

**BRYAN CITY COUNCIL
MINUTES OF WORKSHOP MEETING
AUGUST 26, 2014**

A workshop meeting of the Bryan City Council was held on Tuesday, August 26, 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, 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 were present.

1. CALL TO ORDER

The meeting was called to order at 2:21 p.m.

2. PRESENTATION BY BRYAN-COLLEGE STATION CONVENTION & VISITORS BUREAU (BCSCVB) REPRESENTATIVES REGARDING BCSCVB INVESTMENT REPORT AND PROPOSED FISCAL YEAR 2015 BUDGET

Ms. Shannon Overby, Executive Director of the BCSCVB, presented an overview of the CVB's mission, staffing, board membership, local travel industry economic impact, etc. She listed important factors of the local tourism industry. She predicted a 27 percent increase in hotel capacity would occur in the next 18 months. Ms. Overby discussed the hotel/motel grant application process, Texas A&M University game day application for mobile devices, phase two of the wayfinding project, the Texas A&M facility use agreement and Easterwood Airport improvements. She discussed partnerships and regional marketing. Ms. Overby requested additional funding from the City of Bryan for the 2015 fiscal year (from \$184,849.50 to \$238,440). She described the method by which event economic impact was measured. She reported \$205 per day was the average amount spent by convention attendees, while sporting events attendees spend about \$130 per day per person. She advised that amateur athletics, particularly youth events, bring in a tremendous amount of visitors to a community.

3. PRESENTATION BY STAFF AND CONSULTANT REGARDING CONCEPTUAL PLAN FOR A "SUPER" PARK AND SEEK DIRECTION FOR STAFF TO HIRE A CONSULTANT TO STUDY POSSIBLE SITES FOR SUCH A FACILITY

Deputy City Manager Hugh Walker reminded Council that during the July 8, 2014, budget workshop, Council unanimously asked staff to bring back a conceptual plan for a possible super park. He listed super park considerations such as cost, quality of life components, community benefit, greatest benefit, location, space and tourism. He listed cost estimates of sample phases such as: football/soccer fields - \$1,383,480 for synthetic fields; baseball/soccer fields - \$5,471,905 for synthetic fields; infrastructure, landscaping and other - \$3,187,525. Mr. Wayne Cooper, Halff Associates, Inc., showed a conceptual master plan for a regional park. He reported a super park could be built in phases. He said that several restaurants and a hotel were included in one conceptual plan in order to increase tourism and use of the facility. He listed the various components included in the conceptual plans, such as five holes of golf, miniature golf, football, soccer, baseball, boardwalk, trail system, picnic tables, etc. He said the design would encourage use of the park by residents when games and tournaments were not being held. Mr. Cooper advised this type of park was designed for large activities and a wide range of activities. He added that 75 parking spaces per field was standard.

He also described other options that did not include a five hole golf course but left a large open space for kite festivals, art festivals, outdoor concerts, etc., and removed restaurant pads and the hotel space. It was opined that the total cost of the various options could be as much as \$20 million with the first two phases costing around \$10 million. After discussion, it was the consensus of the Council to have a consultant study all possible sites within the city limits for the site of a super park. It was stated an inventory of existing parks had been completed by the Parks and Recreation Advisory Board.

4. DISCUSSION REGARDING CONSENT/STATUTORY AGENDA ITEMS FOR REGULAR MEETING OF AUGUST 26, 2014

Council discussed agenda items 10 a, 10 b, 10 c, 10 d and 10 i of the consent/statutory agenda for the regular meeting of August 26, 2014. No action was taken regarding the items discussed.

5. ADJOURN

Without objection, the meeting adjourned at 3:15 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING
AUGUST 26, 2014**

A regular meeting of the Bryan City Council was held on Tuesday, August 26, 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, 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 3:50 p.m.

2. EXECUTIVE SESSION

The meeting was called into executive session at 3:51 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 biocorridor interlocal agreement and proposed economic development incentives for the Kalon Biotherapeutics facility located in College Station, receive legal advice regarding proposed Charter amendments, receive legal advice regarding tax increment financing and Tax Increment Reinvestment Zone No. 10 proposed project and financing plan amendments, receive legal advice regarding ordinance setting out duties of Parks and Recreation Advisory Board, receive legal advice regarding use of hotel/motel occupancy tax revenues for park improvements, receive legal advice regarding insurance requirements for private recreational activities held on city-owned property, and receive legal advice regarding proposed oil and gas lease on city-owned property; 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; 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 under the authority of Section 551.086, competitive matters – discussion regarding Texas Municipal Power Agency 2018 plan.

3. OPEN SESSION FOR ACTION FOLLOWING EXECUTIVE SESSION

The meeting was called into open session at 6:21 p.m. Councilmember Saenz moved to authorize the Mayor to execute a contract to purchase the Army Reserve Center from the General Services

Administration (GSA) in the amount of \$7,500. The motion was seconded by Councilmember Konderla and carried unanimously.

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

Pastor Jeff Dungan, St. Luke's United Methodist Church, gave the invocation and Regent Jane Bostick Ranck, LaVillita Chapter of the National Society of the Daughters of the American Revolution, led the pledges.

5. PROCLAMATIONS AND PRESENTATIONS

Newman 10 Business Performance Award winners, Chamber of Commerce Community Impact Award winners, the Brazos Valley Bombers (Texas Collegiate League Champions), and Divisional Champions Bryan Barracudas swim team were recognized.

6. HEAR CITIZENS

Mr. John Miller, 714 Williamson Drive, spoke about the municipal golf course and a proposed super park. Ms. Kailyn Garrett, 5635 Dilly Shaw Tap Road; Ms. Johnna Becerra, 5635 Dilly Shaw Tap Road; and Mr. Silas Garrett, 11272 Dilly Shaw Tap Road, spoke in support of a super park on the site of the municipal golf course because of its central location. Mr. Michael Parks, 3506 Oak Hollow, spoke about the need for quality facilities for youth athletic activities. Mr. Paul Schleider, 4417 Kingsdale, requested improvements to existing parks and opined a super park would be ideal for the community.

7. TAX INCREMENT REINVESTMENT ZONE #10 PROJECT AND FINANCING PLAN AMENDMENT

a. Public Hearing – TIRZ #10 Project and Financing Plan Amendment

Mr. Register announced the item before the Council did not involve hotel/motel taxes as this agenda item was not a development agreement. Strategic Project Director Lindsey Guindi presented information regarding a proposed ordinance to amend the Tax Increment Reinvestment Zone (TIRZ) Number 10 Project and Financing Plan for land within the TIRZ boundary generally located in west Bryan. She stated the plan included one new expenditure totaling \$3,800,000 to be used for TIRZ #10 administrative costs, lakes, parks and trail improvements and amenities, pavilions, an observation tower, public restrooms, a wellness center, on-street parking, water, sewer, streets, drainage, gas, electricity, high-speed internet and data extensions, patterned concrete or brick pavers, common area landscaping, site lighting, benches, trash cans, signage, and shared town center parking. In addition, she stated this amendment would reaffirm the amount of \$2,400,000, included in the original Project and Financing Plan, for the construction of a publicly available, privately owned hotel conference center within the Atlas Development. She added no bonds would be issued to finance any of the projects; the developer assumes all financial risks, and if the developer does not perform, the developer does not get reimbursed. Ms. Guindi reported the TIRZ #10 Board and Brazos County Commissioners both approved the amendment. She added Chapter 380 economic development agreements were needed, which will require that current debt service and contractual obligations must be paid off first before the developer would be eligible for reimbursement. It was reported that in 2025, an estimated \$8 million will be distributed back to the participating taxing entities at the percentage contributed. It was again reiterated the City was not expending funds up front nor issuing any debt for any of the projects within the Atlas development, which was different from other TIRZ's the City has

had up to this point. The developer must borrow the money so the City is not obligated for the debt service; therefore, taxpayer money is not jeopardized. Mr. Register reminded Council the City had spent \$8 million on 1,000 acres of land in 2000 and borrowed \$17 million for infrastructure for the area.

During the public hearing, Mr. Mike Southerland, 3401 Parkway Terrace, spoke about the requirements of Chapter 311 of the Property Tax Code and encouraged the Council to “close down” the TIRZ as soon as possible and pay off any remaining debt. He also spoke about reclaimed water used on the Traditions Golf Course. Dr. Brett Giroir, Chief Executive Officer of the Texas A&M Health Science Center, expressed gratitude for the gift of 200 acres which house multiple buildings as part of the Health Science Center campus. He spoke about the phenomenal growth of the medical programs offered at the campus. He opined that the missing components of catapulting the biocorridor to national prominence were the lack of marketplace amenities, such as a boutique hotel, coffee shops, restaurants and a conference center. Mr. Hunter Goodwin, 1011 Lyceum Court, College Station, asked for the opportunity to educate the Council about his concerns relative to subsidies being offered for a hotel and conference center to locate in the Traditions area. He also said a super park was a great idea and felt the hoteliers would support it. Mr. Spencer Clements, Traditions Acquisition Partnership, reported TIRZ #10 and Traditions were healthy and expressed excitement about all his group had done for the community in terms of supporting non-profit organizations and events. He discussed the public-private partnership that resulted in the successful Traditions and biocorridor areas. He asked for the Council’s support of the proposal.

b. First Reading of an Ordinance – TIRZ #10 Project and Financing Plan Amendment

Mayor Bienski moved to approve the first reading of an ordinance of the City of Bryan, Texas, amending the Tax Increment Reinvestment Zone (TIRZ) Number 10 Project and Financing Plan for land within the TIRZ boundary generally located in west Bryan. The Plan includes one new expenditure totaling \$3,800,000 to be used for TIRZ #10 administrative costs, lakes, parks and trail improvements and amenities, pavilions, an observation tower, public restrooms, a wellness center, on-street parking, water, sewer, streets, drainage, gas, electricity, high-speed internet and data extensions, patterned concrete or brick pavers, common area landscaping, site lighting, benches, trash cans, signage, and shared town center parking. In addition, this amendment is to reaffirm the amount of \$2,400,000, included in the original Project and Financing Plan, for the construction of a publicly available, privately owned hotel conference center within the Atlas Development. The motion was seconded by Councilmember Konderla. Councilmember Peña moved to postpone consideration until staff could arrange a town hall meeting between the Council and hotel owners. The motion to postpone was seconded by Councilmember Saenz but failed to carry by a vote of two yesses (Councilmembers Peña and Saenz) and five noes. The City Attorney advised that none of the funds relative to this amendment, including the \$2.4 million, would be funded by the City or by bonds sold by the City. A desire was expressed that the existing TIRZ #10 debt be paid off early.

Mayor Bienski moved to suspend the rules to allow Mr. Goodwin and Mr. Clements to answer questions. The motion was seconded by Councilmember Peña and carried unanimously. It was pointed out that less than 25 percent of local hotel rooms were located in Bryan and that the City of Bryan had helped with economic incentives for other hotel projects. It was stated that if any hotelier wished to bring a four or five star hotel to Bryan, the City would help with the project. Mr. Goodwin pointed out Bryan is benefitting from local growth. He again expressed concern about granting incentives to a competitive hotel with conference space when growth was occurring. He advised there was not a four star hotel locally at this time. Mr. Clements reported

his group had experience with extremely successful boutique hotels. He listed the successes of the City's public-private partnership with his group. He added local hoteliers were asked to invest in a hotel in the biocorridor area, but none were willing to invest in that part of community at the current time. He also added the project could not be accomplished without the requested economic incentives. He added there were no plans for any other four or five star hotels to be built in Bryan. He also listed the other components of the proposed master planned community, such as a town center with office space, retail, parks, and a trail system, adding these components will increase taxable values. It was pointed out the original TIRZ #10 plan included a hotel and conference center, and that Brazos County had agreed to remain a part of TIRZ #10 due to this project. After discussion, the motion to approve the first reading of the ordinance carried with five yeases and two noes (Councilmembers Saenz and Peña).

8. FIRST PUBLIC HEARING – Proposed Tax Revenue Increase

Mayor Bienski called for public comment regarding a proposal to adopt a property tax rate of \$0.629990 per \$100 assessed valuation, increasing the total tax revenues from properties on the tax roll in the preceding tax year by 3.52% (percentage by which proposed tax rate exceeds lower of rollback tax rate or effective tax as calculated under Tax Code, Chapter 26). He announced this was the first of two public hearings to consider the proposed tax rate. The second public hearing will take place on September 9, 2014, at 6:00 p.m., in the Council Chambers at the Municipal Office Building, 300 South Texas Avenue, Bryan, Texas. The tax rate ordinance will be read at a special City Council meeting on September 16, 2014, with final approval at the City Council meeting on September 23, 2014. The special meeting will be held at 12:00 p.m. and the regular meeting will be held at 6:00 p.m., both in the Council Chambers at the Municipal Office Building, 300 South Texas Avenue, Bryan, Texas. It was stated this proposal would maintain the same property tax rate as the current property tax rate, but because the City will realize additional property tax revenues from increased property valuations, the City is required by State law to call this a property tax increase. No one spoke regarding the proposed tax rate and the public hearing closed at 7:54 p.m.

9. PROPOSED FISCAL YEAR 2015 BUDGET

a. Public Hearing – Proposed Fiscal Year 2015 Budget

Mayor Bienski called for public comment regarding the Fiscal Year 2015 budget beginning October 1, 2014, and ending September 30, 2015, both dates inclusive, with expenditures in the combined total amount of \$379,699,397 and revenues in the combined total amount of \$368,692,039. Mr. Register advised the major expenses in the proposed budget were public safety related. Mr. Mike Southerland, 3401 Parkway Terrace, spoke about the proposed budget. The public hearing closed at 7:58 p.m. with no other comments from the public.

b. First Reading of an Ordinance – Proposed Fiscal Year 2015 Budget

Mayor Bienski moved to approve the first reading of an ordinance of the City Council of the City of Bryan, Texas, approving and adopting a budget for the fiscal year beginning October 1, 2014, and ending September 30, 2015, both dates inclusive, with expenditures in the combined total amount of \$379,699,397 and revenues in the combined total amount of \$368,692,039; appropriating funds for the maintenance and operation of the various departments, activities and improvements of the City; appropriating funds for the payment of debt obligations in accordance with applicable contracts and laws; providing that expenditures for said fiscal year shall be made in accordance with said budget; authorizing the city manager to make certain transfers of funds.

The motion was seconded by Councilmember Horton. After discussion, the motion carried unanimously.

10. CONSENT (AUTOMATIC APPROVAL) AGENDA

It was announced item 10 d would be 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 – Change Order to Annual Contract for Concrete Curb, Gutter and Flatwork with Brazos Site Works

Consider approving a change order to Contract 09-149, with Brazos Site Works of Bryan, Texas, entitled “Annual Contract for Concrete Curb, Gutter and Flatwork,” increasing the amount by \$90,000 from \$613,898.81 to \$703,898.81. Source of Funds: Streets and Drainage Department (General Fund), Water Fund, Wastewater Fund.

b. Consideration - Collection Services for Municipal Court Delinquent Cases

Consider award of a contract for Municipal Court Delinquent Case Collections with McCreary, Veselka, Bragg & Allen, P.C., (MVBA) to collect municipal court delinquent cases for a two-year period, with the option to renew up to three one-year extension periods. There is no cost to the City for this service since State law allows the firm to collect an additional charge above the amount owed to the City.

c. Consideration – Extension of Annual Price Agreement for Library Books and Related Materials

Consider approving an extension of an annual price agreement for library books and related materials for the Bryan-College Station Public Library System to Baker and Taylor, Inc., (Section I: Books and Audio/Visual Materials and Section III: Processing), in an amount not to exceed \$139,700, and to Bound to Stay Bound Books, Inc., (Section II: Juvenile Pre-Bound Books and Section III: Processing), in an amount not to exceed \$6,500. Source of Funds: General Fund – Library Department.

e. Resolution – Fiscal Year 2015 Investment Policy

Adoption of Resolution No. 3567 of the City Council of the City of Bryan, Texas, to adopt an investment policy for Fiscal Year 2015 for the City of Bryan, Texas, in accordance with the Public Funds Investment Act.

f. Second and Final Reading of an Ordinance – Bryan Texas Utilities Electric Rates Phase 1

Second and final reading of Ordinance No. 2058 of the City of Bryan establishing a new schedule of rates to be charged for electric current furnished by Bryan Texas Utilities (BTU) effective commencing with the first billing cycle for the month of October 1, 2014; providing definitions.

g. Second and Final Reading of an Ordinance – Bryan Texas Utilities Electric Rates Phase 2

Second and final reading of Ordinance No. 2059 of the City of Bryan, Texas, establishing a new schedule of rates to be charged for electric current furnished by Bryan Texas Utilities (BTU)

effective commencing with the first billing cycle for the month of October 1, 2015; and providing definitions.

h. Second and Final Reading of an Ordinance – Bryan Texas Utilities Electric Rates Phase 3

Second and final reading of Ordinance No. 2060 of the City of Bryan, Texas, establishing a new schedule of rates to be charged for electric current furnished by Bryan Texas Utilities (BTU) effective commencing with the first billing cycle for the month of October 1, 2016; and providing definitions.

i. Second and Final Reading of an Ordinance – Amend Chapter 14, “Building and Building Regulations” of the Bryan Code of Ordinances

Second and final reading of Ordinance No. 2061 of the City Council of the City of Bryan, Texas, amending the text of Bryan Code of Ordinances Chapter 14, Building and Building Regulations, by amending Article III, Residential Construction Standards, Subsection 14-17, Amendments to Code, by modifying provisions for the placement of single-story detached accessory structures with a floor area of up to 120 square feet on residential lots; providing Penalties; providing for publication; providing an effective date.

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

d. Consideration – First Amendment to Agreement for Legal Services with Mathews and Freeland L.L.P.

Councilmember Konderla moved to approve the First Amendment to the Restated Agreement for Legal Services with the law firm of Mathews and Freeland L.L.P., increasing the contract not-to-exceed amount by \$75,000, for a total not to exceed amount of \$125,000, for representation in connection with the ground water district and other water law related matters, with the correction of a maximum hourly rate of \$300. The motion was seconded by Councilmember Hughes and carried unanimously.

11. REGULAR AGENDA

a. Consideration – Appointments to the Bryan-College Station Convention and Visitors Bureau (CVB) Executive Board and the Brazos Valley Solid Waste Management Agency (BVSWM) Board of Directors

Mayor Bienski moved to reappoint Councilmember Konderla to a position on the CVB Executive Board for a two-year term expiring September 30, 2016, and to reappoint Councilmember Hughes to the BVSWM Board of Directors for a one-year term expiring September 30, 2015, and to reappoint Mayor Bienski for a three-year term expiring September 30, 2017, on the BVSWM Board. The motion was seconded by Councilmember Konderla and carried unanimously.

b. Consideration - Plan for Improvement to Existing City of Bryan Parks

Discussion, consideration, and possible action to direct the City Manager or his designee:

1. to investigate and report the feasibility and cost to repair and/or replace equipment, buildings, etc., and needed routine maintenance;

2. to develop a list of new equipment needed in all Bryan parks such as lighting, parking, playground equipment, pools, turf, signage, picnic tables, etc., to bring all parks to an acceptable standard with associated estimated costs;
3. to determine if "Hotel Motel" funds or CDBG funds can be used to fund any repairs or new equipment in each of the above;
4. to report the findings to the Parks and Recreation Advisory Board and the Bryan City Council and solicit recommendations from the Parks and Recreation Advisory Board regarding the study findings; and
5. Request that the BTU Board of Directors complete a similar review of the facilities at Lake Bryan (BTU power plant lake) and report the findings to the City Council.

City Manager Register reported a parks improvement plan was initiated over a year ago and completed in April. He said that plan had been presented to the Parks and Recreation Advisory Board and addressed items 1, 2 and 4 above. He suggested the Parks Board be asked to provide recommendations to the City Council regarding the entire parks improvement plan. He also advised the Legal Department was researching whether hotel/motel funds could be used for park construction or maintenance. Mr. Register also advised the BTU Lake Bryan property was under contract, but that he would ask the BTU Board to determine if any other amenities were needed at Lake Bryan. Concern was expressed about deferred maintenance in all parks. The City Manager asked the Council to advise him when they hear complaints about park facilities. It was agreed the Council would look forward to receiving the Parks Board's recommendations.

12. COUNCIL COMMITTEE REPORTS

Councilmember Konderla provided a report on a recent meeting of the Bryan-Brazos County Economic Development Foundation, Inc., Board.

13. CITY MANAGER REPORT

No report was provided by the City Manager.

14. ITEMS OF COMMUNITY INTEREST

Councilmember listed the following items of community interest: Bryan ISD Hall of Honor inductees, board/committee/commission applications contained in BTU bills, town hall meetings, English as a second language classes at the library, Brazos Valley Food Bank Feast of Caring, Bryan ISD's recent academic accomplishments of 39 distinctions from the Texas Education Agency, etc. Coulter Airfield Manager James Brown was complimented about a recent article in a transportation magazine. Halcon Company was thanked for park improvements in Copperfield. Ms. Emily Wilkins, the *Eagle's* new city reporter, was welcomed.

15. ADJOURN

Without objection, the meeting was adjourned at 8:29 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski