

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING
MAY 12, 2015**

A regular meeting of the Bryan City Council was held on Tuesday, May 12, 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 3:44 p.m.

2. EXECUTIVE SESSION

The meeting was called into executive session at 3:45 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 statutory annexation requirements, receive legal advice regarding constitutional issues relative to signage in public rights-of-way and on public property, receive legal advice regarding a funding agreement with Bryan-Brazos County Economic Development Foundation, receive legal advice regarding legal issues concerning the content of Council presentation submittals, receive legal advice regarding matters related to municipal setting designation certification and implementation, receive legal advice regarding the Traditions Master Economic Development Agreement, receive legal advice regarding Traditions Limited Partnership Agreement, receive legal advice regarding Traditions Reclaimed Water Agreement, receive legal advice regarding hangar leases at Coulter Airfield, receive legal advice regarding *Kenneth Cavitt v. City of Bryan Building and Standards Commission*, Cause No. 12-000858-CV-361, in the 361st Judicial District Court of Brazos County, Texas, receive legal advice regarding BioCorridor Interlocal Agreement between the City of Bryan and City of College Station, and receive legal advice regarding possible license agreement for city owned parking lot, adjacent to the Howell building in downtown Bryan; 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 Attorney, City Secretary and City Internal Auditor, 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 – 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 6:15 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 Tunde Bolanta, Restoration Bible Church and Ministries, Kaduna, Nigeria, gave the invocation and representatives of the Sons of the Republic of Texas led the pledges.

5. PROCLAMATIONS AND PRESENTATIONS

A proclamation was presented in recognition of the Bryan High School Color Guard for their outstanding season. Rudder High School Houston Livestock Show Scholarship Recipients Karlyn Wager and Dallas Trejo were recognized. A video regarding the Artist in Residence Program was shown. The Bryan Municipal Court staff was recognized for winning the Municipal Traffic Safety Initiative Award from the Texas Municipal Court Education Center.

6. HEAR CITIZENS

Mr. Brad Stafford, City Manager of Navasota, thanked the City of Bryan for being a good neighbor by loaning equipment and crews to the City of Navasota following extensive damage from severe storms. Mr. Brian Lyster, 4603 Locksford Drive; Mr. William Cary, 1702 Beaver Pond Road; Mr. David Taylor, 2509 Twisted Oaks; and Mr. Harley Till, 7242 Honeysuckle Lane, spoke in support of agenda items 9 b and 9 c. Mr. Cooper McCall, 6201 Knightsbridge, asked for a proclamation in recognition of the past service of the Bryan High School band director. Mr. Kenneth Cavitt, 605 North Parker Avenue, spoke about Building and Standards Commission actions. Mr. John Miller, 714 Williamson, expressed concern about increased traffic, lack of sidewalks and maintenance of the facility in the suggested location of a new skate park.

7. REZONING REQUEST (RZ14-21)

a. Public Hearing – Rezoning Request - RZ14-21

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, by changing the zoning classification from Agricultural - Open District (A-O) to Retail District (C-2) on 1.187 acres of land out of the Maria Kegan Survey, A-28, extending southeast from Elmo Weedon Road, approximately 825 feet north from its intersection with State Highway 30/F.M. 158 in Bryan, Brazos County, Texas. Mr. Raybon Metcalf, engineer for the applicant, stated the rezoning was at the request of the property owner and offered to answer questions. The public hearing closed at 7:09 p.m. with no other comments.

b. First Reading of an Ordinance – Rezoning Request - RZ14-21

Councilmember Peña 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, by changing the zoning classification from Agricultural - Open District (A-O) to Retail District (C-2) on 1.187 acres of land out of the Maria Kegan Survey, A-28, extending southeast from Elmo Weedon Road, approximately 825 feet north from its intersection with State Highway 30/F.M. 158 in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Owens. Planning Manager Martin Zimmermann answered questions for the Council. Councilmember Southerland moved to suspend the rules to allow the project engineer to answer questions. The motion was seconded by Councilmember Saenz and carried unanimously. Mr. Metcalf answered questions about the property for the Council. The main motion carried unanimously.

8. REZONING REQUEST (RZ 15-04)

a. Public Hearing- Rezoning Request – RZ15-04

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 Agricultural - Open District (A-O) to Commercial District (C-3) on 5.5 acres of land out of Stephen F. Austin League No. 9, Abstract No. 62, adjoining the northeast corner of North Harvey Mitchell Parkway (F.M. 2818) and Beck Street in Bryan, Brazos County, Texas. No one spoke about this topic and the public hearing closed at 7:16 p.m.

b. First Reading of an Ordinance – Rezoning Request – RZ15-04

Councilmember Saenz 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 Agricultural – Open District (A-O) to Commercial District (C-3) on 5.5 acres of land out of Stephen F. Austin League No. 9, Abstract No. 62, adjoining the northeast corner of North Harvey Mitchell Parkway (F.M. 2818) and Beck Street in Bryan, Brazos County, Texas. The motion was seconded by Mr. Southerland. Mr. Zimmermann provided additional information about this rezoning request. The motion carried unanimously.

9. CONSENT (AUTOMATIC APPROVAL) AGENDA

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

a. Approval of Minutes – Workshop and Regular Meetings of April 28, 2015

b. Consideration – Grindline Skateparks, Inc., Design/Build Agreement Amendment

Consider approving an amendment to extend the Design/Build Agreement between the City of Bryan and Grindline Skateparks, Inc., dated May 29, 2014, for six months. Source of Funds: Fiscal Year 2015 Budget General Fund.

d. Second and Final Reading of an Ordinance – Construction Zone Speed Limit Change

Second and final reading of Ordinance No. 2094 temporarily altering the prima facie speed limit established for vehicles under the provisions of the Transportation Code, V.T.C.A. on a portion of the thoroughfare known as State Highway 6 within the boundaries of the corporate limits of the City of Bryan, Texas, as set out in this ordinance; providing formal designation of speed limit by signage or other required notice in conformance with State law; providing for publication; providing for a penalty; and providing an effective date.

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

c. Consideration – Williamson Park as Skate Park Site

Mayor Bienski moved to name Williamson Park as the location and site for a skate park to be designed and built by Grindline Skateparks, Inc., based on the agreement dated May 29, 2014, and as extended by City Council on May 12, 2015. The motion was seconded by Councilmember

Konderla. Discussion followed about sizes of skate parks and possible locations. It was opined that Williamson Park was a prime location for this facility as the skate amenity that was located there had to be removed for safety reasons. It was stated that public input would be obtained as to the design of the skate park. Skaters were encouraged to provide feedback during the public input phase as to the best skate parks throughout the country. The motion carried unanimously.

10. STATUTORY AGENDA

It was announced agenda item 10 c would not be considered. Councilmember Konderla moved to approve the statutory agenda. The motion was seconded by Councilmember Hughes and carried unanimously.

a. **Consideration – Interlocal Cooperative Agreement with Brazos County for Joint Public Safety Records Management System**

Consider approving an interlocal cooperative agreement between the City of Bryan and Brazos County to utilize one joint public safety records management system, Tiburon Total Enforcement Records Management System, for an implementation cost to the City of \$38,950. Source of Funds: Fiscal Year 2015 Police Department Budget.

b. **Consideration – Fiscal Year 2016 Funding - Brazos Valley Area Wide Communications System**

Consider approving the Proposed Fiscal Year 2016 Brazos Valley Area Wide Communications Systems (BVWACS) Operating and Capital Equipment Replacement Fund (CERF) Budgets for the period of October 1, 2015, through September 30, 2016, with the City of Bryan's participating amount being \$97,671 for the Operating Budget and \$46,395.62 for the CERF Budget. Source of Funds: General Fund.

c. **Consideration – Tri-Party Agreement for Demolition and Reconstruction at 1407 San Jacinto Lane**

This item was not discussed or considered.

d. **First Reading of an Ordinance – Owner-Requested Annexation (ANNEX15-01)**

First reading of an ordinance of the City of Bryan, Texas, annexing 2.032 acres of vacant land out of Maria Kegan Survey, Abstract No. 28, adjoining the southeast side of Elmo Weedon Road approximately 825 feet to 1,050 feet north from its intersection with State Highway 30/F.M. 158 in Brazos County, Texas, and being adjacent and contiguous to the present corporate limits of the City of Bryan, Texas; finding that all necessary and required legal conditions have been satisfied; describing the territory annexed and providing a service plan therefore; obligating the property situated therein to bear its pro rata part of taxes levied; providing rights and privileges as well as duties and responsibilities of inhabitants and owners of said territory. *(PRIMERA LECTURA DE UNA ORDENANZA – ANEXIÓN PEDIDA POR DUEÑOS – Primera lectura de una ordenanza de la Ciudad de Bryan, Texas, anexando 2.032 acres de terreno vacante del Maria Kegan Survey, Abstract No. 28 contiguo al lado sureste del camino Elmo Weedon aproximadamente 825 a 1,050 pies al norte desde su intersección con la carretera estatal 30/F.M. 158 dentro el condado de Brazos, Texas estando adyacente y contiguo a los limites corporativos presentes de la Ciudad de Bryan, Texas, encontrando que todas condiciones legales requeridas y necesarias han sido satisfechas; describiendo el territorio anexado y proporcionando un plan de servicio por lo*

tanto; obligando la propiedad situada allí a soportar su parte en proporción de los impuestos recaudados; proporcionando los derechos y los privilegios así como los deberes y las responsabilidades de habitantes y propietarios de dicho territorio.)

11. REGULAR AGENDA

Resolution – Downtown Bryan Association Donor Recognition Brick Program

Mayor Bienski moved to adopt Resolution No. 3609 of the City Council of the City of Bryan, Texas, establishing a program providing for the placement of engraved private donor recognition bricks at the direction of the City in designated areas of the public rights-of-way and on public property in Downtown Bryan and in other similarly situated areas of the City, for the purpose of promoting the revitalization of Downtown Bryan and the preservation of historically significant buildings and structures within the City by recognizing the donors to qualifying historic renovation projects; establishing the criteria and procedures for the program; finding the Downtown Bryan Association’s “Save the Queen” historic renovation project is a qualifying project; and approving the location and number of donor recognition bricks requested by the DBA. The motion was seconded by Councilmember Hughes. Councilmember Konderla moved to amend the motion to provide that Section 4 of the proposed resolution be amended to provide approval of brick pavers to be installed in the sidewalk in front of the 30-foot wide Queen Theatre Building and in the center median between 26th Street on the north and 27th Street on the south. The motion was seconded by Mayor Bienski and carried unanimously. The main motion as amended carried unanimously.

12. COUNCIL COMMITTEE REPORTS

Councilmember Saenz reported on a recent meeting of the City of Bryan/Bryan ISD Joint Committee.

13. CITY MANAGER REPORT

Mr. Register provided an update on various capital improvement projects. He reported new golf carts should be delivered to the Travis B. Bryan Municipal Golf Course around June 1. Mr. Register expressed condolences to the family of Ricky Mantey, Sr., father of Bryan Firefighter Ricky Mantey, Jr., upon his passing.

14. ITEMS OF COMMUNITY INTEREST

Councilmembers listed the following items of community interest: Briarcrest Corridor Committee meeting, Briarcrest Northwest Neighborhood Association meeting, health and wellness district, Brazos Valley Groundwater Conservation District Rules Committee meeting, Bryan students winning Texas Reds Festival scholarships, National Nursing Home Week, town hall meeting, Elder Aid home dedication, Downtown Bryan Association Board meetings, movie sponsors for downtown movies in the park, First Friday in downtown, Farmers Market moving to downtown Bryan, Boonville Road log cabin restoration, meeting with Belgium delegation, Highland Villas dedication, Downtown Bryan Association June summer concert series, etc. Staff was thanked for helping the City of Navasota during its time of need. Councilmember Southerland was wished a happy birthday. Condolences were extended to the Mantey family on the loss of Ricky Mantey, Sr. The new area engineer for the Texas Department of Transportation, Mr. Lance Simms, was welcomed to the community.

The meeting was called back into executive session at 8:15 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 Traditions Limited Partnership Agreement, receive legal advice regarding Traditions Reclaimed Water Agreement, receive legal advice regarding BioCorridor Interlocal Agreement between the City of Bryan and City of College Station; 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 Attorney, City Secretary and City Internal Auditor, and Council self-evaluation; and under the authority of Section 551.087, economic development – discussion regarding possible economic development incentives in east, west, north and central Bryan and Texas Triangle Park.

The meeting was called into open session at 9:41 p.m. No action was taken regarding the items discussed in executive session.

15. ADJOURN

Without objection, the meeting adjourned at 9:41 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski