

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on August 4, 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 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, Administrative Assistant Tammy Cook, Paula Shields, Stacy Hardy, Debbie Gaffey, Fire Chief Ricky Boeker, Assistant Police Chief Jay Petrash, Public Works Director Doug Baker, Leslie Kelm, Allen Jacobs, Angela Hahn, Pam Ruenke, David Nowak, Janie Mehrens, and Becky Squyres

Citizens present:

Perry Thomas, Ben Fortner, Carl Hubble, Page Michel, Clint Kolby

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 Weldon Williams**
- 3. Service Recognitions**

A Service Recognition was presented to the following employee:

David Nowak	Communications	20 Years
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4. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

5. Statutory Consent Agenda

5-a. Minutes from the July 7, 2011 Council Meeting, the July 7, 2011 Public Hearing, and the July 19-21, 2011 Budget Workshop Meetings

5-b. Second Reading of Ordinance No. O-11-010 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

5-c. Second Reading of Ordinance No. O-11-011 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 Herring and seconded by Councilmember Goss to approve the Statutory Consent Agenda Item 5-a. Minutes from the July 7, 2011 Council Meeting, the July 7, 2011 Public Hearing, and the July 19-21, 2011 Budget Workshop Meetings. 5-b. Ordinance No. O-11-010 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 and 5-c. Ordinance No. O-11-011 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

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

PUBLIC HEARING

6. Proposed Annexation of Approximately 124.44 Acres of Land Located South of and Adjacent to the South Boundary Line of Southwest Industrial Park, Sections I & II and West of and Including a Portion of the Burlington Northern Santa Fe Railroad Right of Way into the City Limits

Public Works Director Doug Baker presented this item. Mr. Baker informed citizens of the three separate parcels of land included in this annexation. One is a small right of way in Washington County, the newly acquired Southwest Industrial Park-Section III, and a small portion of the BNSF railroad right of way. Mr. Baker also noted the service plan for this annexation. Streets and Utility work will begin in the near future.

Mayor Tate opened the floor to comments. No comments were received; Mayor Tate closed the Public Hearing and moved into the regular agenda.

REGULAR AGENDA

7. Discuss and Possibly Act Upon the Assignment of the Agreement for Development and Tax Phase-in in Reinvestment Zone No. 32 from Quest Chemical Corporation to Bellville Holdings, L.L.C. and Quest Vapco Corporation

Clint Kolby presented this item. Mr. Kolby reminded council of the tax phase-in incentive that was granted to Quest Chemical last year when owner, Carl Hubble re-located his business from Houston to the Cleaners Hangers Building. Earlier this year Mr. Hubble merged with another company out of St. Louis and changed the name to Quest Vapco Corporation.

A Motion was made by Councilmember Pyle and seconded by Councilmember Ebel to approve the assignment of the agreement for the development and tax phase-in in Reinvestment Zone No. 32 from Quest Chemical Corporation to Bellville Holdings, L.L.C and Quest Vapco Corporation.

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	Yes
Councilmember Weldon Williams	Yes
Councilmember Danny Goss	Yes

8. Discuss and Possibly Act Upon Resolution No. R-11-009 Approving Participation in the Brazos Valley/Washington County HOME Consortium and Authorizing the Mayor to Execute an Inter-local Agreement Regarding the Brazos Valley/Washington County HOME Consortium

City Manager Terry Roberts presented this item. Mr. Roberts informed council the city's participation in the program began in 2003. He explained this is a federally funded program for assistance for startup homes and low income citizens. This item is being presented because the consortia attempted to change the lead entity from Washington County to Burleson County. HUD did not accept this transfer but will allow the renewal under Washington County with execution of new agreements. Mr. Roberts noted no changes have been made to the agreement.

A Motion was made by Councilmember Herring and seconded by Councilmember Pyle to approve Resolution No. R-11-009 approving participation in the Brazos Valley/Washington County HOME Consortium and authorize the Mayor to execute an inter-local agreement regarding the Brazos Valley/Washington County HOME Consortium.

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	Yes
Councilmember Weldon Williams	Yes
Councilmember Danny Goss	Yes

9. Discuss and Possibly Act Upon Ordinance No. O-11-012 on its Second Reading Adopting a Final Redistricting Plan and Authorizing Legal Counsel to Seek Voting Rights Act – Section 5 Preclearance of the Adopted Plan

Terry Roberts presented this item. Mr. Roberts gave council a brief recap of prior meetings. On June 16th the council adopted an illustrative plan and this plan was presented for public comment on July 7th. No citizen comments were made during the Public Hearing; therefore, this ordinance was presented and approved on first reading at the July 21st council meeting.

A Motion was made by Councilmember Pyle and seconded by Councilmember Goss to approve Ordinance No. O-11-012 on its second reading adopting a final redistricting plan and authorizing legal counsel to seek Voting Rights Act – Section 5 preclearance of the adopted plan

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	Yes
Councilmember Weldon Williams	Yes
Councilmember Danny Goss	Yes

10. Discuss and Possibly Act Upon Ordinance No. O-11-013 on Its Second 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

Doug Baker presented this item. Mr. Baker gave a brief recap of the ordinance that was adopted on first reading at the July 21st council meeting. During this meeting, there was discussion that this ordinance was contingent upon a reimbursement of \$25,000 from BNSF in exchange for the closure of the Vulcan street railroad closure. Mr. Baker stated at this time BNSF has not confirmed this reimbursement. However, if a reimbursement is not received and the city chooses not to close the crossing, we still qualify for a quiet zone. Mr. Baker recommends proceeding with the implementation of the quiet zone without the inclusion of the Vulcan Street closure if needed. He also noted the need for a two or three party closure agreement between the City of Brenham, BNSF, and TxDOT. He recommends this be done concurrently with the implementation because the required work for the closure cannot begin until the agreement is executed and this could take up to 60 days for all parties to complete.

Mr. Roberts wanted confirmation that the Notice of Establishment could be placed on the next council agenda and within 30 days of the adoption of this notice the train horns would be silenced, because the necessary work needed for the quiet zone implementation would be complete. Mr. Baker confirmed.

Councilmember Herring wanted confirmation of the city's qualification for a quiet zone if the Vulcan Street Crossing is not closed. Mr. Baker confirmed we would still qualify for a quiet zone.

The next step in the process is to approve a Notice of Establishment. If council adopts this Ordinance today the Notice of Establishment will be on the August 18th council agenda.

A motion was made by Councilmember Goss and seconded by Councilmember Herring to approve Ordinance No. O-11-013 on its second reading, with the contingency provision, authorizing the closure of the railroad crossing on Vulcan Street at its intersection with BNSF railway between North Austin Parkway and North Austin Street

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	Yes
Councilmember Weldon Williams	Yes
Councilmember Danny Goss	Yes

11. Discuss and Possibly Act Upon a Proposal to Adopt a Tax Rate of \$0.5432 per \$100 Valuation for the 2011 Tax Year, Take Record Vote and Set the Public Hearings on the Proposed Tax Rate in Accordance with State Law

Debbie Gaffey presented this item. Ms. Gaffey noted the discussion from the recent council budget workshops to propose an increase of the property tax rate. A tax rate of \$0.5432 per \$100 valuation will be necessary to fund the FY2011-12 Budget. The maintenance & operation (M&O) rate will remain at \$0.3420. The increase is entirely on the debt side as it is being increased by \$0.0390 from \$0.1622 to \$0.2012 to fund transportation projects for Hwy 290 improvements and city streets.

Ms. Gaffey advised the Council that the Washington County Appraisal District has certified taxable values of \$998,947,118 for the 2011 Tax Year. This represents a 2.36% increase in total taxable values of \$23,554,116 over the 2010 (adjusted) values, which is a combination of a .3% decrease in property values offset by an increase of 2.68% of new properties and improvements

A motion was made by councilmember Herring and seconded by councilmember Pyle to propose to place a proposal to adopt a property tax rate of \$0.5432 per \$100 valuation on the agendas of the September 15, 2011 and September 22, 2011 meetings and to schedule public hearings on the proposed tax rate for August 18, 2011 and September 1, 2011

Mayor Tate called for a RECORD 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	Yes
Councilmember Weldon Williams	Yes
Councilmember Danny Goss	Yes

12. Administrative/Elected Officials Report

- Fire Chief Ricky Boeker reminded everyone of the upcoming Fireman's Fiesta on August 12th – 15th

- Updates from City Manager Terry Roberts:
 - TML Annual Conference
 - SB 100 update
 - Hwy 290 update
 - Drought update

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

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