



# College Station, TX

City Hall  
1101 Texas Ave  
College Station, TX 77840

## Meeting Agenda - Final

### City Council Workshop

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**Thursday, March 28, 2019**

**4:00 PM**

**City Hall Council Chambers**

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1. Call meeting to order.
2. Executive Session will be held in the Administrative Conference Room.

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

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

#### Litigation

- a. Kathryn A. Stever-Harper as Executrix for the Estate of John Wesley Harper v. City of College Station and Judy Meeks; No. 15,977-PC in the County Court No. 1, Brazos County, Texas
- b. McCrory Investments II, LLC d/b/a Southwest Stor Mor v. City of College Station; Cause No. 17-000914-CV-361; In the 361st District Court, Brazos County, Texas
- c. City of College Station v. Gerry Saum, Individually, and as Independent Executrix of the Estate of Susan M. Wood, Deceased; Cause No. 17-002742-CV-361; In the 361st District Court, Brazos County, Texas
- d. Carrie McIver v. City of College Station; Cause No. 18-003271-CV-85; In the 85th District Court, Brazos County, Texas

#### Personnel {Gov't Code Section 551.074};

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

- a. Council Self Evaluation
- b. City Manager

**5:00 p.m.**

3. Take action, if any, on Executive Session.
4. Presentation, discussion, and possible action on items listed on the consent agenda.
5. [19-0124](#) Presentation, discussion, and possible action regarding an annual report on the activities of the Historic Preservation Committee.

**Sponsors:** Schmitz

6. [19-0107](#) Presentation, discussion, and possible action on an ordinance amending Chapter 8, "Business," Article VII, "Secondhand Dealers," of the Code of Ordinances relating to secondhand dealers.

**Sponsors:** Couch

**Attachments:** [City of College Station Ordinance Ch 8 Bus Art VII SecondHand Ord 2-23-19](#)

7. [19-0122](#) Presentation, discussion, and possible action regarding recommendations related to the Neighborhood Conservation Overlay zoning district and its associated standards and processes.

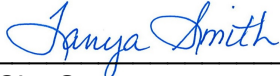
**Sponsors:** Prochazka

8. Council Calendar - Council may discuss upcoming events.
9. Discussion, review, and possible action regarding the following meetings: Animal Shelter Board, Annexation Task Force, Arts Council of Brazos Valley, Architectural Advisory Committee, Arts Council Sub-committee, Audit Committee, Bicycle, Pedestrian, and Greenways Advisory Board, Bio-Corridor Board of Adjustments, Blinn College Brazos Valley Advisory Committee, 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, Compensation and Benefits Committee, Experience Bryan-College Station, Design Review Board, Economic Development Committee, FBT/Texas Aggies Go to War, 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, 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 Economic Development, TAMU Student Senate, Texas Municipal League, Twin City Endowment, Walk with the Mayor, YMCA, Youth Advisory Council, Zoning Board of Adjustments, (Notice of Agendas posted on City Hall bulletin board).
10. Adjourn.

The City Council may adjourn into Executive Session to consider any item listed on this

agenda if a matter is raised that is appropriate for Executive Session discussion. An announcement will be made of the basis for the Executive Session discussion.

I certify that the above Notice of Meeting was posted at College Station City Hall, 1101 Texas Avenue, College Station, Texas, on March 22, 2019 at 5:00 p.m.



City Secretary

This building is wheelchair accessible. Persons with disabilities who plan to attend this meeting and who may need accommodations, auxiliary aids, or services such as interpreters, readers, or large print are asked to contact the City Secretary's Office at (979) 764-3541, TDD at 1-800-735-2989, or email [adaassistance@cstx.gov](mailto:adaassistance@cstx.gov) at least two business days prior to the meeting so that appropriate arrangements can be made. If the City does not receive notification at least two business days prior to the meeting, the City will make a reasonable attempt to provide the necessary accommodations.

**Penal Code § 30.07. Trespass by License Holder with an Openly Carried Handgun.**

"Pursuant to Section 30.07, Penal Code (Trespass by License Holder with an Openly Carried Handgun) A Person Licensed under Subchapter H, Chapter 411, Government Code (Handgun Licensing Law), may not enter this Property with a Handgun that is Carried Openly."

**Codigo Penal § 30.07. Traspasar Portando Armas de Mano al Aire Libre con Licencia.**

"Conforme a la Seccion 30.07 del codigo penal (traspasar portando armas de mano al aire libre con licencia), personas con licencia bajo del Sub-Capitulo H, Capitulo 411, Codigo de Gobierno (Ley de licencias de arma de mano), no deben entrar a esta propiedad portando arma de mano al aire libre."



Legislation Details (With Text)

|                       |  |                      |   |                      |  |
|-----------------------|--|----------------------|---|----------------------|--|
| <b>File #:</b>        | 19-0124  | <b>Version:</b>      | 1 | <b>Name:</b>         | Annual report on the activities of the Historic Preservation Committee |
| <b>Type:</b>          | Report   | <b>Status:</b>       |   | <b>Status:</b>       | Agenda Ready   |
| <b>File created:</b>  | 3/11/2019  | <b>In control:</b>   |   | <b>In control:</b>   | City Council Workshop  |
| <b>On agenda:</b>     | 3/28/2019  | <b>Final action:</b> |   | <b>Final action:</b> |  |
| <b>Title:</b>         | Presentation, discussion, and possible action regarding an annual report on the activities of the Historic Preservation Committee. |                      |   |                      |  |
| <b>Sponsors:</b>      | David Schmitz  |                      |   |                      |  |
| <b>Indexes:</b>       |  |                      |   |                      |  |
| <b>Code sections:</b> |  |                      |   |                      |  |
| <b>Attachments:</b>   |  |                      |   |                      |  |

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Presentation, discussion, and possible action regarding an annual report on the activities of the Historic Preservation Committee.

Relationship to Strategic Goals: (Select all that apply)

- Good Governance

Recommendation(s): Received the report from the Chairperson of the HPC and provide feedback on activities.

Summary: Annual report from the Historic Preservation Committee.

Budget & Financial Summary: None

Attachments: None



## Legislation Details (With Text)

**File #:** 19-0107      **Version:** 1      **Name:** Secondhand Dealer Ordinance amendment  
**Type:** Presentation      **Status:** Agenda Ready  
**File created:** 3/6/2019      **In control:** City Council Workshop  
**On agenda:** 3/28/2019      **Final action:**  
**Title:** Presentation, discussion, and possible action on an ordinance amending Chapter 8, "Business," Article VII, "Secondhand Dealers," of the Code of Ordinances relating to secondhand dealers.  
**Sponsors:** Billy Couch  
**Indexes:**  
**Code sections:**  
**Attachments:** [City of College Station Ordinance Ch 8 Bus Art VII SecondHand Ord 2-23-19](#)

| Date | Ver. | Action By | Action | Result |
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Presentation, discussion, and possible action on an ordinance amending Chapter 8, "Business," Article VII, "Secondhand Dealers," of the Code of Ordinances relating to secondhand dealers.

### Relationship to Strategic Goals:

- Good Governance
- Neighborhood Integrity
- Sustainable City

Recommendation(s): Staff recommends receiving the information and providing feedback regarding amendments to Chapter 8, "Business," Article VII, "Secondhand Dealers".

Summary: The purpose of the proposed modification is to strengthen the consistency of record keeping among "secondhand dealers." The proposed ordinance modifications would strengthen the likelihood of interdicting stolen property, therefore, reducing victimization and making the City of College Station a safer place to live and visit.

Budget & Financial Summary: N/A

Attachments:  
Draft Ordinance

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE AMENDING CHAPTER 8, “BUSINESS,” ARTICLE VII, “SECONDHAND DEALERS,” OF THE CODE OF ORDINANCES OF THE CITY OF COLLEGE STATION, TEXAS, BY AMENDING CERTAIN SECTIONS RELATING TO SECONDHAND DEALER RECORD KEEPING; 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 Chapter 8, “Business,” Article VII, “Secondhand Dealers” of the Code of Ordinances of the City of College Station, Texas, be amended as set out in **Exhibit “A”** attached hereto and made a part of this Ordinance for all purposes.

**PART 2:** If any provision of this Ordinance or its application to any person or circumstances is held invalid or unconstitutional, the invalidity or unconstitutionality does not affect other provisions or application of this Ordinance or the Code of Ordinances of the City of College Station, Texas, that can be given effect without the invalid or unconstitutional provision or application, and to this end the provisions of this Ordinance are severable.

**PART 3:** That any person, corporation, organization, government, governmental subdivision or agency, business trust, estate, trust, partnership, association and any other legal entity violating any of the provisions of this Ordinance shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punishable by a fine of not less than twenty five dollars (\$25.00) and not more than five hundred dollars (\$500.00) or more than two thousand dollars (\$2,000) for a violation of fire safety, zoning, or public health and sanitation ordinances, other than the dumping of refuse. Each day such violation shall continue or be permitted to continue, shall be deemed a separate offense.

**PART 4:** This Ordinance is a penal ordinance and becomes effective thirty (30) days after its date of passage by the City Council, as provided by City of College Station Charter Section 35.

**PASSED, ADOPTED and APPROVED** this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

**ATTEST:**

**APPROVED:**

\_\_\_\_\_  
**City Secretary**

\_\_\_\_\_  
**Mayor**

**APPROVED:**

\_\_\_\_\_  
**City Attorney**

DRAFT

**EXHIBIT A**

That Chapter 8, “Business,” Article VII, “Secondhand Dealers” of the Code of Ordinances of the City of College Station, Texas, is hereby amended to read as follows:

**Sec. 8-323 – Definitions.**

The following words or phrases, whenever used in this article, shall have the meanings ascribed to them in this article, except where the context clearly indicates a different meaning:

*Crafted Precious Metal Dealer* means any person who engages in the business of purchasing and selling crafted precious metal as defined in Occupations Code §§1956.051 et seq., as amended.

*Electronic inventory tracking system* means an online database of secondhand dealer’s inventory that is accessible by peace officers and law enforcement agencies.

*Pawnbroker* means any person defined as such by the Texas Pawnshop Act, Finance Code §§371.001 et seq., as amended.

*Secondhand Dealer* means any person who buys used or secondhand personal property for the purpose of reselling the same, or any person who lends money on the security of used or secondhand personal property deposited with the person. As used in this article, the term “secondhand dealer” shall include both crafted precious metal dealers and pawnbrokers.

*Transactions* means the exchange or transfer of funds for used or secondhand goods.

*Used or Secondhand Personal Property* means personal property that is not sold directly from its manufacturer or original retailer. Used or secondhand personal property does not include property sold at a used or secondhand furniture business, used or secondhand clothing business or used or secondhand children’s item business or expressly excluded from regulation by any other law from this ordinance.

*Used or Secondhand Furniture Business* means a business where the majority of transactions involve used or secondhand furniture.

*Used or Secondhand Clothing Business* means a business where the majority of transactions involve used or secondhand clothing.

*Used or Secondhand Children’s Item Business* means a business where the majority of transactions involve used or secondhand children’s items, including but not limited to; toys, strollers, walkers, cribs or infant care items.



**Sec. 8-324 – Record Keeping and Reporting Requirements.**

- (a) **Electronic Inventory Tracking System.** The Chief of Police will designate an electronic inventory tracking system for secondhand dealers to record used or secondhand personal property transactions. If the Chief of Police does choose to designate a new electronic inventory tracking system, secondhand dealers will have thirty (30) days to report to the new electronic inventory tracking system.
- (b) **Entering Transactions.** The secondhand dealer must enter the recorded transaction information recorded into the electronic inventory tracking system within forty-eight (48) hours of the transaction.
- (c) **Twenty Dollar Transactions.** When used or secondhand personal property having a twenty dollar (\$20) or more total transaction value is purchased by a secondhand dealer, the secondhand dealer must record in the electronic inventory tracking system the following information for each transaction:
1. The name, date of birth, current address, current phone number, a physical description of the seller, and driver's license number or other identification number of the seller;
  2. Confirm that the photograph on the driver's license or personal identification certificate presented is a photograph of the actual seller;
  3. The date, time, and location of the transaction;
  4. A description of the used or secondhand personal property, including the serial number if present, and any identifying characteristics including size, color, brand or model name;
  5. The actual price paid for the used or secondhand personal property; and
  6. A signed statement from the seller stating the seller has the right to possess and dispose of the used or secondhand personal property.
- (d) **Fifty Dollar Transactions.** When used or secondhand personal property having a fifty dollars (\$50) or more total transaction value is purchased by a secondhand dealer, the entire transaction the secondhand dealers must record in the electronic inventory tracking system the same transaction information in Sec. 8-324 (c), plus take digital photographs clearly depicting the purchased used or secondhand personal property. The photographs must include one overall item photograph, and if visible one photograph showing the serial number or unique identifying the item.
1. **With Serial Numbers.** If the transaction includes multiple similar items without serial numbers or a unique identifying marking one photograph must be taken clearly depicting all the items.
  2. **Without Serial Numbers.** If the transaction includes multiple similar items with serial numbers or unique identifying markings then each item must be clearly photographed showing the entire item and another photograph showing the serial number or unique identifying marking of the item.

**Sec. 8-325 – Exceptions.** This article does not apply to transactions for:

- (a) Used or secondhand furniture;
- (b) Used or secondhand clothing;
- (c) Used or secondhand children's or baby items;
- (d) Charitable organizations;
- (e) Books or magazines; or
- (f) Property purchased at a garage or yard sale, auction or under consignment.

**Sec. 8-326 – Penalty.** A violation of this article shall be punished as provided in Section 1-7.

**Sec. 8-327 – Violation.** It shall be unlawful for any secondhand dealer or any agent or employee thereof to not use the electronic inventory tracking system or violate any other provision of this ordinance.

**Sec. 8-328 – Immediate Physical Alteration Prohibited.** It shall be unlawful for the secondhand dealer, or any agent or employee thereof, to cause or allow any used or secondhand goods to be physically altered in such a manner as to destroy or prevent the ascertainment or identity of the same for a period of one hundred twenty (120) hours after purchasing such goods, The prohibition of physical alteration does not apply to items not bearing a serial number or unique identifying marking.

**Sec. 8-329 – Holding Period.** The secondhand dealer must retain all property purchased covered in this Article for at least one hundred twenty (120) hours after the transaction. After proper documentation, the items not bearing a serial number or unique identifying marking are not subject to the one hundred twenty (120) hour retention period.



## Legislation Details (With Text)

**File #:** 19-0122      **Version:** 1      **Name:** NCO Modifications Workshop  
**Type:** Presentation      **Status:** Agenda Ready  
**File created:** 3/11/2019      **In control:** City Council Workshop  
**On agenda:** 3/28/2019      **Final action:**  
**Title:** Presentation, discussion, and possible action regarding recommendations related to the Neighborhood Conservation Overlay zoning district and its associated standards and processes.  
**Sponsors:** Jennifer Prochazka  
**Indexes:**  
**Code sections:**  
**Attachments:**

| Date | Ver. | Action By | Action | Result |
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Presentation, discussion, and possible action regarding recommendations related to the Neighborhood Conservation Overlay zoning district and its associated standards and processes.

### Relationship to Strategic Goals:

- Neighborhood Integrity

**Recommendation:** The Planning & Zoning Commission received this information at their March 7, 2019 Workshop meeting.

**Summary:** Staff is seeking City Council direction on potential Neighborhood Conservation Overlay (NCO) modifications. Direction received will inform amendments to the Unified Development Ordinance. Council previously provided direction to staff at their August 9, 2018 workshop meeting; however, since that time, the Council received additional information related to neighborhood conservation ordinances in the City of Bryan, and the Heart of Southside NCO process has concluded. Staff will provide recommendations based on lessons learned and direction received over the past year.

**Budget & Financial Summary:** N/A

**Attachments:** N/A