

**BRYAN CITY COUNCIL
MINUTES OF WORKSHOP MEETING
MAY 27, 2014**

The Bryan City Council held a workshop meeting on Tuesday, May 27, 2014, in 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 Jason Bienski and Councilmembers Al Saenz, Rafael Peña, Greg Owens, Art Hughes and Chuck Konderla were present. Councilmember Ann Horton 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 2:10 p.m.

2. DISCUSSION REGARDING CONSENT/STATUTORY AGENDA ITEMS FOR REGULAR MEETING OF MAY 27, 2014

Councilmembers briefly discussed agenda items 7 d, 7 e, 7 g, 8 b, 8 d and 8 f of the consent/statutory agendas for the regular meeting of May 27, 2014.

3. ADJOURN

Without objection, the meeting was adjourned at 2:20 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING
MAY 27, 2014**

The Bryan City Council held a regular meeting on May 27, 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 Jason Bienski and Councilmembers Al Saenz, Rafael Peña, Greg Owens, Ann Horton, Art Hughes and Chuck Konderla were present. 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 3:37 p.m.

2. EXECUTIVE SESSION

The meeting was called into executive session at 3:38 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 reclaimed water agreement with Traditions Acquisition Partnership, Ltd., receive legal advice regarding tax abatement agreement compliance, receive legal advice regarding Council ethics policy, 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 proposed amendments to groundwater district rules, receive legal advice regarding a request for a guarantee of a loan to the City of Bryan-Brazos County Economic Development Foundation, Inc., for acquisition of real property in the Texas Triangle Park, receive legal advice regarding a request for a correction deed for property adjacent to the Copperfield subdivision gifted to the City for use as right of way for a proposed east outer loop, receive legal advice regarding options for civil enforcement of codes related to the property located at 1305 Suncrest Street; under the authority of Section 551.072, real estate – discussion regarding possible sale and/or purchase of property in the Texas Triangle Park, central, and north 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 6:04 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

Mr. Charlie Miller, Congregation Beth Shalom, gave the invocation and Mayor Bienski led the pledges.

5. PROCLAMATIONS AND PRESENTATIONS

Certificates were presented in recognition of Thunder Elite Heartbreakers cheerleading team for an undefeated season and their National championship, three graduating seniors from Mary Catherine Harris High School, and the Rudder High School men's gymnastics team for their State championship.

6. HEAR CITIZENS

Ms. Debbie Jasek, 202B West 26th Street, spoke in support of skate parks and asked that one of the proposed skate parks be located near downtown Bryan. She showed photos of sidewalk damage caused by skateboarders in the downtown area.

7. CONSENT (AUTOMATIC APPROVAL) AGENDA

Agenda items 7 d and 7 g were removed from the consent agenda for separate consideration. Councilmember Konderla made a motion to approve the remainder of the consent agenda. The motion was seconded by Councilmember Hughes and carried unanimously.

a. Consideration – Upgrade of Public Safety Dispatch Software

Consider approving the public safety dispatch software upgrade with Tiburon, Inc., in the amount of \$65,000, with the understanding that Brazos County will reimburse \$20,800 for their portion. Source of Funds: General Fund.

b. Consideration – Fiscal Year 2015 Funding for Brazos Valley Wide Area Communications System

Consider approving the Proposed Fiscal Year 2015 Brazos Valley Wide Area Communications System (BVWACS) Operating and Capital Equipment Replacement Fund (CERF) Budget, for the period from October 1, 2014, through September 30, 2015, with the City of Bryan's participating amount being \$102,271 for the Operating Budget and \$30,208 for the CERF Budget. Source of Funds: General Fund.

c. Consideration – City of Bryan Municipal Office Building Electrical Service Modifications

Consider approving a contract with Britt Rice Electric, LLP, of College Station, Texas, in an amount not to exceed \$51,428, for City of Bryan Municipal Office Building electrical service modifications. Source of Funds: General Fund – Facility Services.

e. Resolution – Downtown Bryan Cultural District Designation

Adoption of Resolution No. 3552 of the City Council of the City of Bryan, Texas, supporting an application from the Downtown Bryan Association (DBA) to the Texas Commission on the Arts (TCA) for the Downtown Bryan Cultural District designation.

f. Second and Final Reading of an Ordinance - Amend Chapter 130, "Zoning" of the Bryan Code of Ordinances

Second and final reading of Ordinance No. 2041 of the City of Bryan, Texas, amending the text of Bryan Code of Ordinances Chapter 130, Zoning, by adding "credit access business" to the list

of potentially allowed land uses in the Retail (C-2) zoning district with prior approval of a Conditional Use Permit, and adding use-specific standards that shall apply to credit access business uses city-wide, and amending existing zoning district regulations accordingly; providing penalties; providing for publication; providing an effective date.

h. Second and Final Reading of an Ordinance - Rezoning Request (RZ14-07)

Second and final reading of Ordinance No. 2042 of the City of Bryan, Texas, amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by amending the development plan of a previously-approved Planned Development – Housing District (PD-H) on 186.59 acres of land out of John Austin League, Abstract No. 2 adjoining both sides of Thornberry Drive generally northwest of its intersection with F.M. 1179 in Bryan, Brazos County, Texas.

i. Second and Final Reading of an Ordinance - Rezoning Request (RZ14-08 and RZ14-10)

Second and final reading of Ordinance No. 2043 of the City of Bryan, Texas, amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from Industrial District (I) to Residential District – 5000 (RD-5) on approximately 5.85 acres of land bounded by Eden Lane, Finfeather Road and Palasota Drive, on approximately 0.29 acres of land adjoining the north side of Eden Lane between Finfeather Road and Barbara Street, being Lots 1, 9 thru 15 and 17 of Coulter’s Subdivision of the Lobello Tract, and on Lots 1 thru 5 and Lot 13 in Block 3, and Lot 2 and the west half of Lots 7 and 8 in Block 2 of Noble Eden Subdivision in Bryan, Brazos County, Texas.

j. Second and Final Reading of an Ordinance - Rezoning Request (RZ14-09)

Second and final reading of Ordinance No. 2044 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 property located at 1213 Ertle Street at the southwest corner of Ertle Street and North Coulter Drive, approximately 280 feet south from its intersection with East William Joel Bryan Parkway, being Lot 24 of John F. Ertle Subdivision – Phase 2 in Bryan, Brazos County, Texas.

k. Second and Final Reading of an Ordinance – Right-of-Way Abandonment (RA13-04)

Second and final reading of Ordinance No. 2045 of the City of Bryan, Texas, providing for abandonment of a 50-foot wide and 96.91-foot long portion of Bowery Street right-of-way between Lowery Street and West 17th Street adjacent to Lots 15 and part of Lot 16 of the West Side Addition – Phase 2 and Lots 8 and 9 in Block 2 of the Zimmerman Addition in Bryan, Brazos County, Texas; authorizing the conveyance thereof to the abutting property owners; providing for terms and conditions of abandonment and conveyance.

l. Second and Final Reading of an Ordinance – Amend Chapter 118, Article II of the Bryan Code of Ordinances

Second and final reading of Ordinance No. 2046 of the City of Bryan, Texas, amending Chapter 118, Article II, of the Bryan City Code of Ordinances by adding Section 118-99, providing the authority of the City to enforce State law governing privileged parking on private property under the Texas Transportation Code Chapter 681.

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

d. Resolution – Ratify Funding Agreement with Research Valley Partnership for the “Aggies Go to War” Exhibit

Councilmember Konderla moved to adopt Resolution No. 3553 of the City Council of the City of Bryan, Texas, ratifying a funding agreement between the City of Bryan and the Research Valley Partnership providing for a payment in the amount of \$100,000, using Hotel Occupancy Tax (HOT) revenues, for the “Aggies Go to War” Exhibit. The motion was seconded by Councilmember Horton and, after discussion, carried with five yeases and two abstentions (Councilmembers Peña and Saenz).

g. Second and Final Reading of an Ordinance - Rezoning Request (RZ14-05)

Councilmember Horton moved to approve the second and final reading of Ordinance No. 2047 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 Planned Development – Housing District (PD-H) on 14.05 acres of land out of John Austin Survey, A-2, adjoining both sides of Riverstone Drive north of its intersection with F.M. 1179 in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Konderla. Planning Manager Martin Zimmermann reviewed the history of the rezoning request and conditions recommended by the Planning and Zoning Commission for approval. After discussion, the motion carried with five yeases and two noes (Councilmembers Peña and Saenz).

8. STATUTORY AGENDA

It was announced agenda items 8 b, 8 d and 8 f would be removed from the statutory agenda for separate consideration. Councilmember Konderla moved to approve the remainder of the statutory agenda. The motion was seconded by Councilmember Saenz and carried unanimously.

a. Consideration – Edward Byrne Memorial Justice Assistance Grant Interlocal Agreement

Consider approving an interlocal agreement between Brazos County, the City of College Station and the City of Bryan for the purpose of filing for a joint formula grant through the U.S. Department of Justice under the 2014 Edward Byrne Memorial Justice Assistance Grant (JAG) Program in the amount of \$59,175.

c. Consideration – Access Easement Agreement with Atmos Energy Corporation

Consider authorizing the City Manager to execute an access easement agreement with Atmos Energy Corporation (Atmos) to permit access to the City of Bryan’s all-weather road that is located within the City’s sixty-foot wide easement containing one of the City’s raw water lines running along the northeast side of the Axis Pipe and Tube, Inc., property that intersects Mikulin Road in the Texas Triangle Park, Brazos County, Texas.

e. Consideration – Former Brushy Water Service Area Interim Agreement

Consider approving an agreement for interim water service to a portion of the former Brushy Water Service Area for the period of time between the closing on the conveyances and transfers in the Transfer Area and the replacement of all of the Wellborn water meters with City of Bryan water meters.

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

b. Consideration – Kyle Field Game Day Transportation Plan Interlocal Agreement

Councilmember Konderla moved to approve an interlocal agreement with the Texas A&M University System (TAMUS), in an amount not to exceed \$35,000, to cost share in the development of a new Kyle Field Game Day Transportation Plan (Source of Funds: Hotel Occupancy Tax Funds or General Fund). The motion was seconded by Councilmember Horton. Public Works Director Jayson Barfknecht explained the components of the plan, including a game day application for mobile devices. After discussion, the motion carried unanimously.

d. Consideration – Riverstone 380 Economic Development Agreement Amendment

Councilmember Peña moved to approve the Chapter 380 Economic Development Agreement with 1179 Joint Venture 1, LP (the developer) without any money going to the limestone fence or wrought iron fence. The motion was seconded by Councilmember Saenz. Concern was expressed about use of funds for a quality of life amenity such as a fence when infrastructure was needed in districts one and two. A discussion followed about the purpose of Chapter 380 agreements. It was pointed out this development would contain homes with 2,200 heated square feet, which was the target range being incentivized by the City. It was also mentioned this type of fence along an entryway into the City would be timeless and not later pose an eyesore. Concern was again expressed about allowing the developers to utilize the Chapter 380 funds for a fence. After discussion, the motion failed to carry by a vote of two yeses (Councilmembers Peña and Saenz) and five noes.

Councilmember Konderla then moved to approve the Chapter 380 Economic Development Agreement with 1179 Joint Venture 1, LP (the developer) for the purpose of developing a residential subdivision with patio homes at a minimum heated area of 2,200 square feet, located on 14.054 acres of land at the intersection of F.M. 1179 and Riverstone Drive, Bryan, Brazos County, Texas. The motion was seconded by Councilmember Horton. It was again stated the fence would be timeless and beautify the area. Concerns about infrastructure in districts one and two were again mentioned and Council indicated that a Chapter 380 with homes of 2,200 heated square feet in any district would be considered favorably. It was also mentioned another Chapter 380 agreement with a different developer had recently been approved with fencing costs being allowed. After discussion, the motion carried with five yeses and two noes (Councilmembers Peña and Saenz).

f. Consideration – Construction Contract with Bryan Construction Company

Councilmember Konderla moved to approve a construction contract with Bryan Construction Company, in an amount not to exceed \$1,852,100, to construct a new cooling tower which will expand the City of Bryan's water treatment capacity (Source of Funds: Water Fund). The motion was seconded by Councilmember Hughes. Dr. Barfknecht explained the basis for the bid award recommendation. The motion carried unanimously.

9. REGULAR AGENDA

a. Consideration – Design and Construction Contract with Grindline Skateparks, Inc.

Councilmember Konderla moved to approve a contract with Grindline Skateparks, Inc., in an amount not to exceed \$1,200,000, for the design and construction of two or more skate parks

(Source of Funds: General Fund). The motion was seconded by Councilmember Horton. The citizen committee that provided input on this topic was thanked. After discussion, the motion carried unanimously.

b. Consideration – Appointment of Individuals to Various Boards and Committees

Councilmember Peña moved to appoint Councilmember Al Saenz to the Brazos County Public Health Board for a two-year term, Mr. Michael Beckendorf to the Research Valley Partnership Board for a three-year term, and Mr. David Bairrington to the Texas Municipal Power Agency Board of Directors for a two-year term following the expiration of Mr. Carl Benner's term. The motion was seconded by Councilmember Owens and carried unanimously.

c. First and Only Reading of an Ordinance – General Obligation Refunding Bonds, Series 2014

Mr. Stephen Adams, Specialized Public Finance, presented the pricing on the bond refunding. He reported the winning bidder was Robert W. Baird & Co., Inc., with a true interest cost of 2.67832 percent. He added the bond refunding would save \$1,397,562 over the life of the bonds. Accordingly, Councilmember Hughes moved to approve the first and only reading of Ordinance No. 2048 of the City of Bryan, Texas, authorizing the issuance of City of Bryan, Texas, General Obligation Refunding Bonds, Series 2014, in an approximate amount of \$9,330,000; specifying the terms and features of said bonds; providing for the payment of said bonds by the levy of an ad valorem tax upon all taxable property within the City; and resolving other matters incident and related to the issuance, payment, security, sale and delivery of said bonds, including the approval and distribution of an official statement; with the winning bidder of Robert W. Baird & Co., Inc., at a true interest cost of 2.67832 percent. The motion was seconded by Councilmember Saenz and carried unanimously.

d. First and Only Reading of an Ordinance – Combination Tax and Revenue Certificates of Obligation, Series 2014

Mr. Adams reported that Robert W. Baird & Co., Inc., was also the winning bidder on these bonds at a true interest rate of 3.37788 percent. He added the City maintained AA bond rating, which is a very high rating, demonstrating confidence in the City's financial position. Councilmember Konderla moved the approval of the first and only reading of Ordinance No. 2049 of the City of Bryan, Texas, authorizing the issuance of City of Bryan, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2014, in an approximate amount of \$45,000,000 to fund General Fund improvements as specified in the City's Capital Improvement Program (CIP) plan and to fund Bryan Texas Utilities (BTU) City Electric System construction; specifying the terms and features of said certificates; providing for the payment of said certificates by the levy of an ad valorem tax upon all taxable property within the City and a limited pledge of the surplus revenues from the operation of the City's Waterworks and Sewer System; and resolving other matters incident and relating to the issuance, payment, security, sale and delivery of said certificates, including the approval and distribution of an official statement; with the winning bidder of Robert W. Baird & Co., Inc., at a true interest cost of 3.37788 percent. The motion was seconded by Councilmember Horton and carried unanimously.

10. COUNCIL COMMITTEE REPORTS

Councilmember Hughes and Councilmember Owens reported on recent meetings of the Bryan-Brazos County Economic Development Foundation, Inc., Board and the Brazos County Board of Health, respectively.

11. CITY MANAGER REPORT

Mr. Register did not provide a report.

12. ITEMS OF COMMUNITY INTEREST

Councilmembers listed the following items of community interest: City of Bryan employee appreciation picnic, Carver-Kemp Neighborhood Association meeting, Concerned Black Men of the Brazos Valley scholarship banquet, Brotherhood Ride, Vietnam War Memorial unveiling, Brazos Valley Bombers opening day, Faith Subdivision block party, Memorial Day activities, Copperfield Homeowners Association meeting, Halcon Resources' donation of park improvements, Relay for Life, daycare graduation ceremony, Tourism Showdown benefitting the Brazos Food Bank with food donated by HEB, American Business Women's Association luncheon, etc. The new Bryan ISD Athletic Director, Lance Angel, was welcomed to the community. The City of Bryan Communications and Marketing staff was congratulated for being named finalists for three awards from the Texas Association of Municipal Information Officers. The Bryan High School band was congratulated for their Washington, D.C., Memorial Day Parade appearance. Past and present military service members were thanked for their sacrifice and service to our country.

13. ADJOURN

Without objection, the meeting was adjourned at 7:43 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski