

## **BRYAN CITY COUNCIL MINUTES OF SECOND REGULAR MEETING AUGUST 11, 2020**

The Bryan City Council held a second regular meeting on Tuesday, August 11, 2020, via videoconference due to the COVID-19 pandemic. A notice of the meeting was posted at least 72 hours in advance in accordance with Section 551, Texas Government Code. Mayor Andrew Nelson and Councilmembers Reuben Marin, Prentiss Madison, Greg Owens, Mike Southerland, Brent Hairston and Buppy Simank were in attendance. Also participating in the meeting were City Manager Kean Register, City Attorney Janis Hampton and City Secretary Mary Lynne Stratta.

### **1. Convene Meeting**

#### **A. Call to Order**

The meeting was called to order at 5:30 p.m.

### **2. Council Hear Citizens Regarding City-Related Topics**

#### **A. Council Hear Citizens Regarding City-Related Topics (Except for Public Hearings on This Agenda)**

The following individuals submitted statements in opposition to the sale and reopening of the Gibbons Creek Power Plant as a coal powered plant: Larry Oliver, College Station; Marian Eide, College Station; Peter Witt, Bryan; Rahul Puttagunta, Lewisville, Texas; Carol Biggs, College Station; Miranda Peterson, College Station; Carmela Garritano, Bryan; Rachel Porter, College Station; Alan Pepper, College Station; Andrew Vanderheiden, College Station; Natalie Johnson, College Station; Donna Hanna-Calvert, College Station; and Raymond Tarpley, College Station. The following individuals submitted statements expressing concern about BTU disconnections for non-payment during the COVID pandemic: Amanda Fencil, College Station; Jesse O'Rear, Bryan; Rafael Pena, Bryan; Jeannie Russell Chapman, Bryan; and John Miller, Bryan. Mr. Miller also submitted comments in support of agenda item 6 E and asked that Midtown Pattern Zoning be referred back to the Planning and Zoning Commission for additional public input.

### **3. Ceremonial Items**

#### **A. Invocation**

Mayor Nelson gave the invocation.

#### **B. Presentation - Government Social Media Organization's Social Media Professional of the Year Award**

Communications and Marketing Manager Kristen Waggener was congratulated for winning this prestigious national award.

**4. Public Hearings and First and Only Readings of Ordinances - Open public hearing, hear citizen comments, close public hearing, staff presentation, and consider first and only reading of ordinance.**

- A. Rezoning Request Case No. RZ20-19 - Public hearing, presentation and consideration of the first and only reading of an ordinance of the City of Bryan, Texas, amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from Agricultural – Open District (A-O) to Commercial District (C-3), on 29.1 acres of land out of the Stephen F. Austin League, No. 10, Abstract No. 63, at the northeast corner of North Earl Rudder Freeway and Old Reliance Road in Bryan, Brazos County, Texas.

No one submitted comments for the public hearing regarding this agenda item.

Motion to approve the first and only reading of Ordinance No. 2439 of the City of Bryan, Texas, amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by changing the zoning classification from Agricultural – Open District (A-O) to Commercial District (C-3) on 29.1 acres of land out of the Stephen F. Austin League, No. 10, Abstract No. 63, at the northeast corner of North Earl Rudder Freeway and Old Reliance Road in Bryan, Brazos County, Texas.

Motion by Prentiss Madison, second by Reuben Marin

Final Resolution: Motion Carries

Voting Aye: Andrew Nelson, Buppy Simank, Greg Owens, Mike Southerland, Prentiss Madison, Reuben Marin, Brent Hairston

- B. Rezoning Request Case No. RZ20-15 - Public hearing, presentation and consideration of the first and only reading of an ordinance of the City of Bryan, Texas, amending Chapter 130, Zoning, of the City of Bryan Code of Ordinances, by amending a previously approved Planned Development-Mixed Use District (PD-M) on 10.29 acres of land out of the T.J. Wooten Tract, adjoining the south side of West Villa Maria Road between Autumn Lake and Kimmy Drives in Bryan, Brazos County, Texas

Mr. Register reported the Planning and Zoning Commission recommended approval on a split vote with several conditions attached to the application for rezoning. Planner Randy Haynes informed Council that the height of the development was allowed under planned development zoning, but the Council could negotiate a limit to the height as a condition. Setback requirements relative to structure height were discussed. Mr. Haynes advised it was fairly open as to what the Council could approve and what conditions could be placed on the rezoning. Mr. Haynes said it was 435 feet from property line to property line and 625 feet from the closest proposed structure to the nearest residence. He showed renderings and maps of the development area. Mr. Haynes informed Council the primary concern of residents was the visual impact of the 12 story structures.

During the public hearing, comments of support submitted by the developer, Mr. Ram Galindo, were read aloud. The following citizens submitted comments in opposition to the rezoning: LeaAnne White, Bryan; Lou Ann McKinney, Bryan; Connie Appelt, Bryan; Susan McElroy, Bryan; Julianne Daniel, Bryan; Kevin and Julie Boehm, Bryan; Ally Saxe, Bryan; Eric Appelt, Bryan; David Saxe, Bryan; and Fern Walker Jones, Bryan.

Motion to postpone consideration until the Council meets in person to allow concerned citizens to attend and address Council in person.

Motion by Greg Owens, second by Brent Hairston

Motion to amend to postpone consideration for one month.

Motion by Mike Southerland, second by Brent Hairston

Final Resolution: Motion to amend failed to carry

Voting aye: Mike Southerland, Brent Hairston

Voting nay: Andrew Nelson, Greg Owens, Buppy Simank, Reuben Marin, Prentiss Madison

Final Resolution on main motion to postpone until the Council next meets in person.

Final Resolution: Motion carried

Voting aye: Andrew Nelson, Greg Owens, Buppy Simank, Reuben Marin, Prentiss Madison, Brent Hairston

Voting nay: Mike Southerland

## **5. Consent (Automatic Approval) Agenda**

- A. Approval of Minutes - Workshop and Special Meeting of July 28, 2020
- B. Approval of a Lease to Purchase Agreement with Club Car for the purchase of 70 golf carts for the City Course for the total net trade purchase price of \$150,479

This item was not considered or discussed.

- C. Approval of EMS Medical Director contract in an amount not to exceed \$80,000 annually
- D. Adoption of a resolution of the City Council of the City of Bryan, Texas, approving an increase in ambulance billing rates to match those of College Station

This item was removed from the consent agenda for separate consideration. Mr. Register explained that College Station's ambulance rates are higher than Bryan's and this item would make the rates the same. Concern was expressed about the proposed rate increases during the COVID pandemic.

Motion to postpone consideration for 90 days due to concerns about the COVID pandemic. It was stated that Bryan's EMS rates are considered low and the proposed rates were in line with the state average.

Motion by Prentiss Madison, second by Buppy Simank

Final Resolution: Motion Carries

Voting Aye: Andrew Nelson, Buppy Simank, Greg Owens, Mike Southerland, Prentiss Madison, Reuben Marin, Brent Hairston

- E. Adoption of Resolution No. 3886 of the City Council of the City of Bryan, Texas, approving the Fiscal Year 2021 Budget of the Brazos County Emergency Communications District (911 District) in the amount of \$5,159,388 and approval of the Fiscal Year 2021 dispatching services agreement with the 911 District in the amount of \$1,975,318
- F. Adoption of Resolution No. 3887 of the City Council of the City of Bryan, Texas, adding five days of early voting by personal appearance for the November 3, 2020, General Election

G. Adoption of Resolution No. 3888 of the City Council of the City of Bryan, Texas, adopting an investment policy for the City of Bryan, Texas

H. Consider Approval of Consent Agenda

Motion to approve consent agenda items 5 A, 5 C, 5 E, 5 F and 5 G. Agenda item 5 B was not considered and agenda item 5 D was considered separately from the remainder of the consent agenda.

Motion by Greg Owens, second by Buppy Simank

Final Resolution: Motion Carries

Voting Aye: Andrew Nelson, Buppy Simank, Greg Owens, Mike Southerland, Prentiss Madison, Reuben Marin, Brent Hairston

## **6. Statutory (Automatic Approval) Agenda**

A. Approval of one grant request for exterior improvements in the amount of \$38,149.41, which is to be paid from the General Fund, for an eligible property located along Texas Avenue, in Bryan, Brazos County, Texas

B. Approval of construction contract for the Palasota Drive Phase 1 Reconstruction Project (Cottonwood Branch to Groesbeck), City Project Number 332-350-411-425-611-DE-1711, to Larry Young Paving, Inc., in an amount not to exceed \$4,669,659

C. Approval of engineering services contract for the Palasota Drive Phase 2 Reconstruction Project (Cottonwood Branch Creek to West 28th Street); City Project Number 332-350-411-425-611-DE-2022, to Goodwin-Lasiter-Strong, Inc., in an amount not to exceed \$218,000

D. Approval of construction contract for the Camelot Park Pedestrian Bridge, City Job Number 572-D5-2006, to Palasota Contracting, L.L.C., in an amount not to exceed \$191,060

E. Approval of Travis Bryan Midtown Park Design Amendment 3 with Mitchell & Morgan, L.L.P., City Job Number 572-D5-1814, in an amount not to exceed \$160,783.53

F. Approval of professional services agreement for Employee Health Plan Medical Administration and Prescription Benefit Management Services with Blue Cross Blue Shield of Texas beginning January 1, 2021, for a period of three years

G. Adoption of Resolution No. 3889 accepting Assistance to Firefighters Grant in the amount of \$101,818.18 for funding assistance to install vehicle exhaust extraction systems in older fire stations

H. First and only reading of Ordinance No. 2440 adding five days to the early voting by personal appearance period for the November 3, 2020, Special Charter Amendment Election

I. Consider Approval of Statutory Agenda

Motion to approve statutory agenda items 6 A through 6 H.

Motion by Buppy Simank, second by Reuben Marin

Final Resolution: Motion Carries

Voting Aye: Andrew Nelson, Buppy Simank, Greg Owens, Mike Southerland, Prentiss Madison, Reuben Marin, Brent Hairston

## **7. Regular Agenda**

- A. Consideration - Vote on tax rate proposal and schedule public hearing on proposed tax rate. Vote to place a proposal to adopt a property tax rate of \$0.62999 per \$100 of assessed valuation on the regular agenda of the September 8, 2020, City Council meeting, and the regular agenda of the September 15, 2020, City Council meeting. Schedule public hearing on the proposed tax rate on September 8, 2020

Mayor Nelson commented on the desire to lower the tax rate from \$0.62999 to \$0.62900.

Motion to approve as follows: "Propose to place a proposal to adopt a property tax rate of \$0.62900 per \$100 valuation on the agendas of the September 8, 2020, and September 15, 2020, meetings and to schedule a public hearing on the proposed tax rate for September 8, 2020."

Motion by Greg Owens, second by Buppy Simank

Final Resolution: Motion Carries

Voting Aye: Andrew Nelson, Buppy Simank, Greg Owens, Mike Southerland, Prentiss Madison, Reuben Marin, Brent Hairston

## **8. Reports**

- A. City Manager Report

Mr. Register provided a capital improvement projects update, including an update about new playground equipment and parks improvements. He announced Blue Duck Scooter had relaunched in Bryan. He encouraged citizens to respond to the census.

- B. Items of Community Interest

Condolences were expressed to the Torres family upon the loss of their father, Mr. Pete Torres. Condolences were also expressed to the families of Chuck Cross, John Otto and Conrad Ernst upon their passing. The Hispanic Forum Virtual Gala was mentioned. First responders, Linda Cornelius and Parks and Recreation Department staff, Health Department staff and citizen volunteers were all thanked for their hard work. Citizens were urged to volunteer for the Red Cross.

## **9. Adjourn**

- A. Adjourn Meeting

Without objection, the meeting adjourned at 7:40 p.m.

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City Secretary Mary Lynne Stratta

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Mayor Andrew Nelson