

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on July 21, 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 Danny Goss  
Councilmember Keith Herring  
Councilmember Charlie Pyle  
Councilmember Weldon Williams, Jr.

### Members absent:

Councilmember Andrew Ebel

### 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, Fire Chief Ricky Boeker, Public Works Director Doug Baker, Allen Jacobs, Leslie Kelm, Kim Hodde, Becky Squyres, Public Utilities Director Lowell Ogle, Ande Bostain, Bobby Branham, Community Services Director Wesley Brinkmeyer, Angela Hahn, and Gary Jeter

### Citizens present:

Pat Elliott

### 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 Attorney Cary Bovey**

**3. Citizens Comments**

Pat Elliot, member of the Commemorative Air Force, informed the council and community of the WWII bomber that will be on display this weekend.

**REGULAR AGENDA**

**4. Discuss and Possibly Act Upon Ordinance No. O-11-008 on its Second Reading Amending Chapter 8½, Flood Damage Prevention, of the City of Brenham’s Code of Ordinances**

Allen Jacobs presented this item. A red-lined version highlighting the minor changes from first to second reading of this ordinance was presented to council.

A motion was made by Councilmember Goss and seconded by Councilmember Herring to approve Ordinance No. O-11-008 on its second reading amending Chapter 8½, Flood Damage Prevention, of the City of Brenham’s Code of Ordinances.

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           |
| <b>Councilmember Andrew Ebel</b> | <b>Absent</b> |
| Councilmember Danny Goss         | Yes           |
| Councilmember Keith Herring      | Yes           |
| Councilmember Charlie Pyle       | Yes           |
| Councilmember Weldon Williams    | Yes           |

**5. Discuss and Possibly Act Upon a Recommendation for an Appointment to the Brenham Housing Authority**

Tammy Cook presented this item. Ms. Cook informed council of the recent resignation of Victor Tisdell, resident commissioner of the Brenham Housing Authority. This board has recommended the appointment of Ms. Wanda Cooley to fulfill the remaining term left by Mr. Tisdell’s resignation.

A motion was made by Councilmember Herring and seconded by Councilmember Williams to approve the recommendation for the appointment of Wanda Cooley as resident commissioner to the Brenham Housing Authority.

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           |
| <b>Councilmember Andrew Ebel</b> | <b>Absent</b> |
| Councilmember Danny Goss         | Yes           |
| Councilmember Keith Herring      | Yes           |
| Councilmember Charlie Pyle       | Yes           |
| Councilmember Weldon Williams    | Yes           |

**6. Discuss and Possibly Act Upon Adjustments to the Proposed Redistricting Plan(s)**

City Secretary Jeana Bellinger presented this item. Ms. Bellinger informed council this final presentation is required by law and allows the council to make any adjustments or citizens to make any comments before moving on to the adoption of a final redistricting plan.

A motion was made by Councilmember Williams and seconded by Mayor Pro Tem Nix to approve the Illustrative Plan adopted by Council on June 16, 2011 as the Final Redistricting Plan, to be adopted by Ordinance.

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           |
| <b>Councilmember Andrew Ebel</b> | <b>Absent</b> |
| Councilmember Danny Goss         | Yes           |
| Councilmember Keith Herring      | Yes           |
| Councilmember Charlie Pyle       | Yes           |
| Councilmember Weldon Williams    | Yes           |

**7. Discuss and Possibly Act Upon an Ordinance on its First Reading Adopting a Final Redistricting Plan and Authorizing Legal Counsel to Seek Voting Rights Act – Section 5 Preclearance of the Adopted Plan**

A motion was made by Councilmember Goss and seconded by Mayor Pro Tem Nix to approve an ordinance on its first reading adopting a final Redistricting Plan and authorizing legal counsel to seek Voting Rights Act-Section 5 Preclearance of the final adopted plan.

Ms. Bellinger advised Council that the Illustrative Plan 1 located in the current council packet is the final map that will be acted upon for adoption at second reading.

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           |
| <b>Councilmember Andrew Ebel</b> | <b>Absent</b> |
| Councilmember Danny Goss         | Yes           |
| Councilmember Keith Herring      | Yes           |
| Councilmember Charlie Pyle       | Yes           |
| Councilmember Weldon Williams    | Yes           |

**8. Discuss and Possibly Act Upon an Audit Engagement Letter from Seidel, Schroeder & Company to Perform an Audit for the Fiscal Year Ending September 30, 2011 and Authorize the Mayor to Execute any Necessary Documentation**

Chief Financial Officer Carolyn Miller presented this item. Ms. Miller presented the audit engagement letter from Seidel, Schroeder & Company and informed council of a slight increase in audit fees from last year. The fees have increased from \$39,500 last year to a range of \$41,000-\$43,000 this year. Ms. Miller explained this increase was due to the continued growth of the city, the additional bonds, and federal funding. Ms. Miller also noted the Highway 290 project and the new GASB Statement No. 54 Fund Balance Reporting will require additional work.

A motion was made by Councilmember Herring and seconded by Councilmember Pyle to approve an audit engagement letter from Seidel, Schroeder & Company to perform an audit for the fiscal year ending September 30, 2011 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            |
| <b>Councilmember Andrew Ebel</b> | <b>Absent</b>  |
| <b>Councilmember Danny Goss</b>  | <b>Abstain</b> |
| Councilmember Keith Herring      | Yes            |
| Councilmember Charlie Pyle       | Yes            |
| Councilmember Weldon Williams    | Yes            |

**9. Discuss and Possibly Act Upon Bid No. 11-014 for the Purchase of Refuse Bags for the Sanitation Department and Authorize the Mayor to Execute any Necessary Documentation**

Bobby Branham presented this item. Mr. Branham noted the prematurity of this request was due to the increased sales of bags at the city and at the collection station.

Mr. Branham informed council that four bids were mailed out and of the four, three vendors returned a bid. Central Poly has been the provider of these bags the last several years and they presented the lowest bid this year at \$6.49 per roll. This is a slight decrease from last year's price of \$6.90 per roll. Mr. Branham noted this is a fixed price for one year.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Pyle to award bid no. 11-014 to Central Poly for the purchase of refuse bags for the sanitation department at \$6.49 per roll 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           |
| <b>Councilmember Andrew Ebel</b> | <b>Absent</b> |
| Councilmember Danny Goss         | Yes           |
| Councilmember Keith Herring      | Yes           |
| Councilmember Charlie Pyle       | Yes           |
| Councilmember Weldon Williams    | Yes           |

**10. Discuss and Possibly Act Upon an Ordinance on its First Reading Reducing the Speed Limit from 65 mph to 60 mph for Traffic Moving in both Directions on the Portion of U.S. Highway 290 Beginning at its Intersection with State Highway 36 and Extending Southward 0.341 Miles**

Public Works Director Doug Baker presented this item. Mr. Baker informed council this speed limit reduction and the subsequent reduction is in conjunction with TxDOT's lowering of the speed limit from seventy (70) miles per hour to sixty (60) miles per hour on State Highway 36 from the City Limits to Big Sandy Creek North of the intersection of State Highway 36 and Business 36, all which are outside the city limits.

City Attorney Cary Bovey noted a few minor changes to the ordinance, all which have been revised and will be presented for adoption on second reading.

A motion was made by Councilmember Goss and seconded by Councilmember Herring to approve an ordinance on its first reading, with revisions as presented, to reduce the speed limit from 65 mph to 60 mph for traffic moving in both directions on the portion of U.S. Highway 290 beginning at its intersection with State Highway 36 and extending southward 0.341 miles.

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           |
| <b>Councilmember Andrew Ebel</b> | <b>Absent</b> |
| Councilmember Danny Goss         | Yes           |
| Councilmember Keith Herring      | Yes           |
| Councilmember Charlie Pyle       | Yes           |
| Councilmember Weldon Williams    | Yes           |

**11. Discuss and Possibly Act Upon an Ordinance on its First Reading Reducing the Speed Limit from 70 mph to 60 mph for Traffic Moving in both Directions on the Portion of State Highway 36 from the City Limit Southward 0.505 Miles to the Intersection with U.S. Highway 290**

A motion was made by Councilmember Goss and seconded by Councilmember Pyle to approve an ordinance on its first reading, with revisions as presented, to reduce the speed limit from 70 mph to 60 mph for traffic moving in both directions on the portion of State Highway 36 from the city limit southward 0.505 miles to the intersection with U.S. Highway 290.

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           |
| <b>Councilmember Andrew Ebel</b> | <b>Absent</b> |
| Councilmember Danny Goss         | Yes           |
| Councilmember Keith Herring      | Yes           |
| Councilmember Charlie Pyle       | Yes           |
| Councilmember Weldon Williams    | Yes           |

**12. Discuss and Possibly Act Upon an Ordinance on Its First Reading Authorizing the Closure of the Railroad Crossing on Vulcan Street at its Intersection with BNSF Railway between North Austin Parkway and North Austin Street**

Public Works Director Doug Baker presented this item. Mr. Baker reminded council of the possible cash reimbursement from BNSF in exchange for the closure of the Vulcan Street Railroad Crossing. In the beginning of the process, BNSF was offering \$40,000 for each closed crossing. This offer has since been reduced to \$25,000 and at this time it may be a lesser amount. However, every effort is being made to ensure the \$25,000 is received. Mr. Baker informed council that he will have an answer on the amount the City could expect before second reading of this ordinance. Mr. Baker noted if this cash reimbursement is not received by BNSF and the crossing is not closed, the City still qualifies for the quiet zone. However, Mr. Baker noted this crossing is a safety concern for citizens and he feels this crossing should be closed.

Mr. Baker informed council that a closure agreement would need to be executed between the City and BNSF and between the City and TxDOT should council approve the closure of this crossing.

A motion was made by Councilmember Goss and seconded by Councilmember Herring to approve an ordinance on its first reading authorizing the closure of the railroad crossing on Vulcan Street at its intersection with BNSF railway between North Austin Parkway and North Austin Street contingent upon a cash reimbursement from BNSF to the City of Brenham for an amount no less than \$25,000.

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           |
| <b>Councilmember Andrew Ebel</b> | <b>Absent</b> |
| Councilmember Danny Goss         | Yes           |
| Councilmember Keith Herring      | Yes           |
| Councilmember Charlie Pyle       | Yes           |
| Councilmember Weldon Williams    | Yes           |

**13. Administrative/Elected Officials Report**

- Ande Bostain advised Council of the “Call Before You Dig” Program. He stated that it helps educate the public and creates an awareness regarding gas leaks.
- Wesley Brinkmeyer mentioned “Free Father’s Friday” at the Blue Bell Aquatic Center will be July 22, 2011 and Hot Nights Cool Tunes concert will be Saturday July 23, 2011

- Leslie Kelm gave an update on the installation of signs and equipment for the railroad quiet zone. Mr. Kelm also informed council the Hillside Addition street overlay project will be completed soon.
- Fire Chief Ricky Boeker reminded everyone of the upcoming Fireman's Fiesta August 12<sup>th</sup> – 14<sup>th</sup>, 2011.
- Tammy Cook informed every one of the upcoming Mayor's Bowl on August 26<sup>th</sup>.
- City Manager Terry Roberts had a few items to report on:
  - Update on Washington County's Redistricting
  - Update on Downtown Master Plan
  - Thanked everyone involved in the Budget Workshops

The council convened into Executive Session at 1:48 p.m.

#### **EXECUTIVE SESSION**

*(Note: The City Council will convene in Room 2A, 2<sup>nd</sup> Floor of City Hall, for Executive Session)*

- 14. Texas Government Code 551.071 – Consultation with City Attorney Regarding Chapter 16, Occupational Licenses and Business Regulations, of the City of Brenham's Code of Ordinances to Provide for the Regulation of Sexually Oriented Businesses within the City Limits**

Executive Session adjourned at 2:50 p.m.

#### **RE-OPEN REGULAR SESSION**

- 15. Discuss and Possibly Act Upon an Ordinance on its First Reading Amending Chapter 16, Occupational Licenses and Business Regulations, of the City of Brenham's Code of Ordinances to Provide for the Regulation of Sexually Oriented Businesses within the City Limits**

A motion was made by Councilmember Herring and seconded by Councilmember Williams to approve an Ordinance on its first reading amending Chapter 16, Occupational Licenses and Business Regulations, of the City of Brenham's Code of Ordinances to provide for the regulation of Sexually Oriented Business within the City Limits utilizing the 1320 foot buffer and Industrial Zone only, as represented in map "E" of the attached executive session package.

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           |
| <b>Councilmember Andrew Ebel</b> | <b>Absent</b> |
| Councilmember Danny Goss         | Yes           |
| Councilmember Keith Herring      | Yes           |
| Councilmember Charlie Pyle       | Yes           |
| Councilmember Weldon Williams    | Yes           |

The meeting was adjourned.

---

Milton Y. Tate, Jr.  
Mayor

---

Jean Bellinger, TRMC  
City Secretary

**THIS PAGE INTENTIONALLY LEFT BLANK**