

**BRYAN CITY COUNCIL  
MINUTES OF WORKSHOP MEETING  
SEPTEMBER 24, 2013**

The Bryan City Council held a workshop meeting on Tuesday, September 24, 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. 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 1:09 p.m.

**2. DISCUSSION REGARDING NOMINATION OF AXIS PIPE & TUBE, INC., AS A TEXAS ENTERPRISE ZONE**

Economic Development Director Kevin Russell reviewed the steps to be taken by the City relative to the nomination by ordinance of Axis Pipe & Tube, Inc., as a Texas Enterprise Zone. He listed the benefits associated with the designation of the enterprise zone.

**3. PRESENTATION AND STATUS OF HIGH SPEED RAIL BY REPRESENTATIVE OF DEAN INTERNATIONAL**

Mr. Matt Brasseaux, Dean International, presented information regarding a proposal for high speed rail along an Oklahoma-Laredo line or a Dallas-Brownsville line. He added neither line passes through the Bryan-College Station vicinity. He said his group wanted to see Bryan-College Station benefit from high speed rail. Mr. John Happ, former Easterwood Airport Director, advised the Japanese have committed to building a high speed rail in Texas. He said without a commitment and interest, Bryan-College Station will be left out. Mr. Brasseaux advised the Texas Department of Transportation has no more funds to assist with this project. He asked for the City of Bryan to stay involved and support the high speed rail initiative. He also advised he felt the first high speed rail service, on the proposed Texas T-bone line on a Dallas-Houston route, could be operational by 2025. He discussed the types of development that could be experienced around high speed rail stations. It was reported that as of October 1, 2013, there were no members of the coalition from Brazos County. Mayor Bienski recommended that should the City of Bryan join the coalition, it be contingent upon Brazos County and the City of College Station also joining, or the three entities participate through The Research Valley Partnership or the Brazos Valley Council of Governments, which represent all local entities. The benefits of a consensus membership with all local entities participating were discussed. Mr. Brasseaux indicated that all members of the coalition would support the Texas T-bone project and having each entity pay their own membership would represent a stronger local presence. Mr. Register was asked to write a letter indicating the need for the other local governmental entities in the region, including Texas A&M University, to participate in the coalition.

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

Council briefly discussed agenda item 7 b of the consent/statutory agenda for the regular meeting of September 10, 2013. No action was taken regarding the items discussed.

**5. ADJOURN**

Without objection, the meeting adjourned at 1:39 p.m.

---

City Secretary Mary Lynne Stratta

---

Mayor Jason P. Bienski

**BRYAN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
SEPTEMBER 24, 2013**

The Bryan City Council held a regular meeting on Tuesday, September 24, 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 3:01 p.m.

**2. EXECUTIVE SESSION**

The meeting was called into executive session at 3:03 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 Traditions Limited Partnership Agreement, receive legal advice regarding Traditions reclaimed water 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 proposed access agreement with Village Foods, receive legal advice regarding a contract with Dow Chemical for water supply, receive legal advice regarding amendments and legal documents for housing development at Sims and 18<sup>th</sup> Street, and receive legal advice regarding memorandum of understanding with the Children’s Museum and conveyance of said property; under the authority of Section 551.072, real estate — discussion regarding possible disposition and lease of properties in central Bryan and discussion regarding acquisition of property for the West 28<sup>th</sup> Street project, and discussion regarding possible mineral leases on city-owned property in north Bryan; 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 Internal Auditor; under the authority of Section 551.087, economic development negotiations – discussion regarding possible economic development incentives to prospects in east, west, and central 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 3:30 p.m. No action was taken regarding the items discussed in executive session. Mayor Bienski recessed the meeting at 3:30 p.m. with the announcement the meeting would be reconvened in the same location on September 24, 2013, prior to 6:00 p.m. The meeting was reconvened in open session at 3:41 p.m. on September 24, 2013, in Room 305 of the Bryan Municipal Building. At 3:42 p.m., the meeting was called into executive session 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 Traditions Limited Partnership Agreement, receive legal advice regarding Traditions reclaimed water 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 proposed access agreement with Village Foods, receive legal advice regarding a contract with Dow Chemical for water supply, receive legal advice regarding amendments and legal documents for housing development at Sims and 18<sup>th</sup> Street, and receive legal advice regarding memorandum of understanding with the Children’s Museum and conveyance of said property; under the authority of Section 551.072, real estate — discussion regarding possible disposition and lease of properties in central Bryan and discussion regarding acquisition of property for the West 28<sup>th</sup> Street project, and discussion regarding possible mineral leases on city-owned property in north Bryan; 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 Internal Auditor; under the authority of Section 551.087, economic development negotiations – discussion regarding possible economic development incentives to prospects in east, west, and central 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.

The meeting was called into open session at 6:09 p.m. Councilmember Owens moved to authorize the Mayor to sign a mineral lease with Anadarko on 2.02 acres in the Moses Baine Survey, A-3, more fully described in a deed dated July 12, 1943. The motion was seconded by Councilmember Madison and carried unanimously.

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

Reverend David Hoster, St. Andrew’s Episcopal Church, gave the invocation and Staff Sergeant Timothy Bridge, United States Army Recruiter, led the pledges.

#### **5. PROCLAMATIONS AND PRESENTATIONS**

Newman 10 Business Performance Award winners and Bryan-College Station Chamber of Commerce Community Impact Award winners were recognized.

#### **6. HEAR CITIZENS**

No one spoke under hear citizens.

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

Councilmember Horton made a motion to approve the consent agenda. The motion was seconded by Councilmember Cortez and carried unanimously.

**a. Approval of Minutes** –Workshop and Regular Meetings of September 10, 2013

**b. Consideration – Write-off Uncollectible Ambulance Accounts Receivables**

Consider approving write-off of uncollectible ambulance accounts receivables in the approximate amount of \$1,612,421 for the period of October 1, 2010, through September 30, 2011.

**c. Consideration – Annual Contract for Mowing Services**

Consider approving an annual contract with Roots Landscape, College Station, Texas, for mowing services for rights-of-way, water services facilities and code enforcement in an amount not to exceed \$55,375. Source of Funds: Water/Wastewater Operating Fund.

**d. Consideration – Blanket Purchase Orders for Electrical Supplies**

Consider approving four separate blanket purchase orders for annual price agreements with Crawford Electric (\$50,000), primary vendor, and Dealers Electrical Supply (\$12,500), Elliott Electric (\$12,500) and KBS Electrical (\$5,000), secondary vendors, for electrical supplies in a total amount not to exceed \$80,000 for Fiscal Year 2014.

**e. Consideration – Miscellaneous Blanket Purchase Orders**

Consider authorizing the Purchasing Department to create blanket purchase orders for Fiscal Year 2014 for Verizon Southwest (\$125,000), for local phone services; Atmos Energy (\$80,000), for natural gas services; Brazos Valley Solid Waste Management Agency (\$1,469,966), for landfill disposal fees; BTU (\$4,000,000), for electric service; Texas Commission on Environmental Quality (\$75,000), for wastewater discharge permit fees; Texas Commission on Environmental Quality (\$75,000), for water system operating fees; Brazos Valley Groundwater Conservation District (\$245,000), for groundwater pumping fees, exempt from competitive bidding as described more fully in Texas Local Government Code, Chapter 252.022; and Documation, Inc., (\$75,000), for copiers and maintenance agreements, exempt from competitive bidding by the Interlocal Cooperative Act, Chapter 791 of the Texas Government Code.

**f. Second and Final Reading of an Ordinance – Budget Amendment**

Second and final reading of Ordinance No. 2017 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.

**g. Second and Final Reading of an Ordinance – Rezoning Request (RZ13-11)**

Second and final reading of Ordinance No. 2018 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.

**8. STATUTORY AGENDA**

It was announced that agenda item 8 a would not be considered. Councilmember Konderla made a motion to approve the remainder of the statutory agenda. The motion was seconded by Councilmember Madison and carried unanimously.

**a. Consideration – No Limits International Economic Development Corporation Agreement Amendment**

This item was not considered.

**b. Resolution – Fiscal Year 2014 Investment Policy**

Adoption of Resolution No. 3508 of the City Council of the City of Bryan, Texas, to adopt an investment policy for Fiscal Year 2014 for the City of Bryan, Texas, in accordance with the Public Funds Investment Act.

**9. REGULAR AGENDA**

**a. Consideration – Appointment to Brazos Valley Solid Waste Management Agency (BVSWMMA) Board of Directors**

Mayor Bienski moved to reappoint Mr. Mark Conlee to the BVSWMMA Board of Directors for a three-year term expiring August 31, 2016. The motion was seconded by Councilmember Madison. It was commented that former Mayor Conlee had done an excellent job representing Bryan on this panel. The motion carried unanimously.

**b. Second and Final Reading of an Ordinance – Tax Rate for Taxable Year 2013**

Councilmember Madison moved the adoption of Ordinance No. 2019 of the City Council of the City of Bryan, Texas, fixing the tax levy of the City of Bryan, Texas, for the Taxable Year 2013 at \$0.62999 per \$100 of assessed valuation. The motion was seconded by Councilmember Horton and carried unanimously, as follows:

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

Present and Voted No: None

Present and Abstained: None

Absent: None.

**c. Consideration – Ratification of Tax Rate**

Councilmember Madison moved to ratify the property tax rate of \$0.62999 per \$100 of assessed valuation to provide property tax revenues in support of the Fiscal Year 2014 Budget. The motion was seconded by Councilmember Hughes and carried unanimously, as follows:

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

Present and Voted No: None

Present and Abstained: None

Absent: None.

Staff was commended for helping the Council reduce the tax rate for the second consecutive year.

**10. COUNCIL COMMITTEE REPORTS**

Council committee reports were provided regarding recent meetings of the BVSWMMA, Inc., Board, Bryan-Brazos County Economic Development Foundation Board, and the City of Bryan Animal Center Advisory Committee.

**11. CITY MANAGER REPORT**

Mr. Register did not provide a report.

**12. ITEMS OF COMMUNITY INTEREST**

Councilmembers listed the following items of community interest: Retired Major W.S. Edmunds 100<sup>th</sup> birthday party, third grade student dictionary distribution event, National Night Out, Texas Reds Steak and Grape Festival, Mrs. Mattie Phillips' 100<sup>th</sup> birthday celebration, Pleasant Grove Baptist Church's 120<sup>th</sup> anniversary, Chamber of Commerce Lobster Fest, Fiestas Patrias parade, and a recent article in the *Houston Chronicle* about downtown Bryan by Joe Holley. Newman 10 and Community Impact Award winners were again congratulated. Judge and Mrs. Travis Bryan III were thanked for donating the student dictionaries distributed to Bryan third graders. Councilmember and Mrs. Konderla were congratulated on the expectation of their sixth child. Condolences were expressed at the passing of Mr. Charles Munday who served as a long-time volunteer for the City of Bryan.

At this time, 6:51 p.m., the meeting was called back into executive session in accordance with Section 551, Texas Government Code, to discuss under the authority of Section 551.071, consultation with attorney – receive legal advice regarding memorandum of understanding with the Children's Museum and conveyance of said property; under the authority of Section 551.072, real estate — discussion regarding possible disposition and lease of properties in central Bryan; and under the authority of Section 551.074, personnel matters – discussion regarding duties and responsibilities of City Manager and annual performance review of City Internal Auditor.

The meeting was called into open session at 8:15 p.m. No action was taken regarding the items discussed in executive session.

**13. ADJOURN**

Without objection, the meeting was adjourned at 8:16 p.m.

---

City Secretary Mary Lynne Stratta

---

Mayor Jason P. Bienski