

**BRYAN CITY COUNCIL
MINUTES OF WORKSHOP MEETING
JULY 9, 2013**

A workshop meeting of the Bryan City Council was held on Tuesday, July 9, 2013, 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 Richard Cortez, Paul Madison, Greg Owens, Ann Horton and Art Hughes were present. Councilmember Chuck Konderla joined the meeting at 4:11 p.m. City Manager Kean Register, City Attorney Janis Hampton and City Secretary Mary Lynne Stratta were present.

1. CALL TO ORDER

The meeting was called to order at 2:49 p.m.

2. DISCUSSION REGARDING PROPOSED FISCAL YEAR 2014 ENTERPRISE FUNDS BUDGETS

Solid Waste Services Manager Eric Zaragoza reported a solid waste rate increase was not anticipated over the next five fiscal years. He reviewed the services provided by his department, including animal shelter operations, and fiscal year 2013 accomplishments. He reviewed solid waste revenues, expenditures and fund balance projections for fiscal years 2013 and 2014. Public Works Director Jayson Barfknecht presented projected expenses, revenues and fund balances for the water and wastewater funds. He listed proposed future projects and also reported no rate increases were anticipated over the next five years. Dr. Barfknecht and his staff were congratulated for their fine work. BTU General Manager Gary Miller presented the proposed fiscal year 2014 BTU budget. Mr. Miller indicated BTU was not proposing any rate changes, but would anticipate a rate design change due to state required methodologies of calculating transmission cost of service to bring renewable energy into load centers. He reported the BTU Board was recommending the removal of transmission costs from base rates and the creation of a pass-through charge to address regulatory costs. He added the regulatory charge would not result in an immediate rate increase but would provide greater transparency for BTU customers. He added that College Station Utilities had already implemented this rate structure. Mr. Miller reported a rate resolution would be presented to the City Council for consideration in August. The short and long term benefits of bringing wind energy into the BTU market were discussed. Councilmembers commented on the groundbreaking technology implemented by BTU. Mr. Miller then discussed planned capital project expenditures in fiscal years 2013-2018, as well as fiscal year 2014 projected revenues, expenditures and fund balances. Council again complimented BTU staff and Board members for keeping rates low and operating the utility in a very cost effective manner.

3. DISCUSSION REGARDING PROPOSED FISCAL YEAR 2014 GENERAL FUND, DEBT SERVICE, AND SPECIAL REVENUE FUNDS BUDGETS

City Manager Register highlighted some major components of the proposed fiscal year 2014 budget, including the addition of six firefighters and two police officers, and funding of four police officers previously funded with grant monies. Chief Finance Officer Joe Hegwood presented the proposed fiscal year 2014 general fund, debt service and special revenue fund budgets. He reported the proposed unassigned fund balance was projected to be \$17.5 million at the end of fiscal year 2013

and \$16.6 million at the end of fiscal year 2014. He reported property and sales tax revenues had been fairly flat until recently. He added when Tax Increment Reinvestment Zone Number 8 closed, approximately \$2 million was reallocated to the general fund. Mr. Hegwood discussed fiscal year 2014 projected revenues, expenditures, major assumptions and recommended decision packages. He reviewed the projected debt service fund, outside agency funding and special revenue fund estimates.

4. DISCUSSION REGARDING CONSENT/STATUTORY AGENDA ITEMS FOR REGULAR MEETING OF JULY 9, 2013

No items on the consent/statutory agenda for the regular meeting of July 9, 2013, were discussed.

5. ADJOURN

Without objection, the meeting was adjourned at 4:14 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING
JULY 9, 2013**

The Bryan City Council held a regular meeting on Tuesday, July 9, 2013, 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 Richard Cortez, Paul Madison, Greg Owens, Ann Horton, Art Hughes and Chuck Konderla 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 4:33 p.m.

2. EXECUTIVE SESSION

The meeting was called into executive session at 4:34 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 the Traditions Master Economic Development Agreement; receive legal advice regarding water and wastewater Certificate of Convenience and Necessity for the biocorridor area; receive legal advice regarding economic development agreement, purchase and sale agreement, and non-annexation agreement with Axis Pipe and Tube, Inc.; receive legal advice regarding oil and gas leases on city-owned property; receive legal advice regarding oil and gas ordinance; under the authority of Section 551.072, real estate – discussion regarding possible sale of property adjacent to Texas Triangle Park and possible lease of real property in central Bryan; under the authority of Section 551.074, personnel matters – discussion regarding duties and responsibilities of City Manager, City Internal Auditor, City Attorney and City Secretary; and under the authority of Section 551.087, economic development negotiations – discussion regarding possible economic development incentives to prospects in east, west, central and north Bryan, the biocorridor and Texas Triangle Park.

3. OPEN SESSION FOR ACTION FOLLOWING EXECUTIVE SESSION

The meeting was called into open session at 6:11 p.m. No action was taken regarding the items discussed in executive session.

4. INVOCATION, PLEDGE OF ALLEGIANCE TO THE U.S. FLAG AND PLEDGE OF ALLEGIANCE TO THE TEXAS FLAG

Co-Pastor Sheila Jones, Eagle's Nest Praise and Worship Ministries, gave the invocation and Boy Scout Troop #743 led the pledges.

5. HEAR CITIZENS

Ms. Jeannie McGuire, President of Project Unity, spoke in favor of agenda item of 10 b, thanking the City Council for allocating 15 percent of Community Development Block Grant funding for public service agencies.

6. REZONING REQUEST (RZ13-05)

a. Public Hearing – Rezoning Request (RZ13-05)

Staff presented information regarding an ordinance to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, to change the zoning classification from Agricultural-Open District (A-O) to Residential District-5000 (RD-5) on 12.82 acres of land out of the John Austin League, A-2, located east of the intersection of Thornberry and Bullinger Creek Drives in Bryan, Brazos County, Texas. It was reported staff and the Planning and Zoning Commission recommended approval. The public hearing closed at 6:16 p.m. with no comments from the public on the subject.

b. First Reading of an Ordinance – Rezoning Request (RZ13-05)

Councilmember Owens moved to approve the first reading of an ordinance of the City of Bryan, Texas, to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, to change the zoning classification from Agricultural-Open District (A-O) to Residential District-5000 (RD-5) on 12.82 acres of land out of the John Austin League, A-2, located east of the intersection of Thornberry and Bullinger Creek Drives in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Horton and carried unanimously.

7. REZONING REQUEST (RZ13-06)

a. Public Hearing – Rezoning Request (RZ13-06)

Staff presented information regarding an ordinance to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, to change the zoning classification from Residential District-5000 (RD-5) to Multiple Family Residential District (MF) on 0.466 acres of land out of the Highland Park Addition, located on the southeast side of Jefferson Street between College Main and Aspen Streets in Bryan, Brazos County, Texas. It was reported the Planning and Zoning Commission and staff recommended approval. Ms. Sharon Anderson, 2304 Cindy Lane, spoke in opposition to the rezoning request and recommended it be rezoned as planned development. The public hearing closed at 6:24 p.m. with no other comments.

b. First Reading of an Ordinance – Rezoning Request (RZ13-06)

Councilmember Horton moved to approve the first reading of an ordinance of the City of Bryan, Texas, to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances, to change the zoning classification from Residential District-5000 (RD-5) to Multiple Family Residential District (MF) on 0.466 acres of land out of the Highland Park Addition, located on the southeast side of Jefferson Street between College Main and Aspen Streets in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Cortez. Concern was expressed about rezoning only one tract of property and it was suggested the City initiate rezoning for the entire area. It was also mentioned that as the comprehensive plan was updated, this concern could be addressed. After further discussion, the motion carried with five yeses (Mayor Bienski and Councilmembers Cortez, Madison, Horton and Konderla) and two noes (Councilmembers Owens and Hughes).

8. AMENDMENT TO CHAPTER 130, “ZONING” OF THE BRYAN CODE OF ORDINANCES

a. Public Hearing – Amend Chapter 130, “Zoning” of the Bryan Code of Ordinances

Deputy City Manager Joey Dunn presented information regarding an ordinance to amend the text of Bryan Code of Ordinances Chapter 130, Zoning, to allow tattoo studio uses in the Downtown-South (DT-S) zoning district with prior approval of a conditional use permit, adopt use-specific conditions for tattoo studio uses city-wide, and amend existing zoning district regulations accordingly. He reported the Planning and Zoning Commission recommended approval of this ordinance. Mr. Dunn answered questions for the Council. Mr. Donald Hall, 1304 Hoppers Street, spoke in favor of this agenda item. Ms. Sharon Anderson, 2304 Cindy Lane, stated she was not in favor of tattoo parlors downtown, but felt requiring a conditional use permit was appropriate and opined tattoo parlors should not be allowed to open until 2:00 p.m. on Sundays. Mr. Cliff Collard, 110 Margaret Street, College Station, as the owner of a tattoo studio planning to relocate to downtown, stated his business would not be open on Sundays. Ms. Kimberly Decker, 1308 Broadmoor Lane, spoke in favor of the ordinance because of the extensive research on the topic by the staff and Planning and Zoning Commission. The public hearing closed at 6:37 p.m. with no other comments.

b. First Reading of an Ordinance - Amend Chapter 130, “Zoning” of the Bryan Code of Ordinances

Councilmember Konderla moved to approve the first reading of an ordinance of the City of Bryan, Texas, amending the text of Bryan Code of Ordinances Chapter 130, Zoning, allowing tattoo studio uses in the Downtown-South (DT-S) zoning district with prior approval of a conditional use permit, adopting use-specific conditions for tattoo studio uses city-wide, amending existing zoning district regulations accordingly; providing for a penalty; providing for publication; providing an effective date. The motion was seconded by Councilmember Owens. Discussion followed regarding the thorough research by the Commission and staff and the future applicability of the zoning ordinance to business locations throughout Bryan. It was pointed out the zoning text amendment was not business specific. The motion carried with six yeases (Mayor Bienski and Councilmembers Cortez, Madison, Owens, Horton and Konderla) and one no (Councilmember Hughes).

9. CONSENT (AUTOMATIC APPROVAL) AGENDA

Councilmember Hughes made a motion to approve the consent agenda. The motion was seconded by Councilmember Horton and carried unanimously.

a. Approval of Minutes – Workshop and Regular Meetings of June 25, 2013.

b. Consideration – Wickson Creek Special Utility District Interlocal Agreement Amendment

Consider approving a third amendment to the interlocal agreement with the Wickson Creek Special Utility District for the Water Utility Operation and Development Enhancement project, increasing the amount not to exceed to \$68,200.

c. Consideration – Winn Professional Engineers and Constructors Contract Amendment

Consider approving an amendment to the contract with Winn Professional Engineers and Constructors, LLC, to provide an on-site project representative and inspector for the Water Utility

Operation and Development Enhancement project, increasing the amount to not exceed \$68,200. Source of Funds: Water Services Fund.

d. Consideration – Clara B. Mounce Public Library Renovation Project

Consider approving the award of contract for the Clara B. Mounce Public Library Renovation Project to Madison Construction, L.P., of Bryan, Texas, in an amount not to exceed \$61,000.00. Source of Funds: Library Restricted Gift Fund.

e. Consideration – Price Agreement Extension for Hot Mix Paving Material

Consider a one-year extension of an existing annual price agreement with Knife River – South, of Bryan, Texas, for hot mix paving material in an amount not to exceed \$155,000.00. Source of Funds: Streets and Drainage Operating Budget.

f. Second and Final Reading of an Ordinance - Adoption of the 2011 National Electric Code

Second and final reading of Ordinance No. 2000 of the City of Bryan, Texas, to amend the text of Bryan Code of Ordinances Chapter 14, Article IV, “Electrical Code”, repealing the 2005 Edition of the National Electric Code, published by the National Fire Protection Association and adopting the 2011 Edition of the National Electric Code, published by the National Fire Protection Association, by reference with local amendments; providing for a penalty; providing for publication; providing an effective date.

g. Second and Final Reading of an Ordinance – Fiscal Year 2013 Budget Amendment

Second and final reading of Ordinance No. 2001 of the City of Bryan, Texas, amending Ordinance No. 1986; increasing expenditure appropriations for Fiscal Year 2013 from \$328,605,447 to \$332,854,139; total increase in appropriations being \$4,248,692, for funds used for services, programs, reimbursements, and transfers. Source of Funds: Various City Department Budgets.

10. STATUTORY AGENDA

Agenda item 10 a was removed from the statutory agenda for separate consideration. Councilmember Horton made a motion to approve the remaining items on the statutory agenda. The motion was seconded by Councilmember Madison and carried unanimously.

b. Resolution – 2013 Consolidated Action Plan

Adoption of Resolution No. 3493 of the City Council of the City of Bryan, Texas, as required by the U.S. Department of Housing and Urban Development (HUD), approving the City’s 2013 Consolidated Action Plan (CAP), and authorizing the City Manager to act as the City official to submit and implement said Plan. Source of Funds: 2013 Community Development Block Grant and Home Investment Partnerships Grant funds from the U.S. Department of Housing and Urban Development.

c. First Reading of an Ordinance – Right-of-Way Abandonment (RA13-05)

First reading of an ordinance of the City of Bryan, Texas, providing for abandonment of a 34-foot wide and 250-foot long portion of East 26th Street right-of-way between South Texas and South

Houston Avenues adjacent to Lots 6-10 in Block 40 of the Bryan Original Townsite.; authorizing the conveyance thereof to the abutting property owners; providing for terms and conditions of abandonment and conveyance.

d. First Reading of an Ordinance – Amending Chapter 106, “Streets, Sidewalks and Other Public Places” of the Bryan Code of Ordinances

First reading of an ordinance of the City of Bryan, Texas, amending the text of Bryan Code of Ordinances Chapter 106, “Streets, Sidewalks and Other Public Places”, by adding a definition for ‘subdivision directional signs’, and adding provisions for the placement of subdivision directional signs in the public right-of-way of planned development type subdivisions.

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

a. Resolution – Bryan Fire Department Minimum Staffing Goals

Chief Randy McGregor reported he and the City Manager had been discussing increased staffing since he was named as Fire Chief. He said that increasing staff to four firefighters per truck would increase efficiency and safety. Mr. Register pointed out this was a major commitment on the part of the City and would need to be implemented over the course of several years. He added the goal was to add three firefighters per year, but it was recommended six be added in fiscal year 2014. Mayor Bienski made a motion to adopt Resolution No. 3494 of the City Council of the City of Bryan, Texas, adopting Bryan Fire Department minimum staffing goals. The motion was seconded by Councilmember Horton and carried unanimously.

11. CITY MANAGER REPORT

Mr. Register did not provide a report.

12. ITEMS OF COMMUNITY INTEREST

Councilmembers shared the following items of community interest. It was stated the Wal-Mart Neighborhood Market grand opening was successful, birthday wishes for Councilmember Owens were shared, and the change in Council meeting date from August 13 to August 6 was noted.

13. ADJOURN

Without objection, the meeting was adjourned at 6:51 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski