

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on May 19, 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.  
Councilmember Keith Herring  
Council member Andrew Ebel  
Councilmember Charlie Pyle  
Councilmember Danny Goss  
Councilmember Weldon Williams, Jr.

### Members absent:

Mayor Pro Tem Gloria Nix

### Others present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Administrative Assistant Tammy Cook, Chief Financial Officer Carolyn Miller, Stacy Hardy, Debbie Gaffey, Brandon Plumb, Rhonda Kuehn, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Public Works Director Doug Baker, Kim Hodde, Leslie Kelm, Public Utilities Director Lowell Ogle, Dane Rau Community Services Director Wesley Brinkmeyer, Angela Hahn

### Citizens present:

Page Michel, Clint Kolby, Debbie Goss, Mike Darlow, Wanda Kelly, Doug Calame

### Media Present:

Arthur Hahn, Brenham Banner Press; Frank Wagner, KWHI

- 1. Mayor Tate called the meeting to order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Charlie Pyle**
- 3. Citizen Comments**

There were no citizen comments.

**4. Administer Oath of Office to Elected Officials and Issue Certificates of Election for Unopposed Council Positions:**

Certificates of Election were presented for unopposed council positions.

Judge Julian Weisler administered the Oath of Office to the newly elected members of the City Council, Milton Y. Tate, Jr. and Danny Goss

**5. Proclamation - Hurricane Preparedness Week**

Mayor Tate read a proclamation designating May 22-28, 2011 as Hurricane Preparedness Week. It was accepted by Ricky Boeker

**6. Consent Agenda**

**Statutory Consent Agenda**

**6-a. Second Reading of Ordinance No. O-11-005 Amending Chapter 2 of the City of Brenham's Code of Ordinances to Include Section 2 - 12.4 Municipal Court Delinquent Fee Collection**

A motion was made by Councilmember Pyle and seconded by Councilmember Herring to approve the Statutory Consent Agenda Item 6-a. Ordinance No. O-11-005 Amending Chapter 2 of the City of Brenham's Code of Ordinances to Include Section 2 - 12.4 Municipal Court Delinquent Fee Collection.

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

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

**REGULAR AGENDA**

**7. Discuss and Possibly Act Upon the Election by Council of Mayor Pro Tem**

Mayor Tate informed everyone that Mayor Pro Tem Nix was unable to attend this meeting. He opened the floor to nominations for Mayor Pro Tem.

A motion was made by Councilmember Ebel and seconded by Councilmember Herring to re-elect Gloria Nix as Mayor Pro Tem. Mr. Ebel stated if she chooses to relinquish this position when she returns they can take that into consideration at that time.

A motion was then made by Councilmember Goss to table this item until Mrs. Nix returns. No second was made.

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

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

**8. Discuss and Possibly Act Upon a Contract for Municipal Court Fines and Fees Collection Services and Authorize the Mayor to Execute any Necessary Documentation**

Rhonda Kuehn presented this item to council. She advised council that this contract would allow the Municipal Court to enter into an agreement with the firm of Perdue, Brandon, Fielder, Collins & Mott, LLP for the collection of delinquent Municipal Court fines and fees. She then introduced Mike Darlow, Wanda Kelly, and Doug Calame, representatives from the firm.

Mr. Darlow expressed his appreciation to council for allowing them to work with the City and opened the floor to council for questions.

Councilmember Goss questioned the firm's method of collection. Mr. Darlow explained they use letter writing and phone calls. Phone calls are used primarily; this method proves to be more beneficial and allows instant contact. He went on to explain the extensive address research their firm performs in order to get notices to the correct person.

Councilmember Goss questioned if the recent emphasize on harassment and phone solicitation would be an issue. Mr. Darlow explained harassment would not be an issue, that being a law firm they are held to higher standards than other collection agencies. He assured Council that his firm would interact in a courteous and professional manner.

Councilmember Pyle questioned the firm's method of documentation. Mr. Darlow explained the firm's use of a software program that documents every contact and attempted contact. He went on to explain that each client has access to this system, on a look basis, to see what communication has been made.

Councilmember Herring asked Ms. Kuehn how she made her decision in choosing this firm. Ms. Kuehn stated they have a comfortable and good working relationship with this firm.

Another feature this firm provides is access to the website; the court will be allowed to view information on a case. Ms. Kuehn went on to explain what she feels is the best feature. This firm does not collect money upfront then pay the court, they will have the defendant come into the court directly. In those cases that don't have a plea, the judge is the only person who can take a plea. She continues stating that this method will allow them to follow all state laws and statutes and she feels the defendants are not being harassed by this method of collection.

Councilmember Goss inquired about the next steps in the process if contact is made and still no restitution. Ms. Kuehn stated that the City Marshal will make a visit if no restitution is made. Councilmember Goss questioned at what point the City Marshal make visits. Ms. Kuehn explained that he mainly focuses on the surrounding area of Houston, Austin, and College Station. Anything beyond that area a special trip can be arranged.

A motion was made by Councilmember Herring and seconded by Councilmember Williams to approve a contract with Perdue, Brandon, Fielder, Collins, & Mott, LLP for Municipal Court fines and fees collection services 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
<b>Mayor Pro Tem Gloria Nix</b>	<b>Absent</b>
Councilmember Andrew Ebel	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes
Councilmember Danny Goss	Yes

**9. Discuss and Possibly Act Upon an Ordinance on its First Reading Adopting a Revised City of Brenham Drought Contingency Plan and Water Conservation Plan for 2010-2015**

Dane Rau, Assistant Director of Public Utilities, presented this item. He informed council the Texas Commission on Environmental Quality (TCEQ) mandates and requires the Drought Contingency and Water Conservation plan to be revised and adopted every five years. A five-year and ten-year target for water savings, current rate schedules, statistics for domestic water usage and updated contracts from the Brazos River Authority and the Brenham State School are included in this plan.

Mr. Rau explained the five drought stages in which the City of Brenham can implement throughout extreme conditions. These stages include Mild, Moderate, Severe, Critical, and Emergency. In order to implement the MILD stage, the plant must reach 80% of its designed capacity for 3 consecutive days. Currently the Water Treatment Plant is designed at 6.98 million gallon per day. Once the plant reaches 5,600,000 gallon per day for 3 consecutive days then the MILD stage of the Drought Contingency Plan will be activated.

Councilmember Herring questioned the contract with the Brenham State School. Mr. Rau explained this is a wholesale customer contract. The City will supply water to them and once it is in their tower they are then responsible. Mr. Rau confirmed the State School has their own distribution system. He informed council that all wholesale customer contracts must be incorporated into this plan.

Councilmember Herring asked if the water levels at Laker Somerville have increased due to the recent rainfall. Lowell Ogle, Director of Public Utilities said the level has stabilized but it remains approximately three feet low.

Councilmember Pyle inquired about the use of affluent water. Mr. Rau said affluent water could be used and the city is currently working with a firm out of Austin and something should be in place next year. Mr. Ogle informed council of the preliminary approval of the permit and they will begin looking into other uses of this affluent water.

A motion was made by Councilmember Goss and Seconded by Councilmember Pyle to approve an Ordinance on its first reading adopting a revised City of Brenham Drought Contingency and Water Conservation Plan for 2010-2015

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

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

**10. Discuss and Possibly Act Upon Change Order 1 and Final Payment to Rhodes Building Systems Inc. for Construction of a Warehouse Addition for the Electric Department and Authorize the Mayor to Execute any Necessary Documentation**

Lowell Ogle presented this item to Council. Mr. Ogle reminded Council of the bid award to Rhodes Building Systems for construction of a building addition for the Electric Department in early spring. He informed Council that the project came in slightly over budget, but the remaining amount would be paid for by savings from their current operating fund. Mr. Ogle explained that the change order was to modify the roof panels in order to add natural lighting to the inside of the building.

A motion was made by Councilmember Herring and Seconded by Councilmember Ebel to approve Change Order No. 1 and final payment to Rhodes Building Systems Inc. for the construction of a warehouse addition for the Electric Department in the amount of \$85,936.00 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
<b>Mayor Pro Tem Gloria Nix</b>	<b>Absent</b>
Councilmember Andrew Ebel	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes
Councilmember Danny Goss	Yes

**11. Discuss and Possibly Act Upon a Request for a Noise Variance from the Citizens for Community Progress to Hold a Band Concert at Henderson Park from 4:00 p.m. to 7:00 p.m. on May 22, 2011**

Doug Baker, Director of Public Works, presented this item. He explained that this event would have different bands from various churches in an effort to provide wholesome activity in the community and in the park. Mayor Tate wanted confirmation that the event would be concluded by 7:00 p.m. Mr. Baker confirmed it would.

A motion was made by Councilmember Williams and seconded by Councilmember Herring to approve a request for a noise variance from the Citizens for Community Progress to hold a band concert at Henderson Park from 4:00 p.m. to 7:00 p.m. on Sunday, May 22, 2011.

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

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

**12. Administrative/Elected Officials Report**

- City Manager, Terry Roberts had a number of items to report:
  - Provided Council with a map of the U.S. 290 Project;
  - Chamber After-Hours Event at Blinn.
  - PI Components being recognized for their company's Presidential Award on Friday, May 27, 2011
  - Toubin Park Ground Breaking Ceremony to be held Wednesday morning, May 25, 2011
  - Summer Kick-off for the Blue Bell Aquatics Center on May 28<sup>th</sup>
  - Peggy Albert's termination of employment with the city. He mentioned Paula Shields will be coming on board as a part-time staff member in the City Manager's office. Paula will work Tuesday and Wednesday of each week.
  - Updated the progress of the Amphitheatre project and the All-Sports Building.

- Lowell Ogle reminded everyone of the Spring Clean-up that is currently in progress.
- Charlie Pyle expressed his appreciation to all city departments that helped with Maifest and the County Flavors Festival.
- Mayor Tate expressed his appreciation to Fire and Police for their work with the funeral procession of Fallen Soldier Spaulding of Sheridan, Texas.

The meeting was adjourned.

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Milton Y. Tate, Jr.  
Mayor

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Jeana Bellinger, TRMC  
City Secretary

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