

**BRYAN CITY COUNCIL
MINUTES OF WORKSHOP MEETING
OCTOBER 22, 2013**

The Bryan City Council held a workshop meeting on Tuesday, October 22, 2013, in 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 Richard Cortez, Paul Madison, Ann Horton, Art Hughes, Greg Owens and Chuck Konderla were present. Also present were Deputy City Manager Hugh Walker, City Attorney Janis Hampton and Assistant City Secretary Ashley McCoy.

1. CALL TO ORDER

The meeting was called to order at 1:50 p.m.

2. PRESENTATION BY THE AMERICAN CANCER SOCIETY EVENT CO-CHAIRS REGARDING THE 2013 RELAY FOR LIFE OF BRAZOS COUNTY EVENT AT COULTER AIRFIELD

American Cancer Society Relay for Life Co-Chair Shawn Villarreal presented information regarding Relay for Life, including its mission and functions. She discussed the results of the 2013 Relay for Life of Brazos County event held May 3-4, 2013, at Coulter Airfield and listed some of the notable accomplishments of the event.

3. PRESENTATION REGARDING DECORATIVE ELEMENTS ON FM 2818 AT THE VILLA MARIA BRIDGE

Dr. Jayson Barfknecht, Director of Public Works, presented information about the upcoming completion of the new bridge on FM 2818 at Villa Maria Road and requested direction from Council regarding the decorative elements of mosaics and end cap designs. He stated staff would utilize an advisory committee to recommend several iconic images representing the City of Bryan. Council suggested that a contest could be held to allow the public to suggest images. It was announced Council would make the final selection of images at a later date.

4. DISCUSSION REGARDING ADVISORY BOARD/COMMITTEE/COMMISSION APPOINTMENTS

Council discussed the appointment of individuals to various advisory boards, committees and commissions. No action was taken.

5. DISCUSSION REGARDING CONSENT/STATUTORY AGENDA ITEMS FOR REGULAR MEETING OF OCTOBER 22, 2013

Council briefly discussed agenda item 8 c of the consent/statutory agenda for the regular meeting of October 22, 2013. No action was taken regarding the item discussed.

6. ADJOURN

Without objection, the meeting was adjourned at 2:41 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski

**BRYAN CITY COUNCIL
MINUTES OF REGULAR MEETING
OCTOBER 22, 2013**

The Bryan City Council held a regular meeting on Tuesday, October 22, 2013, 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 Richard Cortez, Paul Madison, Ann Horton, Art Hughes and Chuck Konderla were present. Councilmember Greg Owens was absent. In attendance were City Manager Kean Register, City Attorney Janis Hampton and Assistant City Secretary Ashley McCoy.

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 4:37 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 Traditions Limited Partnership Agreement, receive legal advice regarding Traditions reclaimed water agreement, receive legal advice regarding memorandum of understanding with the Children’s Museum and conveyance of said property, receive legal advice regarding Tax Increment Reinvestment Zone 22 agreements, and receive legal advice regarding non-annexation agreements and infrastructure agreements pertaining to Texas Triangle Park; under the authority of Section 551.072, real estate discussion regarding possible mineral leases on city-owned property within the city limits of Bryan; under the authority of Section 551.074, personnel matters – discussion regarding duties and responsibilities of City Manager, City Internal Auditor, and City Attorney, annual performance review of City Attorney, and discussion regarding appointment to Board of Sign Control and Appeals; under the authority of Section 551.073, deliberations regarding gifts and donations – discussion regarding a negotiated contract for a prospective gift or donation; and under the authority of Section 551.087, economic development – discussion regarding possible economic development incentives in central Bryan.

3. OPEN SESSION FOR ACTION FOLLOWING EXECUTIVE SESSION

The meeting was called into open session at 6:15 p.m. Mayor Bienski moved to appoint Marty Cangelose to the Board of Sign Control and Appeals. Councilmember Madison seconded the motion, which carried with all present voting aye.

Councilmember Horton moved to authorize the Mayor to sign and to accept the terms of an oil and gas lease with Halcon Energy Properties, Inc., on a tract of land composed of 3.89 acres of land, more or less, lying and being situated in the E.P. Stokes Survey, A-221, Brazos County, Texas, and being the same land described in that certain Special Warranty Deed dated September 29, 2011, from Wells Fargo Bank, N.A., Successor Trustee of the Mary Henry Little Family Trust dated December 14, 1987, and last amended by third amendment dated April 11, 1997, (a/k/a “ the Mary Henry Little Revocable Trust ”), acting herein by and through Vance Mitchell, Assistant Vice President, to the City of Bryan, Texas, recorded in Volume 10359, Page 126, of the official records of Brazos County,

Texas; and finding that such terms of said lease are beneficial to the City of Bryan. The motion was seconded by Councilmember Madison and carried with all present voting aye.

Councilmember Horton moved to authorize the Mayor to sign and to accept the terms of an oil and gas lease with Halcon Energy Properties, Inc., on a tract of land composed of 1.98 acres of land, more or less, lying and being situated in the W.S. Martin Survey, A-35, Brazos County, Texas, and being the same land described as "Second Tract" in that certain Warranty Deed dated November 9, 1948, from Esther Dansby and husband Mit Dansby, to the City of Bryan, Texas, recorded in Volume 137, Page 131, of the deed records of Brazos County, Texas; and finding that such terms of said lease are beneficial to the City of Bryan. The motion was seconded by Councilmember Madison and carried with all present voting aye.

Councilmember Horton moved to authorize the Mayor to sign and to accept the terms of an oil and gas lease with Halcon Energy Properties, Inc., on a tract of land composed of 2.66 acres of land, more or less, lying and being situated in the S.F. Austin Survey, A -63, Brazos County, Texas, and being the same land described in that certain Deed dated April 11, 1958, from R.W. Siegert and wife Lillian Siegert, to the City of Bryan, recorded in Volume 188, Page 454, of the deed records of Brazos County, Texas; and finding that such terms of said lease are beneficial to the City of Bryan. The motion was seconded by Councilmember Madison and carried with all present voting aye.

Councilmember Horton moved to authorize the Mayor to sign and to accept the terms of an oil and gas lease with Halcon Energy Properties, Inc., on a tract of land composed of 0.666 acres of land, more or less, lying and being situated in the S.F. Austin Survey, A-63, Brazos County, Texas, and being the same land described in that certain Warranty Deed with Vendor's Lien dated July 8, 1964, from Bryan Building and Loan Association to the City of Bryan, Texas, recorded in Volume 238, Page 519, of the deed records of Brazos County, Texas; and finding that such terms of said lease are beneficial to the City of Bryan. The motion was seconded by Councilmember Konderla and carried with all present voting aye.

Councilmember Horton moved to authorize the Mayor to sign and to accept the terms of an oil and gas lease with Halcon Energy Properties, Inc., on a tract of land composed of 8.213 acres of land, more or less, lying and being situated in the S.F. Austin Survey, A-63, Brazos County, Texas, and being the same land described in that certain Warranty Deed dated April 1, 1950, from Earl Graham Post 159, American Legion, to the City of Bryan, Texas, recorded in Volume 143, Page 297, of the deed records of Brazos County, Texas; and finding that such terms of said lease are beneficial to the City of Bryan. The motion was seconded by Councilmember Madison and carried with all present voting aye.

Councilmember Horton moved to authorize the Mayor to sign and to accept the terms of an oil and gas lease with Halcon Energy Properties, Inc., on a tract of land composed of 32.3 acres of land, more or less, lying and being situated in the S.F. Austin Survey, A -62, Brazos County, Texas, and being the same land described in that certain Warranty Deed dated November 5, 1934, from W.J. Coulter to the City of Bryan, Texas, recorded in Volume 88, Page 7, of the deed records of Brazos County, Texas; and finding that such terms of said lease are beneficial to the City of Bryan. The motion was seconded by Councilmember Madison and carried with all present voting aye.

Councilmember Horton moved to authorize the Mayor to sign and to accept the terms of an oil and gas lease with Halcon Energy Properties, Inc., on a tract of land composed of 17.55 acres of land, more or less, lying and being situated in the S.F. Austin Survey, A-63, Brazos County, Texas, and being the same land described in that certain Warranty Deed dated April 11, 1958, from R.W. Siegert and wife Lillian Siegert, to the City of Bryan, recorded in Volume 188, Page 461, of the deed

records of Brazos County, Texas; and finding that such terms of said lease are beneficial to the City of Bryan. The motion was seconded by Councilmember Madison and carried with all present voting aye.

Councilmember Horton moved to authorize the Mayor to sign and to accept the terms of an oil and gas lease with Halcon Energy Properties, Inc., on a tract of land composed of 7.667 acres of land, more or less, lying and being situated in the S.F. Austin League No. 9, A -62, Brazos County, Texas, and being the same land described in that certain Warranty Deed dated August 5, 1959, from C.E. Ball and wife Ruby Elizabeth Ball, to the City of Bryan, Texas, recorded in Volume 199, Page 253, of the deed records of Brazos County, Texas; and finding that such terms of said lease are beneficial to the City of Bryan. The motion was seconded by Councilmember Madison and carried with all present voting aye.

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

Councilmember Konderla gave the invocation and Commander Gary Banta and W.S. Edmonds, American Legion Post 159, led the pledges.

5. PROCLAMATIONS AND PRESENTATIONS

Proclamations for W.S. Edmonds' 100th birthday, Elisa Davila as the top ranked swimmer in her class in the United States, and Texas Municipal Court Week were presented. The Brazos Valley Bombers were recognized as the Texas Collegiate League Champions and their trophy was displayed.

6. HEAR CITIZENS

Mr. Al Saenz, 1416 Sandy Point Road, spoke about the need for infrastructure improvements and the trend of neighborhood enhancements following improvements to roads.

7. CONSENT (AUTOMATIC APPROVAL) AGENDA

Councilmember Madison made a motion to approve the consent agenda. The motion was seconded by Councilmember Cortez and carried with all present voting aye.

a. Approval of Minutes – Special Meeting of September 23, 2013, and Regular Meeting of October 8, 2013.

b. Consideration — 2013 Tax Roll

Consider approving the final 2013 tax roll as submitted by the Brazos County Tax Assessor-Collector.

c. Consideration — Blanket Purchase Order for Southern Computer Warehouse

Consider approving a blanket purchase order for Southern Computer Warehouse in an estimated amount not to exceed \$150,000.00 for desktop/notebook computers and related peripherals through the State of Texas Department of Information Resources contract. Source of Funds: Grant funding, Information Technology Department budget, other City department budgets and Court Technology funding.

d. Consideration — Wireless/Cellular Services and Related Equipment

Consider approving the annual purchase for procurement of wireless/cellular services (voice and data) and related equipment through Verizon Wireless, L.L.C., and AT&T Mobility; total estimated annual expenditure to procure said services is \$150,000 to be purchased through various purchasing cooperative contracts. Source of Funds: Various City Department Funds.

e. Consideration — Annual Payment for Cisco Systems Maintenance and Support

Consider approving the budgeted payment of \$60,688.39 to Key Government Finance, Inc., for the third annual payment of a five-year term for Cisco maintenance for support of all Cisco hardware and software utilized by the City. Source of Funds: General Fund.

f. Consideration — Annual Maintenance Agreement for Sungard HTE Application

Consider approving an annual maintenance agreement for the Sungard HTE application in the amount of \$91,309.08. Source of Funds: General Fund - Information Technology Services.

g. Consideration — Service Agreement with Motorola

Consider approving the annual service agreement with Motorola in the amount of \$55,226.88 for fiscal year 2014 maintenance of the City's mobile radios and portable radios. Source of Funds: General Fund.

h. Consideration — Right-of-Way Mowing Services Contract with Green Team, Inc.

Consider approving a contract with Green Team, Inc., in an amount not to exceed \$62,528.00 for right-of-way mowing in area #2. Source of Funds: General Fund

i. Consideration — Right-of-Way Mowing Services Contract with Rios Tree Service, Inc.

Consider approving two contracts with Rios Tree Service, Inc., in the amounts of \$142,778.17 and \$161,881.60 for right-of-way mowing in area #1 and area #3, respectively. Source of Funds: General Fund

j. Consideration — Custodial Services for Municipal Facilities

Consider renewing an annual contract with Andrews Building Service of Dallas, Texas, in an amount not to exceed \$142,425.32 for custodial services for municipal facilities. Source of Funds: General Fund - Facility Services Contractual Services.

k. Consideration — Third Extension to Parks Custodial Services

Consider approving the third 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 — Parks and Recreation.

l. Consideration — Employee Group Life and AD&D Insurance

Consider approving the 2014 plan year renewal for employee group life and accidental death and

dismemberment insurance to Mutual of Omaha with a projected annual cost of \$180,607.00. Source of Funds: Personnel Services Budget.

m. Consideration — Medical and Dental Health Plan Administrator and Provider Network

Consider approving the 2014 plan year renewal for medical and dental health plan administrator and provider network agreement with Blue Cross and Blue Shield of Texas with a projected annual cost of \$494,282.00. Source of Funds: Employee Benefits Fund.

n. Resolution — Fiscal Year 2014 Funding for the Bryan - College Station Convention and Visitors Bureau

Adoption of Resolution No. 3513 of the City Council of the City of Bryan, Texas, approving a budget for the fiscal year beginning October 1, 2013, and ending September 30, 2014, both dates inclusive, for the Bryan-College Station Convention and Visitors Bureau with total expenditures of \$1,650,262.00 and revenues in the combined total amount of \$1,650,262.00; and authorizing the Mayor to sign a funding agreement with the Bryan-College Station Convention and Visitors Bureau to provide funding for Fiscal Year 2014 in the amount of \$172,042.00. Source of Funds: Hotel/Motel Tax Fund.

o. Resolution — Fiscal Year 2014 Funding for the Arts Council of the Brazos Valley

Adoption of Resolution No. 3514 of the City Council of the City of Bryan, Texas, approving a budget for the fiscal year beginning October 1, 2013, and ending September 30, 2014, both dates inclusive, for the Arts Council of Brazos Valley with total expenditures of \$664,670.50 and revenues in the combined total amount of \$664,670.50; 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 2014 in the amount of \$42,000. Source of Funds: Hotel/Motel Tax Fund.

p. Second and Final Reading of an Ordinance - Participation in the Texas Enterprise Zone Program

Second and final reading of Ordinance No. 2020 of the City of Bryan, Texas, establishing the City's participation in the Texas Enterprise Zone Program pursuant to the Texas Enterprise Zone Act, Chapter 2303, Texas Government Code, providing tax incentives, designating a liaison for communication with interested parties, and nominating Axis Pipe and Tube, Inc., as an Enterprise Project to the Office of the Governor Rick Perry: Economic Development & Tourism through the Economic Development Bank.

8. STATUTORY AGENDA

Mr. Chase Murphy, Atmos Energy, explained the need for the rate increase proposed in the Rate Review Mechanism reflected in agenda item 8 c. Councilmember Madison made a motion to approve the statutory agenda. The motion was seconded by Councilmember Cortez and carried with all present voting aye.

a. Consideration — Interlocal Agreement for Bonham Elementary Detention Pond

Consider approving an interlocal agreement with Bryan Independent School District to allow for construction of a detention pond on the Bonham Elementary School property as part of the Old Hearne Road Reconstruction Project.

b. Consideration — 2013 Street Maintenance Phase 2 – Concrete Reconstructs Contract

Consider awarding a construction contract to Larry Young Paving, Inc., for the 2013 Street Maintenance Phase 2 – Concrete Reconstructs Project in an amount not to exceed \$3,013,650.00. Source of Funds: Transportation Fee.

c. Resolution — Atmos Energy Corporation Rate Review Mechanism

Adoption of Resolution No. 3515 of the City Council of the City of Bryan, Texas, approving a change in the rates of the Atmos Energy Corporation, Mid-Tex Division, as a result of a settlement between Atmos and the Atmos Texas Municipalities under the Rate Review Mechanism; finding the rates set by the attached tariffs to be just and reasonable; directing Atmos Energy to reimburse the City's rate-case expenses; finding that the meeting complied with the Open Meetings Act; declaring an effective date; and requiring delivery of the resolution to the company and legal counsel.

9. REGULAR AGENDA – Consideration - Appointment of Individuals to Advisory Boards and Committees

Councilmember Konderla moved to appoint Dr. James Baggs, Julianne Burkhalter and Ben Hardeman to the Bryan Animal Center Advisory Committee; Michael Beckendorf, Cathy Conlee and Andrew Nelson to the Bryan Business Council; Glen Duhon, Ona Mae Sims, Ester Breeden and Kathy Nichols to the Bryan Cemeteries Advisory Board; Jackie Kowalski and Mary Joy Venuti to the Bryan-College Station Public Library System Board; Cheryl Free, Ethan Brisby and Michael Martin to the Community Development Advisory Committee; Peggy Samson, Eugene (Sonny) Lyles, Robert Person and Bob Bowden to the Parks and Recreation Advisory Board; Clint Cooper, Emanuel Glockzin, Jr., Art Hughes, Peter Currie, Mark Conlee and Ben Hardeman to Tax Increment Reinvestment Zone #10 Board; Richard Cortez, Paul Clark, Mark Conlee, Paul Madison, Chris Lawrence and Randy McDougal to Tax Increment Reinvestment Zone #21 Board; and Jeffery James, Michael Beckendorf, Justin Duncum, Ben Hardeman, Lance Lester and Sam Harrison to Tax Increment Reinvestment Zone #22 Board. Mayor Bienski moved to amend the motion to include the appointment of Bob Todd, John Bleyl, Paul Leventis, Emanuel Glockzin, Jr., and Joey Dunn to Tax Increment Investment Zone # 19 Board. Councilmember Madison moved to close the nominations and accept the named appointees. Councilmember Cortez seconded the motion, which carried with all present voting aye.

10. COUNCIL COMMITTEE REPORTS

Council committee reports were provided regarding recent meetings of the Bryan Texas Utilities Board and the Bryan-Brazos County Economic Development Foundation Board.

11. CITY MANAGER REPORT

Mr. Register provided an update on the production status of a new fire truck and commended the Fire Department inspection team members on their thoroughness and attention to detail.

12. ITEMS OF COMMUNITY INTEREST

Councilmembers listed the following items of community interest: Bank On Brazos Valley meeting, Harvest Moon event benefitting Junction 505, Capital Improvement Program plans, early voting and

election day, the City of Bryan employee sponsored United Way picnic, the Senator William Moore Building dedication and the *Amigos de Valle de Brazos* luncheon.

13. ADJOURN

Without objection, the meeting was adjourned at 7:26 p.m.

City Secretary Mary Lynne Stratta

Mayor Jason P. Bienski