

**BRYAN CITY COUNCIL
MINUTES OF WORKSHOP MEETING
APRIL 22, 2014**

A workshop meeting of the Bryan City Council was held on Tuesday, April 22, 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 Rafael Peña, Ann Horton, Art Hughes and Chuck Konderla were present. Councilmembers Al Saenz and Greg Owens were 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 1:51 p.m.

2. PRESENTATION REGARDING THE EMPLOYEE HEALTH CENTER

Deputy City Manager Hugh Walker provided a report regarding the operation of the employee health center. He listed objectives, usage statistics, new services, staffing levels, etc. He added the clinic had helped the City manage health care costs. He said the estimated savings cost to employees the past 11 months was approximately \$126,150. Mr. Walker listed department savings of \$23,000 and health assessment savings of \$20,000. He added that flu vaccines were provided for the cost of the medication. Mr. Walker reported the clinic complements the City's wellness program and was ranked highly in terms of patient satisfaction in a recent survey of users. Mr. Scott Gibbs with the City's sole broker of record discussed the financial analysis of the clinic. He reported usage of the clinic had increased about 23% per year, which lowers the cost per visit. He said a benefit was earlier diagnosis of chronic illnesses, allowing earlier health care intervention, saving treatment costs long term.

3. PRESENTATION BY STAFF REGARDING THE ONLINE CITIZEN PORTAL

Deputy City Manager Joey Dunn discussed a citizen online portal software that would allow citizens to conduct business with the City online. He said the software would provide a one-stop shop for such services as online plan review, land management, public health and safety, fire inspections, code enforcement, public works service orders, GIS/mapping integration, payment processing and integration, business licenses, asset management, etc. Mr. Dunn described the current permitting process for a customer. Mr. Bernie Acre, Chief Information Officer, showed a video example of how an online citizen portal would function. He reported a request for proposals would be issued and that the estimated cost of the software would be \$550,000 to \$750,000. Questions posed by Councilmembers were answered.

4. DISCUSSION REGARDING CONSENT/STATUTORY AGENDA ITEMS FOR REGULAR MEETING OF APRIL 22, 2014

Council briefly discussed agenda items 7 b, 7 d and 7 f of the consent agenda for the regular meeting of April 22, 2014. No action was taken regarding the items discussed.

5. ADJOURN

Without objection, the meeting was adjourned at 2:41 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING
APRIL 22, 2014**

A regular meeting of the Bryan City Council was held on Tuesday, April 22, 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, Ann Horton, Art Hughes and Chuck Konderla were present. Councilmember Greg Owens was absent. 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 3:57 p.m.

2. EXECUTIVE SESSION

The meeting was called into executive session at 3:58 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 the 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 Chapter 380 development agreement with 1179 Joint Venture, receive legal advice regarding tax abatement agreements for projects in west Bryan, receive legal advice regarding Council ethics policy, 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, receive legal advice regarding Section 5 (j) of the Bryan City Charter, receive legal advice regarding oil and gas ordinance, receive legal advice regarding International Fire Code notice requirements, and receive legal advice regarding proposed amendments to groundwater district rules; 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 Secretary, 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 6:10 p.m. No action was taken regarding the items discussed in executive session.

4. INVOCATION AND PLEDGES OF ALLEGIANCE TO THE U.S. FLAG AND TEXAS FLAG

Pastor Brian Hallam, New Heights Church, gave the invocation and Senior Representative Chase Brooke, Texas A&M Corps of Cadets, Class of 2014, Darling Recruiting Company Commanding Officer, led the pledges.

5. PROCLAMATIONS AND PRESENTATIONS

Proclamations were presented recognizing the 2014 Brazos County American Cancer Society Relay for Life and National Community Development Week.

6. HEAR CITIZENS

The following individuals asked the Council not to approve the conditional use permit relative to agenda item 9 a: Ms. Jean Madsen, 2613 Leila Court; Mr. David Bryce, 3319 Broadmoor; Ms. Donna Dunlap, 2601 Leila Court; Ms. Caren Cruse, 2603 Leila Court; Mr. Frank Dworaczyk, 3123 Peterson Way; Ms. Patricia Dworaczyk, 3123 Peterson Way; and Ms. Bonnie Nuche, 2615 Leila Court. Mr. Randy Mena, 2810 Cherry Creek Circle, said he felt the proposed apartment complex would best serve Bryan rather than the current use of the property. Mr. Roland Ruffino, 2363 West Briargate, and Ms. Bert Baker, 2608 Louisa Court, spoke in support of the conditional use permit. Mr. Wesley Turnbow, 2909 Broadmoor, voiced no objection to the proposed apartments but asked that accommodations be made for increased traffic. Ms. Rosemary Gaines, 510A South Coulter, asked for signage at a specific intersection. Mr. Randy French, 4301 Cliffstone Court, College Station, spoke in support of an online permitting system. Ms. Karen Hall, 5918 Highway 21 East, spoke about proposed Charter amendment language contained on a citizen circulated petition.

7. CONSENT (AUTOMATIC APPROVAL) AGENDA

Councilmember Horton made a motion to approve the consent agenda. The motion was seconded by Councilmember Konderla and carried with five yeases and two absent (Councilmember Owens and Councilmember Saenz, who was out of the room at the time of the vote).

a. Consideration – Branch Bank and Trust Company Pledge Agreements

Consider authorizing the Mayor to execute new pledge agreements and Federal Reserve Bank custody documents necessitated by the purchase of Citibank by Branch Bank and Trust Company (BB&T) under the same terms as the Citibank agreement for the period from the date of transfer of assets to BB&T through March 31, 2016, the expiration date in the original agreement.

b. Consideration – Environmental Systems Research Institute (ESRI) Contract Amendment

Consider approving an amendment to an existing maintenance contract with Environmental Systems Research Institute (ESRI), in an amount not to exceed \$51,000 annually, to upgrade from 21 user licenses to unlimited licenses allowing for expanded options for utilizing ESRI at the City and alleviating lack of access to GIS. Source of Funds: Information Technology Budget.

c. Consideration – Rejection of Sole Bid - Municipal Building Electrical Service Modifications

Consider rejecting the sole bid for “City of Bryan Municipal Building Electrical Service Modifications” RFB #14-030, Bid Item #1, from Bayer Construction Electrical Contractors of Bryan in the amount of \$84,840.

d. Resolution - Establishing Fee Schedule for Parks and Recreation Activities and Facilities

Adoption of Resolution No. 3543 of the City Council of the City of Bryan, Texas, repealing Resolution No. 3473; setting fees to be charged and collected for certain park and recreation activities; and establishing a new fee schedule.

e. Second and Final Reading of an Ordinance – Budget Amendment

Second and final reading of Ordinance No. 2039 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.

f. Second and Final Reading of an Ordinance - Rezoning Request (RZ14-04)

Second and final reading of Ordinance No. 2040 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.

8. STATUTORY AGENDA

Councilmember Konderla made a motion to approve the statutory agenda. The motion was seconded by Councilmember Hughes and carried with five yeases and two absent (Councilmember Owens and Councilmember Saenz, who was out of the room at the time of the vote).

a. Resolution – Standard Oil and Gas Lease Form Amendment

Adoption of Resolution No. 3544 of the City Council of the City of Bryan, Texas, amending the Standard Oil and Gas Lease form that was adopted on January 14, 2014.

b. Resolution – Support of Submittal of Notice of Intent and Stormwater Management Program to the Texas Commission on Environmental Quality

Adoption of Resolution No. 3545 of the City Council of the City of Bryan, Texas, supporting the submittal of a Notice of Intent (NOI) and Stormwater Management Program (SWMP) to the Texas Commission on Environmental Quality (TCEQ) in accordance with coverage requirements established by the Texas Pollution Discharge Elimination System (TPDES) General Permit No. TXR040000.

9. REGULAR AGENDA

a. Consideration – Appeal of the Planning and Zoning Commission’s Approval of a Conditional Use Permit

Planning Manager Martin Zimmermann presented information regarding an appeal of the Planning and Zoning Commission’s decision to approve a Conditional Use Permit (CUP) request (Case Number CU14-03) to amend a previously-approved request to allow an apartment complex on property zoned Commercial District (C-3), subject to certain conditions, on 13.48 acres of land adjoining the north side of Nash Street and the east side of East Villa Maria Road, generally south

from their intersections with East William J. Bryan Parkway (FM 158), in Bryan, Brazos County, Texas. He explained that 10 acres of the property had already been rezoned in 2012 and that this request was for an additional 2.71 acres to be rezoned. He said staff recommended upholding the Planning and Zoning Commission's approval of the CUP with conditions. A list of approved commercial uses of the property was listed. It was reported the City could not by law age restrict a development, but the private owner could through deed restrictions. It was also added that by adding the 2.71 acres to the project, an additional entrance/exit to the apartment complex would be added on Villa Maria Road, thereby alleviating some of the traffic on Broadmoor and Nash Streets. Questions were answered.

Mayor Bienski called on the appellants to speak, but they were not present. The applicant, Mr. Paul Levantis, advised the 10 acres already approved would be developed into apartments and the additional 2.71 acres would create another entrance/exit on Villa Maria Road. He added the complex would have 15 percent more parking spaces than the minimum required by the City.

Councilmember Peña made a motion to deny the appeal and uphold the CUP as approved by the Planning and Zoning Commission, with conditions set out by the Commission, with the following two conditions: parking shall be on the interior of the complex and a wrought iron fence shall enclose the property. The motion was seconded by Councilmember Saenz. It was pointed out again the City could not legally age restrict a private development, and that the two additional conditions would only apply to the 2.71 acres in question, not the entire complex that was previously approved. The motion failed to carry with a vote of two yeses (Councilmembers Peña and Saenz), three noes (Councilmembers Horton, Hughes and Konderla), one absent (Councilmember Owens) and one abstention (Mayor Bienski). Councilmember Konderla then moved to approve the CUP as already approved by the Planning and Zoning Commission. The motion was seconded by Councilmember Hughes and carried with four yeses (Councilmembers Saenz, Horton, Hughes and Konderla), one no (Councilmember Peña), one absent (Councilmember Owens) and one abstention (Mayor Bienski).

b. Resolution – Publication of Notice of Intent to Issue Certificates of Obligation

Mr. Steven Adams, Specialized Public Finance, presented information regarding the proposed bond sale and bond refunding. After discussion, Councilmember Konderla moved the adoption of Resolution No. 3546 of the City Council of the City of Bryan, Texas, approving and authorizing publication of notice of intention to issue certificates of obligation in a principal amount not to exceed \$45,000,000 to fund contractual obligations to be incurred for (i) the acquisition and construction of improvements, additions and extensions to the City's electric system, including facilities for the transmission and distribution of electric power and energy, (ii) constructing, improving, renovating, extending, expanding and developing streets, including drainage, traffic signalization, lighting, sidewalks, soundwalls and landscaping, and acquiring right-of-way related thereto, (iii) the purchase of firefighting equipment, including fire trucks, and (iv) related professional services, including legal, fiscal, engineering and design fees, and costs of issuance, such certificates to be payable from ad valorem taxes and a limited pledge (not to exceed \$1,000) of the surplus revenues of the City's electric system. The motion was seconded by Councilmember Saenz. Excitement was expressed that bond refunding would save the City over \$764,000 due to lower interest rates. The motion carried with all present voting aye.

10. COUNCIL COMMITTEE REPORTS

Councilmember Hughes provided reports on recent meetings of the Bryan Texas Utilities Board and the Brazos Valley Solid Waste Management Agency Board. Councilmember Konderla reported on recent meetings of the Bryan-Brazos County Economic Development Foundation, Inc., Board and Bryan Animal Center Advisory Committee.

11. CITY MANAGER REPORT

Mr. Register provided a brief update regarding capital improvement projects. He also announced that Fire Department Lt. Greg Pickard was posthumously awarded the Ray Downey Courage and Valor Award.

12. ITEMS OF COMMUNITY INTEREST

Councilmembers listed the following items of community interest: BTU's RP3 Diamond designation from the American Public Power Association, an upcoming town hall meeting in District 2, Parks and Recreation Department's spring/summer activity guide, Faith Subdivision's completion of the final home in the development, and the City of Bryan being named in the ten most exciting cities in Texas by Movoto.com, a large online real estate service. Councilmember Konderla was wished a happy birthday.

13. ADJOURN

Without objection, the meeting was adjourned at 7:55 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski