

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on December 1, 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 Weldon Williams, Jr.

Others present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Chief Financial Officer Carolyn Miller, Fire Chief Ricky Boeker, Public Works Director Doug Baker, Public Utilities Director Lowell Ogle, Billy Rich, Dane Rau, Kim Hodde, Janie Mehrens, Leslie Kelm, Rhonda Kuehn, Debbie Gaffey, Jennifer Eckermann, and Kevin Boggus

Citizens present:

Mary Barnes-Tilley, Jason Kiemsteadt, Webster Hart, Douglas and Jennifer Nichols, C.H. Harvey, Page Michel, Clint Kolby, Doug Calame, Wanda Kelly, Atwood Kenjura, David Rehr, Richard Speas, Jessica Weynand, Tristan Johnson, Molly Duge, Kelsey Schwartz, Jaclynn Gerig, Courtni Bauer, Paige Hamilton, Shelby Dickson

Media Present:

Allison Smith, Brenham Banner Press; Frank Wagner, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Weldon Williams**
- 3. Proclamation**
 - Mayor Tate read a Proclamation declaring Thursday, December 1, 2011 as Blinn College Volleyball Team Day

4. Citizens Comments

C. H. Harvey addressed the City Council and reminded them that when he supported the prior issuance of bonds for public safety, he told Council that he also supported the proposed street work but asked that City Council put the issue before the voters and let them decide. He stated that he is very disappointed to see that the Council issued the bonds for the street work and did NOT take it to the voters. Mr. Harvey also told Council that since the City of Brenham couldn't find \$10,000 to fund the Meals on Wheels program, he kicked in \$3,000 and the employees at TFE donated \$1,000 on behalf of Mayor Tate and also \$1,000 on behalf of Keith Herring. He again reminded the Councilmembers that he thought they all should resign since they are not serving the people. He quoted Mayor Claude Brown as saying "It is the people's money and they should have a say". He also stated that he would be revising his Freedom of Information request.

CONSENT AGENDA

5. Statutory Consent Agenda

5-a. Minutes from the November 3, 2011 and November 17, 2011 Council Meetings

5-b. Ordinance No. O-11-025 on its Second Reading Providing for Updated Service Credit and an Increase in Retirement Annuities in the Texas Municipal Retirement System

A motion was made by Keith Herring and seconded by Gloria Nix to approve the Statutory Consent Agenda Items 5-a – minutes from the November 3, 2011 and November 17, 2011 Council meeting and 5-b – Ordinance No. O-11-025 on its second reading providing for Updated Service Credit and an increase in Retirement Annuities in the Texas Municipal Retirement System.

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 Weldon Williams	Yes
Councilmember Danny Goss	Yes

WORK SESSION

6. Discussion and Update on Municipal Court Collections by Perdue, Brandon, Fielder, Collins & Mott

Rhonda Kuehn presented this item to Council. Wanda Kelly, Client Liaison with Perdue, Brandon, Fielder, Collins and Mott, reported that since the inception of the contract on June 1, 2011 they have reported collections of \$134,000 and a 7.97 % clearance rate which equates to a \$1.6 million turnover rate. She stated that \$109,000 was collected in cash and \$25,252 in non-cash such as jail time served or community service. She advised Council that they will be sending out their mail out letters in December and then again in February as well as making bi-weekly calls to defendants in the next 4 months. This is typically a good time of year for collections since most people are receiving income tax refunds and the warrant round up is going on.

Doug Calame thanked the City Council for having trust in them. He also stated that the 1st year goal is usually 10% and 20% for the second year but he is confident that they will well surpass 10% on first year collections.

7. Discussion and Update on the Tax Phase-In Compliance Review Committee

Clint Kolby presented this item to Council. He stated that according to the City of Brenham's Tax Phase-In Policy, a Compliance Review Committee shall meet once a year and shall collect from every tax phase-in incentive recipient a statement of compliance and verifying documents ensuring all requirements have been met. The Committee shall then provide a report on the status of all Tax Phase-In incentive agreements to the City Council on or before December 15 of each calendar year.

This year, Advanced Data Storage (ADS) was the only company eligible to be reviewed by the Committee for compliance. The Committee met on November 8th to review the agreement for ADS. The committee received a signed affidavit and payroll records verifying that they have created/retained at least 12 employees at an average base salary of \$30,000 including benefits and added \$4.2 million in new value to the property tax roll. For 2013, Advanced Data Storage, StanPac, Quest Chemicals and Valmont will be reviewed.

8. Discussion and Update on Advisory Board Policies and Practices

City Manager Terry Roberts presented this item to Council. He told Council that on the Regular Agenda there will be an item for consideration to suspend the term limit of City Boards until further study has been done and the Ordinance modified. He reminded the Council that in 2005, they had adopted policy dealing with board appointments including one element that impacted term limits. The 2005 term limitation policy did not have an immediate impact; however, without some modification to our existing policy several boards will experience a complete turnover within the next 14 months.

Mr. Roberts advised Council that without suspension of the term limit policy until further study is done, the changeover in boards will be too drastic. In analyzing our boards, some boards are more specialized where it is helpful for the board member to have a good background of service. Some boards are in place because of State law requirements, i.e. the Planning and Zoning Commission, Board of Adjustments and the Brenham Community Development Corporation. Some boards have specialization requirements so it is important that a portion of those board members have backgrounds in those specialties such as the Airport Advisory Board and the Hotel Occupancy Tax Board. He stated that we should probably look at each board separately as to whether term limits should be routinely applied. Danny Goss stated that Council should have representation when the current ordinance is revised.

REGULAR AGENDA

9. Discuss and Possibly Act Upon Resolution No. R-11-024 Adopting Ethical and Training Standards for Juvenile Case Managers Employed by the City of Brenham

Rhonda Kuehn presented this item to Council. Effective June 17, 2011, Senate Bill 61 mandates the establishment of minimum training and educational standards for juvenile case managers, including case planning and management. Not later than December 1, 2011, the governing body of a governmental entity that employs a juvenile case manager under Article 45.056, Code of Criminal Procedure, is required to adopt minimum training and education standards for juvenile case managers. The adoption of this resolution and accompanying exhibits will allow the Municipal Court to continue utilizing a juvenile case manager and collecting the \$5.00 juvenile case manager fee. The City of Brenham has had a juvenile case manager for the last 4 or 5 years.

A motion was made by Gloria Nix and seconded by Weldon Williams to approve Resolution No. R-11-024 adopting Ethical and Training Standards for Juvenile Case Managers employed by the City of Brenham.

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 Weldon Williams	Yes
Councilmember Danny Goss	Yes

10. Discuss and Possibly Act Upon an Ordinance on Its First Reading Related to the Organizational Structure, Operations and Best Practices of City Boards and Commissions; Continuation of Service of Current Board and Commission Members During Said Review Period; Repeal of the Term Limits Applicable to City Boards and Commissions; and Related Matters

City Secretary Jeana Bellinger presented this item to Council. Ms. Bellinger stated this is the item related to the work session item related to board term limitations. In order to allow ample time to review the organizational structure and best practice for each board, staff is recommending that Council approve this ordinance on its first reading temporarily suspending the term limits of City boards and commissions.

A motion was made by Weldon Williams and seconded by Danny Goss to approve an Ordinance on its first reading related to the organization structure, operations and best practices of City Boards and Commissions; continuation of service of current Board and Commission Members during said review period; repeal of the term limits applicable to City Boards and Commissions; and related matters.

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 Weldon Williams	Yes
Councilmember Danny Goss	Yes

11. Discuss and Possibly Act Upon a Request to Extend Utilities Outside the City Limits to 4030 Highway 36 South and Authorize the Mayor to Execute any Necessary Documentation

Dane Rau presented this item to Council. He informed Council that the City of Brenham has received a request from Doug and Jennifer Nichols to extend utilities to a future development site located at 4030 Hwy 36 South. Currently this property is not inside the city limits but does about the city limit line. The request was for extension of water and sewer to serve this development. Currently the development plan calls for the addition of a hair salon, a restaurant and several rental spaces totaling 26,000 square feet. The owners of the property have expressed interest in annexation of their property if the City of Brenham so chooses and they would not oppose the annexation and will participate monetarily in the cost of the extension.

Mr. Rau stated that the requested extensions are feasible and cost estimates have been determined. Due to the elevation, a pump station will be necessary for the sewer extension. Cost estimates for a 1600 ft. extension of a 6” water main to the requested tract is estimated at 26,215.00 the estimate for the sewer extension and pump station is \$29,487.50. The total cost for the requested extensions is estimated between \$55,000 and \$60,000. The extensions, along with the pump station, will be done in-house by both the water and sewer development. A contractor will be hired to perform the bores. The extensions will be able to serve future developments.

City Attorney Cary Bovey asked that this motion include authorizing the Mayor to sign the development agreement he is preparing. This agreement would require that the property owners request annexation, comply with all state and city regulations such as submittal of building plans, getting a building permit, and any other requirements in the City of Brenham’s Code of Ordinances. The agreement does state that the City of Brenham is not required to extend services to properties outside the city limits but that the City Council has the discretion to do so under certain circumstances as set out in the Code of Ordinances. City Manager stated that staff did not co-mingle the extension of the utilities with the annexation because this extension of utilities and the ability to serve future developments is a viable project regardless of annexation. Although, annexation would be more appealing if the extensions were done.

A motion was made by Keith Herring and seconded by Andrew Ebel to approve a request to extend utilities outside the city limits to 4030 Highway 36 South 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 Weldon Williams	Yes
Councilmember Danny Goss	Yes

12. Discuss and Possibly Act Upon the Acceptance of a Grant in the Amount of \$13,500.00 from the Homeland Security Grant Program for the Purchase of a Solar Powered Message Board Trailer and Authorize the Mayor to Execute any Necessary Documentation

Fire Chief Ricky Boeker presented this item to Council. Chief Boeker stated the Fire Department has been approved for a grant in the amount of \$13,500 for the purchase of a Solar Powered Message Board Trailer. This project is a collaborative effort between the City and County Offices of Emergency Management and all Public Safety Departments, including Fire, Police, SO, and EMS).

This message board can be used for various reasons – traffic during the WC Fair, construction scenes, street repair, and any emergency messages. There is no match for this grant.

A motion was made by Weldon Williams and seconded by Gloria Nix to approve Acceptance of a Grant in the Amount of \$13,500 from the Homeland Security Grant Program for the purchase of a Solar Powered Message Board Trailer and to 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 Weldon Williams	Yes
Councilmember Danny Goss	Yes

13. Administrative/Elected Officials Report

Carolyn Miller reported on the following:

- Brenham has been named in the Texas Registry as a National Main Street City

Jennifer Eckermann reported on the following:

- 2012 Uptown Swirl Wine Walk– January 14, 2012 - \$25.00 includes a commemorative wine glass and \$20 in tickets for wine tasting
- Christmas Stroll on Friday – tree lighting at 5:30 pm, parade at 6 pm, entertainment after the parade. Burning of Brenham books will also be for sale at a price of \$30.00 each

Terry Roberts reported on the following:

- Amphitheater restrooms have been fully funded
- Vulcan Street RR Crossing has been closed
- Taxi lane for new hangar at airport has been constructed
- Street Department getting ready for street overlay work
- SWIP project is progressing

Councilman Herring reported on the following:

- Downtown Master Plan meeting next Monday

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jean Bellinger, TRMC
City Secretary