

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on February 3, 2011, beginning at 1:00 p. m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

### Members present:

Mayor Milton Y. Tate, Jr.  
Mayor Pro Tem Gloria Nix  
Council member Andrew Ebel  
Councilmember Danny Goss  
Councilmember Keith Herring  
Councilmember Charlie Pyle  
Councilmember Weldon Williams, Jr.

### Others present:

City Manager Terry Roberts, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Chief Financial Officer Carolyn Miller, Debbie Gaffey, Stacy Hardy, Darlene Konieczny, Florence Bentke., Gerry Hartstack, Judy Wagner, Fire Chief Ricky Boeker, Allan Hinze, Police Chief Rex Phelps, Public Works Director Doug Baker, Leslie Kelm, Public Utilities Director Lowell Ogle, Dane Rau, Wanda Kramer, Shellie Schluens, Nadine Layton, Community Services Director Wesley Brinkmeyer, Angela Hahn, Danny Romo, Janie Mehrens, Susan Nienstedt.

### Citizens present:

John W. 'Dub' Spencer, Ron Matten, Felix Rodriguez, and Angel Castro.

### Media Present:

Arthur Hahn, Brenham Banner Press

- 1. Mayor Tate called the meeting to order**
- 2. Invocation and Pledges to the US and Texas Flags – Mayor Milton Y. Tate**
- 3. Service Recognitions**

Service recognitions were presented to:

Nadine Layton	Utility Billing	5 Years
Terry Roberts	Administration	10 Years

- 4. Citizens Comments**

There were no citizen comments.

## Consent Agenda

### 5. Statutory Consent Agenda

#### 5-a. Minutes from the December 16, 2010, January 6, 2011, and January 20, 2011 Council Meetings and December 16, 2010 Joint Meeting with Washington County Commissioners Court

A motion was made by Councilmember Pyle and seconded by Mayor Pro Tem Nix to approve the minutes from the December 16, 2010, January 6, 2011, and January 20, 2011 council meetings and December 16, 2010 joint meeting with the Washington County Commissioners Court.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

## REGULAR AGENDA

### 6. Discuss and Possibly Act Upon Ordinance No. O-11-002 on its Second Reading Amending Chapter 17 of the City of Brenham's Code of Ordinances to Include Article VI. Prohibiting Smoking Paraphernalia and Smoking Products

Police Chief Rex Phelps presented this item. He advised that the only change was that it was originally placed in Chapter 12 of the City of Brenham's Code of Ordinances. However, after discussion with the City Attorney, it was determined that this ordinance shall be placed in Chapter 17 of the City of Brenham's Code of Ordinances. City Attorney Cary Bovey stated that Chapter 17 deals with miscellaneous offenses whereas Chapter 12 was more health and sanitation.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve Ordinance No. O-11-002 on its second reading amending Chapter 17 of the City of Brenham's Code of Ordinances to include Article VI. Prohibiting Smoking Paraphernalia and Smoking Products.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

**7. Discuss and Possibly Act Upon an Order Calling an Election on May 14, 2011 for the Purpose of Electing a Mayor (an at large position) and One Council Member for Place 4 - Ward 4**

City Secretary Jeana Bellinger presented this item. She stated that this was the regular order calling the election for May 14, 2011. The only change from prior years is that early voting has been moved to the Washington County Courthouse Annex instead of in the Commissioner's Courtroom where it has been held in the past.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve the Order calling an election on May 14, 2011 for the purpose of electing a Mayor (an at large position) and one council member for Place 4 - Ward 4.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

**7. Considerar y Posiblemente Actuar Sobre una Orden para una Elección el 14 de Mayo, 2011 Con el Propósito de Elegir un Alcalde (posición en general) y un Concejal para Posición 4 – Distrito 4.**

Secretaria de la ciudad Jeana Bellinger presento este punto. Ella dijo que esta era una orden regular pidiendo la elección para el 14 de Mayo 2011. El único cambio de años anteriores es que votación temprana se ha cambiado de lugar a la Washington County Courthouse Annex en vez de en el Commissioner's Courtroom donde se ha conducido antes.

Una moción fue presentada por el Alcalde Pro Tem Nix and segundada por Concejal Williams para aprobar la Orden pidiendo una elección para el 14 de Mayo, 2011 con el propósito de elegir un Alcalde (posición en general) y un Concejal para posición 4 – Distrito 4.

El Alcalde Tate pidió una votación. La moción se aprobó y el ayuntamiento voto de la siguiente manera:

Alcalde Milton Y. Tate, Jr.	Si
Alcalde Pro Tem Gloria Nix	Si
Concejal Andrew Ebel	Si
Concejal Danny Goss	Si
Concejal Keith Herring	Si
Councejal Charlie Pyle	Si
Councejal Weldon Williams	Si

**8. Discuss and Possibly Act Upon Bid #1006.057-UA-UB for Utility Line Extensions Along State Highway 36 North and Authorize the Mayor to Execute Any Necessary Documentation**

Assistant Public Utilities Director Dane Rau presented this item. He advised that, on January 12, 2011 bids were opened by O'Malley Engineers and City of Brenham staff regarding utility line extensions along State Highway 36 North starting at Lounge Rd northward to the Pentecostal Church. The base bid included the installation of approximately 1,925 feet of 12" water line with an alternate bid of installing 1,825 feet of 6" sewer pipe.

Two bids were received on the project with Mercer Construction Co. submitting the low bid for both the base bid and the alternate bid as follows.

<u>Bidder</u>	<u>Base Bid</u>	<u>Alternate Bid</u>
Mercer Construction Co.	\$110,275.25	\$91,472.50
JSL Construction Firm, L.L.C.	\$119,206.80	\$149,159.50

An alternate bid was recommended by City staff due to another project within the sewer fund and its uncertainty of costs. Just recently that project was estimated and it was determined that funds within the 2010-2011 budget would be enough to complete both of the projects and still be within budget. Therefore City Staff would like to recommend that council award the base bid and the alternate bid to Mercer Construction Co. in the amount of \$201, 747.75.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to award Bid #1006.057-UA-UB for utility line extensions along State Highway 36 North to Mercer Construction for \$201,747.45 and authorize the Mayor to execute any necessary documentation.

Councilmember Ebel inquired about when the project would get started and how long it would take. Mr. Rau said he felt they would start within thirty days and completed by spring.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

**9. Discuss and Possibly Act Upon Authorization of Final Payment to M-W-D Construction Co., Inc. for the West Side Water System Improvemens, Phase II and Authorize the Mayor to Execute any Necessary Documentation**

Public Utilities Director Lowell Ogle presented this item. He stated that M-W-D Construction Co., Inc. was the company doing the work at the Atlow Pump Station. Their contract consisted of performing all site preparation and site grading work; constructing reinforced concrete driveway approach, reinforced concrete curb and gutter and pump station building; installing eight (8) inch thick crushed limestone base, yard piping, horizontal split case pumps, electrical equipment, control equipment and chain link fencing and demolishing the existing booster pump equipment and building at the Atlow Tower site. Mr. Ogle advised that M-W-D has completed the work, they did a good job, and all of the paperwork is complete.

A motion was made by Councilmember Pyle and seconded by Councilmember Herring to authorize final payment in the amount of \$22,661.65 to M-W-D Construction Co., Inc. for the West Side Water System Improvements, Phase II and authorize the Mayor to execute any necessary documentation. Mayor Tate asked if the system was up and running; Mr. Ogle replied that it has been for several months. There were just some minor items that had to be addressed and they have been completed.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

**10. Discuss and Possibly Act Upon a Contract Extension with Brenham Cleaning Solutions Inc. for Janitorial Services and Authorize the Mayor to Execute any Necessary Documentation**

This item was presented by Chief Financial Officer Carolyn Miller. She advised that the janitorial services contract for the Library and City Hall was awarded to Brenham Cleaning Solutions, Inc. on 12/17/2009 for a period commencing on January 1, 2010 through December 31, 2010. Upon completion of the term of the original contract and mutual agreement of both parties, this contract may be extended for up to one (1) additional year (two (2) years total). Stein Larson, president of Brenham Cleaning Solutions, Inc. is willing to accept the one (1) year extension at the current contract pricing.

A motion was made by Councilmember Williams and seconded by Councilmember Pyle to approve the one year contract extension with Brenham Cleaning Solutions Inc. for janitorial services at the Library and City Hall at the current contract pricing and authorize the Mayor to execute any necessary documentation.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

**11. Discuss and Possibly Act Upon a Proposal for Janitorial Services for Police and Fire Facilities and Authorize the Mayor to Execute any Necessary Documentation**

Ms. Miller presented this item also. She advised that, on December 17, 2009, City Council awarded the janitorial contract for the Police Department and the Fire Department to Coverall Cleaning Concepts, Inc. However, on April 8, 2010, City Council voted to terminate the contract and, for the remaining months in the calendar year, the City accepted a quote from Brenham Cleaning Solutions for this work.

Now that the original one year period has expired and in the absence of a formal contract for these two facilities, the purchasing agent requested proposals for janitorial services for the calendar year 2011. We sent out four (4) proposals and we received two (2) as follows:

<u>Brenham Cleaning Solutions</u>	<u>Annual Price</u>	<u>Monthly Price</u>
Police Department	\$40,950	\$3,412.50
Fire Department	\$ 5,685	\$ 473.75

<u>GCA Services Group</u>	<u>Annual Price</u>	<u>Monthly Price</u>
Police Department	\$26,551	\$2,212.58
Fire Department	\$ 4,551	\$ 379.25

The monthly price submitted by Brenham Cleaning Solutions is the same monthly amount that was quoted to the City for the interim work in 2010 - they have held their prices. GCA has submitted the lowest proposal which is contingent on being awarded both facilities.

Ms. Miller stated that they had received very positive feedback from our reference checks. They did telephone reference checks as well as a site visit to the Brenham High School. GCA has been providing janitorial services for BISD for three years and Blinn College for two years. Both BISD and Blinn spoke highly of this company. They use proper cleaning equipment and commercial grade cleaners. Both stressed to us that GCA always strives to ensure that everything is functioning properly and, although they have had minor issues, management is quick to respond and correct the problem. Neither one has had any problems with missing items from the classrooms or dormitories that are cleaned on a daily basis.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to award the contract for janitorial services for Police and Fire facilities to GSA at the prices set out in their proposal and authorize the Mayor to execute any necessary documentation.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

**12. Discuss and Possibly Act Upon Resolution No. R-11-002 Supporting a Traffic Signal at Westwood Lane and U.S. Highway 290 and Authorize the Mayor to Execute any Necessary Documentation**

This item was presented by Public Works Director Doug Baker. Mr. Baker said the adoption of this resolution is the City's formal request to the Texas Department of Transportation for the installation of a traffic signal at the intersection of US Hwy 290 and Westwood Lane.

In addition to the signal, a raised median will be constructed in the existing turning lane for a distance of approximately 650 feet in both directions from the signalized intersection. The purpose of the median is to prevent crossovers from one side of the highway to the other.

O'Malley Engineers is in the process of determining how much additional right of way will be needed for a widening of Westwood Ln. between the Dairy Queen Restaurant and Westwood Gifts. They are also preparing schematic drawings and cost estimates for the construction of a 39 feet wide collector street that would extend from Hwy 290 northward approximately 500 feet.

A motion was made by Councilmember Goss and seconded by Councilmember Pyle to approve Resolution No. R-11-002 supporting a traffic signal at Westwood Lane and U.S. Highway 290 and authorize the Mayor to execute any necessary documentation.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

**13. Discuss and Possibly Act Upon an Amendment to the Pass Through Agreement For Payment of Pass-Through Tolls by TxDOT For the U.S. Highway 290 Project and Authorize the Mayor to Execute any Necessary Documentation**

Mr. Baker presented this item also. He said again, this is just a formality. The amendment does not affect the city's financial involvement in the construction of the project nor does it affect the terms of the agreement pertaining to reimbursement by the Department of Transportation. The amendment only replaces Attachment A, the project location map, and Attachment B, the scope of work including Handley Street and the flyover at Stringer Street.

A motion was made by Councilmember Goss and seconded by Councilmember Ebel to approve Amendment No. 1 as contained in the packet to the Pass Through Agreement For Payment of Pass-Through Tolls by TxDOT For the U.S. Highway 290 Project and authorize the Mayor to execute any necessary documentation.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

## **CLOSE REGULAR AGENDA**

### **WORK SESSION AGENDA**

#### **14. a. Presentation of the 2010 Annual Report by the Finance Department**

Chief Financial officer Carolyn Miller presented this report. She advised the City has received back-to-back *Certificates of Achievement for Excellence in Financial Reporting* from the Government Finance Officers Association for the City's annual financial reports. Ms. Miller then talked about her assistants and staff and the role each plays in the Finance Department.

#### **b. Presentation of the 2010 Annual Report by the Police Department**

Chief Rex Phelps presented this report. He was pleased to report that the Part 1 crime rate decreased by 16% compared to the previous year. He went over some highlights in the operation of the department. He also expressed his appreciation to all of his officers, the Mayor and City Council, and the public for all of their assistance during the year.

#### **c. Presentation of the 2010 Annual Report by the Fire Department**

Fire Chief Ricky Boeker presented this report. He went over the different areas of the department and their various activities. Councilmember Goss asked about requiring sprinklers in downtown buildings. Chief Boeker and Deputy Chief Alan Finke addressed this issue for some time.

#### **d. Presentation of the 2010 Annual Report by the Administration Department**

Assistant City Manager Kyle Dannhaus presented this report. He highlighted changes in staff, went over the functions of the various departments, and recognized some of the department's accomplishments for the year.

#### **15. Administrative/Elected Officials Report**

- Mr. Roberts reminded Council about the Strategic Planning Retreat on Thursday, February 10<sup>th</sup>.
- Mr. Roberts advised that at the February 17th council meeting, there would be an update on Railroad Quiet Zone.
- Councilmember Herring reminded everyone about the upcoming Junior Leadership Program.
- Councilmember Herring advised that the Non-Consent Towing Contract reviews would be started the next day with all the wrecker drivers and officers from the PD.

The meeting was adjourned.

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Milton Y. Tate, Jr.  
Mayor

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Jeanne Bellinger, TRMC  
City Secretary