

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on June 21, 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

Members absent:

Councilmember Weldon Williams, Jr.

Others present:

City Manager Terry K. Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, Luck Cochran, City Secretary Jeana Bellinger, Deputy City Secretary Jennifer Salsgiver, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Development Services Director Julie Fulgham, Budget Officer Debbie Gaffey, Public Works Director Doug Baker, Leslie Kelm, Kim Hodde, Allen Jacobs, and Public Utilities Director Lowell Ogle

Citizens present:

Danny Ross, Barbara Ross, Beverly Boyd, Courtney Suttan, Page Michel, and Sam Wohlford

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 Milton Y. Tate, Jr.**
- 3. Citizens Comments**

There were no citizen comments.

CONSENT AGENDA

4. Statutory Consent Agenda

4-a. Minutes from the June 7, 2012 Council Meeting

4-b. Second Reading of Ordinance O-12-012 Amending 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

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve the Statutory Consent Agenda Item 4-a. Minutes from the June 7, 2012 Council meeting and 4-b. Ordinance O-12-012.

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	Absent

City Attorney Cary Bovey introduced his law clerk Luke Cochran. Bovey explained that Luke would be helping out in his office during the summer.

WORK SESSION

5. Discussion and Presentation on the Regulation of Boarding Homes Located Inside the City Limits

Police Chief Rex Phelps presented the need for boarding home regulations within the city limits. Phelps recommended preparing an Ordinance to help reduce the number of non-police related calls for service, to implement inspection requirements and investigative procedures for accountability, and to ensure that these facilities comply with City health, safety, and sanitation standards.

Mayor Tate asked about the homes' calls for service. Phelps explained that these businesses, which house disabled or elderly persons, often utilize police services for non-police related issues such as resident's non-compliance to boarding home rules. Mayor Tate asked about the homes' supervision. Phelps explained that some homes have live-in supervision, but others do not.

Councilmember Goss questioned if state regulations supersede local regulations. Bovey clarified that city regulations can be more restrictive than state law and noted that boarding homes, which differ from group homes, are not regulated by the state. Councilmember Goss asked if Phelps has the manpower to enforce regulations. Phelps expressed his belief that ensuring residents' health and safety is prudent and noted that his department is already spending a lot of time on non-police related issues at these facilities.

Councilmember Herring asked what department would handle the regulations. Phelps explained that Code Enforcement would be the responsible department. Councilmember Herring requested clarification in regards to who regulates these homes. Phelps explained that these homes are not regulated by the State.

Mayor Tate recognized a citizen who identified herself as a group home provider and she explained that the Department of Aging and Disability Services regulate group homes. Phelps clarified that some facilities in Brenham are not regulated. Bovey confirmed that boarding homes are not regulated by the state and added that facilities that comply with state standards would experience little impact from city regulations if any. The citizen voiced her concerns about the regulation's impact on group homes as well as group home residents.

Councilmember Barnes-Tilley asked if PD reports violations to the state. Phelps confirmed that PD became aware of the need for city regulations as a result of reporting on facilities not regulated by the state. He explained that city standards provide means to regulate homes not regulated by the state, which have historically required unprecedented police service. Phelps explained that the City appreciates the homes presence in the community, but cautioned Council of PD's legal authority as it pertains to non-police related requests for service. Phelps voiced support for these facilities to employ professionally trained individuals to deal with non-police related issues and added that PD will continue to prevent bad situations from escalating. Phelps confirmed that other cities are passing similar ordinances.

City Manager Terry Roberts explained that this item will appear in another work session before the ordinance's first reading.

6. Update on Airport Expansion Plans and Capital Improvement Projects

Public Works Director Doug Baker explained that the purchase of clear zone easements at the airport would require the City to pursue condemnation so staff and TxDOT agreed to wait on this property acquisition.

Baker advised Council of hangar owner A.J. Foyt's request to construct and access a new 120' X 120' hangar for a turbine engine maintenance facility. Baker explained that staff assessed the airport's needs in response to Mr. Foyt's request and he recommends the City consider investing in twelve (12) new T-hangars. Baker advised that there is currently a waiting list for hangars and if the City could build their own hangars to lease it could generate about \$36,000 a year in revenue. Baker stated that TxDOT's Non-primary Entitlement Program and Capital Improvement Program could fund a majority of the project and the City could pay itself back in approximately seven (7) years. Baker asked for Council to approve him talking with TxDOT to request their participation in the project.

Councilmember Goss asked why the City would provide Foyt's facility access for nothing. Baker explained that no other hangar owners have paid for access and the new maintenance facility will increase the airport's activity.

Councilmember Barnes-Tilley inquired if the twelve (12) T-hangars are guaranteed to fill up. Baker stated that are about twenty (20) people currently on a waiting list for a hangar and explained that Airport Operator Jack Hess advised TxDOT that the airport could fill twelve (12) additional T-hangars.

Councilmember Ebel expressed his support of the project and Mayor Tate directed Baker to request TxDOT's participation.

PUBLIC HEARING

7. Public Hearing, Discussion and Receipt of Input Related to the Proposed Creation of Reinvestment Zone Number 34 Requested by Longwood Industries, Inc. for Commercial-Industrial Tax Phase-In Incentive on a Certain Tract of Land Containing 27.325 Acres, More or Less, Being Located at 1901 Longwood Drive, Brenham, Texas, with Boundaries Further Described in Exhibit "A" of the Ordinance Creating Reinvestment Zone Number 34, and Designating This Property as Qualifying for Tax Phase-In

Mayor Tate opened the Public Hearing and introduced Page Michel, Economic Development Foundation President.

Michel requested that Council consider Longwood Industries, Inc. tax phase-in application in order to contribute to Brenham's future economic development. Michel explained that Longwood has proposed a capital investment of \$500,000 to purchase new equipment and requested the creation of a reinvestment zone. Michel introduced Plant Manager Sam Wohlford and Comptroller S. McCarthy.

City Manager Terry Roberts explained that a tax phase-in requires a tax reinvestment zone and the City must hold a public hearing before creating a zone.

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

REGULAR AGENDA

8. Discuss and Possibly Act Upon an Ordinance on its First Reading for the Creation of Reinvestment Zone Number 34 Requested by Longwood Industries, Inc. for Commercial-Industrial Tax Phase-In Incentive on a Certain Tract of Land Containing 27.325 Acres, More or Less, Being Located at 1901 Longwood Drive, Brenham, Texas, with Boundaries Further Described in Exhibit “A” of Said Ordinance, and Designating This Property as Qualifying for Tax Phase-In

Councilmember Goss requested clarity regarding the eligibility of existing jobs and the number of years Longwood is eligible for abatement. Economic Development Foundation President Page Michel explained that the policy allows for existing businesses to qualify if they create or retain jobs. City Attorney Cary Bovey explained that this provision has historically been interpreted to allow for new and retained jobs. Councilmember Goss requested an account for the level 5 status. Michel stated that Longwood qualifies for level 1 based on property improvements and level 5 based on jobs created and retained.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve an Ordinance on its first reading for the creation of Reinvestment Zone Number 34 requested by Longwood Industries, Inc. for Commercial-Industrial Tax Phase-In Incentive on a certain tract of land containing 27.325 acres, more or less, being located at 1901 Longwood Drive, Brenham, Texas, with boundaries further described in Exhibit “A” of said Ordinance, and designating this property as qualifying for tax phase-in.

Mayor Tate called for a vote. The motion passed 5-1 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	No
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Absent

Mayor Tate invited Longwood’s Plant Manager, Sam Wohlford, and Comptroller, S. McCarthy, to introduce themselves to Council.

9. Discuss and Possibly Act Upon Ordinance O-12-013 on Its Second 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

Development Services Director Julie Fulgham explained that this Ordinance is essentially the same as the first reading except that the title incorrectly listed as Business, Research and Technology District was corrected to read Commercial, Research and Technology District.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve an Ordinance O-12-013 on its second 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.

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	Absent

10. Discuss and Possibly Act Upon Ordinance O-12-014 on Its Second Reading Amending Appendix A - “Zoning” of the Code of Ordinances of the City of Brenham, Texas to Provide for Amended Regulations Related to the Manufactured Home Residential (R-3) Zoning District and the Commercial, Research and Technology (B-2) Zoning District

Development Services Director Julie Fulgham explained that this Ordinance is essentially the same as the first reading except for the removal of Section 2. She explained that since the Planned Development District Ordinance establishes districts, Section 2 in this Ordinance was redundant.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve an Ordinance O-12-014 on its second reading amending Appendix A - “Zoning” of the Code of Ordinances of the City of Brenham, Texas to Provide for amended regulations related to 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	Absent

11. Discuss and Possibly Act Upon Bid No. 12-009 and Award an Annual Contract for Gasoline and Diesel Fuel for the City's Vehicle and Equipment Fleet and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager Kyle Dannhaus explained that the purchasing department sent two vendor packets out and Alexander Oil was the only supplier to bid. Dannhaus noted that Alexander Oil received the previous year's contract and recommended awarding them this contract.

Councilmember Herring asked how these prices compared to previous years. Dannhaus explained that the prices were a little higher and he wished there was more competition, but the prices are not bad.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to award Bid No. 12-009 to Alexander Oil for the annual gasoline and diesel fuel contract for the city's vehicle and equipment fleet 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	Absent

12. Administrative/Elected Officials Report

Assistant City Manager Kyle Dannhaus reported on the following:

- There was a pre-bid meeting June 19, 2012 for the municipal building and several potential bidders attended. Staff plans to award both the abatement and demolition contract to one bidder. He said that he was encouraged to hear that it will be a clean project with a lot of salvageable material. He said the slab demolition will be bid separately, as an addendum.

City Manager Terry Roberts reported on the following:

- Municipal building bid will be on the July 19, 2012 agenda.
- Budget Analyst Debbie Gaffey is currently working with staff on departmental budgets and the management team will begin the final review throughout the next two weeks.
- Community Services Committee met on June 14, 2012 to review requests for funding and will be meeting again to allocate funds.
- HOT Board met on June 13, 2012 to review applications for FY2012-13 funding.
- BCDC met on June 14, 2012. They will fund fewer projects to increase fund balance and will cease the Blue Bell Aquatics Center subsidy in \$40,000 increments over a five year period.
- Preparations are underway for Inter-Local Agreement (ILA) meetings with the County. A memo was sent to the County regarding meeting next week.
- Budget workshops are scheduled for July 25-27, 2012.
- Retirement party for Allan Hinze on June 28, 2012.
- Staff is working with XXX to evaluate the Chappell Hill property for a possible water supply.
- TxDOT provided staff with an update on future projects. It appears that TxDOT will be replacing the Hwy 105 bridge over the Brazos River and is developing a solution to the Hwy 36/Park Street merge.

Mayor Pro Tem Nix expressed her appreciation for everyone's concern as she recovers from surgery.

Public Utilities Director Lowell Ogle reported that the water distribution system improvements contract awarded to Supak Construction will begin next week on Bormann Street. The public utilities department has put this information on the website, hand-delivered notices to effected neighborhoods, and will continue to publicize it as much as possible.

Fire Chief Ricky Boeker reported on the recent ISO audit results. He stated that the City rated a Class 3 and noted that the City was just a few points away from a Class 2 rating.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary