

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING
JANUARY 13, 2015**

A regular meeting of the Bryan City Council was held on Tuesday, January 13, 2015, 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, Mike Southerland, 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 4:07 p.m.

2. EXECUTIVE SESSION

The meeting was called into executive session at 4:08 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 Council ethics policy and complaint procedure, receive legal advice regarding possible tri-party agreement between Blinn College, Rivergate Church and the City, and receive legal advice regarding compliance with the Texas Open Meetings Act; 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, City Attorney and Chair of Planning and Zoning Commission, and discussion regarding appointment of individuals to the Biocorridor Board, Bryan Texas Utilities Board and Zoning Board of Adjustment; under the authority of Section 551.076, deliberation regarding security devices - discussion of implementation of security measures for the city hall building; 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 6:09 p.m. Mayor Bienski made a motion to appoint Bentley Nettles to a vacancy on the BTU Board. The motion was seconded by Councilmember Konderla and carried unanimously. Mayor Bienski made a motion to nominate Jaimie Hicks Masterson as an alternate member and Richard Baur as a regular member of the Zoning Board of Adjustments. The motion was seconded by Councilmember Southerland and carried unanimously. Mayor Bienski made a motion to appoint Planning and Zoning Commissioners Bobby Guterrez and Robert Swearingen to the Biocorridor Board, as recommended by the Planning and Zoning Commission. The motion was seconded by Councilmember Konderla and carried with four yeses (Mayor Bienski and Councilmembers Owens, Hughes and Konderla), two noes (Councilmembers Saenz and Peña) and one abstention (Councilmember Southerland).

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

Minister Jonathan Brooks, Restoration Church of Bryan, gave the invocation and Girl Scout Troop 9190 led the pledges.

5. PROCLAMATIONS AND PRESENTATIONS

Mayor Bienski was presented with the trophy for the Mayors' Bell Ringing Challenge by the Salvation Army. The City Secretary's Office was recognized for winning the Texas Department of State Health Services Vital Statistics Five Star Exemplary Award and Deputy Registrar Cindy Vargas was congratulated for earning the master registrar certification.

6. HEAR CITIZENS

Ms. Helen Washington, 2300 Wilkes, asked that Martin Luther King Boulevard repairs be accelerated and a stop sign and street light be installed at Harmon and Tabor Roads. Mr. Victor Thomas, 1802 Pin Oak, advocated for the repair of Martin Luther King Boulevard and Sadie Thomas Pool, and also spoke about citizen access to existing utilities. Mr. Waymon Chatham, 1200 Wellington, thanked the City for work done near his home but expressed concern about the condition of Martin Luther King Boulevard. He also expressed concern about Scurry Park patrons parking on the street, blocking access for emergency vehicles to enter the neighborhood. Mr. Larry Gilbert, 2902 Highway 21 West, also spoke about Martin Luther King Boulevard, Scurry Park and Sadie Thomas Pool. Mr. Charles Mancuso, owner of two downtown buildings, expressed concern about graffiti in two locations, traffic law enforcement and code enforcement. He also opined the City's transportation/drainage fee was an unfair tax. Mr. Phillip Moncivais Lara, 2912 Minnesota, thanked the City for the paving work on Old Hearne Road and also thanked the Environmental Services Department employees for their fine work. Mr. Lee Roy Johnson, 1305 Barak Lane, spoke about comments made during the December 4, 2014, Planning and Zoning Commission meeting.

7. CONSENT (AUTOMATIC APPROVAL) AGENDA

Councilmember Konderla moved to approve the consent agenda. The motion was seconded by Councilmember Peña and carried unanimously.

a. Approval of Minutes – Workshop and Regular Meetings of December 2, 2014, and Regular Meeting of December 3, 2014.

b. Consideration – Contract to Evaluate Expanding Sewer Capacity

Consider approving a professional services contract with CDM Smith, Inc., to evaluate options to expand sewer capacity on the east side of Bryan in an amount not to exceed \$92,400. Source of Funds: Water Services Operating Budget.

c. Consideration – Agreement for Legal Services, Mathews and Freeland, L.L.P.

Consider approving an agreement for legal services with the law firm of Mathews and Freeland, L.L.P., for representation in connection with the groundwater district, Texas Commission on Environmental Quality and other water law-related matters in an amount not to exceed \$125,000. Source of Funds: Water Services Operating Budget.

d. Resolution – Funding for AdventGX International Artist in Residence Program

Adoption of Resolution No. 3583 of the City Council of the City of Bryan approving a budget for the Fiscal Year beginning October 1, 2014, and ending September 30, 2015, inclusive, for the AdventGX, Inc., hosted International Artist in Residence Program with total expenditures of \$19,000 and revenue in the combined total amount of \$19,000 and authorizing the Mayor to sign a funding agreement with AdventGX, Inc., to provide funding for Fiscal Year 2015 in the amount of \$5,000. Source of Funds: Fiscal Year 2015 Hotel Occupancy Tax Fund.

e. Resolution – Release of Public Utility and Drainage Easement

Adoption of Resolution No. 3584 of the City Council of the City of Bryan, Texas, authorizing the Mayor to execute the release of the following public utility and drainage easement, to wit: a 20-foot wide by 100-foot long public utility and drainage easement (2,000 square feet) extending 100 feet northeast from Red Oak Street between Madison and Wellington Avenues in Block 10 of Washington Heights Subdivision in Bryan, Brazos County, Texas.

f. Second and Final Reading of an Ordinance - Sale of 301 South Texas Avenue

Second and final reading of Ordinance No. 2082 of the City of Bryan, Texas, authorizing the sale of city owned property located at 301 South Texas Avenue for the purchase price of \$1,580,000, and providing for the terms and conditions of the sale.

8. STATUTORY AGENDA

It was announced agenda items 8 b, 8 g, 8 h, 8 i and 8 j would be removed from the statutory agenda for separate consideration. The remainder of the statutory agenda was approved per a motion by Councilmember Owens and a second by Councilmember Hughes, which carried unanimously.

a. Consideration – Purchase of Police Vehicles

Consider approving the purchase of all vehicles and equipment as approved in four decision packages in the Fiscal Year 2015 Police Department budget, including seven patrol vehicles, one police motorcycle, and one unmarked vehicle in an amount not to exceed \$435,544.00. Source of Funds: General Fund.

c. Consideration – Interlocal Agreement with Brazos County for Maintenance of Chick Lane

Consider approving an interlocal agreement with Brazos County defining the maintenance responsibilities for the segments of Chick Lane inside and outside the city limits of Bryan.

d. Consideration – Reciprocal Access Easement to Axis Pipe and Tube, Inc.

Consider authorizing the Mayor to execute the conveyance of a non-exclusive reciprocal access easement that runs perpendicular to Louis Mikulin Road to Axis Pipe and Tube, Inc.

e. Consideration – Construction Contract for Villa Maria Culvert Improvement Project

Consider awarding the construction contract for the Villa Maria Culvert Improvement Project to D&S Contracting, Inc., in an amount not to exceed of \$185,630.00. Source of Funds: Drainage Utility Fee Fund.

f. Resolution – Advanced Funding Agreement with TXDOT for Villa Maria Drainage Improvements

Adoption of Resolution No. 3585 of the City Council of the City of Bryan, Texas, authorizing the City Manager to execute an agreement with the State of Texas, acting by and through the Texas Department of Transportation, for the City to pay for the construction of a culvert improvement project under FM 1179.

k. First Reading of an Ordinance – Right-of-Way Abandonment (RA14-01)

First reading of an ordinance of the City of Bryan, Texas, providing for the abandonment of the following public right-of-way, to wit: a 0.07 acre portion of a 20-foot wide public alley right-of-way extending east-to-west between North Houston and North Texas Avenues in Block 43 of the Bryan Original Townsite, as well as a 12-foot wide portion of East 24th Street and a 15-foot wide portion of North Houston Avenue rights-of-way cumulatively 0.13 acre in size, both lying adjacent to Block 43 of the Bryan Original Townsite between North Texas Avenue and North Houston Avenue and East 23rd and East 24th Streets, respectively, authorizing the conveyance thereof to the abutting property owner and providing for the terms and conditions of abandonment and conveyance.

l. First Reading of an Ordinance - Updating Bryan-College Station Public Library System Fines and Fees

First reading of an ordinance of the City of Bryan, Texas, rescinding Ordinance No. 1647, establishing fines, fees and charges to be charged and collected by the Bryan-College Station Public Library System.

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

b. Consideration – Interlocal Agreement with Texas A&M University System for Game Day Transportation Plan

Mayor Bienski moved to approve an interlocal agreement with Texas A&M University System to cost share in phase 2 of the development of a Kyle Field Game Day Transportation Plan in an amount not to exceed \$18,000 (Source of Funds: Hotel Occupancy Tax Funds or General Fund). The motion was seconded by Councilmember Southerland. It was reported that plan development already encompassed use of roadways into Bryan and possible use of the downtown parking garage for game day events. The motion carried unanimously.

g. Resolution – TIRZ 10 Fiscal Year 2014 Annual Report

Mayor Bienski moved to adopt Resolution No. 3586 of the City Council of the City of Bryan, Texas, approving the Fiscal Year 2014 annual report on the status of Tax Increment Reinvestment Zone 10, and authorizing the City Manager to submit the annual report to the other taxing jurisdictions that participate in the reinvestment zone and to the State Comptroller, as required by state law. The motion was seconded by Councilmember Hughes. Councilmember Southerland moved to amend the motion to approve the report but with the requirement that all information required by law, relative to the project and finance plan to demonstrate compliance with the tax increment financing plan as adopted by Council, be presented to the Council at a later date. The motion was seconded by Councilmember Peña. Strategic Projects Director Lindsey Guindi

reported the pro forma could be provided. After discussion, it was agreed that the requested information would be provided within three months through the City Manager's report. The motion to amend carried unanimously. Mrs. Guindi gave a brief explanation of tax increment financing. The main motion as amended carried unanimously. It was agreed that the following TIRZ annual reports would be approved with the same stipulation.

h. Resolution – TIRZ 19 Fiscal Year 2014 Annual Report

Councilmember Southerland moved to adopt Resolution No. 3587 of the City Council of the City of Bryan, Texas, approving the Fiscal Year 2014 annual report on the status of Tax Increment Reinvestment Zone 19, and authorizing the City Manager to submit the annual report to the other taxing jurisdictions that participate in the reinvestment zone and to the State Comptroller, as required by state law. The motion was seconded by Councilmember Peña and carried unanimously, with the stipulation for the provision of additional information as mentioned in item 8 g above.

i. Resolution – TIRZ 21 Fiscal Year 2014 Annual Report

Councilmember Southerland moved to adopt Resolution No. 3588 of the City Council of the City of Bryan, Texas, approving the Fiscal Year 2014 annual report on the status of Tax Increment Reinvestment Zone 21, and authorizing the City Manager to submit the annual report to the other taxing jurisdictions that participate in the reinvestment zone and to the State Comptroller, as required by state law. The motion was seconded by Councilmember Owens and carried unanimously, with the stipulation for the provision of additional information as mentioned in item 8 g above.

j. Resolution – TIRZ 22 Fiscal Year 2014 Annual Report

Councilmember Southerland moved to adopt Resolution No. 3589 of the City Council of the City of Bryan, Texas, approving the Fiscal Year 2014 annual report on the status of Tax Increment Reinvestment Zone 22, and authorizing the City Manager to submit the annual report to the other taxing jurisdictions that participate in the reinvestment zone and to the State Comptroller, as required by state law. The motion was seconded by Councilmember Konderla and carried unanimously, with the stipulation for the provision of additional information as mentioned in item 8 g above.

9. REGULAR AGENDA

a. Resolution – Fiscal Year 2015 Funding for the Bryan-College Station Convention and Visitors Bureau (CVB)

Deputy City Manager Joey Dunn reported that on December 2, 2014, Council directed that an agenda item to consider funding for the CVB in the amount of \$336,000 be posted. Mr. Dunn reported that the CVB was funded \$184,850 in Fiscal Year 2014 and had requested an additional \$53,590, for a total of \$238,440, for Fiscal Year 2015. Mr. Dunn reported, however, that since the CVB budget had not been amended to reflect an amount to be funded by the City of Bryan greater than the CVB request of \$238,440 and the CVB had declined the additional funding over and above their request of \$238,440, the Council could not legally consider an amount greater than \$238,440. He said the Council could consider an amount less than \$238,440. Accordingly, Mayor Bienski moved to adopt Resolution No. 3590 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, inclusive, for the Bryan-College Station Convention and Visitors Bureau (CVB) with total expenditures of \$1,904,500.25 and revenues in the combined total amount of \$1,904,500.25; and authorizing the Mayor to sign a funding agreement with the CVB to provide funding for Fiscal Year 2015 in the amount of \$238,440 (Source of Funds: Fiscal Year 2015 Hotel Occupancy Tax Fund). The motion was seconded by Councilmember Konderla. Discussion followed about opportunities to promote the area to potential tourists and sporting events. The motion carried unanimously.

b. Consideration – Direction to City Manager Regarding Parks Department Update

Consider providing direction to the City Manager to provide an update on the Parks Department in the following areas:

- Status report on swimming pool repair
- Status report on the skate parks
- Status report on the super park
- Status report on all other park repairs and upgrades
- Report on funding issues associated with items above.

It was stated the Council need complete information to set priorities. Deputy City Manager Hugh Walker stated a report on the cost to repair all four swimming pools would be completed by the consultant by February 1. It was mentioned the Council had unanimously voted earlier to have all four pools repaired and operational by summer 2015. It was also stated the staff needed direction as to what components to include in cost estimates for a possible super park. Concern was expressed that maintenance needs of existing parks and pools not be forgotten. City Manager Register suggested a capital improvement plan (CIP) update occur as large parks projects needed to be included in the CIP. Councilmember Southerland moved that staff bring back a report on the items listed above at the time schedule set by the City Manager. The motion was seconded by Councilmember Owens and carried unanimously.

c. Consideration – Direction to City Manager Regarding Police Department Report

Consider providing direction to the City Manager to provide an update on the Bryan Police Department in the following areas:

- Status report on body cameras for police officers and any other equipment needed for officer safety
- Department efforts to recruit minority police officers
- Department training and operational procedures to handle situations similar to the Ferguson, Missouri, shooting incident
- Department training and operational procedures to handle riots
- Department training and operational procedures to deal with terrorist activities
- Discipline policy for police officers.

Concern was expressed about events occurring around the country. It was stated that police officers needed body cameras to ensure safety and to protect officers and the public. The City Attorney pointed out three of the listed items dealt with training and operational procedures and those matters would not be disclosed to the public. After discussion, it was suggested the Police Chief meet individually with Councilmembers to address these issues. The City Attorney also reminded the Council that Bryan is a civil service city and the Council could not be involved in

civil service disciplinary matters. Concern was then expressed that the demographics of the police department do not match community demographics and an update on minority recruitment efforts was requested. It was again mentioned the City Manager could arrange a meeting with the Police Chief for a briefing on these issues.

10. COUNCIL COMMITTEE REPORTS

Councilmember Hughes, Konderla and Peña provided reports on recent BTU Board, Bryan-Brazos County Economic Development Foundation, Inc., Board and City of Bryan/Bryan ISD Joint Committee meetings, respectively.

11. CITY MANAGER REPORT

Mr. Register provided an update on capital improvement projects and street maintenance contract.

12. ITEMS OF COMMUNITY INTEREST

Councilmembers listed the following items of community interest: Fire Department banquet and employee awards, town hall meetings, dictionary distribution project, recognition banquet for Chamber of Commerce President Royce Hickman, oil and water conference, Texas Young Farmers Association conference, etc. Condolences were expressed to City Manager Register and his family upon the loss of his mother-in-law. Citizens were thanked for attending the meeting. The City Secretary's Office was congratulated on winning the Exemplary Five Star Award from the Texas Department of State Health Services and Deputy Registrar Cindy Vargas for earning the Master Registrar Certification. Environmental Services employees were thanked for their exemplary customer service and all City employees were thanked for their service to Bryan citizens.

The meeting was called back into executive session at 7:54 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 Council ethics policy and complaint procedure, receive legal advice regarding possible tri-party agreement between Blinn College, Rivergate Church and the City, and receive legal advice regarding compliance with the Texas Open Meetings Act; 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, City Attorney and Chair of Planning and Zoning Commission; under the authority of Section 551.076, deliberation regarding security devices - discussion of implementation of security measures for the city hall building; 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.

The meeting was called into open session at 9:30 p.m. No action was taken regarding the items discussed in executive session.

13. ADJOURN

Without objection, the meeting was adjourned at 9:35 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski