

**BRYAN CITY COUNCIL
MINUTES OF WORKSHOP MEETING
FEBRUARY 11, 2014**

A workshop meeting of the Bryan City Council was held on Tuesday, February 11, 2014, 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 Pro Tem Ann Horton and Councilmembers Al Saenz, Rafael Peña, Greg Owens, Art Hughes and Chuck Konderla were present. Mayor Jason Bienski was absent as he was attending another meeting on behalf of the City. City Manager Kean Register, City Attorney Janis Hampton and City Secretary Mary Lynne Stratta were in attendance.

1. CALL TO ORDER

The meeting was called to order at 2:12 p.m.

2. DISCUSSION REGARDING COUNCIL'S STRATEGIC PLAN – QUALITY OF LIFE STRATEGIC INITIATIVE

Deputy City Manager Joey Dunn presented information relative to the Council's strategic initiative of quality of life. He listed proposed key result areas, objectives, criteria and performance measurements to address the quality of life strategic initiative.

3. PRESENTATION BY TOM MCDONALD REGARDING REPORT FOR BRAZOS VALLEY GROUNDWATER CONSERVATION DISTRICT

Judge Tom McDonald, the City's representative on the Brazos Valley Groundwater Conservation District (BVGWCD) Board of Directors, provided a brief history of the BVGWCD and listed current board members. He cautioned Councilmembers that a proactive approach to water conservation, preservation and protection must start immediately in order to protect this extremely valuable natural resource. He also said the health of the area's aquifer was good, but would not remain that way unless conservation efforts are instituted soon. Mr. Allan Day, BVGWCD General Manager, stated the board is charged to conserve, preserve, protect and enhance the recharge of the Carrizo Wilcox Aquifer. He reported the District issues permits to drill new water wells, correctly spaces new wells from existing wells, records metered use, monitors 168 water wells and aquifer water levels, monitors water quality, and assures water will be available in 50 to 100 years. The Board establishes the desired future condition of the aquifer through groundwater management areas and modeled available groundwater. Mr. Day stated that water conservation education was critical and spoke about a new groundwater conservationist of the year award. He listed ways that cities could assist in water conservation, expressing concern about the population growth projected in the area which would make the current water usage levels unsustainable. He recommended a tiered pricing system, direct reuse of effluent, aquifer storage, recovery of effluent, desalination, direct potable reuse, and homeowner conservation programs. Mr. Day said he sees no impact on the aquifer from oil well fracking.

4. PRESENTATION BY THE RESEARCH VALLEY PARTNERSHIP REGARDING TEXAS AGGIES GO TO WAR EXHIBIT IN BASTOGNE, BELGIUM

Mr. Todd McDaniel of The Research Valley Partnership (TRVP) presented information regarding the Aggies Go to War Exhibit in Bostogne, Belgium. He reported this project would have a quality of life impact in the area of arts and economic development. Ms. Linda Ravey, Texas A&M University System, stated this presented a unique opportunity for the two cities and the System to partner in this project. She reported the Bostogne area was preparing an exhibit at the Bostogne War Museum to commemorate the 70 year anniversary of the Battle of the Bulge. She said the display would highlight Aggies who fought in that battle during World War II. Mr. McDaniel discussed needed funding with \$100,000 proposed from the City of Bryan's hotel/motel tax fund. He added that after two years, the display would move to a permanent home locally. Mr. Jim Singleton, TRVP Board member, spoke in support of the project. Ms. Shannon Overby, Executive Director of the Convention and Visitor Bureau, reported the proposed use of hotel occupancy tax for this purpose was legal and supported by over half of the local hoteliers.

5. PRESENTATION REGARDING SENIOR CITIZEN ACTIVITIES, PARTNERSHIPS AND VENUES

Mr. Dunn recognized representatives of the Brazos County Senior Citizen Association. He listed current senior citizen program funding provided by the City, programs offered by the City and other organizations, facilities that house senior citizen activities, etc. He reported there were several organizations locally that provided activities and services to senior citizens. He said that a needs assessment had been performed through surveys, focus groups, etc., and listed the programs seniors currently access and utilize. He stressed that partnerships were important in seeing that all senior citizens have access to senior activities. Mr. Dunn reported the Bryan ISD had sold Carver School to a private developer who planned to convert the school into a nice community center, presenting a wonderful opportunity to establish a location that could also serve seniors.

6. DISCUSSION REGARDING CONSENT/STATUTORY AGENDA ITEMS FOR REGULAR MEETING OF FEBRUARY 11, 2014

Council briefly discussed agenda items 8 b, 8 c, 9 a and 9 e of the consent/statutory agenda for the regular meeting of February 11, 2014. No action was taken regarding the items discussed.

7. ADJOURN

Without objection, the meeting was adjourned at 3:41 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING
FEBRUARY 11, 2014**

The Bryan City Council held a regular meeting on Tuesday, February 11, 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 Pro Tem Ann Horton and Councilmembers Al Saenz, Rafael Peña, Greg Owens, Art Hughes and Chuck Konderla were present. Mayor Jason Bienski joined the meeting at 5:19 p.m. as he was attending another meeting on behalf of the City. 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 4:06 p.m.

2. EXECUTIVE SESSION

The meeting was called into executive session at 4:07 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 attorney-client privileged communications and compliance with the Texas Open Meetings Act, 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, receive legal advice regarding vehicle for hire wrecker ordinance, receive legal advice regarding smoking ordinance, 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 Municipal Court Judge position; 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, IF NECESSARY

The meeting was called into open session at 6:10 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

Reverend Maurice Green, Jr., Lily of the Valley Church of God in Christ, gave the invocation. Troop Leader Jennifer Kominczak and Brownie Troop #9014 led the pledges.

5. PROCLAMATIONS AND PRESENTATIONS

Sanderson Farms was presented the Water Conservation Award from the Brazos Valley Groundwater Conservation District for their efforts to conserve water.

6. HEAR CITIZENS

Ms. Karen Hall, 5918 Hwy 21 East, spoke regarding the 2009-2012 capital improvement plan expenditures in Single Member District Two.

7. REZONING REQUEST (RZ13-20)

a. Public Hearing – Rezoning Request (RZ13-20)

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 Agricultural-Open District (A-O) to Residential District - 7000 (RD-7) on 30.3 acres of land located at the east corner of Thornberry and Austin's Estates Drives, being Lots 1-3 in Block 2 of Austin's Estates Subdivision - Phase 4A, Lot 1 in Block 4 of Austin's Estates Subdivision - Phase 4B, and 17.39 acres of land out of John Austin League, A-2 (proposed Phase 5 of Austin's Estates Subdivision) in Bryan, Brazos County, Texas. No one spoke on this topic and the public hearing closed at 6:24 p.m.

b. First Reading of an Ordinance - Rezoning Request (RZ13-20)

Councilmember Hughes 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 Agricultural-Open District (A-O) to Residential District - 7000 (RD-7) on 30.3 acres of land located at the east corner of Thornberry and Austin's Estates Drives, being Lots 1-3 in Block 2 of Austin's Estates Subdivision - Phase 4A, Lot 1 in Block 4 of Austin's Estates Subdivision - Phase 4B, and 17.39 acres of land out of John Austin League, A-2 (proposed Phase 5 of Austin's Estates Subdivision) in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Owens and carried unanimously.

8. CONSENT (AUTOMATIC APPROVAL) AGENDA

Item 8 c was removed from the consent agenda for separate consideration. Councilmember Horton moved to approve the remainder of the consent agenda. The motion was seconded by Councilmember Hughes and carried unanimously.

a. Approval of Minutes – Workshop and Regular Meetings of January 28, 2014, and Special Meeting of February 3, 2014.

b. Consideration – Blanket Purchase Order – Solid Waste Refuse Vehicle Parts

Consider approving a blanket purchase order for Heil of Texas in an amount not to exceed \$100,000 for annual solid waste refuse vehicle parts procurement, as the sole source original equipment Heil and Peterson service parts provider in the State of Texas. Source of Funds: Solid Waste Operating Fund.

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

c. Resolution – Contribution to the “Aggies Go to War” Exhibit

Councilmember Owens made a motion to adopt Resolution No. 3527 of the City Council of the City of Bryan, Texas, authorizing a contribution in an amount not to exceed \$100,000 for the proposed “Aggies Go to War” Exhibit, featuring Aggies that fought in the Battle of Bastogne, to support tourism, convention, and hotel industry in Bryan (Source of Funds: Hotel/Motel Tax Fund). The motion was seconded by Councilmember Horton and, after a brief discussion on using Hotel/Motel Tax Funds for the contribution, passed with five yeases and two noes (Councilmembers Saenz and Peña).

9. STATUTORY AGENDA

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

a. Consideration – Interlocal Agreement with College Station for Shared Vehicle Impound Lot

Consider approving an interlocal agreement between the cities of Bryan and College Station to share a vehicle impound lot located at 7600 East Rock Prairie Road, College Station, Texas. Source of Funds: Police Department Budget.

b. Consideration – Lease Agreement with MAALT Transport, LP

Consider authorizing the Mayor to execute an agreement with MAALT Transport, LP, for a twenty-four month lease of approximately sixty-eight acres of land owned by Bryan Texas Utilities for the purpose of transloading sand and aggregate materials.

c. Resolution – Registration Fees for Credit Access Businesses

Adoption of Resolution No. 3528 of the City Council of the City of Bryan, Texas, establishing the fee for registration and implementation of Ordinance 2032, which amended Chapter 18, “Businesses” of the Bryan Code of Ordinances by adding Article III, entitled “Credit Access Businesses,” regulating credit access businesses to avoid abusive lending practices.

d. Resolution – Funding Agreement for the Downtown Bryan Association

Adoption of Resolution No. 3529 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, 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 February 16, 2014, through September 30, 2014, in an amount not to exceed \$123,750, for a total amount not to exceed \$165,000 for fiscal year 2014. Source Funds: Hotel/Motel Tax Fund and General Fund.

e. Resolution – Purchase of Property for the West 28th Street Reconstruction Project

Adoption of Resolution No. 3530 of the City Council of the City of Bryan, Texas, authorizing the purchase of a 1.406 acre tract of land located at the corner of West 28th Street and Graham Drive, listed as R44387 by the Brazos County Appraisal District, and addressed as 1510 West 28th Street, from Richard Pena in an amount not to exceed \$38,000 for the West 28th Street Reconstruction Project. Source of Funds: 2010 Bond Funds – Fund 368.

f. Resolution – Fees for Applications and Permits for Oil and Gas Operations

Adoption of Resolution No. 3531 of the City Council of the City of Bryan, Texas, repealing and replacing Resolution 3306, establishing fees to be charged and collected for applications and permits issued by the City of Bryan pursuant to oil and gas operations and seismic testing performed within the City.

g. 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 II, “Seismic Testing”, establishing procedures for performing seismic testing within the City; declaring a penalty; providing for publication; providing an effective date.

10. REGULAR AGENDA - Consideration – Amend Chapter 126, “Vehicles for Hire” of the Bryan Code of Ordinances

Council then discussed the following agenda item submitted by Councilmembers Konderla and Horton: Consider an amendment to the text of Bryan Code of Ordinances, Chapter 126, “Vehicles for Hire”, Article IV, “Tow Truck and Vehicle Storage Businesses”, regarding qualifications/requirements for private party tows in the City of Bryan. Councilmember Konderla moved to direct staff to bring forward at the next Council meeting an amending ordinance to the towing ordinance to allow individuals convicted of a felony prior to the past five years to perform non-consent private property tows. The motion was seconded by Councilmember Horton. It was clarified the amendment would allow individuals convicted of a felony more than five years ago to still perform private party tows but would not change the towing ordinance with regard to police rotation calls. The motion carried unanimously.

11. COUNCIL COMMITTEE REPORTS

Councilmember Horton provided a report on a recent meeting of the City of Bryan/Bryan ISD Joint Committee. Councilmember Owens reported on a recent meeting of the Community Emergency Operations Center Policy Board. Councilmember Horton gave a report about a recent City of Bryan Audit Committee meeting.

12. CITY MANAGER REPORT

Mr. Register did not provide a report.

13. ITEMS OF COMMUNITY INTEREST

Councilmembers mentioned the following items of community interest: Habitat for Humanity builders' breakfast, Hispanic Forum golf tournament, and a new business coming to downtown Bryan. Councilmembers commented that the Bryan High School theatre group's *Sound of Music* was outstanding. The culinary arts program at BISD was complimented. Citizens were reminded that the monthly town hall meeting for District Two would be the following day. Reverend Green and Brownie Troop #9014 were thanked and Sanderson Farms was congratulated again. The Allen Academy students were congratulated on opening their Ram store. Former Mayor Jay Don Watson and Councilmember Peña were wished happy birthday.

14. ADJOURN

Without objection, the meeting was adjourned at 6:46 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski