

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING
OCTOBER 27, 2015**

A regular meeting of the Bryan City Council was held on Tuesday, October 27, 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 Rafael Peña, Greg Owens, Mike Southerland, Art Hughes and Chuck Konderla were present. Councilmember Al Saenz joined the meeting at 4:37 p.m. 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 1:43 p.m.

2. EXECUTIVE SESSION

The meeting was called into an executive session at 1:44 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 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 City Manager, City Secretary and City Attorney, and Council self-evaluation; 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 4:52 p.m. No action was taken regarding the items discussed in executive session. The meeting was recessed at 4:52 p.m. with the announcement the meeting would reconvene at approximately 5:00 p.m. in the same location. The meeting was reconvened in open session at 5:00 p.m. in the same location. The meeting was called back into executive session at 5:01 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 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 City Manager, City Secretary and City Attorney, and Council self-evaluation; under the authority of Section 551.087, economic development negotiations – discussion regarding possible economic development incentives for prospects in north, west and east Bryan.

The meeting was called into open session at 5:35 p.m. Councilmember Konderla moved to authorize the Mayor to negotiate and sign the employment contract of the City Manager under the terms

discussed in executive session. The motion was seconded by Councilmember Southerland and carried unanimously.

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

Pastor Doug Dickey, Fellowship Freewill Baptist Church, gave the invocation and Brazos Valley Marine Corps League Detachment #1391 led the pledges.

5. PROCLAMATIONS AND PRESENTATIONS

Games of Texas medalists from the community were recognized. A proclamation in recognition of Municipal Courts Week was presented. The designation of BTU's website as the best in the nation by the American Public Power Association was acknowledged.

6. HEAR CITIZENS

Mrs. Debra Miller, 714 Williamson Drive, spoke about the condition of bathrooms, drinking fountains, lighting and basic maintenance of facilities in the parks and the need for sidewalks around parks. Mr. George Lewis, 1201 Clark Street, spoke about capital improvement needs and drainage problems in the Castle Heights Subdivision.

7. FIRST PUBLIC HEARING – OWNER-REQUESTED ANNEXATION (ANNEX15-03)

Public comment was requested regarding an annexation requested by petition of area landowners for 152.8 acres of land out of the John H. Jones Survey, Abstract No. 26, located generally south of Texas State Highway 47, southwest from its intersection with HSC Parkway and adjoining the northeast side of Jones Road in Brazos County, Texas. (*PRIMERA AUDIENCIA PÚBLICA-Recibir comentario público de una petición de los terratenientes que solicitan anexión de un área de 152.8 acres de terreno de la encuesta John H. Jones, Resumen no. 26, generalmente ubicado al sur de Texas State Highway 47, sudoeste de la intersección con HSC Parkway y junto a la parte noreste de Jones Road, Condado de Brazos, Texas.*) The public hearing closed at 6:04 p.m. with no comments.

8. SECOND PUBLIC HEARING – OWNER-REQUESTED ANNEXATION (ANNEX15-03)

Mayor Bienski called for public comment regarding an annexation requested by petition of area landowners for 152.8 acres of land out of the John H. Jones Survey, Abstract No. 26, located generally south of Texas State Highway 47, southwest from its intersection with HSC Parkway and adjoining the northeast side of Jones Road in Brazos County, Texas. (*SEGUNDA AUDIENCIA PÚBLICA-Recibir comentario público de una petición de los terratenientes que solicitan anexión de una área de 152.8 acres de terreno de la encuesta John H. Jones, Resumen no. 26, generalmente ubicado al sur de Texas State Highway 47, sudoeste de la intersección con HSC Parkway y junto a la parte noreste de Jones Road en el Condado de Brazos, Texas.*) No citizens spoke and the public hearing closed at 6:05 p.m.

9. REINVESTMENT ZONE 32

a. Public Hearing – Reinvestment Zone 32

Public comment was requested regarding an ordinance of the City of Bryan, Texas, to create and designate Reinvestment Zone 32 pursuant to Chapter 312 Texas Tax Code. The public hearing closed at 6:06 p.m. with no comments.

b. First Reading of Ordinance - Reinvestment Zone 32

Councilmember Peña moved to approve the first reading of an ordinance of the City of Bryan, Texas, to create and designate Reinvestment Zone 32 pursuant to Chapter 312, Texas Tax Code. The motion was seconded by Councilmember Konderla and carried unanimously.

10. CONSENT (AUTOMATIC APPROVAL) AGENDA

It was announced agenda items 10 d and 10 e would be removed from the consent agenda for separate consideration at the request of two Councilmembers. Councilmember Konderla moved to approve the remainder of the consent agenda. The motion was seconded by Councilmember Hughes and carried unanimously.

a. Consideration – Contract with Target Solutions Learning, L.L.C.

Consider authorizing the Fire Chief to execute a five-year contract with Target Solutions, L.L.C., to provide internet-based training and records management for the Bryan Fire Department for a total cost of \$56,652.90. Source of Funds: General Fund.

b. Consideration – Contract for Right-of-Way Mowing with Green Teams, Inc.

Consider approving the third and final extension to an existing annual price agreement for right-of-way mowing with Green Teams, Inc., in an amount not to exceed \$62,528. Source of Funds: General Fund

c. Consideration – Contract for Right-of-Way Mowing with Rios Tree Service, Inc.

Consider approving the third and final extension to an existing annual price agreement for right-of-way mowing with Rios Tree Service, Inc., in an amount not to exceed \$335,566.16. Source of Funds: General Fund.

f. Consideration – Approval of 2015 Tax Roll

Consider approving the final 2015 tax roll as submitted by the Brazos County Tax Assessor-Collector.

g. Resolution – Routine Airport Maintenance Program (RAMP) Grant

Adoption of Resolution No. 3632 of the City Council of the City of Bryan authorizing the Mayor to approve submission and acceptance of a grant for routine airport maintenance (RAMP Grant) at Coulter Airfield for Fiscal Year 2016 in an amount not to exceed \$50,000; and authorizing compliance with the grant terms. Source of Funds: Airport Fund.

h. Second and Final Reading of an Ordinance – Rezoning Request (RZ15-16)

Second and final reading of Ordinance No. 2122 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.

Council then discussed the two items removed from the consent agenda for separate consideration.

d. Consideration – Blanket Purchase Order for Bryan Freightliner

Councilmember Southerland moved to approve a blanket purchase order for Bryan Freightliner, the sole source original equipment freightliner service parts provider in the Brazos Valley, in an amount not to exceed \$100,000 (Source of Funds: General Fund and Enterprise Funds as budgeted). The motion was seconded by Councilmember Konderla and carried unanimously.

e. Consideration – Parks Custodial Services Contracts

Councilmember Southerland moved to approve the Parks Custodial Services Section B contract for custodial services for the City Parks and Downtown Bryan to Garcia Cleaning Service for an amount not to exceed \$124,395 and not to award Section C Parks for the Neal Recreation Center (Source of Funds: Parks and Recreation Department- General Fund). The motion was seconded by Councilmember Konderla and carried unanimously after discussion.

11. STATUTORY AGENDA

Mayor Bienski announced agenda item 11 d would not be discussed or considered, and that items 11 e and 11 g would be removed from the statutory agenda for separate consideration at the request of two Councilmembers. Councilmember Owens moved to approve the remainder of the statutory agenda. The motion was seconded by Councilmember Konderla and carried unanimously.

a. Consideration – Purchase of Refurbished Ambulance

Consider approving the purchase of one refurbished ambulance from Frazer Limited of Houston, Texas, for a total purchase price of \$165,625. Source of Funds: General Fund.

b. Consideration – Interlocal Agreement - Tactical Paramedic Support to Brazos County

Considering approving an interlocal agreement with Brazos County to allow the Bryan Fire Department to provide tactical paramedic support to the Brazos County Sheriff's Office tactical team in the form of tactically trained paramedics for one year. Source of Funds: General Fund.

c. Consideration – Interlocal Agreement for Ambulance Service in Brazos County

Consider approving an interlocal agreement with the City of College Station and Brazos County to provide ambulance service to the citizens of Brazos County for Fiscal Year 2015, Fiscal Year 2016 and Fiscal Year 2017.

d. Consideration – Chapter 380 Agreement with Adam Development Properties, L.P.

This item was not discussed or considered.

f. First Reading of an Ordinance – Bryan Senior Advisory Committee

First reading of an ordinance of the City of Bryan, Texas, amending Chapter 2, Article III of the Bryan Code of Ordinances by amending Division 16, "Bryan Senior Advisory Committee"; amending the membership composition and methodology for determining initial terms or office.

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

e. Consideration –Research Valley Partnership (RVP) Funding for Fiscal Year 2016

Mayor Bienski moved to authorize the Mayor to execute an agreement with the Research Valley Partnership providing funding for Fiscal Year 2016 in the amount of \$350,000 for operations (Source of Funds: General Fund). The motion was seconded by Councilmember Konderla. Councilmember Southerland moved to postpone consideration until the Council received information on the new structured RVP Board. The motion was seconded by Councilmember Saenz. Concern was expressed about the new composition of the RVP Executive Board in that the main funding entities were not represented. It was pointed out this agenda item dealt with funding, and that the RVP Board was in the process of reviewing its bylaws. It was stated a request had been submitted to add the Bryan and College Station Mayors or their designees to the Executive Board. The City Attorney advised the approved funding agreement would not provide for early termination. After discussion, the motion to amend failed to carry with three yeses (Councilmembers Peña, Saenz and Southerland) and four noes (Mayor Bienski and Councilmembers Owens, Hughes and Konderla). The main motion then carried with four yeses (Mayor Bienski and Councilmembers Owens, Hughes and Konderla) and three noes (Councilmembers Peña, Saenz and Southerland).

g. First Reading of an Ordinance – Establishment of a Capital Reserve Fund

Mayor Bienski moved to approve the first reading of an ordinance of the City of Bryan, Texas, creating and establishing a capital reserve fund; directing how such fund may be funded; directing how such fund may be accessed, and resolving other matters related thereto (Source of Funds: Future General Fund one-time revenues). The motion was seconded by Councilmember Peña. The City Manager explained that reserve funds were counted toward overall reserves. He said that since one time revenues were not recurring, it was advisable to have those revenues in a separate reserve fund. Councilmember Peña moved to amend the motion to include paragraph B in the ordinance, which states that under Chapter 253.001 of the Texas Local Government Code, sales of certain types of properties would be excluded from this fund since those sales would require voter approval. The motion to amend carried unanimously and the main motion as amended carried unanimously.

12. REGULAR AGENDA

a. Consideration – Appointment of Individuals to Tax Increment Reinvestment Zone Boards

Strategic Projects Director Lindsey Guindi explained the state law relative to appointment of Tax Increment Reinvestment Zone (TIRZ) boards. Councilmember Saenz moved to appoint Councilmember Peña to the TIRZ #10 Board. The motion was seconded by Councilmember Peña but the motion was withdrawn after discussion of appointment of Councilmembers to TIRZ boards in their districts. Mayor Bienski moved to appoint Spencer Clements to Place 1 and reappoint Emanuel Glockzin, Art Hughes, Peter Currie, Mark Conlee and Ben Hardeman to the TIRZ #10 Board, and name Ben Hardeman as Chair for 2016. The motion was seconded by Councilmember Konderla. The motion carried unanimously. Mayor Bienski moved to appoint Councilmember Mike Southerland to Place 4 on the TIRZ #19 Board and reappoint John Bleyl, Paul Leventis, Emanuel Glockzin and Robert Todd, and name Paul Leventis as Chair for 2016. The motion was seconded by Councilmember Saenz and carried unanimously. Mayor Bienski moved to appoint Councilmember Al Saenz to Place 1 and Councilmember Rafael Peña to Place

4 on the TIRZ #21 Board and to reappoint Paul Clarke, Mark Conlee, Chris Lawrence and Randy McDougal. The motion was seconded by Councilmember Konderla and carried unanimously. After discussion of the composition of the TIRZ #22 Board, Mayor Bienski moved to reappoint John Matthews, Michael Beckendorf, Lance Lester and Sam Harrison, and appoint Councilmember Greg Owens to Place 3 and Mr. Tim Owens to Place 4, and name Mr. Beckendorf as the 2016 Chair. The motion was seconded by Councilmember Konderla and carried unanimously. It was stated if the TIRZ Boards wished to suggest Chairs, those names could be submitted later.

b. Consideration – Revitalization of Texas Avenue

Councilmember Owens moved that a consultant be hired to develop a plan for Texas Avenue revitalization with funding coming from the City, BTU and the Bryan Business Council equally. The motion was seconded by Councilmember Konderla. It was stated this agenda item was submitted by two Councilmembers to talk about Texas Avenue revitalization from the city limits with College Station to Highway 21 and talk about mechanisms that could be used as part of the revitalization efforts, such as façade grants, infrastructure improvements, underground utilities, etc. Councilmember Peña moved to amend the motion to state that Texas Avenue revitalization would begin at Highway 21 first. The motion was seconded by Councilmember Southerland. It was stated the entire purpose of this agenda item was to consider revitalization of all of Texas Avenue. It was opined it would make sense to begin at an area where a developer had come forward with the intent of improving property on Texas Avenue. The motion to amend was withdrawn. It was stated all Councilmembers wanted to see Texas Avenue revitalized. Façade grants, tax abatements for new value on the tax roll, and other incentives were mentioned. It was suggested bike lanes be considered during this process. The cost of moving utility lines underground was discussed. It was stated it may be more feasible to look at moving the overhead utility lines to parallel roads. It was also pointed out Texas Avenue is a state highway so the Texas Department of Transportation (TxDOT) would be a partner in this venture. Another issue that was mentioned was the acquisition of right of way for improvements. Educating property owners about the benefits of improving their Texas Avenue properties was mentioned. Councilmember Southerland moved to postpone consideration until after the Bryan Business Council plan and the Comprehensive Plan update were completed. Mayor Bienski seconded the motion.

Mayor Bienski stated the Council should direct staff to study this issue and meet with the Bryan Business Council, the Comprehensive Plan Advisory Committee, TxDOT, the Metropolitan Planning Organization, BTU, etc. The need for marketing the program to improve Texas Avenue was mentioned. Mr. Register suggested allowing the staff to visit with the consultants working on the Comprehensive Plan update and bring forward some ideas at a future workshop. The need for stricter code enforcement along Texas Avenue was also mentioned. Concern about the extreme cost of going underground with utilities was mentioned, as well as the need to work with Verizon and Suddenlink about that possibility. After discussion, it was agreed the staff would develop ideas about Texas Avenue revitalization and bring those suggestions back to the Council for consideration. It was also suggested this program could be applied to all business corridors in the future. Some successes in South College Avenue revitalization were mentioned. Councilmember Southerland moved to amend the primary amendment to add that the staff would present options at the second meeting in November. After additional discussion, all pending motions were withdrawn as direction was clear that staff would provide information, suggestions and options about Texas Avenue revitalization at the second regular meeting in November.

c. Consideration – Residence Recycling Program

Councilmember Peña moved to direct City Staff to investigate and recommend the possibilities of having a city sponsored vendor to collect recyclable waste from residences, with the expense to be borne by the participants on a voluntary basis and not affect the current city recycle programs; and a recommendation to be brought back to the City Council by the last meeting in November 2015 or sooner. The motion was seconded by Councilmember Hughes. Mr. Register reported curbside recycling was already available on a per customer basis through a permitted local company, Brazos Valley Trash Valet. He said this company had over 100 accounts in Bryan. The challenge of the City marketing one business over another was mentioned. Figures from the recycling center were given. It was suggested a question about mandatory customer participation in a curbside recycling program be posted on the Polco website to gather citizen input. The motion was withdrawn since the service is already offered in Bryan by a private vendor.

13. COUNCIL COMMITTEE REPORTS

Councilmember Southerland provided a report about a recent meeting of the Brazos Valley Wide Area Communications System Board.

14. CITY MANGER REPORT

Mr. Register announced both regular meetings in December would be held on December 15 as the Council Chambers would be unavailable due to the installation of a high definition line the week before. He added broadcasting in high definition would greatly enhance the quality of meetings and programs citizens watch on Channel 16.

15. ITEMS OF COMMUNITY INTEREST

Councilmembers mentioned the following items of community interest: Football Fridays in downtown Bryan, game day parking in downtown Bryan, Breast Cancer Awareness Month, Family Promise proclamation, town hall meetings, Brazos County Fair and Expo, Wounded Warrior banquet, Bubba Moore Memorial fundraiser, Shelter the Homeless Project fundraiser, etc. The Bryan High School and Rudder High School football teams were wished good luck in the Friday night cross town show down.

16. ADJOURN

Without objection, the meeting adjourned at 7:30 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski