

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

A workshop meeting of the Bryan City Council was held on Tuesday, July 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 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 1:41 p.m.

2. DISCUSSION REGARDING PROPOSED FISCAL YEAR 2015 GENERAL FUND, DEBT SERVICE, SPECIAL REVENUE AND INTERNAL SERVICE FUND BUDGETS

Chief Finance Officer Joe Hegwood presented the preliminary fiscal year 2015 general fund, debt service, special revenue and internal service fund budgets. He gave a history of the general fund unassigned fund balance and revenues. He discussed revenue, expenditure assumptions, recommended decision packages (budget requests), and departmental budgets for the proposed fiscal year 2015 general fund budget. Mr. Hegwood also discussed the proposed debt service, special revenue and internal service fund budgets, such as the self-insurance fund. He presented information regarding the hotel/motel fund, the tax increment reinvestment zone budgets, etc. Mr. Hegwood also reported the staff would be asking the Council to create a special oil/gas fund in light of the increased valuation in mineral properties. He then provided a proposed budget and tax rate calendar. Mr. Hegwood answered questions. City Manager Register provided numbers representing the cost to operate the Travis B. Bryan Municipal Golf Course and listed options to address the operating loss of the course, including converting the golf course to a “super” park. Council asked to discuss plans for the super park on the site of the golf course at the next workshop meeting.

3. DISCUSSION REGARDING CONSENT/STATUTORY AGENDA ITEMS FOR REGULAR MEETING OF JULY 8, 2014

Council briefly discussed agenda items 10 b, 10 h and 11 b of the consent/statutory agenda for the regular meeting of July 8, 2014. No action was taken regarding the items discussed.

4. ADJOURN

Without objection, the meeting was adjourned at 2:31 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING
JULY 8, 2014 – 3:00 P.M.**

A regular meeting of the Bryan City Council was held on Tuesday, July 8, 2014, in Room 305 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 3:11 p.m.

2. EXECUTIVE SESSION

The meeting was called into executive session at 3:12 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 possible amendments to the reclaimed water agreement with Traditions Acquisition Partnership, Ltd., receive legal advice regarding Council ethics policy, receive legal advice regarding annexation related to Gunler default on non-annexation agreement, receive legal advice regarding proposed amendments to groundwater district rules, receive legal advice regarding acquisition of real property in the Texas Triangle Park, receive legal advice concerning economic development negotiations on proposed east, west, and downtown development projects, receive legal advice regarding proposed Charter amendments, and receive legal advice regarding payments and reimbursements under the Tax Increment Reinvestment Zone (TIRZ) #22 finance and project plan; 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, the Texas Triangle Park and the proposed Kalon Biotherapeutics facility located in College Station, and discussion regarding possible economic incentives related to a proposed community-wide private fiber optic broadband network.

3. OPEN SESSION FOR ACTION FOLLOWING EXECUTIVE SESSION

The meeting was called into open session at 6:00 p.m. Councilmember Peña moved to direct the staff to prepare a resolution for consideration by the City Council during its regular meeting on August 12, 2014, setting a timeline to hold required public hearings, and to prepare a municipal service plan for the possible annexation to the City of Bryan of approximately 300 acres of land, extending generally northwest from the City limits along the southwest side of Texas State Highway 6, to within approximately 100 feet from the pavement of Mikulin Road. The motion was seconded by Councilmember Saenz and carried unanimously.

4. ADJOURN

Without objection, the meeting was adjourned at 6:01 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING
JULY 8, 2014 – 6:00 P.M.**

A regular meeting of the Bryan City Council was held on Tuesday, July 8, 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, Ann Horton, Art Hughes and Chuck Konderla were present. 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 6:00 p.m.

Mayor Bienski made the following statement: There have been two different groups of citizens circulating two separate petitions. At an earlier Council meeting, two Councilmembers, at the request of one group of petitioners, placed an agenda item on a Council agenda to consider placing the proposed Charter amendment on the ballot without the petition. The second group of petitioners then requested that two Councilmembers place their petition on the agenda for the same consideration by the Council. It was placed on the agenda in order to treat the two groups of petitioners the same. The second group of petitioners has now withdrawn its request and agenda item 12 will not be considered tonight, and the group has indicated it will proceed with the petition process instead.

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

Reverend G.H. Jones III gave the invocation and Cub Scout Pack #559 led the pledges.

3. PROCLAMATIONS AND PRESENTATIONS

The City of Bryan's College Main Project was recognized for winning the Project of the Year Award from the Texas Public Works Association. The City of Bryan Communications and Marketing Department was recognized for winning three TAMI Awards from the Texas Association of Municipal Information Officers.

4. HEAR CITIZENS

Mr. Raul Santana, 104 South Sterling, expressed concern about a fence located in the right-of-way beside Logan Street. Ms. Angelita Garcia Alonzo, 2311 Carter Creek Parkway, spoke in support of sheltering undocumented immigrant children and families. The following individuals spoke regarding agenda item 12: Ms. Angelita Garcia Alonzo, 2311 Carter Creek Parkway; Ms. Nancy Hardeman, 1820 Gray Stone; Dr. Ken Meier, 307 South Coulter Drive; Ms. Karen Hall, 5918 Highway 21 East; Ms. Kathy Cardova, 2106 Wilkes; Mr. William Kuykendall, 1205 Sul Ross; Mr. Roy Flores, 4609 Kensington; Mr. Lloyd Joyce, 3924 Park Meadow; Ms. Irma Cauley, 2108 Chase Circle; Mr. Larry Gilbert, 2902 Highway 21 West; Ms. Sharon Anderson, 2304 Cindy Lane; Mr. Isaac Butler, 1449 Cedar Crest Lane; Mr. Mike Southerland, 3401 Parkway Terrace; Mr. Anastacio Herrera, 715 South Ennis; Ms. Carolyn Buckley, 3908 Bravo Court; Dr. Peter Witt, 1604 Carter Creek; Ms. Anita Ramay,

508 East Pease; Mr. John McBride, 1143 Stanley Trail; Mr. Kevin Davenport, 4611A North Texas Avenue; and Mr. Ethan Brisby, 2405 Wilkes.

5. REZONING REQUEST (RZ14-11)

a. Public Hearing – Rezoning Request (RZ14-11)

Staff 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 Agricultural - Open District (A-O) to Retail District (C-2) on 9.86 acres of land out of the Marie Kegan Survey, A-28, located at the northeast corner of State Highway 30 and Elmo Weedon Road in Bryan, Brazos County, Texas. No citizens spoke and the public hearing closed at 7:24 p.m.

b. First Reading of an Ordinance - Rezoning Request (RZ14-11)

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 Agricultural - Open District (A-O) to Retail District (C-2) on 9.86 acres of land out of the Marie Kegan Survey, A-28, located at the northeast corner of State Highway 30 and Elmo Weedon Road in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Saenz and carried unanimously.

6. REZONING REQUEST (RZ14-12)

a. Public Hearing – Rezoning Request (RZ14-12)

Staff 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 Mixed-Use Residential District (MU-1) to Retail District (C-2) on property located at 3801 East State Highway 21 at the east corner of East State Highway 21 and Old Kurten Road, being Lot 1R in Block 1 of Castle Heights Subdivision in Bryan, Brazos County, Texas. Mr. Kevin Davenport, 4611A North Texas Avenue, spoke in support of this item. There were no other speakers and the public hearing closed at 7:25 p.m.

b. First Reading of an Ordinance - Rezoning Request (RZ14-12)

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 Mixed-Use Residential District (MU-1) to Retail District (C-2) on property located at 3801 East State Highway 21 at the east corner of East State Highway 21 and Old Kurten Road, being Lot 1R in Block 1 of Castle Heights Subdivision in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Peña and carried unanimously.

7. REZONING REQUEST (RZ14-13)

a. Public Hearing – Rezoning Request (RZ14-13)

Staff 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 Industrial District (I) to Commercial District (C-3) on 8.37 acres of land located at the south corner of North Earl Rudder Freeway (State Highway 6) and North Harvey Mitchell Parkway (F.M. 2818), being Lot 1

in Block 1 of Big Gas Truck Stop Subdivision and Lot 1 in Block 1 of North Point Business Park Subdivision in Bryan, Brazos County, Texas. There were no comments regarding this agenda item and the public hearing closed at 7:27 p.m.

b. First Reading of an Ordinance - Rezoning Request (RZ14-13)

Councilmember Peña made a motion 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 Industrial District (I) to Commercial District (C-3) on 8.37 acres of land located at the south corner of North Earl Rudder Freeway (State Highway 6) and North Harvey Mitchell Parkway (F.M. 2818), being Lot 1 in Block 1 of Big Gas Truck Stop Subdivision and Lot 1 in Block 1 of North Point Business Park Subdivision in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Konderla and carried unanimously.

8. AMENDMENT TO CHAPTER 2, “ADMINISTRATION,” AND CHAPTER 62, “LAND AND SITE DEVELOPMENT,” OF THE BRYAN CODE OF ORDINANCES

a. Public Hearing – Amend Chapter 2, “Administration,” and Chapter 62, “Land and Site Development,” of the Bryan Code of Ordinances

Planning Manager Martin Zimmermann presented information regarding a proposed ordinance to amend the text of Bryan Code of Ordinances Chapter 2, Administration, by adding Division 16, Subsections 2-410 through 2-412, and also amending Chapter 62, Land and Site Development, by renumbering existing Article X to Article XI and by adding Article X, Division 1, Subsections 62-670 through 62-679, and Article X, Division 2, providing for the establishment of building design standards and a design review board; providing penalties; providing for publication; providing an effective date. Mr. Zimmermann recommended the ordinance go into effect October 1, if approved by Council. Mr. Leo Gonzalez, 407 Crescent, spoke in support of the proposed ordinance but did express concern about the possible impact on older structures. Ms. Eva Read-Warden, 823 South Rosemary, a member of the local chapter of the American Institute of Architects, reported her chapter and a number of architects that work within the city provided input. She said the standards were very practical, not difficult to achieve, and addressed sustainability issues for energy savings. Mr. Robert Person, 900 Florida Street, asked how the proposed ordinance would impact new businesses. The public hearing closed at 7:47 p.m. with no additional comments.

b. First Reading of an Ordinance - Amend Chapter 2, “Administration,” and Chapter 62, “Land and Site Development,” of the Bryan Code of Ordinances

Councilmember Konderla moved to approve the first reading of the proposed ordinance to amend Chapter 2, “Administration,” and Chapter 62, “Land and Site Development” of the Bryan Code of Ordinances, with the following modification: Chapter 2, Article III, Division 16, Section 2-411 be amended to read that the Design Review Board be comprised of four members – two members of the Planning and Zoning Commission, one registered architect, and one contractor, builder or commercial developer. The motion was seconded by Councilmember Peña. After discussion, Councilmember Konderla moved to refer the proposed ordinance amendment to the Planning and Zoning Commission for its recommendation and feedback. The motion was seconded by Councilmember Peña and carried unanimously.

9. AMENDMENT TO CHAPTER 62, “LAND AND SITE DEVELOPMENT” OF THE BRYAN CODE OF ORDINANCES

a. Public Hearing – Amend Chapter 62, “Land and Site Development” of the Bryan Code of Ordinances

Public comments were requested regarding an ordinance to amend the text of Bryan Code of Ordinances Chapter 62, Land and Site Development, by adding Article X, Division 3, Subsections 62-680 through 62-688, providing for the establishment of an exterior commercial color palette; providing penalties; providing for publication; providing an effective date. Staff recommended the Council not take action on this item until the previous agenda item recommendation was addressed by the Planning and Zoning Commission. Mr. Leo Gonzalez, 407 Crescent, expressed concern about an approved color palette as it related to property rights and small businesses. There were no other comments and the public hearing closed at 7:52 p.m.

b. First Reading of an Ordinance - Amend Chapter 62, “Land and Site Development” of the Bryan Code of Ordinances

Councilmember Owens moved to postpone consideration of the first reading of an ordinance of the City of Bryan, Texas, amending the text of Bryan Code of Ordinances Chapter 62, Land and Site Development, by adding Article X, Division 3, Subsections 62-680 through 62-688, providing for the establishment of an exterior commercial color palette, until the Planning and Zoning Commission considered the referred previous item. The motion was seconded by Councilmember Hughes and carried unanimously.

10. CONSENT (AUTOMATIC APPROVAL)

Councilmember Konderla moved to approve the consent agenda. The motion was seconded by Councilmember Horton and carried unanimously.

a. Approval of Minutes – Workshop and Regular Meetings of June 24, 2014.

b. Consideration – Preliminary Plan of The Traditions Subdivision – Phase 26 (PP14-09)

Consider approving a preliminary plan of The Traditions Subdivision – Phase 26, a proposed gated subdivision on 20.45 acres of land out of the John H. Jones Survey, extending generally south and southwest from the south side of the 3400 block of North Traditions Drive, between Westwood Main and Emory Oak Drive in Bryan, Brazos County, Texas.

c. Consideration – Price Agreement Extension for Employee Uniform Rentals/Lease and Direct Miscellaneous Uniform Purchases

Consider a one-year extension of an existing price agreement with Unifirst Holdings, L.P., of Bryan, Texas, for Employee Uniform Rentals/Lease and Direct Miscellaneous Uniform Purchases in an amount not to exceed \$55,941.10. Source of Funds: General and Enterprise Funds.

d. Consideration – Contract for Coulter Airfield Fuel Tank Replacement

Consider approving a contract with Bassco Services, Inc., for the replacement of the existing Jet-A fuel tank farm at Coulter Airfield (RFB 14-042), in an amount not to exceed \$181,149.68. Source of Funds: Airport and General Funds.

e. Resolution – Ordering General Municipal Election

Adoption of Resolution No. 3557 ordering a general (regular) municipal election to be held on November 4, 2014, for the purpose of electing one City Councilmember from Single Member District Number Three and one City Councilmember from Single Member District Number Four, by the qualified voters of the City of Bryan Single Member District Number Three and Single Member District Number Four, respectively; providing for a joint election with Brazos County. (*Resolución - Ordenando Elección General – Resolución numero 3557 que autoriza una elección municipal general que se lleve a cabo el 4 de noviembre del 2014, para el propósito de elegir un miembro del concejo de la ciudad del distrito unimiembro número tres y un miembro del concejo de la ciudad del distrito unimiembro número cuatro, por los votantes calificados de la ciudad de Bryan del distrito unimiembro número tres y del distrito unimiembro número cuatro, respectivamente; autorizando una elección conjunta con el condado de Brazos.*)

f. 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. 2050 of the City of Bryan, Texas, amending the text of Bryan Code of Ordinances, Sections 78-13, 78-31 and 78-33 of Chapter 78, Natural Resources, Article I, replacing the Fire Department, Fire Chief, and Fire Marshals with the Oil and Gas Inspector, for safety inspection and approval requirements.

g. Second and Final Reading of an Ordinance – Amend Chapter 122, “Utilities” of the Bryan Code of Ordinances

Second and final reading of Ordinance No. 2051 of the City of Bryan, Texas, amending the text of Bryan Code of Ordinances, Chapter 122, Utilities, by revising Article IV, Division 2, “Sewer Use,” by adding definitions, regulating unsewered and miscellaneous discharges, regulating traps, and removing Section 122-155, “Mobile Food Vendors;” providing penalties; providing for publication; providing an effective date

h. Second and Final Reading of an Ordinance – Add Chapter 91, “Mobile Food Vendors” to the Bryan Code of Ordinances

Second and final reading of Ordinance No. 2052 of the City of Bryan, Texas, amending the text of Bryan Code of Ordinances, by adding Chapter 91, Mobile Food Vendors; providing penalties; providing for publication; providing an effective date.

11. STATUTORY AGENDA

Councilmember Peña made a motion to approve the statutory agenda. The motion was seconded by Councilmember Saenz and carried unanimously.

a. Consideration – Contract with Weaver and Tidwell, L.L.P., for Professional Auditing Services

Consider approving a contract with Weaver and Tidwell, L.L.P., to provide professional auditing services to the City of Bryan for three fiscal years beginning with Fiscal Year 2014, in an amount not to exceed \$315,250.00, and providing for up to two additional one-year extensions. Source of Funds: General Fund.

b. Consideration – 2014 Street Maintenance - Pavement Markings Contract

Consider approving a contract with Pavement Markings, Inc., for 2014 Street Maintenance - Pavement Markings, City Project No. 332-D3-1406, in an amount not to exceed \$108,550.20. Source of Funds: Transportation Fee Funds.

c. Consideration - Approval of Joint Election Agreement

Consider approval of an interlocal agreement with Brazos County for the joint conduct of the November 4, 2014, City of Bryan general and possible special charter amendment elections and the general elections for state and county officers. *(Considerar la aprobación de un acuerdo interlocal con el Condado de Brazos para la realización conjunta el 4 de noviembre del 2014, la elección general de ciudad de Bryan y la elección especial para la enmienda a la Constitución posible y las elección general para los oficiales del estado y del condado.)*

d. Resolution – Interlocal Agreement with the City of Garland

Adoption of Resolution No. 3558 of the City Council of the City of Bryan, Texas, authorizing the City Manager to execute an interlocal purchasing agreement with the City of Garland, Texas, for the mutual cooperative purchases of goods and services.

e. Resolution - Agreement with TxDOT for Texas Reds Road Closures

Adoption of Resolution No. 3559 of the City Council of the City of Bryan, Texas, authorizing the Mayor to execute an agreement with the State of Texas (Texas Department of Transportation, or TxDOT) for the temporary closure of State right-of-way (Farm to Market Road 158) as needed for the 2014 Texas Reds Steak and Grape Festival on September 27-28, 2014.

f. Resolution – 2014 Consolidated Action Plan

Adoption of Resolution No. 3560 of the City Council of the City of Bryan, Texas, as required by the U.S. Department of Housing and Urban Development (HUD), approving the City's 2014 Consolidated Action Plan (CAP), and authorizing the City Manager to act as the City official to submit and implement said plan. Source of Funds: 2014 Community Development Block Grant and Home Investment Partnerships Grant funds from the U.S. Department of Housing and Urban Development.

g. First Reading of an Ordinance – Right-of-Way Abandonment (RA14-02)

First reading of an ordinance of the City of Bryan, Texas, providing for abandonment of an approximately 50-foot wide and 386-foot long segment of unimproved public street right-of-way for Hawks Street, adjoining the northeast side of the 2800-2900 blocks of Clarks Lane between Fairlane and Owen Streets in Bryan, Brazos County, Texas; authorizing the conveyance thereof to the abutting property owner; providing for terms and conditions of abandonment and conveyance.

12. REGULAR AGENDA - Consideration – Bryan City Charter Amendment

The Council did not consider or discuss the following agenda item: Consider providing direction to staff to bring forward an ordinance calling a charter amendment election based upon citizen petition being circulated as follows:

Proposition

Shall Section 5(b) of the Bryan City Charter entitled “City Council” be amended by as follows:

Sec. 5. City Council.

(b) Elected. The Mayor and one council member may reside anywhere within the city limits of Bryan and shall be elected by the qualified voters of the city at large. Five council members must reside within specific single member districts, numbered 1, 2, 3, 4, and 5, and are elected by all qualified voters of the entire city; and

Shall Section 7 (e) (1) and (2), and Section 7 (k) (1) and (2), be amended to read as follows:

Sec. 7. Elections.

(e) Election to Places and Districts. The members of the City Council, which include the mayor and six council members, shall be elected, hold office, and be compensated as provided in this Charter.

(1) Five council members shall be elected by all qualified voters of the City of Bryan, and these five council members shall reside within and be elected to a place on the council that corresponds to the number of the district in which the council member resides, providing geographic representation on the Council. These five places shall be numbered 1, 2, 3, 4, and 5. The districts shall be numbered clockwise around the city, beginning with District 1 in the west portion of the city.

(2) The mayor and one council member may reside anywhere within the city limits of the City of Bryan and shall be elected by the qualified voters of the entire city at-large. The at-large council member shall be elected to and occupy place 6 on the council. The places of the council members shall be designated on the official ballot as council member places 1, 2, 3, 4, 5, and 6.

(k) Voters. Every voter who is a qualified voter in the city under the laws of the State of Texas shall be entitled to vote for:

(1) The mayor and council member place 6, and also:

(2) Five council members, with one council member residing within each district numbered 1, 2, 3, 4, and 5, providing for geographic representation of the City Council, but with all council members elected by all qualified voters of the entire city.

13. CITY MANAGER REPORT

Mr. Register did not provide a report.

14. ITEMS OF COMMUNITY INTEREST

Councilmembers shared the following items of community interest: Hispanic Forum scholarship gala, town hall meetings, City staff awards, Nutrabolt expansion, and expressions of condolences upon the loss of Bryan residents. Councilmember Peña was congratulated on his recent marriage.

15. ADJOURN

Without objection, the meeting was adjourned at 8:05 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski