

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING
AUGUST 4, 2015**

A regular meeting of the Bryan City Council was held on Tuesday, August 4, 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, Mike Southerland, Art Hughes 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 4:10 p.m.

2. EXECUTIVE SESSION

The meeting was called into executive session at 4:10 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 legal issues concerning the content of Council presentation submittals, receive legal advice regarding BioCorridor Interlocal Agreement between the City of Bryan and City of College Station, receive legal advice regarding Sensus USA, Inc., contract, receive legal advice regarding ethics and conduct for elected and appointed officials, receive legal advice regarding public official immunity and potential liability under state and federal law, receive legal advice regarding compliance with the Texas Open Meetings Act, and receive legal advice regarding the regulation of personal care homes, assisted living facilities and care providers; under the authority of Section 551.072, real estate – discussion regarding possible sale, lease, conveyance and/or purchase of property in central, west and east 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 negotiations – discussion regarding possible economic development incentives for prospects in central, east and west Bryan.

3. OPEN SESSION FOR ACTION FOLLOWING EXECUTIVE SESSION

The meeting was called into open session at 6:12 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 Cristobal Ledezma, House of God-Casa de Dios Ministries, gave the invocation and Boy Scout Troop 743 led the pledges.

5. PROCLAMATIONS AND PRESENTATIONS

The Bryan Youth Advisory Commission officers were introduced. Brazos Valley Council of Governments Executive Director Tom Wilkinson, winner of the prestigious Scheiber Award, was recognized for his accomplishments.

6. HEAR CITIZENS

Mr. Nathan Pavera, 2905 Silver Spur Circle, discussed the need for community sidewalks and suggested grants be used to help repair substandard buildings. Mr. George E. Lewis, Sr., 1201 Clark Street, spoke about public works needs in the Castle Heights Subdivision.

7. ORDINANCE – REPEALING AND REPLACING CHAPTERS 62 AND 130 OF THE BRYAN CODE OF ORDINANCES

a. Public Hearing – Ordinance Repealing and Replacing Chapters 62 and 130 of the Bryan Code of Ordinances

Mayor Bienski called for public comment regarding an ordinance of the City of Bryan, Texas, repealing and replacing Chapter 62, Land and Site Development, and Chapter 130, Zoning, of the Bryan Code of Ordinances; correcting internal conflicts, inconsistencies, ambiguities, scrivener's errors, formatting mistakes and other technical irregularities of a non-substantive nature, to make the ordinances easier to use, less prone to misinterpretation and confusion, and more legally defensible; providing for a penalty; providing for publication. The public hearing closed at 6:39 p.m. with no comments.

b. First Reading of an Ordinance – Repealing and Replacing Chapters 62 and 130 of the Bryan Code of Ordinances

Councilmember Southerland moved to approve the first reading of an ordinance of the City of Bryan, Texas, repealing and replacing Chapter 62, Land and Site Development, and Chapter 130, Zoning, of the Bryan Code of Ordinances; correcting internal conflicts, inconsistencies, ambiguities, scrivener's errors, formatting mistakes and other technical irregularities of a non-substantive nature, to make the ordinances easier to use, less prone to misinterpretation and confusion, and more legally defensible; providing for a penalty; providing for publication. The motion was seconded by Councilmember Konderla and carried unanimously after questions were answered by staff.

8. ORDINANCE – AMENDING CHAPTERS 38 AND 130 OF THE BRYAN CODE OF ORDINANCES

a. Public Hearing – Ordinance Amending Chapters 38 and 130 of the Bryan Code of Ordinances

Public comments were requested regarding an ordinance of the City of Bryan, Texas, amending Chapter 38, Environment, of the Bryan City Code of Ordinances, by adding a new Section 38-2, Article I, and a new Article III, clarifying the definition of residential outdoor storage; permitting residential outdoor storage only in certain areas and under certain conditions; and amending Chapter 130, Zoning, of the Bryan Code of Ordinances, by removing regulations concerning residential outdoor storage. The public hearing closed at 6:42 p.m. with no input from the public.

b. First Reading of an Ordinance – Amending Chapters 38 and 130 of the Bryan Code of Ordinances

Councilmember Peña moved to approve the first reading of an ordinance of the City of Bryan, Texas, amending Chapter 38, Environment, of the Bryan City Code of Ordinances, by adding a

new Section 38-2, Article I, and a new Article III, clarifying the definition of residential outdoor storage; permitting residential outdoor storage only in certain areas and under certain conditions; and amending Chapter 130, Zoning, of the Bryan Code of Ordinances, by removing regulations concerning residential outdoor storage. The motion was seconded by Councilmember Southerland. Staff answered questions and the motion carried unanimously.

9. ORDINANCE – REZONING REQUEST (RZ15-13)

a. Public Hearing – Rezoning Request (RZ15-13)

Mayor Bienski called for public comment 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 10.58 acres of land out of the Maria Kegan Survey, currently addressed as 10099 State Highway 30 and adjoining the northeast side of State Highway 30, approximately two-tenths of a mile southeast from its intersection with Elmo Weedon Road in Bryan, Brazos County, Texas. The public hearing closed at 6:45 p.m. with no comments.

b. First Reading of an Ordinance – Rezoning Request (RZ15-13)

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 10.58 acres of land out of the Maria Kegan Survey, currently addressed as 10099 State Highway 30 and adjoining the northeast side of State Highway 30, approximately two-tenths of a mile southeast from its intersection with Elmo Weedon Road in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Southerland and carried unanimously.

10. CONSENT (AUTOMATIC APPROVAL) AGENDA

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

a. Second and Final Reading of an Ordinance – Rezoning Request (RZ15-05)

Second and final reading of Ordinance No. 2103 of the City of Bryan, Texas, to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from a combination of South College – Business District (SC-B) and South College – Residential District (SC-R) to Planned Development – Housing District (PD-H), being 4.425 acres of land out of the J.E. Scott League, A-50, adjoining the west side of Old College Road between South College and Mobile Avenues in Bryan, Brazos County, Texas.

b. Second and Final Reading of an Ordinance – Rezoning Request (RZ15-08)

Second and final reading of Ordinance No. 2104 of the City of Bryan, Texas, amending the development plan of a previously approved Planned Development – Mixed Use District (PD-M), to define a newly permitted residential land use, and to establish the location within the development such use is proposed to be permitted, on 83 acres of land out of the J.W. Scott League generally adjoining the north side of Boonville Road (F.M. 158) between Miramont Boulevard and Copperfield Drive in Bryan, Brazos County, Texas.

c. Second and Final Reading of an Ordinance – Rezoning Request (RZ15-11)

Second and final reading of Ordinance No. 2105 of the City of Bryan, Texas, to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from Residential District-5000 (RD-5) to Planned Development District – Housing (PD-H), to allow up to 7 townhouse units on 0.23 acres of land located at the northeast corner of West 31st Street and Parker Avenue, currently addressed as 204 – 206 West 31st Street, being parts of Lots 1, 2 and 3 in Block 114 of the Bryan Original Townsite in Bryan, Brazos County, Texas.

d. Second and Final Reading of Ordinance – Stray/Feral Felines Trap-Neuter-Return Ordinance

Second and final reading of Ordinance No. 2106 of the City of Bryan, Texas, to change Chapter 10, “Animals” of the Bryan Code of Ordinances, to include trap, neuter and return (TNR) for stray/feral felines.

e. Second and Final Reading of an Ordinance – Expanding the Definition of Junked Vehicle

Second and final reading of Ordinance No. 2107 of the City of Bryan, Texas, amending Section 38-21 of Chapter 38, Article II, of the City of Bryan Code of Ordinances, expanding the definition of “Junked Vehicle”; providing for a penalty; providing for publication; providing for an effective date.

f. Second and Final Reading of an Ordinance – Public Rights-of-Way Abandonment (RA15-01)

Second and final reading of Ordinance No. 2108 of the City of Bryan, Texas, providing for the abandonment of the following public rights-of-way, to wit: approximately 12,999 square feet of public street rights-of-way for East 28th Street, East 29th Street, and South Houston Avenue, adjoining the north, south and east sides in Block 38 of the Bryan Original Townsite at the northeast corner of South Texas Avenue and East 29th Street; authorizing the conveyance thereof to the abutting property owner; providing for the terms and conditions of abandonment and conveyance.

g. Second and Final Reading of an Ordinance – Amending Exemption Requirements for Weeds and Grass

Second and final reading of Ordinance No. 2109 of the City of Bryan, Texas, amending Section 50-90 of Chapter 50, “Nuisances”, Article IV of the City of Bryan Code of Ordinances, amending exemption requirements for weeds and grass.

11. STATUTORY AGENDA

It was announced agenda item 11 d would be considered separately from the remainder of the statutory agenda. Councilmember Owens moved to approve the remainder of the statutory agenda. The motion was seconded by Councilmember Peña and carried unanimously.

a. Consideration – Emergency Medical Supplies and Pharmaceuticals

Consider renewal of the Annual Price Agreement for Emergency Medical Supplies and Pharmaceuticals for the Bryan Fire Department to Bound Tree Medical, L.L.C., of Dublin, Ohio.

Estimated annual expenditure for this contract is \$275,000.00. These medical supplies and pharmaceuticals are used daily in the treatment of patients involved in the delivery of emergency medical services. Source of Funds: Fire Department Budget.

b. Consideration – Acquisition of Land for Relocation of Fire Station #2

Consider approving the acquisition of land from Zain’s Investment, Inc., for the relocation of Fire Station #2 and authorizing the Mayor to execute real estate contracts and other documents associated with the purchase and closing costs for the associated tract for a not to exceed amount of \$44,545.

c. First Reading of an Ordinance – Right-of-Way Abandonment (RA15-02)

First reading of an ordinance of the City of Bryan, Texas, providing for the abandonment of the following public right-of-way, to wit: approximately 0.095 acre of public street rights-of-way for West 31st Street and South Parker Avenue, adjoining the south and west sides of Block 114 of the Bryan Original Townsite at the northeast corner of South Parker Avenue and West 31st Street in Bryan, Brazos County, Texas; authorizing the conveyance thereof to the abutting property owner.

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

d. First Reading of an Ordinance – Amending Chapter 118 “Traffic and Vehicles”

Councilmember Southerland moved to approve the first reading of an ordinance of the City Council of the City of Bryan, Texas, amending Chapter 118 of the Bryan Code of Ordinances, by amending Section 118-88, Article II, Division 3; clarifying requirements governing unimproved parking of vehicles and equipment; providing for a penalty; providing for publication; providing for an effective date; with the substitution that gravel driveways be allowed. The motion was seconded by Councilmember Owens. Compliance Manager Mark Jurica advised there were two parts to the ordinance, the first addressing gravel driveways and the second having to do with unrestricted parking on vacant properties. It was suggested to allow residences to have gravel driveways and keep commercial properties as proposed in the ordinance. Councilmember Southerland then withdrew his motion. It was stated any existing driveway on September 1 would be grandfathered under the proposed ordinance. Discussion followed that it would be advisable to include certain specifications as to type of gravel, base materials, depth, etc., that would be allowed. Councilmember Southerland moved to have staff bring back the ordinance with changes as discussed. The motion was seconded by Councilmember Peña. Mr. Register advised the staff would bring back options for the Council to consider. The motion carried unanimously.

12. REGULAR AGENDA

a. Consideration – Approval of Bill of Sale Between Texas Municipal Power Agency and Oncor Electric Delivery Company LLC

Councilmember Peña moved approval of a Bill of Sale and Sales Agreement between Texas Municipal Power Agency (TMPA) and Oncor Electric Delivery Company, L.L.C., for the sale of: 48 45-foot wood poles; 30,582 feet of 336 MCM Al. Conductor; 10,194 feet of 4/0 Al. Conductor; and all appurtenances associated with those facilities, located along FM 648 from FM 547 to 1505 Old Josephine Road, Farmersville, Texas. The motion was seconded by Councilmember Owens and carried unanimously after staff explanation of the item.

b. Consideration – Appointments to Comprehensive Plan Advisory Committee (CPAC)

Staff provided information about the composition of the CPAC. The following nominations were submitted by Councilmembers for appointment to the CPAC: Councilmember Greg Owens as the Council representative; citizens Alexander Rubio, Bill Lero, Steve Arden, Grant Carrabba and Sharon Anderson; a representative of the following organizations of the organizations’ choosing – Habitat for Humanity, the Research Valley Partnership and Traditions Acquisition Partnership (TAP). Mayor Bienski moved that the nominees as stated be appointed and that all recommended appointments submitted by other organizations be approved. The motion was seconded by Councilmember Peña and carried unanimously.

13. CITY MANAGER REPORT

Mr. Register did not provide a report.

14. COUNCIL COMMITTEE REPORTS

Councilmembers provided reports on recent meetings of the Brazos Valley Solid Waste Management Agency Board, the Brazos Valley Wide Area Communications System Board, Bryan-Brazos County Economic Development Foundation Board, BTU Board of Directors, Intergovernmental Committee and the Bryan Animal Center Advisory Committee.

15. ITEMS OF COMMUNITY INTEREST

Councilmembers shared the following items of community interest: Hispanic Forum scholarship gala, Bryan Bombers season, Habitat for Humanity home dedications, town hall meetings, downtown Bryan events, Games of Texas, musicians in residence program, Chamber of Commerce Community Impact Awards luncheon, Coulter Airfield tour, board and committee recruitment, animal care meeting, joint proclamation for Mothers Against Drunk Driving, the “Cost of DWI” special report produced by the City’s Communications and Marketing Department, etc. The Communications and Marketing Department staff was again congratulated for winning five awards from the Texas Association of Municipal Information Officers. Kudos were expressed to the Bryan Police Department and the Texas Department of Transportation for around-the-clock efforts to ensure safety while repairs were made to a bridge on State Highway 6. Recipients of the Chamber of Commerce Community Impact Awards and the Youth Advisory Commission officers were congratulated.

16. ADJOURN

Without objection, the meeting was adjourned at 7:40 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski