

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on March 22, 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, Debbie Gaffey, Fire Chief Ricky Boeker, Alan Finke, Police Chief Rex Phelps, Development Services Director Julie Fulgham, Public Works Director Doug Baker, Kim Hodde, Allen Jacobs, Leslie Kelm, Public Utilities Director Lowell Ogle, Dane Rau, Angela Hahn, Pam Ruemke, Susan Nienstedt, and Allan Hinze

Citizens present:

Clint Kolby, Jim Kruse, Don Voelter, Karen Voelter, Peter Emerson, Doug Price, Steve Miller, Toy Kurtz, Bill Rankin, Zeb Heckmann, Amador Rodriguez, Robert Mikeska, Frank Blizzard, Jim Rothermel, Dorothy Ann Rothermel, Monica Perez, Keudrice Smith, Page Michel, and Doss Pruitt

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 – Councilmember Weldon Williams**

3. Service Recognition

Allan Hinze – Fire Department

40 years

Allan Hinze thanked Mayor, Council, and City staff for their support.

4. Special Presentation and Recognition

- Introduction of the New Brenham Heritage Museum Curator

Commissioner Zeb Heckmann introduced Museum Director Doug Price to Mayor and City Council. Price expressed his enthusiasm for the Brenham Heritage Museum’s future and museum membership.

5. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

6. Statutory Consent Agenda

6-a. Minutes from the March 8, 2012 Council Meeting

6-b. Ordinance No. O-12-003 Amending Chapter 17, Noise Nuisances, of the Code of Ordinances of the City of Brenham

6-c. Ordinance No. O-12-004 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)

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Nix to approve the Statutory Consent Agenda Item 6-a. Minutes from the March 8, 2012 Council meeting, 6-b. Ordinance No. O-12-003, and 6-c. Ordinance No. O-12-004.

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

In an effort to accommodate the many visitors in the audience, Mayor Tate delayed the Work Session Item and moved to the Public Hearing and several Regular Agenda items.

PUBLIC HEARING

8. Public Hearing to Consider Granting a Specific Use Permit to the Washington County Healthy Living Association for a Philanthropic Use (Senior Citizens Center) to be Located at Block I, Lot 5 of the Kenjura Subdivision, Section I (Said Property Consisting of 4.482 Acres and Being Situated at the Northwest Corner of East Tom Green Street and Loesch Street), in an R-1, Residential District

Public Works Director Doug Baker opened the Public Hearing.

Baker stated that after the Public Hearing staff will need Council's direction on the preparation of an ordinance for the approval of this Specific Use Permit for the operation of a Senior Citizens Center on Lot 5 of Block 1 of Kenjura Subdivision, Section I. Baker explained that the Planning and Zoning Commission approved the permit with stipulations concerning the hours of operation and drive-way access points.

Don Voelter, Chairman of the Washington County Healthy Living Association, gave Council a short presentation on the Senior Citizens Program and pictures of what the new Center will look like. Voelter requested that Council approve the Specific Use Permit and addressed each of the concerns posed by the Planning and Zoning Commission. Voelter explained that special events held after hours and on weekends are concluded by 10:00 p.m. and expressed the organization's intention to be a good neighbor to those citizens living around the new Center. Voelter presented plans that showed two (2) drive-way entrances designed to ease traffic flow in and around the Center.

The public hearing was closed.

REGULAR AGENDA

9. Discuss and Consider Granting a Specific Use Permit to the Washington County Healthy Living Association for a Philanthropic Use (Senior Citizens Center) to be Located at Block I, Lot 5 of the Kenjura Subdivision, Section I (Said Property Consisting of 4.482 Acres and Being Situated at the Northwest Corner of East Tom Green Street and Loesch Street), in an R-1, Residential District

A motion was made by Councilmember Goss and seconded by Mayor Pro Tem Nix to grant a Specific Use Permit to the Washington County Healthy Living Association for a philanthropic use (Senior Citizens Center) to be located at Block I, Lot 5 of the Kenjura Subdivision, Section I (said property consisting of 4.482 acres and being situated at the northwest corner of East Tom Green Street and Loesch Street), in an R-1, residential district to include: two (2) access points, no restrictions on the hours of operation; and with the Council reserving the right to review any complaints and make amendments if necessary.

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

12. Discuss and Possibly Act Upon Resolution No. R-12-008 Authorizing the Execution of a Tax Phase-In Agreement Between the City of Brenham and Blue Bell Creameries, L.P.

Clint Kolby, Economic Development Foundation Project Manager, presented a request for a Tax Phase-In Agreement between the City of Brenham and Blue Bell Creameries. He explained that Blue Bell Creameries is proposing an estimated \$13,000,000 investment in capital and plans to create 50 new jobs with the project. Jim Kruse, Blue Bell Creameries Comptroller, provided Council an overview of the expansion.

A motion was made by Councilmember Goss and seconded by Councilmember Ebel to approve Resolution No. R-12-008 authorizing the execution of a Tax Phase-In Agreement between the City of Brenham and Blue Bell Creameries, L.P.

Mayor Pro Tem Nix called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Abstain
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

10. Discuss and Possibly Act Upon Resolution No. R-12-007 Requesting the Texas Department of Transportation's Consideration of a Higher Ranking for the Project Described as "Reconstruction of the Cloverleaf at SH 36/US 290 W/BU 290" on the Texas Rural Transportation Plan – Preliminary Project Rankings by District Report

Public Works Director Doug Baker presented a Resolution requesting the Texas Department of Transportation's consideration of a higher ranking for the reconstruction of the cloverleaf at SH 36/US 290 W/BU 290.

Baker explained that the cloverleaf was identified as a pinch point after Hurricane Rita and the reconstruction of the cloverleaf would improve mobility as well as connectivity between Austin and Houston.

Councilmember Barnes-Tilley questioned if additional data, such as accident reports and congestion statistics, could strengthen the Resolution. Baker stated that providing evidence of community support would encourage fruition of this project.

A motion was made by Councilmember Herring and seconded by Councilmember Goss to approve Resolution No. R-12-007 requesting the Texas Department of Transportation's consideration of a higher ranking for the project described as "Reconstruction of the Cloverleaf at SH 36/US 290 W/BU 290" on the Texas Rural Transportation Plan – Preliminary Project Rankings by District Report.

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

11. Discuss and Possibly Act Upon a Request for the Extension of Sewer Services Outside City Limits to 340 Westwood Lane and Authorize the Mayor to Execute Any Necessary Documentation

Public Utilities Director Lowell Ogle explained that he had received a request from the Perez family, who live outside the city limits, that sewer service be extended to their house. Ogle advised Council that the family is having septic system issues that cannot be repaired and therefore, he is asking that sewer services be provided to them.

The proposed extension would require the City install a six inch line - with materials costing \$4,800. This six inch line would enable the City to service others in the future. Ogle explained that Ms. Perez has agreed to sign a petition for annexation and contribute \$4,000 to the project. The \$4,000 contribution matches a quote for a new septic system that the City asked Ms. Perez to obtain prior to bringing this item to Council.

Councilmember Goss questioned what labor costs the City will incur and Ogle responded that labor costs would be around \$5,000-\$6,000. Councilmember Goss questioned if Ms. Perez would be willing to pay for all the materials. Ms. Perez advised Council that she would.

Mayor Pro Tem Nix questioned why the drawing presented showed the sewer line crossing the road twice. Ogle explained that the opposite side of the road was cleaner and would be easier for city staff to work in and having the line cross the road closer to the Perez property would not be a problem.

Councilmember Barnes-Tilley expressed her wish for consistency with extensions and requested information concerning funding and the 36 north extension. Ogle confirmed that both extensions will come from the same budget line item.

A motion was made by Councilmember Goss and seconded by Councilmember Williams to approve the extension of sewer services outside city limits to 340 Westwood Lane with the understanding that the Perez family will pay for all materials and the city will provide the labor to install those materials 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

13. Discuss and Possibly Act Upon a Recommendation from the Fortnightly Club for Appointments to the Library Board

City Manager Terry Roberts explained that the Fortnightly Club nominates five Library Board members and Mary Whigham and Gloria Joswiak's terms expired on December 31, 2011. Fortnightly Club President Cathy Lewis notified City staff that Betty Fortner and Jody Tyson are recommended for appointment by the City Council for a 3 year term expiring on December 31, 2014 to replace the members whose terms expired in 2011.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Barnes-Tilley to approve the recommendation from the Fortnightly Club for the appointment of Betty Fortner and Jody Tyson to a 3 year term expiring on December 31, 2014 to the City of Brenham Library Board.

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

14. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 24, Taxation, of the Code of Ordinances of the City of Brenham Providing for the Powers, Duties, Organization, Operation, Board Membership and Additional Matters Related to the Brenham-Washington County Hotel Occupancy Tax Board

City Secretary Jeana Bellinger presented an ordinance that outlines the Brenham-Washington County Hotel Occupancy Tax (HOT) Board duties and sets up staggering terms for its members. Bellinger noted that upon approval of the 2nd reading, HOT Board members will draw for staggering terms at the next scheduled meeting and she will present the official appointments to Council once member names are assigned to each staggered term.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Herring to approve an ordinance on its first reading amending Chapter 24, Taxation, of the Code of Ordinances of the City of Brenham providing for the powers, duties, organization, operation, board membership and additional matters related to the Brenham-Washington County Hotel Occupancy Tax Board.

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

WORK SESSION

7. Discuss and Review the FY2011-12 First Quarter Financial Report

Chief Financial Officer Carolyn Miller presented this item. She advised that the General Fund and the five major utility funds in the report are presented in the format developed by budget officer, Debbie Gaffey, which includes a comparison of the 1st quarter actual versus the prior year and a comparison to the budget.

Miller advised that, for the first quarter, the City experienced favorable performance in the General Fund and all utility funds posted positive net revenues over expenditures, with the exception of the Gas Fund which posted a small net loss for the quarter. Miller provided an overview of the General Fund and the five major utility funds.

Councilmember Goss question why the Gas Fund experienced a small net loss for the quarter. Public Utilities Director Lowell Ogle explained that the mild winter lead to a decrease in gas consumption, producing this minor financial loss since operation costs do not decrease with less usage.

Council adjourned into Executive Session at 2:23 p.m.

EXECUTIVE SESSION

15. Texas Government Code Section 551.072 – Deliberation Regarding Real Property – Discussion Regarding Disposition of the Real Property Located at 210 N. Park Street, Including the Former Municipal Building

Executive Session adjourned at 2:52 p.m.

RE-OPEN REGULAR SESSION

16. Discuss and Possibly Take Action Regarding Disposition of the Real Property Located at 210 N. Park Street, Including the Former Municipal Building

No action was taken on this item.

17. Administrative/Elected Officials Report

Terry Roberts reported on the following:

- TML Region 10 meeting on April 25th at 6:00 p.m. at Ant Street Inn
- Advised Council that he had provided them a memo updating the information from the Executive Session held March 8th 2012
- Reminded Council of the Fire Department's Fish Fry on Friday, March 30th

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

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