

**BRYAN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
NOVEMBER 21, 2016**

The Bryan City Council held a regular meeting on Tuesday, November 21, 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, Greg Owens, Mike Southerland, Ben Hardeman 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 4:26 p.m.

**2. EXECUTIVE SESSION**

The meeting was called into executive session at 4:27 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 551.086, 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**

The meeting was called into open session at 5:05 p.m. No action was taken regarding the items discussed in executive session.

**4. RECESS**

The meeting was recessed at 5:05 p.m. A reception was held in the lobby of the Bryan Municipal Building from 5:05 p.m. to 6:00 p.m. in honor of outgoing and incoming Mayors and Councilmembers.

**5. RECONVENE**

The meeting was reconvened in open session in the Council Chambers at 6:00 p.m.

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

Monsignor John McCaffrey, St. Joseph Catholic Church, gave the invocation and Mr. James Edge led the pledges of allegiance to the U.S. and Texas flags.

**7. PROCLAMATIONS AND PRESENTATIONS**

The Eastside Historical District Neighborhood Association was recognized as a new member of the City's Neighborhood Association Partnership Program.

## 8. HEAR CITIZENS

Ms. Marycruz De Leon Morales, 807 Avondale Avenue, representing the Mexican American/Latino Museum of the Brazos Valley, thanked the City for their encouragement and asked the public to participate in their ongoing events.

Mayor Bienski announced agenda items 14 b and 14 c of the regular agenda were pulled and would not be considered by the Council.

## 9. REZONING REQUEST RZ15-03

### a. Public Hearing – Rezoning Request RZ15-03

Mayor Bienski called for public comment regarding an ordinance 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 Agricultural - Open District (A-O) and Planned Development District (PD) to Planned Development - Mixed Use District (PD-M), subject to development requirements specified herein, on 409.75 acres of vacant land out of the J. W. Scott League, A-49, adjoining the north side of Boonville Road between Copperfield Drive and University Drive East in Bryan, Brazos County, Texas. The public hearing closed at 6:14 p.m. without public comment.

### b. First Reading of an Ordinance – Rezoning Request RZ15-03

Councilmember Owens moved to approve the first reading of an ordinance 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 Agricultural - Open District (A-O) and Planned Development District (PD) to Planned Development - Mixed Use District (PD-M), subject to development requirements specified herein, on 409.75 acres of vacant land out of the J. W. Scott League, A-49, adjoining the north side of Boonville Road between Copperfield Drive and University Drive East in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Southerland and carried with all present voting aye.

## 10. REZONING REQUEST RZ16-19

### a. Public Hearing – Rezoning Request RZ16-19

Mayor Bienski called for public comment regarding an ordinance 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), specifically to amend the development standards for freestanding subdivision identification signage, on 4.425 acres of land adjoining the west side of Old College Road between South College and Mobile Avenues, being Lots 2 through 19, as well as Common Areas 1 and 2, in Block 1 of the North Campus Subdivision in Bryan, Brazos County, Texas. The public hearing closed at 6:15 p.m. without public comment.

### b. First Reading of an Ordinance – Rezoning Request RZ16-19

Councilmember Hardeman moved to approve the first reading of an ordinance 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), specifically to amend the development standards for freestanding subdivision identification signage, on 4.425 acres of land adjoining the west side of Old College Road between South College and Mobile Avenues, being Lots 2 through 19, as well as Common Areas 1 and 2, in Block 1 of the North Campus Subdivision

in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Saenz and carried with all present voting aye.

## **11. REZONING REQUEST RZ16-20**

### **a. Public Hearing – Rezoning Request RZ16-20**

Mayor Bienski called for public comment regarding an ordinance 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 previously approved Planned Development - Mixed Use District (PD-M) to adopt size, design, construction and location standards for signage relating to the Stella Hotel and surrounding Atlas Lake Walk area, on 59.075 acres of land generally located northwest of the intersection of South Traditions Drive and HSC Parkway, being all of Phases 27 and 30 in the Traditions Subdivision, and approximately 44 acres in the John H. Jones Survey, A-26 in Bryan, Brazos County, Texas. The public hearing closed at 6:18 p.m. with no comments from the public.

### **b. First Reading of an Ordinance – Rezoning Request RZ16-20**

Councilmember Simank moved to approve the first reading of an ordinance 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 previously approved Planned Development - Mixed Use District (PD-M) to adopt size, design, construction and location standards for signage relating to the Stella Hotel and surrounding Atlas Lake Walk area, on 59.075 acres of land generally located northwest of the intersection of South Traditions Drive and HSC Parkway, being all of Phases 27 and 30 in the Traditions Subdivision, and approximately 44 acres in the John H. Jones Survey, A-26 in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Owens and carried with all present voting aye.

## **12. CONSENT (AUTOMATIC APPROVAL) AGENDA**

Councilmember Simank moved to approve the consent agenda. The motion was seconded by Councilmember Hardeman and carried with all present voting aye.

### **a. Approval of Minutes – Workshop and Regular Meetings of November 8, 2016**

### **b. Consideration – Extension of Price Agreement for Mowing Services for Water Facilities**

Consider approving the first extension of a price agreement for mowing of Water Services facilities with Green Teams, Inc., in an amount not to exceed \$56,350. Source of Funds: Water and Wastewater Operating Fund.

### **c. Consideration – Extension of Parks Custodial Services Contract**

Consider approving the first extension of the Parks Custodial Services Contract for custodial services for City parks and Downtown Bryan to Garcia Cleaning Service in an amount not to exceed \$124,395. Source of Funds: General Fund.

### **d. Resolution – Brazos Central Appraisal District New Office Building**

Adoption of Resolution No. 3688 of the City Council of the City of Bryan, Texas, approving the purchase of property and construction of a new office building by the Brazos Central Appraisal District.

**e. Resolution – Canvassing November 8, 2016 Election**

Adoption of Resolution No. 3689 of the City Council of the City of Bryan, Texas, canvassing the election returns for the City of Bryan general election conducted on November 8, 2016.

**f. Second and Final Reading of an Ordinance – Amending Temporary Moratorium on Any Permits or Licenses for the Installation of Above-Ground Wireless Communications Facilities**

Second and final reading of Ordinance No. 2182 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.

**g. Second and Final Reading of an Ordinance – Right-of-Way Abandonment RA16-08**

Second and final reading of Ordinance No. 2183 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.

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

Councilmember Simank moved to approve the statutory agenda. The motion was seconded by Councilmember Hardeman and carried with all present voting aye.

**a. Consideration – 2016 Street Maintenance Contract**

Consider approving a construction contract for the 2016 Street Maintenance Contract to Larry Young Paving, Inc., in an amount not to exceed \$1,863,225. Source of Funds: Transportation Fee.

**b. Consideration – Traffic Signal Construction at Villa Maria and Carter Creek**

Consider approving a construction contract for traffic signal improvements at Villa Maria Road and Carter Creek Parkway to Brazos Paving, Inc., in an amount not to exceed \$312,275.15. Source of Funds: Transportation Fee.

**c. Consideration – School Zone Flasher Purchases**

Consider approving the purchase of fourteen school zone flashers in the amount of \$74,958.00. This purchase will ensure that all schools will have at least a pair of school zone flashers on an abutting major road. This year is year one of a three-year plan to install additional school zone flashers around school campuses. Source of Funds: Transportation Fee.

**d. Resolution – Joint Research Valley BioCorridor Development Project**

Adoption of Resolution No. 3690 of the City Council of the City of Bryan, Texas, consenting to the City Council of the City of College Station providing certain economic development incentives to a business prospect located in the Joint Research Valley BioCorridor Development Project.

**e. First Reading of an Ordinance – Right-of-Way Abandonment RA16-07**

First reading of an ordinance of the City of Bryan, Texas, providing for the abandonment of the following public right-of-way to wit: 5,000 square feet of public alley right-of-way extending east-to-west between South Parker Avenue and South Sims Avenue in Block 135, Bryan Original Townsite, being a total of 0.11 acres of land 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.

**f. First Reading of an Ordinance – Appointment of Associate Municipal Court Judges**

First reading of an ordinance of the City of Bryan, Texas, appointing Associate Municipal Court Judges for the Bryan Municipal Court of Record and setting the length of term of appointment.

**14. REGULAR AGENDA**

**a. Consideration – Chapter 380 Economic Development Agreement with ViaSat, Inc.**

Councilmember Simank moved to approve a Chapter 380 Economic Development Agreement with ViaSat, Inc., offering a reimbursement of revenues the City of Bryan receives from the City of College Station per the terms of an interlocal agreement. The motion was seconded by Councilmember Owens. A brief explanation was provided for the benefit of the audience. The motion carried with all present voting aye.

**b. Consideration - Appeal of Planning and Zoning Commission Decision of Request for Variance (PV16-16)**

This item was not considered by Council.

**c. Consideration – Sandy Point Road Sidewalk**

This item was not considered by Council.

**d. Consideration – Funding for Mexican American Museum**

Mayor Bienski moved to direct \$100,000 in funding from the hotel occupancy tax fund (or the general fund) for the proposed Mexican American Museum, contingent upon the organizers being able to reach a suitable agreement with the owner(s) of an appropriate location in Bryan that is acceptable to the City of Bryan. The motion was seconded by Councilmember Simank. The staff was asked to create a memorandum of understanding similar to the one used for the donation to the African American Museum of the Brazos Valley, outlining the details needed to provide funding not to exceed \$100,000 from the hotel occupancy tax fund to create a Mexican American Museum. Council expressed their excitement and support of this item. The motion carried with all present voting aye.

**e. Consideration – Swear in Newly Elected Councilmembers**

The oath of office was administered to Reuben Marin as Councilmember Single Member District Number One and to Prentiss Madison as Councilmember Single Member District Number Two. Certificates of election were presented to the newly elected Councilmembers. Councilmember Al Saenz was recognized and thanked for his service the past three years on the City Council.

**15. CITY MANAGER REPORT**

City Manager Kean Register shared a long list of accomplishments during Mayor Bienski's tenure on the Council and as Mayor.

**16. ITEMS OF COMMUNITY INTEREST**

Councilmembers listed the following items of community interest: Carver Kemp Neighborhood Association meeting and excitement about the proposed Mexican American Museum. Condolences were expressed to fallen law enforcement officers and their families. The public was wished a safe and happy Thanksgiving. Councilmembers Saenz and Peña were thanked for their service. Mayor Bienski was thanked for his service and leadership the past 12.5 years. The new Mayor and Councilmembers were welcomed.

**17. CONSIDERATION – SWEAR IN NEWLY ELECTED MAYOR**

The oath of office was administered to Andrew Nelson as Mayor. A certificate of election was presented to the newly elected Mayor. Mayor Bienski was recognized for his 12.5 years of dedicated service and leadership on the City Council and as Mayor. Mayor Bienski made comments regarding his service as a Councilmember and Mayor. He thanked family and friends for their support and City staff for their service.

**18. ADJOURN**

Without objection, the meeting was adjourned at 7:30 p.m.

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City Secretary Mary Lynne Stratta

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Mayor Andrew Nelson