

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING
NOVEMBER 18, 2014**

The Bryan City Council held a regular meeting on Tuesday, November 18, 2014, in Room 305 and the Council Chambers of the Bryan Municipal Building. A notice of the meeting was posted at least 72 hours in advance in accordance with Section 551, Texas Government Code. Mayor Jason Bienski and Councilmembers Al Saenz, Rafael Peña, Greg Owens, Ann Horton, Art Hughes and Chuck Konderla were present. City Manager Kean Register, City Attorney Janis Hampton and City Secretary Mary Lynne Stratta were also in attendance.

1. CALL TO ORDER

The meeting was called to order at 5:18 p.m.

2. EXECUTIVE SESSION

The meeting was called into executive session at 5:19 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 Texas Open Meetings Act and social media usage, receive legal advice regarding implementation of Charter amendments, receive legal advice regarding proposed amendments to groundwater district rules; 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, west, east 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, 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 6:10 p.m. No action was taken regarding items the discussed in executive session.

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

Associate Pastor of Music Bob Morris, Parkway Baptist Church, College Station, gave the invocation and representatives of the Independence Chapter of the Sons of the American Revolution led the pledges.

5. PROCLAMATIONS AND PRESENTATIONS

College Station Mayor Pro Tem Karl Mooney and members of the College Station City Council presented the Brazos Boot to the Bryan High School football team in recognition of their win in the “cross town showdown” football game with A&M Consolidated High School. The Bryan High team

was recognized for their bi-district championship and wished well in area and state competition. A proclamation was presented in recognition of Arts Council of the Brazos Valley Week.

6. HEAR CITIZENS

Ms. Diana Hutchson, 1206 Peale, expressed concern about the BTU termination and reinstatement policy, opining it was an undue burden on those with fixed or low income.

7. REZONING REQUEST (RZ13-28)

a. Public Hearing- Rezoning Request (RZ13-28)

Mayor Bienski called for public comments regarding an ordinance of the City of Bryan, Texas, amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances, to change the zoning classification from Industrial District (I) to Commercial District (C-3) on 6.13 acres of land located at the north corner of State Highway 21 East and Marino Road, being Lots 8R and 9R in the Charles (Cal) Marino Land Partition in Bryan, Brazos County, Texas. The public hearing closed at 6:45 p.m. with no comments from the public.

b. First Reading of an Ordinance- Rezoning Request (RZ13-28)

Mayor Bienski moved to approve the first reading of an ordinance of the City of Bryan, Texas, amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances, to change the zoning classification from Industrial District (I) to Commercial District (C-3) on 6.13 acres of land located at the north corner of State Highway 21 East and Marino Road, being Lots 8R and 9R in the Charles (Cal) Marino Land Partition in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Horton and carried unanimously.

8. CONSENT (AUTOMATIC APPROVAL) AGENDA

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

a. Consideration – Extension of Agreement with Specialized Public Finance

Consider approving the first of two possible extensions of an agreement by and between the City of Bryan and Specialized Public Finance, Inc., to provide financial advisory services to the City, serve as the City's consultant on debt financing projects, provide independent financial advice, manage the bond financing process, and negotiate key business points to accomplish the City's objectives. Source of Funds: General Fund.

b. Consideration - Annual Contract Custodial Services

Consider awarding an annual contract for Custodial Services for the municipal facilities to Andrews Building Services of Dallas, Texas, for a total two-year contract amount not to exceed \$348,280.00. Source of Funds: General Fund, Facility Services.

c. Consideration – Bicycle and Pedestrian Infrastructure Coordination Program

Consider approving a memorandum of understanding between the Bryan/College Station Metropolitan Planning Organization, the City of Bryan, the City of College Station, Brazos

County, Texas A&M University and the Texas Department of Transportation regarding the Bryan/College Station Regional Bicycle and Pedestrian Infrastructure Coordination Program.

d. Resolution – Canvassing Election Returns

Adoption of Resolution No. 3579 canvassing the election returns of the City of Bryan general election and special Charter amendment election conducted on November 4, 2014.

e. Second and Final Reading of an Ordinance – Commercial Color Palette

Second and final reading of Ordinance No. 2073 of the City of Bryan, Texas, amending Chapter 62, Land and Site Development, by adding Article X, Division 3, Subsections 62-680 through 62-688, of the City of Bryan Code of Ordinances, providing for the establishment of an exterior commercial color palette; providing for penalty; providing for publication; and providing an effective date.

f. Second and Final Reading of an Ordinance – Building Design Standards

Second and final reading of Ordinance No. 2074 of the City of Bryan, Texas, amending Chapter 2, Administration, by adding Division 16, Subsections 2-410 through 2-412, and Chapter 62, Land and Site Development, by adding Article X, Division 1, Subsections 62-670 through 62-679, and Article X, Division 2, of the City of Bryan Code of Ordinances, providing for the establishment of building design standards and a design review board; providing a penalty clause; providing for publication; and providing an effective date.

9. STATUTORY AGENDA

Councilmember Konderla made a motion, with a second by Councilmember Hughes, to approve the statutory agenda. Staff answered questions relative to agenda item 9 b. It was reported the item was to grant fee waivers under the Chapter 380 agreement. After discussion, the motion carried with five yeases and two abstentions (Councilmembers Saenz and Peña).

a. Consideration - Interlocal Agreement- National Intergovernmental Purchasing Alliance

Consider approving an interlocal agreement between the City of Bryan and National Intergovernmental Purchasing Alliance (NIPA) for mutual cooperative purchases of goods and services.

b. Consideration –Traditions Acquisition Partnership, L.P., Chapter 380 Development Agreement

Consider approving a Chapter 380 Development Agreement with Traditions Acquisition Partnership, L.P., to facilitate the construction of a senior living community and other commercial development on a 36.092 acre parcel currently owned by Bryan Commerce and Development, Inc., in the John H. Jones Survey, A-26 in Bryan, Brazos County, Texas.

c. Resolution – Additional Payment on FM 1179 TXDOT Project

Adoption of Resolution No. 3580 authorizing the City Manager to pay the State of Texas, acting by and through the Texas Department of Transportation (TXDOT), an additional \$21,678.82 requested by the Texas Department of Transportation for the City’s portion of the costs to add

right turn lanes at Country Club Drive and Oak Ridge Drive and upgrade the traffic signal at Oak Ridge Drive as part of the FM 1179 improvement project.

d. First Reading of an Ordinance - Right-of-Way Abandonment (RA 14-06)

First reading of an ordinance providing for the abandonment of the following public right-of-way, to wit: 0.17 acres of unimproved public alley rights-of-way located in Block 47 of Oak Grove Park Addition and Tabor Addition (an unrecorded subdivision), generally extending south from San Jacinto Lane (State Highway 21) between West 14th Street and North Sims Avenue on property addressed as 1407 San Jacinto Lane in Oak Grove Park Addition No. 2 in Bryan, Brazos County, Texas; authorizing the conveyance thereof to the abutting property owner and providing for the terms and conditions of abandonment and conveyance.

e. First Reading of an Ordinance - Right-of-Way Abandonment (RA14-07)

First reading of an ordinance providing for the abandonment of the following public right-of-way, to wit: 0.286 acre segment of unimproved public street right-of-way for Bradley Street, extending between San Jacinto Lane (State Highway 21) and North Sims Avenue adjacent to a railroad right-of-way and 1601 North Sims Avenue; authorizing the conveyance thereof to the abutting property owner and providing for the terms and conditions of abandonment and conveyance.

f. First Reading of an Ordinance – Right-of-Way Abandonment (RA14-08)

First reading of an ordinance providing for the abandonment of the following public rights-of-way, to wit: thirty-one segments of West 28th Street right-of-way between Palasota Drive and Congress Street in Bryan, Brazos County, Texas; authorizing the conveyance thereof to the abutting property owners and providing for the terms and conditions of abandonment and conveyance.

10. REGULAR AGENDA

a. Consideration – Funding for Civil War Memorial at Veterans Park

Mayor Bienski moved to approve the budget of the Brazos Valley Veterans Memorial and authorize the Mayor to execute a Fiscal Year 2015 funding agreement between the City of Bryan and the Brazos Valley Veterans Memorial to provide \$10,000 for the Civil War Memorial at Veterans Park (Source of Funds: Hotel Occupancy Tax). The motion was seconded by Councilmember Horton and carried unanimously.

b. Consideration- Modification of Conveyance of Two Tracts of Land to Bryan/Traditions, L.P., for Phase One of Atlas Town Center at Traditions

Mayor Bienski moved to approve the modification of a previously approved conveyance of two tracts of land from Bryan Commerce & Development, Inc., (BCD) to Bryan/Traditions, L.P., for the first phase of development for the Atlas Town Center at Traditions, changing the acreage of one tract from 13.75 acres to 13.837 acres out of the J.H. Jones Survey, A-26, in Bryan, Brazos County, Texas; and authorize the President of Bryan Commerce and Development, Inc., to execute a general warranty deed and other documents contemplated and required to carry out the modified conveyance in a form approved by the City Attorney. The motion was seconded by Councilmember Konderla. Deputy City Manager Joey Dunn advised this item represented a

property transfer from BCD to Traditions under previously approved development agreements that had been in place for several years. He added the City would receive funds from the sale of this property. After discussion, the motion carried with five yeses and two noes (Councilmembers Saenz and Peña).

c. Consideration – Swear in Newly Elected Councilmembers

The oath of office was administered to Greg Owens as Councilmember Single Member District Number Three and to Mike Southerland as Councilmember Single Member District Number Four. Certificates of election were presented to the newly elected Councilmembers. Former Mayor Pro Tem and Councilmember Ann Horton was recognized and thanked for her dedicated service the past 7.5 years on the City Council.

11. ITEMS OF COMMUNITY INTEREST

Councilmembers shared the following items of community interest: Lights On in downtown Bryan, Dennis Goehring’s retirement, Texas A&M University stakeholders’ meeting, Mothers Against Drunk Driving special award presented to Bryan employees Kelly McKethan, Ryan Stout and Ken Smith for “The Cost of DWI” project, Coulter Airfield Manager James Brown’s efforts at the airport, etc. Newly elected Councilmembers were congratulated and welcomed, and Mrs. Horton was again thanked for her past service. The audience was invited to attend a reception in honor of incoming and outgoing Councilmembers. The anniversary of the bonfire tragedy was remembered.

12. ADJOURN

Without objection, the meeting adjourned at 7:51 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski