

**BRYAN CITY COUNCIL
MINUTES OF WORKSHOP MEETING
APRIL 8, 2014**

A workshop meeting of the Bryan City Council was held on Tuesday, April 8, 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, Art Hughes and Chuck Konderla were present. Councilmember Greg Owens was absent and Mayor Jason Bienski was not present as he was attending a function on behalf of the City. Also present were Deputy City Manager Joey Dunn, City Attorney Janis Hampton and Assistant City Secretary Ashley McCoy.

1. CALL TO ORDER

The meeting was called to order at 2:22 p.m.

2. UPDATE FROM DOWNTOWN BRYAN ASSOCIATION REPRESENTATIVES REGARDING THE TEXAS REDS STEAK AND GRAPE FESTIVAL

Mr. Ben Hardeman, Chair of the Downtown Bryan Association, gave a brief update on the plans for the upcoming festival. Programs and Events Manager Amanda Reynolds presented the tentative layout of the event and noted a few changes including the elimination of a headliner and the addition of two full days of entertainment. Executive Director Sandy Farris presented the anticipated expenses and stated that excess revenues would be used as seed money for future Texas Reds Festivals. Ms. Farris answered questions from Council and noted the dates of the festival will be September 27 - 28, 2014.

3. PRESENTATION BY STAFF REGARDING MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4)

Treatment/Compliance Manager Mark Jurica presented the definition of a Municipal Separate Storm Sewer System or "MS4" and the permit requirements set by the Texas Commission on Environmental Quality. He discussed the components of a Stormwater Management Plan. Mr. Jurica gave an update on the status of the submittal documents for the permit and noted the actions that Council will be asked to take at upcoming meetings.

4. DISCUSSION REGARDING CONSENT/STATUTORY AGENDA ITEMS FOR REGULAR MEETING OF APRIL 8, 2014

Council discussed agenda items 9 b and 10 c of the consent/statutory agenda for the regular meeting of April 8, 2014. No action was taken regarding the items discussed.

5. ADJOURN

Without objection, the meeting was adjourned at 2:49 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING
APRIL 8, 2014**

The Bryan City Council held a regular meeting on Tuesday, April 8, 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 Pro Tem Ann Horton and Councilmembers Al Saenz, Rafael Peña, Art Hughes, Greg Owens and Chuck Konderla were present. Mayor Jason Bienski was not present as he was attending a function on behalf of the City. Also present were Deputy City Manager Joey Dunn, City Attorney Janis Hampton and Assistant City Secretary Ashley McCoy.

1. CALL TO ORDER

The meeting was called to order at 4:27 p.m.

2. EXECUTIVE SESSION

The meeting was called into executive session at 4:27 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 smoking ordinance, and receive legal advice regarding Section 5 (j) of the Bryan City Charter; 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 Internal Auditor 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 6:18 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 David Murphy, Calvary Baptist Church, gave the invocation and Cadets Brandon Natal, Brandon Shane and Jose Gonzalez, Bryan High School Air Force Junior ROTC, led the pledges.

5. PROCLAMATIONS AND PRESENTATIONS

A proclamation was presented to Bryan Texas Utilities for earning RP3 Diamond Designation from the American Public Power Association. First Assistant City Attorney Lauren Crawford and Assistant City Attorney Joshua Galicia were introduced and welcomed.

6. HEAR CITIZENS

Mr. John McBride, 1143 Stanley Trail, spoke regarding an electric easement on his property. Ms. Karen Hall, 5918 Highway 21 East, and Ms. Sandra Portzer, 18924 Pipeline Rd, College Station, spoke in favor of agenda item 11 b.

7. REZONING REQUEST (RZ14-04)

a. Public Hearing – Rezoning Request (RZ14-04)

Planning Administrator Martin Zimmermann presented information regarding a proposed ordinance to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from a combination of Agricultural – Open District (A-O) and Residential District – 5000 (RD-5), to Planned Development – Housing District (PD-H) on 88.56 acres of land out of John Austin League, A-2, adjoining both sides of Thornberry Drive for a distance of approximately 1,700 feet east from its intersection with Bullinger Creek Drive in Bryan, Brazos County, Texas. Mr. Zimmermann reported the developer asked the Council to consider his request for sidewalks on only one side of the street and a proposal to dedicate additional parkland and construct a 775-foot long multi-use path to connect trails within Austin’s Colony Park and the Sam Rayburn School Park. Ms. Sharon Anderson, 2304 Cindy Lane, and Ms. Karen Hall, 5918 Highway 21 East, spoke regarding the need for sidewalks on both sides of streets. The public hearing closed at 6:48 p.m. with no further speakers.

b. First Reading of an Ordinance - Rezoning Request (RZ14-04)

Councilmember Peña 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 a combination of Agricultural – Open District (A-O) and Residential District – 5000 (RD-5), to Planned Development – Housing District (PD-H) on 88.56 acres of land out of John Austin League, A-2, adjoining both sides of Thornberry Drive for a distance of approximately 1,700 feet east from its intersection with Bullinger Creek Drive in Bryan, Brazos County Texas with the amendment that the developer be required to build sidewalks on both sides of the streets. Councilmember Saenz seconded the motion. Council discussed the benefits of the proposed trail or sidewalks on both sides of streets. Councilmember Owens made a motion to suspend the rules to allow for questions to the developer. The motion was seconded by Councilmember Konderla and passed with four yeses (Councilmembers Horton, Hughes, Konderla and Owens) and two noes (Councilmembers Peña and Saenz). Developer Grant Carrabba answered questions from Council regarding the project. The main motion failed to carry with two yeses (Peña and Saenz) and four noes (Councilmembers Horton, Hughes, Konderla and Owens).

Councilmember Konderla 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 a combination of Agricultural – Open District (A-O) and Residential District – 5000 (RD-5), to Planned Development – Housing District (PD-H) on 88.56

acres of land out of John Austin League, A-2, adjoining both sides of Thornberry Drive for a distance of approximately 1,700 feet east from its intersection with Bullinger Creek Drive in Bryan, Brazos County Texas. The motion was seconded by Councilmember Hughes. Councilmembers discussed the safety aspects of the proposed development. The motion passed with four yeases (Councilmembers Horton, Hughes, Konderla and Owens) and two noes (Councilmembers Peña and Saenz).

8. COMPREHENSIVE PLAN AMENDMENT (CPA14-02 and CPA14-03)

a. Public Hearing – Comprehensive Plan Amendment (CPA14-02 and CPA14-03)

Planning Administrator Martin Zimmermann presented information regarding a proposed resolution to amend the City of Bryan's Thoroughfare Plan, for the realignment of collector and arterial street connections in two areas generally located northeast of Texas State Highway 6 between Old Reliance Road, University Drive and Merka Road in Bryan, Brazos County, Texas, and extending into Bryan's extraterritorial jurisdiction (ETJ) in Brazos County, Texas. No one spoke during the public hearing, which closed at 7:04 p.m. with no comments.

b. Resolution – Comprehensive Plan Amendment (CPA14-02 and CPA14-03)

Councilmember Konderla moved to approve the adoption of Resolution No. 3542 of the City Council of the City of Bryan, Texas, amending the City of Bryan's Thoroughfare Plan, for the realignment of collector and arterial street connections in two areas generally located northeast of Texas State Highway 6 between Old Reliance Road, University Drive and Merka Road in Bryan, Brazos County, Texas, and extending into Bryan's extraterritorial jurisdiction (ETJ) in Brazos County, Texas. The motion was seconded by Councilmember Hughes and carried with all present voting aye.

9. CONSENT (AUTOMATIC APPROVAL) AGENDA

Councilmember Konderla moved to approve the consent agenda. The motion was seconded by Councilmember Owens and carried with all present voting aye.

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

b. Consideration – Ratification of Airport Project Participation Agreement

Consider ratification of the Airport Project Participation Agreement between the Texas Department of Transportation, Aviation Division (TxDOT), and the City of Bryan, for TxDOT project CSJ 1317BRYAN-Runway Light Replacement. If approved, the City of Bryan's share will increase by \$6,281 in order to complete the add alternates for the project. Source of Funds: Airport Fund.

c. Consideration – Reject All Bids for Roll-Off Services

Consider rejecting all bids received on March 5, 2014, for roll-off services.

d. Second and Final Reading of an Ordinance - Rezoning Request (RZ14-02)

Second and final reading of Ordinance No. 2037 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.

e. Second and Final Reading of an Ordinance – Establish Virginia Street as a City Right-of-Way

Second and final reading of Ordinance No. 2038 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.

10. STATUTORY AGENDA

Councilmember Hughes made a motion to approve the statutory agenda. The motion was seconded by Councilmember Owens and carried with all present voting aye.

a. Consideration – ETC Pipeline Easement

Consider authorizing Jason P. Bienski, as Mayor of the City of Bryan, to execute an easement agreement with ETC Texas Pipeline, LTD (ETC) in, through, under, and along that certain 1.095 acres in the J.H. Jones Survey A-26, Brazos County, Texas, in the Bio-Corridor area generally along HSC Parkway, consenting to the use of an existing Public Utility Easement along HSC Parkway as a Temporary Construction Easement and future Maintenance Access Easement for ETC Texas Pipeline, LTD (ETC).

b. Consideration – Rosewood Trail Improvements Contract

Consider approving a contract with Palomares Construction, Inc., in an amount not to exceed \$96,220, for Rosewood Trail Improvements, City Project No. 572-D5-1403. Source of Funds: Parkland Development Funds.

c. First Reading of an Ordinance – Budget Amendment

First reading of an ordinance of the City of Bryan, Texas, amending Ordinance No. 2016 increasing the expenditure budget appropriations for Fiscal Year 2014 from \$338,295,425 to \$345,802,565.

11. REGULAR AGENDA

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

Councilmember Saenz moved to postpone consideration of the Park Hudson Villas Chapter 380 Economic Development Agreement, with D.W.S. Development to the April 22, 2014, meeting. The motion was seconded by Councilmember Konderla and passed with five yeases and one no (Councilmember Peña).

b. 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.

Councilmember Pena moved to approve placing the above item on the November 2014 ballot to amend Section 5 of the Bryan City Charter entitled "City Council" and the motion was seconded by Councilmember Saenz. Opinions were shared about the proposed amendments to the Charter. Concern was expressed that additional advice regarding possible implementation problems was needed from the City Attorney before action was taken. The motion failed to carry with two yeses (Councilmembers Peña and Saenz) and four noes (Councilmembers Horton, Hughes, Konderla and Owens).

12. COUNCIL COMMITTEE REPORTS

Councilmember Horton provided a report regarding a recent meeting of the Bryan Audit Committee. Councilmember Konderla reported on a recent meeting of the City of Bryan/Bryan ISD Joint Committee.

13. CITY MANAGER REPORT

Mr. Dunn reported on the early success of the Builders Incentive Program.

14. ITEMS OF COMMUNITY INTEREST

Councilmembers expressed condolences to the Castillo family and shared the following items of community interest: Bryan ISD GED Program, new businesses in Downtown, Downtown Street and Art Fair, Big Event and City staff recognition. Citizens were wished a Happy Easter and Municipal Court Administrator Hilda Cuthbertson was congratulated on her retirement. BISD Rudder High Café was commended. BTU was again congratulated. Pastor David Murphy and the Bryan High School Air Force Junior ROTC cadets were thanked. Lauren Crawford and Joshua Galicia were welcomed.

15. ADJOURN

Without objection, the meeting was adjourned at 7:38 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski