

**BRYAN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
FEBRUARY 9, 2016**

The Bryan City Council held a regular meeting on Tuesday, February 9, 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, Greg Owens, Mike Southerland, Ben Hardeman and Buppy Simank were present. 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 5:25 p.m.

**2. EXECUTIVE SESSION**

The meeting was called into executive session at 5:26 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 amendments to the rules of the Brazos Valley Groundwater Conservation District, and receive legal advice regarding Brazos Valley Convention and Visitors Bureau funding agreement and possible amendments to the funding agreement.; 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, and Council self-evaluation; 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 6:05 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**

Fire Marshal Marc McFeron gave the invocation and Boy Scout Troop 383 led the pledges.

**5. PROCLAMATION AND PRESENTATIONS**

Bryan resident Marilyn Zapalac was recognized for being named as McDonald's Crew Member of the Year for the western division of McDonald's. She was thanked for her support of the Bryan police and fire departments.

**6. HEAR CITIZENS**

Mr. Roy Flores, 507 East 31<sup>st</sup> Street, suggested an audit relative to Traditions project expenditures. Mrs. Debra Miller, 714 Williamson, complimented Deputy City Manager Hugh Walker for quality

customer service. She asked the Council to renegotiate the reclaimed water agreement with Traditions Acquisition Partners, L.P. Ms. Karen Hall, 6111 Highway 21 East, said she did not believe an outside auditor was needed, but that staff should rework accounting figures relative to the Traditions project.

## **7. TAX INCREMENT REINVESTMENT ZONE (TIRZ) 21 SECOND AMENDMENT**

### **a. Public Hearing – Tax Increment Reinvestment Zone (TIRZ) 21 Second Amendment**

Public comment was requested regarding an ordinance of the City of Bryan, Texas, approving the second amendment of the project plan and financing plan for Reinvestment Zone Number 21 of the City of Bryan, Texas, and ordaining other matters related thereto. The public hearing closed at 6:25 p.m. with no comments from the public.

### **b. First Reading of an Ordinance – Tax Increment Reinvestment Zone (TIRZ) 21 Second Amendment**

Councilmember Owens moved approval of the first reading of an ordinance of the City of Bryan, Texas, approving the second amendment of the project plan and financing plan for Reinvestment Zone Number 21 of the City of Bryan, Texas, and ordaining other matters related thereto. The motion was seconded by Councilmember Owens. After staff answered questions posed by Councilmembers, the motion carried unanimously.

## **8. REZONING REQUEST RZ15-26**

### **a. Public Hearing – Rezoning Request RZ15-26**

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 Commercial District (C-3) to Residential District – 5000 (RD-5) on 0.286 acres of land located at 515 East 30<sup>th</sup> Street, being Lot 1 in Block 14 of the Phillips Addition in Bryan, Brazos County, Texas. The public hearing closed at 6:30 p.m. with no public comments.

### **b. First Reading of an Ordinance – Rezoning Request RZ15-26**

Councilmember Owens moved approval of 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 Commercial District (C-3) to Residential District – 5000 (RD-5) on 0.286 acres of land located at 515 East 30<sup>th</sup> Street, being Lot 1 in Block 14 of the Phillips Addition in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Hardeman and carried unanimously after staff answered questions for the Council.

## **9. REZONING REQUEST RZ15-27**

### **a. Public Hearing – Rezoning Request RZ15-27**

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 3.78 acres of land located at 3210 Colson Road, between 250 and 450 feet north of the intersection of Colson Road and the North Earl Rudder Freeway East Frontage Road, being parts of Lots 9 and

10 in Coulter's Subdivision of the McGee Tract in Bryan, Brazos County, Texas. The public hearing closed at 6:34 p.m. with no input from citizens.

**b. First Reading of an Ordinance – Rezoning Request RZ15-27**

Councilmember Hardeman 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 Commercial District (C-3), on 3.78 acres of land located at 3210 Colson Road, between 250 and 450 feet north of the intersection of Colson Road and the North Earl Rudder Freeway East Frontage Road, being parts of Lots 9 and 10 in Coulter's Subdivision of the McGee Tract in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Saenz. After staff presented information regarding the rezoning request, the motion carried unanimously.

**10. CONSENT (AUTOMATIC APPROVAL) AGENDA**

It was announced agenda item 10 c would not be considered. Councilmember Peña moved to approve the remainder of the consent agenda. The motion was seconded by Councilmember Hardeman and carried unanimously.

**a. Approval of Minutes** – Workshop and Regular Meetings of January 12, 2016, and Workshop and Regular Meetings of January 26, 2016

**b. Consideration – St. Joseph Hospital Area Improvements Easement Acquisition**

Consider approving the acquisition of right-of-way and Bryan Texas Utilities (BTU) utility easements required for the construction of St. Joseph Area Improvements Project as follows: BTU utility easements from S&D Bentley, L.L.C., for an amount not to exceed \$15,256.80; right-of-way and BTU utility easements from Estate of Stanley Wilton Johnson for an amount not to exceed \$35,500.00; and right-of-way and BTU utility easements from Brazos Valley of Texas, L.P., for an amount not to exceed \$22,477.00; authorizing the Mayor and City Manager to execute real estate contracts and other documents associated with the acquisitions in a form approved by the City Attorney. Source of Funds: General Fund and BTU Funds.

**c. Resolution – Coulter Airfield Grazing Lease Template**

This item was not discussed or considered.

**11. CITY MANAGER REPORT**

Mr. Register did not provide a report.

**12. ITEMS OF COMMUNITY INTEREST**

Councilmembers listed the following items of community interest: downtown Bryan events, town hall meeting, Boys and Girls Club fundraiser, Catholic Charities activities in the community, Valentines for Vets program in Bryan elementary schools, second graders' tour of downtown Bryan, Upper Burton Creek Neighborhood Association meeting, Brazos Valley Groundwater Conservation District Board meeting, economic outlook conference, Japanese delegation visit, and the upcoming Lunch and Learn series. Wastewater Department staff was thanked for swift action to address problems. Ms. Zapalac was again congratulated on her award. The Woman's Club was also

congratulated on its 120<sup>th</sup> anniversary. Condolences were expressed upon the death of Bryan High School and Texas A&M University basketball star Rudy Woods.

**13. ADJOURN**

Without objection, the meeting was adjourned at 6:53 p.m.

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City Secretary Mary Lynne Stratta

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Mayor Jason P. Bienski