

**BRYAN CITY COUNCIL
MINUTES OF SECOND REGULAR MEETING
JULY 12, 2016**

The Bryan City Council held a regular meeting on Tuesday, July 12, 2016, in 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, Greg Owens, Ben Hardeman, Mike Southerland and Buppy Simank were present. Councilmember Rafael Peña was absent. In attendance 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 5:49 p.m. Mayor Bienski announced that agenda items 7 i, 7 j, 7 k, 7 l, and 7 m would not be considered. It was also announced the Council would hold a public meeting at a later date regarding flooding issues and to hear a presentation from F.E.M.A.

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

Mayor Bienski gave the invocation and Mrs. Doris Emshoff, William Scott Chapter, Daughters of the American Revolution, led the pledges.

3. PROCLAMATION AND PRESENTATIONS

Mr. Matthew Winn was presented with a Civilian Service Citation award for providing life-saving assistance to his neighbor. The 2016 Bryan Rotary Business 10 Performance Award Winners were recognized. A proclamation was presented to the Bryan Barracuda Swim Team for their 2016 undefeated season.

At this time, Mayor Bienski repeated his announcement regarding the agenda items that were not to be considered and Council's intention to hold a public meeting regarding flooding at a later date.

4. HEAR CITIZENS

Mr. Daniel Buford, President of the Bryan Firefighters Association, spoke in opposition to agenda item 7 m, expressing concern that re-allocating funds from already budgeted items could possibly impact the community's public safety and the safety of first responders. Mr. Henry Mayo, Chairman of the Brazos County Historical Commission, and Ms. Colleen Batchelor, member of the Brazos County Historical Commission, spoke in support of agenda item 7 h. Ms. Lynn Clary Yeager, Executive Director of the Prenatal Clinic, and Ms. Jeannie McGuire, President of Project Unity, spoke in support of agenda item 7 d and complimented the Community Development staff. Mr. John Epstein, 11239 Oak Lake Road, expressed concerns about the maintenance of the Travis B. Bryan Municipal golf course. Mr. Michael Schaefer, President of The Edge of Downtown, L.L.C., spoke in support of agenda item 6 d. The following citizens spoke in opposition to Saint Gobain's air quality permit: Mr. Richard Woodward, 1001 Pershing Drive; Mr. Tim Touchstone, 4008 Culpepper Drive; Mr. Robert Rose, 3201 Walnut Creek Court; and Ms. Frances DeGelia, 1510 East 28th Street. Mr. Concepcion Gonzalez, 1896 Patton, asked that natural gas be made available on his street. The following citizens shared stories of hardship after the severe weather event of May 26, 2016, and

expressed concerns about City-wide flooding: Mr. George Lewis, 1202 Clark Street; Mr. and Mrs. Ronald Fernandez, 4108 Wimbledon Circle, College Station; Ms. Jean Morrison, 4708 Williamsburg Drive; Mrs. Mary Joyce, 3924 Park Meadow; Dr. Thaddeus Romansky, 2801 Cherry Creek Circle; Mrs. Robyn Romansky, 2801 Cherry Creek Circle; Mr. William J. Kahla, 2206 Sharon Drive; Ms. Natalie Patterson, 3601 Old Oaks; Mr. Roger E. Smith, 2405 Kent Street; Ms. Hannah Dodge, 2508 Willow Bend Drive; Ms. Dimple Wilson Suseberry, 1404 Conroy Street; Mrs. Nora Rabe, 2703 Leonard Road; Ms. Sherri Echols, 2812 Pierre, College Station; Ms. Emily Mason, 2510 Willow Bend Drive; Mr. Andrew Jensen, 2510 Willow Bend Drive; Ms. Mary DeLaCruz, 2517 Willow Bend Drive; Ms. Emma Woodard, 2803 Cherry Creek Circle; Mr. Andrew Daugherty, 2813 Hillside Drive; Ms. Nika Hancock, 2800 Cherry Creek Circle; Mrs. Debra Miller, 714 Williamson Drive; Ms. Gabriela Aguilar, 2511 Willow Bend Drive; Mr. John Miller, 714 Williamson Drive; Mr. Manuel Moncivais, 2405 Leonard Pass, Leander, Texas; Mrs. Dora Garcia, 1101 Belvedere Drive, Allen, Texas; Mr. Harvey McFalls, 1925 Wayside Drive; and Mr. Dwight Rabe, 2703 Leonard Road. The meeting was recessed at 7:55 p.m. and reconvened at 8:12 p.m. in the same location.

Mayor Bienski announced the Council would take the agenda out of order without objection. Council then considered regular agenda item 7 n.

n. Resolution – Authorizing Publication of Notice of Intention to Issue Certificates of Obligation

Mr. Steven Adams, Specialized Public Finance, gave a brief presentation about the process of issuing certificates of obligation. Councilmember Hardeman moved to adopt Resolution No. 3663 of the City Council of the City of Bryan, Texas, approving and authorizing publication of notice of intention to issue certificates of obligation. Councilmember Southerland seconded the motion. The motion carried with all present voting aye.

5. CONSENT (AUTOMATIC APPROVAL) AGENDA

Councilmember Hardeman 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 Meeting of June 4, 2016, Workshop, First Regular and Second Regular Meetings of June 7, 2016.

b. Consideration – Rejection of Sole Bid for Bryan Aquatic Center Renovations

Consider rejecting the sole bid received for renovations to the Bryan Aquatic Center (Request for Bids #16-040) from Progressive Commercial Aquatics, Inc., in the amount of \$1,227,687. Source of Funds: General Fund.

c. Consideration – Design Contract with Schultz Engineering, L.L.C., for Linda Lane Waterline Improvements

Consider approving a design contract with Schultz Engineering, L.L.C., for the design of the Linda Lane waterline improvements in an amount not to exceed \$69,300. Source of Funds: Water Fund.

d. Consideration - Professional Services Contract with Dunham Engineering, Inc., for Luza Street Water Storage Tank Rehabilitation

Consider approving a professional services contract with Dunham Engineering, Inc., for the rehabilitation of an existing 2,000,000 gallon elevated storage tank at Luza Street in an amount not to exceed \$80,000. Source of Funds: Water Service Operating Budget.

e. Consideration – Contract Extension for Terracon Consultants, Inc.

Consider an extension of a professional services contract with Terracon Consultants, Inc., for geotechnical engineering, materials testing, and construction inspection services in an amount not to exceed \$100,000. Source of Funds: Various Funds.

f. Resolution – Brazos Valley Solid Waste Management Agency (BVSWMA) Budget for Fiscal Year 2017

Adoption of Resolution No. 3664 of the City Council of the City of Bryan, Texas, approving a budget for the fiscal year beginning October 1, 2016, and ending September 30, 2017, inclusive, for the Brazos Valley Solid Waste Management Agency, Inc., with total expenditures of \$8,257,285 and revenues in the combined total amount of \$7,552,080.

g. Resolution – Ordering General Municipal Election (*Resolución – Ordenando Elección General*)

Adoption of Resolution No. 3665 authorizing a general municipal election to be held on November 8, 2016, for the purpose of electing a Mayor, one City Councilmember from Single Member District Number One and one City Councilmember from Single Member District Number Two; authorizing a joint election with Brazos County. (*La adopción de resolución numero 3665 autorizando la elección general municipal que se llavara a cabo el 8 de noviembre del 2016, para el propósito de elegir un alcalde, un miembro del concejo de la ciudad del distrito unimiembro numero uno y un miembro del concejo de la ciudad del distrito unimiembro numero dos; proporcionando una elección en conjunto con el condado de Brazos.*)

h. Second and Final Reading of an Ordinance – Amendments to Chapters 62 and 110, Bryan Code of Ordinances

Second and final reading of Ordinance No. 2152 of the City of Bryan, Texas, amending Bryan Code of Ordinances Chapter 62, Land and Site Development, Sections 62-1 and 62-167, as well as Chapter 110, Subdivisions, Sections 110-4, 110-30, 110-31, and 110-59, specifically by adding a definition for “maintenance easement” and requiring dedication of such easements on subdivision plats on lots intended for patio/zero lot line home developments.

i. Second and Final Reading of an Ordinance – Rezoning Request RZ15-28

Second and final reading of Ordinance No. 2153 of the City Council of the City of Bryan, Texas, amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by amending the development plan of a Planned Development – Housing District (PD-H) on 186.6 acres of land located at the southeast intersection of Bullinger Creek Drive and Thornberry Drive, being Phases 1, 5, 6A, 8, 9, 10, 12, and 15 of the Greenbrier Subdivision and also 117.5 acres of vacant land in the John Austin League, Abstract 1, in Bryan, Brazos County, Texas.

j. Second and Final Reading of an Ordinance – Rezoning Request RZ16-05

Second and final reading of Ordinance No. 2154 of the City of Bryan, Texas, amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from a combination of Residential District – 5000 (RD-5) and Planned Development – Housing District (PD-H) to Planned Development – Housing District (PD-H), on 0.46 acre of land adjoining the south side of Clay Street between College Main and Aspen Streets, being Lot 5 and 30 feet of Lot 4 as well as Lot 10 and 30 feet of Lot 9 in Block 4 of Highland Park Subdivision – Phase 1 in Bryan, Brazos County, Texas.

k. Second and Final Reading of an Ordinance – Rezoning Request RZ16-08

Second and final reading of Ordinance No. 2155 of the City of Bryan, Texas, amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from Zoning Commercial District (C-3) to Multiple Family District (MF) on 15.575 acres of land out of the Zeno Phillips League wrapping around the east corner of Leonard Road and North Harvey Mitchell Parkway (F.M. 2818) in Bryan, Brazos County, Texas.

l. Second and Final Reading of an Ordinance – Right-of-Way Abandonment (RA16-03)

Second and final reading of Ordinance No. 2156 of the City of Bryan, Texas, providing for the abandonment of the following public right-of-way, to wit: 0.1148 acre section of public alley right-of-way extending east-to-west between Turkey Street and Tidwell Avenue in Block 43 of the Oak Grove Park Subdivision in Bryan, Brazos County, Texas; authorizing the conveyance thereof to the abutting property owners and providing for the terms and conditions of abandonment and conveyance.

m. Second and Final Reading of an Ordinance – Right-of-Way Abandonment (RA16-04)

Second and final reading of Ordinance No. 2157 of the City of Bryan, Texas, providing for the abandonment of the following public right-of-way, to wit: 100-foot long and 15-foot wide portion of public street right-of-way for East Pruitt Street as well as a 66-foot long and 25-foot wide segment of public street right-of-way for North Washington Avenue, being approximately 0.064 acre of land adjoining the south and west sides of parts of Lot 1 and Lot 2 in Block 32 of the Bryan Original Townsite in Bryan, Brazos County, Texas; authorizing the conveyance thereof to the abutting property owners and providing for the terms and conditions of abandonment and conveyance.

6. STATUTORY (AUTOMATIC APPROVAL) AGENDA

Item 6 b was removed for separate consideration at the request of two Councilmembers. Councilmember Hardeman made a motion to approve the remainder of the statutory agenda. The motion was seconded by Councilmember Owens and carried with all present voting aye.

a. Consideration – Interlocal Agreement with Brazos County for 2016 Joint Elections

Consider approving an interlocal agreement with Brazos County for the conduct of joint elections to be held on November 8, 2016, which is the general election date set by law. Source of Funds: City Secretary’s Election Budget.

c. Consideration – Texas Municipal Power Agency (TMPA) Debt Prepayment Agreement

Consider approving an agreement between Texas Municipal Power Agency (TMPA) Member Cities (Cities of Bryan, Denton, Garland, and Greenville, Texas) regarding prepayment of fixed cost power purchase payments to be paid to TMPA, extending a plan to allow Member Cities to use escrow accounts to prepay their portion of TMPA debt individually.

d. Consideration – Life Safety Grant Program Chapter 380 Agreement for 121 North Main Street

Consider authorizing the City Manager to enter into a Chapter 380 Economic Development Agreement for life safety improvements at The Edge Building, located at 121 North Main Street, totaling \$48,830. Source of Funds: General Fund.

e. Consideration – Life Safety Grant Program Chapter 380 Agreement for 212 North Bryan Avenue

Consider authorizing the City Manager to enter into a Chapter 380 Economic Development Agreement for life safety improvements at 212 North Bryan Avenue totaling \$50,000. Source of Funds: General Fund.

f. Consideration – First Amendment to Chapter 380 Economic Development Agreement with CALJO, Inc.

Consider an amendment to the Chapter 380 Economic Development Agreement with CALJO, Inc., doing business as Calloway-Jones Funeral Home and Crematory, for the redevelopment of the existing funeral home facility located at 3001 South College Avenue, extending the construction deadline to December 31, 2016, and standardizing the terminology of the agreement. Source of Funds: Future ad-valorem property tax revenue generated by the property itself.

g. Consideration – First Amendment to Nutrabolt Tax Abatement Agreement

Consider an amendment to the Tax Abatement Agreement with DCMP Real Estate, L.L.C., Woodbolt Distribution L.L.C., doing business as Nutrabolt International for the partial exemption from ad valorem tax in Reinvestment Zone Number 31 designated for a tract of land that is 8.0 acres located on a portion of the J.H. Jones Survey, A-26, acknowledging the company's name change and amending the schedule of tax abatements.

h. Resolution – Twin Oaks Law Enforcement Training Facility Lease

Adoption of Resolution No. 3666 of the City Council of the City of Bryan, Texas, approving the Twin Oaks Law Enforcement Training Facility lease by and between the City of Bryan, the City of College Station and Brazos Valley Solid Waste Management Agency, Inc.

Item 6 b was then considered.

b. Consideration – Waste Haulers Agreement with Pronto Services

Councilmember Hardeman moved to approve a contract to permit Pronto Services to conduct a commercial roll-off container operation collecting non-residential properties, construction, demolition, and special cleanup sites within the city of Bryan. Councilmember Southerland seconded the motion. The Council asked for additional information about this agreement. Mayor Bienski moved to postpone consideration of this item until the next Council meeting so the

Council could receive legal advice. The motion to postpone was seconded by Councilmember Southerland and carried with all present voting aye.

7. REGULAR AGENDA

Agenda items 7 i, 7 j, 7 k, 7 l, and 7 m were not considered or discussed by Council.

a. **First and Only Reading of an Ordinance – City of Bryan City Electric System Revenue Refunding and Improvement Bonds**

Councilmember Simank moved to approve the first and only reading of Ordinance No. 2158 of the City of Bryan, Texas, authorizing and ordering the issuance of “City of Bryan, Texas, Electric System Revenue Refunding and Improvement Bonds, New Series 2016”; establishing parameters with respect to the sale of the bonds; and enacting other provisions incident and related thereto. The motion was seconded by Councilmember Owens and carried with all present voting aye.

b. **First and Only Reading of an Ordinance – City of Bryan Rural Electric System Revenue Refunding and Improvement Bonds**

Councilmember Owens moved to approve the first and only reading of Ordinance No. 2159 of the City of Bryan, Texas, authorizing and ordering the issuance of “City of Bryan, Texas, Rural Electric System Revenue Refunding and Improvement Bonds, Series 2016”; establishing parameters with respect to the sale of the bonds; and enacting other provisions incident and related thereto. The motion was seconded by Councilmember Southerland and carried with all present voting aye.

c. **Consideration – Memorandum of Understanding for the Extension of University Drive**

Councilmember Owens moved to authorize the Mayor to execute a Memorandum of Understanding (MOU) between the City of Bryan, Adam Development Properties, L.P., TISA Properties, L.L.C., and Diamond P. Holdings, L.P., regarding the extension of University Drive from its current terminus at F.M. 158 and other obligations related to the development of the properties on both sides of the extension of University Drive. The motion was seconded by Councilmember Southerland and carried with all present voting aye.

d. **Resolution – Community Development 2016 Annual Action Plan**

Councilmember Owens moved to adopt Resolution No. 3667 of the City Council of the City of Bryan, Texas, that designates the City Manager or his designee to act as the City official to execute the City of Bryan’s Community Development Block Grant (CDBG) and Home Investment Partnerships Program (HOME) funds 2016 Annual Action Plan, and all other documents and to perform other duties as required by the United States Housing and Urban Development Department (HUD) in order to implement the projects identified in the 2015-2019 5-year Consolidated Plan and the 2015-2019 Annual Action Plans; authorizing the City Manager or his designee to submit the City’s 2016 Annual Action Plan for \$855,207 in Community Development Block Grant (CDBG) funds and \$272,717 in Home Investment Partnership (HOME) funds to the U.S. Department of Housing and Urban Development (HUD), approving the proposed use of these funds; authorizing HUD representatives and the Federal Comptroller General to examine records relative to the programs; appointing the City Manager or his designee as the responsible local official and accepting the jurisdiction of the Federal courts (Source of Funds: CDBG and HOME Funds). The motion was seconded by Councilmember Simank. The Community Development staff was thanked for their work to improve the community. The motion passed with all present voting aye.

e. Consideration – Joint Operating Agreement between the Texas Municipal Power Agency (TMPA) and TMPA Member Cities

Councilmember Hardeman moved to approve a joint operating agreement between the Texas Municipal Power Agency (TMPA) and the Member Cities of Bryan, Denton, Garland and Greenville. The motion was seconded by Councilmember Simank and carried with all present voting aye.

f. Consideration - Appeal of Bryan Planning and Zoning Commission's Denial of a Conditional Use Permit (CU 16-01)

The Mayor moved to uphold the Bryan Planning and Zoning Commission's denial of a Conditional Use Permit request (CU16-01) to allow a 16-unit multi-family development on property in a South College – Business (SCB) zoning district, specifically on property at 3411 South College Avenue, 1.078 acres of vacant land adjoining the east side of South College Avenue approximately 215 feet to 350 feet south of its intersection with Sulphur Springs Road, being Lots 5 through 10 in Block 7 of Martin's Addition in Bryan, Brazos, County Texas. The motion was seconded by Councilmember Simank. Mr. Martin Zimmermann, Planning Manager, presented the Planning and Zoning Commission's recommendation regarding the request. The appellate, Mr. J.C. Wall, spoke to Council regarding the merits of his request and answered Council's questions regarding the development. Councilmember Owens moved to suspend the rules to allow residents to speak on this item. The motion carried with a second from Councilmember Saenz and all present voting aye. Mrs. Francis Kocman, 107 Sulphur Springs, an adjoining property owner, expressed her concerns regarding security, privacy and noise. She requested that a 12-foot fence be built on the adjoining property line to mitigate these issues. Council discussion followed regarding Mrs. Kocman's request. No one else came forward to speak. City Attorney Hampton clarified that by City ordinance a fence could not exceed 8 feet and that Council could not approve a condition that conflicts with an ordinance without revising that ordinance. Mr. Zimmermann recommended that if Council was inclined to reverse the Planning and Zoning Commission's decision the City staff would recommend approval of the conditional use permit subject to 11 conditions. Council discussion followed regarding the 11 conditions. Mr. Wall offered to build a double fence against the property line shared with abutting residences. Mayor Bienski withdrew his motion to uphold the Planning and Zoning Commission's decision. Mayor Bienski moved to grant the appeal and overturn the decision of the Planning and Zoning Commission with the 11 conditions recommended by City staff, a double fence between the apartment complex and abutting residences, and appropriate trees for buffer and site improvement/privacy purposes. The motion was seconded by Councilmember Owens and passed with all present voting aye.

g. Consideration – Council Retreat

Councilmember Southerland moved to direct the City staff to conduct a City Council retreat within the next three months. The motion was seconded by Councilmember Saenz. This agenda item was submitted by two Councilmembers. The suggestion was made that a retreat be scheduled after the November 2016 election to include the new Mayor and any new Councilmembers. Councilmember Southerland moved to amend the main motion to schedule a retreat within the next four months. Councilmember Saenz seconded the motion. The motion to amend carried with all present voting aye. The main motion as amended carried with all present voting aye.

h. Consideration - Naming of Highway 47 to Riverside Parkway

Councilmember Owens moved to name Highway 47 as Riverside Parkway in honor of the Brazos County community of Riverside, which was permanently eliminated during World War II when the federal government needed the property now known as the Riverside Campus in order to build the Bryan Army Air Field. The motion was seconded by Councilmember Hardeman. It was explained that even though the vast majority of Highway 47 is within the Bryan city limits, the staff should coordinate this effort with both Brazos County and the City of College Station for those portions of the highway located outside the City of Bryan in order for the highway to bear the same name throughout its length. It was added this naming of Riverside Parkway has been proposed and is supported by the Brazos County Historical Commission. The motion carried with all present voting aye.

i. Consideration – New Five-Year Capital Improvement Plan (CIP)

This item was not discussed or considered.

j. Consideration - Disaster Relief Fund

This item was not discussed or considered.

k. Consideration - Disaster Relief Home Buyout

This item was not discussed or considered.

l. Consideration – Flood Mitigation Plan 2017

This item was not discussed or considered.

m. Consideration – Flood Mitigation Long Term

This item was not discussed or considered.

8. CITY MANAGER REPORT

Mr. Register did not provide a report.

9. ITEMS OF COMMUNITY INTEREST

Councilmembers mentioned the following items of community interest: the U.S.A. Diving Zone B Championship hosted by Texas A&M, Read by Third Program, Habitat for Humanity home dedication, and the City of Bryan's upcoming Lunch and Learn Picnic and Parks. Mr. Matthew Winn and Dr. Lauren Steffen were thanked for their heroic acts. Bryan Rotary 10 Business Performance Award winners and the undefeated Bryan Barracudas were congratulated. City Attorney Janis Hampton was congratulated on the birth of her new grandchild. Thanks were given to all the citizens who attended the meeting. Condolences were expressed to the City of Dallas and the Dallas Police Department and their families.

10. ADJOURN

Without objection, the meeting was adjourned at 9:31 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski