

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING
OCTOBER 8, 2013**

The Bryan City Council held a regular meeting on Tuesday, October 8, 2013, in Room 305 and the Council Chambers of the Bryan Municipal 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, 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 11:43 a.m.

2. EXECUTIVE SESSION

The meeting was called into executive session at 11:44 a.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 memorandum of understanding with the Children’s Museum and conveyance of said property, receive legal advice regarding Tax Increment Reinvestment Zone 22 agreements, and receive legal advice regarding non-annexation agreements and infrastructure agreements pertaining to Texas Triangle Park; under the authority of Section 551.072, real estate - discussion regarding possible mineral leases on city-owned property within the city limits of 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, annual performance review of City Secretary, and discussion regarding appointments to quasi-judicial boards including Board of Adjustment and Appeals, Board of Sign Control and Appeals, Building and Standards Commission, Civil Service Commission, Commissioners of Housing Authority, Historic Landmark Commission, Planning and Zoning Commission and Zoning Board of Adjustment; 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 12:25 p.m. No action was taken regarding the items discussed in executive session. Mayor Bienski recessed the meeting at 12:25 p.m. with the announcement the meeting would be reconvened shortly in the same location. The meeting was reconvened at 12:35 p.m., October 8, 2013, in the same location. The meeting was called into executive session at 12:36 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 memorandum of understanding with the Children’s Museum and conveyance of said property, receive legal advice regarding Tax Increment Reinvestment Zone 22 agreements, and receive legal advice regarding non-annexation agreements and infrastructure agreements pertaining to Texas Triangle Park; under the authority of Section

551.072, real estate - discussion regarding possible mineral leases on city-owned property within the city limits of 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, annual performance review of City Secretary, and discussion regarding appointments to quasi-judicial boards including Board of Adjustment and Appeals, Board of Sign Control and Appeals, Building and Standards Commission, Civil Service Commission, Commissioners of Housing Authority, Historic Landmark Commission, Planning and Zoning Commission and Zoning Board of Adjustment; 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 2:16 p.m. No action was taken at this time but followed under agenda item 3 below. The meeting was recessed at 2:16 p.m. with the announcement the meeting would reconvene shortly in Council Chambers.

3. OPEN SESSION FOR ACTION FOLLOWING EXECUTIVE SESSION

The meeting was reconvened in open session at 2:45 p.m. in Council Chambers. Councilmember Horton made a motion to appoint or reappoint the following individuals to quasi-judicial boards, committees and commissions for terms beginning January 1, 2014, unless individuals were filling a vacancy, in which case the appointments would be effective immediately: Board of Adjustment and Appeals – Wade Zimmer, Diane Lorden and Andreas Pavlatos; Board of Sign Control and Appeals – Joe Van Cleave; Building and Standards Commission – Judy Winn, Daryl Massey and alternate member G. H. Jones III; Civil Service Commission – confirm City Manager reappointment of David Godfrey; Commissioners of Housing Authority – Perian Bishop, Donald McPherron, Marquette Hixon and Inez Sanchez; and Historic Landmark Commission – Amy Banks, Chris Lawrence and Dan Beto. The motion was seconded by Councilmember Konderla and carried unanimously.

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

Councilmember Konderla gave the invocation and Mr. Register led the pledges.

5. PROCLAMATIONS AND PRESENTATIONS

Mayor Bienski presented a proclamation in recognition of Public Power Week. Two public service announcements regarding BTU were shown and the BTU Board and staff were thanked for keeping BTU's rates low and reliability high.

6. HEAR CITIZENS

No one spoke under this agenda item.

7. PARTICIPATION IN THE TEXAS ENTERPRISE ZONE PROGRAM

a. Public Hearing – Participation in the Texas Enterprise Zone Program

Mayor Bienski called for public comment regarding an ordinance to establish 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 and Tube, Inc., as an Enterprise Project to the Office of the Governor Rick Perry: Economic Development & Tourism through the

Economic Development Bank. It was announced a Spanish language interpreter was present to provide interpretation assistance if needed. The public hearing closed at 2:59 p.m. with no comments from the public.

b. First Reading of an Ordinance – Participation in the Texas Enterprise Zone Program

Councilmember Madison made a motion to approve the first reading of an ordinance 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 and Tube, Inc., as an Enterprise Project to the Office of the Governor Rick Perry: Economic Development & Tourism through the Economic Development Bank. The motion was seconded by Councilmember Owens and carried unanimously.

8. CONSENT (AUTOMATIC APPROVAL) AGENDA

Councilmember Horton moved 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 24, 2013

b. Consideration – Blanket Purchase Order for Bryan Freightliner

Consider approving a blanket purchase order for Bryan Freightliner, the sole source provider for original equipment freightliner service parts in the Brazos Valley, in an amount not to exceed \$80,000. In addition to Freightliner Original Equipment service parts, Fleet also purchases general medium and heavy duty service parts from this supplier when it is deemed the best value for the City of Bryan. Source of Funds: Various Department Budgets.

c. Consideration – Interlocal Agreement with College Station for Construction Costs for New Traffic Signals on Wellborn Road

Consider approving an interlocal agreement with the City of College Station to share in the constructions costs for new traffic signals at the intersections of Wellborn Road and Old College Road, and at Wellborn Road and F&B Road.

d. Consideration – Interlocal Agreement with Texas A&M University for Construction Costs for New Traffic Signals on Wellborn Road

Consider approving an interlocal agreement with Texas A&M University to share in the constructions costs for new traffic signals at the intersections of Wellborn Road and Old College Road, and at Wellborn Road and F&B Road.

e. Resolution – Appointing Election Officials

Adoption of Resolution No. 3509 of the City Council of the City of Bryan, Texas, appointing election officials for designated election precincts and polling places, Central Counting Station and the Early Ballot Board for the City of Bryan general election to be conducted on November 5, 2013, jointly with Brazos County and Bryan Independent School District.

f. Resolution – 2014 Routine Airport Maintenance Program Grant

Adoption of Resolution No. 3510 of the City Council of the City of Bryan, Texas, authorizing the acceptance of the Texas Department of Transportation Grant for Routine Airport Maintenance Program utilized to offset the cost of airport maintenance of up to 50 percent or \$50,000 for Fiscal Year 2014.

9. STATUTORY AGENDA

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

a. Consideration – Construction Contract for Traffic Signals on Wellborn Road

Consider approving a construction contract with Bayer Construction Electrical Contractors, Inc., for the Wellborn Road at Old College Road and Wellborn Road at F&B Road traffic signals, in an amount not to exceed \$347,191.04. Source of Funds: Transportation Fee.

b. Resolution – Signal Improvement Agreement with Union Pacific Railroad Company

Adoption of Resolution No. 3511 of the City Council of the City of Bryan, Texas, authorizing the Mayor to execute a Signal Improvement Agreement with the Union Pacific Railroad Company for the proposed traffic signal improvements at the intersections of Wellborn Road and Old College Road, and at Wellborn Road and F&B Road, in an amount not to exceed \$224,557.00. Source of Funds: Transportation Fee.

c. Resolution - Condemnation for BTU South Transmission Project

Adoption of Resolution No. 3512 of the City Council of the City of Bryan, Texas, determining a public necessity to acquire an electric utility easement interest, being a 8.63 acre tract out of the called 293.565 acre tract and called 0.812 acre tract, volume 11094, page 18 J.H. Jones Survey, A-26, Brazos County, Texas, and giving notice of an official determination to acquire an easement interest and ordering the condemnation of said property if staff is unable to acquire the property by purchase.

10. COUNCIL COMMITTEE REPORTS

Councilmembers provided reports on recent meetings of the Brazos County Public Health Board and the City of Bryan/Bryan ISD Committee.

11. CITY MANAGER REPORT

Mr. Register did not provide a report.

12. ITEMS OF COMMUNITY INTEREST

Councilmembers shared the following items of community interest: meeting with religious leaders about the City of Bryan's progress in recent years, Children's Museum Let's Have a Ball event, National Night Out, American Legion Earl Graham Post meeting with elected officials, and the Bryan

High School Class of 1988 25th year reunion. Staff and volunteers were thanked for their efforts relative to the Texas Reds Steak and Grape Festival.

13. ADJOURN

Without objection, the meeting was adjourned at 3:10 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski