

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING
JANUARY 12, 2016**

The Bryan City Council held a regular meeting on Tuesday, January 12, 2016, 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, Mike Southerland, Ben Hardeman and Buppy Simank were present. Councilmember Greg Owens was absent. 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 3:37 p.m.

2. EXECUTIVE SESSION

The meeting was called into executive session at 3:38 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 proposed amendments to the rules of the Brazos Valley Groundwater Conservation District, receive legal advice regarding Traditions Amended and Restated Master Economic Development Agreement and Amended and Restated Reclaimed Water Agreement, receive legal advice regarding Council ethics policy, receive legal advice regarding attorney-client privilege communications, and receive legal advice regarding Sections 30.06 and 30.07 of the Texas Penal Code; under the authority of Section 551.072, real estate – discussion regarding possible sale, lease, conveyance, and/or purchase of property in central, north, and west Bryan; under the authority of Section 551.074, personnel – discussion regarding duties and responsibilities of City Manager, City Attorney, City Internal Auditor and City Secretary, Council self-evaluation, and discussion regarding appointment to the Zoning Board of Adjustments and Historic Landmark Commission; and under the authority of Section 551.087, economic development negotiations – discussion regarding possible economic development incentives for prospects in north, west, central, and east Bryan.

3. OPEN SESSION FOR ACTION FOLLOWING EXECUTIVE SESSION

The meeting was called into open session at 5:52 p.m. Councilmember Peña moved to appoint Eva Read-Warren to the Historic Landmark Commission and James Ross to the Zoning Board of Adjustment. The motion was seconded by Councilmember Simank and carried with all present voting aye.

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

Reverend Rick Sitton, First United Methodist Church, gave the invocation and City Manager Kean Register led the pledges.

5. PROCLAMATIONS AND PRESENTATIONS

The Bryan Fire Department 2015 Fire Prevention Poster Contest winners were recognized. The 2015 Bryan Blazers, the winners of the North Division in the Pride of Texas Youth Football Alliance and Super Bowl Champions, were also recognized.

6. HEAR CITIZENS

Ms. Liza Calhoun-Conklin, 16623 FM 2154, College Station, expressed concern as a taxi driver that Uber had been allowed to operate in the city without regulation. She asked the Council to apply the same regulations to transportation network companies such as were required of taxi companies and drivers. Mr. Christian Ede, 1904 Todd Trail, who owns a taxi company, agreed with Ms. Calhoun-Conklin's comments. Mr. John Miller, 714 Williamson Drive, spoke about the Traditions reclaimed water agreement. Ms. Marianne Arnold, 5059 North Oakland Lane, said she supported an audit of the Traditions contracts. Ms. Karen Hall, 6111 Highway 21 East, also spoke about the Traditions project and contracts. Mrs. Debra Miller, 714 Williamson Drive, spoke about the Elf Atochem settlement and also asked for a complete review as requested in agenda item 9 c. Mr. John McBride, 1143 Stanley, asked the City not to provide reclaimed water to Traditions. Mr. George Lewis, 1201 Clark Street, expressed concern about infrastructure in his neighborhood and asked for improvements.

7. CONSENT (AUTOMATIC APPROVAL) AGENDA

Councilmember Peña moved to approve the consent agenda. The motion was seconded by Councilmember Simank and carried with all present voting aye, except Mayor Bienski abstained from the vote as it related to agenda item 7 f only.

a. Approval of Minutes – First and Second Regular Meetings of December 15, 2015

b. Consideration – Contract for Meadow Lane Utility Replacements

Consider approving a design contract to Goodwin-Lasiter, Inc., to design the Meadow Lane utility replacements in an amount not to exceed \$80,750.00. Source of Funds: Water and Wastewater Fund.

c. Second and Final Reading of an Ordinance – Amending Chapter 46, “Stormwater Management” Article III, “Municipal Stormwater Management”

Second and final reading of Ordinance No. 2133 of the City of Bryan, Texas, amending Chapter 46 “Stormwater Management” of the City of Bryan Code of Ordinances, by repealing and replacing Article III, “Municipal Stormwater Management”; providing for penalties, providing for publication, and providing an effective date.

d. Second and Final Reading of an Ordinance – Amending Chapter 10, “Animals” - Establishing Standards for Seizures and Impoundment of Animals

Second and final reading of Ordinance No. 2134 of the City of Bryan, Texas, amending Chapter 10, “Animals” of the City of Bryan Code of Ordinances, establishing standards for seizures and impoundment of animals.

e. Second and Final Reading of an Ordinance - Rezoning Request (RZ15-21)

Second and final reading of Ordinance No. 2135 of the City of Bryan, Texas, amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from Commercial District (C-3) to Office District (C-1) on 0.62 acres of land located at the northwest corner of the intersection of North Earl Rudder Freeway Frontage Road and Water Locust Drive, being Lot 2, Block 2, Canyon Creek Entertainment Subdivision in Bryan, Brazos County, Texas.

f. Second and Final Reading of an Ordinance - Rezoning Request (RZ15-23)

Second and final reading of Ordinance No. 2136 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 2.547 acres of land adjoining the northwest side of State Highway 21 East between Cross Wind Drive and Marino Road, being Lot 14 and part of Lot 15 in the Charles (CAL) Marino Land Partition and currently addressed as 6083 East State Highway 21 in Bryan, Brazos County, Texas.

g. Second and Final Reading of an Ordinance - Rezoning Request (RZ15-24)

Second and final reading of Ordinance No. 2137 of the City of Bryan, Texas, amending 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 - Housing District (PD-H) on 0.2296 acres of land located at the south corner of Clay and Aspen Streets, being parts of Lot 9 and Lot 10 in Block 4 of Highland Park Subdivision, Phase 1, in Bryan, Brazos County, Texas.

h. Second and Final Reading of an Ordinance – Rezoning Request (RZ15-25)

Second and final reading of Ordinance No. 2138 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) on 95.29 acres of vacant land out of Zeno Phillips Survey, A-45, located at the south corner of North Harvey Mitchell Parkway (FM 2818) and Leonard Road in Bryan, Brazos County, Texas.

i. Second and Final Reading of an Ordinance- Right-of-Way Abandonment (RA15-04)

Second and final reading of Ordinance No. 2139 providing for the abandonment of the following public right-of-way, to wit: approximately 0.275 acres (12,000 square feet) of public street right-of-way for East 21st Street, adjoining the north and south sides, respectively, of Blocks 264 and 265 in the Bryan Original Townsite, east of the intersection of East 21st Street and North Main Street in Bryan, Brazos County, Texas; authorizing the conveyance thereof to the abutting property owner and providing for the terms and conditions of abandonment and conveyance.

8. STATUTORY (AUTOMATIC APPROVAL) AGENDA

Councilmember Peña moved to approve the statutory agenda. The motion was seconded by Councilmember Southerland and carried with all present voting aye.

a. Consideration – Texas Avenue and Villa Maria Traffic Signal Construction Contract

Consider awarding a construction contract for the traffic signal improvements at Villa Maria Road and Texas Avenue, to Bayer Construction Electrical Contractors, Inc., in an amount not to exceed \$205,500.00. Source of Funds: Transportation Fee.

b. Consideration – Purchase of Police Vehicles

Consider authorizing the purchase of six patrol vehicles and equipment and one K-9 police pursuit vehicle and equipment for the total purchase price of \$374,269.12. Source of Funds: General Fund.

c. Consideration – Contract for Briar Bend Stabilization

Consider approving a construction contract to Fuqua Construction for Briar Bend slope stabilization in an amount not to exceed \$292,100.00. Source of Funds: Wastewater and Miscellaneous Sewer Replacement Funds.

9. REGULAR AGENDA

a. Consideration – Appointment to Vacancy on Parks and Recreation Advisory Board

Councilmember Southerland moved to appoint Tim Blanchard to a vacancy on the Parks and Recreation Advisory Board for an unexpired term ending on December 31, 2016. The motion was seconded by Councilmember Peña and carried with all present voting aye.

b. Consideration – Economic Development Agreement Updates

Two Councilmembers placed this item on the agenda and explained the purpose of the item: discussion, consideration, and possible action to direct staff to present quarterly updates in a Council workshop on all active Chapter 380 agreements and tax abatements. City Manager Register explained the standard procedure for reports that update the Council on the status of economic development agreement requirements. He reported property tax values are issued January 1 of each year and that the analysis of economic development agreement performance follows. It was also pointed out that if any of the partners that were the subject of economic development agreements begin to show non-compliance, the Council is given a report at that time and asked for direction. Deputy City Manager Joey Dunn reported some of the agreements require quarterly reports of activities, and that compliance reports are provided annually. Councilmember Southerland moved to direct the staff to present quarterly updates in a Council workshop on all active Chapter 380 agreements and tax abatement agreements. The motion was seconded by Councilmember Saenz. It was agreed that any reports received should be shared with the Council. It was pointed out these reports could be included in the City Manager's weekly reports to Council. It was opined that the City Manager and staff did a good job of providing timely information to the Council. Councilmember Southerland moved to amend the motion to provide that the reports would be provided to Council via the City Manager's weekly report. The motion was seconded by Mayor Bienski. The motion to amend carried with all present voting aye and the main motion as amended carried with all present voting aye.

c. Consideration – Traditions Project Contracts and Review

Council then considered the following agenda item submitted by two Councilmembers:

Discussion, consideration, and possible action to direct staff to:

1. Terminate the Traditions contracts including the water contract effective January 12, 2016, and perform a complete review of all TIRZ 10 expenses and income and City expenses associated with and contributions from any fund to the Traditions project including all infrastructure funded or installed from any City department (BTU, Water, Waste Water, Drainage, Streets, etc.) and any other source from November 1, 1999, through January 12, 2016. The review is to be conducted by an auditor that is independent of the City of Bryan and TIRZ 10 Board, Contractors or Partners. The Council shall review the auditor's report and decide what action is warranted.

or

2. Suspend the Traditions contracts including the water contract effective January 12, 2016, and perform a complete review of all TIRZ 10 expenses and income and City expenses associated with and contributions from any fund to the Traditions project including all infrastructure funded or installed from any City department (BTU, Water, Waste Water, Drainage, Streets, etc.) and any other source from November 1, 1999, through January 12, 2016. The review is to be conducted by an auditor that is independent of the City of Bryan and TIRZ 10 Board, Contractors or Partners. The Council shall review the auditor's report and decide what action is warranted.

or

3. Perform a complete review of all TIRZ 10 expenses and income and City expenses associated with and contributions from any fund to the Traditions project including all infrastructure funded or installed from any City department (BTU, Water, Waste Water, Drainage, Streets, etc.) and any other source from November 1, 1999, through January 12, 2016. The review is to be conducted by an auditor that is independent of the City of Bryan and TIRZ 10 Board, Contractors or Partners.

Councilmember Peña moved to postpone consideration of agenda item 9 c until Councilmember Southerland and staff could meet to discuss expenses, and if no agreement can be reached, the City will hire an outside auditor to review records and provide a report to Council no later than the second meeting in February. The motion was seconded by Councilmember Saenz and carried with all present voting aye.

10. CITY MANAGER REPORT

Mr. Register provided an update on capital improvement projects.

11. ITEMS OF COMMUNITY INTEREST

Councilmembers listed the following items of community interest: annual Fire Department banquet, town hall meetings, new businesses in downtown Bryan, Young Farmers State Convention, economic development meeting with Waco representatives, etc. Fire Chief Randy McGregor and the Fire Department staff were thanked for their outstanding service to the community. It was commented the Council worked well together during the meeting. City Manager Register was wished a happy birthday. It was stated the entire City staff was outstanding.

12. ADJOURN

Without objection, the meeting was adjourned at 7:20 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski