

**BRYAN CITY COUNCIL  
MINUTES OF WORKSHOP MEETING  
JANUARY 14, 2014**

The Bryan City Council held a workshop meeting on January 14, 2014, in the Council Chambers of the Bryan Municipal Building. A notice of the meeting was posted at least 72 hours in advance in accordance with Section 551, Texas Government Code. Mayor Jason Bienski and Councilmembers Al Saenz, Rafael Peña, Greg Owens, Ann Horton, Art Hughes and Chuck Konderla were in attendance. City Manager Kean Register, City Attorney Janis Hampton and City Secretary Mary Lynne Stratta were present.

**1. CALL TO ORDER**

The meeting was called to order at 1:39 p.m.

**2. PRESENTATION BY DR. THOMAS WALLIS REGARDING BRYAN ISD ACTIVITIES**

Dr. Tommy Wallis, Bryan ISD Superintendent, discussed a district facilities study just completed by an architectural firm. He reported the study recommended a grade reconfiguration for Bryan schools to create two grade 5-6 intermediate schools. He listed the proposed components of the facilities study. Dr. Wallis also spoke about academics, stating that improvement had been shown in all standardized testing except in the area of writing, which declined state wide. He reported the District was working diligently in the areas of writing, academic language and reading comprehension. He also reported that 72 percent of BISD students were classified as economically disadvantaged with 10,000 students classified as at risk. He reported BISD was considered a high mobility district. Dr. Wallis also spoke about the success of Mary Catherine Harris High School. He reported Bryan ISD's dropout rate had dropped by one-third. Dr. Wallis answered several questions posed by Councilmembers, who thanked him for the presentation.

**3. DISCUSSION REGARDING COUNCIL'S STRATEGIC PLAN - SERVICE STRATEGIC INITIATIVE**

Deputy City Manager Hugh Walker presented proposed language regarding the Council's service strategic initiative to include in the City's Strategic Plan.

**4. DISCUSSION REGARDING COUNCIL'S STRATEGIC PLAN - ECONOMIC DEVELOPMENT STRATEGIC INITIATIVE**

Economic Development Director Kevin Russell presented proposed language regarding the Council's economic development strategic initiative for inclusion in the City's Strategic Plan. Council made suggestions to include additional verbiage. Mr. Dennis Goehring presented the Bryan Business Council key result area item.

**5. DISCUSSION REGARDING COUNCIL COMMITTEE ASSIGNMENTS**

The following Council committee assignments were announced: Texas Workforce Commission Special Task Force – Councilmember Saenz; City of Bryan/Bryan ISD Committee – Councilmembers Konderla, Horton and Peña with Councilmember Saenz serving as alternate; Council Water Committee – Councilmembers Peña, Saenz and Konderla; Intergovernmental Committee –

Councilmember Konderla to replace Councilmember Hughes; Audit Committee – Councilmember Owens to replace Councilmember Konderla; and Bryan-Brazos County Economic Development Foundation, Inc., Board – Councilmember Konderla to replace Paul Madison.

**6. DISCUSSION REGARDING CONSENT/STATUTORY AGENDA ITEMS FOR REGULAR MEETING OF JANUARY 14, 2014**

Council briefly discussed agenda items 8 a and 8 j on the consent/statutory agenda for the regular meeting of January 14, 2014. No action was taken regarding the items discussed.

**7. ADJOURN**

Without objection, the meeting was adjourned at 2:59 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  
JANUARY 14, 2014**

The Bryan City Council held a regular meeting on Tuesday, January 14, 2014, in Room 305 and the Council Chambers of the Bryan Municipal Building. A notice of the meeting was posted at least 72 hours in advance in accordance with Section 551, Texas Government Code. Mayor Jason Bienski and Councilmembers Al Saenz, Rafael Peña, 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 3:39 p.m.

**2. EXECUTIVE SESSION**

The meeting was called into executive session at 3:40 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 and the Public Information Act, receive legal advice regarding the City of Bryan ethics policy, receive legal advice regarding the term of Municipal Court Judge, receive legal advice regarding the Traditions Master Economic Development Agreement and 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, legal advice regarding Chapter 380 development agreements with Brazos Decorative Center, receive legal advice regarding Turkey Creek Recreation and Conservation concept, receive legal advice regarding non-annexation agreements and infrastructure agreements pertaining to Texas Triangle Park, receive legal advice regarding possible ordinance regulating credit access businesses, and receive legal advice regarding action to enforce city ordinances and abate public nuisances; under the authority of Section 551.072, real estate – discussion regarding possible sale of property in the Texas Triangle Park and central Bryan and possible purchase of 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, discussion regarding appointment of Mayor Pro Tem; and under the authority of Section 551.087, economic development – discussion regarding possible economic development incentives in east, west and central Bryan and the Texas Triangle Park.

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

The meeting was called into open session at 6:15 p.m. Councilmember Owens moved that Councilmember Ann Horton be named as Mayor Pro Tem for the next year. The motion was seconded by Councilmember Saenz and carried unanimously.

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

Reverend G.H. Jones III gave the invocation and Anna Kellett, Daughters of the Republic of Texas, led the pledges.

## 5. PROCLAMATIONS AND PRESENTATIONS

Private Second Class Thomas Cavaness presented the City of Bryan flag flown in Kuwait during an active military operation of the U.S. National Guard. Former Councilmember Paul Madison, Sr., was recognized for his past service on the City Council. The American Institute of Architects Award was presented for the City's work to revitalize downtown Bryan. Former City Councilmembers credited with downtown redevelopment were recognized.

## 6. HEAR CITIZENS

Mr. Alfredo Acarto, 4031 Charles Avenue; Mr. Hector Garcia, 4709 Tiffany Park Circle; Ms. Lorrie Acarto, 4031 Charles Avenue; Ms. Sandra Portzer, 18924 Pipeline Road, College Station; and Mr. Tom Chavers, 1511 Texas Avenue South, College Station, expressed concern about agenda item 8 j, pointing out specific sections of the ordinance they believed to be detrimental to their businesses.

## 7. CONSENT (AUTOMATIC APPROVAL) AGENDA

Councilmember Horton moved to approve the consent agenda. The motion was seconded by Councilmember Owens and carried unanimously.

**a. Approval of Minutes** – Regular Meetings of December 10, 2013, and Special Meeting of December 30, 2013

**b. Consideration – Ambulance Supplemental Payment Program**

Consider approval of a contract with MED3000 to assist with the application process and reporting requirements of the Ambulance Supplemental Payment Program, with no upfront cost to the City; the contractor will be paid 8% of the total funds received through this program.

**c. Consideration – Purchase of Two Mini-Excavators**

Consider approving the purchase of two mini-excavators from Clark Equipment Company for a combined purchase price not to exceed \$85,628.20 through Buyboard contract #424-13. Source of Funds: Water and Wastewater Budget.

**d. Second and Final Reading of an Ordinance – Staffing for Police and Fire Departments**

Second and final reading of Ordinance No. 2024, 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.

**e. Second and Final Reading of an Ordinance – Bryan Texas Utilities Electric Rate**

Second and final reading of Ordinance No. 2025 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.

**f. Second and Final Reading of an Ordinance – Rezoning Request (RZ13-13)**

Second and final reading of Ordinance No. 2026 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.

**8. STATUTORY AGENDA**

It was announced agenda item 8 j would be removed from the statutory agenda for separate consideration. Councilmember Konderla moved to approve the remainder of the statutory agenda. The motion was seconded by Councilmember Hughes and carried with all present voting aye, except Councilmember Konderla abstained from the vote as it related to agenda item 8 d only.

**a. Consideration – Funding Support of Easterwood Airport**

Consider authorizing the Mayor to execute a Memorandum of Agreement between the City of Bryan and Texas A&M University regarding the City’s financial contribution to Easterwood Airport operations in the amount of \$65,400 for Fiscal Year 2014. Source of Funds: General Fund.

**b. Consideration – Phase III of Advanced Meter Infrastructure**

Consider approving the phase three purchase of meters and communication modules through Sensus USA, Inc., for the ongoing installation and implementation of an Advanced Meter Infrastructure (AMI) system for Water Services in an amount not to exceed \$1,000,000. Source of Funds: Water and Sewer Fund Balance.

**c. Consideration – Construction Contract for Reconstruction of Traffic Signals**

Consider approving a construction contract with Bayer Construction Electrical Contractors, Inc., for the reconstruction of the existing traffic signals at South College Avenue and Dodge Street and at East Villa Maria Road and Cavitt Avenue, in an amount not to exceed \$542,545.15. Source of Funds: Transportation Fee.

**d. Consideration – Reinstate and Amend Economic Development Agreement - Village Foods**

Consider authorizing the Mayor to execute an agreement to reinstate and amend the economic development agreement with Village Foods, Ltd., pursuant to Chapter 380 of the Texas Local Government Code, adding a reimbursement in an amount not to exceed \$35,000 for parking lot circulation improvements necessitated by the closure of the main driveway to Briarcrest Drive by TXDOT, which was an inadvertent omission from the original agreement.

**e. Resolution – Amendments to the Solid Waste Facilities Operations Agreement and Bylaws for Brazos Valley Solid Waste Management Agency, Inc.**

Adoption of Resolution No. 3522 of the City Council of the City of Bryan, Texas, approving proposed amendments to the Solid Waste Facilities Operations Agreement and Bylaws for the Brazos Valley Solid Waste Management Agency, Inc.

**f. Resolution – Sale of Property**

Adoption of Resolution No. 3523 of the City Council of the City of Bryan, Texas, authorizing the sale of property at Block 273, Lot A, of the Bryan Original Townsite in Bryan, Brazos County, Texas, to the high bidder in the amount of \$18,001.76.

**g. Resolution – Waco Street Extension**

Adoption of Resolution No. 3524 of the City Council of the City of Bryan, Texas, authorizing the acquisition, through purchase or condemnation, of certain property interests in the property located at 1526 Dansby for an authorized and declared public purpose and use, that being the eventual extension of Waco Street to the existing intersection of Martin Luther King, Jr., Street and Waco Street to the north.

**h. Resolution – Oil, Gas, and Mineral Lease Criteria**

Adoption of Resolution No. 3525 of the City Council of the City of Bryan, Texas, approving and adopting the criteria, standard terms, and the form of lease agreement to be used by the City Manager in negotiation of oil, gas, and mineral interests owned by the City, on behalf of the City, without further action by the City Council.

**i. First Reading of an Ordinance – Amend Chapter 78, “Natural Resources” of the Bryan Code of Ordinances**

First reading of an ordinance of the City of Bryan, Texas, amending the text of Bryan Code of Ordinances, Chapter 78, Natural Resources, adding Article III, “Leases of Oil, Gas, and Mineral Interests Owned by the City”; Division 1, “In General”, Section 78-11, “Authority of City Manager”; authorizing the City Manager to execute leases of oil, gas, and mineral interests owned by the City that meet the criteria, standard terms and are on the approved form adopted by resolution of the City Council.

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

**j. First Reading of an Ordinance – Amend Chapter 126, “Vehicles for Hire” of the Bryan Code of Ordinances**

Councilmember Konderla moved to approve the first reading of the proposed ordinance amending Chapter 126, “Vehicles for Hire” with the following changes:

1. Section 126-156(b)(1) shall be amended to read: Payment of a permit fee of \$200 per company to be used for non-consent tows.
2. The second sentence of Section 126-156(b)(6) requiring \$1 million liability insurance for each tow truck shall be deleted.
3. Section 126-156(c) shall be amended by adding the following sentence: For the year 2014 only, the deadline for the application process shall be March 1, 2014, and the effective date of the permit shall be March 15, 2014.

4. Section 126-169(a)(1) shall be amended to read: (1) Failing to respond to a call two or more times within a month or two times within calendar year;
5. Section 126-169(a)(2) shall be amended by adding the following sentence: It is not a ground for suspension or removal if the tow company responds promptly to dispatch that it is unable to take the call. The tow company will then return to the end of the rotation list.

The motion was seconded by Councilmember Saenz. The above listed changes to the ordinance were explained. It was announced the Council would consider a rate resolution allowing wrecker companies to raise their fees at the same meeting when the second reading of the ordinance occurs. The motion carried unanimously.

## **9. COUNCIL COMMITTEE REPORTS**

Councilmember Horton reported on a recent meeting of the Metropolitan Planning Organization Policy Committee.

## **10. CITY MANAGER REPORT**

Mr. Register provided a brief capital improvement project report. He also mentioned the Bryan Fire Department annual banquet and awards ceremony and extended condolences to BTU Group Manager David Werley on the loss of his mother.

## **11. ITEMS OF COMMUNITY INTEREST**

Councilmembers mentioned the following items of community interest: Fire Department banquet, concern about sidewalks, Habitat for Humanity breakfast fundraiser, Brazos Valley Museum fundraiser, Brazos County Health Department free health screenings, the need for youth facilities and the Texas Transportation Forum. Councilmember Peña was welcomed to the Council. Former Councilmembers were thanked for attending the meeting and their part in the City's recognition by the American Institute of Architects for downtown revitalization. The bravery of the men and women of the Bryan Fire Department was mentioned. Chief McGregor and the City Manager were thanked for their leadership during the past year. Reverend Jones and Mrs. Kellett were thanked for their part in the meeting. Mr. Cavaness was also thanked for bringing the City flag back to Bryan. Former Councilmember Paul Madison was thanked for his past service on the City Council. Those individuals who wrote the nomination of downtown Bryan for the AIA award were thanked. Condolences were extended to BTU Group Manager David Werley on the loss of his mother.

At 8:15 p.m., the meeting was called back into executive session 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 term of Municipal Court Judge, legal advice regarding Chapter 380 development agreements with Brazos Decorative Center, receive legal advice regarding non-annexation agreements and infrastructure agreements pertaining to Texas Triangle Park, receive legal advice regarding possible ordinance regulating credit access businesses; under the authority of Section 551.072, real estate – discussion regarding possible sale of property in the Texas Triangle Park and central Bryan and possible purchase of property in central Bryan; under the authority of Section 551.074, personnel matters – discussion regarding duties and responsibilities of City Internal Auditor; and under the authority of Section 551.087, economic development – discussion regarding possible economic development incentives in east, west and central Bryan and the Texas Triangle Park.

The meeting was called into open session at 9:51 p.m. No action was taken regarding the items discussed in executive session.

**12. ADJOURN**

Without objection, the meeting was adjourned at 9:51 p.m.

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City Secretary Mary Lynne Stratta

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Mayor Jason P. Bienski