

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on March 8th 2012 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 Mary E. Barnes-Tilley
Councilmember Andrew Ebel
Councilmember Danny Goss
Councilmember Keith Herring
Councilmember Weldon Williams, Jr.

Others present:

City Manager Terry K. Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary Jennifer Salsgiver, Chief Financial Officer Carolyn Miller, Adam Griffin, Stacy Hardy, Christi Korth, Kyle Branham, BJ Plumb, Fire Chief Ricky Boeker, Assistant Police Chief Jay Petrash, Jose Perez, Development Services Director Julie Fulgham, Public Works Director Doug Baker, Allen Jacobs, Leslie Kelm, Public Utilities Director Lowell Ogle, Dane Rau, Alton Sommerfield, Bobby Brenham, Angela Hahn, Susan Nienstedt, Kevin Boggus, Curtis Martin, Jeffery Nowak, and William Manas, Jr.

Citizens present:

Clint Kolby, Russell Honnerkamp, Michele Kwiatkowski, and Ed Addicks

Media Present:

Arthur Hahn, Brenham Banner Press; Frank Wagner, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Mayor Pro Tem Gloria Nix**

3. 3-a. Service Recognitions

Curtis W Martin – Electric Department	5 years
Jeffery W Nowak – Collection	5 years
William Manas, Jr. – Street Department	25 years

William Manas, Jr. thanked Mayor, Council, and City staff for their support.

3-b. New Employee

Jose Perez – Police Department

Assistant Police Chief Jay Petrash introduced Officer Jose Perez.

4. Citizens Comments

Russell Honnerkamp addressed Council concerning Suddenlink not publishing a local number in the phone book. City Attorney Cary Bovey explained that the City and Suddenlink interpret the franchise agreement differently in regards to listing a 1-877 number in lieu of a local number. Bovey noted that the franchise agreement, dating back to 1969, is not due for renewal until 2024; however, the City initiated a discussion with Suddenlink addressing this concern. Mayor Tate pointed out that Suddenlink published a 1-877 number in multiple local phone books, including the AT&T and Brazos Valley Area-Wide phone books.

CONSENT AGENDA

5. Statutory Consent Agenda

5-a. Minutes from the February 16, 2012 Council Meeting

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Herring to approve the Statutory Consent Agenda Item 5-a. Minutes from the February 19, 2012 Council meeting.

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 Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Yes

REGULAR AGENDA

6. Discuss and Possibly Act Upon Acceptance of the Audit from Seidel, Schroeder, & Company for Fiscal Year 2011

Chief Financial Officer Carolyn Miller presented the comprehensive annual financial report (CAFR) for the fiscal year ended September 30, 2011. She explained how various staff members produce the financial report and introduced audit partner, Michele Kwiatkowski, from Seidel, Schroeder & Company. Kwiatkowski presented a detailed overview of the audit report to Council.

A motion was made by Councilmember Williams and seconded by Councilmember Barnes-Tilley to accept the audit from Seidel, Schroeder, & Company for fiscal year 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 Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Abstain
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Yes

7. Discuss and Possibly Act Upon a Contract with O'Malley Engineers, LLP for Engineering Services for the Realignment of Stringer Street Associated with the Improvements Related to the U.S. Highway 290 Project and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Doug Baker presented this item to Council. Baker explained Stringer Street's design to eventually become a major collector street at the overpass intersection at Stringer Street and U.S. Highway 290. The pavement width caused the overpass center to be roughly eighty feet west of Stringer Street's existing centerline. Approximately five hundred feet of pavement must be realigned to line up Stringer Street with the overpass. This engineering agreement provides for basic engineering services at a cost not to exceed \$27,500 and \$9,000 for additional services.

Councilmember Goss questioned the engineer's discretion to utilize additional services. City Attorney Cary Bovey explained that the contract requires written approval from the City before the engineer preforms additional services. Mayor Pro Tem Nix questioned if the City attained the right-of-way. Bovey explained that the City is wrapping up that process.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve a contract with O'Malley Engineers, LLP for engineering services for the realignment of Stringer Street associated with the improvements related to the U.S. Highway 290 Project not to exceed \$27,500 for basic engineering services and \$9,000 for additional 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
Mayor Pro Tem Gloria Nix	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Yes

8. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the City of Brenham Water Rate Tariff Schedule for Temporary Construction Service (W-D) and Adding a Water Rate Tariff Schedule for Reclaimed Wholesale Water (W-R)

Dane Rau, Assistant Director of Public Utilities, presented this item to Council. Rau explained that staff obtained authorization from TCEQ to reuse effluent (reclaimed) water from the Wastewater Treatment Plant for non-essential purposes in order to conserve potable water intended for essential needs. Rau identified various modifications implemented to enhance the program's effectiveness. Rau presented recommended rate tariffs for Water Rate Tariff Schedule for Temporary Construction Service (W-D) and endorsed adding a Water Rate Tariff Schedule for Reclaimed Wholesale Water (W-R).

A motion was made by Councilmember Williams and seconded by Councilmember Goss to approve an ordinance on its first reading amending the City of Brenham Water Rate Tariff Schedule for Temporary Construction Service (W-D) and adding a Water Rate Tariff Schedule for Reclaimed Wholesale Water (W-R) with the grammatical changes as approved by the City Attorney and given to Council.

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 Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Yes

9. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 17, Noise Nuisances, of the Code of Ordinances of the City of Brenham

City Secretary Jeana Bellinger presented this item to Council. Bellinger explained that amending the noise ordinance allows for an exemption for events held at the Dr. Bobbie M. Dietrich Memorial Amphitheater so a noise variance is not required by Council for every event. Bellinger explained her intention to present additional noise ordinance changes in the near future, but this exemption enables the community to utilize the amphitheater without delay.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Herring to approve an ordinance on its first reading amending Chapter 17, Noise Nuisances, of the Code of Ordinances of 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 Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Yes

EXECUTIVE SESSION

10. Texas Government Code Section 551.071 – Consultation with the City Attorney Regarding Legal Issues Involved with a Building Set Back Encroachment to the Saeger Street Right Of Way

RE-OPEN REGULAR AGENDA

11. Discuss and Possibly Take Action Regarding a Building Set Back Encroachment to the Saeger Street Right Of Way

No action was taken on this item.

WORK SESSION

12. Presentation of the 2011 Annual Report by the Administration Department

Assistant City Manager Kyle Dannhaus presented this report. He highlighted the functions and accomplishments of Brenham emergency communications, human resources, information technology, maintenance, parks and recreation, and the library. He recognized his staff and expressed his appreciation for their hard work.

13. Presentation of the 2011 Annual Report by the Public Utilities Department

Public Utilities Director Lowell Ogle presented this report. He provided an overview of each department within the Public Utilities Department including: electric, gas, water treatment, water distribution, wastewater collection, wastewater treatment, collection station, transfer station, residential collection, recycling, and utility billing. He recognized the department's accomplishments and expressed appreciation for his staff.

14. Presentation of the 2011 Annual Report by the Finance Department

Chief Financial Officer Carolyn Miller presented this report. She explained that the City received, for a third consecutive year, the *Certificates of Achievement for Excellence in Financial Reporting* from the Government Finance Officers Association for the City's annual financial reports as well as the *Distinguished Budget Presentation Award* for the second consecutive year. Miller summarized staff roles within each division of the Finance Department including: finance, city secretary's office, main street, municipal court, and purchasing.

15. Administrative/Elected Officials Report

Terry Roberts reported on the following:

- Open house for the new agriculture building at Blinn
- Verified FY2012-13 budget workshop dates as May 17th and July 25-27, 2012

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jean Bellinger, TRMC
City Secretary