

**BRYAN CITY COUNCIL
MINUTES OF WORKSHOP MEETING
JULY 23, 2013**

A workshop meeting of the Bryan City Council was held on Tuesday, July 23, 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, Art Hughes and Chuck Konderla were present. Councilmember Ann Horton was absent. Deputy City Manager Hugh Walker, City Attorney Janis Hampton and City Secretary Mary Lynne Stratta were present.

1. CALL TO ORDER

The meeting was called to order at 4:40 p.m.

2. PRESENTATION REGARDING 9-1-1 PUBLIC SAFETY COMMUNICATION DISTRICT FISCAL YEAR 2013 FINANCIAL UPDATE AND FISCAL YEAR 2014 BUDGET

Mr. Patrick Corley, Executive Director of the Brazos County 9-1-1 District, discussed the District's mission, history, five-year statistics and upcoming major projects. He provided a financial update for fiscal year 2013 and presented the proposed fiscal year 2014 budget. Mr. Corley explained the rules relative to communication district board membership.

3. DISCUSSION REGARDING CONSENT/STATUTORY AGENDA ITEMS FOR REGULAR MEETING OF JULY 23, 2013

Agenda item 7 d of the consent/statutory agenda for the regular meeting of July 23, 2013, was briefly discussed. No action was taken regarding the item discussed.

4. ADJOURN

Without objection, the meeting was adjourned at 5:14 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING
JULY 23, 2013**

A regular meeting of the Bryan City Council was held on Tuesday, July 23, 2013, 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 Richard Cortez, Paul Madison, Greg Owens, Art Hughes and Chuck Konderla were present. Councilmember Ann Horton was absent. Deputy City Manager Hugh Walker, City Attorney Janis Hampton and City Secretary Mary Lynne Stratta were present.

1. CALL TO ORDER

The meeting was called to order at 5:22 p.m.

2. EXECUTIVE SESSION

The meeting was called into executive session at 5:23 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; receive legal advice regarding parkland dedication ordinance; under the authority of Section 551.072, real estate – discussion regarding possible sale of property adjacent to Texas Triangle Park; 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 6:15 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

Councilmember Konderla gave the invocation and Senior Airman Ruben Garcia, United States Air Force, led the pledges.

5. HEAR CITIZENS

Representatives of the Bryan High School Band Boosters presented information about their upcoming fund raiser.

6. REZONING REQUEST (RZ13-07)

a. Public Hearing – Rezoning Request (RZ13-07)

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 a combination of Agricultural-Open District (A-O) and Office District (C-1) to Planned Development-Mixed Use District (PD-M) on 49.9983 acres of land located southeast of the 2000–2200 blocks of West Villa Maria Road between Shirewood Drive and Traditions Boulevard in Bryan, Brazos County, Texas. No one spoke regarding the rezoning request and the public hearing closed at 6:25 p.m.

b. First Reading of an Ordinance – Rezoning Request (RZ13-07)

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 a combination of Agricultural-Open District (A-O) and Office District (C-1) to Planned Development-Mixed Use District (PD-M) on 49.9983 acres of land located southeast of the 2000–2200 blocks of West Villa Maria Road between Shirewood Drive and Traditions Boulevard in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Hughes and carried with all present voting aye.

7. CONSENT (AUTOMATIC APPROVAL) AGENDA

Item 7 d was removed from the consent agenda for separate consideration. Councilmember Konderla moved to approve the remainder of the consent agenda. The motion was seconded by Councilmember Madison and carried with all present voting aye.

a. Approval of Minutes – Workshop and Regular Meetings of July 9, 2013.

b. Consideration – Price Agreement Extension for Swimming Pool and Wastewater Treatment Chemicals

Consider a fourth extension of an existing annual price agreement with Poolsure of Houston, Texas, for the purchase of swimming pool and wastewater treatment chemicals in an amount not to exceed \$62,665. Source of Funds: Wastewater Operating Fund (Enterprise Funds) and Parks Department (General Fund).

c. Consideration – Annual Price Agreement for Emergency Medical Supplies and Pharmaceuticals

Consider approving an annual price agreement with Bound Tree Medical, LLC, of Dublin, Ohio, for the purchase of emergency medical supplies and pharmaceuticals for the Bryan Fire Department in an amount not to exceed \$275,000. Source of Funds: General Fund.

e. Consideration – Blanket Purchase Order for Tires

Consider approving four blanket purchase orders with local vendors for the purchase of new tires in an amount not to exceed \$180,000 as follows: Southern Tire Mart of Bryan, Texas, for \$50,000; Strouhal Tire, Inc., of Bryan, Texas for, \$15,000; Wingfoot Commercial Sales of Bryan, Texas, for \$100,000; and Pilger’s Tire & Auto Center of College Station, Texas, for \$15,000. Source of Funds: General Fund and Enterprise Funds.

f. Resolution – Change in Polling Place for Precincts 11 and 22

Adoption of Resolution No. 3495 of the City Council of the City of Bryan, Texas, establishing a new election polling place for county voting precincts 11 and 22 as the College Heights Assembly of God Church, 4100 Old College Road, Bryan, Texas. *(La adopción de resolución numero 3495 del Consejo de la Ciudad de Bryan, Texas, el establecimiento de un nuevo lugar de votación para las elecciones del condado de precintos electorales 11 y 22 como el College Heights montaje de dios iglesia, 4100 Old College Road, Bryan, Texas.)*

g. Resolution – Ordering General Municipal Election

Adoption of Resolution No. 3496 of the City Council of the City of Bryan, Texas, authorizing a general municipal election to be held on November 5, 2013, for the purpose of purpose of electing a Mayor, one City Councilmember from Single Member District Number One and one City Councilmember from Single Member District Number Two, by the qualified voters of the City of Bryan, the qualified voters of Single Member District Number One and the qualified voters of Single Member District Number Two, respectively; authorizing a joint election with Brazos County. *(La adopción de resolución numero 3496 autorizando la elección general municipal que se llevara a cabo el 5 de noviembre del 2013, 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 – Rezoning Request (RZ13-05)

Second and final reading of Ordinance No. 2002 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.

i. Second and Final Reading of an Ordinance – Rezoning Request (RZ13-06)

Second and final reading of Ordinance No. 2003 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 (M-F) 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.

j. Second and Final Reading of an Ordinance - Amending Chapter 130, “Zoning” of the Bryan Code of Ordinances

Second and final reading of Ordinance No. 2004 of the City of Bryan, Texas, amending 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, and by adopting use-specific conditions for tattoo studio uses city-wide, and amending existing zoning district regulations accordingly, providing for a penalty; providing for publication; providing an effective date.

k. Second and Final Reading of an Ordinance – Right-of-Way Abandonment (RA13-05)

Second and final reading of Ordinance No. 2005 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.

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

Second and final reading of Ordinance No. 2006 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 consent agenda for separate consideration.

d. Consideration – Contract Extension for Municipal Court Collections

Court Administrator Hilda Cuthbertson and Supervising City Marshal Chad Eixmann recommended renewal of the current contract, stating the company had performed extremely well for the City. Councilmember Madison moved the approval of a one-year extension to an existing contract with McCreary, Veselka, Bragg & Allen, P.C., for collection of delinquent municipal court cases, at no cost to the City. The motion was seconded through discussion by Councilmember Konderla. Staff was commended for their work with the current vendor stating that the warrant clearance rate was outstanding. It was mentioned that utilizing a firm with a local office and the same collection firm utilized by Brazos County and College Station had financial benefits for all entities. It was also reported that no complaints had ever been filed with the City about the current vendor, which was important as the vendor’s activities are a reflection of the integrity of the court. It was commented that one Councilmember thought that another request for qualifications in addition to the request for qualifications done in 2012 was to be done again in 2013 before considering a contract renewal. Councilmember Konderla moved to amend the motion to add that a request for qualifications for warrant collections be done every year beginning in 2014 and that the internal review committee for the request for qualifications have as members City Internal Auditor Bob Shultz and Public Works Director Jayson Barfknecht, with the Purchasing Manager appointing the remaining members. The motion was seconded by Councilmember Madison. Councilmember Owens made a motion for a secondary amendment to provide that the contract awarded in 2014 be for two years. The motion was seconded by Councilmember Cortez. The secondary amendment carried with all present voting aye. The primary amendment carried with all present voting aye. It was clarified that the current contract was only being extended one year but that the new contract awarded in 2014 could be for two years. The main motion as amended by the primary and secondary amendments carried with all present voting aye.

8. STATUTORY AGENDA

Councilmember Madison moved approval of the statutory agenda. The motion was seconded by Councilmember Cortez and carried with all present voting aye.

a. Consideration – Brazos County Health District FY14 Budget

Consider approving the Brazos County Health District Fiscal Year 2014 budget in the amount of \$3,808,125 with the City of Bryan’s funding contribution being \$326,500. Source of Funds: General Fund.

b. Resolution – Execute Deed to Axis Pipe and Tube, Inc.

Adoption of Resolution No. 3497 of the City Council of the City of Bryan, Texas, authorizing the Mayor to execute and cause to be filed in the official records of Brazos County, Texas, a deed to a 23.684 acre tract of land or parcel of land lying and being situated in the L. McLaughlin survey, abstract number 38 to Axis Pipe and Tube, Inc.

9. REGULAR AGENDA

a. First and Only Reading of an Ordinance – General Obligation Refunding Bonds, Series 2013

Mr. Steven Adams, Specialized Public Finance, reported that the winning bidder for the refunding bonds was Robert W. Baird & Company at a true interest cost of 2.681134 percent with a 13 year structure. He reported the City would save \$2,435,587 over the life of the bonds. Accordingly, Councilmember Owens moved approval of the first and only reading of Ordinance No. 2007 of the City of Bryan, Texas, authorizing the issuance of City of Bryan, Texas, General Obligation Refunding Bonds, Series 2013, in an amount not to exceed \$27,825,000; 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 the approval and distribution of an official statement. The motion was seconded by Councilmember Konderla and carried with all present voting aye.

b. First and Only Reading of an Ordinance – Combination Tax and Revenue Certificates of Obligation, Series 2013

Mr. Adams reported the winner bidder for the certificates of obligation was Robert W. Baird & Company at a true interest cost of 3.856869 percent with a 20 year structure. Councilmember Owens moved approval of the first and only reading of Ordinance No. 2008 of the City of Bryan, Texas, of the City of Bryan, Texas, authorizing the issuance of City of Bryan, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2013, in amount not to exceed \$5,600,000 for BTU rural system construction; specifying the terms and features of said certificates; providing for the payment of said certificates 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: BTU Rural System Revenues). The motion was seconded by Councilmember Madison and carried with all present voting aye.

10. CITY MANAGER REPORT

Mr. Walker did not provide a report.

11. ITEMS OF COMMUNITY INTEREST

Councilmembers commented on the recent Hispanic Forum Gala and the scholarships awarded to area youth at that event.

12. ADJOURN

Without objection, the meeting was adjourned at 7:11 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason Bienski