

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

The Bryan City Council held a regular meeting on Tuesday, April 12, 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 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 3:45 p.m.

2. EXECUTIVE SESSION

The meeting was called into executive session at 3:46 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 compliance with ethics policy, receive legal advice regarding Woodbolt tax abatement agreement, receive legal advice regarding Texas Municipal Power Agency alternate governance ordinance, receive legal advice regarding potential issues arising out of the acquisition or lease of the former Texas Department of Transportation headquarters on Texas Avenue, receive legal advice regarding *Alice M. Martinez vs. City of Bryan, Cause No. 16-000748-CV-361* in the 361st District Court of Brazos County, Texas, and receive legal advice regarding historic preservation overlay district designation procedures; 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 Council self-evaluation and discussion regarding appointment of an individual to the Commissioners of Housing Authority; 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 5:47 p.m. Councilmember Owens made a motion to appoint Shelly Cain to a vacancy on the Commissioners of Housing Authority. The motion was seconded by Councilmember Southerland and passed with six yeses and one absent (Councilmember Saenz was not at the dais during this vote).

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

Pastor Ray Spradling, Calvary Baptist Church, gave the invocation and Boy Scout Troop 743 led the pledges.

5. PROCLAMATIONS AND PRESENTATIONS

The Castle Heights Neighborhood Association was recognized as a new member of the City's Neighborhood Association Partnership Program.

6. HEAR CITIZENS

Ms. Dimple Suseberry, 1404 Conroy Street; Mr. Wilborn Wilson, Jr., 4604 Castle Avenue; Mr. Larry Gilbert, 2902 Highway 21 West; Mr. John Miller, 714 Williamson; Mr. George Lewis, 1201 Clark Street; Ms. Kimberly Mooring, 4008 High Street; Mr. Jerry Guyton, 1102 Clark Street; Mr. Elmer Burns, 1302 Clark Street; Ms. Debra Miller, 714 Williamson; and Mr. John McBride, 1143 Stanley Trail, spoke about flooding in the Castle Heights neighborhood. Mr. Dominick Elias, 2612 Melba Circle, stated his home floods during heavy rain events. Mr. James Ross, 4703 Tiffany Park Circle, invited everyone to an upcoming event at the Earl Graham Post 159 American Legion hall. Mr. Raul Santana, 104 South Sterling, said he was against the creation of a west side historical district.

7. CONSENT (AUTOMATIC APPROVAL) AGENDA

Agenda item 7 c was removed from the consent agenda for separate consideration. The remainder of the consent agenda was approved upon a motion by Councilmember Peña with a second by Councilmember Owens, carrying unanimously.

a. Approval of Minutes –Workshop, First Regular and Second Regular Meetings of March 22, 2016

b. Consideration – Purchase of Polymer for Wastewater Treatment Plants

Consider approving the second extension of an annual price agreement for the purchase of polymer from Fort Bend Services of Stafford, Texas, in an amount not to exceed \$68,574. Source of Funds: Wastewater Fund.

d. Second and Final Reading of an Ordinance- Amending Chapter 126 “Vehicles for Hire”

Second and final reading of Ordinance No. 2145 of the City of Bryan, Texas, amending Chapter 126 “Vehicles for Hire” of the City of Bryan Code of Ordinances, by revising Article I, “In General”, revising Article II “Horse-Drawn Carriages”, revising Article III “Taxicabs”, revising Article V, “Pedicabs” and adding Article VI, “Transportation Network Companies”; providing for penalty, providing for publication, and providing an effective date.

e. Second and Final Reading of an Ordinance – Fiscal Year 2016 Budget Amendment 1

Second and final reading of Ordinance No. 2146 of the City of Bryan, Texas, amending Ordinance No. 2117 increasing the expenditure budget appropriations for fiscal year 2016 from \$390,537,933 to \$404,717,209.

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

c. Resolution – City of Bryan Financial Management Policy Statements

Councilmember Pena moved to adopt Resolution No. 3651 of the City Council of the City of Bryan, Texas, establishing the City of Bryan Financial Management Policy Statements. The motion was seconded by Councilmember Hardeman. Councilmember Southerland moved to postpone consideration of this item until after a workshop on the topic was held. The motion was seconded by Councilmember Saenz. The City Manager and staff offered to answer any questions Council may have about the item. Some concerns about the policy statements were expressed. Chief Finance Officer Joe Hegwood advised the Council that the City had not had written financial

management policy statements in the past. Mr. Register advised that placing these policy statements into writing was a step towards greater transparency. It was reported several cities' policies were examined and that the policies would need to be updated biannually. Mr. Hegwood proceeded to answer several questions about the policy statements and reported the statements complied with the City Charter. As to past tax increment reinvestment zone funding, Mr. Hegwood pointed out the City should not issue debt for development; he advised that should be the developer's responsibility. It was pointed out these statements were policies that would allow the staff to implement more controls. Council was advised the Audit Committee reviewed the policy statements and voiced unanimous consent to present the policy statements to the Council. The motion to postpone failed to carry by a vote of three yeases (Councilmembers Saenz, Peña and Southerland) and four noes (Mayor Bienski and Councilmembers Owens, Hardeman and Simank). The main motion carried with five yeases and two noes (Councilmembers Saenz and Southerland).

8. STATUTORY (AUTOMATIC APPROVAL) AGENDA

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

a. Consideration – Contract for Broadmoor Drive and Nash Street Roundabout Project

Consider awarding a construction contract for the Broadmoor Drive and Nash Street Roundabout Project to Larry Young Paving in an amount not to exceed \$362,836.25. Source of Funds: Transportation Fee.

b. Consideration – Advanced Funding Agreement for Transportation Alternatives Program F.M. 158 Lighting Project

Consider authorizing the Mayor to execute an Advanced Funding Agreement with the Texas Department of Transportation for lighting improvements on F.M. 158 associated with the Transportation Alternatives Program for the design and a 30% local match of the construction costs in the amount of \$681,592.50. Source of Funds: Bryan Texas Utilities.

c. Consideration – Advanced Funding Agreement Transportation Alternatives Program South College Avenue Project

Consider authorizing the Mayor to execute an Advanced Funding Agreement with the Texas Department of Transportation for improvements on South College Avenue associated with the Transportation Alternatives Program for the design and a 30% local match of the construction costs in the amount of \$922,680. Source of Funds: General Fund with reimbursement from future bond funds.

d. Resolution – Reimbursement for Transportation Alternatives Program South College Avenue Project

Adoption of Resolution No. 3652 of the City Council of the City of Bryan, Texas, expressing official intent of the City of Bryan to reimburse \$922,680 of City of Bryan, Texas, capital expenditure, relative to the South College Avenue Project.

e. First Reading of an Ordinance – Texas Municipal Power Agency Alternate Governance

First reading of an ordinance adopted concurrently with the Cities of Denton, Greenville and Garland electing the provisions of Subchapter C-1 of Chapter 163, Texas Utilities Code, providing for alternate governance of the Texas Municipal Power Agency.

9. REGULAR AGENDA

Consideration – Flooding in Castle Heights and Willow Bend

Councilmember Peña moved to direct the City Manager to review the Castle Heights and Willow Bend areas to identify the cause of flooding in the areas and to develop a plan to stop the flooding and to return an estimate of the cost of the repairs/construction by the last City Council meeting in May 2016; if flooding cannot be controlled, then present a plan at the last meeting in May to buy out the residents affected in a fair and equitable manner. The motion was seconded by Councilmember Southerland. Mr. Register reminded Councilmembers they had already taken action in December to apply for a Federal Emergency Management Agency (FEMA) grant to assist with the buyout of approximately five homes with repeated flood insurance claims that would qualify for FEMA assistance. It was also pointed out that approximately 1,000 homes in Bryan were built in the floodplain or floodway. Mr. Register questioned if the intent of the agenda item was for the City to buy out all of those homes. He was advised the agenda item was proposing to only buy the homes in Castle Heights and Willow Bend that had flooded in the past. It was pointed out that when the City did not own property that would allow access to creeks and drainage areas, the City could not enter that property without permission of the property owner. Dr. Jayson Barfknecht, Public Works Director, provided more information about the FEMA grants for repetitive insurance claim losses. He showed a map that indicated 45 homes in the Castle Heights area were in the floodplain and 19 were in the floodplain in the Willow Bend area. He advised 1,182 homes were in the floodplain or floodway city wide and that 970 of those were in the floodplain only. He advised that the Castle Heights neighborhood was platted and developed in 1948 but not annexed until 1955. The roads and drainage put in the neighborhood at the time of development would not meet modern city standards. Dr. Barfknecht showed aerials of drainage changes over time in the Castle Heights area. Dr. Barfknecht provided more detail about the FEMA grant program, how floodplain and floodways were established, and how homes qualify for the assistance. He advised the City could try options to help address the drainage issues in the Castle Heights area. He also said he had received permission from a property owner downstream of Castle Heights for the City to remove four large culverts that were partially blocking drainage from the area.

Councilmember Peña moved to amend the motion to substitute the first meeting in June for the second meeting in May as the date for the report back to Council. The motion was seconded by Councilmember Southerland. It was pointed out information was readily available to homeowners about flood insurance. It was also mentioned that development in other parts of town could have led to some flooding issues downstream. A warning was voiced that the City not take actions in some areas that would later impact other areas of the city. It was opined those issues would need to be addressed before any long range plan would be effective. It was also pointed out that when people buy homes in the floodplain, they should expect to have flooding problems. It was questioned if Councilmembers would support a tax increase in order to buy out approximately 1,000 homes. Opposition to buying out these homes was voiced. The motion to postpone the report from staff to the first meeting in June carried unanimously. Based upon the staff report, Councilmember Peña then agreed to amend the main motion by removing the second sentence and adding that at the first meeting in June, the staff was to bring forward options for the Council to examine regarding those homes with repetitive losses that would currently qualify for FEMA assistance. There was no objection and Mayor Bienski seconded the motion. The motion carried with six yeases and one no (Councilmember Simank).

10. CITY MANAGER REPORT

Mr. Register provided an update on several capital improvement projects.

11. ITEMS OF COMMUNITY INTEREST

Councilmembers listed the following items of community interest: Habitat for Humanity home dedication, downtown street art fair, Boys and Girls Club fundraiser, Scott's House fundraiser, Lunch and Learn series, town hall meetings, the Texas Municipal League Region X meeting, etc. Sorrow was expressed at the passing of longtime restaurateur and community advocate Jose Montemayor. Neighborhood and Youth Outreach Coordinator Bubba Bean was thanked for his efforts to address neighborhood issues of importance to Bryan residents.

12. ADJOURN

Without objection, the meeting was adjourned at 8:01 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski