

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING
APRIL 27, 2010**

A regular meeting of the Bryan City Council was held on Tuesday, April 27, 2010, 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 Mark Conlee and Councilmembers Al Saenz, Paul Madison, Jason Bienski, Ann Horton, Art Hughes and Mike Southerland were present. Also present were City Manager David Watkins, City Attorney Janis Hampton and City Secretary Mary Lynne Stratta.

1. CALL TO ORDER

Mayor Conlee called the meeting to order at 5:09 p.m.

2. EXECUTIVE SESSION

The meeting was called into a closed to the public session at 5:10 p.m. under the provisions of Section 551, Texas Government Code, to discuss under the authority of Section 551.071, consultation with attorney - seek legal advice regarding water certificates of convenience and necessity; under the authority of Section 551.087, economic development negotiations – discussion and deliberation of economic development negotiations regarding the Highland Hills project in Tax Increment Reinvestment Zone Number Twenty-Two, specifically with regards to the construction and financing of public infrastructure, and discussion of economic development incentives for west side residential development; under the authority of Section 551.074, personnel matters – discussion regarding duties and responsibilities of City Attorney; under the authority of Section 551.086, competitive matters – determine matters that are competitive matters as defined in the Texas Open Meetings Act and Resolution No. 2639, and discuss competitive matters related to Bryan Texas Utilities and deliberate on such matters as may be deemed necessary.

3. OPEN SESSION FOR ACTION FOLLOWING EXECUTIVE SESSION

Mayor Conlee called the meeting into open session at 6:07 p.m. No action was taken regarding the items discussed in executive session.

4. INVOCATION AND PLEDGE OF ALLEGIANCE

Reverend Sean Cox, St. Andrew's Episcopal Church, gave the invocation and Mayor Conlee led the pledge.

5. PROCLAMATIONS AND PRESENTATIONS

Mayor Conlee presented proclamations in recognition of National Day of Prayer, Stroke Awareness Month and Public Service Recognition Week. City of Bryan Water Services employees winning the Watermark Awards were recognized. Eagle Scout Joey Marino was recognized for his labors to build a nature trail in Copperfield Park.

6. HEAR CITIZENS

College Station City Councilmember James Massey thanked the City Councilmembers and staff for their work and collaborative efforts to benefit both Bryan and College Station. He commended Bryan for progress in downtown. He stated that both cities' futures were brighter because of recent collective efforts for the betterment of the entire area. Ms. Sharon Anderson, 2304 Cindy Lane, stated that recent campaign comments about the City's financial condition were not accurate. She also expressed concern that the capital improvement plan not be stopped or put on hold. She also opined that midnight was too late for a juvenile curfew.

7. STREET NAME CHANGE FROM GABBARD ROAD TO NORTH TRADITIONS DRIVE

a. Public Hearing – Street Name Change from Gabbard Road to North Traditions Drive

Planner Martin Zimmermann presented information regarding an ordinance changing the name of Gabbard Road extending for approximately 1,890 feet between Harvey Mitchell Parkway (FM 2818) and North Traditions Drive, to North Traditions Drive. He reported staff recommended approval and that only one property owner had expressed concern about the inconvenience of changing the street name. The public hearing closed at 6:43 p.m. with no comments from the public.

b. First Reading of an Ordinance – Street Name Change from Gabbard Road to North Traditions Drive

Councilmember Horton made a motion to approve the first reading of an ordinance of the City of Bryan, Texas, changing the name of Gabbard Road extending for approximately 1,890 feet between Harvey Mitchell Parkway (FM 2818) and North Traditions Drive, to North Traditions Drive (Source of Funds: Public Works Traffic Operations General Fund). The motion was seconded by Councilmember Saenz and carried unanimously.

8. CONSENT (AUTOMATIC APPROVAL) AGENDA

Mayor Conlee and Councilmember Southerland requested that agenda item 8 b be considered separately. Councilmember Madison moved to approve the remainder of the consent agenda. The motion was seconded by Councilmember Hughes and carried unanimously.

a. Approval of Minutes – Workshop and Regular Meetings of April 13, 2010.

c. Consideration – Second Extension to an Existing Contract for Crushed Rock Flexible Base Material

Consider approval of a second extension to an existing contract for crushed rock flexible base material with Brazos Site Works of Bryan, Texas, in an amount not to exceed \$174,950. Source of Funds: Drainage and Transportation Division.

d. Consideration – Blanket Purchase Order for Unique Digital, Inc.

Consider approving a blanket purchase order for the purchase of information technology equipment and services from Unique Digital, Inc., of Houston, Texas, through a State of Texas Department of Information Resources (DIR) contract in the estimated annual amount of \$87,160.

Source of Funds: As budgeted in the Fiscal Year 2010 budget and anticipated Fiscal Year 2011 budget line item within the Information Technology general fund.

e. Resolution – Authorizing City Manager or Designee to Execute Coulter Airfield Hangar Leases

Adoption of Resolution No. 3278 of the City Council of the City of Bryan, Texas, authorizing the City Manager or his designee to execute hangar leases on behalf of the City of Bryan, Texas.

f. Second and Final Reading of an Ordinance – Curfew Hours for Juveniles

Second and final reading of Ordinance No. 1865 adopting Chapter 82 of the Bryan City Code, entitled “Offenses and Miscellaneous Provisions”, Section 82-7, entitled “Curfew Hours for Juveniles”; declaring a penalty; and providing for publication.

g. Second and Final Reading of an Ordinance – Amendment to the City of Bryan Code of Ordinances Regarding Bryan Texas Utilities Board

Second and final reading of Ordinance No. 1866 of the City of Bryan, Texas, amending Section 2-244 of the Bryan City Code to add the position of Mayor or a Councilmember appointee of the Mayor as an ex-officio non-voting member of the Bryan Texas Utilities Board.

Council then considered the item removed from the consent agenda for separate consideration.

b. Consideration – West 28th Street Widening Reconstruction Project

It was stated that citizens had requested additional information regarding a land acquisition services contract to Threshold Land Services for the West 28th Street Widening Reconstruction project in an amount not to exceed \$113,148.18 (Source of Funds: 2010 General Obligation Bond). Mayor Conlee moved to postpone consideration until the next Council meeting in order to obtain additional information. The motion was seconded by Councilmember Bienski and carried unanimously.

9. STATUTORY AGENDA

Item 9 g was removed from the statutory agenda for separate consideration at the request of Councilmembers Southerland and Saenz. Councilmember Madison made a motion with a second by Councilmember Horton, carrying unanimously, to approve the remainder of the statutory agenda.

a. Consideration – Advance Funding Agreement with Texas Department of Transportation

Consider authorizing the Mayor to execute an advance funding agreement with the State of Texas (Texas Department of Transportation) for proposed construction of a left turn lane on FM 1179 at Thornberry Drive. Source of Funds: 2007 Certificates of Obligation.

b. Consideration – Thornberry Drive Street Improvements Project Contract

Consider awarding a construction contract to A. L. Helmcamp, Inc., for the Thornberry Drive Street Improvements project in an amount not to exceed \$1,271,557.85. Source of Funds: 2007 Certificates of Obligation.

c. Consideration – Amendments to the City of Bryan’s 2007 and 2008 Consolidated Action Plans

Consider approval of substantial amendments to the City of Bryan’s 2007 Consolidated Action Plan and 2008 Consolidated Action Plan to reallocate unused Home Investment Partnership (HOME) funds by reallocating remaining 2007 administrative funds (\$29,434.21) to a new project, Community Housing Development Organization (CHDO) operating funds for \$5,000 and the remaining \$24,434.21 to the established 2007 Homebuyer’s Assistance program; and 2008 administrative funds (\$42,706.60) to the established 2008 Homebuyer’s Assistance program. Source of Funds: 2007 HOME administrative funds, \$29,434.21 and 2008 HOME administrative funds, \$42,706.60 as approved in the Fiscal Year 2008 and Fiscal Year 2009 Community Development Services budgets and 2007 and 2008 Consolidated Action Plans.

d. Consideration – Easement Agreement with Texas A&M University System

Consider authorizing the Mayor to execute an easement agreement with the Texas A&M University System for a public waterline owned by the City of Bryan that will serve the Health Science Center Clinical Building 1.

e. Resolution – Real Estate Contract with Habitat for Humanity, Inc.

Adoption of Resolution No. 3279 of the City Council of the City of Bryan, Texas, approving a real estate contract for affordable housing development between the City of Bryan and Bryan/College Station Habitat for Humanity, Inc., and authorizing the Mayor to execute the contract and deed. Source of Funds: Bryan/College Station Habitat for Humanity, Inc., is responsible for all costs of sale.

f. Resolution – Condemnation of Property Located at 1005 North Tabor Avenue

Adoption of Resolution No. 3280 of the City Council of the City of Bryan, Texas, relating to and declaring (1) the authority of the City to initiate, complete and acquire through purchase or condemnation certain property interests in certain real properties located in the City or Bryan, Brazos County, Texas, for an authorized and declared public purpose and use, same being providing, enlarging, constructing or improving the City’s Water Works System through the location, construction and operation of infrastructure necessary for such Water Works System; (2) declaring a public necessity exists to acquire, by acquisition or condemnation, the tract of land described as 1005 North Tabor Avenue, located in the City of Bryan, Brazos County, Texas, in order to accomplish an authorized and declared public purpose and use; (3) the ratification of all prior City acts and resolutions and (4) the establishment of an effective date and compliance with the Texas Open Meetings Act. Source of Funds: Water Revenue Bonds.

Council then considered the item removed from the statutory agenda.

g. First Reading of an Ordinance – Fiscal Year 2010 Budget Amendment

Mr. Watkins and Deputy City Manager Joey Dunn provided detailed information about the proposed budget amendment, stating that several grants had been received from various federal and state agencies and that the amendment provided for the City’s operation of Coulter Airfield. Councilmember Hughes made a motion to approve the first reading of an ordinance of the City of Bryan, Texas, approving and adopting an amended budget from Ordinance No. 1831, for the fiscal year beginning October 1, 2009, and ending September 30, 2010, both dates inclusive, with

expenditures in the combined total amount of \$351,384,059 and revenues in the combined total of \$313,730,127; total amount of appropriations being \$959,251. The motion was seconded by Councilmember Southerland and carried unanimously.

10. REGULAR AGENDA

a. Consideration – State Highway 30 Improvements Project

Councilmember Bienski moved to approve a construction contract with Knife River Corporation-South for the State Highway 30 Improvements project associated with the Brazos Valley Solid Waste Management Agency (BWSWMA) Twin Oaks Landfill in an amount not to exceed \$568,324.09 (Source of Funds: Funds for this project are included in BWSWMA project BV0601). The motion was seconded by Councilmember Hughes and carried unanimously after discussion.

b. Consideration – Tri-party Agreement

City Engineer Paul Kaspar provided information regarding the agreement. Councilmember Bienski moved to authorize the Mayor to sign a tri-party agreement between the City of Bryan, Texas Department of Transportation and Union Pacific Railroad (UPRR) for closing the UPRR crossing located on 27th Street between Sims and Parker Streets and the receipt of \$195,000 in funding from Texas Department of Transportation and Union Pacific Railroad to be used toward the rehabilitation of Parker and 27th Streets. The motion was seconded by Councilmember Madison and carried unanimously.

At this time, the agenda was followed out of order (City Manager Report: Ronnie Jackson and Jefferson Award) to allow the Council and citizens to watch a live television feed of the Jefferson Awards program. The City's Neighborhood/Youth Services Manager, Ronnie Jackson, won the award and will represent the Brazos Valley area at the national awards ceremony in Washington, D.C.

11. COUNCIL COMMITTEE REPORTS

Councilmember Horton provided a report on a recent meeting of the Intergovernmental Committee.

12. CITY MANAGER REPORT

City Manager Watkins provided an update on capital improvement, development and redevelopment projects, staff/citizen recognition, reports on attendance at meetings and events, and information to the public about upcoming public meetings and events, as follows: capital improvement projects, Ronnie Jackson winning the Jefferson Award, early voting schedule, employee recognition, Chamber Softball Classic, City of Bryan softball league championship, and grants for local organizations from the Elf Atochem settlement.

13. ITEMS OF COMMUNITY INTEREST

Councilmembers mentioned the following items of community interest: Habitat for Humanity recipients and house warming gifts; Ronnie Jackson was again congratulated for winning the Jefferson Award; drainage project in Single Member District Two; misinformation about the City's financial situation; Water Services community appreciation luncheon; dedication of the Travis B. Bryan Municipal Golf Course; seventh member of the BWSWMA, Inc., Board of Directors; Bank on

It Program and volunteer income tax assistance site; Twin City Properties and Doug Pederson's redevelopment project on South College Avenue.

14. ADJOURN

Without objection, the meeting was adjourned at 7:21 p.m.

City Secretary Mary Lynne Stratta

Mayor D. Mark Conlee