

**BRYAN CITY COUNCIL
MINUTES OF WORKSHOP MEETING
AUGUST 27, 2013**

A workshop meeting of the Bryan City Council was held on Tuesday, August 27, 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, Ann Horton, Art Hughes and Chuck Konderla were present. Councilmember Greg Owens 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 3:45 p.m.

2. PRESENTATION REGARDING BUDGET FOR BRAZOS VALLEY SOLID WASTE MANAGEMENT AGENCY, INC. (BVSWMA)

Mr. Bryan Griesbach, Executive Director of BVSWMA, presented the proposed fiscal year 2014 BVSWMA budget. He reported the BVSWMA Board had approved the budget. He provided a brief history of BVSWMA. He showed the BVSWMA service area and listed the services provided by the agency. Mr. Griesbach was thanked for his work.

3. PRESENTATION REGARDING FISCAL YEAR 2014 PROPOSED CAPITAL IMPROVEMENT PROJECTS AND PROCESS FOR DEVELOPMENT OF THE CAPITAL IMPROVEMENT PLAN

Public Works Director Jayson Barfknecht presented information regarding the proposed fiscal year 2014 capital improvement projects. He explained the process utilized for the development of the capital improvement plan (CIP). He also listed possible projects and funding sources for fiscal years 2015-2018. He explained how transportation and drainage fees were utilized.

4. DISCUSSION REGARDING CONSENT/STATUTORY AGENDA ITEMS FOR REGULAR MEETING OF AUGUST 27, 2013

No items on the consent/statutory agenda for the regular meeting of August 27, 2013, were discussed.

5. ADJOURN

Without objection, the meeting was adjourned at 4:21 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING
AUGUST 27, 2013**

The Bryan City Council held a regular meeting on Tuesday, August 27, 2013, in Room 305 and the Council Chambers of the Bryan Municipal Office 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, Ann Horton, Art Hughes and Chuck Konderla were present. Councilmember Greg Owens 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 4:39 p.m.

2. EXECUTIVE SESSION

The meeting was called into executive session at 4:40 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 proposed economic development agreement for west side residential development, receive legal advice regarding compliance with development agreement with Gunler Foods, Inc.; under the authority of Section 551.074, personnel matters – discussion regarding duties and responsibilities of City Manager, City Internal Auditor, City Attorney, Municipal Court Judge and City Secretary, and discussion of appointment of BTU Board Chairman; 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 lease or sale of property in central Bryan.

3. OPEN SESSION FOR ACTION FOLLOWING EXECUTIVE SESSION

The meeting was called into open session at 6:09 p.m. Councilmember Hughes moved to reappoint Mr. Carl Benner as Chair of the BTU Board for the next one-year period. The motion was seconded by Councilmember Madison 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

Mr. J.J. Ramirez, S.O.S. Ministries, gave the invocation and Mr. Johnny Stepney led the pledges.

5. PROCLAMATIONS AND PRESENTATIONS

Proclamations were presented to the state champion Allen Academy baseball team and the Bryan United Little League softball team for their Texas East Little League state championship. Traffic and

Transportation Director Dale Picha was recognized as the recipient of the Greater Brazos Valley Excellence in Transportation Award.

6. HEAR CITIZENS

Mr. Jerry Merker, 4630 Enchanted Oaks, College Station, spoke in opposition to agenda item 9 b. He advised he was a Precinct 3 fireman and expressed concern the proposed use would increase late night traffic and emergency service district responses. Mayor Bienski asked the record reflect Mr. Merker's comments were related to the public hearing, agenda item 9 a.

Mayor Bienski announced that anyone wishing to speak about the City's participation in the Texas Enterprise Zone Program, agenda item 11 h, should speak at this time as part of the public hearing on this item. No one spoke on this issue and the public hearing closed at 6:36 p.m.

7. FIRST PUBLIC HEARING – Proposed Tax Revenue Increase

Mayor Bienski called for public comment regarding a proposal to adopt a property tax rate of \$0.62999 per \$100 assessed valuation. He announced the proposed Fiscal Year 2014 tax rate of \$0.62999 per \$100.00 of total taxable value is a 0.5% decrease from the tax rate of \$0.633308 imposed in the current fiscal year (Fiscal Year 2013). The proposed rate is higher than the effective tax rate of \$0.620372 and will raise more tax revenue than last year. This is the first of two public hearings to consider the proposed tax rate. The second public hearing will take place on September 10, 2013, at 6:00 p.m., at Council Chambers in the Municipal Office Building, 300 South Texas Avenue, Bryan, Texas. The tax rate ordinance will be read at the special City Council meeting on September 23, 2013, with final approval at the City Council meeting on September 24, 2013. The special meeting will be held at 8:30 a.m. and the regular meeting will be held at 6:00 p.m., both at Council Chambers in the Municipal Office Building, 300 South Texas Avenue, Bryan, Texas. Ms. Sharon Anderson, 2304 Cindy Lane, expressed disappointment the Council was proposing a tax rate decrease. She asked that services previously cut be restored, specifically library operating hours. She also asked for funding for a comprehensive plan update. There were no other comments and the public hearing closed at 6:40 p.m.

8. PROPOSED FISCAL YEAR 2014 BUDGET

a. Public Hearing – Proposed Fiscal Year 2014 Budget

Mayor Bienski called for public comment regarding the proposed Fiscal Year 2014 budget beginning October 1, 2013, and ending September 30, 2014, both dates inclusive, with expenditures in the combined total amount of \$338,295,425 and revenues in the combined total amount of \$327,967,126. The public hearing closed at 6:42 p.m. with no comments by the public.

b. First Reading of an Ordinance – Proposed Fiscal Year 2014 Budget

Councilmember Horton moved approval of the first reading of an ordinance of the City Council of the City of Bryan, Texas, approving and adopting a budget for the Fiscal Year beginning October 1, 2013, and ending September 30, 2014, both dates inclusive, with expenditures in the combined total amount of \$338,295,425 and revenues in the combined total amount of \$327,967,126; appropriating funds for the maintenance and operation of the various departments, activities and improvements of the City; appropriating funds for the payment of debt obligations in accordance with applicable contracts and laws; providing that expenditures for said fiscal year

shall be made in accordance with said budget; and authorizing the City Manager to make certain transfers of funds. The motion was seconded by Councilmember Hughes and carried with all present voting aye.

9. REZONING REQUEST (RZ13-10)

a. Public Hearing – Rezoning Request (RZ13-10)

Planning Manager Martin Zimmermann presented information 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 9.51 acres of land out of Maria Kegans League adjoining the northeast side of State Highway 30, midway between Hardy Weedon and Elmo Weedon Roads and currently addressed as 10253 State Highway 30 in Bryan, Brazos County, Texas. He advised the staff and Planning and Zoning Commission recommended approval. Mayor Bienski referred to the comments offered earlier in the meeting regarding this item by Mr. Jerry Merker. Mr. Mark McAuliffe, 4304 Warwick Lane, voiced his opposition to the rezoning, citing concerns about decreased property values and noise. The public hearing closed at 6:46 p.m. with no other comments.

b. First Reading of an Ordinance – Rezoning Request (RZ13-10)

Councilmember Hughes made a motion 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 Commercial District (C-3) on 9.51 acres of land out of Maria Kegans League adjoining the northeast side of State Highway 30, midway between Hardy Weedon and Elmo Weedon Roads and currently addressed as 10253 State Highway 30 in Bryan, Brazos County, Texas. The motion was not considered due to the lack of a second.

10. CONSENT (AUTOMATIC APPROVAL) AGENDA

Councilmember Horton moved to approve 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 23, 2013 and August 6, 2013

b. Consideration – Brazos Valley Wide Area Communications System Interlocal Agreement

Consider approving the first reinstatement of the Brazos Valley Wide Area Communications System (BVWACS) interlocal agreement between the City of Bryan, Brazos County, College Station, Texas A&M University (TAMU), Washington County, and the City of Brenham, effective October 1, 2013, through September 30, 2018.

c. Consideration – Interlocal Agreement Designating BVCOG as Managing Entity of BVWACS

Consider approving the renewal of the interlocal agreement between the Brazos Valley Council of Government (BVCOG) and the Brazos Valley Wide Area Communications System (BVWACS) designating BVCOG as the Managing Entity for BVWACS effective October 1, 2013, until September 30, 2018.

d. Consideration – Office Max Blanket Purchase Order

Consider approving a blanket purchase order to Office Max in an amount not to exceed \$70,000.00 for Fiscal Year 2014, for the purchase of office supplies and related equipment/services by all City departments through an interlocal cooperative purchasing agreement with BVCOG [Purchasing Solutions Alliance Cooperative (PSA)]. Source of Funds: Department Operating Budgets.

e. Consideration – Extension of Contract with Weaver and Tidwell, LLP, for Auditing Services

Consider approving the third and final extension of an existing contract with Weaver and Tidwell, LLP, in an amount not to exceed \$100,000.00, to provide auditing services to the City of Bryan for the period of October 1, 2013, through September 30, 2014. Source of Funds: General Fund – City Council Services Operating Budget.

f. Consideration – Extension of Annual Contract for Concrete Curb, Gutter and Flatwork

Consider approving the fourth and final annual extension to Contract 09-149 with Brazos Site Works of Bryan, Texas, entitled “Annual Contract for Concrete Curb, Gutter and Flatwork” in an amount not to exceed \$613,898.81. Source of Funds: Transportation Fee, Water Fund and Wastewater Fund.

g. Consideration – Extension of Contract with Andrews Kurth, LLP, as Bond Counsel

Consider approving a one-year extension of the agreement executed in 2009 with Andrews Kurth, LLP, to serve as Bond Counsel with respect to bonds and other debt obligations that the City of Bryan would issue for Fiscal Year 2014. Source of Funds: Services are paid through the proceeds as debt is issued.

h. Consideration – Extension of Existing Price Agreement with NAPA Auto Parts

Consider approving an extension of an existing price agreement with NAPA Auto Parts, through the Brazos Valley Council of Governments Cooperative Program – Purchasing Solutions Alliance (PSA) contract, in an amount not to exceed \$100,000.00, for automotive and truck replacement parts, shop equipment and services. Source of Funds: Department Operating Budgets.

i. Consideration – Agreement with AS&G Claims Administration, Inc.

Consider approving a three year professional services agreement with AS&G Claims Administration, Inc., for claims administration and medical cost containment services, subject to annual appropriation of funds by the City Council. Source of Funds: Self-Insurance Fund.

j. Resolution – Amendment to the TMPA Power Sales Contract

Adoption of Resolution No. 3498 of the City Council of the City of Bryan, Texas, approving an amendment to the Texas Municipal Power Agency (TMPA) Power Sales Contract to specify a modification to the date requirement for Future Services Notice and authorizing the Mayor to sign the amendment on behalf of the City of Bryan.

k. Second and Final Reading of an Ordinance – Bryan Texas Utilities Electric Rates

Second and final reading of Ordinance No. 2010 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.

l. Second and Final Reading of an Ordinance – Rezoning Request (RZ13-04)

Second and final reading of Ordinance No. 2011 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.

m. Second and Final Reading of an Ordinance – Rezoning Request (RZ13-08)

Second and final reading of Ordinance No. 2012 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.

n. Second and Final Reading of an Ordinance – Rezoning Request (RZ13-09)

Second and final reading of Ordinance No. 2013 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.

o. Second and Final Reading of an Ordinance – Rudder High School Reduced Speed School Crossing Zone

Second and final reading of Ordinance No. 2014 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.

p. Second and Final Reading of an Ordinance – Austin’s Colony Parkway Speed Limit

Second and final reading of Ordinance No. 2015 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.

11. STATUTORY AGENDA

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

a. Consideration – BBVA Compass Loan Pay Off

Consider approving the transfer of funds in the amount of \$1,907,995 from the General Fund to Bryan Commerce and Development, Inc., (BCD) to pay off a bank loan with BBVA Compass due on September 9, 2013. Source of Funds: General Fund.

b. Consideration – Funding Support of Easterwood Airport

Consider approving an authorization for the Mayor to execute a Memorandum of Agreement between the City of Bryan and Texas A&M University regarding the City's financial contribution to Easterwood Airport operations in the amount of \$65,400. Source of Funds: General Fund.

c. Consideration – Law Enforcement Assistance Interlocal Agreement

Consider approving an interlocal agreement between Texas A&M University, Blinn College, Brazos County, the City of College Station, Texas and the City of Bryan, Texas to allow any party to request or provide law enforcement resources to/from the other included parties.

d. Consideration - Brazos County Emergency Communications Dispatch Agreement

Consider approving an agreement between the City of Bryan and the Brazos County Emergency Communications District to provide emergency communications dispatching services in the amount of \$1,456,959 for the City of Bryan for Fiscal Year 2014. Source of Funds: General Fund.

e. Resolution – Brazos County Emergency Communications Fiscal Year 2014 Budget

Adoption of Resolution No. 3499 of the City Council of the City of Bryan, Texas, approving the Fiscal Year 2014 budget of the Brazos County Emergency Communications District (911 District) budget in the amount of \$4,663,970, which is inclusive of 911 District cost, City of Bryan Dispatch Services cost, and Brazos County Dispatch Services cost. Source of Funds: Emergency Service Fee funds generated by wire line, wireless, and voice over IP (VOIP) telephones; City of Bryan General Fund (for dispatch services); and Brazos County (for dispatch services).

f. Resolution – Agreement with TxDOT for Texas Reds Road Closures

Adoption of Resolution No. 3500 of the City Council of the City of Bryan, Texas, authorizing the Mayor to execute an agreement with the State of Texas (Texas Department of Transportation, or TxDOT) for the temporary closure of state right of way (i.e., Farm to Market Road 158) as needed for the 2013 Texas Reds Steak and Grape Festival from September 27-29, 2013.

g. Resolution – Outside Agency Funding Policy and Process

Adoption of Resolution No. 3501 of the City Council of the City of Bryan, Texas, amending Resolution 3161, to update the non-CDBG outside agency funding policy and process.

h. Resolution – Participation in the Texas Enterprise Zone Program

Adoption of Resolution No. 3502 of the City Council of the City of Bryan, Texas, establishing the City's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code, providing tax incentives, designating a liaison for communication with interested parties, and nominating Axis Pipe & Tube, Inc., to the Office of the Governor Economic Development and Tourism through the Economic Development Bank as an enterprise project, at no cost to the City.

12. COUNCIL COMMITTEE REPORTS

Councilmember Madison provided a report about a recent meeting of the City of Bryan/Bryan ISD Committee.

13. CITY MANAGER REPORT

Mr. Register provided an update on various capital improvement projects.

14. ITEMS OF COMMUNITY INTEREST

Councilmembers listed the following items of community interest: Axis Pipe & Tube groundbreaking, Habitat for Humanity home dedication, Christian Faith Baptist Church dedication, Sims Street repairs, Still Creek Tributary drainage improvements, 17th Street improvements, various sidewalk improvement projects, Brazos County Senior Citizens Association luncheon, and the Convention and Visitors Bureau ceremonial signing of a facilities use agreement with Texas A&M University. Allen Academy and Bryan United Little League were again congratulated for their state championships. Council congratulated City Manager Kean Register for his induction into the Bryan ISD Hall of Honor as well as the other inductees. Council again congratulated Dale Picha on his recent award. Bryan ISD was complimented on its students' academic success.

15. ADJOURN

Without objection, the meeting was adjourned at 7:05 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski