

**BRYAN CITY COUNCIL  
MINUTES OF WORKSHOP MEETING  
JANUARY 28, 2014**

A workshop meeting of the Bryan City Council was held on Tuesday, January 28, 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. A quorum was not present for a tour of the Clara B. Mounce Library that was included on the posted agenda. In attendance at the meeting held in the Council Chambers were Mayor Jason Bienski and Councilmembers Al Saenz, Rafael Peña, Greg Owens, Art Hughes and Chuck Konderla. Councilmember Ann Horton was absent. 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 3:27 p.m. in the Council Chambers of the Bryan Municipal Building.

**2. TOUR OF LIBRARY FOLLOWING COMPLETION OF RENOVATIONS**

A quorum of the Council was not present for the tour of the library.

**3. PRESENTATION BY DR. ALEX DEL CARMEN REGARDING ANNUAL RACIAL PROFILING REPORT FOR BRYAN POLICE DEPARTMENT**

Dr. Alex del Carmen provided the Bryan Police Department's annual racial profiling report for 2013. He gave the history of the state law that requires the annual report. Dr. del Carmen reported there were no racial profiling complaints filed against the Bryan Police Department in 2013. He commended the Department's employees on outreach efforts in the community and the manner in which they perform their work on a daily basis. Dr. del Carmen provided the annual report statistics.

**4. PRESENTATION BY DOWNTOWN BRYAN ASSOCIATION (DBA) REPRESENTATIVES CONCERNING REQUEST FOR FUNDING FROM CITY OF BRYAN**

Mr. Ben Hardeman, Chair of the Downtown Bryan Association, and Mrs. Sandra Farris, Executive Director, gave a report regarding DBA activities. Mrs. Farris reported the DBA was applying for designation as a Texas Cultural District by the Texas Commission on the Arts. Mr. Hardeman discussed the use of City funds provided to DBA. He showed anticipated expenses and revenues and indicated that DBA would be requesting additional funding for the Texas Reds Festival later in the year. He mentioned DBA would pay for security and electricity costs for Texas Reds and reported that DBA wished to host Texas Reds in partnership with the City at this time, with plans to sponsor the festival itself in the future.

**5. DISCUSSION REGARDING CONSENT/STATUTORY AGENDA ITEMS FOR REGULAR MEETING OF JANUARY 28, 2014**

Council briefly discussed agenda items 10 d, 10 e and 11 a of the consent/statutory agenda for the regular meeting of January 28, 2014. No action was taken regarding the items discussed.

**6. ADJOURN**

Without objection, the meeting was adjourned at 4:10 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 28, 2014**

The Bryan City Council held a regular meeting on Tuesday, January 28, 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 4:33 p.m.

**2. EXECUTIVE SESSION**

The meeting was called into executive session at 4:34 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, legal advice regarding Chapter 380 development agreement with Andover, Ltd., receive legal advice regarding tax abatement agreements for projects in west Bryan, 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 Downtown Bryan Association funding agreement; 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, and discussion regarding employment of Municipal Court Judge; 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 6:24 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 Randall Bard, Bethel Lutheran Church, gave the invocation. Scoutmaster Mark Miller and Boy Scout Troop #743 led the pledges.

## **5. PROCLAMATIONS AND PRESENTATIONS**

The Bryan Fire and Police Departments presented civilian service citations to Mr. Armando Rodriguez, Jr., Mr. Clarence Morris and Mr. Robert Gilmore for saving the life of a person who was trapped in a burning vehicle following a traffic accident. Mayor Bienski presented a proclamation to the Bryan Lions Club in recognition of nine decades of service.

## **6. HEAR CITIZENS**

Mr. Royce Hickman, 809 Royal Adelaide, College Station, spoke as President of the Bryan/College Station Chamber of Commerce, to express appreciation for the City's support. Mr. Lynn Evans, 1816 Drillers Drive; Mr. John Bland, 2504 Long Drive #B; and Mr. John Crouse, 2455 FM 2223, spoke in favor of agenda item 10 e. Ms. Karen Hall, 5918 Hwy 21 East; Ms. Sandra Portzer, 18924 Pipeline Road, College Station; Mr. Jerry Rose, 11282 Hickory, College Station; Mr. Tom Chavers, 1511 Texas Avenue South, College Station, expressed concerns about agenda item 10 e, pointing out specific sections of the ordinance they believed to be detrimental to tow truck companies. Ms. Donna Hanna-Calvert, 1004 Hereford, College Station, expressed concerns regarding item 10 d. Mr. David Hickson, 2900 Coronado Drive, College Station, and Mr. Rob Norcross, 1575 Windy Oaks Drive, Roanoke, spoke in opposition to item 11 b. Mr. Roy Flores, 4609 Kensington Rd; Ms. Irene Porter, 1223 West 18<sup>th</sup> Street; Ms. Helen Washington, 2300 Wilkes; Mr. Mark Thomas, 3104 Foxwood Drive; and Mr. Kevin Davenport, 4611 A North Texas Avenue, spoke regarding various capital improvements they would like to see made to their neighborhoods.

## **7. PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM**

### **a. Public Hearing – Participation in the Texas Enterprise Zone Program**

Mayor Bienski called for public comment regarding an ordinance to establish the City's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code, providing tax incentives, designating a liaison for communication with interested parties, and nominating Axis Pipe and Tube Inc., as a Double Jumbo Enterprise Project to the Office of the Governor Rick Perry: Economic Development & Tourism through the Economic Development Bank. Mr. Roy Flores, 4609 Kensington Rd, stated that he was not familiar with the item and would like more information. Mr. John Bland, 2504 B Long Drive, stated that he was in favor, believing that it would bring people, jobs and more businesses to the area. The public hearing closed at 7:05 p.m. with no further comments.

### **b. First Reading of an Ordinance – Participation in the Texas Enterprise Zone Program**

It was noted that tax incentives associated with this project area were being offered by the Governor's office and not by the City. It was also noted the City would benefit from a \$150 million facility with 250-280 employees at an average annual salary of \$40,000. Councilmember Owens made a motion to approve the first reading of an ordinance to establish the City's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code, providing tax incentives, designating a liaison for communication with interested parties, and nominating Axis Pipe and Tube Inc., as a Double Jumbo Enterprise Project to the Office of the Governor Rick Perry: Economic Development & Tourism through the Economic Development Bank. The motion was seconded by Councilmember Horton and carried unanimously.

## **8. REZONING REQUEST (RZ13-17)**

### **a. Public Hearing – Rezoning Request (RZ13-17)**

Mayor Bienski called for public comment regarding an ordinance to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from Multiple-Family District (MF) to Planned Development – Housing District (PD-H) on 0.179 acres of land located at the east corner of College Main and Jefferson Streets, being Lot 5R in Block 3 of Highland Park Addition in Bryan, Brazos County, Texas. Staff presented the development plan with a few alterations to eliminate the on-site dumpster and add two parking spaces. Mr. Ryan Strickland, 318 Borderbrook Drive, and Mr. Roy Munday, 4202 Aspen Street, spoke in favor of the request with the proposed changes. Mr. Constantin Barbu, 3522 Midwest, spoke as the architect for the project in favor of the request. The public hearing closed at 7:18 p.m. with no further comments.

### **b. First Reading of an Ordinance – Rezoning Request (RZ13-17)**

Councilmember Owens made a motion to approve the first reading of an ordinance of the City of Bryan, Texas, to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, to change the zoning classification from Multiple-Family District (MF) to Planned Development – Housing District (PD-H) on 0.179 acres of land located at the east corner of College Main and Jefferson Streets, being Lot 5R in Block 3 of Highland Park Addition in Bryan, Brazos County, Texas, with the development plan amendment as presented. The motion was seconded by Councilmember Konderla and carried unanimously.

## **9. REZONING REQUEST (RZ13-18)**

### **a. Public Hearing – Rezoning Request (RZ13-18)**

Mayor Bienski called for public comment regarding an ordinance to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, changing the zoning classification from a combination of Agricultural-Open District (A-O) and Planned Development – Mixed Use District (PD-M) to a Planned Development – Housing District (PD-H) on 186.59 acres of land out of John Austin League, Abstract No. 2 adjoining both sides of Thornberry Drive, generally northwest of its intersection with F.M. 1179 in Bryan, Brazos County, Texas. Staff presented information regarding street alignment changes. Mr. Steve Arden, 311 Cecilia Loop, College Station, spoke as the developer of the project and stated that a gas transmission line running along the south end of the property and the addition of four acres to the project initiated the proposed changes to the street alignment for the development. Mr. Jeff Robertson, McClure & Browne Engineering, offered to answer questions. The public hearing closed at 7:24 p.m. with no further comments.

### **b. First Reading of an Ordinance – Rezoning Request (RZ13-18)**

Councilmember Horton made a motion to approve the first reading of an ordinance of the City of Bryan, Texas, to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, to change the zoning classification from a combination of Agricultural-Open District (A-O) and Planned Development – Mixed Use District (PD-M) to a Planned Development – Housing District (PD-H) on 186.59 acres of land out of John Austin League, Abstract No. 2 adjoining both sides of Thornberry Drive, generally northwest of its intersection with F.M. 1179 in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Owens and carried unanimously.

## 10. CONSENT (AUTOMATIC APPROVAL) AGENDA

Item 10 e was removed from the consent agenda for separate consideration. Councilmember Konderla moved to approve the remainder of the consent agenda. The motion was seconded by Councilmember Owens and carried unanimously.

**a. Approval of Minutes – Workshop and Regular Meetings of January 14, 2014**

**b. Consideration – Payment for Texas Institute of Pre-Clinical Studies**

Consider approving the final annual payment for the Texas Institute for Pre-clinical Studies (TIPS) in the amount of \$84,000.00 for fiscal year 2014. Source of Funds: General Fund.

**c. Consideration – Appointment to the City of Bryan-Brazos County Economic Development Foundation, Inc., Board of Directors**

Consider the appointment of Councilmember Konderla to a position on the City of Bryan-Brazos County Economic Development Foundation Board of Directors for an unexpired term ending May 31, 2014, and for an additional term ending May 31, 2016.

**d. Second and Final Reading of an Ordinance – Amend Chapter 78, “Natural Resources” of the Bryan Code of Ordinances**

Second and final reading of Ordinance No 2027 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 78-56, “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 agenda item removed from the consent agenda for separate consideration.

**e. Second and Final Reading of an Ordinance – Amend Chapter 126, “Vehicles for Hire” of the Bryan Code of Ordinances**

Councilmember Konderla made a motion to approve the first reading of an ordinance of the City of Bryan, Texas, amending the text of Bryan Code of Ordinances, Chapter 126, “Vehicles for Hire”, deleting Article IV, “Tow Truck and Vehicle Storage Businesses” in its entirety and amending same to reflect changes in State law; establishing permit requirements; regulating fees for non-consent tows, qualifications for rotation list and grounds for removal from rotation list; establishing permit application procedures; establishing requirements for vehicle storage facilities and equipment; establishing administrative and criminal penalties for violations of this ordinance; providing for publication; providing an effective date, with the following amendments:

The definition section is amended as follows: the definition of incident management tow is added to read: “Incident management tow shall mean any tow of a vehicle in which the tow truck is summoned to the scene of a traffic accident or incident, including the removal of a vehicle, commercial cargo, and commercial debris from an accident or incident scene. (Occupations Code, Title 14, Chapter 2308, Section 2308.002 (5 -a), as amended.)”; the definition of Nonconsent tow

is amended to read as follows: “Nonconsent tow shall mean any tow of a motor vehicle that is not a consent tow, including; (A) An incident management tow; and (B) A private property tow. (Occupations Code, Title 14, Chapter 2308, Section 2308.002 (6), as amended.)”; the definition of Private property tow is added and shall mean a tow of a vehicle authorized by a parking facility owner without the consent of the owner or operator of the vehicle. (Occupations Code, Title 14, 2308, Section 2308.002 (8 -a), as amended.); Section 126- 156(b) subsection (6) is amended to read “as required by the Texas Department of Licensing and Regulation.”; Section 126 -156 (b) subsection (7) requiring workers compensation /workers injury insurance is deleted in its entirety; the former section 126 -161 is moved to Section 126- 156(b), subsection (8) is amended to read as follows: “(8) Towing companies shall also maintain on -hook cargo insurance for each tow truck in the amount required by the Texas Department of Licensing and Regulation. Each policy shall contain an endorsement providing for ten days notice to the city in the event of change thereof or cancellation.”; former Section 126- 156(b) 9 regarding maintenance of a 24 hour dispatch service is deleted and the remaining subsections are renumbered; the second sentence in Section 126- 156(d) is deleted; Section 126 -156, subsection (g) is added and this statement is removed from prior Section 126 -159 and shall read as follows: “(g) All drivers of tow truck vehicles shall possess a current driver's license and applicable TDLR Licenses and shall not have been convicted of a felony offense or a crime of moral turpitude within the past ten years. Tow truck drivers driver's license history will be considered in issuing a permit. All VSF Employees that release vehicles shall possess a current TDLR VSF License and shall not have been convicted of a felony offense or a crime of moral turpitude within the past ten years.”; the title of Section 126 - 158 is amended to read: “Vehicle nonconsent tow permit application.”; Section 126 -158, the first paragraph, is amended by adding the word “nonconsent” in front of the words “tow permit” in the first sentence; Section 126 - 158(2), subsection (f) is amended to read as follows: “A list of each employee who is licensed by the Texas Department of Licensing and Regulation. A permit application for each employee required to be licensed by the Texas Department of Licensing and Regulation should be included.”; Section 126 - 158(3) is amended to read: “To be eligible to receive a nonconsent permit, a tow company shall certify in writing that the VSF meets or exceeds the criteria set forth on an ADA accessibility form, a copy of which will be provided by the city at the time the company applies for a permit.”; Section 126- 161(d) is amended to read as follows: “Pass. A pass shall be defined as when the public safety dispatch operator telephones a towing company on the rotation list to perform a nonconsent tow and is unable to contact the towing company or the towing company refuses or declines to accept the telephone call. The towing company shall be entitled to one pass during a calendar month. In the event the towing company passes two or more times during a calendar month, the first occurrence the wrecker company will be suspended for 30 days. The second occurrence the wrecker company will be suspended for the balance of the year. 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.”; Subsection 126- 161(g) is hereby added with the text that was removed from former Section 126 -156, and amended shall read as follows: “(g) The towing company shall not subcontract its rights or obligations with respect to the rotation tow list, in whole or in part, to any other person.”; the third sentence of Section 126 -162 shall be amended to read as follows: “Violations of this provision may result in suspension of permit, and criminal penalties against the offender.”; the title of Section 126 -166 shall be amended to read: “Duties of tow companies performing Incident Management Tows.”; the last sentence of Section 126 - 166(5) is deleted; Section 126- 166(b) is hereby added with the text that was removed from former Section 126 -169, and the text is amended to read as follows: “Tow companies are expected to deliver a vehicle directly to the location within the limits of Brazos County as designated by the owner of the vehicle or the policed department provided such vehicle can be legally delivered to such location.”; Section 126- 166(c) is hereby added with the text that was removed from former Section 126 -169 and is amended to read: “(c) Any towing company that

receives a total of three suspensions in a 12 -month period shall have its tow rotation privileges terminated immediately. That towing company shall not be eligible to reapply for the tow rotation list for a 24 -month period commencing on the date of termination.”; Section 126- 166(d) is hereby added with the text that was removed from former Section 126 -169, and is amended to read: “(d) Any towing company that believes that they cannot fulfill all of the terms to be on the tow rotation list under this chapter may apply to the chief of police for removal. Under this chapter, the removal from the tow rotation list decision rests with the chief of police.”; the title of Section 126 -167 is amended to read: “Standards of conduct for towing companies and tow truck drivers performing nonconsent tows.”; Section 126 -167 is hereby added with the text that was removed from former section 166, and is amended to read as follows: “(16) Drops. A tow truck that has "connected" a vehicle for towing shall release the vehicle to its owner or operator upon payment of the "drop fee" and will not tow the vehicle, except when the vehicle is being taken into custody by a police officer. A vehicle is "connected" when the vehicle is fully prepared for transport by attachment to a tow truck, lifted in tow position, with tow lights and safety chains attached and, if required, placed on a dolly in a raised position and the only thing remaining is for the tow operator to drive away. A vehicle is not "connected" if the tow truck has merely backed up to the vehicle.”; the title of Section 126 -168 is amended to read: “Grounds for suspension or removal from the Tow Rotation List.”; Section 126 -168 (a) is amended to read as follows: “(a) Any applicant who makes application under this chapter and is permitted by the city shall abide by the terms defined within. The chief of police or his /her designee may suspend or revoke a towing company from the rotation tow list permit at his /her discretion, including for, but not limited to, any of the following reasons: (1) Pass by refusing or declining to accept the telephone call. The towing company shall be entitled to one Pass during a calendar month. In the event the towing company passes two or more times during a calendar month, the first occurrence the wrecker company will be suspended from the rotation list for 30 days. The second occurrence the wrecker company will be suspended from the rotation list for the balance of the year. 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. (2) Forfeiture of calls by failing to respond to the location dispatched by the city within 30 minutes of being called. The first failure shall result in a warning. Upon the third failure in the same calendar year, the wrecker business and its owner and wrecker shall be suspended from the Tow Rotation List.”; Former Section 126 -169 is deleted and new Section 126 -169 entitled "Penalties for violations" is hereby added; new Section 126 -169 includes administrative penalty language from the current ordinance, and shall read as follows: “Violation of any term of this article by any person, firm or corporation is declared to be a misdemeanor and upon adjudication of guilt, a fine not to exceed five hundred dollars (\$500.00) shall be assessed against such violator. Each continuing day of violation shall be deemed a separate offense for which a separate fine may be assessed. In addition to the criminal penalties imposed for violations of state law or this article, any tow company on the rotation list that violates this article or state law may be subject to sanctions by the chief of police, depending upon the nature of infraction, number of infractions, and other circumstances. The sanctions shall range from written notification of violations with warning to, and including, suspension or removal from the tow rotation list.”

The motion was seconded by Councilmember Saenz. Council discussed the provisions of the ordinance and clarified questions posed by tow truck operators. It was pointed out the Council would consider a resolution to allow tow truck operators to raise fees substantially at the same time the second reading of the ordinance occurred. Chief Buske was thanked for his hard work on the ordinance. The motion passed unanimously.

## 11. STATUTORY AGENDA

It was announced agenda item 11 a would not be considered.

### a. Resolution – Maximum Fees for Non-consent Tows

This item was not considered.

Council then considered agenda item 11 b.

### b. First Reading of an Ordinance – Amend Chapter 18, “Businesses” of the Bryan Code of Ordinances

Councilmember Horton moved to approve the first reading of an ordinance of the City of Bryan, Texas, amending the text of the Bryan Code of Ordinance, Chapter 18, Businesses, adding Article III, “Credit Access Businesses”; providing registration requirements and credit extension guidelines for credit access businesses; providing penalties; providing for publication; with an effective date of August 1, 2014. The motion was seconded by Councilmember Saenz. Alsie Bond, Director of Community Development, advised that the ordinance would establish a registration process and impose regulations to allow consumers better opportunities to pay off loans issued through credit access businesses. The motion carried unanimously.

## 12. REGULAR AGENDA

### a. Consideration – Appointment to Bryan-College Station Public Library System Board

Mayor Bienski moved to appoint Wendi Zimmer to a position on the Bryan-College Station Public Library System Board for an unexpired term ending December 31, 2014. Councilmember Hughes seconded the motion which carried with six yeases and one no (Councilmember Peña).

### b. Consideration – Capital Improvements Projects for Single Member District 2

Council then discussed the following agenda item submitted by Councilmembers Peña and Saenz: Discussion, consideration and possible action on capital improvement projects for Single Member District 2 including: funding for Fiscal Years 2014, 2015, 2016, 2017 and 2018; identified and unfunded projects; and requests by citizens in the district. Councilmember Peña showed a powerpoint presentation and requested various capital improvement projects in Single Member District Two. Councilmember Peña made a motion to direct staff as presented here and as written in the attachment to this agenda item titled “Citizen Initiated Capital Improvement Projects” and to approve the projects listed as additional approved City Capital Improvement Projects. (For the record, no attachment was provided with the agenda item.) The motion was seconded by Councilmember Saenz.

Director of Public Works Jayson Barfknecht reviewed the City Council approved Capital Improvement Plan (CIP) for Fiscal Years 2014-2018. He also explained the CIP process was established by Council resolution, which had been followed in formulation of the current plan. He also reported that several of the projects requested by Councilmember Peña were already contained in the approved CIP. He also mentioned several of the projects Councilmember Peña requested be a part of the CIP were actually maintenance projects currently on the maintenance schedule. He provided the definition of a capital improvement project and explained the advantages and goals of utilizing a five-year CIP. He explained that Council

adopted Resolution Number 3185, which established a ranking system for CIP projects. Also, Resolution Number 3367 adopted a biennial process for the CIP, which provides for Council to adopt a five-year CIP in odd numbered fiscal years, and update it in even numbered fiscal years. He reported the Fiscal Years 2014-2018 CIP had been adopted by Council Resolution Number 3506 on September 10, 2013, and listed the funding sources for the projects contained in the CIP. Dr. Barfknecht then listed the amount of funds to be allocated to Council single member districts in Fiscal Years 2014-2018 CIP: District One – 38%; District Two – 39%; District 3 – 1%; District 4 – 4%; and District 5 – 19%. He listed projects contained in the plan, including those in District Two, such as the Old Hearne Road/Wilkes Drive project and Sadie Thomas Park improvements. Dr. Barfknecht added that all identified capital improvement needs, totaling \$458 million, were in the database. He also added the adopted CIP process established methodologies for gathering public input in the process. He explained debt issuance numbers were identified as to how much debt could be issued and applied to the work pro forma in order to be fiscally responsible. He concluded that projects were ranked based on criteria adopted by the City Council.

It was opined the current and past CIP's had been reflective of infrastructure needs in Districts One and Two, as evidenced by 77% of the current CIP funds being allocated to those two districts. Questions were posed as to what projects would be eliminated or reprioritized in the current CIP to accommodate the requested new projects. The City Attorney advised that before the pending main motion could be implemented, the Council adopted resolution as to how projects were ranked and placed in the CIP would have to be repealed. City Manager Register pointed out that with over \$450 million worth of needed projects, there would always be more projects than money, and commented the Council as a whole must vote on the CIP and capital expenditures. It was also pointed out that large CIP projects could take several years to accomplish; for example, the Old Hearne Road project contains many phases other than just sidewalks, such as right-of-way acquisition and storm sewer and drainage facilities construction. Council was cautioned to consider the sources of funding and the cost to taxpayers. It was stated the intent of the presentation was not to determine financing sources but to reflect capital needs in District Two. The City Manager stated 50 percent of the street maintenance budget was also spent in Districts One and Two. It was again stated that prior City Councils had shown concern for aging infrastructure in those districts and had agreed to commit over three-fourths of the current CIP to those areas. Councilmembers were encouraged to work together to address the needs of the entire city by expanding the tax base. Councilmember Peña expressed the need for sidewalks in his district and stated he did not see the need to identify funding sources for newly requested projects. It was indicated that infrastructure in older parts of the City required more attention, but it was unrealistic to expect 100 percent of available CIP funding to be allocated to only two districts. Discussion followed which indicated funding sources must be identified before projects can be approved and concern was expressed about taking money from other districts that were currently scheduled to receive only a small percentage of total CIP funds over the next five years. It was again pointed out the pending main motion could not be implemented until the CIP process resolution was rescinded. The need to address the needs of the entire City was again expressed.

The main motion failed to carry by a vote of two yeases (Councilmembers Peña and Saenz) and five noes. Mayor Bienski moved to postpone further discussions of individual single member districts' CIP projects until such time as the entire city-wide CIP was discussed. The motion was seconded by Councilmember Konderla. Dr. Barfknecht was asked to provide the list of all projects identified through the CIP process. The motion carried with five yeases and two abstentions (Councilmembers Saenz and Peña).

**13. COUNCIL COMMITTEE REPORTS**

Councilmember Hughes provided a report on a recent meeting of the Bryan-Brazos County Economic Development Foundation Board. Councilmember Konderla reported on a recent meeting of the Bryan Animal Center Advisory Committee. Councilmember Owens gave a report about a recent Brazos Valley Wide Area Communication Systems Board meeting.

**14. CITY MANAGER REPORT**

A City Manager's report was not provided.

**15. ITEMS OF COMMUNITY INTEREST**

Councilmembers mentioned the following items of community interest. Bryan High School graduate Michal Sis was congratulated for being named as Bishop by the Catholic Church. Businesses donating time/materials for the Queen Theatre renovations were thanked. The three men who were presented citizen service citations were again thanked for their heroism. Councilmember Horton was commended for her leadership on the credit access business ordinance.

**16. ADJOURN**

Without objection, the meeting was adjourned at 9:07 p.m.

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City Secretary Mary Lynne Stratta

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Mayor Jason P. Bienski