

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING
FEBRUARY 24, 2015**

A regular meeting of the Bryan City Council was held on Tuesday, February 24, 2015, 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, Greg Owens, Mike Southerland, Art Hughes and Chuck Konderla were present. Also present were Deputy City Manager Hugh Walker, City Attorney Janis Hampton and City Secretary Mary Lynne Stratta.

1. CALL TO ORDER

The meeting was called to order at 4:38 p.m.

2. EXECUTIVE SESSION

The meeting was called into executive session at 4:39 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 possible tri-party agreement between Blinn College, Rivergate Church and the City, receive legal advice regarding compliance with the Texas Open Meetings Act, receive legal advice regarding memorandum of understanding with Blinn College, receive legal advice regarding pending EEOC complaint, receive legal advice regarding issues relative to the Brazos Valley Groundwater Conservation District, and receive legal advice regarding proposed amendment to biocorridor interlocal agreement; 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, west, east and north Bryan; under the authority of Section 551.074, personnel matters – discussion regarding duties and responsibilities of City Manager, City Secretary, City Internal Auditor and City Attorney, Council self-evaluation, and discussion regarding Municipal Court Judge position; under the authority of Section 551.086, competitive matters – discussion regarding competitive matters related to Bryan Texas Utilities; and under the authority of Section 551.087, economic development – discussion regarding possible economic development incentives in east, west, north and central Bryan and Texas Triangle Park.

3. OPEN SESSION FOR ACTION FOLLOWING EXECUTIVE SESSION

The meeting was called into open session at 6:15 p.m. Councilmember Konderla moved to authorize the Mayor to sign a memorandum of understanding between Blinn College and the City of Bryan regarding the new Blinn campus location in west Bryan. The motion was seconded by Councilmember Hughes. It was mentioned this agreement did not obligate the City to spend any funds. The motion carried unanimously. Mayor Bienski made a motion to appoint Councilmember Southerland as the Council's liaison to the Brazos Valley Groundwater Conservation District Board. The motion was seconded by Councilmember Owens and carried unanimously.

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

Pastor Stephen Babalola, Royal Priesthood Church, gave the invocation and Mr. John E. Anderson, representing the Brazos Valley Veterans Memorial, led the pledges.

5. PROCLAMATIONS AND PRESENTATIONS

Ben Milam Elementary School student Sean Outland was recognized for his outstanding performance in local and regional spelling bees. The Jane Long Lobos seventh grade basketball team was congratulated on an undefeated season.

6. HEAR CITIZENS

Dr. T. Barret Lyne, 18075 FM 974, spoke in support of agenda item 7 e. Mr. John Clark, 504 Crescent Drive, provided a handout relative to agenda item 9 b. Mrs. Debra Miller, 714 Williamson Drive, thanked Council for moving forward to build a new Sadie Thomas swimming pool and repair the other City pools. She also spoke about the bus transit system in the community.

7. CONSENT (AUTOMATIC APPROVAL) AGENDA

It was announced agenda item 7 e would be removed from the consent agenda for separate consideration. Councilmember Peña made a motion to approve the remainder of the consent agenda. The motion was seconded by Councilmember Owens and carried unanimously.

a. Consideration – Heating, Venting and Air Conditioning Controls Replacement for City Facilities

Consider awarding the contract for the replacement of the heating, venting and air conditioning controls at the City of Bryan Central Fire Station, Neal Recreation Center and the Carnegie History Center to TEAM Solutions, Inc., in an amount not to exceed \$164,514.78. Source of Funds: Facility Services Budget.

b. Consideration – Blanket Purchase Order for Heil of Texas

Consider approving a blanket purchase order with Heil of Texas for the purchase of replacement parts for Solid Waste refuse vehicles, in an amount not to exceed \$100,000. Source of Funds: Solid Waste Operating Fund.

c. Second and Final Reading of an Ordinance – Rezoning Request (RZ14-22)

Second and final reading of Ordinance No. 2087 of the City of Bryan, Texas, to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances to change the zoning classification from Agricultural-Open District (A-O) to Commercial District (C-3) on 0.519 acres of land adjoining the northwest side of West State Highway 21, north from its intersection with Carver Street, being a part of Lot 6 in the Park Heights Addition and currently addressed as 2210 West State Highway 21 in Bryan, Brazos County, Texas.

d. Second and Final Reading of an Ordinance – Fiscal Year 2015 Budget Amendment No. 1

Second and final reading of Ordinance No. 2088 of the City of Bryan, Texas, amending Ordinance No. 2063, increasing expenditure appropriations for Fiscal Year 2015 from \$379,699,397 to \$389,551,576.

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

e. Second and Final Reading of an Ordinance – Council Water Committee

Councilmember Southerland moved to approve the second and final reading of an ordinance of the City of Bryan, Texas, amending Chapter 2, “Administration”, Article II, “City Council”, by adding section 2-36, “Standing Council Committees”, Subsection (1) “Council Water Committee”; creating a standing Council committee to act in an advisory capacity to the full City Council on water and wastewater utility matters, to be called the “Council Water Committee”; providing for the duties and responsibilities of the committee, rules of procedure, reporting, posting requirements and appointment of members. The motion was seconded by Councilmember Peña. The reason for the request for the committee was discussed. Concern was expressed that the duties of this committee not be confused with the duties of the Groundwater Conservation District Board. Concern was also expressed about the amount of staff time necessary to support the proposed committee functions and that the City Manager’s duties not be circumvented. The City Attorney advised since Councilmember Southerland had been appointed as the liaison to the Groundwater Conservation District Board, he could keep the Council informed of that panel’s activities. After a lengthy discussion, the motion failed to carry with three yeases (Councilmembers Saenz, Peña and Southerland) and four noes (Mayor Bienski and Councilmembers Owens, Hughes and Konderla).

8. STATUTORY AGENDA

It was announced that agenda item 8 b would be considered separately. Councilmember Konderla moved approval of the remainder of the statutory agenda. The motion was seconded by Councilmember Hughes and carried unanimously.

a. Consideration – Professional Services Agreement for City of Bryan Employee Health Center

Consider renewing an amended professional services agreement with St. Joseph Regional Health System for the management and operation of the City of Bryan Employee Health Center in an amount not to exceed \$391,200. Source of Funds: Employee Benefits Fund.

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

b. Resolution – Support of Legislation for Expanded Hotel Occupancy Tax Revenue Utilization

Mayor Bienski moved to adopt Resolution No. 3592 to support the introduction and passage of proposed bracketed legislation that will amend Chapter 351, Section 351.101(A) Tax Code, by adding subsection (13) and Chapter 351, Section 351.1076 by adding new subsection (B) and renumbering the current subsections, in order to allow expanded utilization of hotel occupancy tax revenue for the construction, operation, or expansion of sporting related facilities or fields owned by the City for the purpose of promoting tourism. The motion was seconded by Councilmember Konderla. Mr. Walker explained the components of the proposed legislation and possible benefits to the City were discussed. The motion carried unanimously.

9. REGULAR AGENDA

a. Consideration – Council Water Committee Appointments

Since agenda item 7 e was not approved, this item was not considered.

b. Consideration - Bryan Code of Ordinances Section 130 Zoning Changes

This item was removed from consideration at the request of the Councilmembers who placed it on the agenda. It was announced the item would be reworded and submitted for consideration at a future date.

10. COUNCIL COMMITTEE REPORTS

Councilmembers Hughes provided reports on recent meetings of the BTU Board and City of Bryan Audit Committee, while Councilmember Konderla reported on a recent meeting of the Bryan-Brazos County Economic Development Foundation, Inc., Board and Councilmember Saenz reported on a recent meeting of the Brazos County Board of Health.

11. CITY MANAGER REPORT

Mr. Walker provided an update on various capital improvement projects. He also referred to a packet of information provided by the Brazos Transit District.

12. ITEMS OF COMMUNITY INTEREST

A video was shown of the presentation of the Texas Fire Chief of the Year Award to Fire Chief Randy McGregor. The Bryan Fire Department and Chief McGregor also received the Texas Safety Impact Award. Congratulations were extended to Chief McGregor and the entire department. Mr. Larry Johnson was thanked for his efforts to beautify Bryan. Other items of community interest were listed: FBI open house, possible future Hispanic museum, STEM fair, Community Development Advisory Committee meeting, Scurry Park parking additions, town hall meeting, African American Museum banquet, *Amigos del Valle de Brazos* monthly luncheon, etc. Dr. Barfknecht and his employees were thanked for helping citizens with sidewalk repairs.

At 7:50 p.m., the meeting was called back into executive session in accordance with the provisions of Section 551, Texas Government Code, to discuss under the authority of Section 551.071, consultation with attorney – receive legal advice regarding compliance with the Texas Open Meetings Act and receive legal advice regarding pending EEOC complaint; and under the authority of Section 551.074, personnel matters – discussion regarding duties and responsibilities of City Manager, City Secretary, City Internal Auditor and City Attorney, Council self-evaluation, and discussion regarding Municipal Court Judge position.

The meeting was called into open session at 9:14 p.m. in the Council Chambers. Councilmember Owens moved to direct staff to prepare an ordinance to address the position of Presiding Municipal Court Judge and Associate Municipal Court Judge. The motion was seconded by Councilmember Southerland and carried unanimously.

13. ADJOURN

Without objection, the meeting was adjourned at 9:15 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski