

**BRYAN CITY COUNCIL  
MINUTES OF REGULAR MEETING  
SEPTEMBER 22, 2015**

A regular meeting of the Bryan City Council was held on Tuesday, September 22, 2015, in Room 305 and the Council Chambers of the Bryan Municipal Building. A notice of the meeting was posted at least 72 hours in advance in accordance with Section 551, Texas Government Code. Mayor Jason Bienski and Councilmembers Al Saenz, Rafael Peña (left the meeting at 9:37 a.m.), Greg Owens, Mike Southerland, Art Hughes and Chuck Konderla were present. Also present were City Manager Kean Register, City Attorney Janis Hampton and City Secretary Mary Lynne Stratta.

**1. CALL TO ORDER**

The meeting was called to order at 8:59 a.m.

**2. EXECUTIVE SESSION**

The meeting was called into executive session at 8:59 a.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 Research Valley Partnership bylaws; under the authority of Section 551.072, real estate – discussion regarding possible sale, lease, conveyance and/or purchase of property in central Bryan; and under the authority of Section 551.087, economic development negotiations – discussion regarding possible economic development incentives for prospects in east Bryan.

**3. OPEN SESSION FOR ACTION FOLLOWING EXECUTIVE SESSION**

The meeting was called into open session at 9:37 a.m. Councilmember Peña left the meeting at this time and was absent the remainder of the meeting. Councilmember Hughes moved to authorize the Mayor to execute a 12 month extension of the lease for a portion of the Federal Building to GSA for rental space. The motion was seconded by Councilmember Konderla and carried with six yeases and one absent (Councilmember Peña).

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

Police Chaplain Robert Smith gave the invocation and Bryan Police Officer Joel Bravo led the pledges.

**5. PROCLAMATIONS AND PRESENTATIONS**

A proclamation expressing appreciation to the men and women of the Bryan Police Department was presented to Chief Buske and Bryan police officers. Mayor Bienski declared October 6, 2015, as “Thank a Police Officer Day” in Bryan.

**6. HEAR CITIZENS**

No one spoke under hear citizens.

## 7. CONSENT (AUTOMATIC APPROVAL) AGENDA

Councilmember Konderla moved to approve the consent agenda. The motion was seconded by Councilmember Owens and carried with all present voting aye.

**a. Approval of Minutes – Workshop and Regular Meetings of September 8, 2015**

**b. Consideration – Annual Price Agreement Second Extension for Electrical Supplies**

Consider approving the second extension for three (3) separate blanket purchase orders (BPO) for an Annual Price Agreement for Electrical Supplies. If approved, the primary vendor will remain Crawford Electric with Dealers Electrical Supply and Elliott Electric serving as secondary vendors. The total of all three (3) blanket purchase orders will have a not to exceed amount of \$80,000. Source of Funds: Water/Wastewater Funds and General Fund.

**c. Consideration – Approval of Third Annual Payment for ESRI Maintenance**

Consider approval of the budgeted payment of \$51,000 to Environmental Systems Research Institute (ESRI) for the third annual payment of a three-year term for ESRI maintenance as outlined in the Small Government Enterprise License Agreement (SG-ELA). This maintenance is for support for all the Geographic Information System (GIS) software utilized at the City. Source of Funds: General Fund.

**d. Consideration – Annual Maintenance Agreement for SunGard Application**

Consideration of annual maintenance agreement for SunGard Public Sector (SunGardPS), formerly SunGard HTE, application in the sum of \$97,689.36. Source of Funds: General Fund.

**e. Consideration – Annual Public Safety Software Support and Maintenance**

Approval of annual public safety software support and maintenance for the Tiburon, Inc., application in the amount of \$150,097, less Brazos County 911's portion of \$54,735, which results in the City of Bryan's net cost being \$95,362. Source of Funds: General Fund.

**f. Consideration – Contract with Verizon Southwest**

Consider approval of a contract agreement with Verizon Southwest for procurement of services relating to Integrated Services Digital Network, Primary Rate Interface (ISDN PRI), and landline based phone lines (plain old telephone system (POTS) with a total estimated annual expenditure of \$66,820, for Fiscal Year 2016. This contract has an annual renewal option for Fiscal Year 2017. Source of Funds: General and Enterprise Funds.

**g. Consideration – Rejection of Sole Bid for Ready Mix Concrete**

Consider rejecting the sole bid received on August 18, 2015, for an annual price agreement for the purchase of ready mix concrete and allow staff to rebid the contract. Source of Funds: Transportation, Water and Wastewater Funds.

**h. Consideration – Purchase of Regular Cab Utility Vehicle**

Consider approving the purchase of one F-550 Regular Cab Utility Vehicle from Caldwell Country Ford - Chevrolet for the total purchase price of \$68,252, to be purchased under Buyboard Bid 430-13. Source of Funds: Water Operating Funds.

**i. Consideration – Permit for Commercial Roll-off Container Operations**

Approval of a contract to permit Madison Metals to conduct a commercial roll-off container operation, collecting “scrap metal” only, within the City of Bryan.

**j. Consideration – Change Order No. 1, Miscellaneous Collection Line Rehabilitations Project**

Consider approving Change Order No. 1 to T Construction, L.L.C., for the 2014 Miscellaneous Collection Line Rehabilitations, City Project 411-D4-1404, for a not to exceed amount of \$76,687. Source of Funds: Sewer Operating Funds.

**k. Consideration – Increase to Blanket Purchase Order for Fire Department Winter Uniform Jackets**

Consider approval of a one-time increase to the blanket purchase order (BPO) to Miller Uniforms and Emblems, Inc., for the purchase of winter uniform jackets in the not to exceed amount of \$86,000 for Fiscal Year 2015. Source of Funds: General Fund.

**l. Second and Final Reading of an Ordinance – Rezoning Request (RZ15-06)**

Second and final reading of Ordinance No. 2118 of the City of Bryan, Texas, to amend Chapter 130, Zoning, of the City of Bryan Code of Ordinances by changing the zoning classification from a combination of Planned Development District – Mixed Use (PD-M) and Agricultural – Open District (A-O) to Residential District – 5000 (RD-5) on 17.18 acres of land out of the Zeno Phillips Survey, A-45, and generally located at the southeastern ends of Imperial Valley and Silkwood Drives in Bryan, Brazos County, Texas.

**m. Second and Final Reading of an Ordinance – Budget Amendment for Fiscal 2015**

Second and final reading of Ordinance No. 2119 of the City of Bryan, Texas, amending Ordinance No. 2099; increasing expenditure appropriations for Fiscal Year 2015 from \$389,176,953 to \$389,977,284.

**8. STATUTORY AGENDA**

It was announced agenda item 8 n would be removed from the statutory agenda for separate consideration at the request of two Councilmembers. Councilmember Owens made a motion to approve the remainder of the statutory agenda. The motion was seconded by Councilmember Konderla and carried with all present voting aye.

**a. Consideration – Blanket Purchase Orders for Computers and Related Peripheral Equipment**

Consider approval of annual blanket purchase orders (BPO’s) for desktop/notebook computers and related peripheral purchases, with the following vendors with the amount requested:

Southern Computer Warehouse (SCW) - \$200,000; Dell (Dell), Inc. - \$200,000; and Austin Ribbon & Computer Supplies (ARC), Inc. - \$200,000; all through competitively bid statewide contracts through the State of Texas, Department of Information Resources (DIR). Annual budget expenditures for desktop/notebook computers and related peripherals in Fiscal Year 2016 are projected not to exceed the total budgeted amount of \$375,582. Source of Funds: General Fund, Enterprise Funds, Grant Funds and Court Technology Fund.

**b. Consideration – Blanket Purchase Order for Information Technology Infrastructure**

Consider approving a blanket purchase order (BPO) in the amount of \$200,000 for the purchase of information technology (IT) infrastructure equipment and services from Netsync, Inc., Houston, Texas, through the State of Texas Department of Information Resources (DIR) contracts in the not to exceed amount of \$200,000 for Fiscal Year 2016. Source of Funds: General Fund.

**c. Consideration – Annual Price Agreements Extension - Library Books and Related Materials**

Consider a second one-year extension of annual price agreements for “Library Books and Related Materials” for the Bryan-College Station Public Library System to Baker & Taylor, Inc., (Section I: Books and Audio/Visual Materials and Section III: Processing) in the not to exceed amount of \$150,000 and to Bound to Stay Bound Books, Inc., (Section II: Juvenile Pre-Bound Books and Section III: Processing) in the not to exceed amount of \$7,000. Source of Funds: General Fund.

**d. Consideration – Annual Purchase of Wireless/Cellular Services**

Consider approval of annual purchase for procurement of wireless/cellular services (voice and data) and related equipment through Verizon Wireless, L.L.C., and AT&T Mobility in a total estimated annual expenditure amount not to exceed \$150,000, to be purchased through various purchasing cooperative contracts. Source of Funds: General and Enterprise Funds.

**e. Consideration – Annual Extension to Contract for Concrete Curb, Gutter and Flatwork**

Consider the first annual extension to Contract No. 14-075 entitled “Annual Contract for Concrete Curb, Gutter and Flatwork” with a not to exceed amount of \$617,860 with Brazos Site Works of Bryan, Texas. This extension would be the first of four available extensions to this contract. Source of Funds: General Fund, Water and Wastewater Funds.

**f. Consideration – Extension of Policy for Excess Liability Insurance**

Consider approving the Fiscal Year 2016 extension for the City’s Excess Liability insurance to Illinois Union Insurance Company in the annual amount of \$209,204. Source of Funds: Self Insurance Fund.

**g. Consideration – Extension of Policy for Group Life and AD&D Insurance**

Consider approving the 2016 Plan Year extension for Employee Group Life and AD&D insurance and Employee Group Long Term Disability insurance to Mutual of Omaha with an estimated combined annual cost of \$255,470. Source of Funds: Personnel Services.

**h. Consideration – Extension of Policy for Property Insurance**

Consider approving the Fiscal Year 2016 extension for the City’s Property insurance to the Texas Municipal League – Intergovernmental Risk Pool in the estimated annual amount of \$140,622. Source of Funds: All Funds.

**i. Consideration – Extension of Policy for Equipment Breakdown/Boiler Machinery Insurance**

Consider approving the Fiscal Year 2016 extension for the City’s Equipment Breakdown/Boiler Machinery insurance to Liberty Mutual Fire Insurance Company in the estimated annual amount of \$241,776. Source of Funds: BTU, Water, Wastewater and General Funds.

**j. Consideration – Extension of Medical and Dental Health Plan Administrator and Provider Network Agreement**

Consider approving the 2016 Plan Year extension for Medical and Dental Health Plan Administrator and Provider Network agreement with Blue Cross and Blue Shield of Texas (BCBS) with an estimated annual cost of \$515,014. Source of Funds: Employee Benefits Fund.

**k. Consideration – Policy Extension for City’s Excess Workers’ Compensation Insurance**

Consider approving the Fiscal Year 2016 extension for the City’s Excess Workers’ Compensation insurance to Midwest Employers Casualty in the annual amount of \$154,090. Source of Funds: Self Insurance Fund.

**l. Consideration – Approval of Certain Purchases Exempt from Competitive Bidding**

Consider approving certain purchase requests for Fiscal Year 2016 that are exempt from competitive bidding as described more fully in Texas Local Government Code, Chapter 252.022, and other expenditures for inter-local contracts or fees mandated by State law that are greater than \$50,000. Source of Funds: Various funds in the proposed Fiscal Year 2016 Budget.

**m. Resolution – Owner Requested Annexation**

Adoption of Resolution No. 3629 granting a petition seeking annexation of 152.8 acres of land out of the John H. Jones Survey, Abstract No. 26, located generally south of Texas State Highway 47, southwest from its intersection with HSC Parkway and adjoining the northeast side of Jones Road in Brazos County, Texas, lying adjacent and contiguous to the present corporate limits of the City of Bryan; adopting a timetable for completing annexation; directing City staff to perform activities necessary for the initiation of annexation proceedings as required by State law.

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

**n. First Reading of an Ordinance – Establishing an Oil and Gas Fund**

Councilmember Southerland moved to deny the first reading of an ordinance of the City of Bryan, Texas, establishing a permanent Oil and Gas Fund; requiring revenues derived from oil and gas leases, royalty revenues and ad valorem tax revenues collected on mineral values on city-owned property, not designated as part of an enterprise fund, be placed in a permanent Oil and Gas Fund; establishing restrictions on use and procedures for how such fund may be accessed,

and other matters related thereto. The motion was seconded by Councilmember Saenz. Discussion followed about restrictions to require Council approval for expenditures from the fund. It was opined the City Manager should have the authority to make expenditures from this fund. Discussion followed that indicated having a separate fund for oil and gas revenues as well as one time revenues, such as property sales, could provide a more accurate unreserved fund balance figure. The motion to deny failed to carry with a vote of three yeses (Councilmembers Saenz, Hughes and Southerland), three noes (Mayor Bienski and Councilmembers Owens and Konderla) and one absent (Councilmember Peña). It was suggested the City Manager present other revenues sources that could be set aside in identified reserve funds.

Mayor Bienski then moved to approve the first reading of an ordinance of the City of Bryan, Texas, establishing a permanent Oil and Gas Fund; requiring revenues derived from oil and gas leases, royalty revenues and ad valorem tax revenues collected on mineral values on city-owned property, not designated as part of an enterprise fund, be placed in a permanent Oil and Gas Fund; establishing restrictions on use and procedures for how such fund may be accessed, and other matters related thereto. The motion was seconded by Councilmember Owens and carried with six yeses and one absent (Councilmember Peña).

## **9. REGULAR AGENDA**

### **a. Consideration – Appointment to Brazos Valley Solid Waste Management Agency, Inc., Board**

Mayor Bienski moved to appoint Councilmember Owens to the Brazos Valley Solid Waste Management Agency, Inc., (BVSWMA) Board for a three-year term. The motion was seconded by Councilmember Konderla and carried with all present voting aye.

### **b. Consideration – Revisions to Bylaws of the Research Valley Partnership**

Mayor Bienski moved to approve revisions to Article III of the bylaws of the Research Valley Partnership (RVP), as recommended by the RVP Board of Directors, including the addition of voting members to the RVP Board of Directors, and allowing extension of terms for board members who are elected officials. The motion was seconded by Councilmember Konderla. It was stated that while this action does not require funding, the City annually pays the RVP \$350,000 from the General Fund. Councilmember Southerland moved to postpone consideration until after the bylaws had been reviewed and recommendations made. The motion was seconded by Councilmember Saenz. It was reported Brazos County had approved the bylaws revisions but College Station had not. Concern was expressed that adding additional board members not appointed by the governmental entities would dilute the City's influence on board decisions. The motion to postpone failed to carry with a vote of two yeses (Councilmembers Saenz and Southerland), four noes (Mayor Bienski and Councilmembers Owens, Hughes and Konderla) and one absent (Councilmember Peña). The main motion carried with all present voting aye.

### **c. Resolution – Five-Year Capital Improvement Program**

Mayor Bienski moved to adopt Resolution No. 3630 of the City Council of the City of Bryan, Texas, approving the five-year Capital Improvement Program for Fiscal Years 2016-2020 (Source of Funds: Existing and Future Bond Debt, Transportation Fee, Drainage Utility Fee, Cemetery Endowment Fund, General Fund, TXDOT Funds). The motion was seconded by Councilmember Konderla and carried with all present voting aye.

**d. Second and Final Reading of an Ordinance – Tax Rate**

Councilmember Konderla moved to approve the second and final reading of Ordinance No. 2120, that the property tax rate for the City of Bryan be increased by the adoption of a tax rate of \$.629990 per \$100 valuation, being \$0.443253 per \$100 valuation for General Fund maintenance and operations and \$0.186737 per \$100 valuation for the payment of principal and interest on General Obligation Debt, which is effectively a 2.56% increase in the tax rate; said increase being additional revenues from increased property valuations on the tax roll. The motion was seconded by Mayor Bienski and carried with voting as follows: Mayor Bienski – Yes; Councilmember Saenz – Yes; Councilmember Owens – Yes; Councilmember Southerland – No; Councilmember Hughes – Yes; Councilmember Konderla – Yes; and Councilmember Peña – Absent.

**e. Consideration – Ratification of Tax Rate**

Mayor Bienski moved ratification of the property tax rate of \$.629990 per \$100 assessed value to provide property tax revenues in support of the Fiscal Year 2016 budget. The motion was seconded by Councilmember Owens and carried with voting as follows: Mayor Bienski – Yes; Councilmember Saenz – Yes; Councilmember Owens – Yes; Councilmember Southerland – No; Councilmember Hughes – Yes; Councilmember Konderla – Yes; and Councilmember Peña – Absent.

**f. Consideration – Revision of Resolution No. 2053**

Mayor Bienski moved to deny this item submitted by two Councilmembers to direct staff to rewrite Resolution No. 2053, “a resolution setting forth the policy of the Bryan City Council for the appointment of citizens to City of Bryan boards, commissions and committees; and providing an effective date” to the following:

1. Change references from “single voting precinct” or “voting precinct” to “Single Member District”.
2. Change Section 8 to “In situations wherein no citizen has made application to serve from a Single Member District or where specific qualifications are established, the position shall remain unfilled until a District representative can be found”.
3. Change Section 9 to “The Mayor shall only appoint qualified citizens recommended by each Single Member District Representative to any Mayoral Task Force. The task force shall be five members, one from each district. The person or persons shall be qualified to serve in the general manner prescribed in Section 5.”

The motion was seconded by Councilmember Owens. It was pointed out a Mayor’s task force would be not called a Mayor’s task force if the Mayor did not appoint the members. The City Attorney advised that resolutions or ordinances exist that set out how board and committee members are appointed and the requirements for service on each panel. She advised that if Council desired to change how board members were appointed, then an ordinance or resolution would be needed to change each of the existing enabling documents. The motion failed with two yeses (Councilmembers Saenz and Southerland), four noes (Mayor Bienski and Councilmembers Owens, Hughes and Konderla) and one absent (Councilmember Peña).

**g. Consideration – Downtown Visitors**

Mayor Bienski moved to deny this agenda item submitted by two Councilmembers to direct staff to:

1. Establish a comprehensive program and plan to maximize visitors to Downtown Bryan on TAMU game days and each Friday and Saturday that includes but is not limited to:
  - a. Coordinate with the Brazos Transit District to develop and execute a parking agreement for the downtown parking garage during TAMU home game days, not to exceed \$5,000 by October 1, 2015.
  - b. Purchase and operate a tram for Downtown that provides transportation from the parking garage and city/county parking lots on Main Street on Fridays and Saturdays from 5:00 p.m. until one hour after closing. On TAMU home game days from one hour before games until one hour after business closing.
  - c. Develop a comprehensive advertising program to notify the public of the available parking in Downtown.
  - d. Encourage mobile food vendors to set up in the city parking lot after Downtown restaurants have closed.
  - e. Encourage visitors parking in Downtown and going to the game to park in the garage or public lots instead of using the on street parking in Downtown.
2. Make every effort to complete the actions by the first regular Council meeting in October 2015.

The motion was seconded by Councilmember Konderla. It was stated that everyone wanted to promote downtown as much as possible, but it was opined \$5,000 for parking in the downtown parking garage when over 1,000 free spaces were available in city and county owned parking lots seemed excessive. A possible validation process for garage parkers using downtown businesses was mentioned. The cost of a tram was also discussed and it was reported a valet parking service was considering offering services on game days as well. A report of the comprehensive advertising campaign already underway was given. Staff was encouraged to be creative in attracting visitors to downtown. After discussion, the motion carried with five yeses, one no (Councilmember Southerland) and one absent (Councilmember Peña).

## **9. ITEMS OF COMMUNITY INTEREST**

The following items of community interested were mentioned by Councilmembers: Arts Council Celebrate the Arts banquet, National Night Out and Thank a Police Officer Day, meeting with Texas A&M University student body representatives, Fiestas Patrias parade, Texas Reds Steak and Grape Festival, etc. Bryan police officers were again thanked for all they do to keep the community safe. Sadness was expressed at the passing of Mr. Tommy Bosquez, Bryan ISD School Board member and former Bryan police officer.

## **10. ADJOURN**

Without objection, the meeting was adjourned at 10:55 a.m.

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City Secretary Mary Lynne Stratta

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Mayor Jason P. Bienski