

**BRYAN CITY COUNCIL
MINUTES OF WORKSHOP MEETING
SEPTEMBER 10, 2013**

The Bryan City Council held a workshop meeting on Tuesday, September 10, 2013, in Room 305 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, Ann Horton, Art Hughes and Chuck Konderla were present. Also present 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 4:50 p.m.

2. DISCUSSION REGARDING CONSENT/STATUTORY AGENDA ITEMS FOR REGULAR MEETING OF SEPTEMBER 10, 2013

Council briefly discussed agenda item 9 g of the consent/statutory agenda for the regular meeting of September 10, 2013. No action was taken regarding the item discussed.

3. ADJOURN

Without objection, the meeting was adjourned at 4:55 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING
SEPTEMBER 10, 2013**

The Bryan City Council held a regular meeting on Tuesday, September 10, 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, Ann Horton, Art Hughes and Chuck Konderla were present. Also present 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 5:05 p.m.

2. EXECUTIVE SESSION

The meeting was called into executive session at 5:06 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 and tax abatement agreements with G-CON, LLC, and Toyo Ink; 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 annual performance review of City Manager; under the authority of Section 551.087, economic development negotiations – discussion regarding possible economic development incentives to prospects in east Bryan, the biocorridor and Texas Triangle Park; and under the authority of Section 551.073, deliberations regarding gifts and donations – discussion regarding a negotiated contract for a prospective gift or donation.

3. OPEN SESSION FOR ACTION FOLLOWING EXECUTIVE SESSION

The meeting was called into open session at 6:35 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

Pastor Ted Foote, First Presbyterian Church, gave the invocation and Senior Representative Chase Brooke and Junior Representative Allen Cresap, Texas A&M University Corps of Cadets, led the pledges.

5. PROCLAMATIONS AND PRESENTATIONS

Mayor Bienski presented proclamations in recognition of Down Syndrome Awareness Month, Buddy Walk Day and Muscular Dystrophy Association's Fill the Boot Campaign. He presented certificates to the members of Team A&M Diving.

6. HEAR CITIZENS

Mr. Matt Brasseaux with Dean International, representing the Texas High Speed Rail Corporation, asked for the City of Bryan's participation in funding the coalition working to bring high speed rail to Texas. Mr. John Happ, 1109 Willow Hollow Lake, College Station, asked the Council to provide funding to the coalition since a Japanese group was poised to announce a route from Dallas to Houston for high speed rail. He stated that Bryan-College Station should not be left out of the process.

7. SECOND 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 second of two public hearings to consider the proposed tax rate. 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. No one spoke regarding this agenda item and the public hearing closed at 7:02 p.m.

8. REZONING REQUEST (RZ13-11)

a. Public Hearing – Rezoning Request (RZ13-11)

Mayor Bienski called for public comment 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 Retail District (C-2) to a combination of Residential District – 5000 and Retail District (C-2) on 33.783 acres of vacant land out of T.J. Wooten League, Abstract No. 59 and adjoining the south side of West Villa Maria Road (F.M. 1179) across from its intersection with Jones Road in Bryan, Brazos County, Texas. No citizens spoke regarding this item and the public hearing closed at 7:04 p.m.

b. First Reading of an Ordinance – Rezoning Request (RZ13-11)

Councilmember Horton 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 a combination of Agricultural – Open District (A-O) and Retail District (C-2) to a combination of Residential District – 5000 and Retail District (C-2) on 33.783 acres of vacant land out of T.J. Wooten League, Abstract No. 59 and adjoining the south side of West Villa Maria Road (F.M. 1179) across from its intersection with Jones Road in Bryan, Brazos County, Texas. The motion was seconded by Councilmember Konderla and carried unanimously.

9. CONSENT (AUTOMATIC APPROVAL) AGENDA

Councilmember Madison moved to approve the consent agenda. The motion was seconded by Councilmember Cortez and carried unanimously.

- a. **Approval of Minutes** – Workshop Meeting of August 22, 2013, and Workshop and Regular Meetings of August 27, 2013.

b. **Consideration – Extension of Agreement for Public Safety Software Support**

Consider approving a one-year extension of the agreement executed in 2006 with Tiburon, Inc., in an amount not to exceed \$131,771.00, with the City of Bryan's portion being \$92,379.14 and Brazos County 911's portion being \$39,391.86, to provide software support and maintenance on software used by the City of Bryan's Police and Fire Departments and Brazos County 911. Source of Funds: General Fund.

c. **Consideration – Renewal of Interlocal Cooperative Agreement with Brazos County**

Consider approving an extension of an existing interlocal cooperative agreement between the City of Bryan and Brazos County, in an amount not to exceed \$96,000.00, to provide for the housing of prisoners from the City of Bryan in the Brazos County Jail. Source of Funds: General Fund – Police Budget.

d. **Consideration – Agreement with Brenntag Southwest, Inc.**

Consider approving an annual price agreement with Brenntag Southwest, Inc., of Houston, Texas, in an amount not to exceed \$102,250.00, for chlorine gas used by both water production and wastewater treatment facilities for disinfection purposes. Source of Funds: Water/Wastewater Operating Fund.

e. **Consideration – Extension of Contract for Parks Maintenance Landscape Services**

Consider approving the third extension of an existing contract with Green Team, Inc., Rainbow Nursery, and Roots Landscaping, LLC, in a total amount not to exceed \$751,636.00, to provide landscape management and mowing services in City parks and other public facilities, as follows: Group 1 – Schedule A Sites (Athletic Areas): award to Green Teams, Inc., for an amount not to exceed \$42,976; Group 2 – Schedule B (Weekly Mow): award to Green Teams, Inc., for an amount not to exceed \$ 482,053 (total Green Teams, Inc., contract amount for Groups 1 and 2 not to exceed \$525,029); Group 3 – Schedule B (Weekly Mow): award to Rainbow Gardens Nursery, for an amount not to exceed \$166,537; Group 4 – Schedule C (Biweekly Mow): award to Roots Landscaping, LLC, for a total amount not to exceed \$29,990; and Group 5 – Schedule D (Miscellaneous): award to Rainbow Gardens Nursery, for an amount not to exceed \$30,080 (total Rainbow Garden Nursery contract amount for Groups 3 and 5 not to exceed \$196,617). Source of Funds: General Fund – Parks & Recreation Budget.

f. **Consideration – Excess Liability and Excess Workers Compensation Policy**

Consider awarding the City's excess liability and excess workers compensation insurance to Associated Industries Insurance Company, Inc., for the policy period beginning October 1, 2013, and ending September 30, 2014, at an annual premium of \$194,164.00, with the option to renew for three additional years. Source of Funds: Self-Insurance Fund.

g. Consideration – Boiler and Machinery Equipment Breakdown Insurance

Consider awarding the City's boiler and machinery equipment breakdown insurance to Travelers Property Casualty Company of America in the estimated annual amount of \$238,457.00. Source of Funds: Bryan Texas Utilities, Wastewater, Water and General Funds.

h. Consideration – Property Insurance

Consider awarding the City's property insurance to the Texas Municipal League – Intergovernmental Risk Pool in the estimated annual amount of \$125,259.00. Source of Funds: All Funds.

i. Resolution – Easement Release (ER13-01)

Adoption of Resolution No. 3503 of the City Council of the City of Bryan, Texas, authorizing the release of three 10-foot wide public drainage easements extending across Lot 1 in Block 1 of Sherwood #1 Subdivision and/or a portion of Bryan Hospital Tract, being 8.238 acres of land located at the northeast corner of Memorial Drive and Kent Street and currently addressed as 1401 Memorial Drive in Bryan, Brazos County, Texas.

10. STATUTORY AGENDA

Councilmember Madison made a motion to approve the statutory agenda. The motion was seconded by Councilmember Konderla and carried unanimously.

a. Consideration – Contract with Freese and Nichols for Still Creek Watershed Drainage Design

Consider approving the execution of an engineering contract with Freese and Nichols in an amount not to exceed \$488,981.00, to design drainage improvements in the Still Creek Watershed, contingent upon approval of the upcoming grant application to the Texas Water Development Board.

b. Resolution – Flood Mitigation Assistance Grant Application

Adoption of Resolution No. 3504 of the City Council of the City of Bryan, Texas, supporting the City's Flood Mitigation Assistance Grant application to the Texas Water Development Board (TWDB) to fund design and construction of drainage improvements in the Still Creek Watershed, acknowledgement of the City's maximum 25% local match requirement using cash and/or in-kind services in an amount not to exceed \$1,912,500.00 and authorizing the Mayor to enter into a contract with the TWDB if Bryan is awarded the grant.

c. Resolution – Brazos Valley Solid Waste Management Agency, Inc., Fiscal Year 2014 Budget

Adoption of Resolution No. 3505 of the City Council of the City of Bryan, Texas, approving the appropriations for Fiscal Year 2014, which begins October 1, 2013, and ends September 30, 2014, inclusive, for the Brazos Valley Solid Waste Management Agency, Inc. (BVSWMA), as proposed with combined expenditures in the amount of \$7,795,742 and combined revenues of \$6,878,600. Source of Funds: Tipping fees.

d. Resolution – Fiscal Years 2014-2018 Capital Improvement Program

Adoption of Resolution No. 3506 of the City Council of the City of Bryan, Texas, approving the Fiscal Years 2014–2018 Capital Improvement Program, totaling \$57 million over a five-year period.

e. Resolution – Acquisition of Electric Utility Easement

Adoption of Resolution No. 3507 of the City Council of the City of Bryan, Texas, declaring the public need and necessity and convenience for acquiring an electric utility easement being a 6.22 acre tract out of the ASIS Pedigree L.P. called 43.139 acre tract, vol. 8543, pg. 162, and called 567.689 acre tract, vol. 10633, pg. 1, E.M. Millican Survey, A-40, Brazos County, Texas, and ordering the condemnation of said property if staff is unable to acquire the property by purchase.

f. First Reading of an Ordinance – Budget Amendment

First reading of an ordinance of the City Council of the City of Bryan, Texas, amending Ordinance No. 2001, increasing the expenditure budget appropriations for Fiscal Year 2013 from \$332,854,139 to \$341,423,925.

11. REGULAR AGENDA – Second and Final Reading of an Ordinance – Proposed Fiscal Year 2014 Budget

Councilmember Konderla moved the adoption of Ordinance No. 2016 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 unanimously.

Voting Yes: Mayor Bienski and Councilmembers Cortez, Madison, Owens, Horton, Hughes and Konderla

Voting No: None

Present and Not Voting: None

Absent: None.

12. CITY MANAGER REPORT

Mr. Register and his lovely wife, Vita, were congratulated on their 25th wedding anniversary.

13. ITEMS OF COMMUNITY INTEREST

Councilmembers shared the following items of community interest. Remarks were made about the academic performance of Bryan ISD students and a possible future community center and park the City hopes will be named in memory of Ronnie Jackson, the City's long time Neighborhood/Youth Services Coordinator who recently passed away. Mr. Register was again congratulated for being inducted into the Bryan ISD Hall of Honor. It was announced that Firefighters Ricky Mantey and Mitch Moran, who were injured in the line of duty in the February 15th Knights of Columbus Hall

fire, and Lt. Greg Pickard and Lt. Eric Wallace, who died from injuries sustained from the fire, will receive the Governor's Star of Texas Award. The following events and meetings were mentioned: BTU's new website launch, high speed rail meeting, new IMAX Theatre opening, Texas Reds Steak and Grape Festival, Community Emergency Operations Center meeting, wedding anniversaries, Austin's Colony and Upper Burton Creek Homeowners Association meetings, Catholic Charities grand opening, and the Brazos Valley Fair and Expo.

14. ADJOURN

Without objection, the meeting was adjourned at 7:27 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski