

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on May 3, 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, Christi Korth, Brandon Plumb, Fire Chief Ricky Boeker, Alan Finke, Police Chief Rex Phelps, Todd Jacobs, Development Services Director Julie Fulgham, Public Works Director Doug Baker, Leslie Kelm, Kim Hodde, Public Utilities Director Lowell Ogle, Dane Rau, Bobby Branham, Pat Draehn, Mary Lednicky, Caroline Martin, Kacey Weiss, Kristi Jackson, and Stephen Nittsche

Citizens present:

Wesley Brinkmeyer, Page Michel, Clint Kolby, and Kyle Kmiec

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 Keith Herring**

3. 3-a. Service Recognitions

Andrew Ebel – City Council Member 5 years
Mary Lednicky – Animal Control 5 years

3-b. New Employees

Caroline Martin – Water Treatment
Kacey Weiss – Municipal Courts
Kristi Jackson – Finance
Stephen Nittsche – Sewer Construction

Mayor Tate presented service recognitions and welcomed new employees.

4. Proclamation

➤ **Municipal Clerks Week – April 29, 2012 – May 5, 2012**

Mayor Tate read a proclamation designating April 29, 2012 – May 5, 2012 as Municipal Clerks Week. It was accepted by City Secretary Jeana Bellinger.

5. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

6. Statutory Consent Agenda

6-a. Second Reading of Ordinance O-12-007 Authorizing the Closure of the Vulcan Street BNSF Railroad Crossing Located at Railroad Mile Post 126.15 to Establish a Quiet Zone

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve Consent Agenda Item 6-a. Ordinance O-12-007.

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. Discussion with Area Representative from Suddenlink Communications Regarding the Cable Television System, Service and Related Issues

Councilmember Goss abstained from participating in this discussion due to a personal conflict of interest.

City Manger Terry Roberts introduced Suddenlink Regional Manager Charles Hembree who updated the Mayor and Council on system improvements made since December 2010.

8. Discussion and Presentation on a Request from Country Place Northwest Home Owners Association for Residential Water Service

Assistant City Manger Kyle Dannhaus explained that the Country Place Northwest (CPNW) Homeowner's Association requested potable water service to fill their distribution tank. Dannhaus stated that staff regards this request as feasible since CPNW will maintain the distribution system. Public Utilities Director Lowell Ogle noted that CPNW would finance the line extension.

Mayor Tate stated that in the event of a water shortage, CPNW should conserve water to a greater extent than City residents and City Attorney Cary Bovey noted that the agreement could include water supply restraints. Mayor Tate directed Ogle and CPNW Homeowner's Association President Stephen Miller to move forward with a plan to service CPNW with potable water.

9. Discussion and Presentation Regarding the Expansion of Water Service to Valmont Industries, Inc. and the Possible Extension of Right-Of-Way on Schulte Blvd.

City Manger Terry Roberts introduced the Schulte Blvd. right-of-way extension and the water service expansion topics. Public Works Director Doug Baker described the City's efforts to secure a right-of-way and presented two possible routes that run through both Valmont Industries and Paul Batista's property. Public Utilities Director Lowell Ogle presented the water service expansion benefits to the City's water system. Ogle explained that the City would pay for the extension from Industrial Blvd. to the Valmont property line while Valmont would pay for the 12 inch main across their property that Valmont would dedicate to the City in an easement.

REGULAR AGENDA

10. 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

Public Utilities Director Lowell Ogle presented an agreement with Jones and Carter, Inc. for engineering services related to improvements within the water distribution system. Ogle explained that the total amount for engineering is \$30,150 for design and \$18,900 for additional services, but the City’s portion of these costs will only be \$4,136 for design services and \$3,150 for additional services. Ogle stated that the total project cost is estimated to be \$385,000, but the City’s total participation in the project will not exceed \$53,000.

A motion was made by Councilmember Ebel and seconded by Councilmember Williams to approve 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. with a venue provision to be provided by the City Attorney 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 a Request from Triple K Cattle for a Reduction in the Annual Lease Payment for the Old Landfill Site and Authorize the Mayor to Execute Any Necessary Documentation

Assistant Public Utilities Director Dane Rau presented a 2012 lease reduction request from Marvin Koehne, DBA Triple K Cattle Co. for \$2,276.56 or 50% of the annual rate. Staff recommended a reduction in some amount be offered due to the drought.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve a request from Triple K Cattle for a 50% reduction in the 2012 annual lease payment for the old landfill site and authorize the Mayor to execute any necessary documentation.

Councilmember Williams suggested selling the land to Koehne. Mayor Pro Tem Nix stated her disapproval for a rate reduction since Koehne did not offer to pay more during a productive year and the drought affected people who did not receive a lease discount, but noted that she understood the reasoning behind his request. Councilmember Goss questioned if Koehne will regularly request a rate reduction due to a drought and Rau stated his belief that Koehne will not request another discount.

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

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

12. Discuss and Possibly Act Upon a Request to Use Sanitation Fund Reserves to Purchase Two (2) Used Haul Trucks 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 two used haul trucks. Rau recommends Council approve the purchase of two used haul trucks for \$39,000 each out of the current \$717,623 in sanitation fund reserves and explained that the '99 Sterling will be placed on GovDeals.com. Rau introduced Sanitation Superintendent Bobby Branham and Mechanic Pat Draehn, who inspected both trucks, to answer questions. Branham explained that one truck will replace the '99 Sterling transfer truck which is no longer in working order and the other truck will save the City money in the long run because the sanitation department planned to purchase a truck in the next budget year.

Councilmember Ebel questioned the trucks' life span and Draehn explained that the oldest truck that still goes to Austin is a '94. Branham explained that purchasing two trucks enables the sanitation department to maintenance trucks and create a better rotation. Draehn emphasized the importance of having a dealer close for parts.

Councilmember Goss questioned the availability of parts with older trucks and Draehn ensured Council that obtaining parts will not be an issue.

A motion was made by Mayor Pro Tem Gloria Nix and seconded by Councilmember Herring to approve a request to use sanitation fund reserves to purchase two used haul trucks 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

13. Discuss and Possibly Act Upon the Re-Appointment of Members to the Brenham Housing Authority Board

City Secretary Jeana Bellinger explained that the Brenham Housing Authority (BHA) Board appointees were up for reappointment in December, 2011, but were asked to hold-over in their current positions until City Council approved the new board policies and procedures. She reminded Council that they had decided that member terms on boards and/or committees mandated by Federal and/or State laws would not be changed to three (3) year terms; therefore she recommended the re-appointment of Wanda Cooley, John Harris, and Ray Daugbjerg to the BHA Board.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve the appointment of Wanda Cooley, John Harris, and Ray Daugbjerg to the Brenham Housing Authority Board with their terms expiring on December 31, 2013.

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 the Designation of Board Member Positions and Appointments to the Brenham-Washington County Hotel Occupancy Tax (HOT) Board

City Secretary Jeana Bellinger explained that City Council approved an Ordinance establishing three year staggered terms for HOT Board member which required all current members to draw for new terms. Bellinger asked that Council approve the designation of HOT Board member positions and corresponding appointments that were drawn by the HOT Board members on April 23, 2012.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Ebel to approve the following re-appointments to the HOT Board, as shown in the agenda packet:

Jean Shoup to Member Position 1, with a term expiring on December 31, 2012
Brett Smith to Member Position 4, with a term expiring on December 31, 2012
Al Patel to Member Position 5, with a term expiring on December 31, 2013
Susan White to Member Position 6, with a term expiring on December 31, 2014
Donna Cummins to Member Position 7, with a term expiring on December 31, 2013

Bellinger reminded Council that Member Positions 8 and 9 are appointed by the Washington County Commissioners Court and are currently filled by:

Barbara Segal, Member Position 8 with a term expiring on December 31, 2012
Bob Cottle, Member Position 9 with a term expiring on December 31, 2013

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

15. Discuss and Possibly Act Upon the Appointment of New Member(s) to the Brenham-Washington County Hotel Occupancy Tax (HOT) Board

City Secretary Jeana Bellinger reminded Council that both Steve Finn and Connie Hall resigned from the HOT Board last year. Bellinger presented the Mayor's appointment recommendations which included Bill Weiss, Blue Bell Creameries Public Relations Manager and Brenham House Owner James Lopez.

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to approve the appointment of Bill Weiss to Member Position 2 with a term expiring on December 31, 2013 and James Lopez to Member Position 3 with a term expiring on December 31, 2014 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

16. Discuss and Possibly Act Upon the Re-Appointment of a Member to the Library Advisory Board

City Secretary Jeana Bellinger explained that all board members held-over in their current positions until new board policies and procedures were approved by City Council. Bellinger stated that with Council's approval of new board policies and procedures in January, 2012, she is recommending that Councilmember Williams be reappointed to the Library Advisory Board with a term expiring on December 31, 2014.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Nix to approve the re-appointment of Councilmember Weldon Williams to the Library Advisory Board for a three year term, expiring on December 31, 2014.

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

17. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 2 of the Code of Ordinances of the City of Brenham for the Purpose of Achieving Best Practices Recognition Status from the Texas Police Chief Association's Law Enforcement Best Practices Recognition Program

Police Chief Rex Phelps presented an Ordinance that satisfies a Texas Police Chief's Association's Law Enforcement Best Business Practices standard needed for his Department to achieve recognized status. Phelps described the program as a quality assurance and monitoring system designed to maintain a balance between effectiveness and efficiency.

A motion was made by Councilmember Williams and seconded by Councilmember Herring to approve an Ordinance on its first reading amending Chapter 2 of the Code of Ordinances of the City of Brenham for the purpose of achieving best practices recognition status from the Texas Police Chief Association's Law Enforcement Best Practices Recognition Program.

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

18. Discuss and Possibly Act Upon Resolution No. R-12-009 Authorizing the Police Department to Use Seized Narcotic Funds to Purchase Training and Vehicle Equipment for the K-9 Officer

Police Chief Rex Phelps explained that "K-9 for Cops" donated a K-9 to the Police Department which will expand on-duty resources and call-out responsibility. Phelps recommended utilizing \$5,482.75 from seized narcotic funds to equip a vehicle for a K-9 and purchase needed training equipment.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve Resolution No. R-12-009 authorizing the Police Department to use seized narcotic funds to purchase training and vehicle equipment for the K-9 officer.

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

19. Discuss and Possibly Act Upon an Ordinance on its First Reading to Repeal Ordinance O-07-016 Relating to a Non-Exclusive Franchise Granted to Complete Container Service, LLC to Operate a Roll-off Container Service for Residents, Businesses and Industries Inside Brenham City Limits

Deputy City Secretary Jennifer Salsgiver informed Council Complete Container Service was purchased by A&K Waste Removal; therefore she recommended that Council repeal Ordinance O-07-016 which granted Complete Container Service authority to operate a roll-off container service for residents, businesses, and industries inside Brenham city limits.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve an Ordinance on its first reading to repeal Ordinance O-07-016 relating to a non-exclusive franchise granted to Complete Container Service, LLC to operate a roll-off container service for residents, businesses, and industries inside Brenham city limits.

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

20. Discuss and Possibly Act Upon an Ordinance on Its First Reading Granting a Non-Exclusive Franchise to A&K Waste Removal, Inc. to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits

Deputy City Secretary Jennifer Salsgiver informed Council that A&K Waste Removal purchased Complete Container Service. Salsgiver advised Council that due to the purchase Council would need to grant A&K Waste Removal a non-exclusive sanitation franchise to collect solid waste using roll-off containers. Salsgiver noted a non-exclusive franchise fee of 5% gross revenue will be paid to the City.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve an Ordinance on its first reading granting a non-exclusive franchise to A&K Waste Removal, Inc. to operate a roll-off container service for residents, businesses, and industries inside Brenham city limits.

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

21. Administrative/Elected Officials Report

Julie Fulgham reported on the following:

- A draft of the Downtown Master Plan will be presented on April 7th at 5:45 p.m. in a joint meeting with the City Council, the Main Street Board and the Planning & Zoning Board. She advised the Council to come at 5:15 for dinner.

Terry Roberts reported on the following:

- Librarian final candidates will have a 2nd interview next week
- Library task force and community members working with Assistant City Manager Kyle Dannhaus for privately funded Library needs assessment facility study. They interviewed three firms and will be presenting to Council at a future meeting.
- Maifest parade on Saturday

Ricky Boeker reported on the following:

- There will be a fireworks display on Friday for Maifest
- ISO will survey sprinkler systems in several buildings around town on May 14th

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

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