

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING
OCTOBER 28, 2014**

The Bryan City Council held a regular meeting on Tuesday, October 28, 2014, 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 Al Saenz, Rafael Peña, Ann Horton and Art Hughes were present. Councilmembers Greg Owens and Chuck Konderla were absent. City Manager Kean Register, City Attorney Janis Hampton and City Secretary Mary Lynne Stratta were in attendance.

1. CALL TO ORDER

The meeting was called to order at 4:37 p.m.

2. EXECUTIVE SESSION

The meeting was called into executive session at 4:38 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 the Traditions Limited Partnership Agreement, receive legal advice regarding possible amendments to the reclaimed water agreement with Traditions Acquisition Partnership, Ltd., receive legal advice regarding Council ethics policy, receive legal advice regarding proposed amendments to groundwater district rules, and receive legal advice regarding Gunler bankruptcy; under the authority of Section 551.072, real estate – discussion regarding possible sale, lease, conveyance and/or purchase of property in the Texas Triangle Park, central and north Bryan; under the authority of Section 551.074, personnel matters – discussion regarding duties and responsibilities and annual performance reviews of City Manager, City Secretary, Municipal Court Judge, City Internal Auditor and City Attorney; and under the authority of Section 551.087, economic development – discussion regarding possible economic development incentives in east, west, north and central Bryan and the Texas Triangle Park.

3. OPEN SESSION FOR ACTION FOLLOWING EXECUTIVE SESSION

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

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

Pastor Obed Matus, Verdades Bíblicas - Iglesia Adventista del Séptimo Día, gave the invocation and Cub Scout Pack #976 led the pledges.

5. PROCLAMATIONS AND PRESENTATIONS

A proclamation was presented in recognition of Texas Municipal Court Week. Recipients of the Better Business Torch Award were recognized.

6. HEAR CITIZENS

Mrs. Carolyn Buckley, 3908 Bravo Court, spoke about life in Bryan and Charter amendments on the November 4 ballot. Mr. Mike Southerland, 3401 Parkway Terrace, spoke about the projected fund balance in the City's budget. Ms. Sharon Anderson, 2304 Cindy Lane, and Mr. James Scott, Lakeside, California, spoke about the Charter amendments on the November 4 ballot. Ms. Stephanie Karam and other nursing students at the Texas A&M Health Science Center presented a proposal to help improve usability and access to public transportation for Bryan residents.

7. CONSENT (AUTOMATIC APPROVAL) AGENDA

It was announced agenda item 7 c would not be considered and that agenda item 7 g would be considered separately. Councilmember Peña moved to approve the remainder of the consent agenda. The motion was seconded by Councilmember Saenz and carried with all present voting aye.

a. Consideration - Fourth Extension to Parks Custodial Services Contract

Consider approving the fourth and final extension to an existing annual contract with Howell Service Corporation, in an amount not to exceed \$127,516.38, for parks custodial services. Source of Funds: General Fund.

b. Consideration - Payment of Transitional Reinsurance Program Fees

Consider approving payment to the Department of Health and Human Services (HHS), in the amount of \$123,984.00, for Transitional Reinsurance Program fees as required by the Affordable Care Act (ACA). Source of Funds: Employee Benefits Fund.

c. Consideration - Blanket Purchase Order for Motorola for the Replacement of Fire Department and Police Department Mobile and Portable Radios

This item was not considered.

d. Consideration - Reject All Bids Received for the "Annual Contract For Custodial Services"

Consider rejecting all bids received for the "Annual Contract for Custodial Services".

e. Consideration - Boiler and Machinery Equipment Breakdown Insurance

Consider awarding the City's boiler and machinery equipment breakdown insurance to Liberty Mutual Insurance in the estimated annual amount of \$200,213.00. Source of Funds: Bryan Texas Utilities, Wastewater, Water and General Funds.

f. Consideration - 2014 Tax Roll

Consider approving the final 2014 tax roll as submitted by the Brazos County Tax Assessor-Collector.

h. Second and Final Reading of an Ordinance - Right-of-Way Abandonment (RA14-03)

Second and final reading of Ordinance No. 2067 of the City of Bryan, Texas, providing for abandonment of portions of public street right-of-way for West 23rd Street and North Parker

Avenue, adjacent to and north and east of Block 142 in the Bryan Original Townsite in Bryan, Brazos County, Texas; authorizing the conveyance thereof to the abutting property owner; providing for terms and conditions of abandonment and conveyance.

i. Second and Final Reading of an Ordinance - Right-of-Way Abandonment (RA14-04)

Second and final reading of Ordinance No. 2068 of the City of Bryan, Texas, providing for abandonment of an approximately 50-foot wide and 196-foot long segment of public street right-of-way for Koch Street and an approximately 50-foot wide and 200-foot long segment of public street right-of-way for De Lee Street, extending generally west of Memorial Drive between Kent and 29th Streets in Bryan, Brazos County, Texas; authorizing the conveyance thereof to the abutting property owner; providing for terms and conditions of abandonment and conveyance.

j. Second and Final Reading of an Ordinance - Right-of-Way Abandonment (RA14-05)

Second and final reading of Ordinance No. 2069 of the City of Bryan, Texas, providing for abandonment of a 20-foot wide and 250-foot long public alley right-of-way extending west from South Bryan Avenue between West 31st Street and South Sims Avenue in Block 113 of Bryan Original Townsite on property currently addressed as 600 South Bryan Avenue in Bryan, Brazos County, Texas; authorizing the conveyance thereof to the abutting property owner; providing for terms and conditions of abandonment and conveyance.

k. Second and Final Reading of an Ordinance - Rezoning Request (RZ14-17)

Second and final reading of Ordinance No. 2070 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 9.51 acres of land out of the Maria Kegans League adjoining the northeast side of State Highway 30, midway between Hardy Weedon and Elmo Weedon Roads and currently addressed as 10253 State Highway 30 in Bryan, Brazos County, Texas.

l. Second and Final Reading of an Ordinance - Amend Chapter 118, "Traffic and Vehicles" of the Bryan Code of Ordinances

Second and final reading of Ordinance No. 2071 of the City of Bryan, Texas, amending Chapter 118, Traffic and Vehicles, Article II, Specific Street Regulations, Division 2 - Speed, of the City of Bryan Code of Ordinances, by specifically designating new maximum speed limits on the section of the West Frontage Road of State Highway 6 around the FM2818 intersection and on various sections of FM158 (William Joel Bryan Parkway and Boonville Road) from State Highway 21 (San Jacinto Lane) to the State Highway 30/Elmo Weedon Road intersection; providing for a penalty; providing for publication; providing an effective date.

m. Second and Final Reading of an Ordinance - Staffing for Police and Fire Departments

Second and final reading of Ordinance No. 2072 of the City of Bryan, Texas, repealing Ordinance No. 2024 pertaining to the classification and number of positions in the Bryan Police Department and Bryan Fire Department pursuant to Chapter 143 of the Texas Local Government Code, adding six Firefighter positions in the Fire Department as approved in budget, and adding two Police Officer positions in the Police Department as approved in the budget.

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

g. Resolution – Increase Ambulance Billing Rates

Mayor Bienski made a motion to adopt Resolution No. 3578 of the City Council of the City of Bryan, Texas, repealing Resolution No. 3448 and setting new rates to be charged for ambulance transport service provided by the City of Bryan. The motion was seconded by Councilmember Horton. Concern was expressed that some Bryan residents could not afford to pay their ambulance bills and raising the rates would exacerbate the problem. It was explained that it was desirable to have ambulance rates the same as College Station's due to the mutual aid agreement between the two cities. After discussion, the motion carried with three yeases (Mayor Bienski and Councilmembers Horton and Hughes), two noes (Councilmembers Saenz and Peña) and two absent (Councilmembers Owens and Konderla).

8. STATUTORY AGENDA

Agenda item 8 g was removed from the statutory agenda for separate consideration. Councilmember Peña moved to approve the remainder of the statutory agenda. The motion was seconded by Councilmember Saenz and carried with all present voting aye.

a. Consideration - Amendment to the First Amended Interlocal Agreement Regarding the Publically Dedicated Louis Mikulin Road

Consider approving an amendment to the "First Amended Interlocal Agreement" (ILA), executed on August 26, 2014, between the City of Bryan and Brazos County regarding the publically dedicated Louis Mikulin Road and the maintenance responsibilities of both Brazos County and the City of Bryan.

b. Consideration - Public Highway At-Grade Crossing Improvement Agreement with Union Pacific Railroad

Consider authorizing the Mayor to execute the Public Highway At-Grade Crossing Improvement Agreement between Union Pacific Railroad, Brazos County, and the City of Bryan for Louis Mikulin Road.

c. Consideration - Extension and Amendment of the Intergovernmental Contract for the Bryan-College Station Public Library System

Consider approving an extension and amendment of the Intergovernmental Contract between the Cities of Bryan and College Station for the Bryan-College Station Public Library System.

d. Consideration - Contract for the West 17th Street Culvert Replacement Project

Consider approving an engineering design contract with Don Durden, Inc., doing business as Civil Engineering Consultants, in an amount not to exceed of \$66,000.00, for the West 17th Street Culvert Replacement Project, City Project Number 425-D1-1412. Source of Funds: Transportation Fee.

e. Consideration - St. Joseph Hospital and Traffic Signal Improvements Project Contract

Consider approving an engineering design contract with Kimley-Horn & Associates, Inc., in an amount not to exceed \$179,900.00, for the St. Joseph Hospital and Traffic Signal Improvements

Project, City Project Number 332-750-DE-1413. Source of Funds: Transportation Fee, Bryan Texas Utilities and General Fund.

f. Consideration - Change Order Number Two to the 2013 Street Maintenance – Concrete Construction Contract

Consider approving change order number two to the 2013 Street Maintenance – Concrete construction contract, City Job No. 332-D3-1305, with Larry Young Paving, Inc., in an amount not to exceed \$92,639.35, to provide for additional concrete street replacement on Saunders Street from State Highway 21 to Hall Street. Source of Funds: Transportation Fee.

h. Consideration - Fiscal Year 2015 Funding for the Bryan-Brazos County Economic Development Foundation, Inc.

Consider approving funding for the Bryan-Brazos County Economic Development Foundation, Inc., for Fiscal Year 2015 in an amount not to exceed \$163,911.00.

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

g. Consideration - Fiscal Year 2015 Funding for The Research Valley Partnership

Mayor Bienski moved to approve an agreement with The Research Valley Partnership, providing funding for Fiscal Year 2015 in the amount of \$350,000 for operations (Source of Funds: General Fund). The motion was seconded by Councilmember Horton. Discussion followed about the benefits of participation in The Research Valley Partnership and the suggestion that the City could do a better job of economic recruitment itself. Needed expertise in the area of economic development and recruitment was discussed. It was suggested The Research Valley Partnership make a presentation at a future Council workshop meeting about their activities. The motion carried with three yeases (Mayor Bienski and Councilmembers Horton and Hughes), two noes (Councilmembers Saenz and Peña) and two absent (Councilmembers Owens and Konderla).

9. REGULAR AGENDA

a. Consideration - Bryan City Charter Amendment on the November Ballot

Citizens were reminded there were Charter amendment propositions on the November 4 ballot. The ballot language was read aloud, as well as excerpts from the educational brochure published by the City. City Attorney Hampton advised that Mr. Ross Fischer, former Chair of the Texas Ethics Commission and the current Chair of the State Bar of Texas Legislative and Campaign Law Section, assisted with the development of the educational piece. Ms. Hampton explained that the Charter amendment language itself did not contain a grandfathering provision relative to volunteers, but she advised that under state law, current volunteers appointed through the City's Volunteer Bryan program would be allowed to continue to volunteer even if related to a Councilmember within the third degree by consanguinity or affinity. She advised that relatives of Councilmembers within those degrees of relationship would not be allowed to be appointed as new volunteers while their relative serves on the Council, if Proposition One is adopted.

b. Consideration - CIP Additional Funding

It was stated the City Council held a workshop meeting on October 14 to discuss the five-year Capital Improvement Program (CIP). Councilmembers indicated a desire at that meeting to

reprioritize projects. Councilmember Peña made a motion to “direct staff to come up with all available funding for CIP projects at the second meeting in November”. The motion was seconded by Councilmember Saenz. It was noted that at the October 14 workshop meeting, the staff had been asked to compile a report and various scenarios for funding additional CIP projects. Mr. Register advised that the staff and auditors were diligently working, and that he planned to provide this report after the Fiscal Year 2014 audit figures were available so that there was no uncertainty as to the amount of fund balance in each of the 22 funds. Mr. Register also explained why it was not healthy for a City’s bond and credit rating to spend below a certain level of unreserved fund balance. It was explained as bond ratings deteriorate, citizens pay a higher interest rate for debt to fund capital improvement projects. It was also mentioned the City Council had a policy requiring at least a 60 day unreserved fund balance. Concern was expressed about the length of time it would take to receive the staff report. Confidence was expressed that the City Manager would provide the report as soon as the Audit Committee reviewed the end of year financials provided by the independent auditors. Mr. Register said the report for Council would be ready in January or February. The motion was withdrawn.

10. COUNCIL COMMITTEE REPORTS

Councilmember Hughes provided a report on recent meetings of the Bryan-Brazos County Economic Development Foundation, Inc., Board and the Brazos Valley Solid Waste Management Agency Board. Mayor Bienski left the meeting during the discussion of this item.

11. CITY MANAGER REPORT

A report was not provided.

12. ITEMS OF COMMUNITY INTEREST

Councilmembers listed the following items of community interest: high speed rail meeting, Breast Cancer Awareness Month, town hall meetings, Halloween safety tips, new businesses in the City, Domestic Violence Awareness Month, meeting with officials from sister city Salamanca, Mexico, Brazos County Health Department’s 75th anniversary, Veterans Day, Vietnam Veterans Memorial dedication, Fannin Elementary School Project Dictionary, etc. The Better Business Bureau Torch Award recipients were again congratulated. Pride in the Bryan Municipal Court staff was expressed.

13. ADJOURN

Without objection, the meeting adjourned at 7:45 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski