

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING
NOVEMBER 8, 2016**

The Bryan City Council held a regular meeting on Tuesday, November 8, 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 (joined the meeting at 5:12 p.m.) 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, City Secretary Mary Lynne Stratta and Assistant City Secretary Christina Cabrera.

1. CALL TO ORDER

The meeting was called to order at 4:32 p.m.

2. EXECUTIVE SESSION

The meeting was called into executive session at 4:33 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, and receive legal advice regarding groundwater issues; under the authority of Section 551.072, real estate – discussion regarding possible sale, lease, conveyance, and/or purchase of property in north and west Bryan; under the authority of Section 551.074, personnel matters – discussion regarding appointment of Municipal Court Associate Judge; under the authority of Section 551.086, competitive matters – discussion of competitive matters related to the sale of certain assets by TMPA; and under the authority of Section 551.087, economic development – discussion regarding economic development prospects in north, east, central and west Bryan.

3. OPEN SESSION FOR ACTION FOLLOWING EXECUTIVE SESSION, IF NECESSARY

The meeting was called into open session at 5:51 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

Pastor Cris Ledezma, Casa de Dios/House of God gave the invocation and City Manager Kean Register led the pledges of allegiance to the U.S. and Texas flags.

5. PROCLAMATIONS AND PRESENTATIONS

Mayor Bienski presented a proclamation recognizing Texas Municipal Courts Week. Judge Albert Navarro complimented and thanked the Municipal Court staff for their dedication and service.

6. HEAR CITIZENS

Mrs. Debra Miller, 714 Williamson Drive, spoke against agenda item 8 d, asking Council to instead invest the money into other infrastructure such as sidewalks.

7. CONSENT (AUTOMATIC APPROVAL) AGENDA

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

- a. Approval of Minutes** – Workshop and Regular Meetings of October 11, 2016, Workshop Meeting of October 18, 2016, and Workshop and Regular Meetings of October 25, 2016.

b. Consideration – Extension of Ready Mix Concrete Contract

Consider approving the first of four extensions for ready mix concrete with Boyd Ready Mix, Inc., in an amount not to exceed \$95,000. Source of Funds: Streets and Drainage Operating Budget.

c. Consideration – Payment for Transitional Reinsurance Program

Consider approving a payment to the Department of Health and Human Services for Transitional Reinsurance Program fees in the amount of \$56,106. Source of Funds: Employee Benefits Fund.

d. Consideration – Renewal of 2017 Health Plan Stop Loss Insurance

Consider approving the renewal of the 2017 Health Plan Stop Loss insurance to Symetra with the projected annual cost of \$689,467. Source of Funds: Employee Benefits Fund.

e. Consideration - Luza Street Elevated Water Storage Tank Rehabilitation Project

Consider approving a contract for the rehabilitation of an existing 2,000,000 gallon elevated storage tank and onsite communications facility to MK Painting in an amount not to exceed \$200,000. Source of Funds: Water Operating Budget.

f. Consideration – Contract for Emergency Medical Services Billing

Consider approving a two-year contract for the billing of Emergency Medical Services with Digitech Computer, Inc., in an amount not to exceed \$250,000. Source of Funds: General Fund.

g. Second and Final Reading of an Ordinance – Police and Fire Staffing 2016-2017

Second and final reading of Ordinance No. 2181 of the City of Bryan, Texas, repealing Ordinance No. 2144 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 ten firefighter positions in the Fire Department as approved in the Fiscal Year 2017 budget (six funded by grant) and adding three police officer positions in the Bryan Police Department as approved in the Fiscal Year 2017 budget. Source of Funds: General Fund and Grant Funds.

8. STATUTORY (AUTOMATIC APPROVAL) AGENDA

Agenda items 8 a, 8 d and 8 e were removed from the statutory agenda for separate consideration. Councilmember Peña moved to approve the remainder of the statutory agenda. The motion was seconded by Councilmember Owens and carried unanimously.

b. Consideration – Contract for Edgewater Park

Consider awarding an architectural and construction services contract for design, engineering and construction services for Edgewater Park to Halff Associates, Inc., in an amount not to exceed \$93,600. Source of Funds: Parkland Development Funds and Grant Funds.

c. Consideration – Contract for Siena Park

Consider awarding an architectural and construction services contract for design, engineering and construction services for Siena Park to Pacheco Koch in an amount not to exceed \$64,000. Source of Funds: Parkland Development Funds.

f. Consideration – Chapter 380 Development Agreement with Cozumel Investors, Ltd.

Consider approving a Chapter 380 Development Agreement between Cozumel Investors, Ltd., and the City of Bryan associated with the Ranch at Turkey Creek Condominiums/Apartments on

approximately 6.17 acres generally located southeast of the intersection of West Villa Maria Road and State Highway 47. Source of Funds: Future property tax revenues generated by the increased value of the property and improvements.

g. First Reading of an Ordinance – Amending Temporary Moratorium on Any Permits or Licenses for the Installation of Above-Ground Wireless Communications Facilities

First reading of an ordinance of the City of Bryan, Texas, amending the temporary moratorium on the submission, acceptance, processing, and approval of any application for a permit or license for the installation of above-ground wireless communications facilities in the public right-of-way or on public or private property.

h. First Reading of an Ordinance – Right-of-Way Abandonment RA16-08

First reading of an ordinance of the City of Bryan, Texas, providing for the abandonment of the following public right-of-way to wit: 0.0918 acre section of public alley right-of-way extending east to west between Birch Street and Hickory Street in Block 3 of the Woodlawn Addition 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.

Council then considered items 8 a, 8 d and 8 e separately.

a. Consideration – Contract for Design of Aquifer Storage and Recovery Project

Councilmember Southerland moved to approve a professional services contract with CDM Smith, Inc., to perform a feasibility study and assessment and piloting phase for the Aquifer Storage and Recovery (ASR) project in an amount not to exceed \$620,000. The motion was seconded by Councilmember Simank. Dr. Jayson Barfknecht, Director of Public Works, answered Council's questions regarding this agenda item. The motion carried unanimously.

d. Consideration – Outside Agency Funding Agreements: The Research Valley Partnership and the Arts Council of the Brazos Valley

Mayor Bienski moved to authorize the Mayor to execute two remaining fiscal year 2017 funding agreements in the amount of \$350,000 to the Research Valley Partnership (RVP) and \$96,000 to the Arts Council of the Brazos Valley, and to adopt Resolution No. 3687 approving a budget for the fiscal year beginning October 1, 2016, and ending September 30, 2017, for the Arts Council of the Brazos Valley. The motion was seconded by Councilmember Hardeman. Councilmember Southerland moved to postpone consideration until the next Council meeting. The motion was seconded by Councilmember Peña. It was opined the Research Valley Partnership's initiative to recruit another community college into the area would be detrimental to the City and that Council should receive information regarding the initiative before considering funding. It was also opined it was not fair to delay funding because there was a concern with just one out of many programs the RVP facilitates. The motion to postpone failed to carry with three yeses (Councilmembers Saenz, Peña and Southerland) and four noes (Mayor Bienski and Councilmembers Owens, Hardeman and Simank). The Arts Council was thanked for their service to the community. The motion to approve carried with four yeses (Mayor Bienski and Councilmembers Owens, Hardeman and Simank) and three noes (Councilmembers Saenz, Peña and Southerland).

e. Consideration – Purchase Agreement and Letter of Intent for Purchase of 61.5 acres for a Youth Athletic Complex

Councilmember Hardeman moved to authorize the Mayor to sign a purchase agreement and letter of intent between the City of Bryan and Brian Lawrence, Trustee of the Robert Orr Lawrence III Family Trust, to purchase approximately 61.5 acres located 2,300 feet south of the intersection of F.M. 2818 and Sandy Point Road in Brazos County, Texas, for a total cost of \$738,000 for use as a

youth athletic complex. The motion was seconded by Councilmember Simank. Mr. Frank Clark, Special Projects Manager, answered questions from Council regarding the acreage, value and process to develop the youth athletic complex. Councilmember Peña moved to amend the contract to lower the purchase price from \$738,000 to \$138,000. The motion was seconded by Councilmember Saenz. City Attorney Janis Hampton advised this was not a permissible motion as the seller had agreed to the purchase price of \$738,000 and signed the agreement. She advised that if Council wished to lower the price, it would need to reject this agenda item and direct staff to re-negotiate with the seller. Therefore, the motion to amend was not considered. Council discussion regarding the main motion continued. It was opined this money could be used for the Bryan Regional Athletic Complex expansion or other park improvements. It was pointed out this agreement only obligated the City to spend \$100 now and allowed 120 days for due diligence before the final decision would be made. It was suggested the development of this youth athletic complex on the west side of town could spur economic and residential development. The motion to approve carried with five yeases (Mayor Bienski and Councilmembers Owens, Hardeman, Southerland and Simank) and two noes (Councilmembers Saenz and Peña).

9. REGULAR AGENDA

a. Consideration – Appointment of an Individual to Tax Increment Reinvestment Zone 22 Board

Lindsey Guindi, Director of Strategic Projects, presented information regarding the appointment of one individual to the Tax Increment Reinvestment Zone (TIRZ) 22 Board. Mayor Bienski moved to appoint Raymond Kletchka to the TIRZ 22 Board to fill a vacancy for a term ending in December 2017. The motion was seconded by Councilmember Hardeman and carried unanimously.

Without objection, agenda items 9 b, 9 c and 9 d were considered together. Councilmember Owens moved to approve agenda items 9 b, 9 c and 9 d and to schedule the events in January 2017. The motion was seconded by Councilmember Peña and carried unanimously.

b. Consideration – Tour of Brazos Valley Solid Waste Management Agency Twin Oaks Landfill Facilities

Discussion, consideration, and possible action to ask staff to arrange for a tour of the BVSWMA Twin Oaks Landfill facilities during a workshop meeting.

c. Consideration – Tour of BTU Facilities

Discussion, consideration, and possible action for staff to arrange for all Councilmembers to attend a tour of BTU facilities, including Atkins and Dansby power plants, major substations, as well as the new southern transmission facilities.

d. Consideration – Annual Meeting with BTU Board of Directors

Discussion, consideration, and possible action to conduct a joint workshop meeting to hear a presentation from the BTU Board of Directors regarding long range plans for BTU.

10. CITY MANAGER REPORT

City Manager Kean Register provided an update on development services and strategic projects.

11. ITEMS OF COMMUNITY INTEREST

Councilmembers mentioned the following items of community interest: St. Teresa's Catholic Church historical marker dedication ceremony, the Spanish Citizen Police Academy graduation, West 28th Street and West 26th Street construction projects, and a tour of City Hall with first graders from St. Joseph Catholic School. Congratulations were expressed to First Baptist Church and First Christian Church on

their 150th anniversaries. Citizens were encouraged to vote and candidates on the ballot were wished the best of luck.

12. ADJOURN

The meeting was adjourned without objection at 6:46 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski