

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

The Bryan City Council held a regular meeting on Tuesday, October 13, 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. Also in attendance 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 3:38 p.m.

2. EXECUTIVE SESSION

The meeting was called into executive session at 3:39 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 Research Valley Partnership bylaws, receive legal advice regarding the Research Valley Partnership funding agreement, receive legal advice regarding compliance with the City of Bryan's ethics policy, Chapter 176, Local Government Code, and other statutes regarding duties of elected officials; under the authority of Section 551.072, real estate – discussion regarding possible sale, lease, conveyance and/or purchase of property in central and west Bryan; under the authority of Section 551.074, personnel – discussion regarding duties and responsibilities of City Manager, City Attorney, City Internal Auditor, City Secretary and Municipal Court Judge, annual performance review of Municipal Court Judge, City Manager and City Internal Auditor, Council self-evaluation, discussion of appointment of BTU Board Chair, and discussion regarding appointments to quasi-judicial boards including Board of Adjustment and Appeals, Building and Standards Commission, Civil Service Commission, Commissioners of Housing Authority, Historic Landmark Commission, Planning and Zoning Commission and Zoning Board of Adjustment; under the authority of Section 551.086, competitive matters – discussion regarding BTU competitive matter; and under the authority of Section 551.087, economic development negotiations – discussion regarding possible economic development incentives for prospects in north, west and east Bryan.

3. OPEN SESSION FOR ACTION FOLLOWING EXECUTIVE SESSION

The meeting was called into open session at 6:12 p.m. Councilmember Hughes made a motion to appoint Mr. Paul Turney as the BTU Board Chair for the next year. The motion was seconded by Councilmember Southerland and carried unanimously.

4. INVOCATION, PLEDGE OF ALLEGIANCE TO THE U.S. FLAG AND PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG

Pastor Steve Trevino, Cross Central Church, gave the invocation and World War II veteran George Myrick led the pledges.

5. PROCLAMATIONS AND PRESENTATIONS

Proclamations were presented in recognition of Brazos County Fair Week, Fiestas Patrias Mexicanas, and the Muscular Dystrophy Association Fill the Boot Campaign. Ryan Stout, Communications and Marketing Department, was congratulated on winning the 3CMA National Award of Excellence.

6. HEAR CITIZENS

It was announced agenda item 11 c was being removed from consideration. Mr. Roy Flores, 507 East 31st Street, spoke about trash problems with downtown festivals and parades. He asked the City to take responsibility for trash cleanup following these events. Mr. George Lewis, 1201 Clark Street, spoke about neighborhood concerns in the Castle Heights Subdivision. Mr. Waymon Chatham, 1200 Wellington, spoke about infrastructure needs in his neighborhood. The following individuals spoke in opposition to agenda item 11 c: Mr. Larry Gilbert, 2902 Highway 21 West; Mr. John McBride, 1143 Stanley Trail; Mrs. Helen Washington, 2300 Wilkes; Mr. Raul Santana, 104 South Sterling; Ms. Sybil Jones, 213 Fairway Drive; Mr. Nathan Fevero, 2905 Silver Spur Circle; Ms. Victoria Peña DeLeon, 1525 East 29th Street; Ms. Rhoda Segur, 100 College View; Mr. Lloyd Joyce and Mrs. Mary Joyce, 3924 Park Meadow Lane; Ms. Dianna Herring, 2506 Memorial Drive; Mr. Frank Dworaczyk, 3123 Peterson Way; Mr. John Miller and Mrs. Debra Miller, 714 Williamson Drive; Ms. Sandra Portzer, 19824 Pipeline Road, College Station; Mr. Robert Person, Sr., 900 Florida Street; and Ms. Karen Hall, 6111 Highway 21 East. Mr. Kevin Davenport, 1701 Beck Street, spoke in opposition to agenda item 11 c and also stated that should he be elected to Council, he would not have anything to do with terminating any city staff or city employees.

7. PUBLIC HEARING REZONING REQUEST RZ15-16

a. Public Hearing- Rezoning Request (RZ15-16)

Public comment was requested 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 Commercial District (C-3), on 1.487 acres of land adjoining the northwest side of State Highway 21 East, southwest from its intersection with Marino Road, being Lot 5 in Block 1 of the Marino Estates Subdivision in Bryan, Brazos County, Texas. There were no public comments and the public hearing closed at 7:25 p.m.

b. First Reading of an Ordinance – Rezoning Request (RZ15-16)

Councilmember Peña moved to approve the first reading of an ordinance amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances by changing the zoning classification from Agricultural-Open District (A-O) to Commercial District (C-3), on 1.487 acres of land adjoining the northwest side of State Highway 21 East, southwest from its intersection with Marino Road, being Lot 5 in Block 1 of the Marino Estates Subdivision in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Konderla. Council was advised about the basis for zoning decisions. Permitted uses in a C-3 zoned area were discussed. After discussion, the motion carried with six yeases and one no (Councilmember Southerland).

8. PUBLIC HEARING REZONING REQUEST RZ15-09

a. Public Hearing- Rezoning Request (RZ15-09)

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 Planned Development-Mixed Use District (PD-M), subject to development consisting of commercial, residential and manufactured home land lease community uses on 61.59 acres of vacant land located on the northwest side of the 2300 block of Leonard Road, 150 feet to 750 feet southwest from its intersection with Jordan Loop, Being Lot 1 and the reserve tract of the Follett Subdivision in Bryan, Brazos County, Texas. Mr. Dwight Rabe, 2703 Leonard Road, voiced his opposition to this rezoning because of drainage, flooding, lighting and traffic concerns. Mr. Michael Stafford, 3009 Westwood Main, also voiced his opposition because of infrastructure concerns. Mrs. Nora Rabe, 2703 Leonard Road, agreed with Mr. Rabe's and Mr. Stafford's comments. Mayor Bienski moved to suspend the rules to allow Mr. Chris Peterson, attorney for the applicant, additional time to address the Council. The motion was seconded by Councilmember Konderla and carried with five yeases and two noes (Councilmembers Peña and Southerland). Mr. Peterson opined the rezoning request was consistent with other zoned areas in the vicinity of the property. He said his client was trying to provide affordable housing alternatives. He pointed out north of this tract was an area of manufactured housing and that Habitat for Humanity would be building affordable housing nearby. Several questions were answered about the components of the proposed project. Proposed roadways were shown on the site plan. Mr. Josh Lorden, applicant, 2208 Finfeather Road, said he had acquired this property and cleaned it up, and was now trying to sale these lots for manufactured housing with better amenities and aesthetics than the typical "mobile home parks" of the past. Planning Manager Martin Zimmermann answered questions about the rezoning request and C-3 zoning requirements. Pros and cons of this type of development were listed. Councilmember Peña moved to suspend the rules to allow citizens to again address the Council on this subject. The motion was seconded by Mayor Bienski and carried unanimously. Mr. Rabe again expressed his concerns about the possible impacts of this rezoning on his property. He asked that infrastructure improvements be made before this rezoning request was approved. The public hearing closed at 8:40 p.m. with no other comments.

b. First Reading of an Ordinance- Rezoning Request (RZ15-09)

Councilmember Hughes 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 Planned Development-Mixed Use District (PD-M), subject to development consisting of commercial, residential and manufactured home land lease community uses on 61.59 acres of vacant land located on the northwest side of the 2300 block of Leonard Road, 150 feet to 750 feet southwest from its intersection with Jordan Loop, Being Lot 1 and the reserve tract of the Follett Subdivision in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Owens. Councilmember Peña moved to amend with the condition that lot sizes be increased to 8,712 square feet on any areas legally permitted and to have 100 percent of the fence be as described by the developer with a stone column every so many feet with no iron mesh. This motion to amend was not considered due to the lack of a second.

Mr. Zimmermann then answered questions posed by the Council. Concern about possible property valuation impact and past negative experiences with mobile home parks was expressed. It was also stated with the new Blinn campus nearby, this property may have greater use in the future. It was also opined that Blinn campus development could address some infrastructure issues in the area and that manufactured homes on slabs would not necessarily decrease in value. Concern was expressed that citizens were in need of affordable housing in this price range. It was stated this was a good project for the single member district and was an opportunity for good housing in that area. After discussion, the motion failed with a vote of three yeases

(Councilmembers Saenz, Owens and Hughes) and four noes (Mayor Bienski and Councilmembers Peña, Southerland and Konderla).

9. CONSENT (AUTOMATIC APPROVAL) AGENDA

Councilmember Konderla made a motion with a second by Councilmember Peña, carrying unanimously, to approve the consent agenda.

- a. Approval of Minutes** – Special Meeting of September 15, 2015, Workshop and Regular Meetings of September 22, 2015

b. Consideration - Extension of Fuel Purchasing Contract

Consider approving the first extension of a contract for purchasing unleaded gasoline and diesel fuel to be used in all City of Bryan and Bryan Texas Utilities vehicles from Brenco Marketing. Source of Funds: Warehouse Fund.

c. Consideration – Amendment to Ambulance Supplemental Payment Program Support Services Agreement

Consider approving an amendment recognizing the purchase of MED3000 by PST Services, Inc., to the Ambulance Supplemental Payment Program (ASPP) Support Service Agreement approved by Council on January 14, 2014.

d. Resolution – Appointment of Election Officials

Adoption of Resolution No. 3631 of the City Council of the City of Bryan, Texas, appointing election officials for designated vote centers, central counting station and the early voting ballot board for the City of Bryan general election to be conducted on November 3, 2015, jointly with the Brazos County election and setting forth other routine election processes.

e. Second and Final Reading of an Ordinance – Establishing an Oil and Gas Fund

Second and final reading of Ordinance No. 2121 of the City of Bryan, Texas, establishing a permanent Oil and Gas Fund; requiring revenues derived from oil and gas leases, royalty revenues and ad valorem tax revenues collected on mineral values on city-owned property, not designated as part of an enterprise fund, be placed in a permanent Oil and Gas Fund; establishing restrictions on use and procedures for how such fund may be accessed, and other matters related thereto.

10. STATUTORY AGENDA

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

a. Consideration – Emergency Replacement of Rooftop Air Conditioning Package Unit

Consider ratifying the emergency replacement of the rooftop air conditioning package unit #2 at the Bryan Municipal Office Building by Kilgore Industries of Houston, Texas, in the amount of \$98,027. Source of Funds: Facility Services 2015 Budget.

b. Consideration – Contract for Apple Creek Channel Improvements

Consider awarding a construction contract for the Apple Creek Channel Improvements project to Vox Constructions, L.L.C., in an amount not to exceed \$193,774.50. Source of Funds: Drainage Fee Fund.

c. Consideration – Contracts for Parks Landscape Services

Consider awarding the Parks Landscapes Services contracts to Green Teams, Inc., for Groups 1 and 2 in an amount not to exceed \$550,294; to Grass Masters for Group 3 in an amount not to exceed \$152,645; and to Roots Landscaping for Groups 4 and 5 in an amount not to exceed \$31,120. The total amount of the contracts is \$734,059. Source of Funds: Parks and Recreation - General Fund.

d. Consideration – Agreement for Prescription Benefit Management Services

Considering awarding a professional services agreement for Prescription Benefit Management Services for the City of Bryan Employee Health Plan beginning January 1, 2016, to Employers Health Purchasing Corporation, subject to annual funding. Estimated annual program cost is \$1,928,451. Source of Funds: Fiscal Year 2016 Employee Benefits Fund.

e. Consideration – Interlocal Agreement - City of Bryan-Brazos County Economic Development Foundation (BBCEDF) Fiscal Year 2016 Funding

Consider approving an interlocal agreement between the City of Bryan, Brazos County, and the City of Bryan-Brazos County Economic Development Foundation that provides funding for operational costs and purchase of property in Fiscal Year 2016 in the not to exceed amount of \$3,000,000. Source of Funds: General Fund.

f. Consideration – Conveyance of Two Tracts of Land to Bryan/Traditions, L.P.

Consider approving the conveyance of two tracts of land comprised of 10.76 acres and 2.46 acres out of the J. H. Jones Survey, A-26, from Bryan Commerce and Development, Inc., to Bryan/Traditions, L.P., as parcels for future development within the Atlas Town Center development in Bryan, Brazos County, Texas; and authorizing the President of Bryan Commerce and Development to execute general warranty deeds and other documents contemplated and required to carry out the conveyances in a form approved by the City Attorney.

g. Consideration – Bryan Business Council Ground Lease at Coulter Airfield

Consider authorizing the Mayor to execute a commercial ground lease agreement between the City of Bryan and the Bryan Business Council for the purpose of constructing an aircraft hangar at Coulter Airfield.

11. REGULAR AGENDA

a. Consideration – Appointment to Brazos County Appraisal District Board of Directors

Mayor Bienski made a motion to nominate Art Hughes to serve as the City of Bryan's representative on the Brazos County Appraisal District Board of Directors for a two-year term beginning on January 1, 2016. The motion was seconded by Councilmember Konderla. It was

pointed out Councilmember Hughes would no longer be on the City Council at that time. The motion carried unanimously.

At 9:00 p.m. a short recess was called. The meeting reconvened in open session in the same location at 9:10 p.m.

b. Consideration – Appointment of Individuals to Advisory Boards and Committees

Mayor Bienski made a motion to appoint Diana Walker as the veterinarian on the Bryan Animal Center Advisory Committee and to reappoint Julianne Burkhalter, Animal Center Manager, to that panel. The motion was seconded by Councilmember Peña and carried unanimously. Mayor Bienski then moved to appoint Amy Short to the remaining open position Animal Center Advisory Committee. The motion was seconded by Councilmember Konderla and carried unanimously. Mayor Bienski moved to reappoint Ron Schmidt to the Bryan Business Council. The motion was seconded by Councilmember Hughes and carried unanimously. Mayor Bienski moved to appoint Stephanie Sale to the Bryan Business Council. The motion was seconded by Councilmember Konderla and carried unanimously. Councilmember Saenz moved to appoint Reuben Marin to the Bryan Business Council. Councilmember Konderla seconded the motion, which carried with five yeses and two noes (Councilmembers Peña and Southerland). Mayor Bienski nominated Art Hughes to be appointed to the Bryan Business Council. The motion was seconded by Councilmember Konderla and carried with five yeses and two noes (Councilmembers Peña and Southerland). Mayor Bienski moved to reappoint Glenn Duhon and Ona Mae Sims to the Bryan Cemetery Advisory Committee. The motion was seconded by Councilmember Peña and carried unanimously. Councilmember Southerland moved to appoint Pam Vance Edgerly to the Bryan Cemeteries Advisory Board. The motion was seconded by Councilmember Konderla and carried unanimously. Councilmember Owens moved to appoint Donna Taylor to the remaining open position on the Bryan Cemeteries Advisory Board. The motion was seconded by Councilmember Konderla and carried unanimously. Tracie Ann Pierce and Mary Joy Venuti were reappointed to the Bryan-College Station Public Library System Board upon a motion by Councilmember Konderla and a second by Councilmember Peña, carrying unanimously. Councilmember Peña moved to appoint Becky Gilmore and Donna Taylor and reappoint Michael Martin to the Community Development Advisory Committee. The motion was seconded by Councilmember Konderla and carried unanimously. Councilmember Konderla moved to reappoint Gail Henry to the Joint Relief Funding Review Committee. The motion was seconded by Councilmember Owens and carried unanimously. Councilmember Peña moved to appoint Gerald Rieger to the Joint Relief Funding Review Committee. The motion was seconded by Mayor Bienski and carried with six yeses and one no (Councilmember Konderla). Councilmember Peña moved to reappoint Eugene (Sonny) Lyles and Robert Person to the Parks and Recreation Advisory Board. The motion was seconded by Councilmember Owens and carried unanimously. Mayor Bienski moved to appoint Raul Yanez to the Parks and Recreation Advisory Board. The motion was seconded by Councilmember Konderla and carried unanimously. Councilmember Southerland moved to appoint Sharon Bennett to the Parks and Recreation Advisory Board. The motion was seconded by Mayor Bienski and carried unanimously. Terms for all of these appointments begin January 1, 2016.

c. Consideration – Start Times for Workshop and Regular Council Meetings

This item was not discussed or considered.

12. COUNCIL COMMITTEE REPORTS

Councilmember Owens provided a report about a recent meeting of the Brazos County Public Health Board. Councilmember Konderla reported on a recent meeting of the City of Bryan/Bryan ISD Joint Committee.

13. CITY MANGER REPORT

Mr. Register provided a brief update on some capital improvement projects.

14. ITEMS OF COMMUNITY INTEREST

The following items of community interest were listed by Councilmembers: SOS Ministries banquet, Habitat for Humanity home dedications, Texas Reds Steak and Grape Festival, Fiestas Patrias parade, Neal Recreation Center mural unveiling, Brazos Valley Fair and Expo, Fill the Boot campaign, Navarro Elementary School dictionary day, Sam Houston Elementary School local government day, Boonville Heritage Park dedication, etc. Ryan Stout was again congratulated on the national award from 3CMA. Donors that made the Boonville Heritage Park possible were thanked for their philanthropy.

At this time, 9:40 p.m., the meeting was reconvened in executive session 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 compliance with the City of Bryan's ethics policy, Chapter 176, Local Government Code, and other statutes regarding duties of elected officials; and under the authority of Section 551.074, personnel – discussion regarding appointments to quasi-judicial boards including Board of Adjustment and Appeals, Building and Standards Commission, Civil Service Commission, Commissioners of Housing Authority, Historic Landmark Commission, Planning and Zoning Commission and Zoning Board of Adjustment.

The meeting was called into open session in the Council Chambers of the Bryan Municipal Building at 10:35 p.m. Councilmember Art Hughes left the meeting at this time. Councilmember Konderla made a motion with a second by Councilmember Owens to appoint the following individuals to quasi-judicial boards, committees and commissions with terms beginning January 1, 2016, as follows: Board of Adjustments and Appeals – John Tran, Raymond Dowling and Andreas Pavlatos; Building and Standards Commission – Judy Winn, James Cain and alternate members Paul Torres and Mike Flores; confirm the City Manager's reappointment of Ann Boney to the Civil Service Commission; Commissioners of Housing Authority – Alma Villarreal, Marquette Hixon and Inez Sanchez; Historic Landmark Commission – Ann Weaver Hart, Nancy Holland, Brent Hairston and Robert Holzwiess; Planning and Zoning Commission – Nancy Hardeman, Reuben Marin, Bobby Guitierrez and John Bosh; Zoning Board of Adjustment – Richard Baur, Gabriel Garcia, Jaimie Hicks Masterson and alternate members Darryl Massey and Craig Regan. The motion carried with all present voting aye.

15. ADJOURN

Without objection, the meeting adjourned at 10:40 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski