

**BRYAN CITY COUNCIL  
MINUTES OF SPECIAL MEETING  
AUGUST 7, 2014**

A special meeting of the Bryan City Council was held on Thursday, August 7, 2014, in the basement training room 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 present.

**1. CALL TO ORDER**

The meeting was called to order at 5:06 p.m.

**2. EXECUTIVE SESSION**

The meeting was called into executive session at 5:06 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 funding agreement with the Downtown Bryan Association, receive legal advice regarding proposed Charter amendment and ballot referendum, and receive legal advice regarding possible contract for senior and other recreational programming.

**3. OPEN SESSION FOR ACTION FOLLOWING EXECUTIVE SESSION**

The meeting was called into open session at 6:38 p.m. No action was taken regarding the items discussed in executive session.

**4. CONSENT (AUTOMATIC APPROVAL) AGENDA**

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

**a. Consideration – Certification of City Secretary Regarding City Charter Amendment Election Petition**

Receive certification of City Secretary regarding a City Charter amendment petition filed with the City of Bryan on July 7, 2014, pursuant to Section 9.004, Texas Local Government Code, certifying that the petition is sufficient.

**b. Consideration – Right-of-way Agreement with HALCON Field Services, LLC**

Approval of a right-of-way agreement with HALCON Field Services, LLC, in the amount of \$69,875.75 for a right-of-way easement through Coulter Airfield for an underground pipeline.

**c. Consideration – Improvement Alternatives for the West Fork of Still Creek**

Consider approving the execution of a professional services contract with Freese and Nichols, Inc., in an amount not to exceed \$68,403, to perform hydrologic and hydraulic analyses and to

develop improvement alternatives for the West Fork of Still Creek, between Hardwood Drive and Southside Drive. Source of Funds: Drainage Utility Fund.

**d. Consideration – Equipment Purchase for Solid Waste Department**

Consider approving the purchase of one Freightliner chassis from Houston Freightliner, Houston, Texas, and one Petersen TL3 dump body from Heil of Texas, Houston, Texas, through the Houston-Galveston Area Council, contract #HT 06-14, for the total purchase price of \$141,980. Source of Funds: Solid Waste Enterprise Funds.

**e. Consideration – Equipment Purchase for Solid Waste Department**

Consider approving the purchase of two Freightliner chassis from Houston Freightliner, Houston, Texas, and two Heil 22 yard CP Python bodies from Heil of Texas, Houston, Texas, through the Houston-Galveston Area Council, contract #HT 06-11, for the total purchase price of \$411,268. Source of Funds: Solid Waste Enterprise Funds.

**f. Consideration – Emergency Medical Supplies and Pharmaceuticals Annual Price Contract**

Consider approving the renewal of an annual price agreement with Bound Tree Medical, LLC, of Dublin, Ohio, for the purchase of emergency medical supplies and pharmaceuticals for the Bryan Fire Department in an amount not to exceed \$275,000. Source of Funds: General Fund.

**g. Resolution – Flood Mitigation Assistance Grant Application**

Adoption of Resolution No. 3561 of the City Council of the City of Bryan, Texas, supporting the City's Flood Mitigation Assistance Grant application to the Texas Water Development Board (TWDB) for funds to construct improvements to reduce flooding impacts in the Lynndale Acres subdivision near the intersection of Old Hearne Road and Wilkes Road, acknowledging the City's maximum 25% local match requirement using cash and/or in-kind services in an amount not to exceed \$1,558,014 and authorizing the Mayor to enter into a contract with the TWDB, if Bryan is awarded the grant.

**h. Second and Final Reading of an Ordinance - Rezoning Request (RZ14-11)**

Second and final reading of Ordinance No. 2053 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.

**i. Second and Final Reading of an Ordinance - Rezoning Request (RZ14-12)**

Second and final reading of Ordinance No. 2054 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.

**j. Second and Final Reading of an Ordinance - Rezoning Request (RZ14-13)**

Second and final reading of Ordinance No. 2055 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.

**k. Second and Final Reading of an Ordinance – Right-of-Way Abandonment (RA14-02)**

Second and final reading of Ordinance No. 2056 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.

**5. STATUTORY AGENDA**

Staff answered questions regarding items on the statutory agenda. Councilmember Peña made a motion to approve the statutory agenda. The motion was seconded by Councilmember Saenz and carried with all present voting aye.

**a. Consideration – Development Agreement with MRC Crestview Related to the East Villa Maria/Joseph Drive Signal & Roadway Improvements Project**

Consider approving a Development Agreement with MRC Crestview to construct a new drive on Crestview property as part of the East Villa Maria/Joseph Drive Signal & Roadway Improvements Project, City Project Number 750-D7-1405. The City of Bryan's public infrastructure cost for the project is an amount not to exceed \$252,076.37. The private driveway on MRC Crestview's property that will connect to this revised intersection is an amount not to exceed \$41,745.00. Source of Funds: Transportation Fee - Fund 240, \$41,745.00 (to be reimbursed by Crestview).

**b. Consideration – Construction Contract with Brazos Paving, Inc., for East Villa Maria/Joseph Drive Signal Improvements**

Consider approving a construction contract with Brazos Paving, Inc., for the re-construction of the existing traffic signal on Villa Maria at Joseph Drive, City Project Number 750-D7-1405, in an amount not to exceed \$293,821.37. Source of Funds: Transportation Fee - Fund 240.

**c. Consideration – Interlocal Agreement for Ambulance Services**

Consider approving an interlocal agreement with the City of College Station and Brazos County for the cities to provide ambulance service to the citizens of Brazos County for Fiscal Year 2014.

**d. Consideration – Equipment Purchase for Police Department**

Consider authorizing the purchase of 85 TASER replacements and associated equipment, in an amount not to exceed \$89,826.23, utilizing Fiscal Year 2014 City of Bryan budgetary savings. Source of Funds: General Fund.

**e. Resolution – Brazos Valley Solid Waste Management Agency, Inc., Fiscal Year 2015 Budget**

Adoption of Resolution No. 3562 of the City Council of the City of Bryan, Texas, approving the appropriations for Fiscal Year 2015, which begins October 1, 2014, and ends September 30, 2015, inclusive, for the Brazos Valley Solid Waste Management Agency, Inc. (BVSWMA), as proposed with combined expenditures in the amount of \$8,112,369 and combined revenues of \$7,195,750. Source of Funds: Tipping fees.

**f. Resolution – Interlocal Cooperative Agreement Providing for the Housing of Prisoners**

Adoption of Resolution No. 3563 of the City Council of the City of Bryan, Texas, authorizing approval of an interlocal agreement for Fiscal Year 2015 between the City of Bryan and Brazos County for the housing of City of Bryan prisoners; approving Fiscal Year 2015 funding in an amount of forty-seven dollars and fifty cents (\$47.50) per City prisoner or arrestee per day housed in the Brazos County Jail, not to exceed \$96,000. Source of Funds: General Fund – Police Department.

**g. First Reading of an Ordinance – Ordering Petition Driven Special Charter Amendment Election**

First reading of an ordinance of the City Council of the City of Bryan, Texas, providing for the submission of petition initiated proposed amendments to the Bryan City Charter to the qualified voters of the City of Bryan, Texas, at a special election to be held jointly with the general elections on November 4, 2014. (*Ordenanza - Petición de pedido Especial Carta Enmienda Elección - Primera lectura de una ordenanza del Concejo Municipal de la Ciudad de Bryan, Texas, que prevé la presentación de la petición iniciada propuestas de enmienda a la Carta Bryan City a los votantes calificados de la Ciudad de Bryan, Texas, en una elección especial que se celebrará conjuntamente con las elecciones generales del 4 de noviembre de 2014.*)

**6. REGULAR AGENDA**

Mayor Bienski requested a motion to suspend the rules to allow citizens to speak regarding agenda items 6 a through 6 h only. Councilmember Konderla so moved with a second by Councilmember Hughes, carrying with all present voting aye.

Mr. Ron Blatchley, 3129 Palmetto Lane, encouraged the Council to make decisions as the elected body rather than placing every issue on a ballot referendum or Charter amendment ballot. He also stated he felt it was time to close the municipal golf course and the City not subsidize golfers. Mr. Gary Lantz, 3925 Park Meadow; Mrs. Mary Joyce, 3924 Park Meadow; Ms. Eleanor Ford, 3740 Tiffany Park Circle; Ms. Patricia Lantz, 3925 Park Meadow; Mr. Phil Springer, 3809 Park Village Court; and Ms. Laura Nelson, 2930 Park Meadow, stated they did not oppose skate parks but did not want one built in the Park Hudson neighborhood area. Mr. Harley Till, 7242 Honeysuckle Lane, spoke in support of a skate park. Mr. Larry Gilbert, 2902 Highway 21 West, spoke in support of agenda items 6 e, 6 f and 6 g. Mr. Tyler Young, 4711 Westminster Drive, spoke in support of the Park Hudson skate park location, as did Mr. Eric Matthews, 1702 Beaver Pond Court; Ms. Barbara Young, 4711 Westminster; Mr. David Nichols, 4203 Winchester; Ms. Jill Lyster, 4603 Locksford; Mr. Tom Lyster, 4603 Locksford; Mr. Jason Downs, 1215 Mullins, College Station; Mr. Jackson Jenkins, 2515 Longmire, College Station; Ms. Becky Justice, C-Ment Skate Shop owner; Mr. Dillon Wilkerson, Maple Drive, College Station; Mr. Nick Barber, 5771 Justin Lane; Mr. Charles Campbell, 4424 Kensington; and Mr. Brian Lyster, 4603 Locksford. Mr. David Gott, 3611 Old Hearne Road, spoke about the need for facilities for local little leagues and encouraged the City to build a super

park to attract out of town tournaments in the place of the current municipal golf course. Mr. Michael Adiano, 9 Raven Drive, spoke in support of a new athletic center for children. Mr. Silas Garrett, 11272 Dilly Shaw Tap Road, said the municipal golf course site would be the perfect location for an athletic complex as it was centrally located. Mr. Michael Parks, 3506 Oak Hollow, stated the City Council already had the authority to convert the municipal golf course into a super park per the City's Comprehensive Plan. Mr. Michael Jedlicka, 4749 Collette Lane; Mr. Howard Ryder, 1120 Forest Glen; and Mr. Mark Posada, 2301 Kent, spoke in support of a super park.

Without objection, it was announced agenda item 6 h would be considered following item 6 a on the agenda.

**a. Consideration – Skate Parks**

Deputy City Manager Hugh Walker gave a timeline regarding the skate park project. He said staff, the consultants, and a citizen advisory committee had looked at 52 parks as possible locations for a skate park. The list was narrowed to three possible sites, being the Buzz Hamilton Park in Park Hudson, Sue Haswell Park and Williamson Park. He added the old skate park facility at Williamson Park was outdated and needed to be removed. It was mentioned two possible east side park locations may become available in the near future. It was also mentioned the City may need to purchase new property for the skate park. Councilmember Owens made a motion to remove the Park Hudson location, otherwise known as the Buzz Hamilton Park, from future consideration as a skate park location. The motion was seconded by Councilmember Peña. It was stated that Councilmembers supported youth activities and providing a skate park, but felt there were better locations for such a facility. The youth of the community who were in attendance were thanked for coming to the meeting and expressing their desires. Mayor Bienski moved to amend the motion that if the Park Hudson location was eliminated, the Council would support a skate park in another east side location in Copperfield or some other area in close proximity and would allocate funding to be set aside for this purpose. The motion was seconded by Councilmember Konderla. The motion to amend carried with all present voting aye, and the main motion as amended carried with all present voting aye.

The Council recessed from 8:10 p.m. to 8:15 p.m. and reconvened in open session in the same location.

**h. Consideration - Bryan City Charter Amendment to Protect the Travis B. Bryan Municipal Golf Course**

Councilmember Peña moved to postpone discussion, consideration, and possible action to add an item to the November 2014 ballot to amend Section 16 of the Bryan City Charter entitled "Utilities; streets, avenues, alleys and highways; public works" by adding to paragraph (w) Parks after the line containing "The city shall not sell a public park or playground of the city unless the authority to sell is approved by the voters at an election", the sentence "Additionally, the city shall not change the use of the Bryan Municipal Golf Course unless the authority to change the use from a municipal golf course is approved by the voters at an election" to the August 12 Council meeting. The motion was seconded by Councilmember Saenz. Discussion followed that the Council had twice recently not placed Charter amendments on the ballot without a citizen petition. It was suggested a referendum be considered rather than a Charter amendment. Councilmember Peña rescinded his motion with the understanding that a discussion regarding a possible ballot referendum would occur within the next week. There was a general consensus, with no objection, to not consider the Charter amendment item.

**b. Consideration – Old Hearne Road**

Councilmember Saenz moved to postpone discussion and consideration of this item (direct the city staff to move the Old Hearne Road widening in the Capital Improvement Plan from Fiscal Years 2016, 2017 and 2018 to Fiscal Year 2015) until the August 12 Council meeting. The motion was seconded by Councilmember Peña. Mayor Bienski indicated a desire to address the item immediately. The City Attorney pointed out the Council had taken action that prohibits individual consideration of projects without first going through the adopted Capital Improvement Plan (CIP) process. A desire to reprioritize the CIP was expressed. It was stated that delaying a project already in progress was more costly but the CIP could be reprioritized. Councilmember Peña then rescinded his motion and moved to hold a complete CIP discussion in October 2014. The motion was seconded by Councilmember Owens and it was mentioned this discussion would require a full day similar to a Council retreat. The motion carried with all present voting aye.

**c. Consideration – Peale Street**

Councilmember Saenz moved to postpone consideration and possible action to direct the city staff to add a project to the current year's budget for funding that resurfaces/repairs Peale Street and adds curb and gutter to the August 12 Council meeting. The motion was seconded by Councilmember Peña. It was pointed out discussing this item at the CIP meeting to be held in October 2014 would be appropriate. The motion to postpone to the August 12 Council meeting failed with three yeases (Councilmembers Saenz, Peña, and Owens) and three noes (Mayor Bienski and Councilmembers Hughes and Konderla). Mayor Bienski moved to discuss this item at the October 2014 Council meeting to review the entire CIP. The motion was seconded by Councilmember Konderla. Discussion followed about projects that were not subject to the CIP process and projects that appeared to not be as critical as others on the waiting list. It was explained the engineers had reasons for scheduling street work in the manner it occurred. It was also stated that if Councilmembers wished to remove projects not yet begun from the CIP and replace those with other projects, there would be no objection, keeping in mind the City was limited as to the amount of bonds that could be sold without raising the tax rate. The motion carried with all present voting aye.

**d. Consideration – Sandy Point Road Sidewalk**

Director of Public Works Jayson Barfknecht provided a timeline of this project (to construct a sidewalk from the entrance to Forest Park Apartments to State Highway 21 along Sandy Point Road in the right-of-way), showing that staff had been attempting to work with the Texas Department of Transportation (TxDOT) for some time since TxDOT owns the right-of-way along this road. He reported TxDOT had utility easement concerns and did not want hardscape placed over the utilities. He provided cost estimates for the project with and without curb and gutter, which were requested by TxDOT. It was opined sidewalks were more important on the side of the street where the apartments were located. After discussion, Mayor Bienski made a motion to postpone this item until the first regular meeting in September to allow Councilmember Peña, with staff's help, to talk to the apartment complex and other property owners to easily acquire the right-of-way, and to continue discussion with TxDOT to use their right-of-way without curb and gutter or their participation in curb and gutter. The motion was seconded by Councilmember Peña and carried with all present voting aye.

**e. Consideration – Sadie Thomas Park**

In regards to directing city staff to add a project to the current year's budget for funding the repair of the swimming pool in Sadie Thomas Park, it was reported that several weeks earlier, the staff had a pool contractor evaluate all four pools (Henderson Harbor, Sadie Thomas, Sue Haswell and the Bryan Aquatic Center) as to needed repairs. Mayor Bienski moved to obtain cost estimates to repair all four pools. The motion was seconded by Councilmember Owens. City Manager Register added the staff was in the process of obtaining cost estimates to repair all four pools since all were in need of repairs. The motion carried with all present voting aye.

**f. Consideration – Nature Trail**

Mayor Bienski moved to approve the nature trail project along the creek between West 17<sup>th</sup> Street and Martin Luther King Street, parallel to Harlem Lane, pending approval of the adjoining neighbors and if the land for the trail was donated to the City. The motion was seconded by Councilmember Owens and carried with all present voting aye.

**g. Consideration – Scurry Park**

Mayor Bienski made a motion to add 18 parking spaces to Scurry Park if all neighbors within 500 feet of the park were supportive of adding the parking spaces. The motion was seconded by Councilmember Peña and carried with all present voting aye.

**7. ADJOURN**

Without objection, the meeting was adjourned at 9:35 p.m.

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City Secretary Mary Lynne Stratta

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Mayor Jason P. Bienski