

**BRYAN CITY COUNCIL
MINUTES OF WORKSHOP MEETING
APRIL 23, 2013**

The Bryan City Council held a workshop meeting on Tuesday, April 23, 2013, in the second courtroom of the Bryan Justice Center, 401 South Tabor Street, Bryan. A notice of said meeting was posted at least 72 hours in advance in accordance with Section 551, Texas Government Code. Mayor Jason Bienski and Councilmembers Richard Cortez, Paul Madison, 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 12:10 p.m.

2. JOINT MEETING WITH BTU BOARD OF DIRECTORS TO DISCUSS BTU'S ANNUAL PLAN OF WORK

Council met jointly with the BTU Board of Directors. BTU General Manager Gary Miller presented BTU's annual plan of work. He discussed safety, the recent two-phase rate changes, customer satisfaction ratings, automated metering infrastructure, customer operations, new "Smart" pay programs, south transmission project, north gate substation expansion project, QSE production, solar project, Lake Bryan dam improvements, renewable energy, regulatory compliance, Texas Municipal Power Agency (TMPA) accomplishments, etc. He mentioned when TMPA debt is paid off in 2019, BTU will be in a much stronger financial situation. Mr. Miller listed fiscal years 2013-2014 projects and challenges to be faced, including fuel delivery, wood poles, transmission cost of service, business development, ERCOT market price caps, environmental costs and regulatory compliance. Mr. Miller answered questions and BTU Board members commented on the presentation. Council thanked the BTU Board, BTU staff and Council liaison Art Hughes for their leadership.

3. DISCUSSION REGARDING COUNCIL'S STRATEGIC PLAN

Council and staff agreed that the Council's current strategic plan was out of date and needed to be replaced. Council indicated the current vision statement, mission statement and organizational values would remain unchanged, but agreed to the following new broad strategic initiatives:

Strategic Initiative – Public Safety:

Bryan residents enjoy a safe and healthy community.

Strategic Initiative – Service:

Bryan is a business-friendly city that provides exceptional public and customer services.

Strategic Initiative – Infrastructure:

Bryan has adequate and well maintained infrastructure to support a developing community.

Strategic Initiative – Economic Development:

Bryan is an economically diverse and developing community.

Strategic Initiative – Quality of Life:

Bryan is an attractive community where residents and visitors enjoy diversity, history, parks, recreation, educational and cultural opportunities.

Council also indicated the suggested format for the new strategic plan was acceptable. It was agreed staff would proceed with the development of key result areas, objectives, criteria and performance measurements relative to each of the five identified strategic initiatives.

4. PRESENTATION AND DISCUSSION REGARDING FISCAL YEARS 2013 AND 2014 BUDGETS

Chief Finance Officer Joe Hegwood presented the fiscal year 2013 projected general fund revenues and balances. He also discussed fiscal year 2014 budget projections. Mr. Hegwood presented the proposed fiscal year 2014 budget calendar. City Manager Register discussed the general fund balance requirements.

5. PRESENTATION AND DISCUSSION REGARDING CAPITAL IMPROVEMENT PROGRAM

Public Works Director Jayson Barfknecht discussed past capital improvement program (CIP) goals. He discussed the two-year cycle of capital improvement project planning, funding sources and committed projects, recommended projects, and other possible future projects. Dr. Barfknecht indicated Council direction would be needed as to fiscal years 2014-2018 projects to be included in the CIP. He then reviewed the projected balance of the transportation fee through fiscal year 2018 based on planned projects. He listed planned street maintenance projects. Dr. Barfknecht also listed planned projects to be funded from the drainage fee. Dr. Barfknecht discussed water and wastewater rates and planned future projects.

6. DISCUSSION REGARDING CONSENT/STATUTORY AGENDA ITEMS FOR REGULAR MEETING OF APRIL 23, 2013

Council briefly discussed agenda item 10 d of the consent/statutory agenda for the regular meeting of April 23, 2013. No action was taken regarding the item discussed.

7. ADJOURN

Without objection, the meeting was adjourned at 3:02 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING
APRIL 23, 2013**

The Bryan City Council held a regular meeting on Tuesday, April 23, 2013, in Room 305 and the Council Chambers of the Bryan Municipal Building. A notice of said meeting was posted at least 72 hours in advance in accordance with Section 551, Texas Government Code. Mayor Jason Bienski and Councilmembers Richard Cortez, Paul Madison, 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 4:09 p.m.

2. EXECUTIVE SESSION

The meeting was called into executive session at 4:10 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 Agreement for the Delivery and Use of Reclaimed Water, receive legal advice regarding wastewater Certificate of Convenience and Necessity for the biocorridor area, receive legal advice regarding permit for Well No. 18 from the Brazos Valley Groundwater Conservation District, and receive legal advice regarding economic development agreement, purchase and sale agreement, and non-annexation agreement with Kuadrum Pipe and Tube, Inc.; under the authority of Section 551.072, real estate – discussion regarding possible sale of property adjacent to Texas Triangle Park and possible lease of mineral interests on city-owned property; under the authority of Section 551.074, personnel matters – discussion regarding duties and responsibilities of City Manager, City Internal Auditor, City Attorney and City Secretary; and under the authority of Section 551.087, economic development negotiations – discussion regarding economic development incentives to prospects in west, central and north Bryan, the biocorridor and Texas Triangle Park.

3. OPEN SESSION FOR ACTION FOLLOWING EXECUTIVE SESSION

The meeting was called into open session at 6:08 p.m. No action was taken regarding the items discussed in executive session. At this time, Mayor Bienski was absent, having left the meeting at the close of executive session to attend an event in another city.

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

Pastor Lawrence Hicks, Greater Tabernacle Baptist Church, gave the invocation and Gail Treece, LaVillita Chapter of the National Society of the Daughters of the American Revolution, led the pledges.

5. PROCLAMATIONS AND PRESENTATIONS

A proclamation regarding the American Cancer Society Relay for Life was presented.

6. HEAR CITIZENS

Mr. Tony Hajek, 122 Watson Lane, and Ms. Sharon Anderson, 2304 Cindy Lane, spoke in opposition to agenda item 11.

7. REZONING REQUEST (RZ 13-01)

a. Public Hearing – Rezoning Request (RZ 13-01)

Deputy City Manager Joey Dunn presented information regarding 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 Residential District-5000 (RD-5) to Planned Development District-Housing (PD-H) on 0.5021 acres of land located along Jefferson Street between Aspen and College Main Streets, being Lots 1 and 6 and parts of Lot 2 and 7 in Block 4 of Highland Park, Phase 1, in Bryan, Brazos County, Texas. Mr. Dunn answered questions regarding the rezoning request. Ms. Sharon Anderson, 2304 Cindy Lane, spoke in opposition to the rezoning request. Mr. Jeremy Peters, representing the owner and developer, gave information about parking allotments for the development and planned street and utility upgrades. The public hearing closed at 6:35 p.m. with no additional comments.

b. First Reading of an Ordinance – Rezoning Request (RZ 13-01)

Councilmember Owens moved to uphold the findings of the Planning and Zoning Commission and approve the first reading of an ordinance amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from Residential District-5000 (RD-5) to Planned Development District-Housing (PD-H) on 0.5021 acres of land located along Jefferson Street between Aspen and College Main Streets, being Lots 1 and 6 and parts of Lot 2 and 7 in Block 4 of Highland Park, Phase 1, in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Konderla and carried with all present voting aye.

8. JUVENILE CURFEW

a. Second Public Hearing – Juvenile Curfew

There were no public comments regarding a proposed ordinance of the City of Bryan, Texas, adopting Chapter 82 of the City of Bryan Code of Ordinances, entitled “Offenses and Miscellaneous Provisions”, Section 82-7, entitled “Curfew Hours for Juveniles”; declaring a penalty; and providing for publication in the newspaper. The public hearing closed at 6:38 p.m.

b. Second and Final Reading of an Ordinance – Juvenile Curfew

Councilmember Madison moved to approve the second and final reading of Ordinance No. 1988 of the City of Bryan, Texas, adopting Chapter 82 of the City of Bryan Code of Ordinances, entitled “Offenses and Miscellaneous Provisions”, Section 82-7, entitled “Curfew Hours for Juveniles”; declaring a penalty; and providing for publication in the newspaper. The motion was seconded by Councilmember Cortez and carried with all present voting aye.

9. CONSENT (AUTOMATIC APPROVAL) AGENDA

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

a. Approval of Minutes – Workshop and Regular Meetings of April 9, 2013.

b. Resolution – State Highway 249 Corridor Project

Adoption of Resolution No. 3482 of the City Council of the City of Bryan, Texas, expressing support for the State Highway 249 Corridor Project between Navasota and Houston, Texas.

c. Second and Final Reading of an Ordinance – Rezoning Request (RZ13-02)

Second and final reading of Ordinance No. 1989 of the City of Bryan, Texas, amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from Residential District – 5000 (RD-5) to Retail District (C-2) on 0.43 acres of land located at the east corner of College Main and Adams Street, being Lots 3, 4, and 5 in Block 2 of Highland Park Addition in Bryan, Brazos County, Texas.

d. Second and Final Reading of an Ordinance – Exchange of Right-of-Way

Second and final reading of Ordinance No. 1990 of the City of Bryan, Texas, repealing Ordinance No. 1839 and providing for the exchange of right-of-way for property to be used as right-of-way formerly known as Caroline Street, being a 75-foot wide and 467-foot long mostly unimproved public right-of-way, extending northwest from the north side of the 900 block of East Martin Luther King, Jr., Street, between Military Drive and Bradley Street, in exchange for other property from the abutting property owner.

e. Second and Final Reading of an Ordinance – Amending Chapter 122, “Utilities” of the City of Bryan Code of Ordinances

Second and final reading of Ordinance No. 1991 of the City of Bryan, Texas, amending Chapter 122, “Utilities” of the City of Bryan Code of Ordinances, by adopting a new Article II, “Water System”; regulating water use; adopting backflow device requirements; providing for penalties; and providing for publication in the newspaper.

f. Second and Final Reading of an Ordinance – Naming of a Public Street

Second and final reading of Ordinance No. 1992 of the City of Bryan, Texas, naming Willis VanHook Drive, the 700-foot long public street connecting Finfeather Road to West Villa Maria Road in memory of Willis VanHook.

10. STATUTORY AGENDA

It was announced that agenda item 10 d would not be considered or discussed. Councilmember Owens made a motion to approve the remainder of the statutory agenda. The motion was seconded by Councilmember Madison and carried with all present voting aye.

a. Consideration – Purchase of Vehicles and Equipment for the Police Department

Consider approving the purchase of six patrol vehicles and equipment and one unmarked vehicle for the Police Department in an amount not to exceed \$303,689.44. Source of Funds: General Fund/Police Department Budget.

b. Consideration – Purchase of Equipment for Solid Waste Department

Consider approving the purchase of two Mack chassis from Grande Truck Center of San Antonio, Texas, and two Heil 28-yard half pack bodies from Heil of Texas, of Houston, Texas, for the total purchase price of \$488,815.60. Source of Funds: Solid Waste Enterprise Funds.

c. Consideration – Change Order Number One to Tabor – 16th Street and North Texas Ground Storage Tank – 1 MG Site

Consider approving change order number one with Archer Western Construction, L.L.C., in an amount not to exceed \$74,738.95 for the replacement of the 12-inch ductile iron inlet pipe and valves for all cooling towers at the North Texas Avenue (Low Service) site. Source of Funds: Water Operating Fund.

d. Resolution – Non-Annexation Agreement with Kuadrum Pipe and Tube, Inc.

This item was not discussed or considered.

e. First Reading of an Ordinance – Right-of-Way Abandonment (RA13-02)

First reading of an ordinance of the City of Bryan, Texas, providing for the abandonment of approximately 0.06 acre section of public right-of-way extending along properties at 1800 Beck Street adjacent to Lots 1 – 3 and part of Lot 4 in Block 4 of Woodlawn Addition, in Bryan, Brazos County, Texas; authorizing the conveyance thereof to the abutting property owners; and providing for terms and conditions of abandonment and conveyance.

11. REGULAR AGENDA - Consideration – Appeal of Conditional Use Permit (CU 13-03)

Mr. Dunn presented information regarding an appeal of the Planning and Zoning Commission's denial of a conditional use permit request to allow townhomes on property in a South College - B (SC-B) zoning district, specifically on property at 3500 South College Avenue, being 2.00 acres of vacant land out of the J.E. Scott Survey at the south corner of South College Avenue and Watson Lane. The basis for the Commission's denial was explained. Mr. J. C. Wall, the appellant, showed slides of the proposed development and property schematics. He stated he felt the proposed water detention area would not cause any additional water runoff. Mr. Joe Gattis, engineer for the project, reviewed the site plan and addressed storm water runoff. Mr. John Wall discussed construction of the project. Staff and the appellant answered questions posed by Councilmembers. Concern was expressed about parking and density, but it was pointed out the site was undesirable as a business location. Councilmember Owens moved to uphold the findings of the Planning and Zoning Commission, thereby denying the appeal. The motion was seconded by Councilmember Madison. Discussion followed about concerns with the proposed use relative to the neighboring properties. The motion carried with five yeses, one no (Councilmember Hughes) and one absent (Mayor Bienski).

12. CITY MANAGER REPORT

Mr. Register provided an update on the condition of the Bryan firefighters convalescing in Galveston.

13. ITEMS OF COMMUNITY INTEREST

Councilmembers listed the following items of community interest: Dining in the Dark event for the Brazos Valley Center for Independent Living, Genesis Corner House annual banquet, BVWACS

board meeting, American Cancer Society Relay for Life at Coulter Airfield, Texas A&M University Student of the Year Awards event, Run for Remembrance benefitting Bryan firefighters, Arbor Day celebration and Bryan's recognition for 25 years as a Tree City. It was reported trees were planted in recognition of Bryan Firefighters Ricky Mantey and Mitch Moran, and in memory of Fire Lieutenants Greg Pickard and Eric Wallace. Prayers were extended to victims of recent tragedies in Boston, Massachusetts, and West, Texas. First responders and Bryan businesses were thanked for supporting the West community. Staff was thanked for the Council retreat held earlier in the day. Councilmembers Madison and Konderla, as well as City Internal Auditor Bob Shultz, were wished happy birthdays.

14. ADJOURN

Without objection, the meeting was adjourned at 7:31 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski

**BRYAN CITY COUNCIL
MINUTES OF SPECIAL MEETING
APRIL 26, 2013**

The Bryan City Council held a special meeting on Friday, April 26, 2013, in Room 305 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 Richard Cortez, Paul Madison, Greg Owens, Ann Horton and Art Hughes were present. Councilmember Chuck Konderla was absent. Also present were City Manager Kean Register and Assistant City Attorney Jonathan Koury.

1. CALL TO ORDER

The meeting was called to order at 4:38 p.m.

2. EXECUTIVE SESSION

The meeting was called into executive session at 4:40 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 economic development agreement, purchase and sale agreement, and non-annexation agreement with Kuadrum Pipe and Tube, Inc.; under the authority of Section 551.072, real estate – discussion regarding possible sale of property adjacent to Texas Triangle Park and possible lease of mineral interests on city-owned property; and under the authority of Section 551.087, economic development negotiations – discussion regarding economic development incentives to prospects in west, central and north Bryan, the biocorridor and Texas Triangle Park.

3. OPEN SESSION FOR ACTION FOLLOWING EXECUTIVE SESSION

The meeting was called into open session at 4:40 p.m. Action relative to the items discussed in executive session is reflected under agenda item 4 below.

4. REGULAR AGENDA

Resolution - Non-Annexation Agreement with Kuadrum Pipe and Tube, Inc.

Councilmember Owens moved to adopt Resolution No. 3483 of the City Council of the City of Bryan, Texas, authorizing execution of a non-annexation agreement with Kuadrum Pipe and Tube, Inc., in the Texas Triangle Park, conditioned upon closing of the sale of said property. The motion was seconded by Councilmember Madison and carried with all present voting aye. Mayor Bienski announced a document signing ceremony and press conference would be held on April 30 at 8:30 a.m. in the Council Chambers to welcome Kuadrum Pipe and Tube, Inc., to the City of Bryan and Texas Triangle Park. He thanked all entities involved in the successful recruitment of this new industrial partner to the community, including Brazos County, The Research Valley Partnership, the Brazos Valley Council of Governments, Twin Cities Endowment, Brazos County staff, and City of Bryan staff.

5. ADJOURN

Without objection, the meeting was adjourned at 4:50 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski

**BRYAN CITY COUNCIL
MINUTES OF SPECIAL MEETING
APRIL 30, 2013**

A quorum of the Bryan City Council was present for the announcement and ceremonial document signing regarding the location of a large industrial plant in north Bryan. A notice of the presence of a possible quorum was posted at least 72 hours in advance in accordance with Section 551, Texas Government Code. Mayor Jason Bienski and Councilmembers Richard Cortez, Paul Madison, 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.

2. CALL TO ORDER

The ceremony was called to order at 8:30 a.m.

2. PRESS CONFERENCE, ANNOUNCEMENT AND DOCUMENT SIGNING

Mr. Todd McDaniel, Executive Director of The Research Valley Partnership, introduced the individuals participating in the ceremony to announce the location of Axis Pipe and Tube, a division of Prolamsa/Kuadrum Pipe and Tube, Inc., in the Texas Triangle Park. Brazos County Judge Duane Peters expressed Brazos County's excitement about the new industrial partner. Mr. Paco Garza, Mr. Greg Wilke, Mr. Steve Manchester and Mr. José Garza of Prolamsa provided details about the new facility. It was reported the new steel pipe manufacturing plant would be valued at \$120 million and employ over 285 people. The plant will be located on 183 acres in the Texas Triangle Park, which is co-owned by the City of Bryan and Brazos County. Prolamsa officials announced the plant would house the largest machinery of its type in North America. Mayor Jason Bienski welcomed the Prolamsa group to the community and expressed appreciation to all partners involved in recruiting this new facility to the Texas Triangle Park: Governor Rick Perry, Congressman Bill Flores, State Representative Kyle Kacal, State Senator Charles Schwertner, the Bryan-Brazos County Economic Development Foundation (BBCEDF), the Brazos County Commissioners Court, The Research Valley Partnership, Twin Cities Endowment, Bryan Texas Utilities, Atmos Energy, Union Pacific Railroad, Clayton Williams Energies, Blinn College, Texas Department of Agriculture, and Brazos County and City of Bryan staff. Prolamsa representatives answered questions for media and citizens. Mayor Bienski, as Chair of the BBCEDF Board, and Prolamsa representatives participated in a ceremonial signing of the purchase and sale agreement.

3. ADJOURN

Without objection, the event was adjourned at 8:52 a.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski