

**BRYAN CITY COUNCIL
MINUTES OF WORKSHOP MEETING
MARCH 25, 2014**

A workshop meeting of the Bryan City Council was held on Tuesday, March 25, 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 Jason Bienski and Councilmembers Al Saenz, Rafael Peña, Greg Owens, Ann Horton, Art Hughes and Chuck Konderla were present. Also present were Deputy City Manager Hugh Walker, City Attorney Janis Hampton and City Secretary Mary Lynne Stratta.

1. CALL TO ORDER

The meeting was called to order at 2:20 p.m.

2. UPDATE FROM CHRIS FIELD AND SHANNON OVERBY REGARDING THE ANNUAL BCS MARATHON

Mr. Chris Field provided an update regarding the BCS Marathon, which serves as a fundraiser for the Mercy Project. Runners from 4 countries and 40 states were represented in the 2013 race. He reported a survey indicated the average runner spent \$230 during the weekend of the race. He thanked the City for its partnership and assistance, stating staff support and hotel/motel tax funds were appreciated.

3. UPDATE FROM STAFF REGARDING THE RESEARCH VALLEY TECHNOLOGY COUNCIL

Chief Information Officer Bernie Acre reminded Council it had approved an additional \$25,000 in funding to The Research Valley Partnership for research and evaluation relative to a next generation bandwidth effort. From that effort, the Research Valley Technology Council was formed, with the City of Bryan, City of College Station, Brazos County, Texas A&M University and Brazos Valley Council of Governments as partners. Mr. Acre listed the pros and cons of using fiber optic cable as basic infrastructure and the lease of dark fiber by private entities. He suggested the City may want to consider in the future allowing the use of the City's 240 miles of fiber optics through lease to private entities as a source of revenue. It was also pointed out that adequate bandwidth infrastructure would be important to future economic development.

4. PRESENTATION BY STAFF REGARDING CODE ENFORCEMENT

Treatment/Compliance Manager Mark Jurica discussed code enforcement in general, such as weeds and grass, open storage, nuisances, junk vehicles, illegal dumping, signage, etc. He explained environmental compliance had a utility component, such as solid waste collection, illegal dumping, sewer usage, etc., while managed program compliance included the grease and grit program, industrial pretreatment program, inflow/infiltration program, backflow prevention program, etc. Mr. Jurica reviewed staffing levels, budget, case activity, program statistics, opportunities, ordinances, resolutions, public education, field verification, etc. He stated Code Enforcement's focus remained compliance driven with the ultimate goal of voluntary compliance. He answered questions posed by Councilmembers.

5. DISCUSSION REGARDING CONSENT/STATUTORY AGENDA ITEMS FOR REGULAR MEETING OF MARCH 25, 2014

Council discussed agenda items 7 a, 7 c, 7 d and 7 g of the consent/statutory agenda for the regular meeting of March 25, 2014. No action was taken regarding the items discussed.

6. ADJOURN

Without objection, the meeting was adjourned at 3:35 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING
MARCH 25, 2014 – 4:00 P.M.**

The Bryan City Council held a regular meeting on Tuesday, March 25, 2014, in Room 305 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 Al Saenz, Rafael Peña, Greg Owens, Ann Horton, Art Hughes and Chuck Konderla were present, as were Deputy City Manager Hugh Walker, City Attorney Janis Hampton and City Secretary Mary L. Stratta.

1. CALL TO ORDER

The meeting was called to order at 4:36 p.m.

2. EXECUTIVE SESSION

The meeting was called into executive session at 4:37 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 reclaimed water agreement with Traditions Acquisition Partnership, Ltd., legal advice regarding Chapter 380 development agreement with Andover, Ltd., receive legal advice regarding Chapter 380 development agreement with Park Hudson Villas, receive legal advice regarding tax abatement agreements for projects in west Bryan, receive legal advice regarding proposed Charter amendment election, receive legal advice regarding non-annexation agreements and infrastructure agreements pertaining to Texas Triangle Park, receive legal advice regarding Section 5 (j) of the Bryan City Charter, receive legal advice regarding the possible acquisition of land through the Hazard Mitigation Grant Program, and receive legal advice regarding Building and Standards Commission appeals; under the authority of Section 551.072, real estate – discussion regarding possible sale of property in the Texas Triangle Park and central Bryan, and 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 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 6:04 p.m. No action was taken regarding the items discussed in executive session.

4. ADJOURN

Without objection, the meeting was adjourned at 6:04 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING
MARCH 25, 2014 – 6:00 P.M.**

A regular meeting of the Bryan City Council was held on Tuesday, March 25, 2014, 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 Al Saenz, Rafael Peña, Greg Owens, Ann Horton, Art Hughes and Chuck Konderla were present. Also present were Deputy City Manager Hugh Walker, City Attorney Janis Hampton and City Secretary Mary Lynne Stratta.

1. CALL TO ORDER

The meeting was called to order at 6:14 p.m.

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

Pastor Kenneth Hall, Fairview Baptist Church, gave the invocation and Girl Scout Troop 9184 led the pledges.

3. PROCLAMATIONS AND PRESENTATIONS

A proclamation was presented to Allen Academy student Morgan Novosad for perfect attendance from kindergarten through twelfth grade. The Brazos Christian School football team was recognized as State champion runner-up.

4. HEAR CITIZENS

Ms. Karen Hall, 5918 Highway 21 East, spoke in favor of agenda item 8 d. Mr. Wayne Woodside, Midland, Texas, spoke in favor of agenda item 6 m. Ms. Sharon Anderson, 2304 Cindy Lane, spoke in support of agenda item 7 a.

5. REZONING REQUEST (RZ14-02)

a. Public Hearing – Rezoning Request (RZ14-02)

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 Residential District – 5000 (RD-5) to Retail District (C-2) on property at 909 West 28th Street, being 4.43 acres of land out of Stephen F. Austin Survey #9 and adjoining the south side of West 28th Street between South Congress and Holt Streets in Bryan, Brazos County, Texas. No one spoke during the public hearing, which closed at 6:38 p.m. with no comments.

b. First Reading of an Ordinance - Rezoning Request (RZ14-02)

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, by changing the

zoning classification from Residential District – 5000 (RD-5) to Retail District (C-2) on property at 909 West 28th Street, being 4.43 acres of land out of Stephen F. Austin Survey #9 and adjoining the south side of West 28th Street between South Congress and Holt Streets in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Saenz and carried with six yeases and one absent (Councilmember Peña was out of the room at the time of the vote).

6. CONSENT (AUTOMATIC APPROVAL) AGENDA

Councilmember Hughes moved to approve the consent agenda. The motion was seconded by Councilmember Horton and carried with six yeases and one absent (Councilmember Peña was out of the room at the time of the vote).

a. Approval of Minutes – Workshop and Regular Meetings of February 25, 2014

b. Consideration – Payment for Water Supplied by Wellborn Special Utility District

Consider authorizing payment to Wellborn Special Utility District, formerly OSR Water Supply Corporation, in an amount not to exceed \$90,000 annually, for water supplied to City of Bryan customers acquired through a Certificate of Convenience and Necessity (CCN) transaction.

c. Consideration – Purchase Belt Press Control Panels

Consider authorizing the purchase of two belt press control panels from Ashbrook Simon-Hartley of Houston, Texas, in an amount not to exceed \$61,260, to replace existing units at the Burton Creek and Still Creek Wastewater Treatment Plants. Source of Funds: Wastewater Fund.

d. Consideration – Purchase Dedicated Storage System for Police

Consider approving the purchase of a dedicated storage system to house Police Department data, in an amount not to exceed \$114,036, through the State of Texas contract DIR-SDD-1622.

e. Consideration – Contract for Creation of Health and Wellness Master Plan

Consider authorizing the Mayor to execute a contract with LRK, Inc., in an amount not to exceed \$233,500, for the creation of a Health and Wellness Master Plan. Half of the funding will be provided by the City of Bryan and the remaining half of the funding will be provided by St. Joseph Health System. Source of Funds: General Fund.

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 accessibility elements to age in place at 1010 West 28th Street, Community Development (CD) project RFB #14-023, with the homeowner household and project contractor, Earnest “Bubba” Bean d.b.a. Bean Construction in the amount of \$93,500, and a note with the homeowner household in the amount of \$94,750. Source of Funds: HOME Funds as approved in the Fiscal Year 2014 Community Development Services Budget.

g. Consideration – Ratification of Judicial Services Contract

Consider ratification of the contract with Bryan Municipal Court Presiding Judge Latham Boone III for judicial services.

h. Resolution – Tax Increment Reinvestment Zone Number 10 Annual Report

Adoption of Resolution No. 3535 of the City Council of the City of Bryan, Texas, approving and accepting the annual report of the Tax Increment Reinvestment Zone Number Ten (TIRZ #10 - Traditions) for Fiscal Year 2013 and authorizing the City Manager to submit the report on the status of the zone to the State Comptroller and the other taxing jurisdictions that participate in the reinvestment zone, as required by State law.

i. Resolution – Tax Increment Reinvestment Zone Number 19 Annual Report

Adoption of Resolution No. 3536 of the City Council of the City of Bryan, Texas, approving and accepting the annual report of the Tax Increment Reinvestment Zone Number Nineteen (TIRZ #19 - Nash Street) for Fiscal Year 2013 and authorizing the City Manager to submit the report on the status of the zone to the State Comptroller and the other taxing jurisdictions that participate in the reinvestment zone, as required by State law.

j. Resolution – Tax Increment Reinvestment Zone Number 21 Annual Report

Adoption of Resolution No. 3537 of the City Council of the City of Bryan, Texas, approving and accepting the annual report of the Tax Increment Reinvestment Zone Number Twenty-One (TIRZ #21 - Downtown) for Fiscal Year 2013 and authorizing the City Manager to submit the report on the status of the zone to the State Comptroller and the other taxing jurisdictions that participate in the reinvestment zone, as required by State law.

k. Resolution – Tax Increment Reinvestment Zone Number 22 Annual Report

Adoption of Resolution No. 3538 of the City Council of the City of Bryan, Texas, approving and accepting the annual report of the Tax Increment Reinvestment Zone Number Twenty-Two (TIRZ #22 - Bryan Towne Center) for Fiscal Year 2013 and authorizing the City Manager to submit the report on the status of the zone to the State Comptroller and the other taxing jurisdictions that participate in the reinvestment zone, as required by State law.

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

Second and final reading of Ordinance No. 2034 of the City of Bryan, Texas, amending the text of Bryan Code of Ordinances, Chapter 126, “Vehicles for Hire”, amending Article IV, “Tow Truck and Vehicle Storage Businesses”, Section 126-156, “Permit Required to Engage in Nonconsent Tows; Required Facilities and Equipment, Application, Issuance”, subsection (g), and Section 126-158(2)(e), to amend the nonconsent tow permit requirements to reduce the time period in which tow truck drivers performing nonconsent tows on private property are prohibited from having any convictions of a felony or crime of moral turpitude from the preceding ten years to the preceding five years of permit application.

m. 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. 2035 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.

n. Second and Final Reading of an Ordinance - Rezoning Request (RZ14-01)

Second and final reading of Ordinance No. 2036 of the City of Bryan, Texas, amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from Residential District – 5000 (RD-5) to Office District (C-1) on 0.3168 acres of land located at the northeast corner of William J. Bryan Parkway (FM 158) and Houston Avenue and currently addressed as 500 East William Joel Bryan Parkway, being Lots 1 and 2 and the west 20 feet of Lot 3 in Block 52 of Bryan Original Townsite in Bryan, Brazos County, Texas.

7. STATUTORY AGENDA

Item 7 a was removed from the statutory agenda for separate consideration at the request of two Councilmembers. Councilmember Konderla made a motion to approve the remainder of the statutory agenda. The motion was seconded by Councilmember Hughes and carried unanimously.

b. Consideration – Interlocal Agreement with Brazos County for Inmate Services

Consider approving an interlocal agreement with Brazos County, Texas, for the Brazos County Sheriff's Department to provide inmate services in the form of minor public works construction and maintenance projects, landscaping and litter patrol services within the City of Bryan.

c. Consideration – Construction Agreement for C1 Hangar at Coulter Airfield

Consider approving an agreement with Cary Smith and Thomas Kahlden for the construction and finish out of the restroom facilities and office area in the C1 Hangar at Coulter Airfield in exchange for a discounted rental rate for five years.

d. Consideration – Purchase Police Vehicles

Consider authorizing the purchase of all vehicles and equipment as approved in the fiscal year 2014 budget process for the Police Department's three decision packages, including six patrol vehicles, one police motorcycle and one unmarked vehicle for a total estimated amount of \$349,174.28, which is \$2,206.72 under budget. Source of Funds: General Fund/Police.

e. Consideration – 2014 Street Maintenance Crack Seal Contract

Consider approving a contract with RHB Construction, Inc., in an amount not to exceed \$89,000, for 2014 Street Maintenance Crack Seal, City Project No. 332-D3-1402. Source of Funds: Transportation Fee.

f. Consideration – Standard Utility Agreement with Atmos Energy

Consider authorizing the Mayor to execute a standard utility agreement with Atmos Energy in an amount not to exceed \$139,716, for the Still Creek Wastewater Improvements Phase III project, City Project Number 411-D4-1102. Source of Funds: Wastewater Fund.

g. Resolution – Turkey Creek Recreation and Conservation Corridor

Adoption of Resolution No. 3539 of the City Council of the City of Bryan, Texas, proclaiming its support for the planning and development of the Turkey Creek Recreation and Conservation

Corridor trail network and the creation of a private, non-profit entity to manage and provide the maintenance of the public trail network; and proclaiming support for the possible conveyance of portions of land/easements owned by the City of Bryan for the trail network.

h. Resolution – Single Family Housing Home Builders Incentive Program

Adoption of Resolution No. 3540 of the City Council of the City of Bryan, Texas, creating a Single Family Housing Home Builders Incentive Program pursuant to Chapter 380 of the Texas Local Government Code to offer builders economic incentives to construct single family, site built homes in the size range of 2,200 to 3,000 square feet of heated and cooled area; and authorizing the City Manager or his designee to execute Chapter 380 agreements with qualified homebuilders.

i. Resolution – Accept Criminal Justice Division Grant Funds

Adoption of Resolution No. 3541 of the City Council of the City of Bryan, Texas, authorizing the Mayor to approve a Criminal Justice Division grant application reflecting the City’s acceptance of \$96,443.30 in grant funds from the State of Texas Criminal Justice Division (Brazos Valley Council of Governments).

j. First Reading of an Ordinance – Establish Virginia Street as a City Right-of-Way

First reading of an ordinance of the City of Bryan, Texas, declaring a specified tract of land occupied by that portion of Virginia Street between the Union Pacific Railroad right of way and West 28th Street as a public right of way.

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

a. Consideration – Contract for Construction of Four Single Family Homes

Councilmember Konderla moved to approve a contract with RNL Homebuilders in the amount of the base bid of \$387,590 and a total not to exceed \$400,975, inclusive of construction contingency, publications, architect fees, etc., for construction and construction related costs of four single family homes at 402, 406, 410, and 414 West 18th Street, in response to RFB#14-025. The motion was seconded by Councilmember Horton. Concern was expressed that using general fund monies for this purpose was a “gamble” and could set a precedent. The involvement of the Community Development Department was explained. After discussion, the motion carried unanimously.

8. REGULAR AGENDA

a. Consideration – Letter to Galveston Firefighter

Councilmember Konderla moved to authorize the Mayor and all Councilmembers to sign a letter of thanks to Galveston Firefighter Anastacio Urbina for his gift of handmade wooden plaques to the families of Lt. Greg Pickard, Lt. Eric Wallace, Firefighter Ricky Mantey and Firefighter Mitch Moran. The motion was seconded by Councilmember Saenz and carried unanimously.

b. Consideration – TIRZ 10, 19, 21 and 22 Boards

Following staff recommendations, Mayor Bienski moved to reappoint Ben Hardeman, Paul Levantis, Mark Conlee and Michael Beckendorf as the Chairs of TIRZ 10, 19, 21 and 22 Boards, respectively, and to appoint John C. Matthews to the TIRZ 22 Board. The motion was seconded by Councilmember Hughes and carried unanimously.

c. Consideration – Park Hudson Villas Chapter 380 Economic Development Agreement

Councilmember Owens moved to suspend the rules to allow citizens to speak. The motion was seconded by Councilmember Saenz and carried unanimously. Developer Bill Lero stated he and homebuilder David Scarmardo were requesting \$250,000 from the City for infrastructure costs for a townhouse development they wished to build in Park Hudson. He said payback would be from tax dollars generated from this project. He reviewed the history of Park Hudson. Mr. Scarmardo stated only four acres of the area was usable; the rest would remain as greenbelt. He said the 30 to 40 townhomes would be smaller than 2,200 square feet in size. It was pointed out the home size needed in Bryan was 2,200 to 3,000 square feet in size, and that was the home size the Council had just voted to incentivize. Mr. Scarmardo said they were trying to attract home buyers of more affordable homes and the site was not conducive to larger homes. He said he may be able to build some units later at 2,200 square feet but he could not promise that he would be able to do so. He added no more than 10-12 units at that size could possibly be accommodated on the site. Discussion followed about the size and price of the townhome units. Mr. Scarmardo was asked if he were going to do this project and the City of Bryan was not involved, what he would do. He replied he would do the same thing. After discussion, Councilmember Owens moved to table (postpone) consideration to a future time. The motion was seconded by Councilmember Saenz and carried unanimously.

d. Consideration – Bryan City Charter Amendment

Councilmembers Saenz and Peña had submitted the following agenda item: Discussion, consideration and possible action to add an item to the November 2014 ballot to amend Section 5 of the Bryan City Charter entitled "City Council" by adding:

(r) Council Member Independence.

- (1) Appointment or Employment of Relatives of Bryan City Councilmembers.* No person related within the first or second or third degree of affinity (by marriage), or within the first or second or third degree of consanguinity (by blood), to members of the City Council shall be appointed or employed to any office, position including appointed positions or service including contracted service, paid or nonpaid within the City.
- (2) Use of the prestige of a city official's position.* A city councilmember shall not, in any election, except his or her own, use the prestige of the city official's position with the city on behalf of a candidate, political party, or political committee, except that a city official is not prohibited from lending his or her name so long as the office held with the city is not mentioned in any connection with the endorsement.
- (3) Campaign Donations.* An elected city official shall not directly or indirectly discuss or vote or influence the vote on any matter that comes before the City Council that involves a campaign donor that has made any type of contribution direct or indirect to the city elected official's campaign funding greater than \$250 within 3 years before or after that elected official's current election date.

It was indicated this item was requested so the Council could order the Charter amendment election itself, rather than requiring a group of citizens to circulate a petition. Opinions were shared about the proposed amendments to the Charter and that citizens should be allowed to vote on the matter. Concern was expressed that the Council had not had time to discuss the proposed amendments with the City Attorney. Councilmember Horton moved to postpone consideration to allow time for the City Council to discuss the proposed amendments with the City Attorney. The motion was seconded by Councilmember Saenz and carried unanimously.

9. COUNCIL COMMITTEE REPORTS

Councilmember Horton provided a report regarding a recent meeting of the City of Bryan/Bryan ISD Joint Committee. Councilmember Konderla reported on a recent meeting of the City of Bryan-Brazos County Economic Development Foundation Board. Councilmember Hughes gave a report regarding BTU Board and BSWMA Board meetings.

10. CITY MANAGER REPORT

Mr. Walker did not provide a report.

11. ITEMS OF COMMUNITY INTEREST

Councilmembers shared the following items of community interest: Hilton Garden Inn grand opening, Police Department annual awards ceremony, Leadership Brazos, new Walmart grand opening, Hilda Cuthbertson's retirement as Court Administrator, Lt. Brian Kyle's retirement from the Police Department, Neal Park Growers Garden and CDBG public hearings. Councilmember Horton was wished a happy birthday. Staff members were thanked for their participation in several projects and meetings. Councilmember and Mrs. Konderla were congratulated upon the birth of their daughter, Amber. Sgt. Jason James of the Bryan Police Department was congratulated upon winning the Jefferson Award for volunteerism.

12. ADJOURN

Without objection, the meeting was adjourned at 7:50 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski