

**BRYAN CITY COUNCIL  
MINUTES OF WORKSHOP MEETING  
NOVEMBER 18, 2013**

A workshop meeting of the Bryan City Council was held on Monday, November 18, 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 and Chuck Konderla were present. Councilmember Art Hughes was absent. Also in attendance 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 3:38 p.m.

**2. PRESENTATION BY INDUSTRY REPRESENTATIVES REGARDING SEISMIC SURVEYS**

Representatives of ITM Industries reported their firm wished to perform seismic surveys in portions of the City of Bryan. It was reported the firm planned to have about 320 source points and 1,275 receiver points on City owned property and streets. It was reported the equipment would remain in the City approximately 21 days. The firm representatives advised that based on permit fees paid to other cities, they would anticipate paying the City of Bryan about \$38,000 in permit fees. It was also reported extensive testing had been conducted in West Columbia and Arlington, Texas, to determine whether any damage had been caused to city infrastructure by the vibrations created by the testing equipment. It was reported no damages were contributed to the seismic surveying equipment. Concern was expressed about any potential damage to City infrastructure and ITM representatives advised the company had insurance to cover any damage caused to infrastructure.

**3. PRESENTATION AND DISCUSSION REGARDING DECORATIVE ELEMENTS ON THE NEW OVERPASS AT FM 2818 AND VILLA MARIA**

City Engineer Paul Kaspar reviewed suggestions from the public for the end cap design elements of the Villa Maria/FM 2818 bridge. Mr. Maury Jacobs, Texas Department of Transportation, presented the citizen committee's recommendation to use a railroad, wildflower or local theme, and showed example images of the three themes. It was announced Council would make a decision in December.

**4. DISCUSSION REGARDING CONSENT/STATUTORY AGENDA ITEMS FOR REGULAR MEETING OF NOVEMBER 18, 2013**

This item was not discussed.

**5. ADJOURN**

Without objection, the meeting was adjourned at 4:14 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  
NOVEMBER 18, 2013**

A regular meeting of the Bryan City Council was held on Monday, November 18, 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 and Chuck Konderla were present. Councilmember Art Hughes was absent. In attendance 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 4:57 p.m.

**2. EXECUTIVE SESSION**

The meeting was called into executive session at 4:58 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 Traditions Limited Partnership Agreement, receive legal advice regarding Traditions reclaimed water agreement, receive legal advice regarding memorandum of understanding with the Children’s Museum and conveyance of said property, receive legal advice regarding Tax Increment Reinvestment Zone 22 agreements, receive legal advice regarding regulation of credit access businesses, and receive legal advice regarding non-annexation agreements and infrastructure agreements pertaining to Texas Triangle Park; under the authority of Section 551.072, real estate - discussion regarding possible mineral leases on city-owned property within the city limits of Bryan; under the authority of Section 551.074, personnel matters – discussion regarding duties and responsibilities of City Manager, City Internal Auditor, City Secretary and City Attorney, and annual performance review of Municipal Court Judge; under the authority of Section 551.073, deliberations regarding gifts and donations – discussion regarding a negotiated contract for a prospective gift or donation; and under the authority of Section 551.087, economic development – discussion regarding possible economic development incentives in central Bryan.

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

The meeting was called into open session at 6:07 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 Lonnie Green, Church of the Nazarene, gave the invocation and Major Jim Boydston and Sergeant Marcus Schachle, Bryan High School Air Force Junior ROTC, led the pledges.

**5. HEAR CITIZENS**

No one spoke under hear citizens.

## 6. CONSENT (AUTOMATIC APPROVAL) AGENDA

Mayor Bienski announced agenda items 6 h and 6 i would not be considered and that agenda item 6 j would be removed from the consent agenda for separate consideration. Councilmember Madison moved to approve the remainder of the consent agenda. The motion was seconded by Councilmember Cortez and carried with all present voting aye.

### a. Consideration - Renewal of Health Plan Medical Stop Loss Insurance

Consider approving the renewal of health plan medical stop loss insurance to Blue Cross and Blue Shield of Texas for the 2014 Plan Year with a projected annual cost of \$543,252. Source of Funds: Employee Benefits Fund.

### b. Consideration – Annual Contract for Demolition of Substandard Structures

Consider approving an annual contract with Jeffery Bailey Trucking, Inc., in an amount not to exceed \$100,000, for the demolition of substandard structures. Source of Funds: General Fund.

### c. Consideration – Brazos Central Appraisal District Fiscal Year 2014 Funding

Consider authorizing expenditures in an amount not to exceed \$245,521 for the Brazos Central Appraisal District (BCAD) for services provided to the City of Bryan for Fiscal Year 2014 pursuant to Chapter 6.06 (D) of the Property Tax Code. Source of Funds: General Fund.

### d. Consideration – Extension of Price Agreement for Fertilizers and Chemicals

Consider approving funding for a one-year extension with BWI Companies, Inc., of Schulenburg, Texas, in an amount not to exceed \$60,000 for fertilizers and various chemicals for use by the Travis B. Bryan Municipal Golf Course and City of Bryan Parks and Recreation Department. Source of Funds: Travis B. Bryan Golf Course and City of Bryan Parks and Recreation general fund accounts (as budgeted in the FY2014 budget).

### e. Consideration – Tri-Party Agreement for Demolition and Reconstruction

Consider authorizing the Mayor to sign a Tri-Party Agreement for demolition and reconstruction of a single family residential dwelling with handicap access at 224 Monterrey Street, with the homeowner household and project non-profit contractor EMBRACE Brazos Valley, Inc., in the amount of \$90,620, and a note with the homeowner household in the amount of \$91,920. Source of Funds: 2012-2013 Community Development Block Grant Program funding as approved in the Fiscal Year 2014 Community Development Services Budget.

### f. Consideration – Tri-Party Agreement for Demolition and Reconstruction

Consider authorizing the Mayor to sign a Tri-Party Agreement for demolition and reconstruction of a single family residential dwelling with handicap access at 1719 Wilson Street, with the homeowner household and project non-profit contractor EMBRACE Brazos Valley, Inc., in the amount of \$99,007, and a note with the homeowner household in the amount of \$100,082. Source of Funds: 2012-2013 Community Development Block Grant Program funding as approved in the Fiscal Year 2014 Community Development Services Budget.

**g. Consideration – Purchase Parks and Recreation Software**

Consider approving the purchase of Parks and Recreation software (RecTrac) from Vermont Systems, Inc., in an amount not to exceed \$58,934.00. Source of Funds: General Fund.

**h. Consideration – Chapter 380 Re-Development Agreement with Brazos Valley Decorative Center, LLC**

This item was not considered.

**i. Consideration – Economic Development Performance Agreement**

This item was not considered.

**k. Resolution – Canvassing Election Returns**

Adoption of Resolution No. 3517 of the City Council of the City of Bryan, Texas, canvassing the election returns of the City of Bryan general election conducted on November 5, 2013. (*Resolución numero 3517, escrutinar la elección - La adopción de una resolución del Consejo de la Ciudad de Bryan, Texas, solicitando los resultados de la elección general llevada a cabo el 5 de noviembre del 2013.*)

**l. Second and Final Reading of an Ordinance - Amending Tax Increment Reinvestment Zone (TIRZ) #21 Project and Finance Plan**

Second and final reading of Ordinance No. 2021 of the City of Bryan, Texas, amending Tax Increment Reinvestment Zone (TIRZ) #21 Project and Finance Plan for land within the TIRZ boundary generally located in Downtown Bryan. The plan includes one new expenditure totaling \$250,000 for project costs associated with the development and re-development of Downtown North, in the Tax Increment Reinvestment Zone (TIRZ) #21, in the jurisdiction of the City of Bryan, previously designated as a reinvestment zone pursuant to the provisions of Chapter 311, Texas Tax Code (the “Tax Increment Financing Act”).

**m. Second and Final Reading of an Ordinance – Right-of-Way Abandonment (RA13-06)**

Second and final reading of Ordinance No. 2022 of the City of Bryan, Texas, providing for abandonment of a 0.0826 acre (3,598 square foot) portion of public right-of-way located at the southeast corner of North Washington Avenue and East 23<sup>rd</sup> Street and adjacent to Lots 6 and 7 in Block 28 of the Bryan Original Townsite; authorizing the conveyance thereof to the abutting property owners; providing for terms and conditions of abandonment and conveyance.

**n. Second and Final Reading of an Ordinance - Rezoning Request (RZ13-16)**

Second and final reading of Ordinance No. 2023 of the City of Bryan, Texas, amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances, to change the zoning classification from Office District (C-1) to Downtown – South District (DT-S) on approximately 1.8 acres of land generally adjoining both sides of the 200 block of West 28<sup>th</sup> Street between South Bryan and South Parker Avenues, being Lots 1 – 6 in Block 116 and parts of Lots 1 – 3, parts of Lots 6 and 7, and Lot 8 in Block 117 of the Bryan Original Townsite in Bryan, Brazos County, Texas.

Council then considered the item removed from the statutory agenda for separate consideration.

**j. Resolution – Short Term Funding Agreement for the Downtown Bryan Association**

Councilmember Horton moved to adopt Resolution No. 3518 of the City Council of the City of Bryan, Texas, approving a budget for the period of October 1, 2013, and ending September 30, 2014, both dates inclusive, for the Downtown Bryan Association (DBA) with total expenditures of \$292,850 and revenues in the combined total amount of \$292,850; and authorizing the Mayor to sign a funding agreement with the Downtown Bryan Association to provide funding for October 1, 2013, through February 15, 2014, in the amount of \$41,250, as amended in a form to be approved by the City Attorney. The motion was seconded by Councilmember Konderla and carried with all present voting aye.

**7. STATUTORY AGENDA**

Councilmember Madison made a motion to approve the statutory agenda. The motion was seconded by Councilmember Owens and carried with all present voting aye.

**a. Consideration – Interlocal Agreement for Sewer Use and Pretreatment**

Consideration of an interlocal agreement between the City of College Station and the City of Bryan for Sewer Use and Pretreatment establishing understandings and obligations for sewer use in Certificate of Convenience and Necessity (CCN) No. 20136 held by the City of Bryan and CCN No. 20126 held by the City of College Station.

**b. Resolution – Texas Intrastate Fire Mutual Aid System Vehicle Grant**

Adoption of Resolution No. 3519 of the City Council of the City of Bryan, Texas, authorizing the acceptance, if awarded, of a Texas Intrastate Fire Mutual Aid System (TIFMAS) Vehicle Grant; authorizing the City Manager to execute the TIFMAS Grant assistance program agreement; and authorizing the City staff to comply with the terms of the grant. Source of Funds: Cost of truck - grant funded; maintenance and fuel cost - General Fund.

**c. Resolution – Ordering Runoff Election**

Adoption of Resolution No. 3520 of the City Council of the City of Bryan, Texas, ordering a runoff election to be held on December 17, 2013, to elect one City Councilmember from Single Member District Number Two. *(Resolución número 3520, ordenando una elección segunda votación - La adopción de una resolución del Consejo de la Ciudad de Bryan, Texas, ordenando una elección segunda votación cual será sostenido el 17 de diciembre de 2013, para elegir un concejal del distrito de solo miembro número dos.)*

**8. REGULAR AGENDA - Consideration – Swear in Newly Elected Mayor and Councilmember**

Outgoing Councilmember Richard Cortez was recognized and thanked for his dedicated service on the Bryan City Council the past 3.5 years. The oath of office was administered to Councilmember Al Saenz, newly elected Councilmember from Single Member District Number One, and to Mayor Jason P. Bienski, re-elected to his second term as Mayor. Both shared comments about their vision for the City over the next three years. Certificates of election were presented to Councilmember Saenz and Mayor Bienski. *(Juramento a los nuevamente elegidos el alcalde y a los concejales - Administrar*

*juramento de la oficina a los recién elegidos el alcalde y concejal de distrito único miembro uno para un plazo de tres años y presentar certificados de elección.)*

**9. CITY MANAGER REPORT**

Mr. Register did not provide a report.

**10. ITEMS OF COMMUNITY INTEREST**

Councilmembers shared the following items of community interest: 14<sup>th</sup> anniversary of the Aggie bonfire collapse and Lt. Greg Pickard's leadership during that tragedy, Brazos County Adoption Day, Carver-Kemp Neighborhood Association meeting, new sidewalks in the area of Carver-Kemp, 50<sup>th</sup> anniversary of the assassination of President John F. Kennedy, Peppertree-Poplar Street sidewalks and bus stop dedication, Lights On, Holiday Magic, downtown Christmas parade, December 7 Salvation Army Mayors' Bell Ringing Challenge, etc. Mr. Cortez was again thanked for his dedicated service on the Bryan City Council. Councilmember Saenz was welcomed to the Council.

**11. ADJOURN**

Without objection, the meeting was adjourned at 7:02 p.m.

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City Secretary Mary Lynne Stratta

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Mayor Jason P. Bienski