

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING
SEPTEMBER 8, 2015**

The Bryan City Council held a regular meeting on Tuesday, September 8, 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. 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 4:15 p.m.

2. EXECUTIVE SESSION

The meeting was called into executive session at 4:16 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 the regulation of personal care homes, assisted living facilities and care providers, receive legal advice regarding the Texas Open Meetings Act, receive legal advice regarding sign regulations, receive legal advice regarding conveyance of property for the Turkey Creek trail system, receive legal advice regarding possible non-annexation agreement with Kristen Distributing, Inc., 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, and receive legal advice regarding Chapter 380 agreement with Oney Hervey Properties, L.L.C.; under the authority of Section 551.072, real estate – discussion regarding possible sale, lease, conveyance and/or purchase of property in north, 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 6:14 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

Reverend Raymond Marshall, Reliance Baptist Church, gave the invocation and Mr. John Velasquez and Mr. Jerry Nucker of VFW Post 4692 led the pledges.

5. PROCLAMATIONS AND PRESENTATIONS

The 2015 Community Impact Award winners were recognized.

6. HEAR CITIZENS

Mrs. Debra Miller, 714 Williamson Drive, spoke about items in the proposed Fiscal Year 2016 budget and stressed the need to bring people to downtown Bryan.

7. ORDINANCE – REZONING REQUEST (RZ15-06)

a. Public Hearing – Rezoning Request (RZ15-06)

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 a combination of Planned Development District – Mixed Use (PD-M) and Agricultural – Open District (A-O) to Residential District – 5000 (RD-5) on 17.18 acres of land out of the Zeno Phillips Survey, A-45, and generally located at the southeastern ends of Imperial Valley and Silkwood Drives in Bryan, Brazos County, Texas. Mr. James T. Davis, representing Habitat for Humanity, reported the subdivision would have about 92 houses. The public hearing closed at 6:38 p.m. with no other comments.

b. First Reading of an Ordinance – Rezoning Request (RZ15-06)

Councilmember Southerland moved to approve the first reading of an ordinance 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 Planned Development District – Mixed Use (PD-M) and Agricultural – Open District (A-O) to Residential District – 5000 (RD-5) on 17.18 acres of land out of the Zeno Phillips Survey, A-45, and generally located at the southeastern ends of Imperial Valley and Silkwood Drives in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Konderla. Staff answered questions. The motion carried unanimously.

8. FIRST PUBLIC HEARING – TAX RATE

Mayor Bienski called for public comment regarding a proposal to adopt a property tax rate of \$0.629990 per \$100.00 assessed valuation, increasing the total tax revenues from properties on the tax roll in the preceeding tax year by 2.56% (percentage by which proposed tax rate exceeds lower of rollback tax rate or effective tax as calculated under Tax Code, Chapter 26). No one spoke and the public hearing closed at 6:43 p.m.

9. CONSENT (AUTOMATIC APPROVAL) AGENDA

It was announced agenda item 9 d would be removed from the consent agenda for separate consideration. The remainder of the consent agenda was approved upon a motion by Councilmember Konderla and a second by Councilmember Hughes, carrying unanimously.

a. Approval of Minutes – Workshop and Regular Meetings of August 25, 2015

b. Consideration – Annual Blanket Purchase Order for Office Supplies and Equipment

Consider approval of an annual blanket purchase order (BPO) to Office Max for the purchase of office supplies and related equipment/services by all City departments through an interlocal cooperative purchasing agreement with the Brazos Valley Council of Governments - Purchasing Solutions Alliance Cooperative (PSA), in the not to exceed amount of \$55,000 for Fiscal Year 2016. Source of Funds: Various departmental budgets and funds.

c. Consideration – Extension of Demolition Contract

Consider approving the second extension of annual contract with Jeffery Bailey Trucking, Inc., of Bryan, Texas, in an amount not to exceed \$100,000, for the demolition of structures and related services. Source of Funds: General Fund.

e. Resolution – Renewal of Jail Agreement with Brazos County

Adoption of Resolution No. 3626 of the City Council of the City of Bryan, Texas, authorizing renewal of an interlocal agreement for Fiscal Year 2016 between the City of Bryan and Brazos County for the housing of City of Bryan prisoners; approving Fiscal Year 2016 funding in the not to exceed amount of \$96,000 for housing of City of Bryan prisoners. Source of Funds: General Fund.

f. Second and Final Reading of an Ordinance – Rezoning Request (RZ15-14)

Second and final reading of Ordinance No. 2115 of the City of Bryan, Texas, amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from Multiple - Family District (MF) to Planned Development - Housing District (PD-H), subject to development requirements specified herein, on 1.123 acres of land adjoining the southeast side of Natalie Street, south of its intersection with Boyett Street, being Lots 2R, 3R, 4R, 5R and 6R in Block 1 of the Hyde Park Addition in Bryan, Brazos County, Texas.

g. Second and Final Reading of an Ordinance – Owner Requested Annexation (Annex 15-02)

Second and final reading of Ordinance No. 2116 of the City of Bryan, Texas, annexing 8.259 acres of land out of the Zeno Phillips League, A-45, adjoining the northeast side of Autumn Lake Drive, generally east from its intersection with Mountain Wind Loop 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 therefor; 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. *(Segunda y última lectura de ordenanza numero 2116 de la Ciudad de Bryan, Texas, anexando 8.259 acres de terreno de la Liga de Zeno Phillips, A-45, lindando con el noreste de Autumn Lake Drive, generalmente del este de su intersección con Mountain Wind Loop en el condado de Brazos, Texas, y siendo adyacente y contiguo a los límites corporativos presentes de la Ciudad de Bryan, Texas; encontrando que todas las condiciones legales necesarias y requeridas han sido satisfechas; la descripción del territorio anexado y proporcionar un plan de servicio para ello; obligando la propiedad situada allí para llevar su parte proporcional de impuestos gravados; proporcionar derechos y privilegios, así como deberes y responsabilidades de los habitantes y dueños de dicho territorio.)*

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

d. Resolution – 9-1-1 Budget

Councilmember Owens moved to adopt Resolution No. 3625 of the City Council of the City of Bryan, Texas, approving the Fiscal Year 2016 budget of the Brazos County Emergency Communications District (9-1-1) in the amount of \$4,032,634. The motion was seconded by Councilmember Konderla. Deputy City Manager Hugh Walker explained the 9-1-1 District provided 9-1-1 services to the entire county, but that College Station had its own dispatch center. He advised the staff had studied whether it would be more cost effective for the City to operate its own dispatch center but had determined it was not. Councilmember Konderla moved to suspend the rules to allow Patrick Corley, Executive Director of the 9-1-1 District, to address the Council. The motion was seconded by Councilmember Owens and carried unanimously. Mr. Corley explained the creation of the 9-1-1 District and its functions. He then described the dispatch functions provided to Brazos County, the City of Bryan and volunteer fire departments. He advised the operation receives about 108,000 9-1-1 calls per year. After discussion, the motion carried unanimously.

10. STATUTORY AGENDA

It was announced agenda items 10 b and 10 d would be removed from the statutory agenda for separate consideration. Councilmember Owens moved to approve the remainder of the statutory agenda. The motion was seconded by Councilmember Konderla and carried unanimously.

a. Consideration – 9-1-1 Agreement

Consider approval of an agreement between the City of Bryan and the Brazos County Emergency Communications District (9-1-1 District or 9-1-1) to provide emergency communications dispatching services in the amount of \$1,582,564, for the City of Bryan for Fiscal Year 2016. Source of Funds: General Fund.

c. Resolution – Authorization to Negotiate Purchase of Property

Adoption of Resolution No. 3628 of the City Council of the City of Bryan, Texas, authorizing the City Manager to negotiate for the purchase of the property at 1300 North Texas Avenue, Bryan, Texas, from the Texas Department of Transportation, and authorizing the Mayor to execute all documents necessary.

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

b. Resolution – Tax Abatement Guidelines and Criteria

Mayor Bienski moved adoption of Resolution No. 3627 of the City Council of the City of Bryan, Texas, electing to participate in tax abatement agreements, and establishing guidelines and criteria governing tax abatement for economic development prospects in the City of Bryan. The motion was seconded by Councilmember Owens. Councilmember Southerland moved to amend to add a 45 percent job requirement for new businesses created and that the City Manager review and approve all certifications of these tax abatements. The motion was seconded by Councilmember Saenz. Discussion followed that indicated the criteria in the guidelines were a minimum, but that Council could include additional criteria in the tax abatement agreements. It was reported the proposed guidelines included additional reporting requirements to keep the Council fully informed as to the status of these agreements. The motion to amend failed to carry.

by a vote of three yeases (Councilmembers Saenz, Peña and Southerland) and four noes (Mayor Bienski and Councilmembers Owens, Hughes and Konderla). The main motion carried unanimously.

d. First Reading of an Ordinance – Budget Amendment for Fiscal 2015

Mayor Bienski moved to approve the first reading of an ordinance of the City of Bryan, Texas, amending Ordinance No. 2099; increasing expenditure appropriations for Fiscal Year 2015 from \$389,176,953 to \$389,977,284. The motion was seconded by Councilmember Konderla. Councilmember Southerland moved to amend the motion to add back the oil and gas revenues fund. After being advised the amendment was not germane to the agenda item, the motion to amend was withdrawn. The main motion carried unanimously.

11. REGULAR AGENDA

a. Consideration – Attracting More Visitors to Downtown Bryan

Councilmember Peña made a motion to attract more visitors to downtown Bryan by directing staff to: 1. Coordinate with the Brazos Transit District to develop a free or subsidized parking agreement in the downtown parking garage during Texas A&M University (TAMU) home game days; 2. Purchase and operate a tram for Downtown that provides transportation from the parking garage to Main Street on Fridays and Saturdays from 5:00 p.m. until one hour after closing and on TAMU home game days from one hour before games until one hour after business closing; and 3. Make every effort to complete the actions by the first regular Council meeting in October 2015. The motion was seconded by Councilmember Southerland. Mr. Register advised the Council the City already had an agreement with TAMU for buses for free shuttle service from downtown to the home games at a total cost of \$12,000 for all home games. He advised the parking garage would be available for a maximum of \$10 for all day parking. He also advised staff was making signs to make city and county facility parking lots, with about 1,000 parking spaces, available for free game day parking. It was opined an agreement with the parking garage was not needed since 1,000 free spaces were available in city and county owned parking lots. Discussion followed that a tram to carry people from parking lots to businesses downtown was needed. Mr. Register said a van may be better than a tram, but that staff would look into options. It was also reported the Bryan Business Council was paying half of the \$12,000 for the shuttle buses on game days. After discussion, the motion failed with three yeases (Councilmembers Saenz, Peña and Southerland) and four noes (Mayor Bienski and Councilmembers Owens, Hughes and Konderla).

b. First Reading of an Ordinance – Fiscal Year 2016 Budget

Councilmember Konderla moved to approve the first reading of an ordinance of the City of Bryan, Texas, approving and adopting a budget for the Fiscal Year beginning October 1, 2015, and ending September 30, 2016, both dates inclusive, with expenditures in the combined total amount of \$390,264,409, appropriating funds for the maintenance and operation of the various departments, activities and improvements of the City; appropriating funds for the payment of debt obligations in accordance with applicable contracts and laws; providing that expenditures for said fiscal year shall be made in accordance with said budget; authorizing the City Manager to make certain transfers of funds; with two changes: from hotel occupancy tax (HOT) funds to fund the Convention and Visitors Bureau (CVB) at the requested amount of \$481,963.67 and the Arts Council at the requested amount of \$96,000. The motion was seconded by Councilmember Owens. Councilmember Peña moved to amend the motion by earmarking revenue from

increased property valuations of \$937,606 to go towards parks. The motion was seconded by Councilmember Saenz. Discussion followed about what items would need to be eliminated from the budget to allocate the entire revenue increase to parks. It was suggested the \$3 million set aside for purchase of land in the Texas Triangle Park be used instead for parks. The benefits of purchasing the property during the next fiscal year were discussed, including that Brazos County had agreed to fund half of the land purchase. It was pointed out the proposed budget included an increase of \$500,000 for parks, \$500,000 for repairs to the Bryan Aquatic Center and \$1 million for the new Sadie Thomas Pool. Discussion then followed about the use of HOT funds for regional or super parks or the expansion of the Bryan Regional Athletic Complex. The merits of maintaining a differing number of days of operating reserve fund balance were discussed. It was opined the City could lower the fund balance and buy the land and increase park funding. Mr. Register explained the staff projects fund balance for five years and the benefits of maintaining a healthy fund balance over the 60 days required by policy, such as better bond ratings resulting in lower interest rates on bonds. Councilmember Peña moved to extend the limits of debate to allow all Councilmembers an additional turn to debate the question. The motion was seconded by Councilmember Saenz and failed to carry with a vote of three yeses (Councilmembers Saenz, Peña and Southerland) and four noes (Mayor Bienski and Councilmembers Owens, Hughes and Konderla). Concern was expressed about decreasing financial security with a lower fund balance of 60 or 75 days. It was pointed out the staff had presented to the Council a plan to spend down the fund balance by \$5 million while maintaining a 100 day fund balance and adding additional firefighters, police officers, a code enforcement officer and allocating more money for parks. The motion to amend failed to carry with three yeses (Councilmembers Saenz, Peña and Southerland) and four noes (Mayor Bienski and Councilmembers Owens, Hughes and Konderla).

Mr. Register then reminded Council of the workshops held to present all 22 funds in the proposed Fiscal Year 2016 budget. Discussion followed about the additional funding requests from the CVB and Arts Council. Councilmember Southerland moved to amend the main motion by funding all the unfunded decision packages that were on the list the City Manager received and fund those with the \$3 million programmed for the Texas Triangle Park project. The motion was seconded by Councilmember Peña. Again, discussion followed about the need for more park funding. Councilmember Southerland then moved to postpone consideration of funding the Texas Triangle Park project until the last meeting in September. The motion was seconded by Councilmember Saenz but failed to carry with three yeses (Councilmembers Saenz, Peña and Southerland) and four noes (Mayor Bienski and Councilmembers Owens, Hughes and Konderla). The motion to amend the main motion to fund unfunded decision packages out of the Texas Triangle Park project allocation failed to carry with three yeses (Councilmembers Saenz, Peña and Southerland) and four noes (Mayor Bienski and Councilmembers Owens, Hughes and Konderla). Discussion then followed about the CVB funding request, the hotel occupancy tax grant process, and overbuilding of hotels. It was also stated the City's own Communications and Marketing Department and Texas A&M University did an excellent job in marketing the community. Mayor Bienski offered a compromise through a motion to amend the \$481,963.67 requested by the CVB by taking \$100,000 off of that amount to put towards a super park, regional park or expansion of the Bryan Regional Athletic Complex, and to fund the Arts Council at the requested amount of \$96,000. The motion was seconded by Councilmember Southerland. It was clarified the requested \$50,000 for Easterwood Airport marketing would remain but the funding request just for the CVB would be reduced by \$100,000. It was stated that would result in about a 63 percent increase in funding for the CVB over last year's funding amount of \$238,440. The motion to amend proposed by Mayor Bienski to fund the CVB at \$381,963.67, the Arts Council at \$96,000 and allocate \$100,000 of HOT funds to a super park, regional park or Bryan Regional Athletic Complex expansion carried with five yeses (Mayor Bienski and Councilmembers Saenz,

Peña, Hughes and Southerland) and two noes (Councilmembers Owens and Konderla). The main motion as amended with those changes then carried unanimously.

12. CITY MANAGER REPORT

A report was not provided.

13. COUNCIL COMMITTEE REPORTS

Councilmember Peña provided a report on a recent meeting of the City of Bryan/Bryan ISD Committee and Councilmember Owens reported on a recent meeting of the Metropolitan Planning Organization Policy Committee.

14. ITEMS OF COMMUNITY INTEREST

At the beginning of the meeting, this item was partially taken up without objection so that Councilmembers could express their appreciation for the service of the Bryan Police officers. They were thanked for their diligence in protecting the citizens of Bryan. Following Council Committee reports, the following items of community interest were shared: town hall meetings, Texas Reds Steak and Grape Festival, Football Fridays in downtown Bryan, Fiestas Patrias, Saunders Street reconstruction project completion, and police officers were again thanked for all they do to keep the community safe.

15. ADJOURN

Without objection, the meeting was adjourned at 9:12 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski