

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on April 19, 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, Stacy Hardy, Debbie Gaffey, Fire Chief Ricky Boeker, Alan Finke, Police Chief Rex Phelps, Chris Jackson, Todd Jacobs, Billy Rich, Development Services Director Julie Fulgham, Public Works Director Doug Baker, Leslie Kelm, Public Utilities Director Lowell Ogle, Dane Rau, Alton Sommerfield, Angela Hahn, Gary Jeter, and Amanda Carker

### Citizens present:

Perry Thomas, James York, Wesley Brinkmeyer, Sadie Sink, Casey Sink, Josh Hamez, Richard Waters, Larry Perry, Velvet Maragh, Bill Decker, Jeff Smestuen, and Page Michel

### 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 Andrew Ebel**

**3. Proclamation**

- **National Crime Victims' Rights Week**
- **Motorcycle Awareness Month**

Mayor Tate read a proclamation designating April 22-28, 2012 as National Crime Victims' Rights Week. It was accepted by Lieutenant Billy Rich.

Mayor Tate read a proclamation designating May 2012 as Motorcycle Awareness Month. It was accepted by Jeff Smestuen.

Mayor Tate recognized Brenham resident Saddie Sink for performing in the TUTS Theatre in Houston and credited her family for their support.

**4. Citizens Comments**

There were no citizen comments.

**CONSENT AGENDA**

**5. Statutory Consent Agenda**

**5-a. Minutes from the April 5, 2012 Council Meeting**

**5-b. Discuss and Possibly Act Upon Ordinance No. O-12-006 Granting a Specific Use Permit to the Washington County Healthy Living Association for a Senior Citizens Center (Philanthropic Use) 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 Herring and seconded by Councilmember Ebel to approve the Statutory Consent Agenda Item 5-a. Minutes from the April 5, 2012 Council meeting and 5-b. Ordinance No. O-12-006.

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 Approval of a Cost Participation Agreement between the City of Brenham and Valmont Industries, Inc. to Expand Water Service for the Improvement of Fire Protection at Valmont Industries, Inc. and Authorize the Mayor to Execute Any Necessary Documentation**

Assistant City Manager Kyle Dannhaus presented a Cost Participation Agreement with Valmont Industries, Inc. to improve water flow capacity at Valmont’s plant for enhanced fire protection. Dannhaus explained the agreement calls for Valmont to reimburse the City 100% of improvement costs on Valmont property and limits the City’s participation to \$53,000 while Valmont will invest over \$300,000 for onsite water system improvements. Dannhaus clarified that the City should extend the lines to Valmont’s property since the lines cross an adjacent property and easement expenses were included in the cost.

Councilmember Goss voiced disapproval since the City gave Valmont a tax abatement. Councilmember Goss stated the facility’s fire protection was adequate and requested that a deed from Valmont for right-of-way of the future Schulte Blvd. be obtained as a term of the Participation Agreement.

A motion was made by Councilmember Goss and seconded by Councilmember Herring to table this item to allow more discussion to ensue.

Mayor Tate called for a vote. The motion to table this item passed with a 4-3 vote, with Council voting as follows:

<b>Mayor Milton Y. Tate, Jr.</b>	<b>No</b>
Mayor Pro Tem Gloria Nix	Yes
Councilmember Mary E. Barnes-Tilley	Yes
<b>Councilmember Andrew Ebel</b>	<b>No</b>
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
<b>Councilmember Weldon Williams</b>	<b>No</b>

**7. Discuss and Possibly Act Upon Approval of an Agreement with Jones and Carter, Inc. for Engineering Services to Expand Water Service Related to the Improvement of Fire Protection at Valmont Industries, Inc. and Authorize the Mayor to Execute Any Necessary Documentation**

Mayor Tate stated that since the previous item related to Valmont Industries, Inc. was tabled. This item would be passed.

**8. Discuss and Possibly Act Upon the Approval of a Fiber Connectivity Interlocal Agreement between the City of Brenham and Brenham Housing Authority and Authorize the Mayor to Execute Any Necessary Documentation**

Information Technology Director Gary Jeter presented an Interlocal Agreement in which the Brenham Housing Authority will connect their two office buildings using fiber they purchased and the City will install and assume ownership and maintenance of the fiber. Jeter explained that an annual maintenance fee will be charged to Brenham Housing Authority.

The City Attorney pointed out a typographical error on Page 1 of the Agreement. He asked that staff correct the spelling of “consideration” in seventh (7<sup>th</sup>) paragraph before executing the Agreement.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve a Fiber Connectivity Interlocal Agreement between the City of Brenham and Brenham Housing Authority, after correction of the typographical error in paragraph seven, 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

**9. Discuss and Possibly Act Upon an Ordinance on Its First Reading Authorizing the Closure of the Vulcan Street BNSF Railroad Crossing Located at Railroad Mile Post 126.15 to Establish a Quiet Zone**

Public Works Director Doug Baker presented a revised Ordinance concerning the closure of the Vulcan Street BNSF railroad crossing to establish a quiet zone. Baker stated BNSF determined that the existing Ordinance does not agree with the text of the closure agreement and this Ordinance includes provisions that satisfy BNSF while repealing the existing Ordinance.

A motion was made by Councilmember Herring and seconded by Councilmember Williams to approve an Ordinance on its first reading authorizing the closure of the Vulcan Street BNSF railroad crossing located at railroad mile post 126.15 to establish a quiet zone 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

**10. Discuss and Possibly Act Upon a Request to Use Sanitation Fund Reserves to Purchase a Used Haul Truck for the City of Brenham Transfer Station and Authorize the Mayor to Execute Any Necessary Documentation**

Assistant Public Utilities Director Dane Rau presented a request to use sanitation fund reserves to purchase a used haul truck. Rau explained that the '99 Sterling transfer truck is no longer in working order. Rau recommends Council approve the purchase of a used haul truck for around \$45,000 out of the current \$717,623 in sanitation fund reserves and explained that the '99 Sterling will be placed on GovDeals.com.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to use sanitation fund reserves to purchase a used haul truck for the City of Brenham transfer station 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

**11. Discuss and Possibly Act Upon an Amended Contract for Participation in the City of Brenham's Rotation Log for Non-Consent Tows and Authorize the City Manager to Execute Any Necessary Documentation**

Community Relations Officer Chris Jackson presented an amended contract for wrecker participation in the City's rotation log for non-consent tows. Jackson requested new language regarding the complaint process be accepted and adopted to integrate a more reliable complaint reporting process.

A motion was made by Councilmember Herring and seconded by Councilmember Goss to amend the contract for participation in the City of Brenham's rotation log for non-consent tows 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

## **WORK SESSION**

### **12. Presentation and Discussion on the Donald G. Austin Memorial Animal Shelter**

Police Chief Rex Phelps described the animal shelter's deterioration, viability, and age. Phelps stated the facility is not sufficient in size to service community demands and will not pass state inspection without substantial renovations. Phelps praised the community for their unsolicited donations and presented the option of constructing a new facility, expanding and refurbishing the current facility, or refurbishing the current facility without expanding. Phelps voiced his preference to work with the County and stated a need to progress without them if necessary.

Councilmember Williams encouraged the City to build on a new site, require the County to contribute equally, and create a board comprising of City and County citizens. Councilmember Barnes-Tilley voiced favor for a citizen board and noted that the County must contribute more. Councilmember Herring voiced support for a citizen majority board. Mayor Pro Tem Nix stated the need to involve the County prior to their budget planning. Mayor Tate expressed support to form a board designed to assist with the animal shelter needs.

### **13. Presentation and Discussion on a Proposed U.S. Highway 290 Corridor Overlay Zoning District**

Development Services Director Julie Fulgham explained Envision 2020 Comprehensive Plan criteria purposed to enhance the community's appearance and develop commercial design standards. Fulgham noted that a previous Task Force worked on a Corridor Overlay Zoning District to preserve Brenham's charm and recommended reforming a Task Force to work on drafting an Ordinance.

City Manager Terry Roberts explained that the Overlay District is a response to the Envision 2020 Comprehensive Plan. Fulgham described the task's scope and recommended adopting standards before new building construction begins. Public Works Director Doug Baker clarified that the standards apply to new businesses and not existing businesses. Mayor Tate stated that Council's comments expressed support for the project and directed Fulgham to move forward with the Task Force.

#### **14. Administrative/Elected Officials Report**

Councilmember Herring requested that a May council meeting be changed to start at 5 p.m. so that several Boy Scouts can obtain their merit badges. Council agreed to move the May 17<sup>th</sup> Regular Council meeting to 5:00 p.m. and the Budget Kick-Off meeting to 1:00 p.m.

Councilmember Williams reported that he will be out of town from May 5<sup>th</sup> to May 21<sup>st</sup>.

Julie Fulgham reported on the Downtown Master Plan presentation scheduled for late May in a joint meeting with the City Council, the Main Street Board, and the Brenham Community Development Corporation Board.

Terry Roberts reported on the following:

- TXDOT backed away from airport project; attending an Aviation meeting in Austin tomorrow to find airport improvement options TXDOT will support
- Mayor will be appointing councilmembers to work with City staff on a Utility Extension Policy
- Council photo scheduled at 12:45 p.m. before May 3, 2012 meeting
- Texas Municipal League Region 10 meeting scheduled on April 24, 2012
- Brenham Community Development Corporation Board meet this morning followed by a Bluebonnet Electric facility tour
- More HWY 290 traffic will return to the main lanes by summer and the entire project will be completed by Spring 2013

Doug Baker reported on the following:

- HWY 290 traffic will return to main lanes over FM 577 and Market Street by mid-June and the Stringer Street overpass will be completed in August
- Engineers are working on the Stringer Street and HWY 290 Intersection plan

The meeting was adjourned.

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Milton Y. Tate, Jr.  
Mayor

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Jeana Bellinger, TRMC  
City Secretary

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