

**BRYAN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
FEBRUARY 23, 2016**

The Bryan City Council held a regular meeting on Tuesday, February 23, 2016, 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 was present but left the meeting at 3:33 p.m. during executive session. Mayor Pro Tem Greg Owens and Councilmembers Al Saenz, Rafael Peña, Mike Southerland, Ben Hardeman and Buppy Simank were present. Also present were City Manager Kean Register, Deputy City Manager Hugh Walker, City Attorney Janis Hampton and City Secretary Mary Lynne Stratta.

**1. CALL TO ORDER**

Mayor Bienski called the meeting to order at 3:11 p.m.

**2. EXECUTIVE SESSION**

Mayor Bienski called the meeting into executive session at 3:12 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 issues related to the Brazos Valley Groundwater Conservation District and recent amendments to the district rules, receive legal advice regarding compliance with ethics policy, receive legal advice regarding issues related to compliance with the Brazos Valley Convention and Visitors Bureau funding agreement and possible amendments to the funding agreement, and receive legal advice regarding Traditions Amended and Restated Master Economic Development Agreement and Amended and Restated Limited Partnership 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**

Mayor Pro Tem Owens called the meeting into open session at 5:37 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**

Councilmember Simank gave the invocation. Colonel Vic Reid, U.S. Air Force Retired, led the pledges.

**5. PROCLAMATION AND PRESENTATIONS**

Dr. Tommy Wallis, Bryan Independent School District, was recognized for being named the Texas Computer Education Agency Superintendent of the Year.

## 6. HEAR CITIZENS

Mrs. Debra Miller, 704 Williamson Drive, reported the City Manager had provided her with information she requested regarding the Traditions project. She suggested a workshop on the topic. The meeting was recessed from 5:50 p.m. until 5:55 p.m., at which time Mr. Marcus Turner, 1102 Clark Street, spoke about flooding issues in the Castle Heights area.

## 7. REZONING REQUEST RZ16-01

### a. Public Hearing – Rezoning Request RZ16-01

Mayor Pro Tem Owens 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 Residential District – 5000 (RD-5) to Office District (C-1) on 0.5015 acres of land located on the west side of the 1400 block of Woodland Drive between South Gordon Street and Bethel Lane being Lot 18-R4 in Block 1 of Cavitt’s Woodland Heights Subdivision – Phase 2 in Bryan, Brazos County, Texas. The public hearing closed at 6:02 p.m. with no comments from the public.

### b. First Reading of an Ordinance – Rezoning Request RZ16-01

Councilmember Peña 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 Residential District – 5000 (RD-5) to Office District (C-1) on 0.5015 acres of land located on the west side of the 1400 block of Woodland Drive between South Gordon Street and Bethel Lane being Lot 18-R4 in Block 1 of Cavitt’s Woodland Heights Subdivision – Phase 2 in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Southerland and carried with all present voting aye.

## 8. 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.

### a. Approval of Minutes – Workshop and Regular Meetings of February 9, 2016

### b. Consideration – Traffic Signal and Radio Switches

Consider authorizing the City Manager to purchase 25 switches and 25 ethernet radios to bring 23 traffic signal controllers on the City’s communication network for the total cost of \$66,325.00. Source of Funds: General Fund.

### c. Consideration – Blanket Purchase Order with Heil of Texas

Consider approving a blanket purchase order for Heil of Texas for service replacement parts for solid waste refuse vehicles in an amount not to exceed \$100,000.00. Source of Funds: Solid Waste Operating Fund.

### d. Consideration – Elevator Modernization for Clara B. Mounce Library

Consider approving the elevator modernization contract at the Clara B. Mounce Library to Otis Elevator in an amount not to exceed \$112,000.00. Source of Funds: General Fund.

**e. Second and Final Reading of an Ordinance – Tax Increment Reinvestment Zone (TIRZ) 21 Second Amendment**

Second and final reading of Ordinance No. 2140 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.

**f. Second and Final Reading of an Ordinance – Rezoning Request RZ15-26**

Second and final reading of Ordinance No. 2141 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.

**g. Second and Final Reading of an Ordinance – Rezoning Request RZ15-27**

Second and final reading of Ordinance No. 2142 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.

**9. STATUTORY (AUTOMATIC APPROVAL) AGENDA**

It was announced agenda item 9 b would be removed from the statutory agenda for separate consideration. The remainder of the statutory agenda was approved upon a motion by Councilmember Simank and a second by Councilmember Peña, carrying with all present voting aye.

**a. Consideration – Interlocal Agreement with First Choice Cooperative**

Consider approving an interlocal agreement between the City of Bryan and First Choice Cooperative for the purchase of miscellaneous materials and supplies.

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

Adoption of Resolution No. 3648 of the City Council of the City of Bryan, Texas, approving a template for lease agreement for the lease of Coulter Airfield for grazing purposes and authorizing the City Manager to negotiate and lease land adjacent to Coulter Airfield for grazing purposes.

**d. First Reading of an Ordinance – Police and Fire Staffing and Updated Certification Pay Structure for Fiscal Year 2016**

First reading of an ordinance of the City of Bryan, Texas, repealing Ordinance No. 2072 adopted by the City Council pertaining to classifications and number of positions in the fire and police departments pursuant to Chapter 143 of the Texas Local Government Code; adding six firefighter positions in the Bryan Fire Department as approved in the fiscal year 2016 budget; adding three police officer positions in the Bryan Police Department as approved in the fiscal year 2016 budget and authorizing the updated certification pay structure for the Bryan Fire Department. Source of Funds: General Fund.

**e. First Reading of an Ordinance – Fiscal Year 2016 Budget Amendment No.1**

First reading of an ordinance of the City of Bryan, Texas, amending Ordinance No. 2117; increasing expenditure appropriations for fiscal year 2016 from \$390,537,933 to \$405,127,031.

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

**b. Consideration – Renewal of Texas Commercial Waste Permit**

Councilmember Hardeman made a motion to approve the renewal of a contract to permit Texas Commercial Waste to conduct commercial roll-off and compactor services along with the option to collect non-organic recyclables from commercial and residential customers within the City of Bryan. The motion was seconded by Councilmember Simank. Environmental Services Manager Eric Zaragoza answered questions regarding this item. After discussion, the motion carried with all present voting aye.

**10. REGULAR AGENDA - Consideration – Exchange Zones**

Councilmember Peña moved to direct staff to establish exchange zones patterned after the recently established exchange zones in College Station. The motion was seconded by Councilmember Southerland. Deputy City Manager Hugh Walker informed the Council the Police Department had been working on the establishment of exchange zones for some time. He said there were still a few logistical details to be worked out, but that exchange zones would be implemented as planned. Councilmember Peña indicated he would withdraw his motion since it was evident the Police Department had been working on establishing the exchange zones; however, Councilmember Saenz objected to the withdrawal of the motion. Councilmember Southerland moved to postpone consideration until no later than the March 22, 2016, Council meeting. The motion was seconded by Councilmember Peña and carried with all present voting aye.

**11. CITY MANAGER REPORT**

Deputy City Manager Hugh Walker provided updates on various capital improvement projects.

**12. ITEMS OF COMMUNITY INTEREST**

Councilmembers listed the following items of community interest: Project Unity parenting classes, Catholic Charities of Central Texas programs, town hall meetings, Brazos Valley Groundwater Conservation District's need for conservation programs, Red Cross activities relative to smoke detectors, Lunch and Learn series, etc. Chief Buske and the Police Department were congratulated on an excellent annual racial profiling report. Sadness was expressed at the passing of former Bryan Mayor and Councilmember J.D. Conlee. The entire City staff was thanked for their hard work.

**13. ADJOURN**

Without objection, the meeting adjourned at 6:26 p.m.

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City Secretary Mary Lynne Stratta

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Mayor Jason P. Bienski