

**BRYAN CITY COUNCIL  
MINUTES OF WORKSHOP MEETING  
SEPTEMBER 9, 2014**

A workshop meeting of the Bryan City Council was held on Tuesday, September 9, 2014, in the basement training room 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 3:23 p.m.

**2. JOINT MEETING WITH THE BRYAN TEXAS UTILITIES BOARD REGARDING REVIEW OF FISCAL YEAR 2014 ACCOMPLISHMENTS AND FISCAL YEAR 2015 PLAN OF WORK**

BTU General Manager Gary Miller reviewed BTU's Fiscal Year 2014 accomplishments and laid out the proposed Fiscal Year 2015 plan of work. Mr. Miller discussed safety-incident trend reports, peak demand, customer statistics, regulatory compliance, National Energy Reliability Council and Energy Reliability Council of Texas audits, customer operations, cost of service study, new rate ordinances and rate design, business operations, construction, wind and solar energy, customer service satisfaction rankings, customer payment options, SmartHome and SmartBusiness programs, Lake Bryan sewer project, power production, Qualified Scheduling Entity activities, Texas Municipal Power Agency operations, transmission projects, and a new website outage viewer feature. Mr. Miller then discussed Fiscal Year 2015 major projects, challenges and opportunities. He also listed awards won by BTU the past year, including the American Public Power Association RP3 Diamond Award, the Texas Public Power Association System Achievement Award, and the 3CMA Silver Circle Award for the new BTU website. Questions were answered and the BTU Board members were thanked for their service.

**3. DISCUSSION REGARDING CONSENT/STATUTORY AGENDA ITEMS FOR REGULAR MEETING OF SEPTEMBER 9, 2014**

Council briefly discussed agenda items 8 h, 8 j, 9 b, 9 c, 9 d and 9 e of the consent/statutory agenda for the regular meeting of September 9, 2014. No action was taken regarding the items discussed.

**4. ADJOURN**

Without objection, the meeting adjourned at 4:20 p.m.

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City Secretary Mary Lynne Stratta

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Mayor Jason P. Bienski

**BRYAN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
SEPTEMBER 9, 2014**

A regular meeting of the Bryan City Council was held on Tuesday, September 9, 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 4:37 p.m.

**2. EXECUTIVE SESSION**

The meeting was called into executive session at 4:38 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 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 the citizen petition and resulting ordinance calling for an election for proposed charter amendments, and possible requests for investigations by appropriate state agencies of the recent information concerning possible related voter fraud, receive legal advice regarding proposed amendments to groundwater district rules, receive legal advice concerning economic development negotiations on proposed west Bryan 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 ordinance setting out duties of Parks and Recreation Advisory Board, and receive legal advice regarding changes concerning the application of surcharges to credit card purchases within the city; 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.

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

The meeting was called into open session at 6:14 p.m. Councilmember Horton shared comments regarding her concern about allegations that had recently become public about a possible voter fraud situation. Accordingly, she made a motion that the members of the Bryan City Council ask the Mayor to send a letter to the Attorney General of the State of Texas requesting the matter of possible voter fraud be investigated with all haste. The motion was seconded by Councilmember Konderla. After discussion, the motion carried with six yeases and one abstention (Councilmember Peña).

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

Preacher David Watson, Benchley Church of Christ, gave the invocation and Second Vice Commander Steve Kim, American Legion Post 159, led the pledges.

#### **5. PROCLAMATIONS AND PRESENTATIONS**

Proclamations were presented in recognition of National Library Card Sign Up Month and the Muscular Dystrophy Fill the Boot Campaign.

#### **6. HEAR CITIZENS**

Ms. Sharon Anderson, 2304 Cindy Lane, thanked Councilmembers for public announcements regarding classes being offered in Spanish at the Clara B. Mounce Public Library. Ms. Debra Miller, 714 Williamson Drive, spoke about election issues and the park in her neighborhood. Mr. James Franks, 4411 Edinburgh Place, College Station, general manager of the College Station Hilton, and Mr. Noel Mayes, 1904 Dartmouth, College Station, general manager of the Bryan Fairfield Suites, spoke about agenda item 9 e and the use of hotel occupancy taxes for various projects. Mr. John Miller, 714 Williamson Drive, spoke about the recent purchase of several residential properties by a private investor in the area of his residence and spoke in opposition to a super park on the site of the municipal golf course.

#### **7. SECOND 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 second of two public hearings to consider the proposed tax rate and that the tax rate ordinance would be read at a special City Council meeting on September 16, 2014, at 12:00 p.m., with final approval at the regular City Council meeting on September 23, 2014, at 6:00 p.m., both in the Council Chambers at the Municipal Office Building, 300 South Texas Avenue, Bryan, Texas. It was pointed out 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 was required by State law to call this a property tax increase. The public hearing closed at 6:49 p.m. with no comments from the public.

#### **8. CONSENT (AUTOMATIC APPROVAL) AGENDA**

Agenda item 8 j was 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. Approval of Minutes** – Special Meetings of August 7, 2014, and September 2, 2014, and Workshop and Regular Meetings of August 12, 2014, and August 26, 2014

**b. Consideration – Excess Liability Insurance Policy**

Consider awarding the City's excess liability insurance to Illinois Union Insurance Company, for the policy period beginning October 1, 2014, and ending September 30, 2015, in the amount of \$209,367. Source of Funds: Self-Insurance Fund.

**c. Consideration – Workers Compensation Excess Insurance Policy**

Consider awarding the City’s workers compensation excess insurance to Midwest Employers Casualty, for the policy period beginning October 1, 2014, and ending September 30, 2015, in the amount of \$150,990. Source of Funds: Self-Insurance Fund.

**d. Consideration – Contract with A-1 Pump for Fuel System Rehabilitation**

Consider approving a service contract with A-1 Pump, of Bryan, Texas, in an amount not to exceed \$104,486, for rehabilitation of the City’s fuel system. Source of Funds: Warehouse Fund, Water/Wastewater Fund, Solid Waste Fund, Streets and Drainage Funds.

**e. Consideration – Extension of Annual Price Agreement for Chlorine Gas**

Consider approving the first extension of annual price agreement with Brenntag Southwest, Inc., of Houston, Texas, in an amount not to exceed \$102,250, for chlorine gas used by both water production and wastewater treatment facilities for disinfection purposes. Source of Funds: Water/Wastewater Operating Fund.

**f. Consideration – Office Max Blanket Purchase Order**

Consider approving a blanket purchase order to Office Max in an amount not to exceed \$50,000 for Fiscal Year 2015, for the purchase of office supplies and related equipment/services by all City departments through an interlocal cooperative purchasing agreement with Brazos Valley Council of Governments (Purchasing Solutions Alliance (PSA) Cooperative). Source of Funds: Department Operating Budgets.

**g. Consideration – Cancel Contract with Roots Landscaping for Mowing Services**

Consider cancelling a contract with Roots Landscaping for mowing services provided to the wastewater plants, well sites and lift stations, Request for Bid (RFB) No. 11-041 “Annual Contract for Mowing Services, Water Services Facilities, and Code Enforcement”.

**h. Consideration – Extension of Contract for Parks Maintenance Landscape Services**

Consider approving the fourth extension of an existing contract with Green Team, Inc., Rainbow Gardens Nursery, and Roots Landscaping, LLC, in a total amount not to exceed \$751,636, to provide landscape management and mowing services in City parks and other public facilities, as follows: Group 1 – Schedule A Sites (Athletic Areas): award to Green Teams, Inc., for an amount not to exceed \$42,976; Group 2 – Schedule B (Weekly Mow): award to Green Teams, Inc., for an amount not to exceed \$ 482,053 (total Green Teams, Inc., contract amount for Groups 1 and 2 not to exceed \$525,029); Group 3 – Schedule B (Weekly Mow): award to Rainbow Gardens Nursery, for an amount not to exceed \$166,537; Group 4 – Schedule C (Biweekly Mow): award to Roots Landscaping, LLC, for a total amount not to exceed \$29,990; and Group 5 – Schedule D (Miscellaneous): award to Rainbow Gardens Nursery, for an amount not to exceed \$30,080 (total Rainbow Garden Nursery contract amount for Groups 3 and 5 not to exceed \$196,617). Source of Funds: General Fund – Parks and Recreation Budget.

**i. Consideration - Tri-Party Agreement – Demolition/Reconstruction of 1101 East 28th Street**

Consider authorizing the Mayor to sign a Tri-Party Agreement for demolition and reconstruction of a single family residential dwelling with accessibility elements for two handicap household members at 1101 East 28th Street, Community Development project RFB #14-072, with the homeowner household and project contractor, RNL Homebuilders, L.L.C., in the amount of \$124,002.00, and a note with the homeowner household in the total amount of \$157,106.08. Source of Funds: HOME funding as approved in the Fiscal Year 2014 Community Development Services Budget.

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

**j. Second and Final Reading of an Ordinance – TIRZ #10 Project and Financing Plan Amendment**

Councilmember Peña moved to approve but with TIRZ #10 first being dissolved before the developer received a dime in reimbursements. The motion was seconded by Councilmember Saenz. It was explained that if the TIRZ was dissolved first, there would be no ability to generate TIRZ funds to pay the developer the reimbursements. Councilmember Peña moved to amend the motion to pay the debt first, not dissolve the TIRZ, so that the developer receives his funds after the entire debt is paid off. The motion was seconded by Councilmember Saenz. It was explained the motion would have to be considered by the TIRZ #10 Board before the Council could take that action. It was pointed out this would be the first TIRZ project where the developer borrows the money rather than the City borrowing the money. Deputy City Manager Joey Dunn advised it would be possible to pay off the TIRZ #10 debt early if the Atlas project generates the expected tax values, but the City could not do so without this project. It was agreed all Councilmembers would like to see the debt paid off early and that the purpose of a TIRZ was to generate new development. Lack of development in certain parts of the City was mentioned. It was stated the Council would happily consider the same type of project in other areas should a developer be willing to borrow the funds and build the development first as in this project. The motion to amend failed to carry by a vote of two yeases (Councilmembers Saenz and Peña) and five noes. The main motion failed to carry by a vote of two yeases (Councilmembers Saenz and Peña) and five noes.

After a lengthy discussion, Mayor Bienski moved approval of the second and final reading of Ordinance No. 2062 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 project and financing plan amendment for an amount not to exceed \$3,800,000 will be used for a TIRZ 10 economic development program to include the following project cost components: 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 reaffirms the amount of \$2,400,000, included in the original project and financing plan, for an economic development program for the construction of a publicly available, privately owned hotel conference center, rather than for a publicly owned conference center as stated in the original project and financing plan. No bonds will be issued to finance the foregoing project cost components. The motion was seconded by Councilmember Konderla. It was stated that developments such as this would generate new revenues that can be used to improve all parts of the City. It was again mentioned that if another developer wished to do a similar project in any other area of Bryan, that proposal would be

welcomed. It was reported the expected value of the Atlas development was \$500 million to \$750 million, which would bring significant benefits to the entire City. After lengthy discussion, the motion carried with five yeases and two noes (Councilmembers Saenz and Peña).

## **9. STATUTORY AGENDA**

Agenda items 9 b, 9 c, 9 d and 9 e were removed from the statutory agenda for separate consideration. Councilmember Konderla made a motion to approve the remainder of the statutory agenda. The motion was seconded by Councilmember Owens and carried unanimously.

### **a. Consideration – Interlocal Agreement with the City of Lewisville**

Consider approving an interlocal purchasing agreement with the City of Lewisville, Texas, for the mutual cooperative purchases of goods and services.

### **f. Consideration – Brazos County Health District Fiscal Year 2015 Budget**

Consider approving the Brazos County Health District Fiscal Year 2015 budget in the amount of \$3,672,929, with the City of Bryan’s funding contribution being \$326,500. Source of Funds: General Fund.

### **g. Consideration - Brazos County Emergency Communications Dispatch Agreement**

Consider approving an agreement between the City of Bryan and the Brazos County Emergency Communications District (911 District), in the amount of \$1,528,981, to provide emergency communications dispatching services for the City of Bryan for Fiscal Year 2015. Source of Funds: General Fund.

### **h. Resolution – Brazos County Emergency Communications Fiscal Year 2015 Budget**

Adoption of Resolution No. 3568 approving the Fiscal Year 2015 budget of the Brazos County Emergency Communications District (911 District) budget in the amount of \$3,818,320, which is inclusive of 911 District cost, City of Bryan Dispatch Services cost and Brazos County Dispatch Services cost. Source of Funds: Emergency Service Fee funds generated by wire line, wireless, and voice over internet protocol (VOIP) telephones; City of Bryan General Fund (for dispatch services); and Brazos County (for dispatch services).

### **i. Resolution – Airport Project Participation Agreement**

Adoption of Resolution No. 3569 of the City Council of the City of Bryan, Texas, authorizing the Mayor to execute an Airport Project Participation Agreement with the Aviation Division of the Texas Department of Transportation for a three-year airport improvement plan at Coulter Airfield. Source of Funds: General Fund.

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

### **b. Consideration – Conveyance of Two Tracts of Land to Bryan/Traditions, L.P., for Phase One of Atlas Town Center At Traditions**

Councilmember Konderla moved to approve the conveyance of two tracts of land comprised of 13.75 acres and 1.89 acres out of the J.H. Jones Survey A-26, from Bryan Commerce and

Development, Inc., (BCD) to Bryan/Traditions, L.P., as parcels for the first phase of development for the Atlas Town Center at Traditions, which includes a boutique hotel, conference center and surrounding common area located north of Health Science Center Parkway in Bryan, Brazos County, Texas; with the modification to authorize the President of Bryan Commerce and Development, Inc., (BCD) to execute a general warranty deed and other documents contemplated and required to carry out the conveyance in a form approved by the City Attorney. The motion was seconded by Councilmember Hughes. Discussion followed about the merits and concerns relative to the project. The motion carried with five yeases and two noes (Councilmembers Saenz and Peña).

**c. Consideration – Tax Increment Reinvestment Zone (TIRZ) #10 Economic Development Agreement with ATLAS HOTEL, L.P.**

Mayor Bienski moved to approve the Tax Increment Reinvestment Zone (TIRZ) #10 Economic Development Agreement to reimburse ATLAS HOTEL, L.P., up to \$2,400,000 from available unencumbered TIRZ #10 funds for the purpose of developing a conference center associated with the Atlas Hotel, a four-star hotel to be constructed near the intersection of Traditions Drive and Health Science Center Parkway in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Konderla. Special Projects Director Lindsey Guindi provided an overview and answered questions regarding the project. After discussion, the motion carried with five yeases and two noes (Councilmembers Saenz and Peña).

**d. Consideration – Tax Increment Reinvestment Zone (TIRZ) #10 Economic Development Agreement with Traditions Acquisition Partnership, L.P.**

Mayor Bienski moved to approve the Tax Increment Reinvestment Zone (TIRZ) #10 Economic Development Agreement to reimburse Traditions Acquisition Partnership, L.P., \$3,600,000 from available unencumbered TIRZ #10 funds for the purpose of constructing public and private infrastructure, parks, trails and other amenities associated with the Atlas Town Center, situated generally along Traditions Drive, Health Science Center Parkway and Atlas Pear Street in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Horton. The motion carried with five yeases and two noes (Councilmembers Saenz and Peña).

**e. Consideration – Agreement with ATLAS HOTEL, L.P., for Use of Future Hotel Occupancy Tax Funds to Promote Economic Development**

Mayor Bienski moved to approve an agreement between the City of Bryan and ATLAS HOTEL, L.P., to provide up to \$2,250,000 from future hotel occupancy tax (HOT) funds generated by the Atlas Hotel for the purpose of promoting economic development through the construction of a 177-room, four-star boutique hotel within the Atlas Town Center Development, to be located north of the intersection of Traditions Drive and Health Science Center Parkway in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Hughes. Councilmember Peña moved to postpone consideration until the next regular meeting in September. The motion was seconded by Councilmember Saenz but failed to carry with two yeases (Councilmembers Saenz and Peña) and five noes. It was announced the City had held several meetings with hoteliers and the lodging association and requested they bring forward a similar proposal, but none have been willing to do so. It was pointed out the hotel occupancy funds to be reimbursed to the developer of the Atlas Hotel will be funded from new revenues generated by this development, not out of existing funds. It was reported the funds could only be used as allowed under the Tax Code and that the hotel would have to be finished first, and the budget, marketing plan and payment

approved by the City Council before the developer receives any of the reimbursement. After discussion, the motion carried with five yeases and two noes (Councilmembers Saenz and Peña).

## **10. REGULAR AGENDA**

### **Second and Final Reading of an Ordinance – Proposed Fiscal Year 2015 Budget**

Mayor Bienski moved to approve the second and final reading of Ordinance No. 2063 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 Hughes. The following Councilmembers voted aye: Mayor Bienski and Councilmembers Saenz, Peña, Owens, Horton, Hughes and Konderla. No one voted against the motion.

## **11. COUNCIL COMMITTEE REPORTS**

Councilmember Horton reported on recent meetings of the City of Bryan/Bryan ISD Joint Committee and the Metropolitan Planning Organization Policy Committee.

## **12. CITY MANAGER REPORT**

Mr. Register provided a brief capital improvement project update.

## **13. ITEMS OF COMMUNITY INTEREST**

Councilmembers listed the following items of community interest: Vietnam Veterans Memorial dedication in downtown Bryan, hotel occupancy tax grant program seminar, St. Joseph Regional Health Care Center trauma center groundbreaking, Texas A&M University game day mobile application, town hall meetings, homebuyer course, *Fiestas Patrias* parade, board/committee applications, Texas Reds Steak and Grape Festival, Harvey Mitchell Parkway overpass, Austin's Colony neighborhood association meeting, new library card program, Seed Sumo demonstration, University Drive project, etc. The brave men and women of the Bryan Fire Department were thanked for their support of the Muscular Dystrophy Association. Bryan citizens were thanked for helping the victim of a recent car crash.

## **14. ADJOURN**

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