

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING
DECEMBER 10, 2013 – 4:30 P.M.**

The Bryan City Council held a regular meeting on Tuesday, December 10, 2013, in Room 305 of the Bryan Municipal Building. A notice of said meeting was posted at least 72 hours in advance in accordance with Section 551, Texas Government Code. Mayor Jason Bienski and Councilmembers Al Saenz, 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 4:37 p.m.

2. EXECUTIVE SESSION

The meeting was called into executive session at 4:38 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 Texas Open Meetings Act, receive legal advice regarding the Public Information Act, receive legal advice regarding the City of Bryan Ethics Policy, 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, 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, discussion regarding possible sale of real property in central 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 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 5:51 p.m. Councilmember Owens moved to authorize the Mayor to sign and to accept the terms of an oil and gas lease with Halcon Energy Properties, Inc., on 6.4411 acres of land, more or less, composed of eleven tracts of land lying and being situated in the S. F. Austin Survey, A-63, Brazos County, Texas, and being described in the following eleven tracts, to-wit: Tract One: 1.5156 acres of land, more or less, and being described as Lot 3, Lot 4, Lot 7, Lot 8, Lot 9, Lot 10 and Lot 11, Block 10; Lot 1, Lot 16, Lot 17 and Lot 18, Block 11; and Lot 9, Block 12 of the Castle Heights Subdivision, an addition to the City of Bryan, Brazos County, Texas, according to that certain plat recorded in Volume 134, Page 183 of the Deed Records of Brazos County, Texas, and being the same land described in that certain Judgment of Court in Absence of Objection dated January 16, 1980, from George Mitchell et al., to the City of Bryan, recorded in Volume 443, Page 166 of the Deed Records of Brazos County, Texas; Tract Two: 0.1263 acres of land, more or less, and being described as Lot 5, Block 10 of the Castle Heights Subdivision, an

addition to the City of Bryan, Brazos County, Texas, according to that certain plat recorded in Volume 134, Page 183 of the Deed Records of Brazos County, Texas, and being the same land described in that certain Warranty Deed dated July 26, 1978, from Susie Castle, widow of the deceased R. L. Castle, and surviving son, Harold Thomas Castle to the City of Bryan, Texas, recorded in Volume 404, Page 106 of the Deed Records of Brazos County, Texas; Tract Three: 0.1263 acres of land, more or less, and being described as Lot 6, Block 10 of the Castle Heights Subdivision, an addition to the City of Bryan, Brazos County, Texas, according to that certain plat recorded in Volume 134, Page 183 of the Deed Records of Brazos County, Texas, and being the same land described in that certain Warranty Deed dated July 17, 1978, from Richard Pena and Preston Ruffino, III to the City of Bryan, Texas, recorded in Volume 404, Page 104 of the Deed Records of Brazos County, Texas; Tract Four: 0.3789 acres of land, more or less, and being described as Lot 2, Lot 3 and Lot 4, Block 11 of the Castle Heights Subdivision, an addition to the City of Bryan, Brazos County, Texas, according to that certain plat recorded in Volume 134, Page 183 of the Deed Records of Brazos County, Texas, and being the same land described in that certain Warranty Deed dated July 17, 1978, from E. W. Suseberry and wife, Sandra Suseberry to the City of Bryan, Texas, recorded in Volume 402, Page 567 of the Deed Records of Brazos County, Texas; Tract Five: 0.3789 acres of land, more or less, and being described as Lot 3, Lot 4 and Lot 8, Block 12 of the Castle Heights Subdivision, an addition to the City of Bryan, Brazos County, Texas, according to that certain plat recorded in Volume 134, Page 183 of the Deed Records of Brazos County, Texas, and being the same land described in that certain Warranty Deed dated August 14, 1978, from Lenora Shorten to the City of Bryan, Texas, recorded in Volume 405, Page 811 of the Deed Records of Brazos County, Texas; Tract Six: 0.3789 acres of land, more or less, and being described as Lot 5, Lot 6 and Lot 7, Block 12 of the Castle Heights Subdivision, an addition to the City of Bryan, Brazos County, Texas, according to that certain plat recorded in Volume 134, Page 183 of the Deed Records of Brazos County, Texas, and being the same land described in that certain Warranty Deed dated November 16, 1978, from Ida Lee Guyton, widow of the deceased Harold Travis Guyton and surviving children, Gerry Guyton and Rhonda Guyton to the City of Bryan, Texas, recorded in Volume 412, Page 646 of the Deed Records of Brazos County, Texas; Tract Seven: 0.2526 acres of land, more or less, and being described as Lot 12 and Lot 13, Block 12 of the Castle Heights Subdivision, an addition to the City of Bryan, Brazos County, Texas, according to that certain plat recorded in Volume 134, Page 183 of the Deed Records of Brazos County, Texas, and being the same land described in that certain Warranty Deed dated August 8, 1978, from Heslip Eunell Martin Webster, widow of the deceased Carl J. Martin and surviving son, Carl Jay Martin to the City of Bryan, Texas, recorded in Volume 405, Page 813 of the Deed Records of Brazos County, Texas; Tract Eight: 1.1367 acres of land, more or less, and being described as Lot 1, Lot 2, Lot 3, Lot 4, Lot 5, Lot 6, Lot 7, Lot 8 and Lot 9, Block 13 of the Castle Heights Subdivision, an addition to the City of Bryan, Brazos County, Texas, according to that certain plat recorded in Volume 134, Page 183 of the Deed Records of Brazos County, Texas, and being the same land described in that certain Judgment dated December 14, 1978, from Albert Griffin et al., to the City of Bryan, recorded in Volume 414, Page 247 of the Deed Records of Brazos County, Texas; Tract Nine: 0.3789 acres of land, more or less, and being described as Lot 12, Lot 13 and Lot 14, Block 13 of the Castle Heights Subdivision, an addition to the City of Bryan, Brazos County, Texas, according to that certain plat recorded in Volume 134, Page 183 of the Deed Records of Brazos County, Texas, and being the same land described in that certain Warranty Deed dated June 16, 1977, from James W. Bell and wife, Ruby B. Bell to the City of Bryan, Texas, recorded in Volume 375, Page 375 of the Deed Records of Brazos County, Texas; Tract Ten: 0.7578 acres of land, more or less, and being described as Lot 10, Lot 11, Lot 15, Lot 16, Lot 17 and Lot 18, Block 13 of the Castle Heights Subdivision, an addition to the City of Bryan, Brazos County, Texas, according to that certain plat recorded in Volume 134, Page 183 of the Deed Records of Brazos County, Texas, and being the same land described in that certain Warranty Deed dated June 6, 1977, from Richard Pena and Preston Ruffino, III to the City of Bryan, Texas, recorded in Volume 375, Page 503 of the Deed Records of Brazos County, Texas; and Tract Eleven: 1.0102 acres of land, more or less, and

being described as Lot 1, Lot 2, Lot 3, Lot 4, Lot 7, Lot 8, Lot 9 and Lot 10, Block 17 of the Castle Heights Subdivision, an addition to the City of Bryan, Brazos County, Texas, according to that certain plat recorded in Volume 134, Page 183 of the Deed Records of Brazos County, Texas, and being the same land described in that certain Warranty Deed dated June 12, 1997, from Harold T. Castle to the City of Bryan, Community Development Division, recorded in Volume 2868, Page 73 of the Official Records of Brazos County, Texas. The motion was seconded by Councilmember Madison and carried unanimously.

Councilmember Saenz moved to authorize the Mayor to sign and to accept the terms of an oil and gas lease with Halcon Energy Properties, Inc., on a tract of land composed of 11.403 acres of land, more or less, lying and being situated in the S. F. Austin Survey, A- 63, Brazos County, Texas, and being the same land described in that certain Warranty Deed dated July 5, 1966, from Lynndale Acres, Inc., to the City of Bryan, recorded in Volume 256, Page 531 of the Deed Records of Brazos County, Texas. The motion was seconded by Councilmember Owens and carried unanimously.

4. ADJOURN

Without objection, the meeting was adjourned at 6:01 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING
DECEMBER 10, 2013 – 6:00 P.M.**

The Bryan City Council held a regular meeting on Tuesday, December 10, 2013, in the Council Chambers of the Bryan Municipal Building. A notice of said meeting was posted at least 72 hours in advance in accordance with Section 551, Texas Government Code. Mayor Jason Bienski and Councilmembers Al Saenz, 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 6:15 p.m.

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

Reverend Ray Marshall, Reliance Baptist Church, gave the invocation. Mr. Carl Dimoush, World War II Veteran, led the pledges.

3. PROCLAMATIONS AND PRESENTATIONS

The winners of the Bryan Fire Department fire prevention poster contest were recognized.

4. HEAR CITIZENS

No citizens spoke under hear citizens.

5. REZONING REQUEST (RZ13-15)

a. Public Hearing – Rezoning Request (RZ13-15)

Planning Administrator Martin Zimmermann presented information regarding a proposed ordinance to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, to change the zoning classification from Residential District – 5000 (RD-5) to Planned Development District – Housing (PD-H) on 12.82 acres of land out of John Austin League, A-2, located east of the intersection of Thornberry and Bullinger Creek Drives in Bryan, Brazos County, Texas. It was reported the Planning and Zoning Commission recommended approval of the request, with a stipulation to still require sidewalks along both sides of the streets. Mr. Zimmermann reported the developer asked the Council to consider his request for sidewalks on only one side of the street and a proposal to dedicate additional parkland and construct a 775-foot long multi-use path to connect trails within Austin’s Colony Park and the Sam Rayburn School Park, which the Parks and Recreation Advisory Board also endorsed. Ms. Peggy Bloomer, 2006 Williams Way, urged the Council to follow the Planning and Zoning Commission’s recommendation to require sidewalks on both sides of the streets for safety purposes. Ms. Sharon Anderson, 2304 Cindy Lane; Ms. Carolyn Buckley, 3908 Bravo Court; and Mr. Rafael Pena, 3420 Sandy Point Road, agreed. Mr. Mark Carrabba, 4045 Austin’s Landing, developer of the subdivision, said he would

like to connect Austin's Colony Park to Sam Rayburn School's sidewalk system with the proposed pathway, and also stated there were utility issues involved with placing sidewalks on both sides of the streets. The public hearing closed at 6:45 p.m. with no other comments.

b. First Reading of an Ordinance - Rezoning Request (RZ13-15)

Mayor Bienski moved 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, to change the zoning classification from Residential District - 5000 (RD-5) to Planned Development District - Housing (PD-H) on 12.82 acres of land out of John Austin League, A-2, located east of the intersection of Thornberry and Bullinger Creek Drives in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Horton. After discussion, the motion carried with five yeases (Mayor Bienski and Councilmembers Madison, Horton, Hughes and Konderla) and two noes (Councilmembers Saenz and Owens).

6. REZONING REQUEST (RZ13-13)

a. Public Hearing – Rezoning Request (RZ13-13)

Staff presented information regarding a proposed ordinance to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, to change the zoning classification from Industrial District (I) to Planned Development District - Business (PD-B) on 4.994 acres of land out of the Zeno Phillips League, Abstract No. 45, adjoining the south side of West Bronze Lane, approximately 700 feet to 1,030 feet southwest from its intersection with North Harvey Mitchell Parkway (FM 2818) in Bryan, Brazos County, Texas. It was reported the Planning and Zoning Commission and staff recommended approval. No one spoke regarding this item and the public hearing closed at 7:02 p.m.

b. First Reading of an Ordinance - Rezoning Request (RZ13-13)

Councilmember Horton moved 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, to change the zoning classification from Industrial District (I) to Planned Development District - Business (PD-B) on 4.994 acres of land out of the Zeno Phillips League, Abstract No. 45, adjoining the south side of West Bronze Lane, approximately 700 feet to 1,030 feet southwest from its intersection with North Harvey Mitchell Parkway (FM 2818) in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Saenz and carried unanimously.

7. CONSENT (AUTOMATIC APPROVAL) AGENDA

Councilmember Madison made a motion, seconded by Councilmember Horton, to approve the consent agenda. The motion carried unanimously.

a. Approval of Minutes – Workshop and Regular Meetings of November 18, 2013, and Special Meeting of November 26, 2013.

b. Consideration – Contract Extension for Water Meter Reading Services

Consider approving a one-year extension of an existing contract with Alexander's, Inc., for water meter reading services in an amount not to exceed \$225,000.00. Source of Funds: Water Services Water and Wastewater Operating Fund.

c. Consideration – Amendment to Contract with Client Services, Inc.

Consider approving the amendment to the agreement with Client Services, Inc., to modify the end date of the contract. On August 2, 2011, the City of Bryan signed an agreement with Client Services, Inc., to provide delinquent account collection services to the City of Bryan for an initial three year term. By mutual consent, this contract is now being terminated as of December 31, 2013.

8. STATUTORY AGENDA

Mayor Bienski announced agenda item 8 d would be removed from the statutory agenda for separate consideration. The remainder of the statutory agenda was approved upon a motion by Councilmember Madison with a second by Councilmember Konderla, which carried unanimously.

a. Consideration – Still Creek Wastewater Improvements Phase III Construction Contract

Consider awarding a construction contract to Elliott Construction, L.L.C., for the Still Creek Wastewater Improvements Phase III project in an amount not to exceed \$2,776,079.75. Source of Funds: Wastewater Operating Funds.

b. Consideration – Development Agreement with Greenbrier Subdivision Phase 9, Ltd.

Consider authorizing the Mayor to execute a development agreement with Greenbrier Subdivision Phase 9, Ltd., in an amount not to exceed \$69,844.00 to cost participate in the construction of sanitary sewer lines for Phase 9 of the Greenbrier Subdivision to accommodate future growth in the area.

c. First Reading of an Ordinance – Staffing for Police and Fire Departments

First reading of an ordinance of the City of Bryan, Texas, repealing Ordinance 1951 pertaining to the classification and number of positions in the Bryan Police Department and Bryan Fire Department pursuant to Chapter 143 of the Texas Local Government Code, authorizing the updated certification pay structure in the Bryan Fire Department, adding six firefighter positions and one Deputy Fire Marshal-Lieutenant position in the Fire Department, and adding one Police Sergeant position and reducing one Police Officer position in the Police Department.

Council then discussed the item removed from the statutory agenda.

d. First Reading of an Ordinance – Bryan Texas Utilities Electric Rate

BTU General Manager Gary Miller and Group Manager David Werley explained the proposed rate change was to include a new transmission level rate to accommodate the Axis Pipe and Tube plant. Councilmember Hughes moved to approve the first reading of an ordinance of the City of Bryan, Texas, establishing a new schedule of rates to be charged for electric current furnished by Bryan Texas Utilities (BTU); and providing definitions. The motion was seconded by Councilmember Owens and carried unanimously.

9. REGULAR AGENDA – Consideration – End Cap Tile Mosaic Design for Bridge at FM 2818 and Villa Maria

After a lengthy discussion regarding several examples of artwork for the end cap tile mosaic images for installation at the FM 2818/Villa Maria bridge, which is currently under construction, Mayor Bienski made a motion to select the images of the train wheels, the old Bryan city hall, the Texas star and the western boots. The motion was seconded by Councilmember Hughes and carried unanimously.

10. COUNCIL COMMITTEE REPORTS

Councilmember Hughes provided a report on a recent Brazos Valley Solid Waste Management Agency Board meeting. Councilmembers Madison and Owens reported on a recent meeting of the City of Bryan/Bryan ISD Joint Committee. Councilmember Horton provided information about a recent meeting of the Metropolitan Planning Organization Policy Committee. Councilmember Owens also reported on a recent meeting of the Brazos County Board of Health.

11. CITY MANAGER REPORT

Mr. Register provided an update on several capital improvement projects. He congratulated Erica Russell, daughter of Economic Development Director Kevin Russell, upon her softball scholarship to Texas A&M University.

12. ITEMS OF COMMUNITY INTEREST

Councilmembers shared the following items of community interest: Junior College Bowl, economic outlook for the City, death of former South Africa President Nelson Mandela, Habitat for Humanity home dedication, Chamber of Commerce’s agricultural business breakfast, Queen Theatre benefit, softball tournament to benefit Bryan firefighters, Salvation Army Mayor’s Bell Ringing Challenge, B-CS Marathon, St. Joseph Regional Health Care Center’s announcement of a new Level II trauma center, visit with Mary Branch Elementary School students, world’s largest gingerbread house that was built in Bryan at Traditions, downtown Bryan Christmas parade, Food for Families food drive, runoff election, etc. Several new businesses were welcomed to Bryan. Condolences were expressed at the passing of former Bryan Mayor Lonnie Stabler. His many accomplishments and vision for a better Bryan were remembered. Mr. Dale Picha, Transportation Director, was commended for obtaining a \$1.6 million grant from the Highway Safety Improvement Program to improve signal lights in Bryan. New Bryan firefighters were welcomed. Erica Russell was again congratulated. City staff was congratulated for the float that won Grand Prize and the Bryan Fire Department float that won its division first class award in the Bryan-College Station Christmas Parade. Everyone was wished happy holidays.

13. ADJOURN

Without objection, the meeting was adjourned at 8:15 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski