

ACTION FORM BRYAN CITY COUNCIL

DATE OF COUNCIL MEETING: October 14, 2014		DATE SUBMITTED: September 16, 2014	
DEPARTMENT OF ORIGIN: Economic Development		SUBMITTED BY: Lindsey Guindi	
MEETING TYPE:	CLASSIFICATION:	ORDINANCE:	STRATEGIC INITIATIVE:
<input type="checkbox"/> BCD	<input type="checkbox"/> PUBLIC HEARING	<input type="checkbox"/> 1ST READING	<input type="checkbox"/> PUBLIC SAFETY
<input type="checkbox"/> SPECIAL	<input checked="" type="checkbox"/> CONSENT	<input type="checkbox"/> 2ND READING	<input checked="" type="checkbox"/> SERVICE
<input checked="" type="checkbox"/> REGULAR	<input type="checkbox"/> STATUTORY		<input type="checkbox"/> ECONOMIC DEVELOP.
<input type="checkbox"/> WORKSHOP	<input type="checkbox"/> REGULAR		<input type="checkbox"/> INFRASTRUCTURE
			<input checked="" type="checkbox"/> QUALITY OF LIFE
<p>AGENDA ITEM DESCRIPTION: Consideration and possible action on a proposed resolution approving the Arts Council's Fiscal year 2014-2015 budget and authorizing the Mayor to sign an amendment to Contract for Services with the Arts Council of Brazos Valley (Arts Council) in the amount of \$66,000.00 from the Hotel Occupancy Tax (HOT) Fund for Fiscal Year 2015 in consideration of the Arts Council's promotion of arts to support tourism, cultural offerings, convention, and hotel industry in Bryan.</p>			
<p>SUMMARY STATEMENT: The City of Bryan adopted Fiscal Year 2015 Budget includes \$66,000.00 for the Arts Council's promotion of arts to support tourism, cultural offerings, convention, and hotel industry in Bryan. This funding is from the Hotel/Motel Occupancy Tax (HOT) collected and received by the City of Bryan. The FY2015 funding amount is an increase of \$24,000 from the amount budgeted in Fiscal Years 2010 – 2014, which will be used for the Artist Affiliate Program. The Artist Affiliate Program is a competitive grant program for artists to apply for HOT funding through the Arts Council on an annual basis. The program is administered in similar fashion as the BCS Convention and Visitor's Bureau Hotel Occupancy Event Grant Program.</p> <p>The City Council is also required to approve the Arts Council's annual budget, which is attached as a resolution to approve the entire budget of the Arts Council. The Arts Council's FY2015 expenses are budgeted at \$775,780.00 and estimated revenues are \$775,780.00, for a net income of \$0.</p>			
<p>STAFF ANALYSIS AND RECOMMENDATION: If approved, the Arts Council will continue to promote arts to support tourism, cultural offerings, convention, and hotel industry in Bryan. Staff recommends authorizing the Mayor to sign the contract with the Arts Council and approve a resolution approving the Arts Council's Fiscal Year 2015 annual budget. The additional funding will allow for the City of Bryan to participate in the Artist Affiliate Program beginning in FY15.</p>			
<p>OPTIONS (In Suggested Order of Staff Preference):</p> <ol style="list-style-type: none"> 1. Approve the proposed Resolution approving the Arts Council Fiscal Year 2015 Annual Budget and authorize the Mayor to sign the Amendment to Contract for Services in the amount of \$66,000 with Arts Council of Brazos Valley. 2. Do not approve the Resolution or Amendment and provide direction to staff. 			
<p>ATTACHMENTS:</p> <ol style="list-style-type: none"> 1. Resolution 2. Exhibit "A" Arts Council Brazos Valley FY2015 Budget (pdf file) 			

3. Exhibit "B" Amendment to Contract for Services from Arts Council of Brazos Valley

4. Original Agreement from November 13, 1978

FUNDING SOURCE: Hotel/Motel Tax Fund

APPROVALS: Joey Dunn, 9-26-14; Hugh R. Walker, 10/01/2014

APPROVED FOR SUBMITTAL: CITY MANAGER

APPROVED FOR SUBMITTAL: CITY ATTORNEY Janis K. Hampton, 09-30-2014

Revised 05/2013

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, APPROVING A BUDGET FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2014, AND ENDING SEPTEMBER 30, 2015, INCLUSIVE, FOR THE ARTS COUNCIL OF BRAZOS VALLEY WITH TOTAL EXPENDITURES OF \$775,780.00 AND REVENUES IN THE COMBINED TOTAL AMOUNT OF \$775,780.00; AND AUTHORIZING THE MAYOR TO SIGN AN AMENDMENT TO THE CONTRACT FOR SERVICES WITH THE ARTS COUNCIL OF BRAZOS VALLEY TO PROVIDE FUNDING FOR FISCAL YEAR 2015 IN THE AMOUNT OF \$66,000.00; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Bryan (CITY) and the ARTS COUNCIL OF BRAZOS VALLEY (ARTS COUNCIL) have partnered for more than thirty years; and

WHEREAS, the ARTS COUNCIL provides support for tourism in the City of Bryan and the region; and

WHEREAS, the CITY plans to utilize hotel/motel tax revenues to support the operations of the ARTS COUNCIL, and

WHEREAS, the CITY is required to approve the budget of the ARTS COUNCIL; and

WHEREAS, Section 1 of the Contract for Services between the City of Bryan and the Arts Council of Brazos Valley dated November 13, 1978, must be amended upon approval of Fiscal Year 2015 ARTS COUNCIL budget.

NOW THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRYAN, TEXAS, THAT:

1.

The budget for the fiscal year beginning October 1, 2014 and ending September 30, 2015, with combined expenditures in the sum of \$775,780.00 and combined revenues in the sum of \$775,780.00 be approved as indicated in the accompanying "Exhibit A" ARTS COUNCIL OF BRAZOS VALLEY FISCAL YEAR 2014-2015 Budget.

2.

Expenditures shall conform to the provisions of Chapter 351.101 of the Texas Revised Civil Statutes.

3.

The Mayor is authorized to sign the AMENDMENT TO CONTRACT FOR SERVICES between the City of Bryan and the Arts Council Brazos Valley, attached hereto as Exhibit "B", providing for funding in the amount of \$66,000.00.

4.

This Resolution shall go into effect October 14, 2014.

APPROVED AND ADOPTED by the City Council of the City of Bryan, at a regular meeting on the 14th day of October, 2014.

ATTEST:

CITY OF BRYAN:

Mary Lynne Stratta, City Secretary

Jason P. Bienski, Mayor

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

Exhibit "B"

**AMENDMENT TO CONTRACT FOR SERVICES
FROM ARTS COUNCIL OF BRAZOS VALLEY**

STATE OF TEXAS ()
 ()
COUNTY OF BRAZOS ()

KNOW ALL MEN BY THESE PRESENTS:

That the Contract for Services from Arts Council of Brazos Valley (hereinafter referred to as "ARTS COUNCIL") which was executed on November 13, 1978, is hereby amended by substituting a new Item Number 1 to read as follows:

1.

"City of Bryan (hereinafter referred to as "CITY") agrees to pay the total sum of \$66,000.00 to ARTS COUNCIL for the Fiscal Year 2014-2015 operations. Payment will be made in four (4) payments as detailed below:

<u>Payment Date</u>	<u>Payment Amount</u>
November 15, 2014	\$16,500.00
February 15, 2015	16,500.00
May 15, 2015	16,500.00
August 15, 2015	16,500.00

ARTS COUNCIL will provide the Chief Financial Officer of CITY with copies of the ARTS COUNCIL audit and the ARTS COUNCIL Annual reports which details the use of the money and outlines the benefits the City has received from this expenditure.

On a quarterly basis, ARTS COUNCIL shall submit an Activity Report of its activities and accomplishments for that particular quarter to CITY. The form of this report shall include a narrative summary of activities. This report shall be received by the Chief Financial Officer or designee not later than the twentieth (20th) business day following the end of each calendar quarter. These quarterly reports shall be submitted to:

Chief Financial Officer
Fiscal Services
City of Bryan
P.O. Box 1000
Bryan, TX 77805

On an annual basis, not later than May 31st of each budget year, ARTS COUNCIL shall submit its proposed budget, proposed service levels and performance measures for the following year to the CITY for review. At the same time, the ARTS COUNCIL shall present to the Bryan City Council a report on their year to date activities and accomplishments and also present information with regard to proposed projects and activities. Funding by CITY shall be subject to annual review and allocation.

CITY shall make such payments solely from the tax upon the costs of hotel-motel occupancy in the City of Bryan as established as Ordinance Number 736.

CITY has reviewed ARTS COUNCIL budget for the use of these funds and approves such budget. ARTS COUNCIL has reviewed and agrees to comply with the provision of Chapter 351.101 of the Texas Revised Civil Statutes.

That all of the terms and conditions of the Contract executed on November 13, 1978, between the CITY and the ARTS COUNCIL shall remain in full force and effect for CITY's Fiscal Year of 2014-2015, except as modified by this amendment.

IN WITNESS WHEREOF, the parties hereto, acting under authority of their governing body and board of directors, have caused this amendment to contract to be duly executed in two counterparts, each of which will constitute an original, as of the ___ day of _____, 2014.

CITY OF BRYAN:

ATTEST:

Jason P. Bienski, Mayor

Mary Lynne Stratta, City Secretary

Kean Register, City Manager

APPROVED AS TO FORM:

Janis K. Hampton, City Attorney

ARTS COUNCIL OF BRAZOS VALLEY

JJ Ruffino, President

Chris Dyer, Executive Director

Original Agreement

CONTRACT FOR SERVICES FROM ARTS COUNCIL
OF BRAZOS VALLEY

THE STATE OF TEXAS }
COUNTY OF BRAZOS }

This Agreement, made and entered into by the City of Bryan, a home rule city of the State of Texas, hereinafter referred to as "City", and the Arts Council of Brazos Valley, a non-profit corporation, hereinafter referred to as "ACBV", each acting by and through its authorized officials:

WITNESSETH:

WHEREAS, ACSV is a non-profit corporation established solely for public purposes as set forth in its Articles of Incorporation; and

WHEREAS, there is sufficient assurance by reason of the conditions of the contract that the definite public purposes contracted for herein will be accomplished; and

WHEREAS, there is an adequacy of consideration in the exchange of service for the stated amount of financial assistance to be paid; and

WHEREAS, the production and promotion of arts and cultural programs will enrich the lives of those in the community, provide needed recreational activities, and attract visitors to the area; and

WHEREAS, Section 3c of Article 1269j-4.1, V.A.T.C.S., allows cities to use a portion of the hotel-motel occupancy tax for the encouragement, promotion, improvement and application of the arts:

NOW, THEREFORE, IT IS MUTUALLY AGREED AS FOLLOWS:

1.

City agrees to pay a total of \$5,100.00 plus in kind use of municipal facilities valued at \$3,100.00 to ACSV for the fiscal year 1978-79, with the payments to be made semiannually, the first payment to be made on November 15, 1978, and the second payment to be made on April 16, 1979. City shall make such payments solely from available hotel-motel occupancy

- 2.2 Publish a calendar of arts activities in the community on a regular basis;
- 2.3 Produce and promote cultural programs, such as Youth Symphony Concerts;
- 2.4 Initiate further study and planning to:
 - 2.4.1 Provide space for existing arts, humanities and natural science organizations as well as providing meeting space for other local organizations;
 - 2.4.2 Create a hub of activity for the two cities as well as offering cultural outlets for the entire Brazos Valley;
 - 2.4.3 Provide programming, exhibits, and activities which would serve as a quality visitor attraction to the Bryan-College Station community;
- 2.5 Provide "Council Speakers";
- 2.6 Research and make proposals for grants for the community in the area of arts and cultural activities.

3.

ACBV agrees and warrants to City as follows:

- 3.1 That the public purposes herein stated will be effectuated in accordance with Section 3c(a)(4) of Article 1269j-4.1 of V.A.T.C.S.;
 - 3.2 That it will provide, at a minimum, a reasonable quality of services;
 - 3.3 That when charges are made to the public for services rendered by ACSV or its participating groups, such charges will be reasonable and without discrimination;
 - 3.4 That ACSV will operate as a public agency for the benefit of the general public;
 - 3.5 That ACSV will establish and maintain budget control and furnish a copy of each budget and budget change to the City Secretary
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- 3.6 That ACBV will establish, operate and maintain an accounting system that will allow for adequate review of its income, expenses and financial status of the corporation at the end of each fiscal year;
- 3.7 That ACBV will have its books reviewed at the end of each fiscal year by an independent public accountant who will furnish a financial report to the City;
- 3.8 That all present and future rules, regulations and policies of ACBV will be reduced to writing and filed with the City Secretary.

4.

If any of the agreements or warranties hereby made by the ACBV are not complied with, the City is authorized to refuse to make any further payments until the condition on which the complaint is based is corrected to the satisfaction of the City Council.

5.

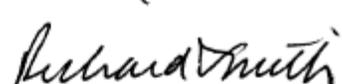
This contract shall be subject to all valid rules, regulations, and laws applicable thereto as promulgated by the United States of America, State of Texas, or any other governmental body or agency having lawful jurisdiction.

IN WITNESS WHEREOF, the parties hereto, acting under authority of their governing body and board of directors, have caused this contract to be duly executed in two counterparts, each of which will constitute an original, as of the 13th day of November, 1978.

ATTEST:

CITY OF BRYAN


Joe E. Evans, City Secretary

By: 
Richard Smith, Mayor