

**BRYAN CITY COUNCIL
MINUTES OF WORKSHOP MEETING
AUGUST 6, 2013**

A workshop meeting of the Bryan City Council was held on Tuesday, August 6, 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 Paul Madison, Greg Owens, Ann Horton, Art Hughes and Chuck Konderla were present. Councilmember Richard Cortez was absent. City Manager Kean Register, City Attorney Janis Hampton and City Secretary Mary Lynne Stratta were in attendance.

1. CALL TO ORDER

The meeting was called to order at 4:20 p.m.

2. PRESENTATION REGARDING UPGRADE AND WIDENING OF TEXAS AVENUE

Public Works Director Jayson Barfknecht discussed past and projected traffic counts for Texas Avenue and listed options for major improvements including right-of-way expansion, increased lane widths, additional lanes, raised decorative medians, sidewalk/bike facilities, new traffic signals, and utility relocations. He gave estimated land expense and construction costs relative to various options and discussed possible funding sources. He recommended a preliminary engineering study for underground utilities on Texas Avenue from University Drive to Villa Maria while funding sources for the project were pursued.

3. PRESENTATION REGARDING FISCAL YEAR 2014 PROPOSED CAPITAL IMPROVEMENT PROJECTS

Dr. Barfknecht reviewed the proposed Capital Improvement Program (CIP) for fiscal years 2014 – 2018. He listed ongoing and planned projects by year with funding sources and answered questions for the Council. He explained how projects are placed in the CIP and Council asked for additional time to make suggestions of projects to include in the CIP before adoption.

4. DISCUSSION REGARDING FISCAL YEAR 2014 GENERAL FUND BUDGET AND EFFECTIVE VERSUS CERTIFIED TAX RATES

Chief Finance Officer Joe Hegwood provided the final property tax values for fiscal year 2014 as provided by the Appraisal District. He showed the projected impact on the general fund of adopting the current tax rate, the effective tax rate or a tax rate between those two figures. He advised the adoption of the effective tax rate for fiscal year 2014 would result in a reduction in general fund revenue of \$461,000, while a reduction in the current tax rate of 0.5% would produce a tax rate of \$0.62999, resulting in a reduction in general fund revenue of \$118,000. He stated staff would recommend the 0.5% reduction, and it was noted that even if the Council lowered the property tax rate to an amount above the effective rate, the City would still be required to call it a tax increase due to State laws. It was also noted that this would be the second year in a row that Council lowered the tax rate, should they decide to go with a rate reduction.

5. DISCUSSION REGARDING CONSENT/STATUTORY AGENDA ITEMS FOR REGULAR MEETING OF AUGUST 6, 2013

There was no discussion of any items on the consent/statutory agenda for the regular meeting of August 6, 2013.

6. ADJOURN

Without objection, the meeting was adjourned at 5:06 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING
AUGUST 6, 2013**

A regular meeting of the Bryan City Council was held on Tuesday, August 6, 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 Paul Madison, Greg Owens, Ann Horton, Art Hughes and Chuck Konderla were present. Councilmember Richard Cortez was absent. City Manager Kean Register, City Attorney Janis Hampton and City Secretary Mary Lynne Stratta were in attendance.

1. CALL TO ORDER

The meeting was called to order at 5:19 p.m.

2. EXECUTIVE SESSION

The meeting was called into executive session at 5:20 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; 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 551.074, personnel matters – discussion regarding duties and responsibilities of City Manager, City Internal Auditor, City Attorney and City Secretary, and discussion of appointment of BTU Board Members; 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; under the authority of Section 551.073, deliberations regarding gifts and donations – discussion regarding a negotiated contract for a prospective gift or donation; and under the authority of Section 551.072, real estate – discussion regarding possible sale of property in northwest Bryan

3. OPEN SESSION FOR ACTION FOLLOWING EXECUTIVE SESSION

The meeting was called into open session at 6:25 p.m. Councilmember Owens moved to reappoint Mr. Paul Turney, Mr. Flynn Adcock, and Mr. Bill Ballard to Positions 2, 4, and 7, respectively, on the BTU Board of Directors. The motion was seconded by Councilmember Horton and carried with all present voting aye (Councilmembers Madison and Konderla were not in the room at the time of the vote on this motion).

Councilmember Horton moved to authorize the Mayor to sign and to accept the terms of oil and gas leases with Halcon Energy Properties on tracts of land composed of 1.98 acres of land in the W. S. Martin Survey, A-35, as recorded in Volume 137, Page 131 of the deed records of Brazos County, Texas; 1.39 acres and 0.59 acres in the W. S. Martin Survey, A-35, as recorded in Volume 129, Page 120, of the deed records of Brazos County, Texas; 42.0 acres in the M. Baine Survey, A-3, as recorded in Volume 99, Page 49, of the deed records of Brazos County, Texas; 60.0 acres of land in the M. Baine Survey, A-3, as recorded in Volume 99, Page 72, of the deed records of Brazos County,

Texas; 10.12 acres in the W.S. Martin Survey, A-35, and M. Baine Survey, A-3, as recorded in Volume 587, page 560, of the deed records of Brazos County, Texas; and finding that such terms of said leases are beneficial to the City of Bryan. The motion was seconded by Councilmember Hughes and carried with all present voting aye.

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

Monsignor John Malinowski, St. Joseph Regional Health Care Center, gave the invocation and Cadet Corporal Robert Jaska, Texas A&M University Sanders Corps of Cadets, led the pledges.

5. PROCLAMATIONS AND PRESENTATIONS

Monsignor John Malinowski was recognized for his 50 years in the priesthood. Former Mayor J.D. Conlee was recognized on his 90th birthday and for his service to the community. The Bryan National Little League Girls Softball team was recognized for winning the Texas East State Little League Championship.

6. HEAR CITIZENS

No one spoke under hear citizens.

7. REZONING REQUEST (RZ13-04)

a. Public Hearing – Rezoning Request (RZ13-04)

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 Industrial District (I) to Residential District – 5000 (RD-5) on 4.24 acres of land out of Stephen F. Austin League No. 9, adjoining the south side of West 28th Street, approximately 0.2 miles southwest from its intersection with Scanlin Street and currently addressed as 2111 West 28th Street in Bryan, Brazos County, Texas. It was reported the Planning and Zoning Commission and staff recommended approval. The public hearing closed at 6:52 p.m. with no comments.

b. First Reading of an Ordinance – Rezoning Request (RZ13-04)

Councilmember Madison moved approval of 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 Industrial District (I) to Residential District – 5000 (RD-5) on 4.24 acres of land out of Stephen F. Austin League No. 9, adjoining the south side of West 28th Street, approximately 0.2 miles southwest from its intersection with Scanlin Street and currently addressed as 2111 West 28th Street in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Owens and carried with all present voting aye.

8. REZONING REQUEST (RZ13-08)

a. Public Hearing – Rezoning Request (RZ13-08)

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 Commercial District (C-3) to Retail District (C-2) on 1.26 acres of land located along the south side of West Villa Maria Road

between Westwood Main and Shirewood Drive, being Lot 1 in Block 14 of the Shirewood Subdivision – Phase 2 and currently addressed as 1919 West Villa Maria Road in Bryan, Brazos County, Texas. It was reported the staff and the Planning and Zoning Commission recommended approval. The public hearing closed at 6:55 p.m. with no public input.

b. First Reading of an Ordinance – Rezoning Request (RZ13-08)

Councilmember Konderla moved approval of 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 Commercial District (C-3) to Retail District (C-2) on 1.26 acres of land located along the south side of West Villa Maria Road between Westwood Main and Shirewood Drive, being Lot 1 in Block 14 of the Shirewood Subdivision – Phase 2 and currently addressed as 1919 West Villa Maria Road in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Hughes and carried with all present voting aye.

9. REZONING REQUEST (RZ13-09)

a. Public Hearing – Rezoning Request (RZ13-09)

Information was presented regarding a proposed 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 Commercial District (C-3) on 2.495 acres of land currently addressed as 6223 East State Highway 21, being a portion of Lot 3 in Block 2 of East Brazos Industrial Park Subdivision – Phase 1 and adjoining the northwest side of East State Highway 21, approximately 475 feet to 830 feet north from its intersection with Crosswind Drive in Bryan, Brazos County, Texas. It was reported the Planning and Zoning Commission and staff recommended approval. No citizens spoke and the public hearing closed at 6:59 p.m.

b. First Reading of an Ordinance – Rezoning Request (RZ13-09)

Councilmember Madison moved approval of 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 Commercial District (C-3) on 2.495 acres of land currently addressed as 6223 East State Highway 21, being a portion of Lot 3 in Block 2 of East Brazos Industrial Park Subdivision – Phase 1 and adjoining the northwest side of East State Highway 21, approximately 475 feet to 830 feet north from its intersection with Crosswind Drive in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Horton and carried with all present voting aye.

10. CONSENT (AUTOMATIC APPROVAL) AGENDA

Councilmember Horton made a motion to approve the consent agenda. The motion was seconded by Councilmember Hughes and carried with all present voting aye.

Second and Final Reading of an Ordinance – Rezoning Request (RZ13-07)

Second and final reading of Ordinance No. 2009 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.

11. STATUTORY AGENDA

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

a. **Consideration – Construction Contract for 2013 Maintenance Overlays and Reconstructs Project**

Consider approving a construction contract with Larry Young Paving, Inc., for the 2013 Street Maintenance Overlays and Reconstructs Project, City Project Number 332-D3-1302, in an amount not to exceed \$1,776,283.75. Source of Funds: Transportation Fee.

b. **Consideration – Construction Contract for 2013 Manhole Rehabilitation Project**

Consider approving a construction contract with Standard Cement Materials, Inc., for the 2013 Manhole Rehabilitation Project, City Job No. 411-D4-1304, in an amount not to exceed \$299,230.00. Source of Funds: Water Services Operating Fund.

c. **Consideration – Equipment Purchase for Solid Waste**

Consider approving the purchase of one Freightliner chassis from Houston Freightliner, Houston, Texas, for the total purchase price of \$72,919 and the purchase of one Petersen TL3 dump body from Heil of Texas, Houston, Texas, for the total purchase price of \$62,666. Contingent upon Council approval, the chassis will be purchased through the Houston-Galveston Area Council, HGAC, and the dump body will be purchased through the Texas Local Government Purchasing Cooperative, BuyBoard; HGAC contract #HT 11-12 and BuyBoard contract #357-10. Source of Funds: Solid Waste Fund.

d. **First Reading of an Ordinance – Bryan Texas Utilities Electric Rates**

First reading of an ordinance of the City of Bryan, Texas, establishing a new schedule of rates to be charged for electric current furnished by Bryan Texas Utilities (BTU); and providing definitions.

e. **First Reading of an Ordinance – Rudder High School Reduced Speed School Crossing Zone**

First reading of an ordinance of the City of Bryan, Texas, to amend Chapter 118-53, “Traffic and Vehicles: Speed: Restrictions Near Schools” of the Bryan Code of Ordinances to adopt a reduced speed school crossing zone for Rudder High School on Austin’s Colony Parkway and Old Reliance Road; providing for publication; providing for a penalty; providing an effective date.

f. **First Reading of an Ordinance – Austin’s Colony Parkway Speed Limit**

First reading of an ordinance of the City of Bryan, Texas, to amend Chapter 118-55, “Traffic and Vehicles: Schedule of Maximum Speed Limits” to raise the speed limit on Austin’s Colony Parkway; providing for publication; providing for a penalty; providing an effective date.

12. REGULAR AGENDA - Consideration – Vote on Tax Rate Proposal

Mayor Bienski made a motion to place a proposal to adopt a property tax rate of \$0.62999 per \$100 of assessed valuation on the agendas of the September 23, 2013, and September 24, 2013, Council meetings and to schedule public hearings on the proposed tax rate for August 27, 2013, and September 10, 2013. The motion was seconded by Councilmember Owens. It was noted that this would decrease the property tax rate from the previous year by 0.5% while still adding funding for at least ten first responders in the 2014 fiscal year budget. The motion carried with all present voting aye.

13. COUNCIL COMMITTEE REPORTS

Councilmember Owens provided a report on a recent meeting of the Community Emergency Operations Center Policy Board.

14. CITY MANAGER REPORT

Mr. Register commented on the passing of Ronnie Jackson, Neighborhood/Youth Services Manager for the City of Bryan.

15. ITEMS OF COMMUNITY INTEREST

Councilmembers shared the following items of community interest. Monsignor Malinowski, J.D. Conlee, and the Bryan National Little League softball team were again congratulated. Ronnie Jackson's selfless service to the City and community was remembered and condolences were expressed for the Jackson family. Condolences were also expressed for the family of State Representative Kyle Kacal on the loss of his mother.

16. ADJOURN

Without objection, the meeting was adjourned at 7:20 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski