

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING
OCTOBER 14, 2014**

A regular meeting of the Bryan City Council was held on Tuesday, October 14, 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 3:41 p.m.

2. EXECUTIVE SESSION

The meeting was called into executive session at 3:42 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 charter amendments that will appear on the November 4 ballot, receive legal advice regarding proposed amendments to groundwater district rules, and receive legal advice regarding Gunler bankruptcy; under the authority of Section 551.072, real estate – discussion regarding possible sale, lease, conveyance 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, discussion of appointment of BTU Board Chair, discussion regarding appointments to quasi-judicial boards including Board of Adjustment and Appeals, Board of Sign Control and Appeals, Building and Standards Commission, BTU Board, Civil Service Commission, Commissioners of Housing Authority, Historic Landmark Commission, Planning and Zoning Commission and Zoning Board of Adjustment; and under the authority of Section 551.087, economic development – discussion regarding possible economic development incentives in east, west, north and central Bryan and the Texas Triangle Park.

3. OPEN SESSION FOR ACTION FOLLOWING EXECUTIVE SESSION

The meeting was called into open session at 6:04 p.m. Councilmember Owens made a motion to authorize the Mayor to execute an agreement for the purchase and sale of the city hall annex located at 301 South Texas Avenue, for the amount stated in the bid by Wayne Carroll on a form to be approved by the City Attorney, including the terms discussed by City Council. The motion was seconded by Councilmember Konderla and carried with five yeases and two absent (Councilmembers Saenz and Peña were out of the room at the time of the vote).

Councilmember Hughes made a motion to appoint Carl Benner as BTU Board Chair and to appoint individuals to various quasi-judicial boards and committees as follows: Board of Adjustment and Appeals – Victor Drozd and Robert Dale Vanadore; Building and Standards Commission – G.H.

Jones III, Cheryl Free, Bill Ravey and alternate members James Cain and Robert Bigham; Civil Service Commission – ratify the City Manager’s appointment of Ernest Montoya and Edward Smith; Commissioners of Housing Authority – Perian Bishop and Terri Ross; Historic Landmark Commission – Ann Hart; and Zoning Board of Adjustment – Josh Isenhour, James Carter, Nancy Ravenstar and alternate member Richard Baur. The motion was seconded by Councilmember Owens and carried unanimously.

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

Pastor Eric Evje, Living Hope Church, gave the invocation and Mayor Bienski led the pledges.

5. PROCLAMATIONS AND PRESENTATIONS

Bryan resident Brandy Drozd was recognized for winning the Women’s Skeet Shooting World Championship in Granada, Spain, and qualifying for the U.S. Olympic team. A proclamation recognizing the 25th anniversary of Habitat for Humanity was presented.

6. HEAR CITIZENS

Ms. Debra Miller, 714 Williamson Drive, expressed pride at Habitat for Humanity’s success in Bryan and spoke about the homebuilder incentive program and economic incentives for projects in her area.

7. REZONING REQUEST (RZ14-17)

a. Public Hearing – Rezoning Request (RZ14-17)

Mayor Bienski called for public comments regarding an ordinance to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from Agricultural-Open District (A-O) to Commercial District (C-3) on 9.51 acres of land out of the Maria Kegans League adjoining the northeast side of State Highway 30, midway between Hardy Weedon and Elmo Weedon Roads and currently addressed as 10253 State Highway 30 in Bryan, Brazos County, Texas. The public hearing closed at 6:25 p.m. with no public comments.

b. First Reading of an Ordinance - Rezoning Request (RZ14-17)

Councilmember Konderla moved approval of the first reading of an ordinance of the City of Bryan, Texas, amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from Agricultural-Open District (A-O) to Commercial District (C-3) on 9.51 acres of land out of the Maria Kegans League adjoining the northeast side of State Highway 30, midway between Hardy Weedon and Elmo Weedon Roads and currently addressed as 10253 State Highway 30 in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Saenz and carried unanimously.

8. CONSENT (AUTOMATIC APPROVAL) AGENDA

Councilmember Pena made a motion to approve the consent agenda with the exception of agenda item 8 l, which was removed from the consent agenda for separate consideration. The motion was seconded by Councilmember Saenz and carried unanimously.

a. Approval of Minutes - Special meeting of September 16, 2014, and Workshop and Regular Meetings of September 23, 2014

b. Consideration - Medical and Dental Health Plan Administrator and Provider Network

Consider approving the 2015 plan year renewal for medical and dental health plan administrator and provider network agreement with Blue Cross and Blue Shield of Texas with a projected annual cost of \$503,774. Source of Funds: Employee Benefits Fund.

c. Consideration - Employee Group Life and AD&D Insurance

Consider approving the 2015 plan year renewal for employee group life and accidental death and dismemberment insurance to Mutual of Omaha with a projected annual cost of \$197,809. Source of Funds: Fiscal Year 2015 Budget – Personnel Services.

d. Consideration - Price Agreement with Brenco Marketing Corporation for Fuel

Consider approving a final extension to a price agreement with Brenco Marketing Corporation for diesel and unleaded fuel to be used in all City of Bryan and BTU vehicles based upon Brenco Marketing's response to Request for Bid (Invitation to Bid #14-0031) issued jointly with and hosted by Texas A&M University. Source of Funds: Warehouse Fund.

e. Consideration - Extension of Agreement for Emergency Medical Services Billing

Consider approving a one-year extension of the agreement executed in 2011 with Digitech Computer, Inc., for a service fee of 5.25% of all amounts collected, not to exceed \$120,000.00, for the billing of emergency medical services. Source of Funds: General Fund.

f. Consideration – Municipal Office Building Data Network Cabling Infrastructure Upgrade

Consider approving the one-time purchase of materials and services from Presidio Networked Solutions Group LLC (Presidio), for upgrading the data network cabling infrastructure inside the Municipal Office Building in the amount of \$78,100, based on an approved decision package for Fiscal Year 2015. Source of Funds: General Fund.

g. Consideration - Blanket Purchase Order for Bryan Freightliner

Consider approving a blanket purchase order for Bryan Freightliner, the sole source provider for original equipment freightliner service parts in the Brazos Valley, in an amount not to exceed \$80,000. In addition to Freightliner Original Equipment service parts, Fleet also purchases general medium and heavy duty service parts from this supplier when it is deemed the best value for the City of Bryan. Source of Funds: Various Department Budgets.

h. Consideration - Annual Price Agreement for Mowing Services

Consider approving an annual price agreement with Green Teams, Inc., Bryan, Texas, for mowing of Water Services facilities, in an amount not to exceed \$56,350.

i. Consideration - Professional Services Contract Amendment - Kimley-Horn and Associates

Consider approving and authorizing the City Manager to execute a first amendment to the professional services contract with Kimley-Horn and Associates, Inc., in an amount not to exceed \$32,600, for the State Highway 21 East sanitary sewer extension project.

j. Resolution - Appointing Election Officials

Adoption of Resolution No. 3574 of the City Council of the City of Bryan, Texas, appointing election officials for designated election precincts and polling places, Central Counting Station and the Early Ballot Board for the City of Bryan general election to be conducted on November 4, 2014, jointly with Brazos County.

k. Resolution - Fiscal Year 2015 Funding for the Arts Council of the Brazos Valley

Adoption of Resolution No. 3575 of the City Council of the City of Bryan, Texas, approving a budget for the fiscal year beginning October 1, 2014, and ending September 30, 2015, both dates inclusive, for the Arts Council of Brazos Valley with total expenditures of \$775,780 and revenues in the combined total amount of \$775,780; and authorizing the Mayor to sign an amendment to the contract for services with the Arts Council of Brazos Valley to provide funding for Fiscal Year 2015 in the amount of \$66,000. Source of Funds: Hotel/Motel Tax Fund.

m. Second and Final Reading of an Ordinance - Rezoning Request (RZ14-15)

Second and final reading of Ordinance No. 2066 of the City of Bryan, Texas, amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from Office District (C-1) to Retail District (C-2) on 1.918 acres of land adjoining the southwest side of the North Earl Rudder Freeway West Frontage Road, addressed as 1003 North Earl Rudder Freeway, between Symphony Park Drive and Long Drive, being the Department of Public Safety Area Office Subdivision in Bryan, Brazos County, Texas.

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

l. Resolution - Fiscal Year 2015 Funding for the Downtown Bryan Association

Deputy City Manager Joey Dunn presented information regarding this item. Councilmember Peña moved to approve the funding request with the requirement that the Downtown Bryan Association (DBA) be required to comply with the hotel occupancy tax (HOT) grant application process. The motion was seconded by Councilmember Saenz. It was explained the HOT grant application process was for events and not organizations. After discussion, the motion failed to carry with three yeases (Councilmembers Saenz, Peña and Hughes) and four noes (Mayor Bienski and Councilmembers Owens, Horton and Konderla).

Mayor Bienski moved to adopt Resolution No. 3576 of the City Council of the City of Bryan, Texas, approving a budget for the period of October 1, 2014, and ending September 30, 2015, both dates inclusive, for the Downtown Bryan Association (DBA) with total expenditures of \$298,070 and revenues in the combined total amount of \$298,070; and authorizing the Mayor to sign a funding agreement with the Downtown Bryan Association to provide funding for Fiscal Year 2015 in the amount of \$165,000 (Source Funds: Hotel/Motel Tax Fund and General Fund). The motion was seconded by Councilmember Owens and carried with five yeases and two noes (Councilmembers Saenz and Peña).

9. STATUTORY AGENDA

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

a. Consideration – Interlocal Agreement with the City of Denton

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

b. Consideration - Advanced Funding Agreement with Texas Department of Transportation for the State Highway 21 Construction Project

Consider authorizing the Mayor to execute an advanced funding agreement with the Texas Department of Transportation (TXDOT), in the amount of \$640,000, for utility adjustments in conjunction with the State Highway 21 (SH 21) construction project planned by TXDOT in early 2015 that will widen SH 21 between Texas Avenue and Earl Rudder Freeway. Source of Funds: Water and Sewer Funds.

c. First Reading of an Ordinance - Amend Chapter 118, “Traffic and Vehicles” of the Bryan Code of Ordinances

First reading of an ordinance of the City of Bryan, Texas, amending Chapter 118, Traffic and Vehicles, Article II, Specific Street Regulations, Division 2 - Speed, of the City of Bryan Code of Ordinances, by specifically designating new maximum speed limits on the section of the West Frontage Road of State Highway 6 around the FM2818 intersection and on various sections of FM158 (William Joel Bryan Parkway and Boonville Road) from State Highway 21 (San Jacinto Lane) to the State Highway 30/Elmo Weedon Road intersection; providing for a penalty; providing for publication; providing an effective date.

d. First Reading of an Ordinance - Right-of-Way Abandonment (RA14-05)

First reading of an ordinance of the City of Bryan, Texas, providing for abandonment of a 20-foot wide and 250-foot long public alley right-of-way extending west from South Bryan Avenue between West 31st Street and South Sims Avenue in Block 113 of Bryan Original Townsite on property currently addressed as 600 South Bryan Avenue in Bryan, Brazos County, Texas; authorizing the conveyance thereof to the abutting property owner; providing for terms and conditions of abandonment and conveyance.

e. First Reading of an Ordinance - Staffing for Police and Fire Departments

First reading of an ordinance of the City of Bryan, Texas, repealing Ordinance No. 2024 pertaining to the classification and number of positions in the Bryan Police Department and Bryan Fire Department pursuant to Chapter 143 of the Texas Local Government Code, adding six firefighter positions in the Fire Department as approved in budget, and adding two Police Officer positions in the Police Department as approved in budget.

10. REGULAR AGENDA

a. Consideration - Appeal of the Planning and Zoning Commission’s Approval of a Conditional Use Permit

Planning Manager Martin Zimmermann presented information regarding a request to build a neighborhood grocery store in a RD-5 zoning district. He added the Planning and Zoning Commission unanimously recommended approval and that staff recommended upholding the

Commission's decision. Mr. Zimmermann answered questions for Council. The appellant, Mr. José Reyes-Gonzalez, showed photographs of the subject area and expressed his concerns about a neighborhood grocery store being located next to his property. The applicant, Mr. Asif Umatiya, shared the plans for the proposed store. Mayor Bienski made a motion to uphold the Planning and Zoning Commission's decision to approve a Conditional Use Permit request (Case Number CU14-05) to allow a neighborhood grocery store on property in a Residential District – 5000 (RD-5) zoning district, on 0.346 acres of land adjoining the northeast side of Palasota Drive between McArthur Avenue and Bridge Meadow Lane, in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Horton and carried unanimously.

b. Consideration – Appointment of Individuals to Advisory Boards and Committees

Councilmember Peña moved to appoint the following individuals to various advisory boards and committees, as follows: Bryan Business Council – reappoint Ben Hardeman, Sam Harrison and Steve Mobley; Bryan Cemeteries Advisory Board – reappoint Vicki Hughes and Felicia Benford and appoint Robin Pfromm; Bryan-College Station Public Library System Board – appoint Tracie Ann Pierce, Richard Cortez and Terri Gilbert; City of Bryan Audit Committee – reappoint Ronnie Craig and Frank Varisco; Community Development Advisory Committee – reappoint Kevin Davenport, Peggy Samson and Ona Mae Sims and appoint Larry Gilbert; Parks and Recreation Advisory Board – reappoint Richard Griffin; and reappoint TIRZ #10 Board Chair Ben Hardeman, TIRZ #19 Board Chair Paul Levantis, TIRZ #21 Board Chair Mark Conlee, and TIRZ #22 Board Chair Michael Beckendorf. The motion was seconded by Councilmember Owens and carried unanimously. The Council then nominated and voted to appoint Bobby Guterrez to the Bryan Business Council and Felicia Benford, Alicia Dirden, Tiffany Henley and Richard Baur to the Parks and Recreation Advisory Board.

11. COUNCIL COMMITTEE REPORTS

Councilmembers Konderla, Horton and Hughes provided reports on recent meetings of the Bryan-Brazos County Economic Development Foundation, Inc., Board, Metropolitan Planning Organization Policy Committee and the BTU Board, respectively.

12. CITY MANAGER REPORT

Mr. Register did not provide a report.

13. ITEMS OF COMMUNITY INTEREST

Councilmembers listed the following items of community interest: Texas Reds Steak and Grape Festival, downtown Bryan's designation as a Texas Cultural District, new downtown businesses, Capital Improvement Program workshop, board and committee volunteer opportunities, town hall meetings, Brazos Valley engagement with China event, Chamber of Commerce Transportation Forum, Save Our Streets Ministries banquet, Bowen Elementary School's reading night, National Night Out, Blinn College events, National Firefighters Memorial Service inclusion of Lt. Greg Pickard and Lt. Eric Wallace, etc. Ms. Brandy Drozd was again congratulated on her world championship. The Bryan High School football team was congratulated for winning the cross town showdown with A&M Consolidated High School.

14. ADJOURN

Without objection, the meeting was adjourned at 7:45 pm.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski