

## ACTION FORM BRYAN CITY COUNCIL

<b>DATE OF COUNCIL MEETING:</b> April 23, 2013		<b>DATE SUBMITTED:</b> April 16, 2013	
<b>DEPARTMENT OF ORIGIN:</b> Eco Development		<b>SUBMITTED BY:</b> Kevin Russell	
<b>MEETING TYPE:</b>	<b>CLASSIFICATION:</b>	<b>ORDINANCE:</b>	<b>STRATEGIC INITIATIVE:</b>
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input type="checkbox"/> DIVERSITY
<input type="checkbox"/> SPECIAL	<input type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input type="checkbox"/> EDUCATION
<input checked="" type="checkbox"/> REGULAR	<input checked="" type="checkbox"/> STATUTORY		<input checked="" type="checkbox"/> GROWTH
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input type="checkbox"/> IMAGE
			<input type="checkbox"/> INFRASTRUCTURE
			<input type="checkbox"/> PUBLIC SAFETY
<b>AGENDA ITEM DESCRIPTION:</b> Consideration of a resolution authorizing the Mayor to execute a non-annexation agreement with Kuadrum Pipe and Tube, Inc.			
<b>SUMMARY STATEMENT:</b> As part of an incentive package offered to Kuadrum Pipe and Tube, Inc., by the Research Valley Partnership, the City of Bryan City Council has an opportunity to consider this proposed resolution authorizing the Mayor to execute a non-annexation agreement with Kuadrum Pipe and Tube, Inc. If the City Council approves this resolution and if other agreements are approved, Kuadrum Pipe and Tube will become part of the community, and a development project worth \$120,000,000 in taxable value and 285 employees will be initiated. Several other agreements are necessary that the City Council will not take action on as this property does not currently lie within the City limits. The remainder of the agreements will be considered by Brazos County and the Bryan-Brazos County Economic Development Foundation.			
<b>STAFF ANALYSIS:</b>			
<b>A. PROS:</b> Approving this resolution authorizing the Mayor to enter into a non-annexation agreement will allow the City of Bryan to follow-through with incentives negotiated by the City of Bryan Brazos County Economic Development Foundation.			
<b>B. CONS:</b> Approving this resolution results in the City of Bryan not annexing certain property for ten (10) years. However, if the City Council does not approve this proposed resolution authorizing the Mayor to enter into a non-annexation agreement, Kuadrum Pipe and Tube, Inc., could decide to not locate in the Texas Triangle Park.			
<b>STAFF'S RECOMMENDATION (Including Rationale and Justification):</b> Staff recommends approving the non-annexation agreement to facilitate the construction of a \$120,000,000 taxable improvement and create 285 new jobs for our county. After a maximum of period of ten (10) years, a future City Council can choose to annex this property.			
<b>OPTIONS (In Suggested Order of Staff Preference):</b>			
1. Approve the resolution			
2. Modify the resolution, which may require future City Council consideration and additional negotiations			
3. Deny the resolution			
<b>ATTACHMENTS:</b> Proposed resolution; agreement to be provided later.			
<b>FUNDING SOURCE:</b> NA			
<b>APPROVALS:</b> Jayson E. Barfknecht 04/16/13			
<b>APPROVED FOR SUBMITTAL: CITY ATTORNEY</b>		Janis K. Hampton, 04/16/2013	
<b>APPROVED FOR SUBMITTAL: CITY MANAGER</b>		Jayson E. Barfknecht for Kean Register 04/16/13	

**RESOLUTION NO. \_\_\_\_\_**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, AUTHORIZING EXECUTION OF A NON-ANNEXATION AGREEMENT WITH KUADRUM PIPE AND TUBE, INC. IN THE TEXAS TRIANGLE PARK CONDITIONED UPON CLOSING OF THE SALE OF SAID PROPERTY; PROVIDING AN EFFECTIVE DATE AND COMPLIANCE WITH THE TEXAS OPEN MEETINGS ACT.**

**WHEREAS**, the City of Bryan, Texas (“City”) is a home rule municipality which is duly incorporated and chartered under the constitution and laws of Texas; and

**WHEREAS**, the City has been coordinating with Brazos County and with the City of Bryan Brazos County Economic Development Foundation, Inc. (“Foundation”) in the development of an industrial park in the City’s extraterritorial jurisdiction, namely the Texas Triangle Park (“Park”); and

**WHEREAS**, a prospective purchaser of property within the Park desires to enter into a non-annexation agreement whereby the property will be developed in accordance with the City’s development standards and protected by the City’s fire and police departments and in exchange the City will receive payments equal to a portion of the taxes that would be assessed were the property in the City limits; and

**WHEREAS**, the City Council determines that it is in the best interests of the citizens of the City that economic development of this nature be encouraged, and that the City Council is willing to enter into a non-annexation agreement with Kuadrum Pipe and Tube, Inc. (“Owner”) following closing on the sale of property in the Park; and

**NOW THEREFORE BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS:**

1.

The recitals are incorporated into the text of this resolution as if fully set forth herein for all purposes.

2.

The City Council authorizes the Mayor to execute a non-annexation agreement following the closing of the sale of 183 acres, more or less, of property in the Park to Owner provided that the non-annexation agreement meets the following requirements:

- a. The City agrees not to annex the property for the term of the property, ten years, unless the agreement is sooner terminated.
- b. The Owner agrees to abide by the City’s development codes as if it were located in the City.
- c. Beginning in the fourth year of the agreement, the Owner will pay the equivalent of 50% of the property taxes that the City would have collected were the property inside the City.
- d. The City will provide police and fire protection to the property.
- e. The Owner agrees to invest in improvements and personal property with value appraised by BCAD of at least \$120,000,000.00. The Owner agrees to employ a minimum of 285 employees, with a minimum annual payroll of at least \$10,545,000.00.

3.

This resolution shall be effective immediately upon its passage and adoption, but shall in no way effect the validity of prior acts or agreements of the City.

4.

This document was passed and approved at a public meeting in compliance with the Texas Open Meetings Act.

**APPROVED AND ADOPTED at a regular meeting on this 26<sup>th</sup> day of April, 2013.**

**ATTEST:**

**CITY OF BRYAN**

\_\_\_\_\_  
Mary Lynne Stratta, City Secretary

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Jason P. Bienski, Mayor

**APPROVED AS TO FORM:**

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Janis K. Hampton, City Attorney