

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on June 2, 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
Councilmember Keith Herring
Councilmember Andrew Ebel
Councilmember Danny Goss
Councilmember Weldon Williams, Jr.

Members absent:

Councilmember Charlie Pyle

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, Debbie Gaffey, Florence Bentke, Gerry Hartstack, Fire Chief Ricky Boeker, Doug Maurer, Police Chief Rex Phelps, David Doelitsch, Public Works Director Doug Baker, Kim Hodde, Leslie Kelm, Public Utilities Director Lowell Ogle, Casey Redman, Community Services Director Wesley Brinkmeyer, Lin Hartstack, Charlie Bentke, Janie Mehrens, Angela Hahn, and Danny Romo

Citizens present:

Seneca McAdams, Lu Hollander, Bob Schmidt

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 – City Manager Terry Roberts**

3. Service Recognitions

Service Recognitions were presented to the following employees:

Weldon Williams	Administration	5 Years
Charlie Bentke	Parks	25 Years

Parks Superintendent, Lin Hartstack, thanked Charlie Bentke for his service.

4. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

5. Statutory Consent Agenda

5-a. Minutes from the May 5, 2011 and May 19, 2011 Council Meetings and the May 12, 2011 Council Workshop Meeting

5-b. Second Reading of Ordinance No. O-11-006 Adopting a Revised City of Brenham Drought Contingency Plan and Water Conservation Plan for 2010-2015

A motion was made by Councilmember Herring and seconded by Councilmember Goss to approve the Statutory Consent Agenda Item 5-a. minutes from the May 5, 2011 and May 19, 2011 council meetings and the May 12, 2011 council workshop meeting and 5-b. Ordinance No. O-11-006 adopting a revised City of Brenham Drought Contingency Plan 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
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Absent
Councilmember Weldon Williams	Yes
Councilmember Danny Goss	Yes

WORK SESSION

6. Presentation of the Quarterly Report by the Washington County Convention and Visitors Bureau

Seneca McAdams, with the Washington County Convention and Visitors Bureau, presented their 2010-11 second quarter report. A handout was given to council pointing out the highlights for each month.

REGULAR AGENDA

7. Discuss and Possibly Act Upon an Ordinance on its First Reading Amending the FY2010-11 Adopted Budget

This item was presented by Chief Financial Officer Carolyn Miller. She explained that the budget amendment will amend the General Fund expenditures to include: the Downtown Master Plan; revenue and offsetting expenditures for the Country Flavors Festival which was transitioned to the Brenham Maifest organization. She also advised Council that several items related to the Southwest Industrial Park expansion were amended in the BCDC budget, as well as funding for the amphitheater restroom project. Ms. Miller advised Council that the Street & Drainage Fund is being amended to reallocate the street overlay budget for the Ralston Creek drainage study and the Hillside Subdivision reconstruction project. She also noted that the Hotel Occupancy Tax Fund was being amended due to the additional revenues collected by the County in the fourth quarter of 2010.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve an Ordinance on its first reading amending the FY2010-11 adopted budget.

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 Keith Herring	Yes
Councilmember Charlie Pyle	Absent
Councilmember Weldon Williams	Yes
Councilmember Danny Goss	Yes

8. Discuss and Possibly Act Upon the Renewal of the Contract with Alexander Oil Company for Gasoline and Diesel Fuel Services for the City of Brenham's Vehicle and Equipment Fleet and Authorize the Mayor to Execute any Necessary Documentation

Assistant City Manager, Kyle Dannhaus presented this item to Council. Mr. Dannhaus explained the terms and conditions of the bid with Alexander Oil allowed the City to extend the contract for two (2) additional one (1) year terms. Mr. Dannhaus informed council of Alexander Oil Company's agreement to hold their margin rate the same as in the original contact.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve the renewal of the contract with Alexander Oil Company for gasoline and diesel fuel services for the City of Brenham's vehicle and equipment fleet and authorize the Mayor to execute any necessary documentation.

Mr. Dannhaus noted the city's contract is set up to bid a margin and the price will fluctuate based on the current Houston-Hearne rack rate. Councilmember Goss questioned whether this is an open or capped margin. Mr. Dannhaus explained this is a fixed margin and the city pays an average of the rack price on a monthly basis plus the margin.

Mayor Tate asked how this compares to paying directly at the pump. Mr. Dannhaus stated the rack rate plus a margin is significantly less than you would pay due to the high mark ups on normal retail sales.

Councilmember Herring questioned if the contract has always been structured with a marginal rate. Mr. Dannhaus stated this is what has been done the past several years and it works well.

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 Keith Herring	Yes
Councilmember Charlie Pyle	Absent
Councilmember Weldon Williams	Yes
Councilmember Danny Goss	Yes

9. Discuss and Possibly Act Upon Resolution No. R-11-006 Authorizing Execution of an Agreement with TxDOT for the Temporary Closure of State Right of Way in Connection with the 2011 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be held on July 2, 9, 16, 23, and 30, 2011

This item was presented by Kim Hodde. Ms. Hodde pointed out a date error on the resolution. The resolution presented to council states year 2010, however, Ms. Hodde informed council that the original resolution has been updated with the corrected year of 2011.

Ms. Hodde informed council that one lane of Alamo Street will be closed between Park Street and Market Street from 3:00 p.m. to 11:30 p.m. and all of Alamo Street will be closed between Austin Street and Market Street from 4:30 p.m. to 11:30 p.m.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve Resolution No. R-11-006 authorizing the execution of an agreement with TxDOT for the temporary closure of state right of way in connection with the 2011 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be held on July 2, 9, 16, 23, and 30, 2011 with the correction to the Resolution as presented by Ms. Hodde.

Councilmember Goss asked Chief of Police, Rex Phelps, if the closures of these streets have caused any problems in the past. Chief Phelps stated this event went very well last year and there were no problems. He credits this to the help from the COPs and the regularity of the event.

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 Keith Herring	Yes
Councilmember Charlie Pyle	Absent
Councilmember Weldon Williams	Yes
Councilmember Danny Goss	Yes

10. Discuss and Possibly Act Upon a Request for a Noise Variance in Connection with Hot Nights, Cool Tunes Summer Concert Series to be Held from 4:00 p.m. to 11:00 p.m. on July 2, 9, 16, 23, and 30, 2011

Kim Hodde presented this item. A variance from the noise ordinance is being requested since there will be sound amplification equipment used at this event.

A motion was made by Councilmember Williams and seconded by Councilmember Herring to approve a noise variance in connection with Hot Nights, Cool Tunes Summer Concert Series to be held from 4:00 p.m. to 11:00 p.m. on July 2, 9, 16, 23, and 30, 2011.

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 Keith Herring	Yes
Councilmember Charlie Pyle	Absent
Councilmember Weldon Williams	Yes
Councilmember Danny Goss	Yes

11. Discuss and Possibly Act Upon Approval of an Agreement with O'Malley Engineers, LLP for Final Design, Bidding, and Construction Phase Services Related to Westwood Drive Improvements and Authorize the Mayor to Execute any Necessary Documentation

Public Works Director, Doug Baker, presented this item. Mr. Baker explained the need for Westwood Drive to be widened from its existing width in order for TxDOT to install a traffic signal. Mr. Baker further explained the engineering services needed for this project along with the fees for basic and additional services.

Mayor Tate asked why there is a TxDOT traffic control plan included. Mr. Baker explained this project is on state right of way so this is a requirement of TxDOT.

City Attorney, Cary Bovey requested a change under the termination provision of the agreement to allow for either party to terminate, within thirty (30) days, without cause. Bob Schmidt with O'Malley Engineers stated he would make the suggested changes and incorporate them into all future agreements with the city.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Ebel to approve the agreement with O'Malley Engineers, LLP for final design, bidding, and construction services related to Westwood Drive improvements with a change to the termination provision of the agreement to allow for either party to terminate, within thirty (30) days, without cause 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 Keith Herring	Yes
Councilmember Charlie Pyle	Absent
Councilmember Weldon Williams	Yes
Councilmember Danny Goss	Yes

12. Administrative/Elected Officials Report

- Police Chief Rex Phelps advised Council of a Code Compliance Program that will begin on June 15, 2011. He advised that selected officers will be assisting the Code Enforcement Officer on various code violations throughout the city.
- City Manager, Terry Roberts had a number of items to report:
 - iPads have been delivered. These will be distributed after individual meetings with IT Manager, Gary Jeter.
 - Hohlt Park Construction: All Sports Building and Amphitheatre Project are in progress
 - Reminder: Budget Workshop will be held July 19-21, 2011
 - Report on Sexually Oriented Businesses Ordinance has been handed out; this will be presented at the June 16, 2011 council meeting.
 - Council photos immediately prior to the June 16, 2011 council meeting.

Council convened into Executive Session at 2:00 p.m.

EXECUTIVE SESSION

13. Texas Government Code 551.072 – Real Property – Executive Session to Consider the Acquisition of Right of Way from Germania Insurance for the Realignment of Stringer Street Associated with the Improvements Related to the Highway 290 Project

Executive session adjourned at 2:15 p.m.

RE-OPEN REGULAR SESSION

14. Discuss and Possibly Take Action as a Result of Executive Session Regarding the Acquisition of Right of Way from Germania Insurance for the Realignment of Stringer Street Associated with the Improvements Related to the Highway 290 Project and Authorize the Mayor to Execute any Necessary Documentation

A motion was made by Councilmember Goss and seconded by Mayor Pro Tem Nix authorizing Mayor Tate to negotiate and enter into an agreement on behalf of the City of Brenham for the acquisition of right of way from Germania Insurance necessary for the realignment of Stringer Street, and further authorize the Mayor to execute any necessary documentation thereto.

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 Keith Herring	Yes
Councilmember Charlie Pyle	Absent
Councilmember Weldon Williams	Yes
Councilmember Danny Goss	Yes

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jean Bellinger, TRMC
City Secretary