

**BRYAN CITY COUNCIL  
MINUTES OF WORKSHOP MEETING  
APRIL 9, 2013**

The Bryan City Council held a workshop meeting on Tuesday, April 9, 2013, in the Council Chambers of the Bryan Municipal Building, a notice of said meeting having been posted at least 72 hours in advance in accordance with Section 551, Texas Government Code. Mayor Jason Bienski and Councilmembers Richard Cortez, Paul Madison, Greg Owens, Ann Horton, Art Hughes and Chuck Konderla were present. Also present were City Manager Kean Register, City Attorney Janis Hampton and City Secretary Mary Lynne Stratta.

**1. CALL TO ORDER**

The meeting was called to order at 3:40 p.m. Agenda item 3 was discussed before item 2.

**2. PRESENTATION BY URI GEVA REGARDING THE BRAZOS VALLEY BOMBERS**

Mr. Uri Geva provided an update on activities of the Brazos Valley Bombers. He listed their players drafted by major league clubs and mentioned the Bombers coach was named 2012 coach of the year for their league. Mr. Geva discussed community impact of the program. He indicated conversations with City staff have centered around the longevity of Travis Field and the desire to renovate the playing surface with field turf. He said he felt the superstructure for the grandstands and other structural upgrades will be needed in the future.

**3. STAFF PRESENTATION AND DISCUSSION - CHANGE OF ZONING ORDINANCE TEXT TO ALLOW TATTOO PARLORS IN DOWNTOWN ZONING DISTRICTS**

Assistant Planning Director Martin Zimmerman presented information regarding a possible change to the text of the zoning ordinance to allow tattoo parlors in downtown zoning districts. He explained a downtown property owner had approached staff about a zoning ordinance text amendment to allow tattoo parlors downtown. Mr. Zimmermann advised staff did not recommend approval and the Planning and Zoning Commission chose not to consider the text amendment. After discussion, it was the consensus of the Council that the Planning and Zoning Commission be asked to review the zoning ordinance relative to the entire downtown area and suggest a comprehensive plan regarding the future of downtown zoning with details about suggested allowed uses.

**4. DISCUSSION REGARDING CONSENT/STATUTORY AGENDA ITEMS FOR REGULAR MEETING OF APRIL 9, 2013**

This item was not discussed.

**5. ADJOURN**

Without objection, the meeting was adjourned at 4:20 p.m.

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City Secretary Mary Lynne Stratta

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Mayor Jason P. Bienski

**BRYAN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
APRIL 9, 2013**

The Bryan City Council held a regular meeting on Tuesday, April 9, 2013, in Room 305 and the Council Chambers of the Bryan Municipal Building, a notice of said meeting having been posted at least 72 hours in advance in accordance with Section 551, Texas Government Code. Mayor Jason Bienski and Councilmembers Richard Cortez, Paul Madison, Greg Owens, Ann Horton, Art Hughes and Chuck Konderla were present. Also present were City Manager Kean Register, City Attorney Janis Hampton and City Secretary Mary Lynne Stratta.

**1. CALL TO ORDER**

The meeting was called to order at 4:36 p.m.

**2. EXECUTIVE SESSION**

The meeting was called into executive session at 4:37 p.m. under the provisions of Section 551, Texas Government Code, to discuss under the authority of Section 551.071, consultation with attorney – receive legal advice regarding the Traditions Master Economic Development Agreement, receive legal advice regarding the Agreement for the Delivery and Use of Reclaimed Water, receive legal advice regarding Certificate of Convenience and Necessity with Wellborn Special Utility District, receive legal advice regarding proposed ordinance amending Chapter 122, “Utilities” of the City of Bryan Code of Ordinances, and receive legal advice regarding permit for Well No. 18 from the Brazos Valley Groundwater Conservation District; under the authority of Section 551.074, personnel matters – discussion regarding duties and responsibilities of City Manager, City Internal Auditor, City Attorney and City Secretary; and under the authority of Section 551.087, economic development negotiations – discussion regarding economic development incentives to prospects in west, central and north Bryan, the biocorridor and Texas Triangle Park.

**3. OPEN SESSION FOR ACTION FOLLOWING EXECUTIVE SESSION**

The meeting was called into open session at 6:15 p.m. No action was taken regarding the items discussed in executive session.

**4. INVOCATION, PLEDGE OF ALLEGIANCE TO THE U.S. FLAG AND PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG**

Pastor Rick Sitton, First United Methodist Church, gave the invocation and Boy Scout Troop 743 led the pledges.

**5. PROCLAMATIONS AND PRESENTATIONS**

Proclamations were presented in recognition of National Library Week, Allen Academy boys’ basketball team third state championship, and Dr. William Roman on the publication of his book, Just a Boy From Bryan.

## **6. HEAR CITIZENS**

Dr. Michael Kraft, 703 Dean, and Mr. Chuck Taylor, 3009 Normand, College Station, spoke about the art community in downtown Bryan and recommended the Council appoint a poet laureate for downtown Bryan. Ms. Penny Watson-Cook, 1402 Gunsmith, College Station; Ms. Jan Vandivort, 1713 Todd Trail, College Station; Ms. Rene Graham, Executive Director of the Downtown Bryan Association; Ms. Beth Bryant, 805 Menon Court, College Station; Ms. Gwendolyn Inocencio, 6849 Bendwood, College Station; Mr. Marvin Stanton, 514 East Main, Madisonville; Mr. Cliff Collard, 110 Marta, College Station; Ms. Jessica Murray, 9875 Highway 36 South, Caldwell; Dr. Michelle Raisor, 506 Bolton, College Station; Mr. Chris Lawrence, 712 Banks; Mr. Matt Wofford, 3818 Snowdance, College Station; Ms. Kristy Petty, 810 Enfield; Mr. Joshua Benn, 4228 Rock Bend, College Station; and Ms. Stacy Collard, 110 Marta, College Station, spoke in support of a zoning ordinance text amendment and/or conditional use permit to allow Arsenal Tattoo to locate in downtown Bryan where the zoning ordinance currently does not allow tattoo parlors. Mr. Raul Santana, 104 South Sterling, spoke in opposition to a change in the zoning ordinance that would allow tattoo parlors in the downtown area.

## **7. REZONING REQUEST (RZ13-02)**

### **a. Public Hearing- Rezoning Request (RZ13-02)**

Staff presented information regarding an ordinance of the City of Bryan, Texas, amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from Residential District-5000 (RD-5) to Retail District (C-2) on 0.43 acres of land located at the east corner of College Main and Adams Street, being Lots 3, 4, and 5 in Block 2 of Highland Park Addition in Bryan, Brazos County, Texas. The public hearing closed at 7:24 p.m. with no comments from the public.

### **b. First Reading of an Ordinance – Rezoning Request (RZ13-02)**

Councilmember Owens made a motion to approve the first reading of an ordinance of the City of Bryan, Texas, amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from Residential District-5000 (RD-5) to Retail District (C-2) on 0.43 acres of land located at the east corner of College Main and Adams Street, being Lots 3, 4, and 5 in Block 2 of Highland Park Addition in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Cortez and carried unanimously.

## **8. JUVENILE CURFEW**

### **a. First Public Hearing – Juvenile Curfew**

Police Chief Eric Buske presented information regarding an ordinance of the City of Bryan, Texas, adopting Chapter 82 of the City of Bryan Code of Ordinances, entitled “Offenses and Miscellaneous Provisions”, Section 82-7, entitled “Curfew Hours for Juveniles”; declaring a penalty; and providing for publication in the newspaper. He reported the ordinance had been very successful in lowering juvenile crime since it was first enacted in 2007. He said police officers use the ordinance as a tool in dealing with juveniles at night. Chief Buske and the Bryan Police Department were commended for the manner in which the ordinance has been implemented. The public hearing closed at 7:27 p.m. with no public comments.

**b. First Reading of an Ordinance – Juvenile Curfew**

Councilmember Owens made a motion to approve the first reading of an ordinance of the City of Bryan, Texas, adopting Chapter 82 of the City of Bryan Code of Ordinances, entitled “Offenses and Miscellaneous Provisions”, Section 82-7, entitled “Curfew Hours for Juveniles”; declaring a penalty; and providing for publication in the newspaper. The motion was seconded by Councilmember Cortez and carried unanimously.

**9. CONSENT (AUTOMATIC APPROVAL) AGENDA**

Councilmember Horton made a motion to approve the consent agenda. The motion was seconded by Councilmember Hughes and carried unanimously.

- a. Approval of Minutes – Workshop and Regular Meetings of March 19, 2013, and Workshop and Regular Meetings of March 26, 2013.**

**b. Consideration – Contract Extension for the Purchase of Polymer**

Consider approving a one-year contract extension with SWE, Inc., of Suffolk, Virginia, in an amount not to exceed \$60,704.28, allowing a 2% increase to an annual contract for purchase of polymer. Source of Funds: Wastewater Operating Fund.

**c. Consideration – Technically Based Local Limits for Thompsons Creek Wastewater Treatment Plant**

Consider approving a contract with CDM Smith for establishment of Technically Based Local Limits for the Thompsons Creek Wastewater Treatment Plant in an amount not to exceed \$94,000. Source of Funds: Wastewater Operating Fund.

**d. Consideration – Payment to OSR Water Supply Corporation**

Consider approving payment to OSR Water Supply Corporation for water supplies to City of Bryan customers recently acquired through a Certificate of Convenience and Necessity transaction in an amount not to exceed \$90,000. Source of Funds: Water Operating Fund.

**10. STATUTORY AGENDA**

Councilmember Madison made a motion to approve the statutory agenda. The motion was seconded by Councilmember Cortez and carried unanimously.

**a. Consideration – Agreement with Wellborn Special Utility District**

Consider approving an agreement regarding retail water service areas between the City of Bryan and Wellborn Special Utility District in an amount not to exceed \$1,175,000. Source of Funds: Water Operating Fund.

**b. Consideration – Contract for 2009 Safe Routes to School**

Consider approving a construction contract with Larry Young Paving, Inc., for the 2009 Safe Routes to School project in an amount not to exceed \$813,470.49. Source of Funds: Safe Routes to School Grant - \$702,021.55, and 2010 Certificates of Obligation Bond Funds - \$111,448.94.

**c. Consideration – Change Order Number Seven to Thompsons Creek Wastewater Treatment Plant Construction Contract**

Consider approving change order number seven with Bryan Construction Company in an amount not to exceed \$170,750 for the purchase and installation of an automated dumpster conveyor system at the Thompsons Creek Wastewater Treatment Plant. Source of Funds: 2011 Sewer Revenue Bond - \$97,816.92, and Sewer Operating Fund - \$72,933.08.

**d. Resolution – Release of Reverter in Deed to Bryan/College Station Habitat for Humanity**

Adoption of Resolution No. 3479 of the City Council of the City of Bryan, Texas, approving a release of reverter in the deed from the City of Bryan to Bryan/College Station Habitat for Humanity, Inc., and authorizing the Mayor to execute the release. Source of Funds: Bryan/College Station Habitat for Humanity, Inc.

**e. Resolution – Reimbursement of Costs of Bryan Texas Utilities Improvements Projects**

Adoption of Resolution No. 3480 of the City Council of the City of Bryan, Texas, expressing official intent of the City of Bryan to reimburse approximately \$1,600,000 of costs of Bryan Texas Utilities Improvements Projects, to include the construction of the distribution portion of substations, primary rebuilds, and new distribution feeders over the next three years. Source of Funds: Rural Electric Revenue Bonds.

**f. Resolution – Residential and Commercial Water and Wastewater Services**

Adoption of Resolution No. 3481 of the City Council of the City of Bryan, Texas, repealing and replacing Resolution No. 3241; establishing the rates for residential and commercial water and wastewater services stated below, to become effective with the first billing cycle on or after May 1, 2013 (no increase in rates for commercial and residential customers):

1. Adds a meter charge for 8-inch and 12-inch meters where a charge did not exist;
2. Adds a convenience fee to waste haulers wanting to utilize the dumping facilities at the Stillcreek Wastewater Treatment Plant on the weekends and City observed holidays. Fees will not be charged for community events that have been reviewed and approved by the City;
3. Modifies customer service agreements for water and wastewater. The new process will charge the customer an application fee of \$15. The new billing scheme involves both water and wastewater to remain active once the account moves from the tenant to the owner. The change is that the wastewater charge will be based on the commercial rates, which are lower than residential (\$3.80 versus \$4.03) and based on water consumed instead of preset, family oriented non-irrigation use;
4. A mechanism to charge a fee to manage contracts as determined by staff;
5. A mechanism to determine the amount a customer would pay to have a tap relocated and the existing tap removed to eliminate future water leaks or future sources of inflow and infiltration;
6. A mechanism to charge a fee to a customer who damages components of a water meter or the AMI system;
7. Registration and permit fees for the management of the backflow prevention assemblies; and
8. Changed the timeframe for which overbilling may be credited from 6 months to 24 months to be consistent with BTU.

**g. First Reading of an Ordinance – Exchange of Right-of-Way**

First reading of an ordinance of the City of Bryan, Texas, repealing Ordinance No. 1839 and providing for the exchange of right-of-way for property to be used as right-of-way formerly known as Caroline Street, being a 75-foot wide and 467-foot long mostly unimproved public right-of-way, extending northwest from the north side of the 900 block of East Martin Luther King, Jr., Street, between Military Drive and Bradley Street, in exchange for other property from the abutting property owner.

**h. First Reading of an Ordinance – Amending Chapter 122, “Utilities” of the City of Bryan Code of Ordinances**

First reading of an ordinance of the City of Bryan, Texas, amending Chapter 122, “Utilities” of the City of Bryan Code of Ordinances; by adopting a new Article II, “Water System”; regulating water use; adopting backflow device requirements; providing for penalties; and providing for publication in the newspaper.

**i. First Reading of an Ordinance – Naming of a Public Street**

First reading of an ordinance of the City of Bryan, Texas, naming Willis VanHook Drive, the 700-foot long public street connecting Finfeather Road to West Villa Maria Road in memory of Willis VanHook.

**11. CITY MANAGER REPORT**

Mr. Register provided an update on capital improvement projects.

**12. COUNCIL COMMITTEE REPORTS**

Councilmember Cortez reported on a recent meeting of the Brazos County Board of Health and Councilmember Madison provided a report on a recent meeting of the City of Bryan/Bryan ISD Joint Committee.

**13. ITEMS OF COMMUNITY INTEREST**

Council listed the following items of community interest: Public Health Week, Bryan Firefighters Memorial Golf Tournament, Habitat for Humanity home dedication, Boy Scouts of America event honoring Mr. Emil Ogden, and the upcoming Texas Reds Festival. Dr. Roman was again congratulated on the publication of his book. Condolences were extended to the family of Mr. Kenneth Robinson, owner of Daniel and Son Funeral Home, upon his passing, as well as to the family of Mr. Lambert Wilkes, longtime community volunteer. New businesses were welcomed to Bryan.

**14. ADJOURN**

Without objection, the meeting was adjourned at 7:45 p.m.

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City Secretary Mary Lynne Stratta

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Mayor Jason P. Bienski