

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

The Bryan City Council held a regular meeting on Tuesday, August 23, 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. 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 4:37 p.m.

**2. EXECUTIVE SESSION**

The meeting was called into executive session at 4:38 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 EEOC matters, receive legal advice regarding Council ethics policy and complaint procedure, receive legal advice regarding sufficiency of complaint received under Resolution No. 3478, Ethics and Conduct of Elected and Appointed Officials, receive legal advice regarding groundwater issues, receive legal advice pertaining to the negotiation and legal consequences of meet and confer agreements, receive legal advice regarding the regulation of subdivisions in the extra-territorial jurisdiction; under the authority of Section 551.072, real estate – discussion regarding possible sale, lease, conveyance, and/or purchase of property in west Bryan; under the authority of Section 551.074, personnel matters – discussion of duties and responsibilities of City Internal Auditor, discussion of duties and responsibilities of City Manager regarding meet and confer negotiation; and under the authority of Section 551.087, economic development – discussion regarding economic development prospects in north, east and west Bryan.

**3. OPEN SESSION FOR ACTION FOLLOWING EXECUTIVE SESSION**

The meeting was called into open session at 6:10 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**

J. J. Ramirez, Save Our Streets Ministries, gave the invocation and Commander Steve Kim, American Legion Post 159, led the pledges.

**5. HEAR CITIZENS**

Mr. John McBride, 1143 Stanley Trail; Mr. Elmer Burns, 1302 Clark Street; Mr. Larry Gilbert, 2902 State Highway 21 West; and Mr. George Lewis, 1201 Clark Street, spoke about the need for drainage improvements in the Castle Heights subdivision. Mr. Al Leonard, 10404 Grassburr Road; Mr. Alan Day, Brazos Valley Groundwater Conservation District General Manager; Mr. Steve Opersteny, 7744 Jones Road; Mr. John Melvin, Executive Director of the Brazos Valley Groundwater Rights Association; Ms. Barbara Salisbury, 2610 Melba Circle; spoke in opposition to agenda item 9 b. Mrs.

Debra Miller, 714 Williamson Drive, opined the City needed new financial software and spoke about the proposed Fiscal Year 2017 budget.

## **6. FISCAL YEAR 2017 BUDGET**

### **a. Public Hearing – Fiscal Year 2017 Budget**

Mayor Bienski called for public comment regarding the Fiscal Year 2017 budget beginning October 1, 2016 and ending September 30, 2017, inclusive, with expenditures in the combined total amount of \$394,794,815 appropriating funds for the maintenance and operation of the various departments, activities and improvements of the city. No one spoke about the budget at this time and the public hearing closed at 6:44 p.m.

### **b. First Reading of an Ordinance – Fiscal Year 2017 Budget**

Mayor Bienski moved to approve the first reading of an ordinance of the City of Bryan, Texas, approving and adopting a budget for the fiscal year beginning October 1, 2016 and ending September 30, 2017, inclusive, with expenditures in the combined total amount of \$394,794,815 appropriating funds for the maintenance and operation of the various departments, activities and improvements of the city; appropriating funds for the payment of debt obligations in accordance with applicable contracts and laws; providing that expenditures for said fiscal year shall be made in accordance with said budget and authorizing the City Manager to make certain transfers of funds. The motion was seconded by Councilmember Simank. In response to questions, Mr. Register reminded Council the development of the capital improvement plan was a separate process. Dr. Jayson Barfknecht, Director of Public Works, answered questions regarding specific capital improvement projects. It was stressed the Council needed to allocate funds in accordance with the adopted five-year capital improvement plan (CIP). Chief Finance Officer Joe Hegwood answered questions regarding the proposed budget, including questions about debt service, hotel occupancy tax fund and uses, oil and gas fund, etc. Mr. Register reminded Council the proposed budget would begin a spend down of the fund balance over the next few years. It was added more money had been budgeted for parks maintenance and two additional parks employees. After discussion, the motion carried with five yeases, one no (Councilmember Southerland) and one absent (Councilmember Saenz was not in the room at the time of the vote).

## **7. CHAPTER 130, ZONING, TEXT AMENDMENTS**

### **a. Public Hearing – Chapter 130, Zoning, Text Amendments**

Public comments were requested regarding an ordinance amending Chapter 130, “Zoning”, of the City of Bryan, Code of Ordinances, by amending Article 1, “General”, Section 130-3 “Definitions”, removing unnecessary definitions, revising definitions of “home occupation,” “multifamily (residential) development or dwelling,” “occupancy” and “single-family dwelling unit” and to add definitions of “detached dwelling unit with no more than two unrelated persons,” “detached dwelling units with no more than four unrelated persons,” “guest,” “multi-family dwelling unit,” “occupant,” “related persons,” “second family,” “single-family detached dwelling unit,” “single-family attached dwelling unit,” “tenant” and “unrelated persons” and by amending Article 2, “Zoning Districts”, Section 130-31 to make a grammatical correction and to clarify the permitting of a second family on a temporary basis and by amending Article 3 “Other Regulations,” Section 130-34, by adding subsection (p) to establish prima facie proof of occupancy and to amend Chapter 62, “Land and Site Development,” Section 62-1 “General

Definitions” to revise the definition of “multifamily (residential) development or dwelling”; providing for penalty, providing for publication and providing an effective date. The public hearing closed at 7:00 p.m. with no comments.

**b. First Reading of an Ordinance – Chapter 130, Zoning, Text Amendments**

Councilmember Southerland moved to approve the first reading of an ordinance amending Chapter 130, “Zoning”, of the City of Bryan, Code of Ordinances, by amending Article 1, “General”, Section 130-3 “Definitions”, removing unnecessary definitions, revising definitions of “home occupation,” “multifamily (residential) development or dwelling,” “occupancy” and “single-family dwelling unit” and to add definitions of “detached dwelling unit with no more than two unrelated persons,” “detached dwelling units with no more than four unrelated persons,” “guest,” “multi-family dwelling unit,” “occupant,” “related persons,” “second family,” “single-family detached dwelling unit,” “single-family attached dwelling unit,” “tenant” and “unrelated persons” and by amending Article 2, “Zoning Districts”, Section 130-31 to make a grammatical correction and to clarify the permitting of a second family on a temporary basis and by amending Article 3 “Other Regulations,” Section 130-34, by adding subsection (p) to establish prima facie proof of occupancy and to amend Chapter 62, “Land and Site Development,” Section 62-1 “General Definitions” to revise the definition of “multifamily (residential) development or dwelling”; providing for penalty, providing for publication and providing an effective date. The motion was seconded by Councilmember Owens. Staff answered questions regarding this item. The motion carried unanimously.

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

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

**a. Consideration – Contract for Bryan Aquatic Center Renovations**

Consider awarding a contract to Pool A.R.T., L.L.C., for renovations to the Bryan Aquatic Center in an amount not to exceed \$945,556. Source of Funds: General Fund.

**b. Second and Final Reading of an Ordinance – Rezoning Request RZ16-09**

Second and final reading of Ordinance No. 2160 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 Residential District – 5000 (RD-5) on 61.59 acres of vacant land located on the northwest side of the 2300 block of Leonard Road, approximately 150 feet to 750 feet southwest from its intersection with Jordan Loop, being Lot 1 and the Reserve Tract of the Follett Subdivision in Bryan, Brazos County, Texas.

**c. Second and Final Reading of an Ordinance – Rezoning Request RZ16-10**

Second and final reading of Ordinance No. 2161 of the City of Bryan, Texas, amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by a new development plan for a Planned Development – Industrial District (PD-I), subject to development requirements specified herein, on 34.03 acres of land out of Stephen F. Austin League No. 9, adjoining the east side of North Harvey Mitchell Parkway (F.M. 2818), approximately 1,500 feet to 2,500 feet north from its intersection with West State Highway 21 in Bryan, Brazos County, Texas.

**d. Second and Final Reading of an Ordinance – Fiscal Year 2016 Budget Amendment 2**

Second and final reading of Ordinance No. 2162 of the City of Bryan, Texas, amending Ordinance No. 2146; increasing expenditure appropriations for Fiscal Year 2016 from \$404,717,209 to \$405,207,542.

**e. Second and Final Reading of an Ordinance – Right-Of-Way Abandonment RA16-05**

Second and final reading of Ordinance No. 2163 of the City of Bryan, Texas, providing for the abandonment of the following public right-of-way to wit: 0.244 acres (12,000 square feet) of public street right-of-way for Rabbit Lane specifically along the northeast and southeast sides of Rabbit Lane adjacent to Block 1 of the Trail’s End Subdivision, located generally north from the intersection of Rabbit Lane and Nancy 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.

**f. Second and Final Reading of an Ordinance – Amendment to Section 118-53 of the City of Bryan Code of Ordinances, “Restriction Near Schools”**

Second and final reading of Ordinance No. 2164 of the City of Bryan, Texas, amending Section 118-53, “Restriction Near Schools” of the City of Bryan Code of Ordinances, by revising school speed zones for Sul Ross Elementary School; providing for a penalty, providing for publication and providing an effective date.

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

Councilmember Peña moved to approve the consent agenda, with the exception of item 9 b that was removed for separate consideration. The motion was seconded by Councilmember Saenz and carried unanimously.

**a. Consideration – Construction of Fire Station 2**

Consider awarding a construction contract for the new Fire Station 2 to LDF Construction, Inc., for an amount not to exceed \$6,347,000. Source of Funds: 2016 Bond Funds and Transportation Fund.

**c. Consideration – Amendment No. 6 GSA Lease in Federal Building**

Consider authorizing the Mayor to sign Lease Amendment No. 6 with the General Services Administration (GSA) extending the lease of 453 square feet within the Federal Building located at 216 West 26<sup>th</sup> Street Bryan, Brazos County, Texas.

**d. Resolution – City of Bryan Investment Policy**

Adoption of Resolution No. 3672 of the City Council of the City of Bryan, Texas, adopting an investment policy for the City of Bryan, Texas.

**e. Resolution – Extension of Interlocal Cooperative Agreement for Prisoner Housing**

Adoption of Resolution No. 3673 of the City Council of the City of Bryan, Texas, authorizing renewal of an interlocal agreement for Fiscal Year 2017 between the City of Bryan and Brazos

County for the housing of City of Bryan prisoners and approving Fiscal Year 2017 funding in the not to exceed amount of \$96,000 for the housing of City of Bryan prisoners. Source of Funds: General Fund.

**f. Resolution – 2016 Texas Reds Steak and Grape Festival Road Closure**

Adoption of Resolution No. 3674 of the City Council of the City of Bryan, Texas, approving and authorizing the Mayor to execute an agreement with the State of Texas, through the Department of Transportation, to close a state highway associated with the 2016 Texas Reds Steak and Grape Festival.

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

**b. Consideration – State Water Implementation Revenue Fund for Texas (SWIRFT) Financing Agreement**

Councilmember Southerland moved to authorize the Mayor to sign a financing agreement with the Texas Water Development Board (TWDB) for State Water Implementation Revenue Fund for Texas (SWIRFT) funding for an amount of \$2,345,000 (Source of Funds: Water Revenues). The motion was seconded by Councilmember Simank. A detailed list of benefits of aquifer storage and recovery (ASR) projects was provided. It was pointed out that ASR projects were legal in Texas. After discussion, the motion carried with five yeases and two noes (Mayor Bienski and Councilmember Owens).

**10. REGULAR AGENDA**

**a. Consideration – Bryan Fire Department Fire Station Long Range Plan**

Councilmember Simank made a motion to direct the City Manager to direct the Bryan Fire Department to prepare a presentation regarding long range plans for new facilities, following the construction of new Fire Station 2, to include proposed locations for new fire stations and a draft implementation plan; budgetary matters should be included as part of the presentation. The motion was seconded by Councilmember Owens. The purpose for this Councilmember submitted item was explained. Fire Chief Randy McGregor answered questions, and it was agreed this agenda item would be reviewed in conjunction with the capital improvement plan development in 2017. The motion carried unanimously.

**b. Consideration - Update Regarding Homebuilders Incentive Program**

Councilmember Simank made a motion to direct the City Manager to direct staff to present an update regarding statistics relative to the success of the City's Homebuilders Incentive Program. The motion was seconded by Councilmember Owens. It was explained that two Councilmembers submitted this agenda item in order to obtain a comprehensive update regarding the success of the program. After discussion, the motion carried unanimously.

**c. First and Only Reading of an Ordinance – City of Bryan, Texas, General Obligation Refunding Bonds, Series 2016**

Mr. Paul Jasin, Specialized Public Finance, presented the outcome of bids received for the sale of these bonds. He reported the City obtained a true interest cost of 1.44 percent from Citigroup Global Markets, Inc. He added the City's bond rating was AA by Standards & Poors. Mr. Jasin reported the City would realize a total savings of \$1,141,289 from the refunding bonds. Councilmember Peña moved to adopt the first and only reading of Ordinance No. 2165 of the

City of Bryan, Texas, authorizing the issuance of “City of Bryan, Texas, General Obligation Refunding Bonds, Series 2016”, specifying the terms and features of said bonds; providing for the payment of said bonds by the levy of an ad valorem tax upon all taxable property within the City and resolving other matters incident and related to the issuance, payment, security, sale and delivery of said bonds, including approval and distribution of an official statement (Source of Funds: Debt Service Fund); and awarding the bid for the sale of the bonds to Citigroup Global Markets, Inc., at a true interest cost of 1.44 percent. The motion was seconded by Mr. Hardeman and carried unanimously.

**d. First and Only Reading of an Ordinance – City of Bryan, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2016**

Mr. Jasin reported the City received a bid from Robert W. Baird & Company, Inc., at a true interest cost of 2.33 percent on the certificates. Accordingly, Councilmember Peña moved to adopt the first and only reading of Ordinance No. 2166 of the City of Bryan, Texas, authorizing the issuance of “City of Bryan, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2016”; specifying the terms and features of said certificates; providing for the payment of said certificates of obligation by the levy of an ad valorem tax upon all taxable property within the City and a limited pledge of the surplus revenues from the operation of the City’s waterworks and sewer system and resolving other matters incident and relating to the issuance, payment, security, sale and delivery of said certificates, including the approval and distribution of an official statement (Source of Funds: Debt Service Fund); and awarding the bid for the certificates to Robert W. Baird & Company, Inc., at a true interest cost of 2.33 percent. The motion was seconded by Councilmember Hardeman and carried unanimously.

**11. CITY MANAGER REPORT**

The City Manager did not provide a report.

**12. ITEMS OF COMMUNITY INTEREST**

Recipients of the Bryan ISD Hall of Honor award were congratulated. Several upcoming meetings and events, including the Texas Reds Steak and Grape Festival, were listed. Employees of the Water Department were thanked for their work at Ramblewood Mobile Home Park.

**13. ADJOURN**

Without objection, the meeting was adjourned at 7:40 p.m.

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City Secretary Mary Lynne Stratta

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Mayor Jason P. Bienski