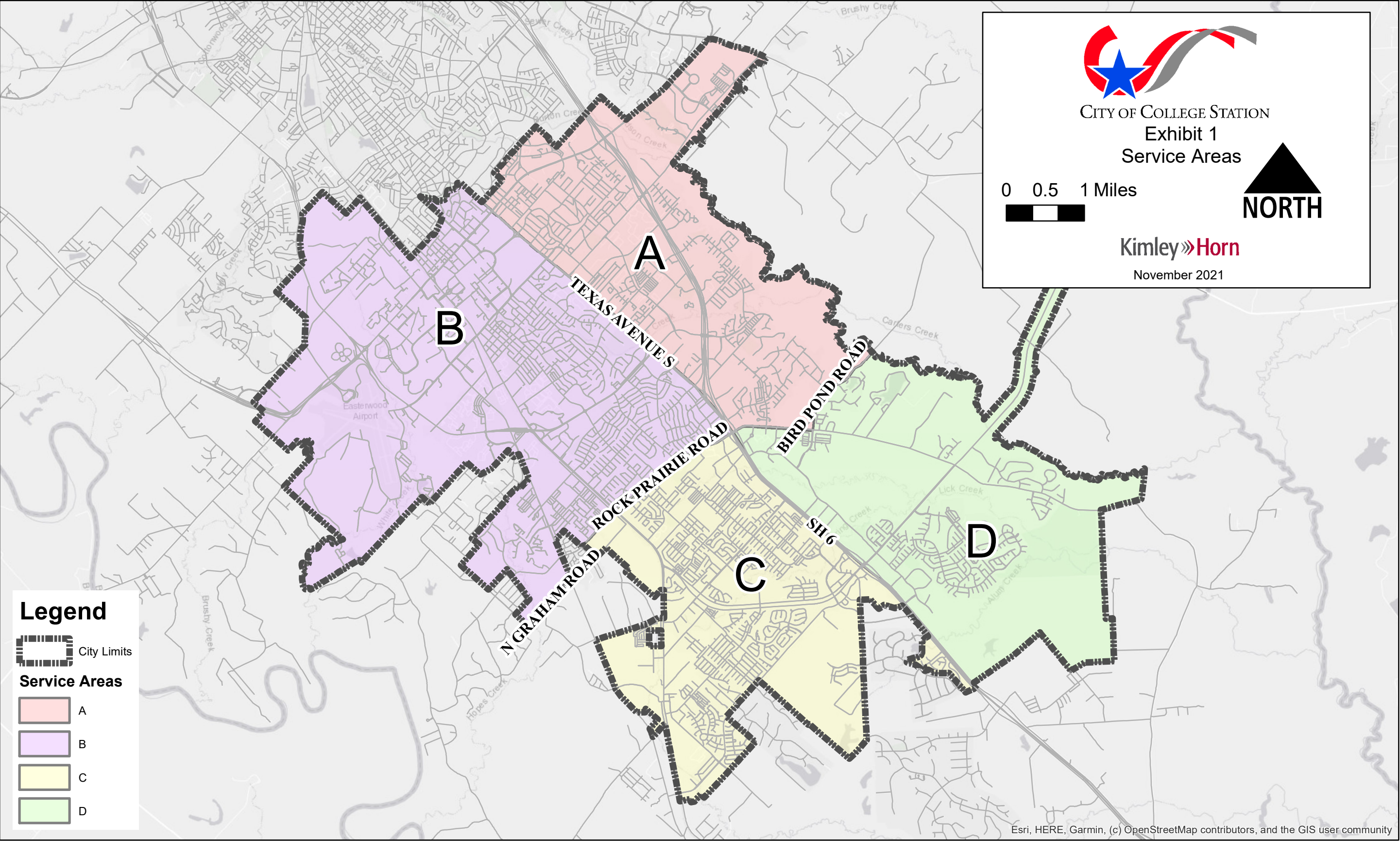


FIGURE 2-4
CITY OF COLLEGE STATION
WATER AND WASTEWATER
IMPACT FEE UPDATE
WASTEWATER IMPACT FEE
SERVICE AREA

LEGEND

- | | | | |
|--|--------------------------------|--|------------------------------------|
| | Lift Station | | Road |
| | Wastewater Treatment Plant | | Railroad |
| | 8" and Smaller Wastewater Line | | Stream |
| | 10" and Larger Wastewater Line | | Lake |
| | 8" and Smaller Force Main | | Wastewater Impact Fee Service Area |
| | 10" and Larger Force Main | | Texas A & M University |
| | | | Brazos County MUD 1 |
| | | | City Limit |
| | | | ETJ Boundary |
| | | | County Boundary |



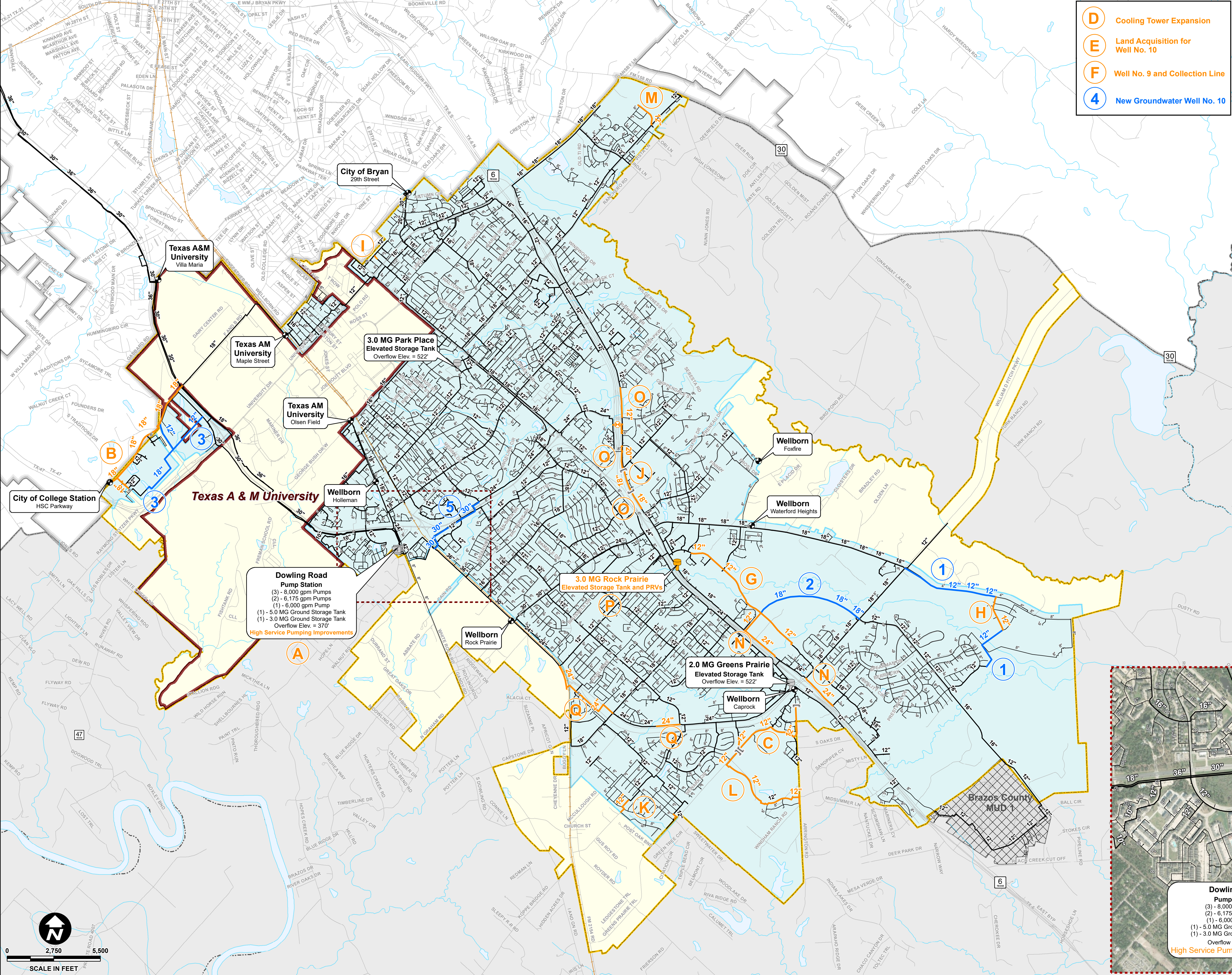


Esri, HERE, Garmin, (c) OpenStreetMap contributors, and the GIS user community

Water Impact Fees Capital Improvement Plan
Semi-Annual Impact Fee Report: October 2023 - March 2024

Project ID	Description of Project ⁽¹⁾	Project Cost	Project Status as of March 2024
A	High Service Pumping Improvements	\$ 3,597,227	Complete
B	BioCorridor Water Line	\$ 998,884	Complete
C	Area 2 Water Line Extension	\$ 1,000,000	Complete
D	Cooling Tower Expansion	\$ 3,795,667	Complete
E	Well No. 10 Land Acquisition	\$ 1,048,633	Complete
F	Well No. 9 and Collection Line	\$ 7,623,202	Complete
G	Midtown Drive 12-inch Water Line	\$ 920,000	Complete
H	The Crossing at Lick Creek Phase 1 - 3 Oversize Participation	\$ 45,233	Complete
I	Embassy Suites Water Line Oversize Participation	\$ 15,030	Complete
J	Brazos Valley Auto Complex Oversize Participation	\$ 84,791	Complete
K	Castlegate II Oversize Participation	\$ 50,871	Complete
L	Greens Prairie Oversize Participation	\$ 96,498	Complete
M	Summit Crossing Phase 3A Oversize Participation	\$ 32,550	Complete
N	SH 6 Water Line Phase 1 and 2	\$ 1,036,568	Complete
O	SH 6 Water Line Phase 3	\$ 3,050,000	Complete
P	3.0 MG Elevated Storage Tank and Pressure Reducing Valves	\$ 8,690,000	Complete
Q	SH 40 Water Line Phase 1 and 2	\$ 4,200,000	In Design
R	2021 Impact Fee Study	\$ 150,000	Complete
1	New and Replacement 12-inch Rock Prairie Road Water Line	\$ 2,289,500	Future
2	New 18-Inch Midtown Business Center Water Line	\$ 2,796,400	Future
3	BioCorridor Water Line Improvements	\$ 2,741,200	Future
4	Water Supply Well No. 10	\$ 19,223,900	In Design
5	Harvey Mitchel Parkway Water Line Replacement	\$ 4,236,400	Future

⁽¹⁾Oversize participation projects include only the portion of costs paid for by the City.

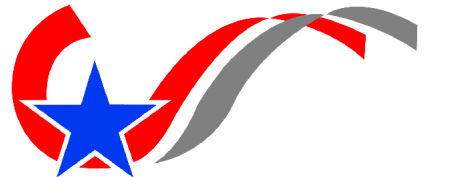


- D** Cooling Tower Expansion
- E** Land Acquisition for Well No. 10
- F** Well No. 9 and Collection Line
- 4** New Groundwater Well No. 10

FIGURE 3-1
CITY OF COLLEGE STATION
WATER IMPACT FEE UPDATE
CAPITAL IMPROVEMENTS PLAN

LEGEND

- Impact Fee Eligible Project**
- Water Line
- Ongoing/Recently Completed Improvements**
- Pressure Relief Valve
 - Water Tank
 - Water Line
- Existing Water System**
- Interconnect
 - Elevated
 - Ground
 - Pump Station
 - 8" and Smaller Water Line
 - 10" and Larger Water Line
- Road
 - Railroad
 - Stream
 - Lake
 - Water Impact Fee Service Area
 - Brazos County MUD 1
 - Texas A&M University
 - City Limit
 - ETJ Boundary
 - Other City Limit
 - County Boundary



The timing of projects shown is subject to change based on development patterns. The utility alignments shown in this figure are for illustration purposes only and do not set the alignments. The alignment of each utility will be determined at the time of the engineering design.



Wastewater Impact Fees Capital Improvement Plan
Semi-Annual Impact Fee Report: October 2023 - March 2024

Project ID	Description of Project ⁽¹⁾	Project Cost	Project Status as of March 2024
A	Royder/Live Oak Sewer Service	\$ 1,691,256	Complete
B	Bee Creek Interceptor Phase 1 and 2	\$ 8,472,421	Complete
C	Lick Creek Trunk Line	\$ 14,020,058	Complete
D	Medical District Trunk Line Phase 1 (Participation Agreement)	\$ 1,770,375	Complete
E	Northeast Trunk Line Phase 1 and 2	\$ 6,558,738	Complete
F	Southwood Valley Trunk Line Phase 1	\$ 1,518,488	Complete
G	18-Inch Harvey Road Gravity Line	\$ 188,790	Complete
H	Creek Meadows Lift Station Upsizing and Force Main	\$ 212,587	Complete
I	Nagle Street Student Housing Oversize Participation	\$ 26,854	Complete
J	Bee Creek Interceptor Phase 3	\$ 3,900,000	Under Construction
K	Medical District Trunk Line Phase 2 and 3	\$ 3,250,000	Phase 2: In Design; Phase 3: In Design
L	Northeast Trunk Line Phase 3 and 4	\$ 13,861,000	Phase 3: In Design; Phase 4: In Design
M	Carters Creek Diversion Lift Station Phase 1	\$ 13,900,000	Under Construction
N	Lick Creek WWTP Phase 1 Expansion	\$ 39,014,049	Under Construction
O	2021 Impact Fee Update	\$ 174,150	Complete
1	15/18/24/30/36-inch Southwood Valley Interceptor Phase 2	\$ 7,314,800	Programmed
2	18/21/24-Inch Bee Creek Trunk Line Phase 4	\$ 5,357,800	Future
3	18/21-Inch Alum Creek Sewer Trunk Line	\$ 11,136,600	In Design
4	8-Inch Creek Meadows Force Main Re-Routed to Alum Creek Trunk Line	\$ 2,517,900	Future
5	Lick Creek WWTP Phase 2 Expansion (to 8.0 MGD)	\$ 49,946,000	Future
6	21/24-Inch Harvey Road Replacement Gravity Line	\$ 4,916,300	Future

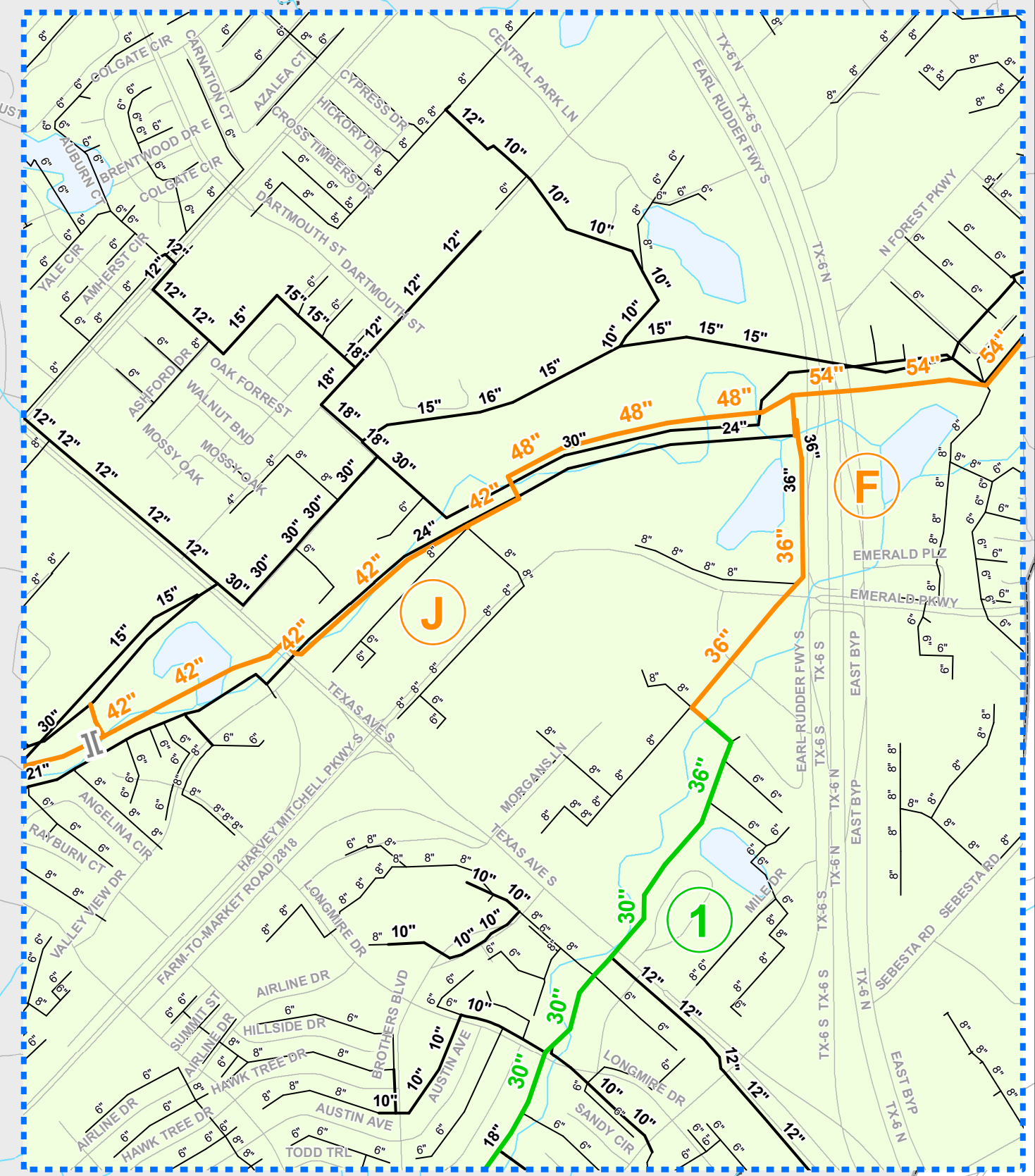
⁽¹⁾Oversize participation projects include only the portion of costs paid for by the City.

LEGEND

<u>Ongoing/Recently Completed Improvements</u>	Force Main
Lift Station	Road
Wastewater Treatment Plant	Railroad
Gravity Main	Stream
Force Main	Lake
<u>Impact Fee Eligible Improvements</u>	Wastewater Impact Fee Service Area
Gravity Main	Brazos County MUD 1
Force Main	Texas A&M University
<u>Existing Wastewater System</u>	City Limit
Lift Station	ETJ Boundary
Wastewater Treatment Plant	Other City Limit
8" and Smaller Wastewater Line	County Boundary
10" and Larger Wastewater Line	

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

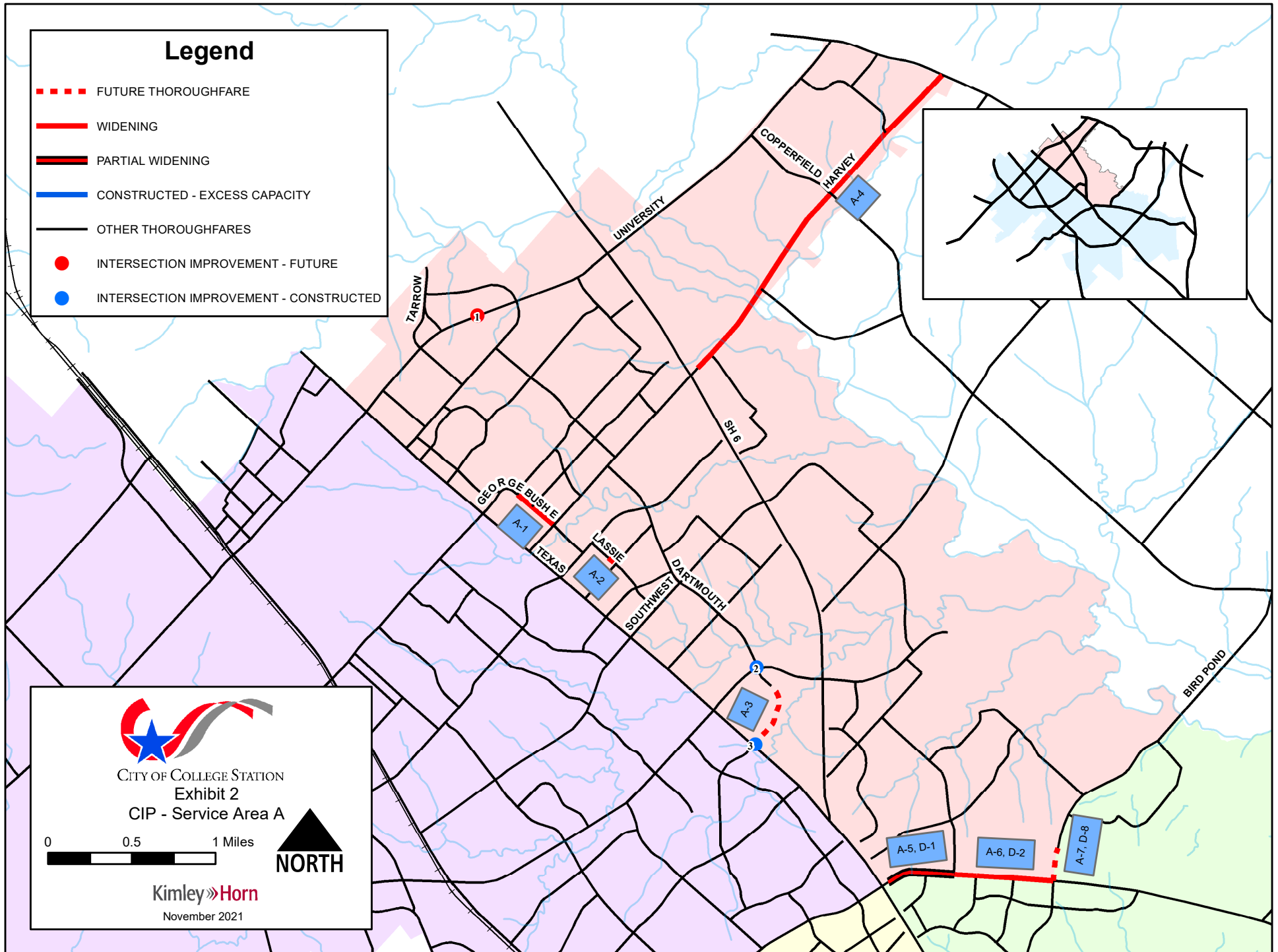
**FREESE
AND
NICHOLS**



Roadway Impact Fee Capital Improvement Plan
Semi-Annual Impact Fee Report: October 2023 - March 2024

Service Area A

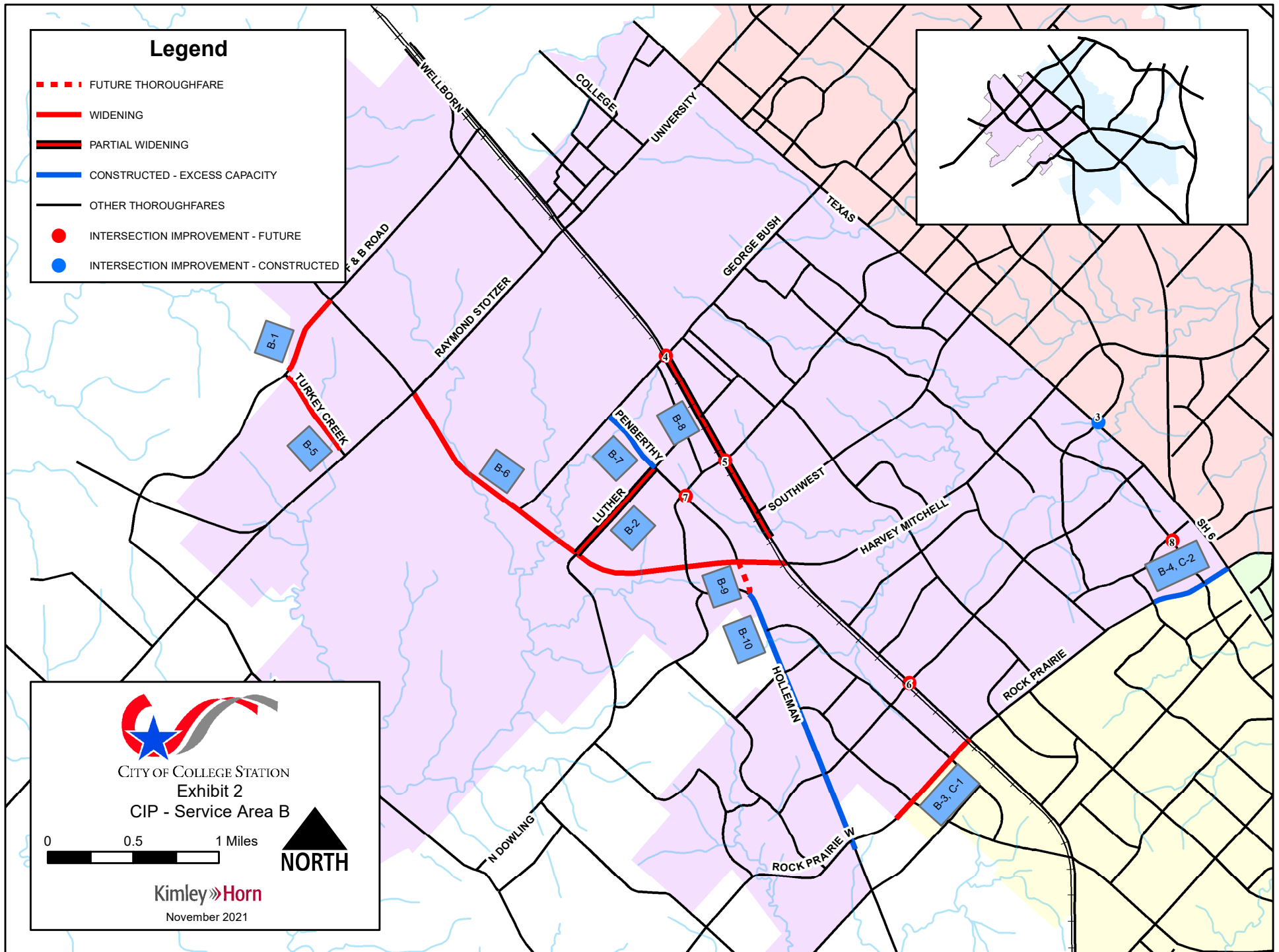
Project ID	Functional Class	Project	Limits		Project Type	Project Cost	Project Status as of March 2024
			From	To			
A-1	4 lane Minor Arterial	George Bush Drive E	Dominik Drive	Harvey Road	Widening	\$ 2,409,500	Future
A-2	2 lane Major Collector	Lassie Lane	Sterling Street	Manuel Drive	Future	\$ 860,066	Future
A-3	2 lane Major Collector	Dartmouth Street	720' S of Harvey Mitchell Parkway S	Texas Avenue S	Future	\$ 2,423,520	Future
A-4	4 lane Major Arterial - TxDOT	Harvey Road	SH 6 Northbound Frontage Road	Boonville Road	Widening	\$ 2,509,696	In Design
A-5, D-1	4 lane Major Arterial	Rock Prairie Road	SH 6 Northbound Frontage Road	Stonebrook Drive	Partial Widening	\$ 2,164,000	Construction
A-6, D-2	4 lane Major Arterial	Rock Prairie Road	Stonebrook Drive	Town Lake Drive	Widening	\$ 5,136,000	Construction
A-7, D-8	4 lane Major Arterial	Bird Pond Road	Rock Prairie Road	1,055' E of Rock Prairie Road	Future	\$ 1,758,000	Future
Intersections							
1	University Drive E and University Towne Center					\$ 400,000	Future
2	Harvey Mitchell Parkway S and Dartmouth Street					\$ 301,515	Complete
3	Texas Avenue S and Brothers Boulevard					\$ 397,476	Complete



Roadway Impact Fee Capital Improvement Plan
Semi-Annual Impact Fee Report: October 2023 - March 2024

Service Area B

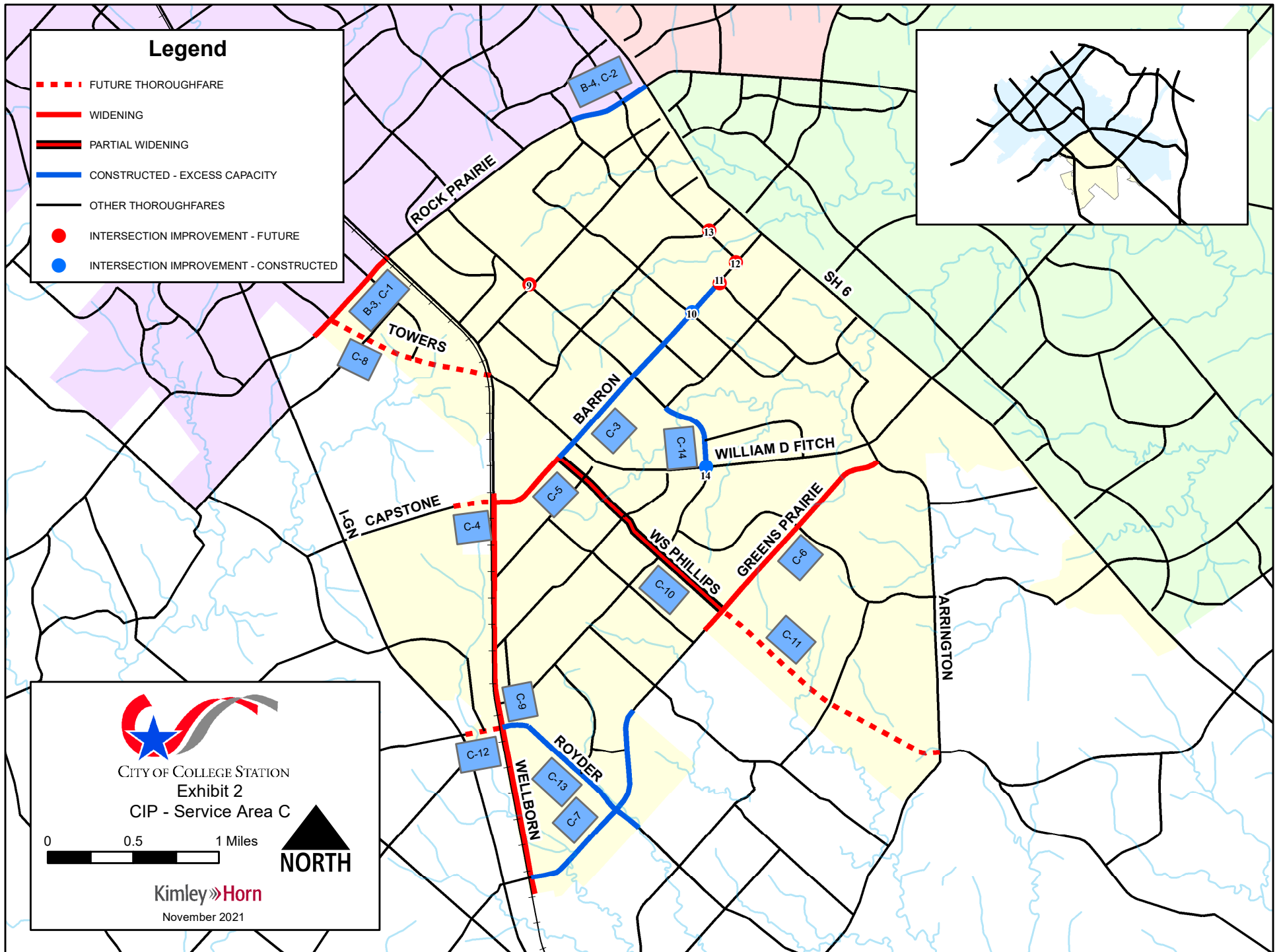
Project ID	Functional Class	Project	Limits		Project Type	Project Cost	Project Status as of March 2024
			From	To			
B-1	4 lane Minor Arterial	F & B Road	160' E of Turkey Creek Road	Harvey Mitchell Parkway S	Widening	\$ 4,106,520	Future
B-2	4 lane Minor Arterial (1/2)	Luther Street W	Harvey Mitchell Parkway	Jones Butler Road	Partial Widening	\$ 2,903,600	Future
B-3, C-1	4 lane Minor Arterial	Rock Prairie Road W	715' W of Towers Parkway	Wellborn Road	Widening	\$ 4,659,868	Complete
B-4, C-2	6 lane Major Arterial	Rock Prairie Road	Normand Drive	SH 6	Constructed	\$ 4,017,530	Complete
B-5	2 lane Major Collector	Turkey Creek Road	2,775' N of Raymond Stotzer Parkway Westbound Frontage Road	Raymond Stotzer Parkway Westbound Frontage Road	Widening	\$ 3,278,140	Future
B-6	6 lane Major Arterial - TxDOT	Harvey Mitchell Parkway S	Raymond Stotzer Parkway	Wellborn Road	Widening	\$ 1,407,527	Under Construction
B-7	4 lane Minor Arterial	Penberthy Road	George Bush Drive	Luther Street W	Constructed	\$ 3,080,683	Complete
B-8	6 lane Major Arterial - TxDOT	Wellborn Road	George Bush Drive	940' N of Harvey Mitchell Parkway S	Partial Widening	\$ 1,486,464	Future
B-9	2 lane Major Collector	Jones Butler Road	Harvey Mitchell Parkway S	Holleman Drive S	Future	\$ 9,652,780	In Design
B-10	4 lane Minor Arterial	Holleman Drive S	N Dowling Road	290' S of Rock Prairie Road W	Constructed	\$ 10,631,067	Complete
Intersections							
3	Texas Avenue S and Brothers Boulevard					\$ 397,476	Complete
4	Wellborn Road and George Bush Drive					\$ 1,190,232	In Design
5	Wellborn Road and Holleman Drive					\$ 644,445	Complete
6	Wellborn Road and Deacon Drive					\$ 4,532,013	Complete
7	Holleman Drive W and Jones Butler Road					\$ 572,000	In Design
8	Longmire Drive and Ponderosa Drive					\$ 350,000	Future



Roadway Impact Fee Capital Improvement Plan
Semi-Annual Impact Fee Report: October 2023 - March 2024

Service Area C

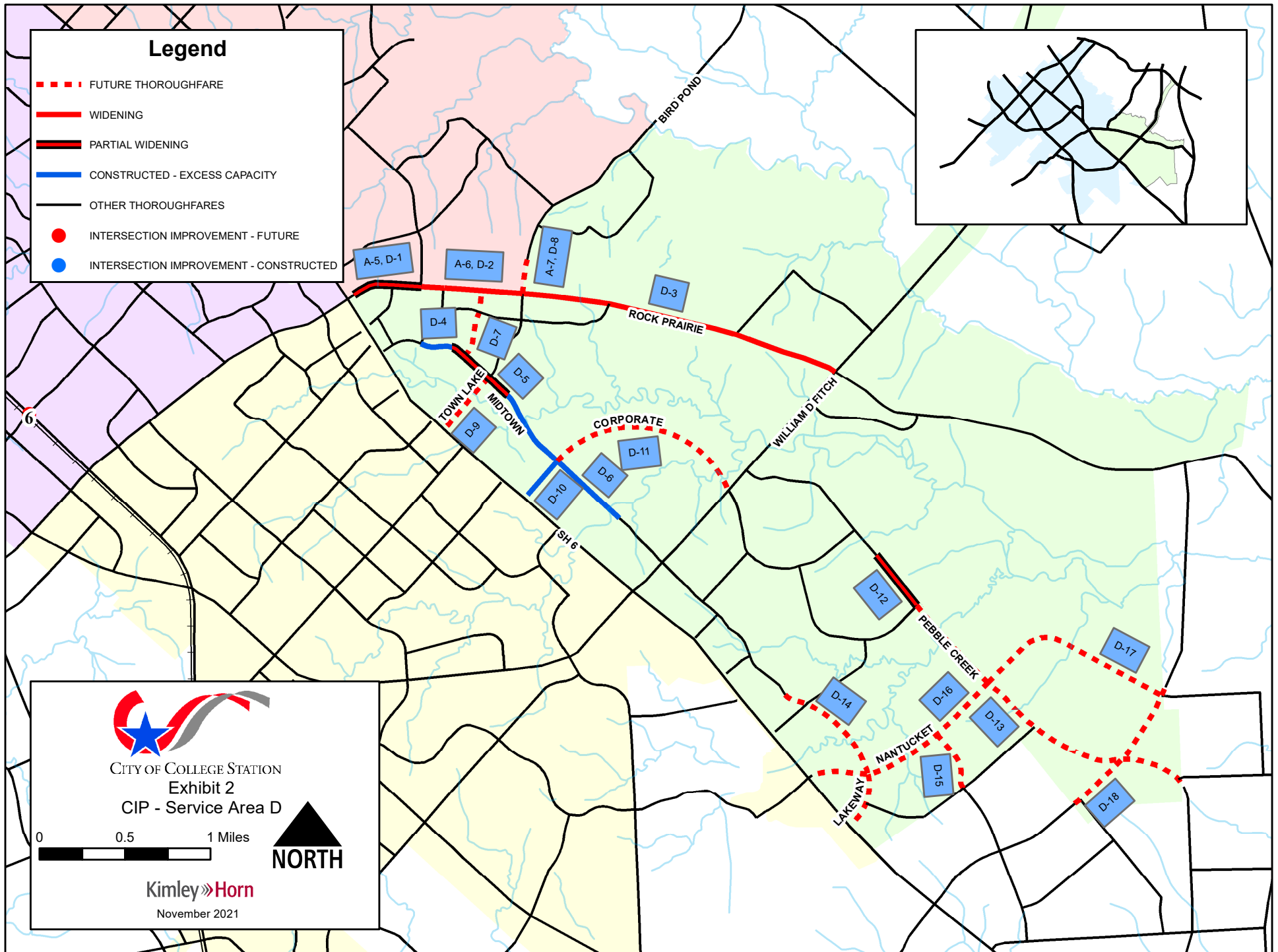
Project ID	Functional Class	Project	Limits		Project Type	Project Cost	Project Status as of March 2024
			From	To			
B-3, C-1	4 lane Minor Arterial	Rock Prairie Road W	715' W of Towers Parkway	Wellborn Road	Widening	\$ 4,659,868	Complete
B-4, C-2	6 lane Major Arterial	Rock Prairie Road	Normand Drive	SH 6	Constructed	\$ 4,017,530	Complete
C-3	4 lane Minor Arterial	Barron Road	WS Phillips Parkway	Decatur Drive	Constructed	\$ 5,795,317	Complete
C-4	4 lane Minor Arterial	Capstone Drive	1265' W of Wellborn Road	Wellborn Road	Future	\$ 2,765,575	In Design
C-5	4 lane Minor Arterial	Barron Road	Wellborn Road	WS Phillips Parkway	Widening	\$ 4,712,977	In Design
C-6	4 lane Minor Arterial	Greens Prairie Road	820' W OF WS Phillips Parkway	Arrington Road	Widening	\$ 10,550,324	Complete
C-7	4 lane Minor Arterial	Greens Prairie Road	Wellborn Road	1290' E of Creek Meadow Boulevard N	Constructed	\$ 8,918,795	Complete
C-8	4 lane Major Arterial	Towers Parkway	Rock Prairie Road W	Wellborn Road	Future	\$ 10,030,680	Future
C-9	4 lane Major Arterial - TxDOT	Wellborn Road	Capstone Drive	540' S of Greens Prairie Road	Widening	\$ 2,407,328	In Design
C-10	4 lane Minor Arterial (1/2)	WS Phillips Parkway	Barron Road	Greens Prairie Road	Partial Widening	\$ 5,844,160	Future
C-11	4 lane Minor Arterial (50%)	WS Phillips Parkway	Greens Prairie Road	Arrington Road	Future	\$ 7,311,480	Future
C-12	4 lane Minor Arterial (50%)	Royder Road Extension	I-GN Road	Wellborn Road	Future	\$ 3,360,000	Future
C-13	4 lane Minor Arterial	Royder Road	Wellborn Road	885' S of Greens Prairie Road	Constructed	\$ 7,690,299	Complete
C-14	2 lane Major Collector	Victoria Avenue	Southern Plantation Drive	William D. Fitch Parkway	Constructed	\$ 1,973,927	Complete
Intersections							
9	Graham Road and Victoria Avenue					\$ 350,000	Future
10	Barron Road and Alexandria Avenue					\$ 320,994	Complete
11	Barron Road and Decatur Drive					\$ 350,000	Future
12	Barron Road and Longmire Drive					\$ 350,000	Future
13	Longimre Drive and Eagle Avenue					\$ 350,000	Future
14	William D. Fitch Parkway and Victoria Avenue					\$ 816,249	Complete



Roadway Impact Fee Capital Improvement Plan
Semi-Annual Impact Fee Report: October 2023 - March 2024

Service Area D

Project ID	Functional Class	Project	Limits		Project Type	Project Cost	Project Status as of March 2024
			From	To			
A-5, D-1	4 lane Major Arterial (1/2)	Rock Prairie Road	SH 6 Northbound Frontage Road	Stonebrook Drive	Partial Widening	\$ 2,164,000	Construction
A-6, D-2	4 lane Major Arterial	Rock Prairie Road	Stonebrook Drive	Town Lake Drive	Widening	\$ 5,136,000	Construction
D-3	4 lane Major Arterial	Rock Prairie Road	Town Lake Drive	William D. Fitch Parkway	Widening	\$ 17,245,000	In Design
D-4	4 lane Minor Arterial	Midtown Drive	Medical Avenue	990' E of Medical Avenue	Constructed	\$ 1,028,820	Complete
D-5	4 lane Minor Arterial (1/2)	Midtown Drive	990' E of Medical Avenue	800' S of Town Lake Drive	Partial Widening	\$ 4,535,000	Future
D-6	2 lane Major Collector	Midtown Drive	800' S of Town Lake Drive	2605' S of Corporate Parkway	Constructed	\$ 5,374,808	Complete
D-7	2 lane Major Collector	Durham Drive	Midtown Drive	Rock Prairie Road	Future	\$ 981,960	Future
A-7, D-8	4 lane Major Arterial	Bird Pond Road	Rock Prairie Road	1055' E of Rock Prairie Road	Future	\$ 1,758,000	Future
D-9	4 lane Minor Arterial (50%)	Town Lake Drive	SH 6 Northbound Frontage Road	Midtown Drive	Future	\$ 1,753,000	Partial
D-10	2 lane Major Collector	Corporate Parkway	SH 6 Northbound Frontage Road	Midtown Drive	Constructed	\$ 1,436,192	Complete
D-11	2 lane Major Collector	Corporate Parkway	Midtown Drive	William D. Fitch Parkway	Future	\$ 9,894,000	Future
D-12	4 lane Minor Arterial (1/2)	Pebble Creek Parkway	Royal Adelaide Drive	St Andrews Drive	Partial Widening	\$ 2,137,000	Future
D-13	4 lane Minor Arterial (50%)	Pebble Creek Parkway	St Andrews Drive	275' S of Lone Star Lane	Future	\$ 9,181,000	Future
D-14	2 lane Major Collector	Lakeway Drive	1645' S of Gateway Boulevard	SH 6 Northbound Frontage Road	Future	\$ 2,635,080	Future
D-15	2 lane Major Collector	Mather Parkway	Nantucket Drive	1920' S of Nantucket Drive	Future	\$ 882,000	Future
D-16	4 lane Minor Arterial (50%)	Nantucket Drive	SH 6 Northbound Frontage Road	Pebble Creek Parkway	Future	\$ 5,877,000	Future
D-17	2 lane Major Collector	Nantucket Drive	Pebble Creek Parkway	Southern Pointe Parkway	Future	\$ 3,083,220	Future
D-18	4 lane Minor Arterial (50%)	Southern Pointe Parkway	205' W of Pipeline Road	280' E of Nantucket Drive	Future	\$ 3,902,000	Future



June 13, 2024

Item No. 7.7.

Authorization to Protest Water Transport and Export Permits

Sponsor: Stephen Maldonado, Assistant Director of Water

Reviewed By CBC: City Council

Agenda Caption: Presentation, discussion, and possible action on a resolution delegating and authorizing the Mayor and City Manager to protest and request a contested case hearing regarding the water transport and export permits that are currently pending at the Brazos Valley Groundwater Conservation District and to negotiate and enter into an interlocal agreement for cost sharing and joint representation with other similarly aligned entities.

Relationship to Strategic Goals:

1. Core Services and Infrastructure
2. Diverse and Growing Economy
3. Sustainable City

Recommendation(s): Staff recommends approval.

Summary: The City of College Station received a notification from the Brazos Valley Groundwater Conservation District (BVGCD) on May 28, 2024, concerning seven transport permit requests. These requests seek to enable the transfer of water from Robertson County, positioned north of College Station's wellfield, to counties beyond the district's boundaries, primarily along the I-35 corridor.

A BVGCD public hearing for these permits is scheduled for June 18, 2024, at 6:00pm. As per BVGCD regulations, individuals or entities intending to protest listed permit applications and request contested case hearings must submit a written request to the BVGCD office by 5:00pm on the day preceding the permit hearing. Consequently, the deadline for College Station to lodge protests against these permits is June 17, 2024, at 5:00pm.

City of College Station staff have collaborated with hydrologists to assess the impacts of the referenced transport and export permits on existing City water wells. Presently, the City operates eight wells in the Simsboro formation, with permits to drill three additional wells. The BVGCD's groundwater model predicts that all of the City's groundwater wells will be negatively affected by BVGCD's approval of the pending water transport and export permits, potentially requiring some groundwater wells to be redrilled to sustain pumping operations.

Moreover, the groundwater modeling predicts that with these additional transport and export permits, the Desired Future Condition (DFC) level of the aquifer will be met by the year 2036. Before this limit is reached, the BVGCD will impose pumping limitations on users within the district. This poses significant challenges for College Station, as the new transport and export permits would significantly hinder the City's ability to utilize its full permitted amount of groundwater beyond 2036. Without the ability to increase pumping volume, the City may be required to explore alternative water supply options or consider halting the issuance of building permits, potentially stunting growth.

The attached resolution delegates and authorizes the Mayor and City Manager to take all actions necessary to protest and request a contested case hearing regarding the water transport and export

permits that are currently pending at the BVGCD. The resolution also delegates and authorizes the Mayor and City Manager to negotiate and enter into an interlocal agreement for cost sharing and joint representation regarding this matter with the City of Bryan and other similarly aligned entities, such as Brazos County and others.

In the event a contested case is granted, the City of College Station will incur legal fees associated with protesting these permits.

Budget & Financial Summary: N/A

Attachments:

1. Resolution BVGCD Transport Export Permit Protest 6-13-2024
2. BVGCD Public Permit Hearing Notice For Transport Permits
3. BVGCD Transport Permit Hearing Presentation

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, DELEGATING AND AUTHORIZING THE MAYOR AND CITY MANAGER TO TAKE ALL ACTIONS NECESSARY TO PROTEST AND REQUEST A CONTESTED CASE HEARING REGARDING THE WATER TRANSPORT AND EXPORT PERMITS THAT ARE CURRENTLY PENDING AT THE BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT (BVGCD) AND TO NEGOTIATE AND ENTER INTO AN INTERLOCAL AGREEMENT FOR COST SHARING AND JOINT REPRESENTATION REGARDING THIS MATTER WITH THE CITY OF BRYAN AND OTHER SIMILARLY ALIGNED ENTITIES.

WHEREAS, the City Council of the City of College Station strives through its Vision Statements to provide high quality, customer focused basic city services at a reasonable cost, including sustainable water services; and

WHEREAS, the City Council of the City of College Station must protect the long term, strategic groundwater supply interests for current and future customers, citizens, and economic growth; and

WHEREAS, the BVGCD's groundwater model predicts that all of College Station's groundwater wells will be negatively affected by BVGCD's approval of the pending water transport and export permits, potentially requiring some groundwater wells to be redrilled to sustain pumping operations; and

WHEREAS, BVGCD's approval of the referenced water transport and export permits will harm and adversely affect College Station, and pose significant challenges for College Station, as the new transport and export permits will significantly hinder College Station's ability to utilize its full permitted amount of groundwater, impacting current and future customers, citizens, and economic growth in the area; and

WHEREAS, BVGCD regulations provide that individuals or entities intending to protest listed permit applications and request contested case hearings must submit a written request to the BVGCD office by 5:00 pm on the day before the permit hearing; and

WHEREAS, it is in the best interest of the City of College Station to protest the permit applications, request contested case hearings, and to join with the City of Bryan and other similarly aligned entities regarding this matter, and to enter into an interlocal agreement for cost sharing and joint representation regarding this matter; now therefore,

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

- PART 1:** That the facts and recitations set forth in the preamble of this resolution are hereby declared true and correct and incorporated herein fully by reference.
- PART 2:** That the City Council hereby determines that the Brazos Valley Groundwater Conservation District's approval of the referenced transport and export permits will harm and adversely affect College Station.
- PART 3:** That the City Council hereby delegates and authorizes the Mayor and the City Manager to take all actions necessary to protest and request contested case hearings regarding the water transport and export permits that are currently pending at the Brazos Valley Groundwater Conservation District.
- PART 4:** That the City Council hereby authorizes the Mayor and City Manager to negotiate and enter into an interlocal agreement for cost sharing and joint representation regarding this matter with the City of Bryan and other similarly aligned entities.
- PART 5:** That this resolution shall take effect immediately from and after its passage.

ADOPTED this 13th day of June, 2024.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

City Attorney



Public Permit Hearing

BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT

Hearne Elementary School Cafeteria
1210 Hackberry Street
Hearne, Texas 77859

Tuesday, June 18, 2024 | 6:00 p.m.

The Brazos Valley Groundwater Conservation District will hold a public permit hearing on the transport permit applications for Ely Family Partnership LP, Fazzino Investments LP, RH2O LLC, Clifford A. Skiles III, James C. Brien, L. Weise Moore LLC & Cula d'Brazos LLC. UW Brazos Valley Farms LLC is a co-applicant with each of the above listed transport applicants. Documents related to the referenced permit applications and public hearing are available for inspection, review, and copying at the Brazos Valley Groundwater Conservation District Office, located at 112 W. 3rd Street, Hearne, Texas, during office hours from 8:00 a.m. until 5:00 p.m., Monday-Friday. The documents and District's Rules are also available on the District website at brazosvalleygcd.org. Any person who intends to protest a listed permit application(s) and request a contested case hearing(s) must provide the written request to the District office by 5:00 p.m. the day before the permit hearing, at 112 W. 3rd Street in Hearne, Texas 77859. Contact the Brazos Valley Groundwater Conservation District Office for questions at email aday@brazosvalleygcd.org and 979-279-9350.

Below are links to access the permit hearing notice detailing well locations and permitted amounts, and all background information related to the transport applications. This information can be easily accessed on District website homepage.

Permit Hearing Notice/Agenda

<https://brazosvalleygcd.org/wp-content/uploads/2024/05/Permit-Hearing-Notice-Agenda-6-20-24.pdf>

Permit Background Information

<https://brazosvalleygcd.org/files/?catid=314>

If you have any questions concerning this matter, do not hesitate to give me a call.

Respectfully,

Alan M. Day, General Manager
Brazos Valley Groundwater Conservation District

The Board of Directors may meet in closed session, pursuant to the Texas Open Meetings Act, Texas Government Code §§ 551.071-551.076, to:

- (1) consult with attorney ;
- (2) deliberate regarding 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 District in negotiations with a third person;
- (3) deliberate a negotiated contract for a prospective gift or donation to the District if deliberation in an open meeting would have a detrimental effect on the position of the District in negotiations with a third person;
- (4) to deliberate the appointment, employment, evaluation, reassignment, duties, discipline or dismissal of a Board member or District employee;
- (5) to receive information from employees or question employees, but not deliberate public business or agency policy that affects public business; and
- (6) to deliberate the deployment or specific occasions for implementation of security personnel or devices.

The Board may also meet in open session on these matters as required by the Texas Open Meetings Act, Texas Government Code § 551.102.

^{AA} Agenda items may be taken out of order at the discretion of the Board Chairman

Brazos Valley Groundwater Conservation District

Public Hearing for Transport Permit Applications

June 18, 2024

Executive Summary

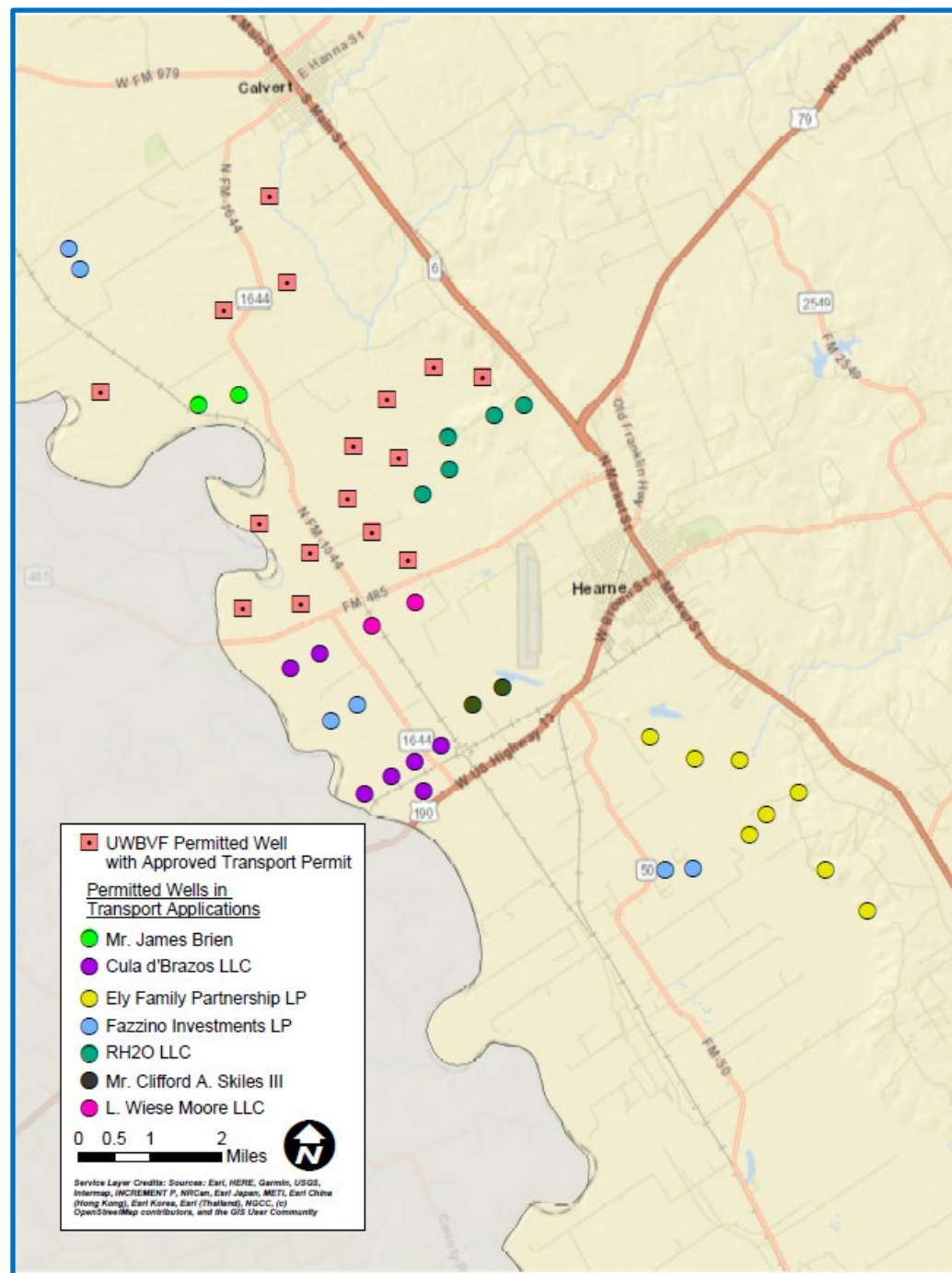
- The transport permit applications address the requirements of BVGCD Rule 10.3
 - Transport permit applications were deemed administratively complete by BVGCD on March 21, 2024
- The BVGCD Board has requested additional technical review to address items in Rule 10.3(b)

Introduction

- **Transport Permit Applications**
- **Transport Permit Modeling**
 - Model Update
 - Calvert Area Fault Update
 - Update to GMA 12 S-19 MODFLOW Well File
- **BVGCD Desired Future Conditions (DFC)**
- **Effects of Simulated Pumping on BVGCD Permitted and Registered Simsboro Wells**

Transport Permit Applications

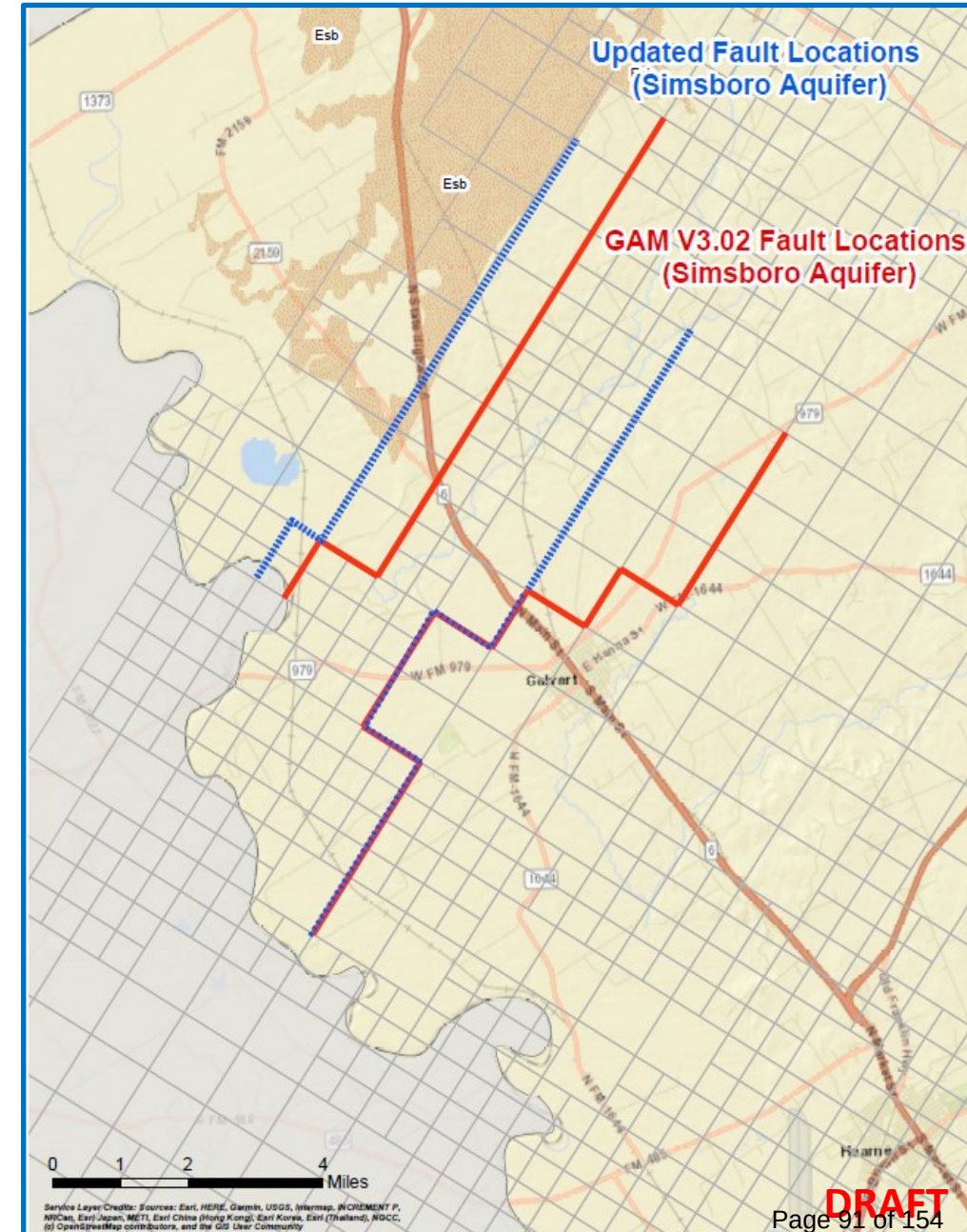
- Mr. James Brien
- Cula d'Brazos LLC
- Ely Family Partnership LP
- Fazzino Investments LP
- RH2O LLC
- Mr. Clifford A. Skiles III
- L. Wiese Moore LLC



Assumptions for the S-19G3 Well File

- **Upwell Brazos Valley Farm**
 - 5,000 afy is divided evenly between 12 agricultural wells beginning in 2011 and held mostly constant through 2070
 - All other Upwell permitted production is set to 0 from 2029 to 2070
 - Allowing for transport pumping to be added in subsequent runs
- **Municipal Production based on 2070 Water Demand in the 2022 State Water Plan**
 - Current permitted production is the maximum amount
 - Permits greater than 2070 demand ramp up to 2070
 - Permits less than 2070 demand ramp up to 2060
 - held constant from 2060 through 2070
 - Municipal permits issued after S-19 are included in S-19G3 with pumping starting in 2029
- **Vista Ridge Well Field**
 - Simsboro pumping added to bring total combined Carrizo and Simsboro production to 50,000 afy from 2022 to 2070
 - Decrease Carrizo Pumping from 15,000 ac-ft to 9,100 ac-ft in 2024
 - Increase Simsboro Pumping from 35,000 ac-ft to 41,000 ac-ft in 2024

Fault Update to GAM V3.02

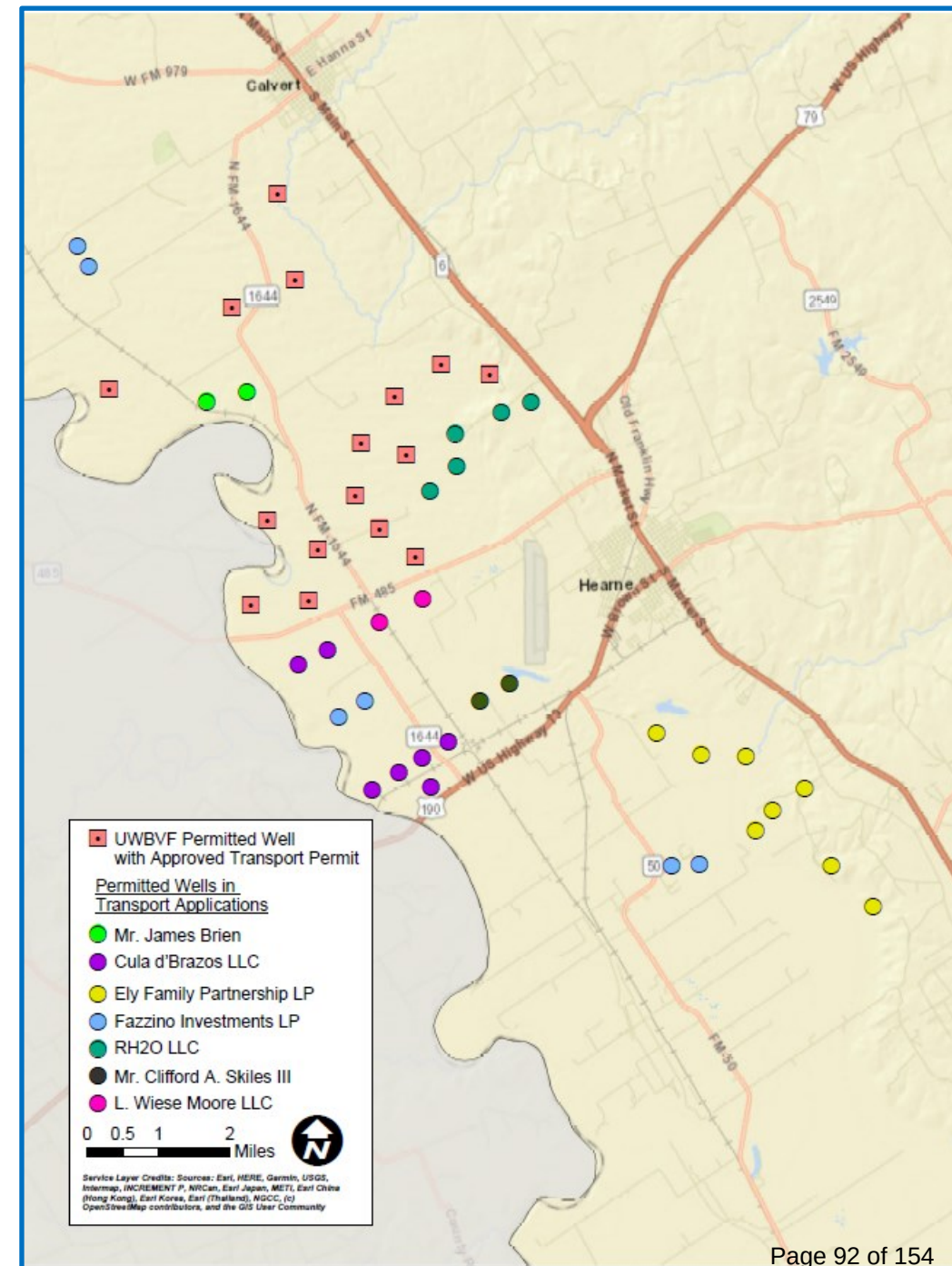


Transport Pumping Scenarios

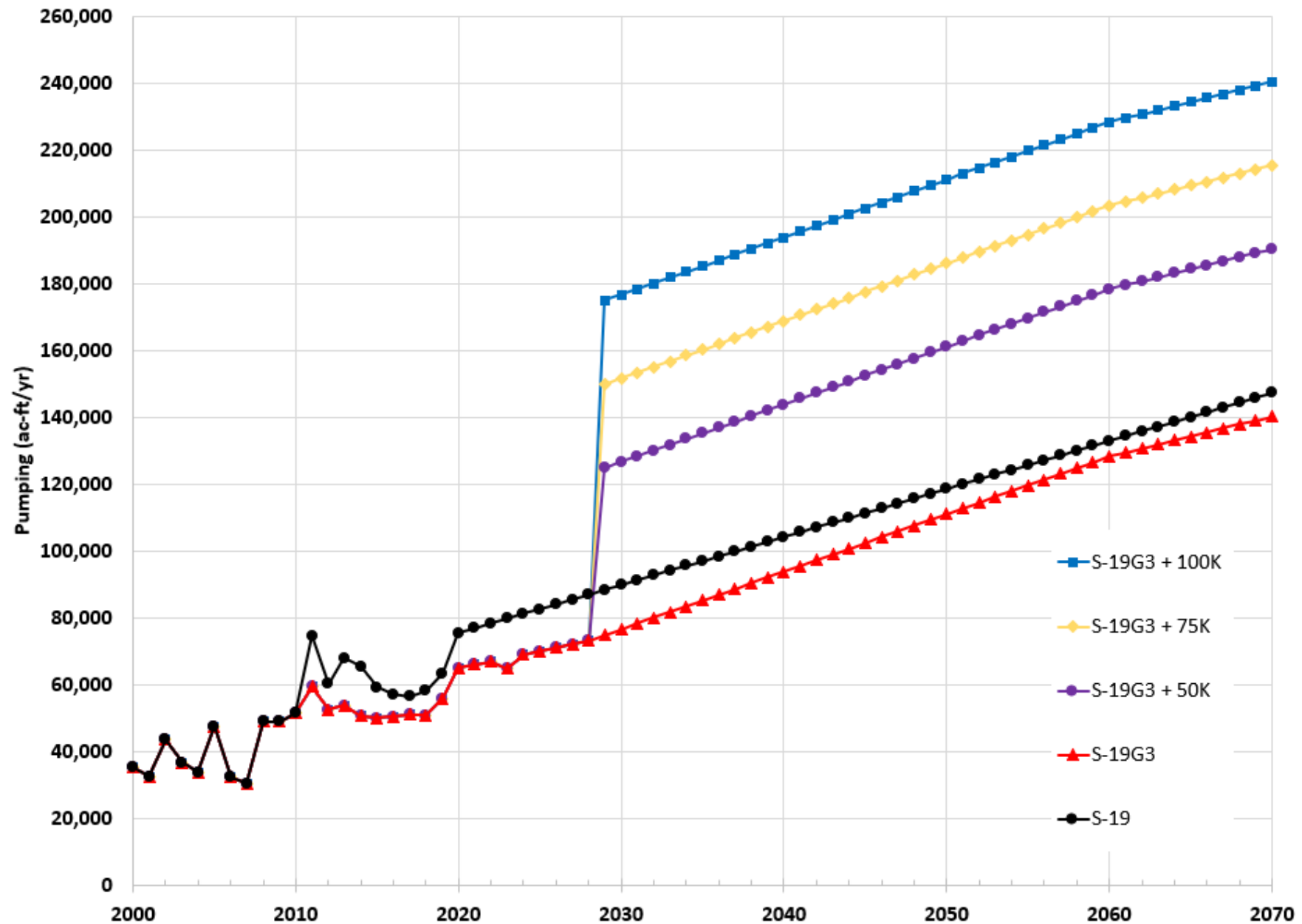
- S-19G3 is base well file
- S19G3 + 50,000 ac-ft (UWBVF Wells)
- S19G3 + 75,000 ac-ft (UWBVF & Wells in Transport Permit Application)
- S19G3 + 100,000 ac-ft (UWBVF & Wells in Transport Permit Application)
- Pumping Period is 30 years in each scenario (transport permit term)

BVGCD Permit Holder	Well Number	BVGCD Permit Number	Maximum Annual Production (ac-ft/yr)
UW Brazos Valley Farm, LLC	CS1	BVDO-0254	4,839
UW Brazos Valley Farm, LLC	CS2	BVDO-0255	5,322
UW Brazos Valley Farm, LLC	CS3	BVDO-0256	5,322
UW Brazos Valley Farm, LLC	Well B	BVDO-0292	4,068
UW Brazos Valley Farm, LLC	Well C	BVDO-0293	2,001
UW Brazos Valley Farm, LLC	Well G	BVDO-0294	2,776
UW Brazos Valley Farm, LLC	PS1	BVDO-0295	3,164
UW Brazos Valley Farm, LLC	PS2	BVDO-0296	1,937
UW Brazos Valley Farm, LLC	PS3	BVDO-0297	3,099
UW Brazos Valley Farm, LLC	PS4	BVDO-0298	2,905
UW Brazos Valley Farm, LLC	PS5	BVDO-0299	1,937
UW Brazos Valley Farm, LLC	PS6	BVDO-0300	2,195
UW Brazos Valley Farm, LLC	PS8	BVDO-0301	2,260
UW Brazos Valley Farm, LLC	PS9	BVDO-0302	3,680
UW Brazos Valley Farm, LLC	PS10	BVDO-0303	1,937
UW Brazos Valley Farm, LLC	PS11	BVDO-0304	2,557

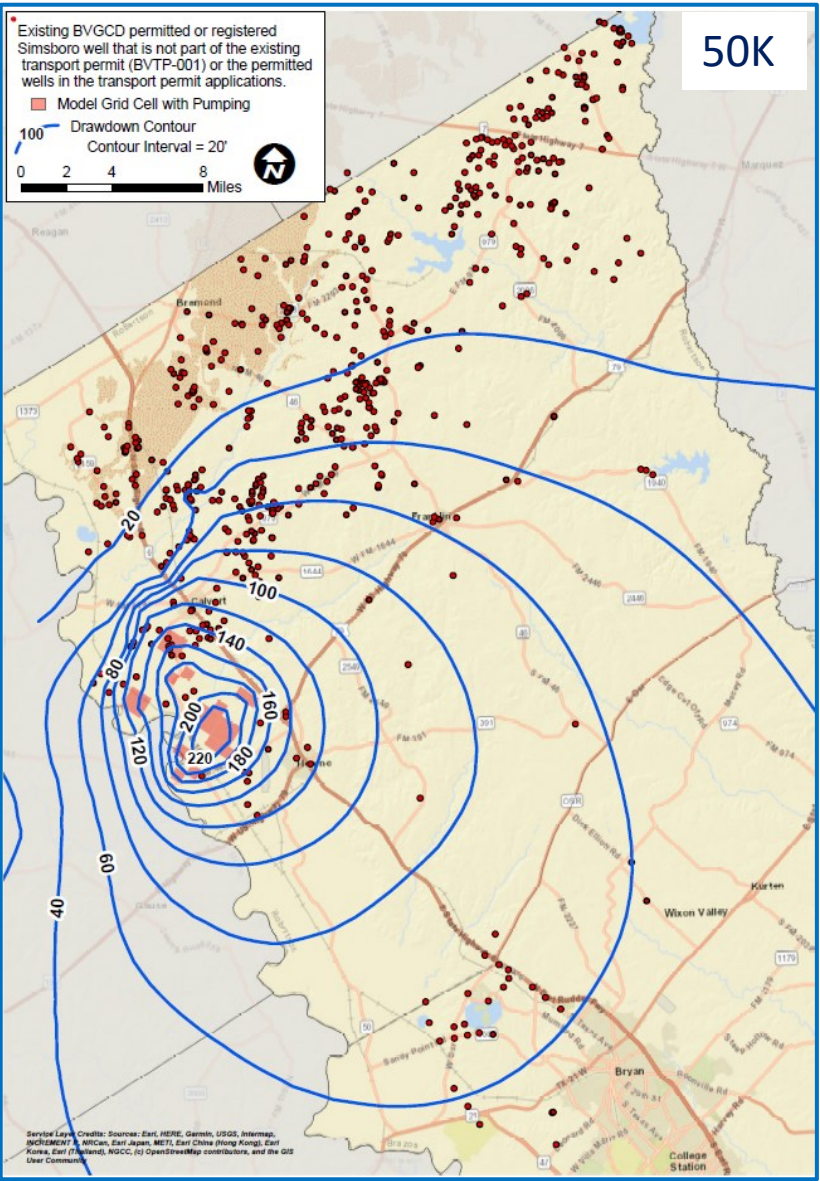
- UWBVF wells that are part of an existing transport permit (BVTP-001)



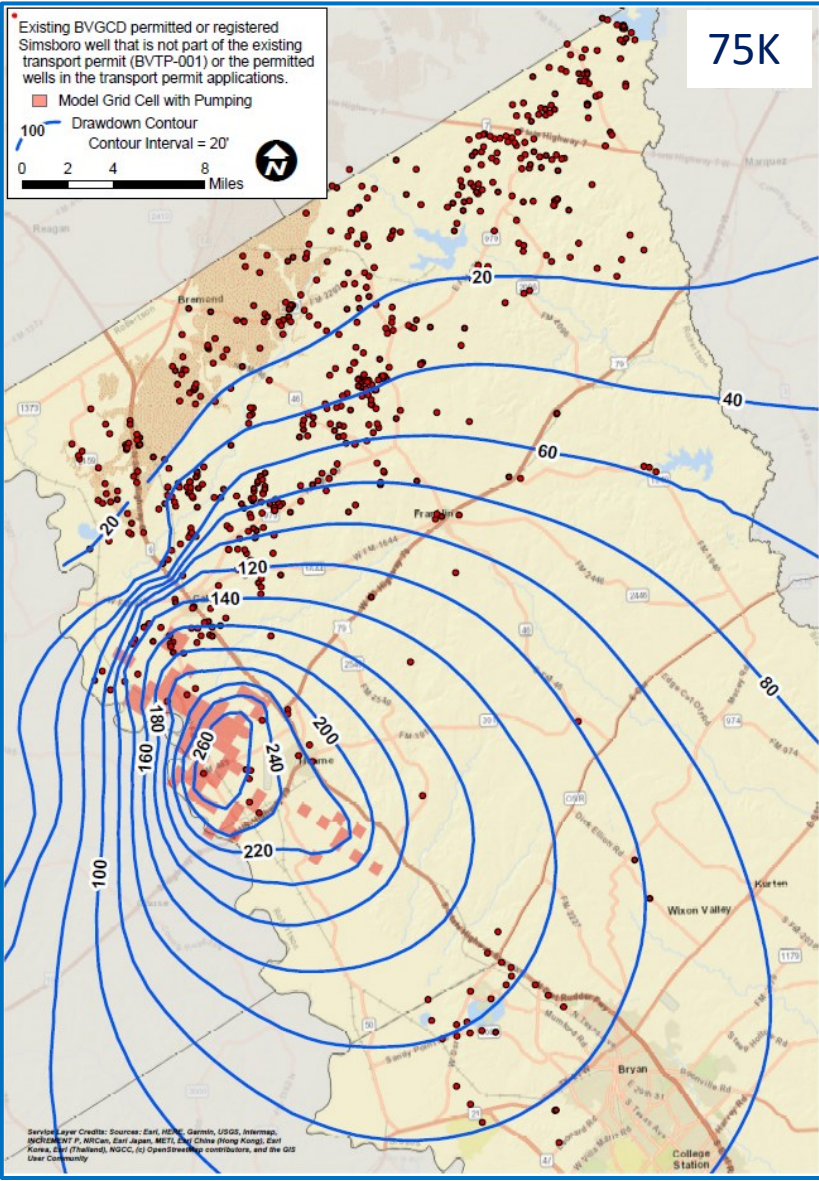
Comparison of the Transport Pumping Scenarios



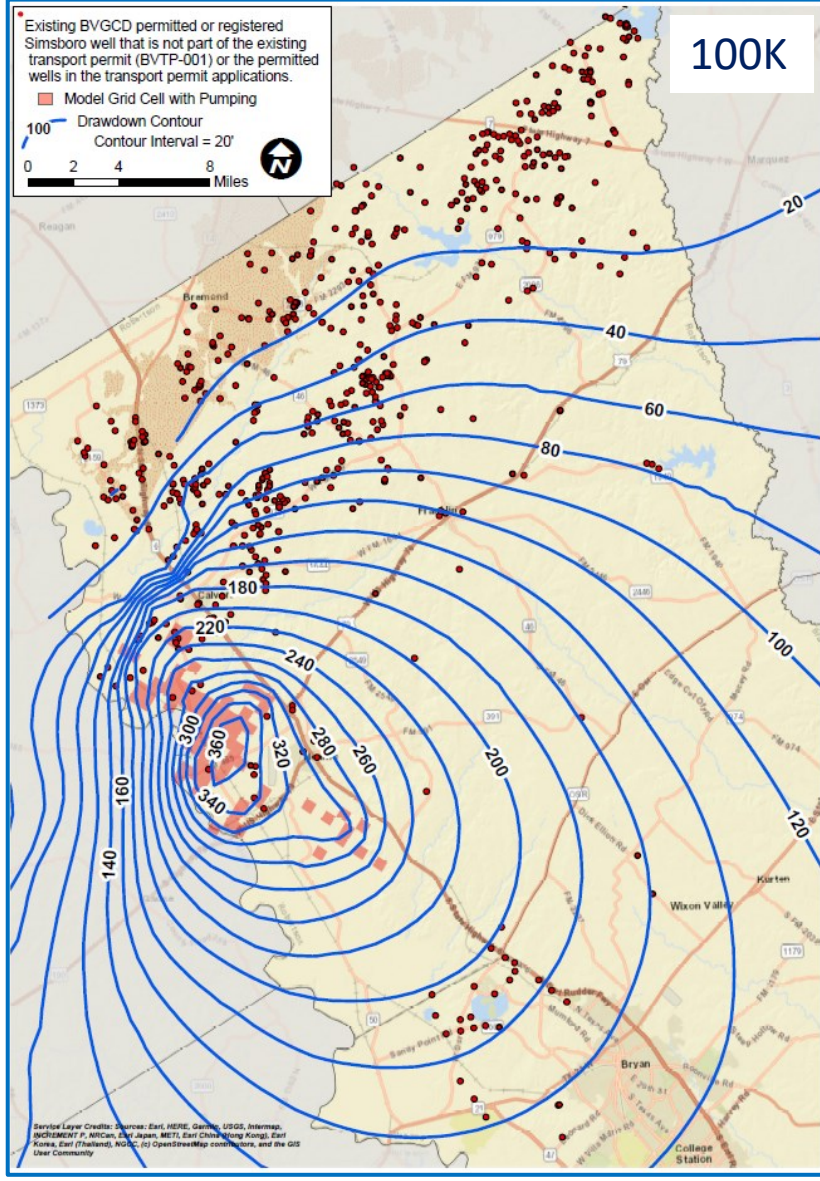
Simulated Simsboro Drawdown in 2059 Based on the Transport Pumping Scenarios



50K - UWBVF wells under existing transport permit (BVTP-001)

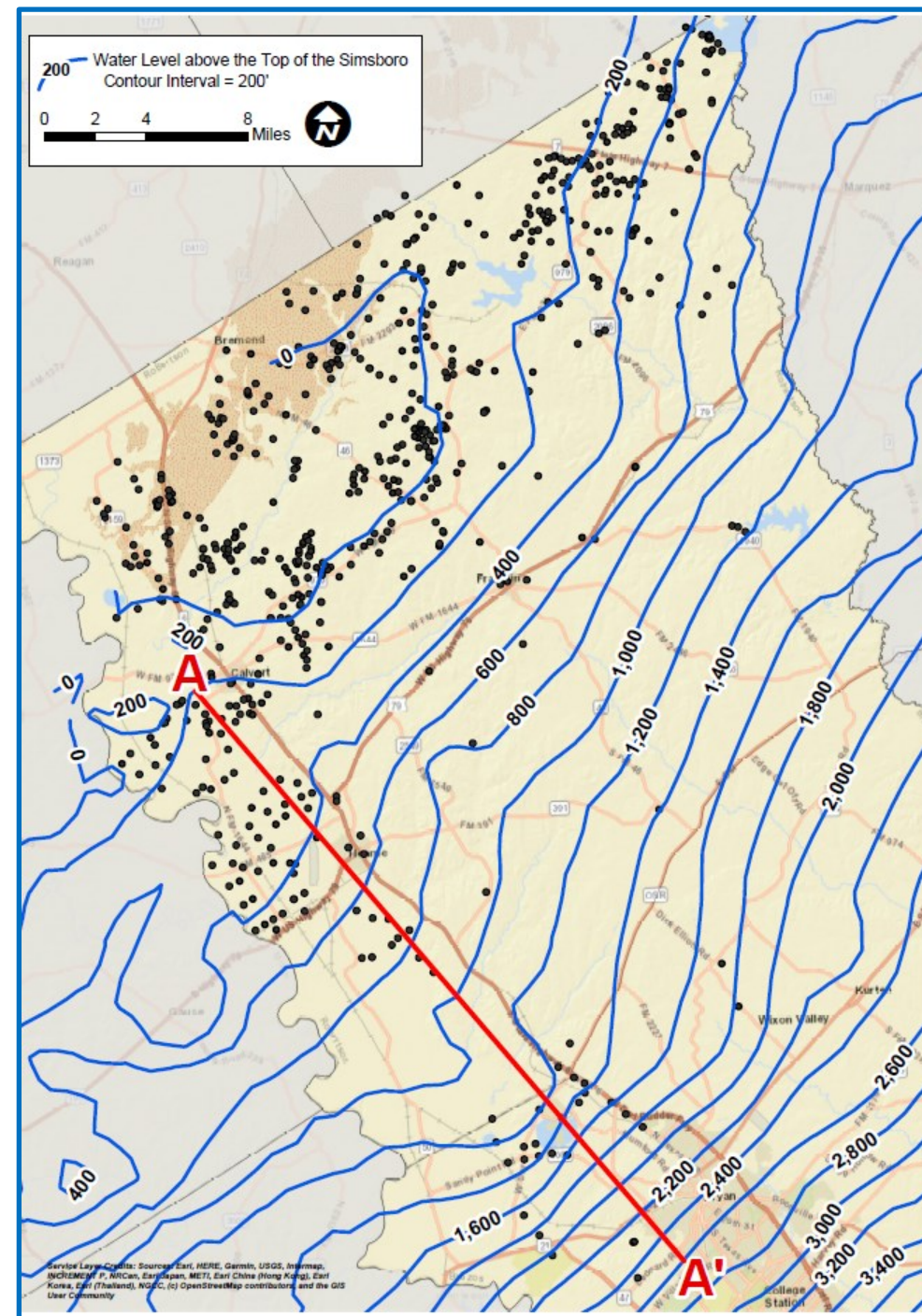


75K - UWBVF wells under existing transport permit (BVTP-001) and the permitted wells in the transport permit applications

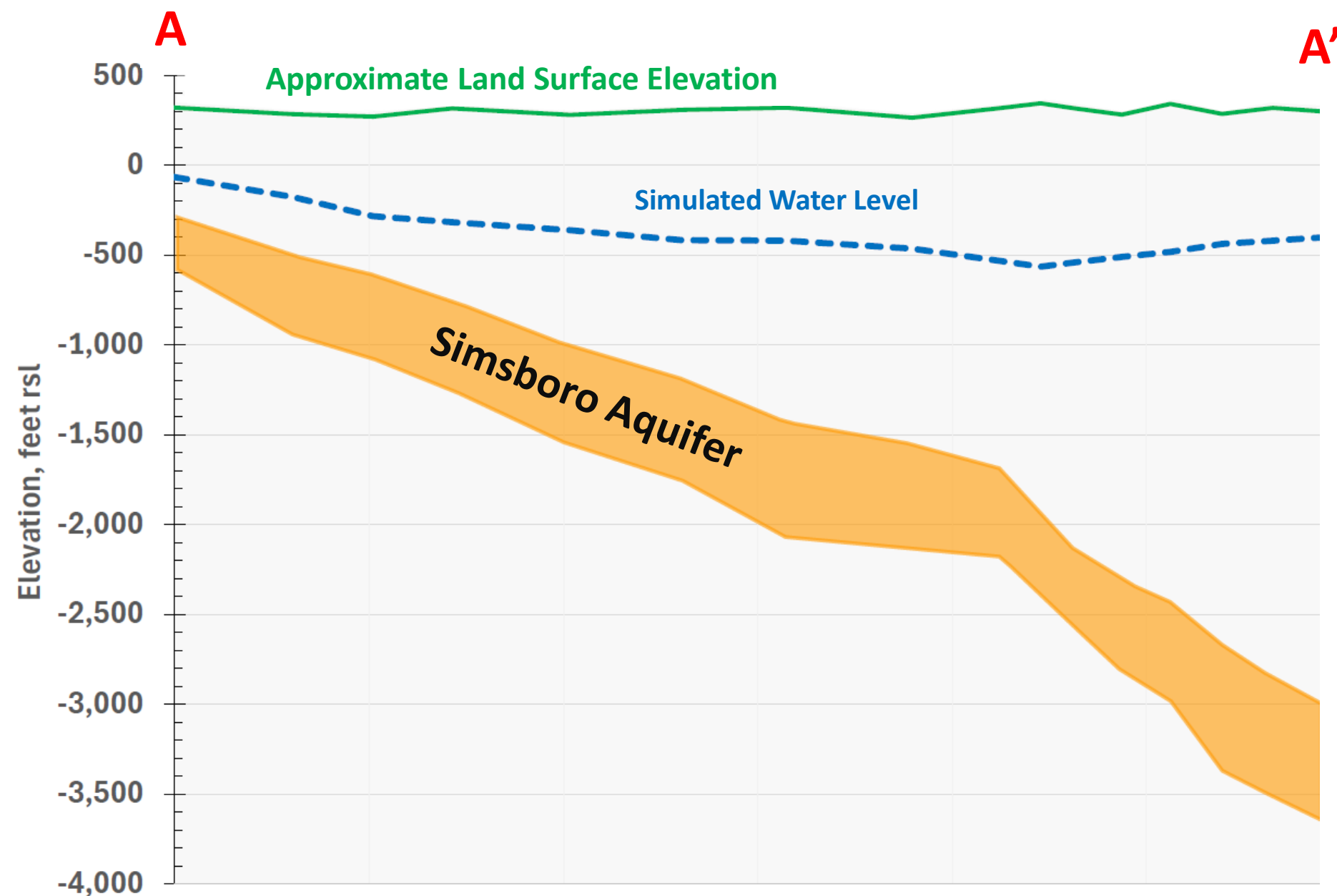


100K - UWBVF wells under existing transport permit (BVTP-001) and the permitted wells in the transport permit applications

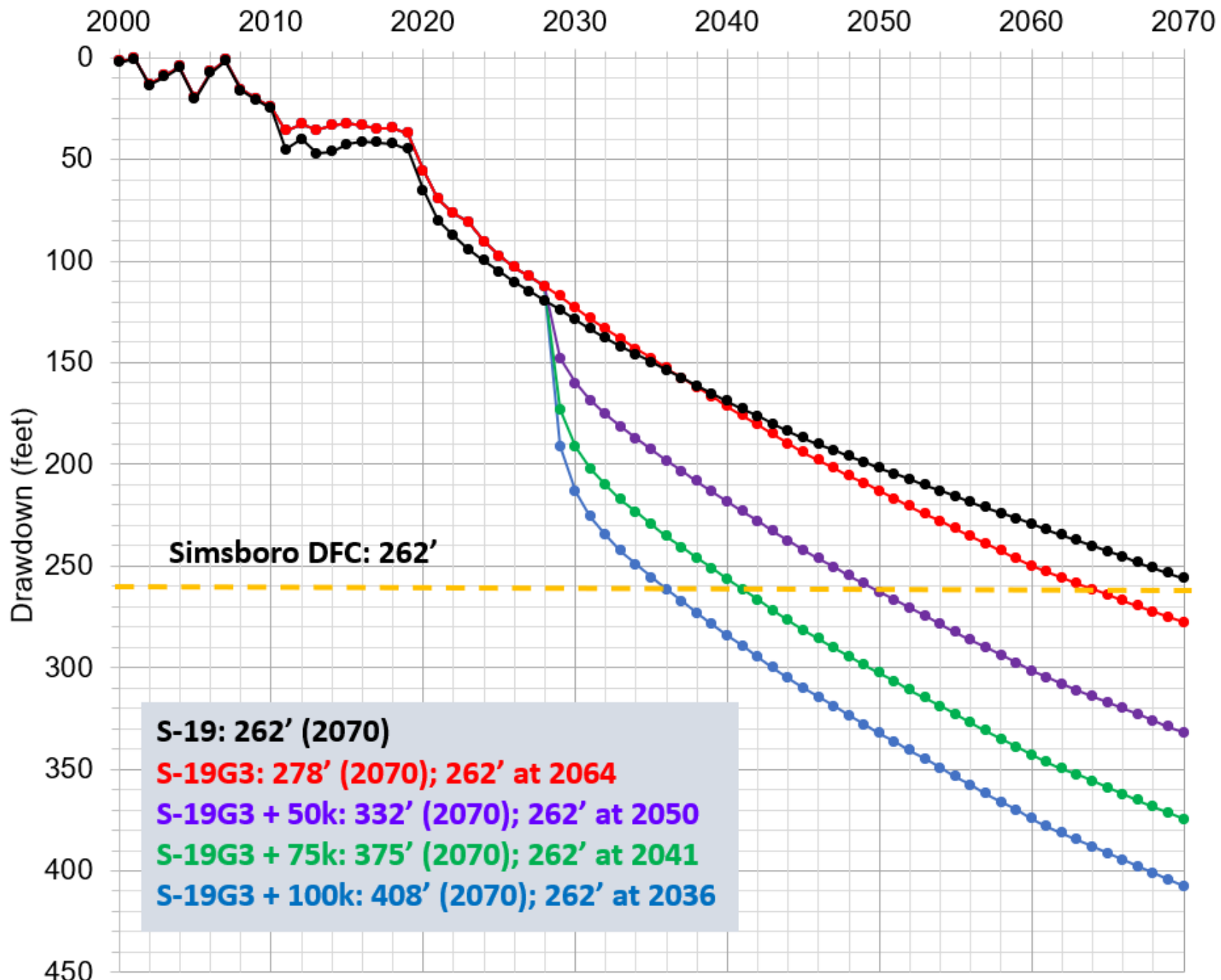
Simulated Water Level above the Top of the Simsboro Aquifer in 2059 Based on the 100k Transport Pumping Scenario



Schematic Cross-Section of the 2059 Water Level in the Simsboro Aquifer Based on 100k Transport Permit Application Pumping Scenario

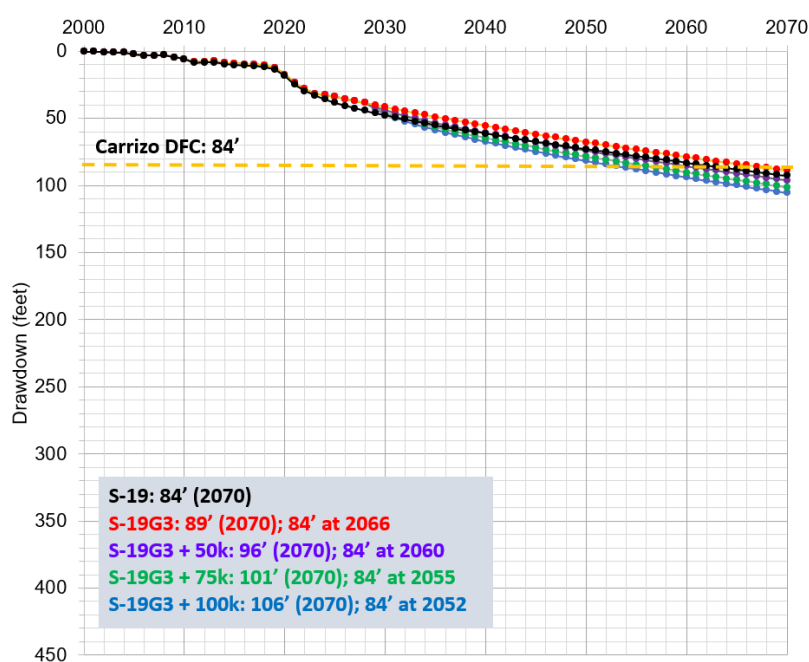


Average Simsboro Drawdown 2000 – 2070 compared to current DFC



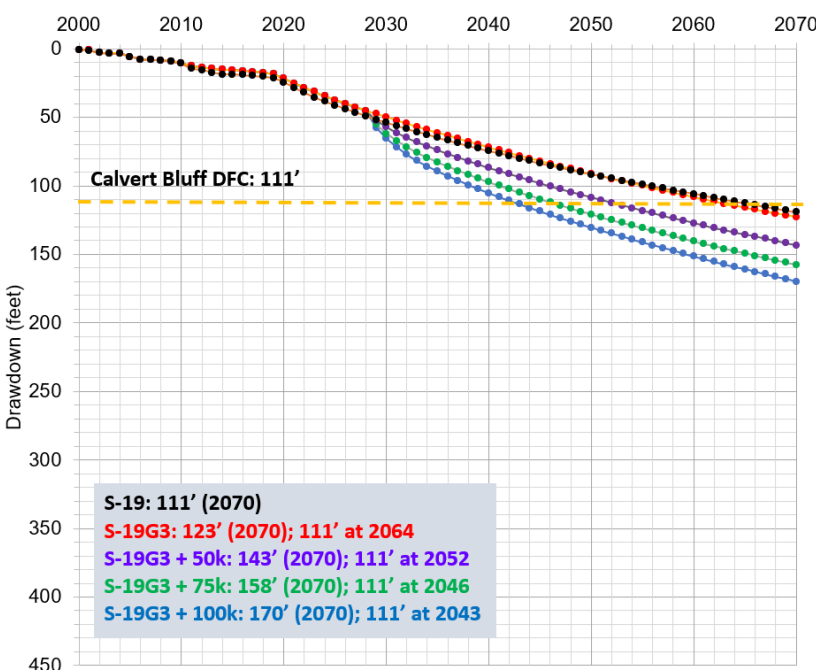
Average Drawdown 2000 – 2070 compared to current DFCs in other aquifers

Carrizo



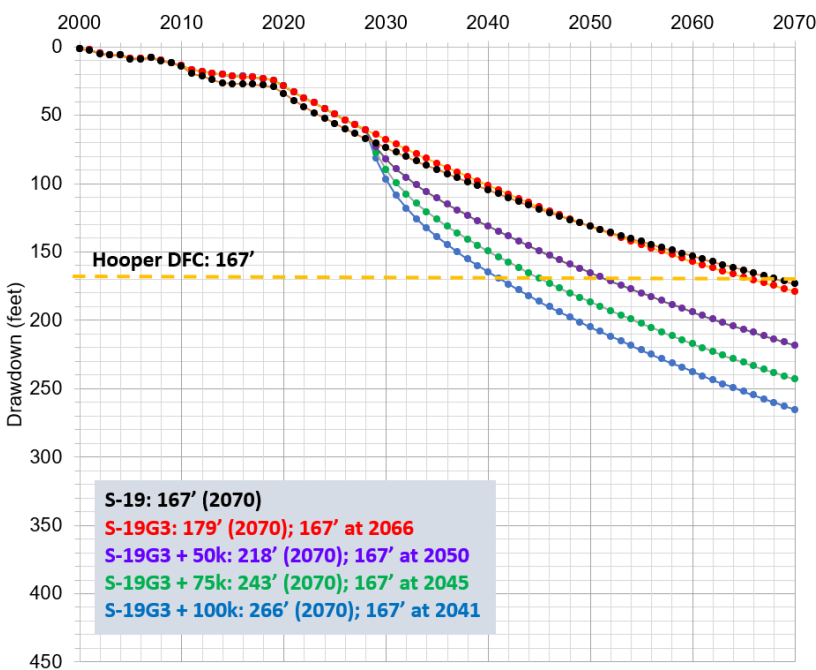
Average Carrizo Drawdown 2000 - 2070

Calvert Bluff



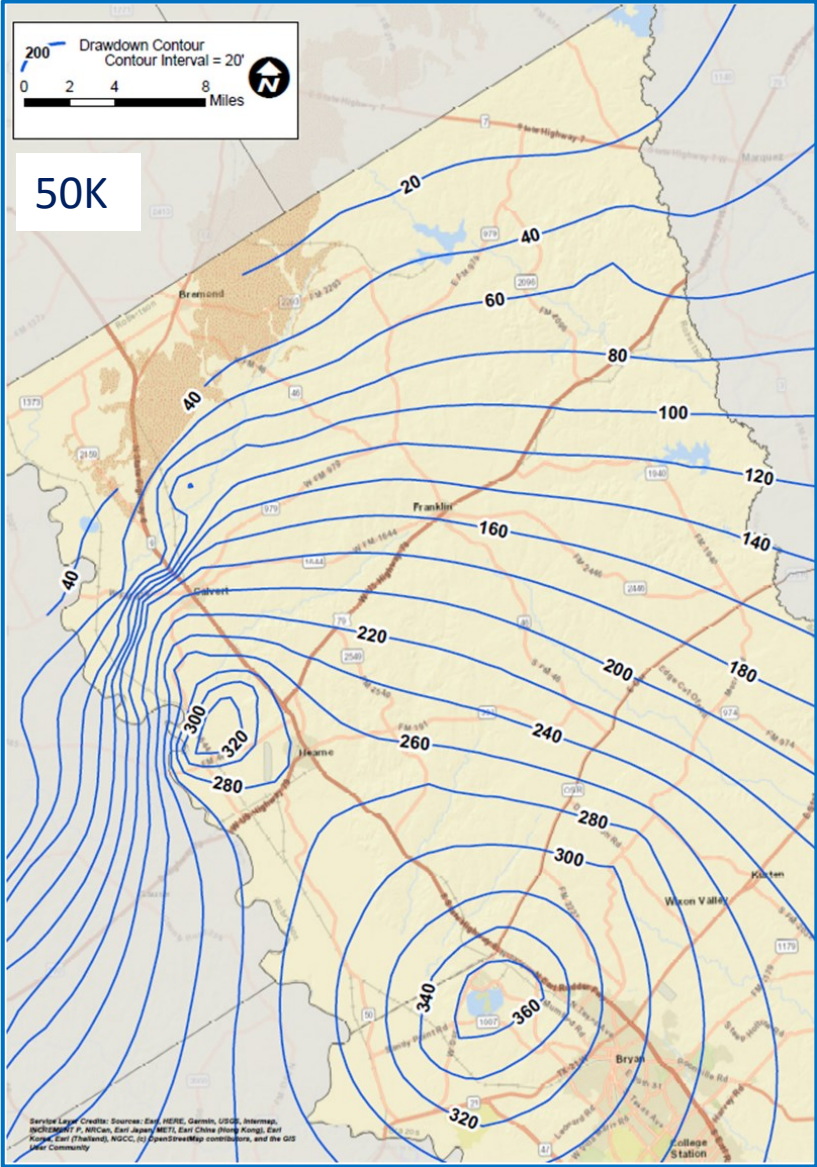
Average Calvert Bluff Drawdown 2000 - 2070

Hooper

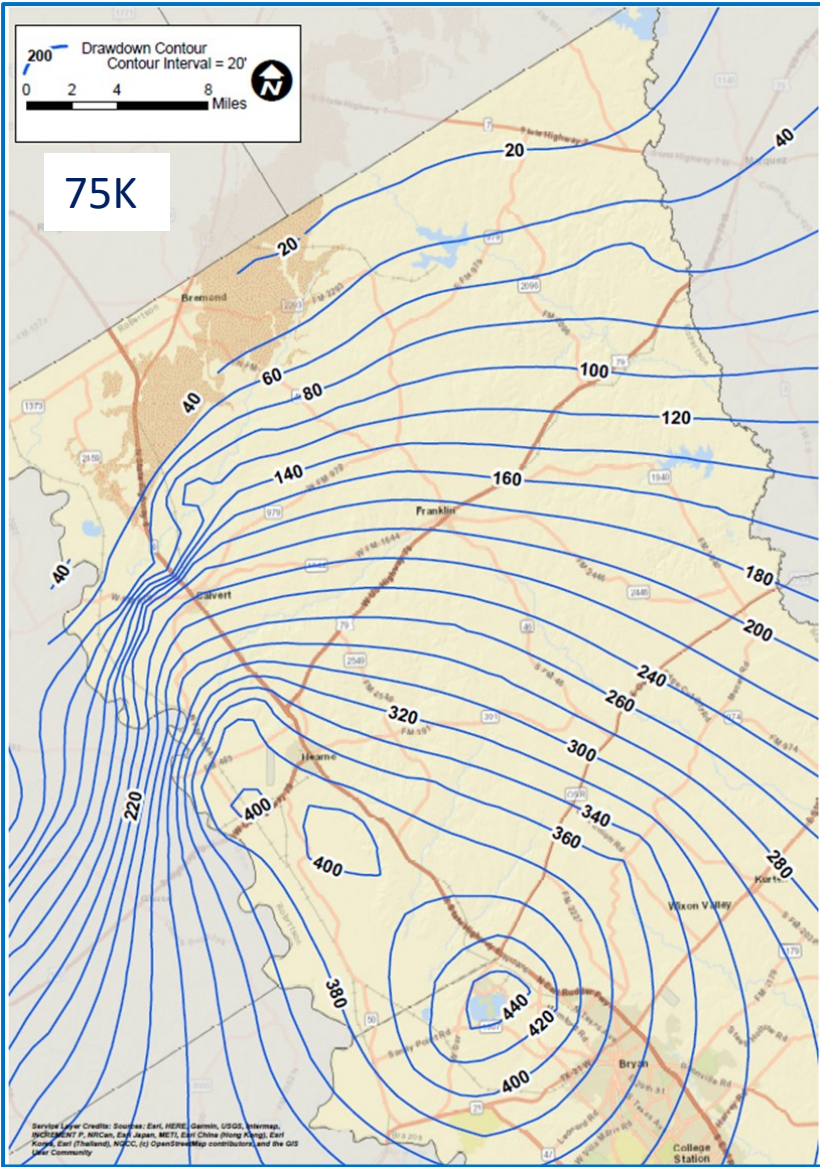


Average Hooper Drawdown 2000 - 2070

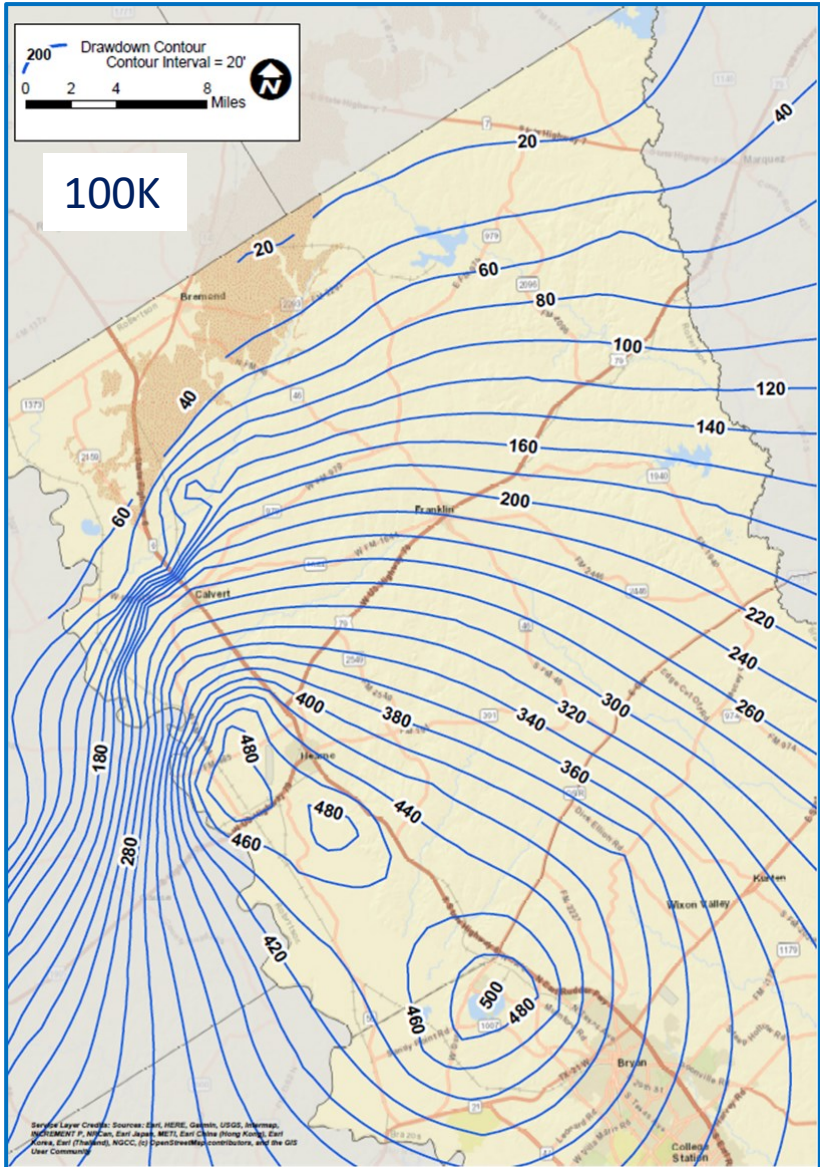
Simulated 2028 to 2059 Drawdown from All Pumping



50K - UWBVF wells under existing transport permit (BVTP-001)



75K - UWBVF wells under existing transport permit (BVTP-001) and the permitted wells in the transport permit applications

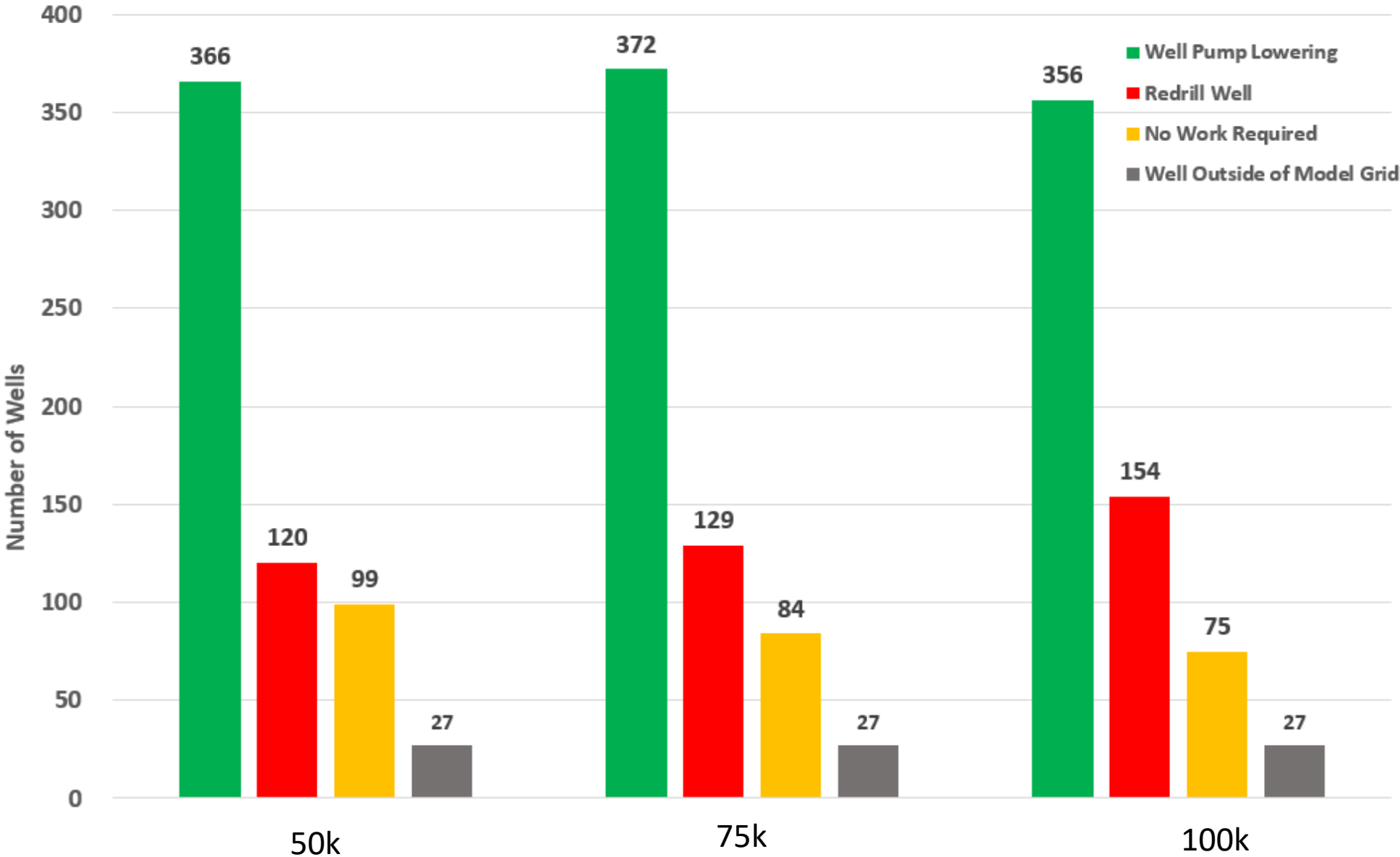


100K - UWBVF wells under existing transport permit (BVTP-001) and the permitted wells in the transport permit applications

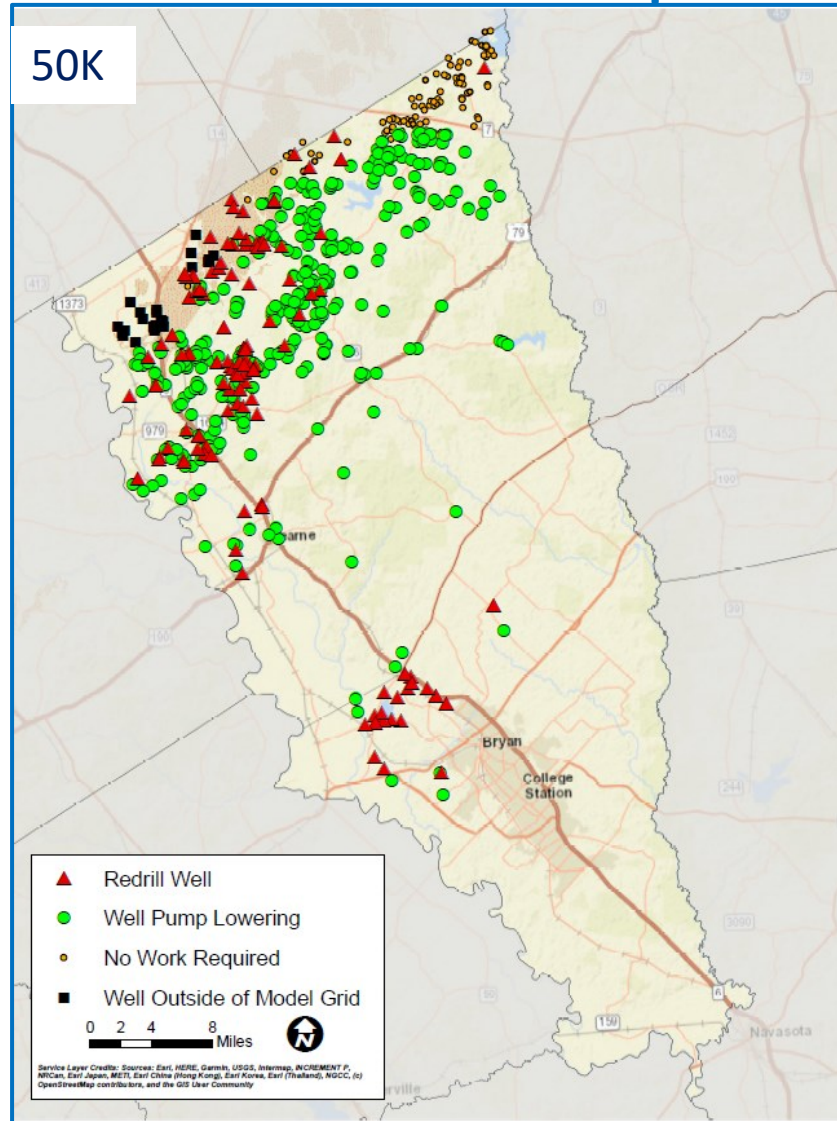
Effects of Simulated Pumping on BVGCD Permitted and Registered Simsboro Wells

- 612 BVGCD permitted and registered Simsboro wells
- Assessment does not allocate responsibility for impacts among all the groundwater producers in the Simsboro Aquifer.
- Timing and magnitude of pumping have potential impacts on allocation of responsibility and on when and if wells may require mitigation.
- Analysis compares the simulated water level elevation in 2059 to well construction and pump data (as available or estimated) and estimates whether a pump will need to be lowered or whether a well will need to be redrilled based on that single estimate of water level elevation.
- Analysis does not include age of wells, depreciation of wells and pumps, or standard maintenance and pump replacements.
- Analysis is preliminary and limited.

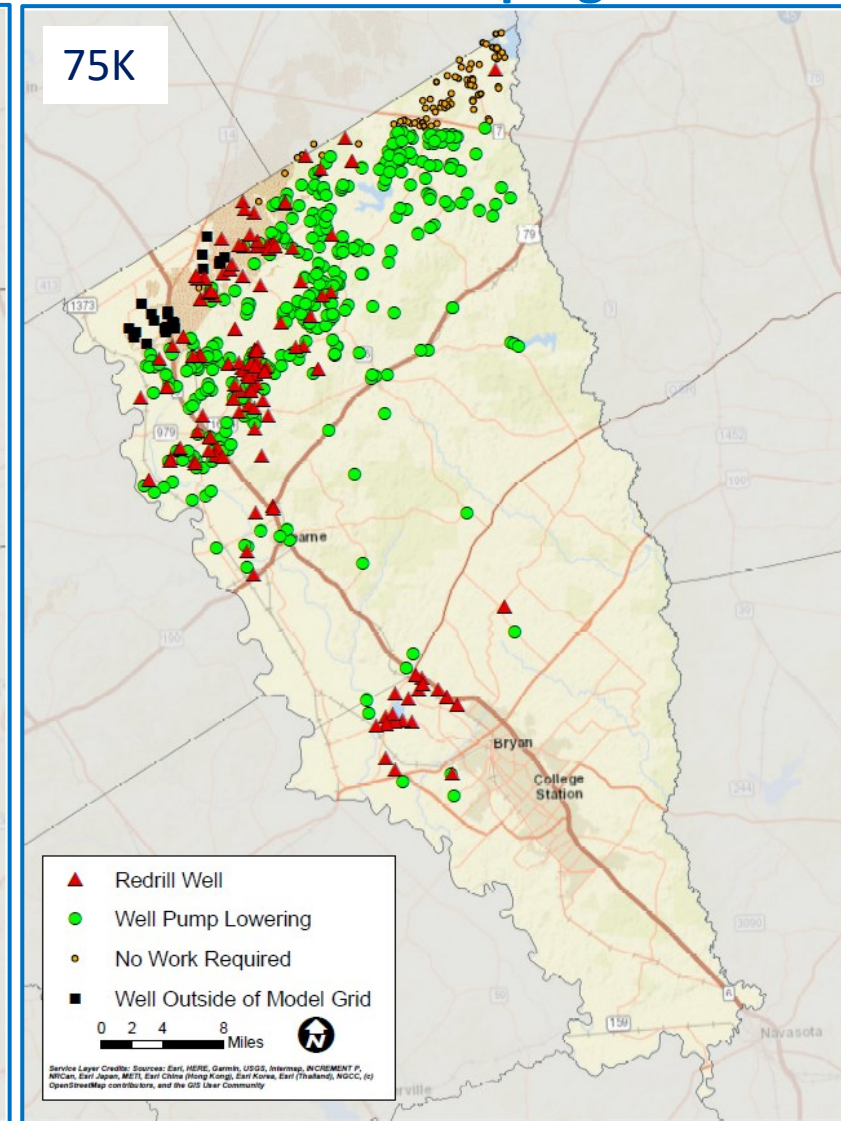
AGS Estimate of the Number of BVGCD Permitted or Registered Simsboro Wells that will need to be Redrilled or have the Pump Lowered Based on All Pumping and Simulated 2059 Water Levels



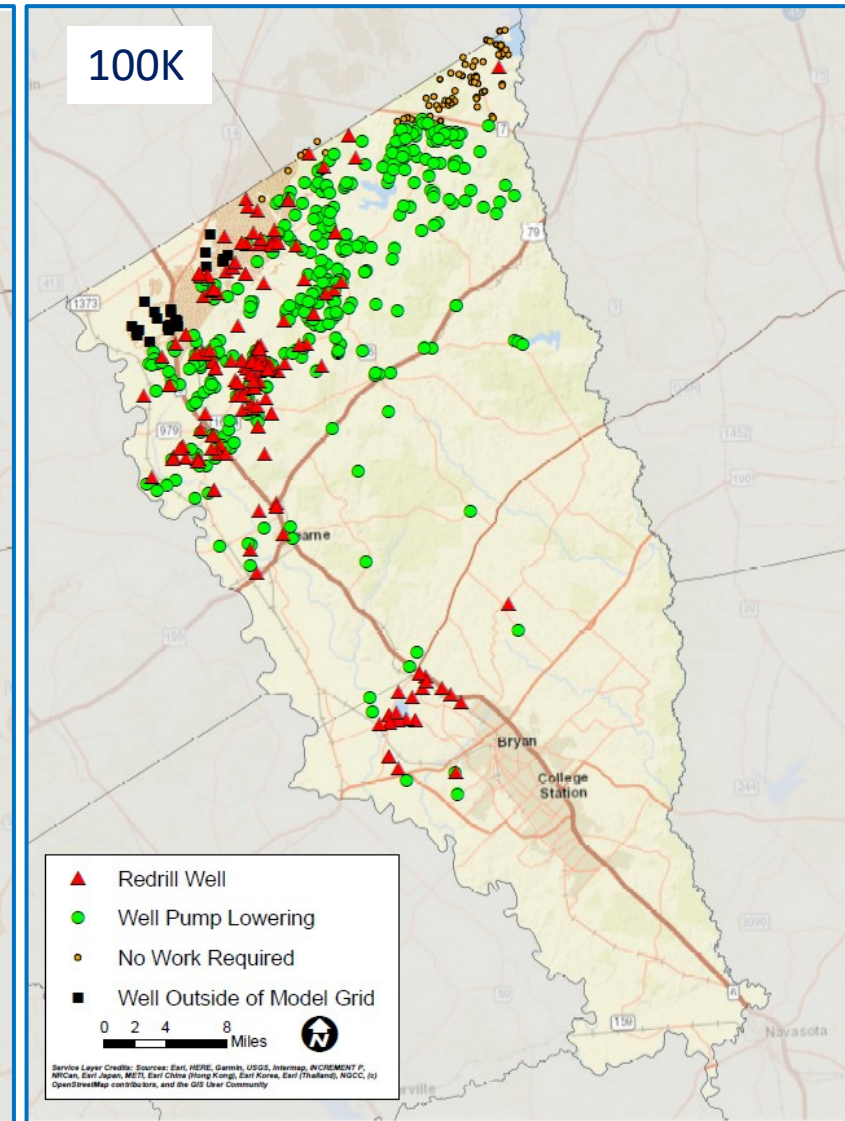
AGS Estimate of the Locations of BVGCD Permitted or Registered Simsboro Wells that will need to be Redrilled or have the Pump Lowered Based on All Pumping



50K - UWBVF wells under existing transport permit (BVTP-001)



75K - UWBVF wells under existing transport permit (BVTP-001) and the permitted wells in the transport permit applications



100K - UWBVF wells under existing transport permit (BVTP-001) and the permitted wells in the transport permit applications

Support Slides

Redrill criteria include:

- Liner - redrill if 2059 water level elevation is below liner elevation - required head above pump estimate.
- Screen - 2059 water level below middle of screened interval.
- Only Total Depth - 2059 water level below total depth + required head above pump estimate.

Pump lowering criteria include:

- Water level is 50 feet below base case of 2028 water levels in S-19G3:
 - assume both pump lowering and pump and motor rebuild
- Water level is 20-49 feet below base case of 2028 water levels in S-19G3:
 - assume additional column only
- Water level is less than 20 feet below base case of 2028 water levels in S-19G3:
 - no pump lowering is required

Analysis Limitations:

- Approximately 27 BVGCD permitted and registered Simsboro wells are located outside of the GAM model grid and do not have a 2059 water level estimate.
- There are potentially up to 33 wells included in the redrill category with anomalous data.
 - Wells may have a different well total depth, aquifer designation, and/or water level than what is used in the AGS estimate development.

June 13, 2024
Item No. 7.8.
ETJ Release Petition

Sponsor: Anthony Armstrong, Director of Planning and Development

Reviewed By CBC: City Council

Agenda Caption: Presentation, possible action, and discussion regarding an Extraterritorial Jurisdiction (ETJ) release petition for approximately 15.78 acres of land generally located at 11630 SH 30.

Relationship to Strategic Goals:

- Good Governance
- Sustainable City

Recommendation(s): The purpose of the extraterritorial jurisdiction (ETJ) of municipalities is to promote and protect the general health, safety, and welfare of people residing in and adjacent to the city. After review, staff has determined that the removal of these properties from the City's ETJ will have a negative effect on the general health, safety and welfare of people residing in and adjacent to the City. Mainly, the removal would cause negative impacts to the health, safety, and welfare in administering emergency services to these areas, as well as impacting the orderly subdivision and development of land. Staff recommends denial of the ETJ release petition.

Summary: Texas Senate Bill 2038 (SB 2038), which is a new statute which conflicts with current statutory law, allows property owners in the extraterritorial jurisdiction (ETJ) to leave the City's ETJ through a petition or election. The ETJ is a set area outside the city limits (College Station's ETJ is 5 miles from the city limits) in which the city can exercise certain legal powers, such as regulating subdivisions. SB 2038 has since been codified under Chapter 42 Subchapter D of the Texas Local Government Code.

SUBCHAPTER D. RELEASE OF AREA BY PETITION OF LANDOWNER OR RESIDENT FROM EXTRATERRITORIAL JURISDICTION

Sec. 42.101. APPLICABILITY. This subchapter does not apply to an area located:

(1) within five miles of the boundary of a military base, as defined by Section [43.0117](#), at which an active training program is conducted;

(2) in an area that was voluntarily annexed into the extraterritorial jurisdiction that is located in a county:

(A) in which the population grew by more than 50 percent from the previous federal decennial census in the federal decennial census conducted in 2020; and

(B) that has a population greater than 240,000;

(3) within the portion of the extraterritorial jurisdiction of a municipality with a population of more than 1.4 million that is:

(A) within 15 miles of the boundary of a military base, as defined by Section [43.0117](#), at which an active training program is conducted; and

(B) in a county with a population of more than two million;

(4) in an area designated as an industrial district under Section [42.044](#); or

(5) in an area subject to a strategic partnership agreement entered into under Section [43.0751](#).

Added by Acts 2023, 88th Leg., R.S., Ch. 106 (S.B. [2038](#)), Sec. 1, eff. September 1, 2023.

Sec. 42.102. AUTHORITY TO FILE PETITION FOR RELEASE. (a) A resident of an area in a municipality's extraterritorial jurisdiction may file a petition with the municipality in accordance with this subchapter for the area to be released from the extraterritorial jurisdiction.

(b) The owner or owners of the majority in value of an area consisting of one or more parcels of land in a municipality's extraterritorial jurisdiction may file a petition with the municipality in accordance with this subchapter for the area to be released from the extraterritorial jurisdiction.

Added by Acts 2023, 88th Leg., R.S., Ch. 106 (S.B. [2038](#)), Sec. 1, eff. September 1, 2023.

Sec. 42.103. APPLICABILITY OF OTHER LAW. Chapter [277](#), Election Code, applies to a petition requesting removal under this subchapter. Added by Acts 2023, 88th Leg., R.S., Ch. 106 (S.B. [2038](#)), Sec. 1, eff. September 1, 2023.

Sec. 42.104. PETITION REQUIREMENTS. (a) A petition requesting release under this subchapter must be signed by:

(1) more than 50 percent of the registered voters of the area described by the petition as of the date of the preceding uniform election date; or

(2) a majority in value of the holders of title of land in the area described by the petition, as indicated by the tax rolls of the applicable central appraisal district.

(b) A person filing a petition under this subchapter must satisfy the signature requirement described by Subsection (a) not later than the 180th day after the date the first signature for the petition is obtained.

(c) A signature collected under this section must be in writing.

(d) The petition must include a map of the land to be released and describe the boundaries of the land to be released by:

(1) metes and bounds; or

(2) lot and block number, if there is a recorded map or plat.

Added by Acts 2023, 88th Leg., R.S., Ch. 106 (S.B. [2038](#)), Sec. 1, eff. September 1, 2023.

Sec. 42.105. RESULTS OF PETITION. (a) A petition requesting removal under this subchapter shall be verified by the municipal secretary or other person responsible for verifying signatures.

(b) The municipality shall notify the residents and landowners of the area described by the petition of the results of the petition. The municipality may satisfy this requirement by notifying the person who filed the petition under Section [42.102](#).

(c) If a resident or landowner obtains the number of signatures on the petition required under Section [42.104](#) to release the area from the

municipality's extraterritorial jurisdiction, the municipality shall immediately release the area from the municipality's extraterritorial jurisdiction.

(d) If a municipality fails to take action to release the area under Subsection (c) by the later of the 45th day after the date the municipality receives the petition or the next meeting of the municipality's governing body that occurs after the 30th day after the date the municipality receives the petition, the area is released by operation of law.

(e) Notwithstanding any other law, an area released from a municipality's extraterritorial jurisdiction under this section may not be included in the extraterritorial jurisdiction or the corporate boundaries of a municipality, unless the owner or owners of the area subsequently request that the area be included in the municipality's extraterritorial jurisdiction or corporate boundaries.

Added by Acts 2023, 88th Leg., R.S., Ch. 106 (S.B. [2038](#)), Sec. 1, eff. September 1, 2023.

In addition to the above statute, 42.023 of the Texas Local Government Code requires the governing body of the municipality to give its written consent by ordinance or resolution if it desires to reduce its ETJ area:

Sec. 42.023. REDUCTION OF EXTRATERRITORIAL JURISDICTION. The extraterritorial jurisdiction of a municipality may not be reduced unless the governing body of the municipality gives its written consent by ordinance or resolution, except:

(1) in cases of judicial apportionment of overlapping extraterritorial jurisdictions under Section [42.901](#);

(2) in accordance with an agreement under Section [42.022](#) (d);
or

(3) as necessary to comply with Section [42.0235](#).

Under this item, the owners of three separate properties have petitioned the City to release them from the City's ETJ.

Budget & Financial Summary:

Attachments:

1. ETJ Denial Resolution- Copus 6-13-24 w. Exhibit

RESOLUTION NO. _____

A RESOLUTION OF THE CITY OF COLLEGE STATION, TEXAS, DENYING DANA KARIN ROSBERG COPUS' PETITION FOR REMOVAL OF PROPERTY FROM THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF COLLEGE STATION AND DENYING THE CITY'S CONSENT TO THE REDUCTION OF THE CITY'S EXTRATERRITORIAL JURISDICTION; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, on May 20, 2024, Dana Karin Rosberg Copus ("Petitioner") submitted a petition attached as **Exhibit "A"** ("Petition") for releasing property from the City of College Station's extraterritorial jurisdiction ("ETJ"); and

WHEREAS, the property sought to be released is located at 11630 SH 30, College Station, Texas and described by metes and bounds in **Exhibit "A"** ("Property"); and

WHEREAS, pursuant to Texas Local Government Code Section 42.023, the City's ETJ may only be reduced if the City Council has exercised its legislative authority consenting to reducing the City's ETJ by ordinance or resolution; and

WHEREAS, pursuant to Texas Constitution, Article II, Section 1, landowners may not be delegated legislative authority to remove their property from the City's ETJ without the City Council's consent by ordinance or resolution; and

WHEREAS, Texas Local Government Code Chapter 42 Subchapter D. (SB 2038) is an unconstitutional delegation of the City's legislative authority and conflicts with the City's grant of legislative discretion under Local Government Code Section 42.023; and

WHEREAS, it is in the best interest of the City to deny the Petition and the removal of the Property from the City's ETJ, and to any reduction in size of the City's ETJ; and deny any action under Texas Local Government Code Chapter 42 Subchapter D. (SB 2038); now therefore,

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

PART 1: The above recitals are adopted as findings of the City Council.

PART 2: The Petition for Release of the Property in **Exhibit "A"** from the City's ETJ is denied and the Property remains in the City's ETJ.

PART 3: The City denies any written consent by ordinance or resolution or action under Texas Local Government Code Chapter 42 Subchapter D. (SB 2038) to remove the Property from the City's ETJ and any reduction in size of the City's ETJ.

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

ADOPTED this 13th day of June 2024.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

City Attorney

EXHIBIT A

Approximately 15.78 acres of land being Tract 34, in the Maria Kegans Survey, A-28 in Brazos County, Texas.

May 2, 2024

RECEIVED

MAY 20 2024

Adam C. Falco
College Station City Attorney
Post Office Box 9960
College Station, Texas 77842

Via: U.S. Postal Service Certified Mail 9589 0710 5270 0900 5443 73 – Return Receipt

Re: Petition for Release from the Extraterritorial Jurisdiction of the City of College Station

Dear Mr. Falco,

1. Dana Karin Rosberg Copus (“Owner”) files this Petition pursuant to TEX. LOC. GOV’T CODE § 42.102.
2. Dana Karin Rosberg Copus owns property within the extraterritorial jurisdiction of the City of College Station located at 11630 SH 30, College Station, Texas 77845, Brazos Central Appraisal District Property ID Number 12241(the “Property”). *See* Exhibit A (Deed and Property Map).
3. Owner hereby Petitions the City of City of College Station to release of Owner’s Property from its extraterritorial jurisdiction.
4. Pursuant to TEX. LOC. GOV’T CODE § 42.102, an owner or owners of majority in value of an area in a municipality’s extraterritorial jurisdiction may file a petition with the municipality to be released from the extraterritorial jurisdiction, if the owner’s property in question meets the applicability requirements of TEX. LOC. GOV’T CODE § 42.101 and the petition requirements of TEX. LOC. GOV’T CODE § 42.104.
5. Owner’s Property meets the applicability requirements of TEX. LOC. GOV’T CODE § 42.101.
6. As set forth in Exhibit B, Affidavit of Owner, and as set forth in TEX. LOC. GOV’T CODE § 42.101, the undersigned swears that the Property is not:
 - (1) within five miles of the boundary of a military base, as defined by TEX. LOC. GOV’T CODE § 43.0117, at which an active training program is conducted;
 - (2) in an area that was voluntarily annexed into the extraterritorial jurisdiction that is located in a county:
 - (A) in which the population grew by more than 50 percent from the previous federal decennial census in the federal decennial census conducted in 2020, and
 - (B) that has a population greater than 240,000;
 - (3) within the portion of the extraterritorial jurisdiction of a municipality with a population of more than 1.4 million that is:

(A) within 15 miles of the boundary of a military base, as defined by TEX. LOC. GOV'T CODE § 43.0117, at which an active training program is conducted, and

(B) in a county with a population of more than 2 million;

(4) in an area designated as an industrial district under TEX. LOC. GOV'T CODE § 42.044; or

(5) in an area subject to a strategic partnership agreement entered into under TEX. LOC. GOV'T CODE § 43.0751.

7. This Petition meets the requirements of TEX. LOC. GOV'T CODE § 42.104.

8. As required by TEX. LOC. GOV'T CODE § 42.104(a)(2), Owner's value in the Property constitutes more than 50% of the value of the Property, as indicated by the tax rolls of the Brazos Central Appraisal District.

9. As required by TEX. LOC. GOV'T CODE § 42.104(a)(2), the signature page accompany this Petition includes the signatures of 100% of the Property's owners in value, which is more than 50%.

10. As required by TEX. LOC. GOV'T CODE § 42.103, the signature is valid pursuant to TEX. ELEC. CODE § 277.002.

11. This Petition contains, in addition to the signature:

(A) the signer's printed name;

(B) the signer's:

(i) date of birth; or

(C) the signer's residence address; and

(D) the date of signing.

12. As required by TEX. LOC. GOV'T CODE § 42.104(b), Owner filing this Petition satisfied the signature requirement within 180 days after the date the first signature for the Petition was obtained.

13. As required by TEX. LOC. GOV'T CODE § 42.104(c), the signature collected under this section is in writing.

14. As required by TEX. LOC. GOV'T CODE § 42.104(d), this Petition includes the deed for the land to be released in Exhibit A, which describes the boundaries of the land to be released by: (1) metes and bounds; or (2) lot and block number, if there is a recorded map or plat. Exhibit A also includes a map of the land to be released.

15. As required by TEX. LOC. GOV'T CODE § 42.105(a), the City must verify this Petition upon receipt; shall notify the residents and landowners of the area described by the petition of the results of the petition, or shall notify Owner, who filed this Petition under Section 42.102.
16. Pursuant to TEX. LOC. GOV'T CODE § 42.105(c), because Owner has obtained the number of signatures on the Petition required under Section 42.104 to release the area from the extraterritorial jurisdiction of the City of College Station, the City must immediately release the area—Owner's Property—from the City's extraterritorial jurisdiction.
17. Pursuant to TEX. LOC. GOV'T CODE § 42.105(d), if the City fails to take action to release Owner's Property from the City's ETJ by the later of the 45th day after the date the municipality receives the petition or the next meeting of the City's governing body that occurs after the 30th day after the date the City receives this petition, the area—Owner's Property—is released by operation of law.

EXHIBIT A
DEED AND PROPERTY MAP

(INSERT DEED AND CAD MAP HERE.)

Owner Name: (Name of Owner)

By: Dana Copus
Printed Name

Its: Owner
Title

Dana Karin Rosberg Copus
Signature

9/12/56
Date of birth

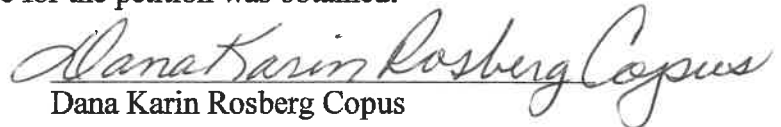
10953 Commonwealth Drive Fok, TX
Residence address 77861

5/10/24
Date of signing

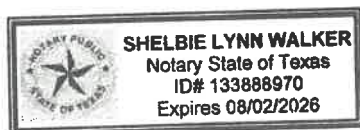
EXHIBIT B
AFFIDAVIT OF (NAME OF LANDOWNER) IN SUPPORT OF
PETITION FOR RELEASE FROM THE EXTRATERRITORIAL JURISDICTION OF THE CITY OF (CITY
NAME)

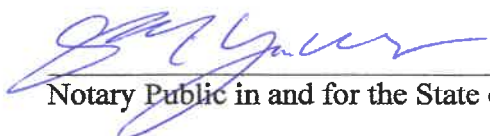
Before me, the undersigned authority, on this day personally appeared, Dana Karin Rosberg Copus, who under oath stated as follows:

1. My name is Dana Karin Rosberg Copus. I am over eighteen (18) years of age and am legally competent to make this affidavit, which is true and correct, and is made voluntarily and not under duress.
2. As the Property Owner of I am authorized to submit this Petition on its behalf.
3. Dana Karin Rosberg Copus is the property owner in the extraterritorial jurisdiction of the City of College Station. Its property is located at the following address: 11630 SH 30, College Station, Texas 77845, Brazos Central Appraisal District Parcel ID Number 12241 (the "Property").
4. There is one owner of the Property: Dana Karin Rosberg Copus owns 100% of the interest in the Property.
5. I swear that the Property is not: (1) within five miles of the boundary of a military base, as defined by Tex. Loc. Gov't Code § 43.0117, at which an active training program is conducted; (2) in an area that was voluntarily annexed into the extraterritorial jurisdiction that is located in a county: (a) in which the population grew by more than 50 percent from the previous federal decennial census in the federal decennial census conducted in 2020, and (b) that has a population greater than 240,000; (3) within the portion of the extraterritorial jurisdiction of a municipality with a population of more than 1.4 million that is: (a) within 15 miles of the boundary of a military base, as defined by Tex. Loc. Gov't Code § 43.0117, at which an active training program is conducted, and (b) in a county with a population of more than 2 million; (4) in an area designated as an industrial district under Tex. Loc. Gov't Code § 42.044; or (5) in an area subject to a strategic partnership agreement entered into under Tex. Loc. Gov't Code § 43.0751.
6. I swear that the petition contains my valid and true (1) signature, (2) printed name, (3) date of birth, (4) residence address, and (5) date of which I signed such petition.
7. I swear that I satisfied the signature requirement of Tex. Loc. Gov't Code § 42.104(b) within 180 days following the date the first signature for the petition was obtained.


Dana Karin Rosberg Copus

Sworn and subscribed to before me on this the 10 day of May, 2024.




Notary Public in and for the State of Texas

GENERAL WARRANTY DEED

STATE OF TEXAS §
 § KNOW ALL MEN BY THESE PRESENTS:
COUNTY OF BRAZOS §

That DAVID W. ROSBERG, JR. and DANA KARIN ROSBERG COPUS, Co-Independent Executors of the Estate of David W. Rosberg, Deceased, as appointed by the County Court at Law Number One of Brazos County, Texas in Cause number 12,033-PC and as trustees of the David W. Rosberg Living Trust, created under the Will of David W. Rosberg, Deceased, hereinafter referred to as Grantors, for and in consideration of the sum of TEN AND NO/100 (\$10.00) DOLLARS, and as distribution and a partition of the Estate and Trust property, have GRANTED, SOLD AND CONVEYED, and by these presents do GRANT, SELL AND CONVEY unto DANA KARIN ROSBERG COPUS, individually, as her sole and separate property, hereinafter referred to as Grantee, whose mailing address is 2301 Foxhall Drive, Anchorage, Alaska 99504, that certain 15.78 acre tract in the Maria Kegans Survey, A-28, in Brazos County, Texas being more fully described in **Exhibit A** attached hereto.

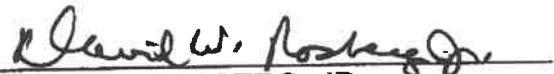
To have and to hold the above described property, together with all and singular the rights and appurtenances thereto in anywise belonging unto Grantee, and Grantee's heirs, executors, administrators, successors and assigns forever, subject to the reservations and exceptions described in **Exhibit B** attached hereto.

For Grantors and Grantors' heirs, successors, and assigns forever, a reservation of all oil, gas, and other minerals in and under and that may be produced from the Property. If the mineral estate is subject to existing production or an existing lease, this reservation includes production, the lease, and all benefits from it. Grantors grant, sell, and convey

to DAVID W. ROSBERG, JR., Individually a one-half (1/2) undivided interest in the mineral estate of the Property and to DANA KARIN ROSBERG COPUS an undivided one-half (1/2) interest in and to the reserved mineral estate of the Property. The conveyance of mineral estate is subject to a waiver of surface rights executed contemporaneously herewith.

And Grantors do hereby bind themselves, their successors and assigns to WARRANT AND FOREVER DEFEND all and singular the said real property unto the said Grantee, her heirs, executors, administrators, successors and assigns, against every person whomsoever lawfully claiming, or to claim the same, or any part thereof when the claim is by, through, or under Grantors but not otherwise.

EXECUTED this 22 day of March, 2006.


DAVID W. ROSBERG, JR.


DANA KARIN ROSBERG COPUS

THE STATE OF TEXAS §
COUNTY OF Mason §

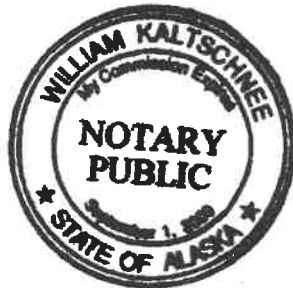
BEFORE ME, the undersigned authority, on this day personally appeared DAVID W. ROSBERG, JR., known to me to be the person whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity herein stated.



Tennile Kothmann
Notary Public, State of Texas

THE STATE OF TEXAS §
COUNTY OF 3rd Judicial District §

BEFORE ME, the undersigned authority, on this day personally appeared DANA KARIN ROSBERG COPUS, known to me to be the person whose name is subscribed to the foregoing instrument, and he acknowledged to me that he executed the same for the purposes and consideration therein expressed, in the capacity herein stated.



William Kaltschnee
Notary Public, State of ~~Texas~~
Alaska

David W. Rosberg
15.78 Acre - Tract 2
Maria Kegans Survey, A-28
Brazos County, Texas

Field notes of a 15.78 acre tract or parcel of land, lying and being situated in the Maria Kegans Survey, Abstract No. 28, Brazos County, Texas, and being part of the called 33.3 acre tract described in the deed from Veteran's Land Board of the State of Texas to David W. Rosberg recorded in Volume 559, Page 374, of the Deed Records of Brazos County, Texas, and said 15.78 acre tract being more particularly described as follows:

BEGINNING at the $\frac{1}{2}$ " iron rod set at the base of a 6" creosote post fence corner at the common corner between the beforementioned 33.3 acre tract and the remainder of the 56.9 acre - Fourth Tract described in the Partition Deed between Mrs. Evla Hester McGee and Mrs. Ina Clay McGee, recorded in Volume 120, Page 300, of the Deed Records of Brazos County, Texas, and in the northeast line of Block 2 - Rainbow Acres - 1st Installment, according to the plat recorded in Volume 364, Page 313, of the Deed Records of Brazos County, Texas;

THENCE along the common line between the beforementioned 33.3 acre tract and Block 2 - Rainbow Acres - 1st Installment, adjacent to a fence, as follows:

N 44° 26' 58" W for a distance of 189.29 feet to a $\frac{1}{2}$ " iron rod set (formerly a 14" post oak tree),
N 43° 43' 04" W for a distance of 461.44 feet to a $\frac{1}{2}$ " iron rod set;

THENCE N 47° 07' 47" E for a distance of 551.75 feet to a $\frac{1}{2}$ " iron rod set in the fence around the home place, a 6" creosote post fence corner bears S 62° 34' 52" E - 7.4 feet;

THENCE along the fence marking the old home place, as follows:

N 62° 34' 52" W for a distance of 187.96 feet to a 6" creosote post fence corner,
N 31° 32' 56" E for a distance of 341.50 feet to a $\frac{1}{2}$ " iron rod set in the southwest right-of-way line of State Highway No. 30;

THENCE along the southwest right-of-way of State Highway No. 30, as follows:

S 60° 02' 44" E for a distance of 57.17 feet to a cotton spindle set (in asphalt drive) at the beginning of a curve, concave to the southwest, having a radius of 2769.79 feet,
Southeasterly along said curve for an arc distance of 877.99 feet to a $\frac{1}{2}$ " iron rod set, the chord bears S 51° 23' 28" E - 874.32 feet, a 6" creosote post fence corner bears S 41° 30' W - 7.5 feet;

THENCE S 47° 07' 47" W along the common line between the beforementioned 33.3 acre tract and the 8.5 acre tract, adjacent to a fence, for a distance of 951.69 feet to the **PLACE OF BEGINNING**, containing 15.78 acres of land, more or less.



Surveyed November 2005

By:

S. M. Kling
R.P.L.S. No. 2003

Prepared 11/29/05
kes05-02dvdrosberg-15.78ac-tr1.wpd

RESERVATION AND EXCEPTIONS

Easement from K. Kelley et us to City of Bryan, dated April 29, 1937, recorded in Volume 98, page 199, Deed Records of Brazos County, Texas.

Easement from K. Kelley et us to Brazos River Transmission Electric Cooperative, Inc., dated October 10, 1947, recorded in Volume 310, page 55, Deed Records of Brazos County, Texas.

Easement from David W. Rosberg et ux to Wixon Water Supply Corporation, dated February 2, 1972, recorded in Volume 310, page 55, Deed Records of Brazos County, Texas.

Right-of-Way Easement from David Rosberg to City of Bryan, dated August 3, 1988, recorded in Volume 1075, page 766, Official Records of Brazos County, Texas.

Estate created by Oil and Gas Lease from David W. Rosberg et ux to Jones, Jones & Associates, dated January 28, 1991, recorded in Volume 1274, page 238, Official Records of Brazos County, Texas. Title to this lease has not been traced subsequent to the date of the above-cited instrument.

Filed for Record in:
BRAZOS COUNTY

On: Apr 21, 2006 at 09:39A

As a
Recording

Document Number: 00923467

Amount 27.00

Receipt Number - 289004

By:
Lynn Greer

STATE OF TEXAS COUNTY OF BRAZOS

I hereby certify that this instrument was
filed on the date and time stamped hereon by me
and was duly recorded in the volume and page
of the Official Public records of:

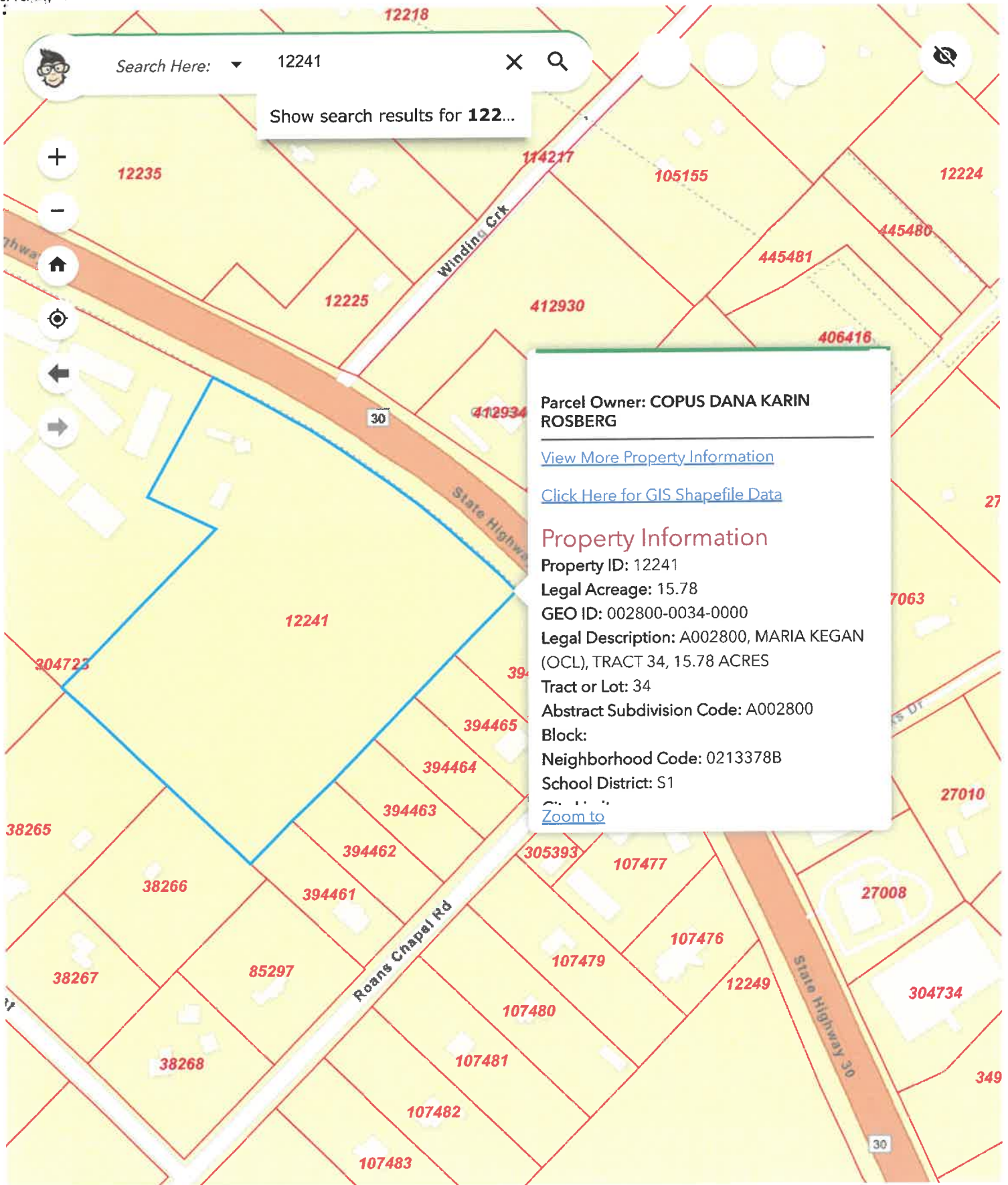
BRAZOS COUNTY

as stamped hereon by me.

Apr 21, 2006

HONORABLE KAREN MCQUEEN, COUNTY CLERK
BRAZOS COUNTY

EXHIBIT B



30°38'11"N 96°14'55"W

0 150 300ft

June 13, 2024
Item No. 8.1.

Sponsor: Anthony Armstrong, Director of Planning and Development

Reviewed By CBC: City Council

Agenda Caption: Presentation, discussion, and possible action regarding impact fee waivers.

Relationship to Strategic Goals:

Recommendation(s):

Summary:

Budget & Financial Summary:

Attachments:

None

June 13, 2024
Item No. 8.2.
CIP Update

Sponsor: Jennifer Cain, Director Capital Projects

Reviewed By CBC: City Council

Agenda Caption: Presentation, discussion, and possible action regarding a Capital Projects Update.

Relationship to Strategic Goals:

Core services and infrastructure

Recommendation(s): n/a

Summary: Capital projects update and presentation.

Budget & Financial Summary: n/a

Attachments:

None

June 13, 2024
Item No. 9.1.
Standard of Care Ordinance

Sponsor: Kelsey Heiden

Reviewed By CBC: City Council

Agenda Caption: Public Hearing, presentation, discussion, and possible action regarding an ordinance adopting the standards of care for the City's Parks and Recreation Department's elementary age (5-13) Youth Recreational Program in compliance with the exemptions for childcare licensing according to Texas Human Resources Code Section 42.041(b)(14).

Relationship to Strategic Goals:

Core Services and Infrastructure

Recommendation(s): Staff recommends Council adopt the proposed Standards of Care Ordinance.

Summary: The Texas Human Resource Code, Section 42.041(b)(4), establishes requirements to exempt recreational day camp programs operated by municipalities for elementary age (5-13) children from State childcare licensing.

Services provided by the College Station Parks and Recreation Department are recreational in nature, are not child-care facilities and meet all exemptions to this legislation.

To receive exempt status from requirements of the Texas Human Resources Code, a municipality must annually submit a copy of the Standards of Care, a notice of a public hearing and a copy of the ordinance adopting the standards.

The Standards of Care provide minimum guidelines and include:

- Staff ratios
- Minimum staff qualifications
- Minimum facility, health, and safety standards
- Mechanisms for monitoring and enforcing the adopted local standards
- Notice to parents that the day camp program is not licensed by the state

The ordinance is presented to City Council for consideration each year.

Budget & Financial Summary: N/A

Attachments:

1. 2024 - Standards Of Care Ordinance

ORDINANCE NO. _____

AN ORDINANCE ADOPTING LOCAL STANDARDS OF CARE FOR THE CITY OF COLLEGE STATION PARKS AND RECREATION DEPARTMENT'S ELEMENTARY AGE (5 TO 15) YOUTH RECREATION PROGRAMS; 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 the Ordinance in **Exhibit “A”** is attached hereto and is 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 13th day of June, 2024.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

City Attorney

EXHIBIT A
LOCAL STANDARDS OF CARE ORDINANCE

PART 1. AUTHORITY.

The Council adopts these local standards of care for the Parks and Recreation Department children's recreational programs under Texas Human Resources Code Section 42.041(b)(14) (Required License and Accreditation) and its home rule authority.

PART 2. DEFINITIONS.

In this ordinance:

- (A) RECREATION ASSISTANT means a person responsible for the direct care or administration, clerical support, food preparation, or Facility maintenance.
- (B) DEPARTMENT means the Parks and Recreation Department.
- (C) DIRECTOR means the director of the Parks and Recreation Department.
- (D) DESIGNEE means a person appointed by the Director to act on the Director's behalf.
- (E) FACILITY means a building or improvement operated or used by the Department in conducting a Recreational Program.
- (F) PARTICIPANT means a child age five to 13 years old who is enrolled in a Recreational Program and is under the supervision of Department staff.
- (G) RECREATIONAL PROGRAM OR PROGRAM means a fee-based children's program or activity offered and supervised by the Department that requires a Participant to enroll or register to participate.
- (H) STAFF means a person who is employed by the Department to work in a Recreational Program.
- (I) VOLUNTEER means a person assisting without remuneration in the care or supervision of Participants.

PART 3. PROGRAM ADMINISTRATION.

- (A) The Department shall operate Recreational Programs in compliance with this Ordinance and the Department's rules adopted under this Ordinance.
- (B) The Director, or Designee, shall administer the programs.

PART 4. PROGRAM RULES; MONITORING.

- (A) The Director shall adopt rules relating to the operation of the programs. A rule adopted under this Ordinance may be more restrictive than the minimum standards adopted by this Ordinance.
- (B) The Director shall monitor the programs to ensure compliance with the standards adopted in this Ordinance and the rules.

**PART 5. REQUIRED SUPERVISION FOR
NON-AQUATIC RECREATIONAL PROGRAMS.**

- (A) Except as provided in Subsection (B), the Department shall provide Recreation Assistants during a Recreational Program at a minimum as follows:
 - (1) one Recreation Assistant for each 12 Participants between the ages of five and nine years old; and
 - (2) One Recreation Assistant for each 15 Participants between the ages of ten and 13 years old.
- (B) The Department shall provide activity leaders during a Recreational Program designed for Participants with a disability at a minimum as follows:
 - (1) one Recreation Assistant for each four Participants between the ages of five and 12; and
 - (2) One Recreation Assistant for each eight Participants between the ages of 12 and 13 years old.

PART 7. REQUIREMENTS FOR ACTIVITY LEADERS.

- (A) The Department shall provide a minimum of one Recreation Assistant for each class or group enrolled in a Recreational Program.
- (B) A Recreation Assistant must be at least 16 years old.
- (C) A Recreation Assistant must retain the following certification from a nationally recognized organization approved by the Director:

- (1) cardiopulmonary resuscitation for adults, children and infants;
- (2) use of an automated external defibrillator; and
- (3) first aid.

PART 8. STAFF AND VOLUNTEER TRAINING REQUIREMENTS.

- (A) The Director shall establish training requirements for all Staff and Volunteers who provide direct care or supervision to Participants.
- (B) At least one Staff member at each Facility must have current training in first aid, automated external defibrillator, and cardiopulmonary resuscitation for adults, children and infants from a nationally recognized program that has been approved by the Director.

PART 9. PERSONNEL RESTRICTION.

- (A) A person may not be employed or serve as a Volunteer in a Recreational Program if:
 - (1) the person would be barred from being present at a child care operation while children are in care under the Texas Administrative Code, Title 26, Part 1, Chapter 745 (Licensing); or
 - (2) The Director determines that, based on the criminal history and other relevant and credible information, the person poses a risk to the safety or health of Participants.
- (B) The Director may obtain a criminal history record of any employee or Volunteer working or applying to work in a Recreational Program.

PART 10. FACILITY OPERATION; PHYSICAL ENVIRONMENT.

- (A) The Department may not operate a Recreational Program at a Facility unless the Facility meets the following requirements:
 - (1) The Facility and equipment used in the Program do not present fire, health, or safety hazards and are kept free of refuse and debris;
 - (2) The Facility is inspected annually for safety by the Department;
 - (3) The Facility is kept free of insects, rodents, and stray animals;
 - (4) The Facility has clearly marked emergency exits;
 - (5) The Facility has a disaster and evacuation procedure posted in a visible location;

- (6) The Facility is used and maintained in accordance with the fire prevention requirements of Chapter 16 of the Code of Ordinances (Fire Prevention and Protection) and the fire chief's directives, including not fewer than four fire drills each year;
 - (7) First aid and infection control kit are kept at the Facility, including sufficient additional kits to be taken to other locations at which Participants engage in a Program activity;
 - (8) First aid guidelines are on file and visibly posted at the Facility, including: (a) cardio pulmonary resuscitation and rescue breathing sequence guidelines; (b) first aid review; and (c) emergency action plans; and
 - (9) The Facility has a sufficient number of restrooms that are equipped for independent use by children and that are designed to permit Staff supervision if necessary.
- (B) The Department shall maintain a campground or primitive Facility used for a Recreation Program in compliance with the requirements of Subsection (A) to the extent possible.
- (C) The Department shall maintain equipment used in the programs in good condition. Department Staff shall remove a defective tool, machinery, appliance, or other equipment and report the defective item to a supervisor. Unauthorized Staff may not repair defective equipment.

PART 11. PHYSICAL HEALTH STANDARDS.

- (A) A Staff member shall supervise a Participant who is ill or injured until a parent or other authorized adult removes the Participant from the Facility.
- (B) Staff shall keep a Participant whose illness or medical condition would compromise the health or safety of the others separate from the others until the child is removed from the Facility.
- (C) Staff shall call a Participant's parent or guardian if Participant has an oral temperature of 100.4 degrees Fahrenheit or greater, accompanied by behavior changes or other signs or symptoms of illness.
- (D) Staff may not admit or readmit a Participant whose illness or medical condition prevents the Participant from comfortably participating in program activities or places other Participants at risk to the Facility for the duration of the illness or condition.
- (E) In the case of an acute illness or injury to a Participant, Staff shall call for an emergency vehicle to transport the Participant to an authorized medical facility.

PART 12. MEDICATION STANDARDS.

- (A) A Staff member may not administer medication to a Participant without a parental medication authorization. Staff may not administer medication that is not in its original container or past the expiration date on the container.
- (B) A Staff member may not administer an injection or an amount of medication that is inconsistent with the prescribed dosage. A Staff member may administer an epinephrine auto-injector device if the Staff member has completed training approved by the Department.
- (C) A Staff member may not accept more than a daily supply of medication for a Participant and the member shall return the unused medication to the parent on at the end of the day.
- (D) Staff must keep medication in a locked and secured location that is not accessible by Participants.
- (E) A Staff member shall maintain a medication log that includes the name of the child to whom the medication is administered, the time the medication is dispensed, and the name of the person dispensing the medication.

PART 13. DISTRIBUTION OF STANDARDS.

- (A) The Department shall post and make available copies of the standards adopted in this Ordinance or by rules adopted under this Ordinance.
- (B) The Department shall inform parents or guardians of each Participant that the Recreational Programs are not licensed by the state. The programs may not be advertised as child-care facilities.

PART 14. ENFORCEMENT.

The Director or Designee shall monitor and enforce this Ordinance and the standards herein required by law.

June 13, 2024

Item No. 9.2.

Williams Creek Drive - Public Utility Easement Abandonment

Sponsor: Lucas Harper

Reviewed By CBC: N/A

Agenda Caption: Public Hearing, presentation, discussion, and possible action regarding an ordinance vacating and abandoning a 1,788 square foot portion of a 20-foot-wide public utility easement located over, across and upon Lot 35, Block 4 of the Williams Creek Lake Estates Subdivision Phase 4, College Station, Brazos County, Texas according to the final plat recorded in Volume 17508, Page 181 of the Official Public Records of Brazos County, Texas.

Relationship to Strategic Goals:

- Core Services and Infrastructure
- Diverse Growing Economy

Recommendation(s): Staff recommends approval of the abandonment.

Summary: The public utility easement abandonment is being requested by the applicant as a result of a desire to construct a retaining wall in close proximity to the lot line. The proposed site layout necessitates the wall to transition between elevations of the adjacent lots. The portion of the originally dedicated easement was not utilized by utilities and a 10-foot wide portion connecting the front and rear easements will remain in place if needed for future utility installation.

The public utility easement is located approximately 160 feet northwest of the intersection of Joe Will Drive with Williams Creek Drive, extending down the shared lot line of Lots 35 and 36, Block 4 of Williams Creek Lake Estates Subdivision Phase 4, also known as 4404 and 4402 Williams Creek Drive.

Budget & Financial Summary: N/A

Attachments:

1. Ordinance
2. Ordinance Exhibit A
3. Vicinity Map
4. Location map
5. Application

ORDINANCE NO. _____

AN ORDINANCE MAKING CERTAIN AFFIRMATIVE FINDINGS AND VACATING AND ABANDONING A 1,788 SQUARE FOOT PORTION OF A 20-FOOT WIDE PUBLIC UTILITY EASEMENT, SAID PORTION LYING OVER, ACROSS AND UPON LOT 35, BLOCK 4, OF WILLIAMS CREEK LAKE ESTATES SUBDIVISION PHASE 4, ACCORDING TO THE PLAT RECORDED IN VOLUME 17508, PAGE 181 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS.

WHEREAS, the City of College Station, Texas, has received an application for the vacation and abandonment of a 1,788 square foot portion of a 20-foot wide public utility easement, said portion lying over, across and upon Lot 35, Block 4, of Williams Creek Lake Estates Subdivision Phase 4, according to the plat recorded in Volume 17508, Page 181, of the Official Public Records of Brazos County, Texas, as described in **Exhibit “A”**, attached hereto (such portion hereinafter referred to as the “Public Utility Easement”); and

WHEREAS, in order for the Public Utility Easement to be vacated and abandoned by the City Council of the City of College Station, Texas, the City Council must make certain affirmative findings; now therefore,

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

PART 1: That after opening and closing a public hearing, the City Council finds the following pertaining to the vacating and abandoning of the Public Utility Easement described in **Exhibit “A”** attached hereto and made a part of this ordinance for all purposes.

1. Abandonment of the Public Utility Easement will not result in property that does not have access to public roadways or utilities.
2. There is no public need or use for the Public Utility Easement.
3. There is no anticipated future public need or use for the Public Utility Easement.
4. Abandonment of the Public Utility Easement will not impact access for all public utilities to serve current and future customers.

PART 2: That the Public Utility Easement as described in **Exhibit “A”** be abandoned and vacated by the City.

PASSED, ADOPTED and APPROVED this _____ day of _____, 20__.

ATTEST:

APPROVED:

City Secretary

Mayor

APPROVED:

City Attorney



Exhibit A

FIELD NOTES DESCRIPTION

OF A

PORTION OF A 20' WIDE PUBLIC UTILITY EASEMENT

TO BE ABANDONED

THOMAS CARUTHERS LEAGUE SURVEY, ABSTRACT 9

COLLEGE STATION, BRAZOS COUNTY, TEXAS

A FIELD NOTES DESCRIPTION OF A PORTION OF A 20' WIDE PUBLIC UTILITY EASEMENT IN THE THOMAS CARUTHERS LEAGUE SURVEY, ABSTRACT 9, IN COLLEGE STATION, BRAZOS COUNTY, TEXAS, BEING OVER, ACROSS AND UPON LOT 35, BLOCK 4 OF WILLIAMS CREEK LAKE ESTATES SUBDIVISION, PHASE 4, PLAT FILED IN VOLUME 17508, PAGE 181 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS (OPRBCT); SAID PORTION OF A 20' WIDE PUBLIC UTILITY EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" found in the southwest line of Williams Creek Drive (100' wide right-of-way, 17508/181 OPRBCT) and being the east corner of Lot 36, Block 4, of said Williams Creek Lake Estates Subdivision and also being the north corner of said Lot 35;

THENCE, with the common line of said Lot 35 and said Lot 36, **S 41° 41' 47" W**, for a distance of **35.00 feet** to the **POINT OF BEGINNING** hereof;

THENCE, across said Lot 35 for the following two (3) courses and distances:

- 1) **S 47° 39' 36" E**, for a distance of **10.00 feet** to a point for corner, from which the City of College Station Monument CS94-257 bears S 57° 37' 41" E, a distance of 8,953.74 feet;
- 2) **S 41° 41' 47" W**, for a distance of **178.70 feet** to a point for corner;
- 3) **N 48° 19' 35" W**, for a distance of **10.00 feet** to a point for corner on the common line of said Lot 36 and said Lot 35, from which a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" found on the northeast line of Lot 34, Block 4 of Williams Creek Lake Estates, Phase 2A, plat filed in Volume 17169, Page 115 (OPRBCT), for the south corner of said Lot 36 and the west corner of said Lot 35 bears S 41° 41' 47" W, a distance of 10.00 feet;

THENCE, with the common line of said Lot 36 and said Lot 35, **N 41° 41' 47" E**, for a distance of **178.82 feet** to the **POINT OF BEGINNING** hereof and containing **1,788 square feet**, more or less.

Surveyed on the ground February 2024 under my supervision. See plat prepared February 2024 for other information. The bearing basis for this survey is based on the Texas State Plane Coordinate System of 1983 (NAD83), Central Zone, Grid North as established from GPS observation using the Leica Smartnet NAD83 (NA2011) Epoch 2010 Multi-year CORS Solution 2 (MYCS2). Distances described herein are grid distances. To obtain surface distances (not surface areas) multiply by a combined scale factor of 1.00009502113816 (calculated using GEOID12B). Reference drawing: 24-115-EXHIBIT. REVISED 03/21/24: Corrected Vol/Pg of adjoining.

3/21/24

Michael Konetski

Registered Professional Land Surveyor No. 6531



**KERR
SURVEYING**

Kerr Surveying, LLC | 409 N. Texas Ave. Bryan, TX 77803

Office: (979) 268-3195 | Web: www.kerrlandsurveying.com

Surveys@kerrsurveying.net | TBPELS Firm No. 10018500

GENERAL NOTES

BEARING SYSTEM SHOWN HEREON IS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE (4203), GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION USING THE LEICA SMARTNET NAD83 (NA2011) EPOCH 2010 MULTI-YEAR CORS SOLUTION 2 (MYCS2).

DISTANCES SHOWN HEREON ARE GRID DISTANCES UNLESS OTHERWISE NOTED. AREAS SHOWN AS "MEASURED" HEREON ARE CALCULATED FROM GRID DISTANCES. TO OBTAIN SURFACE DISTANCES (NOT SURFACE AREAS) MULTIPLY BY A COMBINED SCALE FACTOR OF 1.00009502113816 (CALCULATED USING GEOID12B).

(CM) INDICATES CONTROLLING MONUMENT FOUND AND USED TO ESTABLISH PROPERTY BOUNDARIES.

THIS SURVEY PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. EASEMENTS AND OTHER MATTERS MAY APPLY.

THIS SURVEY REFLECTS THE BOUNDARY OF THE PROPERTY ONLY. ADDITIONAL IMPROVEMENTS MAY EXIST AND WERE NOT LOCATED AT THE TIME OF THIS SURVEY.

THIS PLAT WAS PREPARED IN CONJUNCTION WITH A FIELD NOTES DESCRIPTION (METES AND BOUNDS). THE PLAT AND FIELD NOTES ARE INTENDED TO BE ONE INSTRUMENT TOGETHER.

LEGEND:

OPRBCT = OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS

123/456 = VOLUME AND PAGE FROM PUBLIC COUNTY RECORDS

N/F = NOW OR FORMERLY

() = RECORD INFORMATION

WOOD FENCE

METAL OR PIPE FENCE

1/2 INCH IRON ROD WITH BLUE PLASTIC CAP STAMPED "KERR SURVEYING" FOUND (CM)

N/F
MAGRUDER HOMES, LP
(18902/87, OPRBCT)
LOT 34, BLOCK 4
WILLIAMS CREEK LAKE ESTATES, PHASE 2A
(17169/115 OPRBCT)

N/F
ARNOLD VEDLITZ AND KAREN THOMASON
(17588/234 OPRBCT)
LOT 36, BLOCK 4
WILLIAMS CREEK LAKE ESTATES
SUBDIVISION, PHASE 4
(17508/181 OPRBCT)

**PORTION OF 20' WIDE
PUBLIC UTILITY EASEMENT
(~1,788 SQUARE FEET)**

POINT OF COMMENCEMENT
1/2 INCH IRON ROD WITH BLUE PLASTIC CAP
STAMPED "KERR SURVEYING" FOUND (CM)

**POINT OF
BEGINNING**

S 41°41'47" W
35.00'

N 41°41'47" E 178.82'
S 41°41'47" W 178.70'

20' PUBLIC UTILITY EASEMENT
(17508/181 OPRBCT)

10' PUBLIC UTILITY EASEMENT
(17508/181 OPRBCT)

REVISED 02/12/2024
ADDED OWNERSHIP INFORMATION.
ADDED CITY OF COLLEGE STATION MONUMENT TIE.

REVISED 03/21/2024
CORRECTED VOL/PAGE OF ADJOINERS

LINE	BEARING	DISTANCE
L1	S 47°39'36" E	10.00'
L2	N 48°19'35" W	10.00'
L3	S 41°41'47" W	10.00'

SURVEYOR'S CERTIFICATE:

I, MICHAEL KONETSKI, R.P.L.S. NO. 6531, DO HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS MANUAL OF PRACTICE REQUIREMENTS FOR A CATEGORY 1B, CONDITION 3, STANDARD LAND SURVEY AS MADE ON THE GROUND UNDER MY SUPERVISION.

MICHAEL KONETSKI
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6531



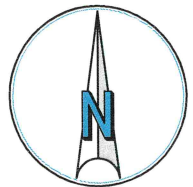
TSPS STANDARD LAND SURVEY PLAT OF A

PORTION OF A 20' WIDE PUBLIC UTILITY EASEMENT
TO BE ABANDONED
ACROSS LOT 35, BLOCK 4
WILLIAMS CREEK LAKE ESTATES SUBDIVISION, PHASE 4
VOLUME 17508, PAGE 181 OPRBCT
THOMAS CARUTHERS LEAGUE SURVEY, ABSTRACT 9
COLLEGE STATION, BRAZOS COUNTY, TEXAS



"When one person stands
to gain over another, the
facts must be uncovered"

SCALE: 1 INCH = 30 FEET
SURVEY DATE: 02-02-2024 | PLAT DATE: 02-08-2024
JOB NUMBER: 24-115 | CAD NAME: 24-118-EXHIBIT
POINT FILE: WILLIAMS CREEK LAKE
DRAWN BY: MS CHECKED BY: MK
PREPARED BY: KERR SURVEYING, LLC
TBPELS FIRM#10018500
409 N. TEXAS AVENUE, BRYAN, TEXAS 77803
PHONE: (979) 268-3195
SURVEYS@KERRSURVEYING.NET | KERRLANDSURVEYING.COM



SCALE: 1" = 30'

VICINITY MAP



ABANDONMENT OF PUE
ABAN2024-000001



ROBCON WAY

WILLIAMS LAKE DRIVE

SELBY COURT

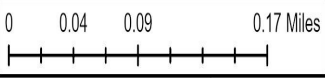
JOE WILL DRIVE

JOE WILL COURT

WILLIAM D FITCH PARKWAY

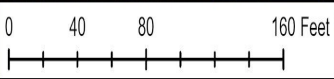
WILLIAMS CREEK DRIVE

ROCK PRAIRIE ROAD



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. No warranty is made by the City of College Station regarding specific accuracy or completeness.

LOCATION MAP



This product is for informational purposes and may not have been prepared for or be suitable for legal, engineering, or surveying purposes. It does not represent an on-the-ground survey and represents only the approximate relative location of property boundaries. No warranty is made by the City of Coleraine Station regarding specific accuracy or completeness.

FOR OFFICE USE ONLY

CASE NO.: _____
 DATE SUBMITTED: _____
 TIME: _____
 STAFF: _____

ABANDONMENT OF PUBLIC RIGHT-OF-WAY/EASEMENT APPLICATION

MINIMUM SUBMITTAL REQUIREMENTS:

- ☐ Abandonment of Public Right-of-Way/Easement Application Fee. (Refer to the Planning and Development Fee Schedule for all applicable fees)
- ☐ Application completed in full. This application form provided by the City of College Station must be used and may not be adjusted or altered. Please attach pages if additional information is provided.
- ☐ All exhibits processed (except for Exhibit No. 4, which will be processed by staff).
- ☐ Title report for property current within ninety (90) days or accompanied by a Nothing Further Certificate current within ninety (90) days. The report must include applicable information such as ownership, liens, encumbrances, etc.
- ☐ For unplatted property, a signed, sealed and dated metes and bounds description and a diagram of the property showing the location of the abandonment.
- ☐ For platted property, a copy of the plat showing the lot, block, subdivision, and recording information.

LOCATION OF RIGHT-OF-WAY/EASEMENT TO BE ABANDONED (include legal description):

4404 Williams Creek Drive, College Station, Texas 77845
Williams Creek Lake Estates
Lot: 35, Block 4, Phase 4, College Station, Texas 77845

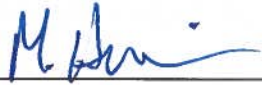
APPLICANT/PROJECT MANAGER'S INFORMATION (Primary contact for the project):

Name Nic Priem E-mail npriem@brazosheritage.com
 Street Address 5924 Rain Meadow Drive
 City College Station State Texas Zip Code 77845
 Phone Number 979-716-8466 Fax Number N/A

PROPERTY OWNER'S INFORMATION (ALL owners must be identified. Please attach an additional sheet for multiple owners):

Name Mike Hussein E-mail hhussein01@gmail.com
 Street Address: 1018 Muirfield Village
 City College Station State Texas Zip Code 77845
 Phone Number 716-876-7866 Fax Number N/A

The applicant has prepared this application and certifies that the facts stated herein and exhibits attached hereto are true and correct. IF THIS APPLICATION IS FILED BY ANYONE OTHER THAN THE OWNER OF THE PROPERTY, this application must be accompanied by a power of attorney statement of the owner. If there is more than one owner, all owners must sign the application or power of attorney. If the owner is a company, the application must be accompanied by proof of authority for the company's representative to sign the application on its behalf.


 Signature and title

3-1-24
 Date

TO THE MAYOR AND CITY COUNCIL OF THE CITY OF COLLEGE STATION:

The undersigned hereby makes application for the abandonment of that portion of the above right-of-way particularly described in Exhibit No. 1, attached. In support of this application, the undersigned represents and warrants the following:

1. The undersigned will hold the City of College Station harmless, and indemnify it against all suits, costs, expenses, and damages that may arise or grow out of such abandonment.
2. Attached, marked Exhibit No. 1, is a sealed metes and bounds description of the area sought to be abandoned, prepared by a Registered Public Surveyor.
3. Attached, marked Exhibit No. 2, is a copy of a plat or detailed sketch of that portion of the public right-of-way/easement sought to be abandoned and the surrounding area to the nearest streets in all directions, showing the abutting lots and block, and the subdivision in which the above described right-of-way/easement is situated, together with the record owners of such lots.
4. Attached, marked Exhibit No. 3, is the consent of all public utilities to the abandonment.
5. Attached, marked Exhibit No. 4, is the consent of the City of College Station staff to the abandonment.
6. Attached, marked Exhibit No. 5, is the consent of all the abutting property owners, except the following: (if none, so state)

Name Arnold Vedlitz & Karen Thomason E-mail avedlitz@tamu.edu

Street Address 4402 Williams Creek Drive

City College Station State Texas Zip Code 77845

Reason consent was not obtained: Consent was sent but not obtained

If objecting, points of objection:

Unknown

Name _____ E-mail _____

Street Address _____

City _____ State _____ Zip Code _____

Reason consent was not obtained: _____

If objecting, points of objection:

Name _____ E-mail _____

Street Address _____

City _____ State _____ Zip Code _____

Reason consent was not obtained: _____

If objecting, points of objection:

7. That the abandonment will not result in property that does not have access to public roadways or utilities because:
Access not being changed.
8. That there is no current public need or use for the easement or right-of-way because:
No current utilities.
9. That there is no anticipated future public need or use for the easement or right-of-way because:
All utility companies do not require easement access and no future plans for utilities.
10. That all public utilities have access to serve current and future customers because:
All utilities run to the south and east of the property thus allowing access.
11. Such public right-of-way/easement has been and is being used as follows:
Not being used for anything.

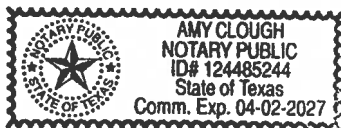
I swear that all of the information contained in this application is true and correct to the best of my knowledge and belief.

M. Hussein
Signature and title

3-1-24
Date

STATE OF TEXAS §
COUNTY OF BRAZOS § ACKNOWLEDGEMENT
 §

Subscribed and sworn to before me, a Notary Public, this 1st day of March, 2024 by Mike Hussein



Amy Clough
Notary Public in and for
the State of Texas

Application for Abandonment of
a Public Right-of-Way/Easement

Location: 4404 Williams Creek Drive, C.S., Texas 77845

EXHIBIT NO. 1

Attached is a sealed copy of the metes and bounds description of the public right-of-way/easement situated in

4404 Williams Creek Drive, College Station, Texas 77845

Addition/Subdivision to the City of College Station, Brazos County, Texas, sought to be abandoned.



**FIELD NOTES DESCRIPTION
OF A
PORTION OF A 20' WIDE PUBLIC UTILITY EASEMENT
TO BE ABANDONED
THOMAS CARUTHERS LEAGUE SURVEY, ABSTRACT 9
COLLEGE STATION, BRAZOS COUNTY, TEXAS**

A FIELD NOTES DESCRIPTION OF A PORTION OF A 20' WIDE PUBLIC UTILITY EASEMENT IN THE THOMAS CARUTHERS LEAGUE SURVEY, ABSTRACT 9, IN COLLEGE STATION, BRAZOS COUNTY, TEXAS, BEING OVER, ACROSS AND UPON LOT 35, BLOCK 4 OF WILLIAMS CREEK LAKE ESTATES SUBDIVISION, PHASE 4, PLAT FILED IN VOLUME 17508, PAGE 181 OF THE OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS (OPRBCT); SAID PORTION OF A 20' WIDE PUBLIC UTILITY EASEMENT BEING MORE PARTICULARLY DESCRIBED BY METES AND BOUNDS AS FOLLOWS:

COMMENCING at a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" found in the southwest line of Williams Creek Drive (100' wide right-of-way, 17508/181 OPRBCT) and being the east corner of Lot 36, Block 4, of said Williams Creek Lake Estates Subdivision and also being the north corner of said Lot 35;

THENCE, with the common line of said Lot 35 and said Lot 36, **S 41° 41' 47" W**, for a distance of **35.00 feet** to the **POINT OF BEGINNING** hereof;

THENCE, across said Lot 35 for the following two (3) courses and distances:

- 1) **S 47° 39' 36" E**, for a distance of **10.00 feet** to a point for corner, from which the City of College Station Monument CS94-257 bears S 57° 37' 41" E, a distance of 8,953.74 feet;
- 2) **S 41° 41' 47" W**, for a distance of **178.70 feet** to a point for corner;
- 3) **N 48° 19' 35" W**, for a distance of **10.00 feet** to a point for corner on the common line of said Lot 36 and said Lot 35, from which a 1/2 inch iron rod with a blue plastic cap stamped "KERR SURVEYING" found on the northeast line of Lot 34, Block 4 of Williams Creek Lake Estates, Phase 2A, plat filed in Volume 17169, Page 115 (OPRBCT), for the south corner of said Lot 36 and the west corner of said Lot 35 bears S 41° 41' 47" W, a distance of 10.00 feet;

THENCE, with the common line of said Lot 36 and said Lot 35, **N 41° 41' 47" E**, for a distance of **178.82 feet** to the **POINT OF BEGINNING** hereof and containing **1,788 square feet**, more or less.

Surveyed on the ground February 2024 under my supervision. See plat prepared February 2024 for other information. The bearing basis for this survey is based on the Texas State Plane Coordinate System of 1983 (NAD83), Central Zone, Grid North as established from GPS observation using the Leica Smartnet NAD83 (NA2011) Epoch 2010 Multi-year CORS Solution 2 (MYCS2). Distances described herein are grid distances. To obtain surface distances (not surface areas) multiply by a combined scale factor of 1.00009502113816 (calculated using GEOID12B). Reference drawing: 24-115-EXHIBIT. REVISED 03/21/24: Corrected Vol/Pg of adjoining.

3/21/24

Michael Konetski

Registered Professional Land Surveyor No. 6531



**KERR
SURVEYING**

Kerr Surveying, LLC | 409 N. Texas Ave. Bryan, TX 77803

Office: (979) 268-3195 | Web: www.kerrlandsurveying.com

Surveys@kerrsurveying.net | TBPELS Firm No. 10018500

Application for Abandonment of
a Public Right-of-Way/Easement

Location: 4404 Williams Creek Drive, C.S., Texas 77845

EXHIBIT NO. 2

Attached is a copy of a plat or detailed sketch of the public right-of-way/easement sought to be abandoned in the above-mentioned application, showing the surrounding area to the nearest streets in all directions, abutting lots, the block or blocks in which the portion of the public right-of-way/easement sought to be vacated is situated, and the addition or subdivision in which the portion of the public right-of-way/easement sought to be abandoned is situated. Also, the names of record owners of the abutting lots are shown.

GENERAL NOTES

BEARING SYSTEM SHOWN HEREON IS BASED ON THE TEXAS COORDINATE SYSTEM OF 1983, CENTRAL ZONE (4203), GRID NORTH AS ESTABLISHED FROM GPS OBSERVATION USING THE LEICA SMARTNET NAD83 (NA2011) EPOCH 2010 MULTI-YEAR CORS SOLUTION 2 (MYCS2).

DISTANCES SHOWN HEREON ARE GRID DISTANCES UNLESS OTHERWISE NOTED. AREAS SHOWN AS "MEASURED" HEREON ARE CALCULATED FROM GRID DISTANCES. TO OBTAIN SURFACE DISTANCES (NOT SURFACE AREAS) MULTIPLY BY A COMBINED SCALE FACTOR OF 1.00009502113816 (CALCULATED USING GEOID12B).

(CM) INDICATES CONTROLLING MONUMENT FOUND AND USED TO ESTABLISH PROPERTY BOUNDARIES.

THIS SURVEY PLAT WAS PREPARED WITHOUT THE BENEFIT OF A TITLE COMMITMENT. EASEMENTS AND OTHER MATTERS MAY APPLY.

THIS SURVEY REFLECTS THE BOUNDARY OF THE PROPERTY ONLY. ADDITIONAL IMPROVEMENTS MAY EXIST AND WERE NOT LOCATED AT THE TIME OF THIS SURVEY.

THIS PLAT WAS PREPARED IN CONJUNCTION WITH A FIELD NOTES DESCRIPTION (METES AND BOUNDS). THE PLAT AND FIELD NOTES ARE INTENDED TO BE ONE INSTRUMENT TOGETHER.

LEGEND:

OPRBCT = OFFICIAL PUBLIC RECORDS OF BRAZOS COUNTY, TEXAS

123/456 = VOLUME AND PAGE FROM PUBLIC COUNTY RECORDS

N/F = NOW OR FORMERLY

() = RECORD INFORMATION

WOOD FENCE

METAL OR PIPE FENCE

1/2 INCH IRON ROD WITH BLUE PLASTIC CAP STAMPED "KERR SURVEYING" FOUND (CM)

N/F
MAGRUDER HOMES, LP
(18902/87, OPRBCT)
LOT 34, BLOCK 4
WILLIAMS CREEK LAKE ESTATES, PHASE 2A
(17169/115 OPRBCT)

N/F
ARNOLD VEDLITZ AND KAREN THOMASON
(17588/234 OPRBCT)
LOT 36, BLOCK 4
WILLIAMS CREEK LAKE ESTATES
SUBDIVISION, PHASE 4
(17508/181 OPRBCT)

**PORTION OF 20' WIDE
PUBLIC UTILITY EASEMENT
(~1,788 SQUARE FEET)**

POINT OF COMMENCEMENT
1/2 INCH IRON ROD WITH BLUE PLASTIC CAP
STAMPED "KERR SURVEYING" FOUND (CM)

**POINT OF
BEGINNING**

S 41°41'47" W
35.00'

N 41°41'47" E 178.82'
S 41°41'47" W 178.70'

20' PUBLIC UTILITY EASEMENT
(17508/181 OPRBCT)

10' PUBLIC UTILITY EASEMENT
(17508/181 OPRBCT)

REVISED 02/12/2024
ADDED OWNERSHIP INFORMATION.
ADDED CITY OF COLLEGE STATION MONUMENT TIE.

REVISED 03/21/2024
CORRECTED VOL/PAGE OF ADJOINERS

LINE	BEARING	DISTANCE
L1	S 47°39'36" E	10.00'
L2	N 48°19'35" W	10.00'
L3	S 41°41'47" W	10.00'

SURVEYOR'S CERTIFICATE:

I, MICHAEL KONETSKI, R.P.L.S. NO. 6531, DO HEREBY CERTIFY THAT THIS SURVEY SUBSTANTIALLY COMPLIES WITH THE CURRENT TEXAS SOCIETY OF PROFESSIONAL SURVEYORS MANUAL OF PRACTICE REQUIREMENTS FOR A CATEGORY 1B, CONDITION 3, STANDARD LAND SURVEY AS MADE ON THE GROUND UNDER MY SUPERVISION.

MICHAEL KONETSKI
REGISTERED PROFESSIONAL
LAND SURVEYOR NO. 6531



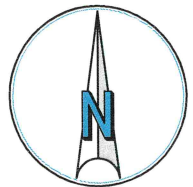
TSPS STANDARD LAND SURVEY PLAT OF A

PORTION OF A 20' WIDE PUBLIC UTILITY EASEMENT
TO BE ABANDONED
ACROSS LOT 35, BLOCK 4
WILLIAMS CREEK LAKE ESTATES SUBDIVISION, PHASE 4
VOLUME 17508, PAGE 181 OPRBCT
THOMAS CARUTHERS LEAGUE SURVEY, ABSTRACT 9
COLLEGE STATION, BRAZOS COUNTY, TEXAS



"When one person stands
to gain over another, the
facts must be uncovered"

SCALE: 1 INCH = 30 FEET
SURVEY DATE: 02-02-2024 | PLAT DATE: 02-08-2024
JOB NUMBER: 24-115 | CAD NAME: 24-118-EXHIBIT
POINT FILE: WILLIAMS CREEK LAKE
DRAWN BY: MS CHECKED BY: MK
PREPARED BY: KERR SURVEYING, LLC
TBPELS FIRM#10018500
409 N. TEXAS AVENUE, BRYAN, TEXAS 77803
PHONE: (979) 268-3195
SURVEYS@KERRSURVEYING.NET | KERRLANDSURVEYING.COM



SCALE: 1" = 30'

Application for Abandonment of
a Public Right-of-Way/Easement
Location: 4404 Williams Creek Drive

EXHIBIT NO. 3

The undersigned public utility companies, using or entitled to use, under the terms and provisions of our respective franchises with the City of College Station, that portion of the public right-of-way/utility easement sought to be abandoned in the Application for Abandonment above referred to, do hereby consent to the abandonment of the described portion thereof.

ATMOS ENERGY

By: Rory LaMont
Title: Engineer

VERIZON TELEPHONE COMPANY

By: _____
Title: _____

SUDDENLINK COMMUNICATIONS

By: _____
Title: _____

BRYAN TEXAS UTILITIES

By: _____
Title: _____

Application for Abandonment of
a Public Right-of-Way/Easement

Location: 4404 Williams Creek Drive, C.S., Texas 77845

EXHIBIT NO. 3

The undersigned public utility companies, using or entitled to use, under the terms and provisions of our respective franchises with the City of College Station, that portion of the public right-of-way/utility easement sought to be abandoned in the Application for Abandonment above referred to, do hereby consent to the abandonment of the described portion thereof.

ATMOS ENERGY

By: _____
Title: _____

Frontier
~~VERIZON~~ TELEPHONE COMPANY

By: Michael R. Zweinermann
Title: OSP Engineer

SUDDENLINK COMMUNICATIONS

By: _____
Title: _____

BRYAN TEXAS UTILITIES

By: _____
Title: _____

Application for Abandonment of
a Public Right-of-Way/Easement
Location: 4404 Williams Creek Drive, C.S., Texas 77845

EXHIBIT NO. 3

The undersigned public utility companies, using or entitled to use, under the terms and provisions of our respective franchises with the City of College Station, that portion of the public right-of-way/utility easement sought to be abandoned in the Application for Abandonment above referred to, do hereby consent to the abandonment of the described portion thereof.

ATMOS ENERGY

By: _____
Title: _____

VERIZON TELEPHONE COMPANY

By: _____
Title: _____

SUDDENLINK COMMUNICATIONS

By: 
Title: Sr. Supervisor CPS - Construction
1.9.2024

BRYAN TEXAS UTILITIES

By: _____
Title: _____

Application for Abandonment of
a Public Right-of-Way/Easement

Location: 4404 Williams Creek Drive, C.S., Texas 77845

EXHIBIT NO. 3

The undersigned public utility companies, using or entitled to use, under the terms and provisions of our respective franchises with the City of College Station, that portion of the public right-of-way/utility easement sought to be abandoned in the Application for Abandonment above referred to, do hereby consent to the abandonment of the described portion thereof.

ATMOS ENERGY

By: _____

Title: _____

VERIZON TELEPHONE COMPANY

By: _____

Title: _____

SUDDENLINK COMMUNICATIONS

By: _____

Title: _____

BRYAN TEXAS UTILITIES

By: Eric Armke 

Title: Distribution Engineer

Application for Abandonment of a Public Right-of-Way / Easement

Location: 4404 Williams Creek Dr College Station TX 77845

EXHIBIT NO.4

The undersigned, City staff of the City of College Station, certify that they have carefully considered the Application for Abandonment of the public right-of-way/easement referred to above the standpoint of City of College Station ordinances and with respect to recent and future needs of the City of College Station and see no objection to the requested abandonment from the City's standpoint.

X 

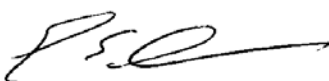
City Engineer
City of College Station

X 

Building Official
City of College Station

X 

Zoning Official
City of College Station

X 

Fire Marshal
City of College Station

X 

Electric Department
City of College Station

X 

Water Services Department
City of College Station

X 

Public Works Director
City of College Station

Application for Abandonment of
a Public Right-of-Way/Easement

Location: 4404 Williams Creek Drive, C.S., Texas 77845

EXHIBIT NO. 5

The undersigned, owners of property abutting upon that portion of the public right-of-way/easement named and described in the Application for Abandonment of a Public Right-of-Way/Easement referred to above, do hereby consent to such abandonment.

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____

NAME: _____

ADDRESS: _____

June 13, 2024
Item No. 9.3.
LCWWTP Change Order #10 Project Closeout

Sponsor: Jennifer Cain, Director Capital Projects

Reviewed By CBC: City Council

Agenda Caption: Presentation, discussion, and possible action on Deductive Change Order No. 10 for a credit in the amount of \$802,227 for the Lick Creek WWTP Capacity Expansion construction contract with CSA Construction, Inc.

Relationship to Strategic Goals:

Core Services and Infrastructure

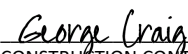
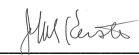
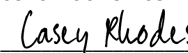
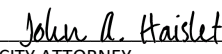
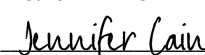
Recommendation(s): Staff recommends approval.

Summary: This deductive change order is a credit that reconciles the final quantities of the contract and credits to the City for additional engineering costs incurred on the project. This will close out the construction contract.

Budget & Financial Summary: A budget of \$39,908,000 is included in the Wastewater Capital Improvements Projects Fund. A total of \$39,423,766 has been expended to date. The proposed deductive change order will reduce the committed amount by \$802,227.

Attachments:

1. LCWWTP Change Order 10 Signed

CHANGE ORDER NO. 10		Contract No. 19300348					
P.O.#: 19202649		PROJECT: Lick Creek Wastewater Treatment Plant Capacity Expansion					
		RFP 19-001					
OWNER:		CONTRACTOR:					
City of College Station		CSA Construction, Inc.					
P.O. Box 9960		2314 McAllister Road					
College Station, Texas 77842		Houston, TX 77092					
		Ph: 713-686-8868					
		Fax: 713-686-8889					
PURPOSE OF THIS CHANGE ORDER:							
This change order closes out the construction contract with CSA. It reconciles final quantities for unused and partially used line items. It also offsets additional engineering costs paid to Freese and Nichols in design change orders 4 and 6, listed as actual damages below.							
ITEM NO	UNIT	DESCRIPTION	UNIT PRICE	ORIGINAL QUANTITY	REVISED QUANTITY	ADDED COST	
	2050	Additional Structural Backfill	\$ 30.00	10000	0	\$ (300,000.00)	
	2040	Additional Structural Excavation	\$ 110,000.00	0.02	0	\$ (2,498.00)	
	2060	Additional Flowable fill	\$ 125.00	200	0	\$ (25,000.00)	
	2010	Additional Sidewalk	\$ 70.00	600	292	\$ (21,560.00)	
	2030	Additional Flexbase	\$ 70.00	300	168	\$ (9,240.00)	
	2070	Additional Sludge Removal	\$ 250.00	400	96	\$ (76,000.00)	
		Actual Damages - Engineering Costs	\$ 367,929.00	1	0	\$ (367,929.00)	
						\$ -	
						\$ -	
					TOTAL	\$ (802,227.00)	
THE NET AFFECT OF THIS CHANGE ORDER IS A -1.1% DECREASE.							
ALL ITEMS (WW1945495 / SPWOC - 6591)			\$ (802,227.00)				
TOTAL CHANGE ORDER			\$ (802,227.00)				
ORIGINAL CONTRACT AMOUNT			\$34,037,500.00				
CHANGE ORDER NO. 1			\$29,189.00		0.09%		
CHANGE ORDER NO. 2			\$26,106.00		0.08%		
CHANGE ORDER NO. 3			\$132,489.00		0.39%		
CHANGE ORDER NO. 4			\$50,789.00		0.15%		
CHANGE ORDER NO. 5			\$35,822.00		0.11%		
CHANGE ORDER NO. 6			\$33,803.00		0.10%		
CHANGE ORDER NO. 7			\$7,803.00		0.02%		
CHANGE ORDER NO. 8			\$119,873.00		0.35%		
CHANGE ORDER NO. 9			\$0.00		0.00%		
CHANGE ORDER NO. 10			-\$802,227.00		-2.36%		
REVISED CONTRACT AMOUNT			\$33,671,147.00		-1.08% TOTAL CHANGE		
ORIGINAL CONTRACT TIME			900		Days		
TIME EXTENSION NO. 1			0		Days		
TIME EXTENSION NO. 2			3		Days		
TIME EXTENSION NO. 3			0		Days		
TIME EXTENSION NO. 4			75		Days		
TIME EXTENSION NO. 5			85		Days		
TIME EXTENSION NO. 6			104		Days		
TIME EXTENSION NO. 7			96		Days		
TIME EXTENSION NO. 8			99		Days		
REVISED CONTRACT TIME			1362		Days		
SUBSTANTIAL COMPLETION DATE			September 24, 2021				
REVISED SUBSTANTIAL COMPLETION DATE			December 30, 2022				
APPROVED							
		5/8/2024				5/13/2024	
CONSTRUCTION CONTRACTOR		Date		CHIEF FINANCIAL OFFICER		Date	
		5/13/2024				5/13/2024	
PROJECT MANAGER		Date		CITY ATTORNEY		Date	
		5/13/2024					
DEPARTMENT DIRECTOR		Date		CITY MANAGER		Date	

June 13, 2024

Item No. 12.1.

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