

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on June 7, 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, Margaret Kercher, Deputy City Secretary Jennifer Salsgiver, Chief Financial Officer Carolyn Miller, Stacy Hardy, Kyle Branham, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Development Services Director Julie Fulgham, Public Works Director Doug Baker, Leslie Kelm, Kim Hodde, Public Utilities Director Lowell Ogle, Dane Rau, Jamie Maurer, Kevin Boggus, Susan Nienstedt, Gary Jeter, Shawn Bolenbarr, Brenda Stelwagen, Bobby Branham, Jr., and Jeff Betts

Citizens present:

Lu Hollander, Seneca McAdams, Page Michel, Amber Branham, and Jordan Branham

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 – City Manager Terry Roberts**

3. 3-a. Service Recognitions

Shawn Bolenbarr – Water Construction	5 years
Chad Westerfeld – Maintenance	5 years
Brenda Stelwagen – Aquatics Center	10 years
Bobby Branham, Jr. – Sanitation	20 years

3-b. New Employees

Jeff Betts – Information Technologies

Mayor Tate presented service recognitions and welcomed new employees. Public Utilities Director Lowell Ogle expressed his appreciation for Shawn Bolenbarr and Bobby Branham and Branham thanked the City. Mayor Tate recognized family in attendance for Branham’s Service Recognitions.

4. Citizens Comments

There were no citizen comments. Mayor Tate thanked everyone for their thoughts during his mishap. City Manager Terry Roberts introduced Bovey Law Firm Attorney Margaret Kercher.

CONSENT AGENDA

5. Statutory Consent Agenda

5-a. Minutes from the May 17, 2012 Pre-Budget Planning Meeting and Regular Council Meeting

5-b. Second Reading of Ordinance O-12-011 Amending Chapter 2, Administration, of the Code of Ordinances of the City of Brenham Providing for the Organization and Re-numbering of the Chapter

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve Consent Agenda Items 6-a. May 17, 2012 Pre-Budget Planning Meeting and Regular Council Meeting Minutes and 5-b. Ordinance O-12-011.

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

6. Presentation of the Quarterly Report by the Washington County Convention and Visitors Bureau

Washington County Convention and Visitors Bureau (WCCVB) Marketing Manager Seneca McAdams presented the WCCVB's first quarter highlights. McAdams pointed out regional meetings which included: the Lackland AFB travel show in October; the Downtown Master Plan and Toubin Park dedication in November; and the Christmas Stroll, Lighted Parade, and the B&B familiarization tour in December.

WCCVB Advertising Manager Lu Hollander presented the WCCVB's second quarter highlights. Hollander pointed out regional meetings which included: the American Bus Association's Annual Conference in January as well as a Unity Dinner and the Texas Travel Industry Association workshops in February. Hollander explained that the walk-in visitor statistics increased from 578 in January to 1,826 in March. Hollander also highlighted January's *TripAdvisor.com* advertisement and March's *Southern Living* and *AAA Home & Away* advisement.

Councilmember Goss requested information on traffic safety associated with visitors viewing Blue Bonnets beside the highway. WCCVB President Page Michel explained that they encourage tourists to visit Washington on the Brazos due to the safety hazard involved with parking on the highway shoulder.

7. Discussion and Presentation Regarding the Expansion of Water Service to Valmont Industries, Inc.

Assistant City Manager Kyle Dannhaus explained that the 12 inch water line extension for Valmont Fire Protection provides the City additional water service capacity in the Highway 36 South area. Dannhaus noted that the original plan is not possible due to space limitations and the option most beneficial and cost effective involves placing the line on the west side of the railroad tracks and bore under the tracks to Valmont. Dannhaus stated that this option increases the contractor cost estimate, but the City will keep costs down by the utilizing city personnel for the offsite extensions. Dannhaus explained that the City is working with adjacent property owner Mr. Batista concerning the road extension as well as with Valmont on the easement.

Councilmember Goss asked if the expansion will use reserve funds and Dannhaus stated fund reserves. City Manager Terry Roberts noted that there are adequate funds in reserves. Councilmember Goss requested cost information and Dannhaus provided the following estimates: \$21,000 for the bore; \$20,000 for the pipe and fitting; and \$12,000 for labor.

Councilmember Herring asked if the City has oversight on the construction and Dannhaus confirmed that the City will monitor the expansion. Councilmember Goss inquired what happens if cost exceeds \$53,000 and Dannhaus explained that he would request additional funds from Council and/or Valmont.

Dannhaus stated that the Highway 36 South area will be served by the City eventually and Roberts explained that this 12 inch line extension can serve others.

PUBLIC HEARING

8. Public Hearing Considering the Amendment of Appendix A - “Zoning” of the Code of Ordinances of the City of Brenham to Provide for the Creation of Planned Development Districts within the City Limits

Community Development Services Director Julie Fulgham opened the Public Hearing.

Fulgham explained that a Planned Development District (PDD) is a customized zoning district that allows more flexibility than standard zoning districts, which may attract a variety of innovative development projects within the City. Fulgham described a PDD as the adoption of land regulations that follow a master development plan which focuses on a mix of land uses compatible on a certain tract of land.

Councilmember Barnes-Tilley asked what planned development districts target and Fulgham explained that it varies depending on the developer. Fulgham stated that a developer approached the City with a request to consider the use of a PDD within the City of Brenham for a housing development on Stone Street and FM 577. City Manger Terry Roberts explained that a PDD requires Planning and Zoning Board approval and Fulgham added that a PDD is a zone change which ultimately also requires Council approval.

There were no citizen comments made during the Public Hearing. Mayor Tate closed the Public Hearing.

9. Public Hearing Considering the Amendment of Appendix A - “Zoning” of the Code of Ordinances of the City of Brenham Permitting the Placement of Manufactured Homes on Individual Lots in the Manufactured Home Residential (R-3) District and Prohibiting Manufactured Home Subdivisions within the Commercial, Research and Technology (B-2) District

Community Development Services Director Julie Fulgham opened the Public Hearing.

Fulgham explained that this Ordinance aligns the manufactured home definition with state law and allows manufactured homes to be placed on individual lots in the R-3 zoning district, which provides more options in housing development. Fulgham stated that this Ordinance also prohibits manufactured home subdivisions to be located in the B-2 districts for the purpose of eliminating residential uses within a commercial district.

There were no citizen comments made during the public hearing. Mayor Tate closed the Public Hearing.

REGULAR AGENDA

10. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A - “Zoning” of the Code of Ordinances of the City of Brenham, Texas by Amending Part II, District Regulations, Section 1 and Division 2 to Add a Section 7, Planned Development District, to Provide for the Establishment of Planned Development Districts within the City Limits

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve an Ordinance on its first reading amending Appendix A - “Zoning” of the Code of Ordinances of the City of Brenham, Texas by amending Part II, District Regulations, Section 1 and Division 2 to add a Section 7, Planned Development District, to provide for the establishment of Planned Development Districts within the City limits.

Councilmember Williams asked who is responsible to ensure PDD is not abused. Community Development Services Director Julie Fulgham explained that a combination of Planning & Zoning Board, City Council, and city staff reviews prevent abuse as well as tying requests to general Ordinance guidelines and the comprehensive plan. City Manager Terry Roberts indicated that requests require rationale to gain approval.

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 Ordinance on Its First Reading Amending Appendix A - “Zoning” of the Code of Ordinances of the City of Brenham, Texas to Provide for Amended Regulations in the Manufactured Home Residential (R-3) Zoning District and the Commercial, Research and Technology (B-2) Zoning District

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve an Ordinance on its first reading amending Appendix A - “Zoning” of the Code of Ordinances of the City of Brenham, Texas to provide for amended regulations in the Manufactured Home Residential (R-3) Zoning District and the Commercial, Research and Technology (B-2) Zoning District.

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 the Approval of a 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

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to remove this item from the table.

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

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve a 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.

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 Approval of a Request from the Washington County Appraisal District to Spend \$46,073 out of the Total FY2010-11 Accumulated Funds of \$48,671, the City of Brenham's Portion being \$5,701, for New Aerial Photography and Return the Remaining \$2,598 to the WCAD Fleet Replacement Fund

Chief Financial Officer Carolyn Miller explained that the Washington County Appraisal District (WCAD) formed a Budget Committee to discuss possible uses for FY2010-11 accumulated funds.

Miller introduced WCAD Chief Appraiser Willy Dilworth who presented the Budget Committee's recommendations to spend \$46,073 out of the total FY2010-11 accumulated funds of \$48,671, the City of Brenham's Portion being \$5,701, for new aerial photography and return \$2,598 to the WCAD fleet replacement fund. Dilworth explained that, if the Budget Committee's recommendations are approved by each taxing entity of Washington County, the appraisal district will allocate accumulated funds as follows: \$50,000 to the legal fund; \$50,000 to the 2014 pictometry flight; \$50,000 to the 2017 pictometry flight; and \$43,769 to the fleet replacement.

A motion was made by Councilmember Goss and seconded by Councilmember Williams to approve a request from the Washington County Appraisal District to spend \$46,073 out of the total FY2010-11 accumulated funds of \$48,671, the City of Brenham's portion being \$5,701, for new aerial photography and return the remaining \$2,598 to the WCAD fleet replacement fund.

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 Approval of the FY2012-13 Preliminary Budget for the Washington County Appraisal District

Chief Financial Officer Carolyn Miller explained that the City received a copy of the Washington County Appraisal District (WCAD) FY2012-2013 Preliminary Budget with an \$8,796 expenditure increase in the General Fund, due primarily to a proposed new position in preparation for impending retirements. Miller advised Council that no action is needed at this time.

WCAD Chief Appraiser Willy Dilworth stressed WCAD's need to be transparent and defer formal action on this item. Councilmember Goss questioned the need for a new position and Dilworth explained that a deputy position cannot be replaced by one person. Councilmember Herring asked if the position aims to cross-train and Dilworth confirmed stating that this position will ease the transition of impending retirements while also preparing for future growth. Mayor Tate expressed his appreciation for WCAD staff.

No action was taken on this item.

15. Discuss and Possibly Act Upon Resolution R-12-010 Authorizing Execution of an Agreement with TxDOT for the Temporary Closure of State Right-of-Way in Connection with the 2012 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be Held on July 7, 14, 21, and 28, 2012

Public Works Administrative Assistant Kim Hodde presented a Resolution and agreement with TxDOT for the temporary closure of state right-of-way for the 2012 Downtown Summer Concert Series called Hot Nights, Cool Tunes on July 7, 14, 21, and 28, 2012.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve Resolution R-12-010 authorizing execution of an agreement with TxDOT for the temporary closure of state right-of-way in connection with the 2012 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be held on July 7, 14, 21, and 28, 2012.

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 a Request for a Noise Variance in Connection with Hot Nights, Cool Tunes Summer Concert Series to be Held from 4:00 P.M. to 11:00 P.M. on July 7, 14, 21, and 28, 2012

Public Works Administrative Assistant Kim Hodde presented a noise variance request from Main Street Brenham for the 2012 Downtown Summer Concert Series called Hot Nights, Cool Tunes from 4:00 p.m. until 11:30 p.m. on July 7, 14, 21, and 28, 2012. Hodde explained that there will be a free concert, children's activities, food and beverage sales and a classic car cruise-in.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Nix to approve a request for a noise variance in connection with Hot Nights, Cool Tunes Summer Concert Series to be held from 4:00 p.m. to 11:00 p.m. on July 7, 14, 21, and 28, 2012.

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 a Request for a Noise Variance from Kendrick Shepard for Revival Services to be Held at Hattie Mae Flowers Park from 6:30 P.M. to 8:30 P.M. on June 15, 16, and 17, 2012

Public Works Administrative Assistant Kim Hodde presented a noise variance request from Kendrick Shepard for revival services at Hattie Mae Flowers Park from 6:30 p.m. to 8:30 p.m. on June 15, 16, and 17, 2012. Hodde explained that they will use sound amplification equipment and musical instruments. Hodde informed Council that Shepard was ticketed two years ago after disregarding several noise ordinance related warnings and noted that Shepard is following procedures this time.

Councilmember Williams said that citizens complained about Shepard's services in the past and future services impede on other's enjoyment in the park. Police Chief Phelps stated that he directed Shepard to obtain a noise variance for events in the past after Shepard routinely hosted services in the park without a noise variance.

Councilmember Barnes-Tilley stated the need to be consistent with noise variance approvals. Councilmember Herring voiced concern for granting a noise variance for three days in a row. Assistant City Manager Kyle Dannhaus voiced staff's concern related to the park's location and close proximity to a neighborhood.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve a request for a noise variance from Kendrick Shepard for revival services to be held at Hattie Mae Flowers Park from 6:30 p.m. to 8:30 p.m. on June 17, 2012 only.

Mayor Tate called for a vote. The motion passed 5-2 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	No
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	No

18. Discuss and Possibly Act Upon an Ordinance on Its First Reading to Amend Chapter 2, Administration, of the Code of Ordinances of the City of Brenham for the Purpose of Repealing Article II, Planning and Zoning Commission, and Providing for a New Article II, Reserved, for Future Amendments to Chapter 2

Community Development Services Director Julie Fulgham explained that duplicate language related to the Planning and Zoning Commission appears in Chapter 2 and the Zoning section of the Code. Fulgham explained that she, the City Attorney, and the City Secretary agreed that the duplicate wording could be removed from Chapter 2.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Ebel to approve an Ordinance on its first reading to amend Chapter 2, Administration, of the Code of Ordinances of the City of Brenham for the purpose of repealing Article II, Planning and Zoning Commission, and providing for a new Article II, Reserved, for future amendments to Chapter 2.

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 Resolution R-12-010 Authorizing the Acceptance of a 2011 Ford F-550 4x4 Booster Truck from the Brenham Fire Department Members

Mayor Tate noted the Resolution numbering typo should read Resolution R-12-011 instead of R-12-010. Fire Chief Ricky Boeker presented the Brenham Fire Department Members' wish to bestow a 2011 Ford F550 4X4 Booster Truck with assorted tools for firefighting to the City of Brenham.

A motion was made by Councilmember Goss and seconded by Mayor Pro Tem Nix to approve Resolution R-12-011 authorizing the acceptance of a 2011 Ford F-550 4x4 booster truck from the Brenham Fire Department members.

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 the Election by Council of Mayor Pro Tem

A motion was made by Councilmember Williams and seconded by Councilmember Ebel to elect Gloria Nix as Mayor Pro Tem. Mayor Tate asked for other nominations and there were none.

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

Terry Roberts reported on the following:

- Welcomed the Mayor back from his medical episode.
- Gloria Nix's surgery is scheduled for next week.
- Weldon Williams's surgery is also scheduled for next week.
- Movie in the park put on by Recreational Department on June 7, 2012.
- Southwest Industrial Park, Phase 3 infrastructure project is complete.
- Longwood Drive extension up to Bluebonnet Electric's facility is complete.
- TxDOT is continuing work on Hwy. 290 and started on the Handley Street dogleg through the Industrial Park
- TxDOT requires environmental work for the Stringer St. alignment under Hwy. 290; the City will bid it out and the plans are 40% complete.
- Hwy 290 double over pass at FM 577 will be completed in two weeks.
- HOT Board meeting on June 13, 2012 at PD.

- Community Services Board on June 14, 2012 at City Hall.
- BCDC budget meeting on June 14, 2012 at City Hall.
- Texas High School Baseball Coaches Hall of Fame Museum grand opening on June 12, 2012 at Blue Bell Visitors Center.
- Reminded Council to sign-up for Juneteenth parade on June 13, 2012.
- Burning of Brenham Play on June 16, 2012 at Court House Annex lobby.
- Staff is preparing Tom Green, toward Stone Street, for the overlay project. There are eight or nine streets still remaining. The overlay project will be bid out in September.
- Preparations are underway for Inter-Local Agreement (ILA) meetings with the County.

Julie Fulgham announced the Main Street Manager Summer Training on June 14, 2012.

Councilmember Williams encouraged the City to be ready for ILA discussions.

Mayor Tate complimented City staff for their ILA preparations and noted his appreciation for preparing their ideas in writing.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary