

**BRYAN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
MARCH 24, 2015**

A regular meeting of the Bryan City Council was held on Tuesday, March 24, 2015, 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, Art Hughes, Mike Southerland and Chuck Konderla were present. City Manager Kean Register, City Attorney Janis Hampton and City Secretary Mary Lynne Stratta were in attendance.

**1. CALL TO ORDER**

The meeting was called to order at 4:02 p.m.

**2. EXECUTIVE SESSION**

The meeting was called into executive session at 4:03 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 possible tri-party agreement between Blinn College, Rivergate Church and the City, receive legal advice regarding compliance with the Texas Open Meetings Act and Public Information Act, receive legal advice regarding proposed amendment to biocorridor interlocal agreement, receive legal advice regarding matters related to municipal setting designation certification and implementation, and receive legal advice regarding sufficiency of complaint received under Resolution No. 3478, Ethics and Conduct for Elected and Appointed Officials; 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 Council self-evaluation; under the authority of Section 551.086, competitive matters – discussion regarding competitive matters related to Bryan Texas Utilities; and under the authority of Section 551.087, economic development negotiations – discussion regarding possible economic development incentives in east, west, north and central Bryan and Texas Triangle Park.

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

The meeting was called into open session at 6:02 p.m. No action was taken regarding the items discussed in executive session.

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

Pastor Chris Liotta, River Gate Church, gave the invocation and Ms. Claire Cole Lillie, President of the Texas State Chapter of United States Daughters of 1812, led the pledges.

**5. PROCLAMATIONS AND PRESENTATIONS**

The Rudder High School girls' basketball team was recognized for an outstanding season and its win as the Region III Class 5A Regional Champions.

## 6. HEAR CITIZENS

Ms. Helen Washington, 2300 Wilkes; Mr. Roy Flores, 507 East 31<sup>st</sup> Street; Ms. Daphne Nix-Monroe, 809 Denise Street; Mr. Larry Gilbert, 2902 Highway 21 West; and Ms. Irene Porter, 1223 West 18<sup>th</sup> Street, requested that Martin Luther King Boulevard be repaved with concrete rather than asphalt. Mr. Sam Paradowski, 4123 FM 1179, and Mr. Hugh Seale, 101 Redbud, expressed concern about the condition of the golf carts at the Travis B. Bryan Municipal Golf Course.

## 7. COMPREHENSIVE PLAN AMENDMENT (CPA14-04)

### a. Public Hearing – Comprehensive Plan Amendment (CPA14-04)

Mayor Bienski called for public comment regarding a resolution to amend the City of Bryan Thoroughfare Plan to realign suggested collector and arterial street connections in an area generally located south of Sandy Point Road/FM 1687 and Texas State Highway 21 between Harvey Mitchell Parkway/FM 2818, north of Raymond Stotzer Parkway/FM 60 and east of the Brazos River in Bryan, Brazos County, Texas, and extending into Bryan's extraterritorial jurisdiction (ETJ) in Brazos County, Texas. No citizens spoke regarding this item and the public hearing closed at 6:34 p.m.

### b. Resolution – Comprehensive Plan Amendment (CPA14-04)

Councilmember Southerland moved to postpone consideration of the adoption of a resolution of the City Council of the City of Bryan amending the City of Bryan Thoroughfare Plan to realign suggested collector and arterial street connections in an area generally located south of Sandy Point Road/FM 1687 and Texas State Highway 21 between Harvey Mitchell Parkway/FM 2818, north of Raymond Stotzer Parkway/FM 60 and east of the Brazos River in Bryan, Brazos County, Texas, and extending into Bryan's extraterritorial jurisdiction (ETJ) in Brazos County, Texas, until three public hearings were held in the subject area. The motion was seconded by Councilmember Peña. City Engineer Paul Kaspar provided information regarding this proposal. He reported there were no concerns brought up at the Planning and Zoning Commission and that he had met with two citizens about the proposal. Comments were shared the recommendations indicated positive changes in the Thoroughfare Plan. The motion carried with six yeses and one no (Councilmember Konderla).

## 8. CONSENT (AUTOMATIC APPROVAL) AGENDA

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

### a. Consideration – Contract for Highway 47 Waterline

Consider approving a professional services contract to master plan and model waterline infrastructure on the west side of Bryan along Highway 47 and State Highway 21 with CDM-Smith Inc., in an amount not to exceed \$65,350.00. Source of Funds: Water Operating Funds.

### b. Second and Final Reading of an Ordinance – Bryan Texas Utilities Deposit Ordinance

Second and final reading of Ordinance No. 2089 of the City of Bryan repealing Ordinance No. 1952, establishing and providing for electric and water deposit requirements, deposit amounts,

exemptions, types of deposits, refund of deposits, electric meter testing, service fees, and discontinuance and reconnection of service.

## **9. STATUTORY AGENDA**

Agenda item 9 a was removed from the statutory agenda for separate consideration at the request of two Councilmembers. Councilmember Konderla made a motion to approve the remainder of the statutory agenda. The motion was seconded by Councilmember Southerland and carried unanimously.

### **b. Resolution – Criminal Justice Division Grant 2015**

Adoption of Resolution No. 3595 of the City Council of the City of Bryan authorizing the Mayor to approve a “Criminal Justice Division Grant Application” reflecting the City’s acceptance of the \$47,870.68 grant from the State of Texas Criminal Justice Division; authorizing City staff to submit annual and/or status reports as necessary and other reporting documents to the Criminal Justice Division to comply with the grant terms.

### **c. First Reading of an Ordinance – Appointment of Municipal Court Judges**

First reading of an ordinance of the City Council of the City of Bryan appointing a presiding municipal court judge and an associate municipal court judge effective June 1, 2015, for the Bryan Municipal Court of Record and setting length of term of appointment.

### **d. First Reading of an Ordinance – Amending Chapter 122 “Utilities”, Section 122-231 “Industrial Discharge Limits”**

First reading of an ordinance of the City Council of the City of Bryan amending Section 122-231, “Industrial Discharge Limits” of Chapter 122, Utilities, Article IV, Division 5, of the City of Bryan Code of Ordinances, replacing pollution discharge concentrations for Plant No. 2, Still Creek Wastewater Treatment Plant.

Council then discussed the item removed from the statutory agenda for separate consideration.

### **a. Consideration – 2015 Street Maintenance Overlays and Reconstructs Contract**

Director of Public Works Jayson Barfknecht explained that adding underground utilities to the Martin Luther King Boulevard project raised the cost to the level of a capital improvement project rather than a maintenance project. He said that utilities existed under the concrete street and that is why the City chose to mill and overlay it with asphalt rather than reconstructing with concrete. Dr. Barfknecht explained the issues involved with concrete reconstruction, such as drainage, curb and gutters, utility relocation, etc. He estimated the project cost to rebuild the entire street with concrete would cost approximately \$48 million. Dr. Barfknecht recommended the Council approve the maintenance contract and allow him time to study adding concrete reconstruction of Martin Luther King Boulevard from Waco Street to Highway 6 to the concrete contract that is coming forward soon. He explained the difference between a maintenance project and a capital improvement contract. Accordingly, Mayor Bienski moved to award a construction contract for the 2015 Street Maintenance Overlays and Reconstructs Project to Larry Young Paving, Inc., in an amount not to exceed \$2,287,568.90 (Source of Funds: Transportation Fee). The motion was seconded by Councilmember Konderla. Discussion followed that asphalt was better quality than the older type used and could last several years. Statements were also made

that projects needed to be completed in the most cost effective manner possible. After discussion, the motion carried unanimously.

## **10. REGULAR AGENDA**

### **Consideration – Golf Cart Replacement (Councilmember Submitted Item)**

Councilmember Southerland moved to direct the City Manager to purchase, rent, lease, or lease-purchase replacement golf carts for the Travis Bryan Municipal Golf Course by June 1, 2015. The motion was seconded by Councilmember Peña. Information regarding the number of rounds played at the course was shared. Mr. Register advised the debt relative to the golf course was paid off in August, and that the upcoming budget would contain a proposal for new golf carts either through lease, lease-purchase or purchase. Deputy City Manager Hugh Walker reported the City was expected to expend about \$65,000 this year for golf cart maintenance. He estimated that, based on the State procurement contract, the City could lease purchase golf carts for about \$50,000 per year for four years, with trade in of the old golf carts included. Mr. Register added this was a decision package the staff had planned to bring to Council for consideration as part of the next fiscal year budget process. He added if the Council decided to move forward this fiscal year, a budget amendment would be needed. It was suggested an audit be performed to verify revenues and expenses of golf course operations. It was also suggested a slight increase in cart fees could offset the additional expense of new carts. Mr. Register advised he would provide information from a rate analysis. After discussion, the motion carried unanimously.

## **11. CITY MANAGER REPORT**

Mr. Register provided a report regarding various capital improvement projects and Americans With Disabilities Act compliance.

## **12. ITEMS OF COMMUNITY INTEREST**

Councilmembers listed the following items of community interest: Police Department banquet and award recipients, meetings with developers, staff response to citizen calls, Family Camp Out event, town hall meetings, free income tax assistance at the Clara B. Mounce Library, *Amigos del Valle de Brazos* spring fling, Donut Dollies celebration at the American Legion Post, Breakfast with the Bunny at Neal Recreation Center, etc. The Rudder Lady Rangers basketball team was again congratulated on an outstanding season.

## **13. ADJOURN**

Without objection, the meeting was adjourned at 8:11 p.m.

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City Secretary Mary Lynne Stratta

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Mayor Jason P. Bienski