

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on September 20, 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, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Chief Financial Officer Carolyn Miller, Debbie Gaffey, Public Utilities Director Lowell Ogle, Dane Rau, Development Services Director Julie Fulgham, Leslie Kelm, Kim Hodde, Angela Hahn, and Janie Mehrens

Citizens present:

Clint Kolby, Casey Acker, and Perry Thomas

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**

Mayor Tate recognized Casey Acker, a new Bluebonnet Electric employee, who is in charge of economic development.

Mayor Tate announced that Mrs. Henderson, an African American leader in the community, passed away and funeral information is pending.

CONSENT AGENDA

4. Statutory Consent Agenda

4-a. Minutes from the August 30, 2012 Special Council Meeting

Mayor Tate pointed out the amended minutes placed around the dais that provides the actual area of 1.52 acres in the City's right-of-way for the Saeger Street extension.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve the Statutory Consent Agenda Item 4-a. minutes from the August 30, 2012 Special Council Meeting with the submitted correction.

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

5. Discuss and Possibly Act Upon Ordinance O-12-022 on Its Second Reading Adopting the Budget for Fiscal Year Beginning October 1, 2012 and Ending September 30, 2013

Chief Financial Officer Carolyn Miller presented the second reading of an Ordinance to adopt the budget, noting that the FY2012-13 proposed budget was developed in compliance with the Property Tax Code, Local Government Code and the City Charter. Miller stated that the property tax rate is \$0.5432 per \$100 valuation. She advised Council that the budget was on the City's website, on file with the City Secretary, the Washington County Clerk, and at the Nancy Carol Roberts Memorial Library.

Mayor Tate asked if the City held two (2) public hearings on this item.

Miller stated that the City held one (1) public hearing at the Special Council Meeting Monday, September 17, 2012 along with the first reading of the Ordinance and clarified that the budget only requires one (1) public hearing while the tax rate requires two (2) public hearings.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve Ordinance O-12-022 on its second reading adopting the budget for fiscal year beginning October 1, 2012 and ending September 30, 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

6. Discuss and Possibly Act Upon Ordinance O-12-023 on Its Second Reading Levying Taxes for the Tax Year 2012 for the City of Brenham at \$0.5432 per \$100 Valuation

Chief Financial Officer Carolyn Miller presented the tax rate Ordinance on its second reading to adopt the tax rate proposed at \$0.5432 per \$100 valuation with the two components being \$0.3420 to the General Fund for maintenance and operation (M&O) expenditures and the balance of \$0.2012 allocated to the Debt Service Fund for principal and interest. Miller explained that the City complied with all of the notices, publications, and public hearings required by the Tax Code. Miller presented the motion language required by the Tax Code to adopt the tax rate and explained that Council needed to take a record vote on this item.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve Ordinance O-12-023 on its second reading that property taxes be increased by the adoption of a tax rate of \$0.5432 per \$100 valuation, which is effectively a 1.31% increase in the tax rate.

Mayor Tate called for a record 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

7. Discuss and Possibly Act Upon Renewal with Texas Municipal League Intergovernmental Risk Pool for General Liability, Law Enforcement Liability, Public Officials Liability, Mobile Equipment, Airport Liability, Property, Auto Liability and Physical Damage, Crime, Animal Mortality and Theft and Workers' Compensation Coverage for the City of Brenham for Fiscal Year 2012-13 and Authorize the Mayor to Execute any Necessary Documentation

HR Manager Janie Mehrens presented the renewal for property and liability coverage with the Texas Municipal League Intergovernmental Risk Pool. Mehrens explained that the renewal maintains the same limits of coverage and deductibles as in previous years even though there have been some increases and decreases in contributions. Mehrens stated that the reduction in base contributions equals \$12,225 or three point seven percent (3.7%) compared to last year before applying the equity return or early pay discount. Mehrens added that the City will receive an additional \$12,035 in equity return compared to last year, but the early pay discount reduced from three percent (3%) to two percent (2%), which equates to over \$3,500 that the City will not receive as a discount this year. Mehrens explained that after applying equity returns and discounts, the reduction in cost for FY12-13 is \$20,687 or six point nine percent (6.9%).

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to renew the Texas Municipal League Intergovernmental Risk Pool general liability, law enforcement liability, public officials liability, mobile equipment, airport liability, property, auto liability and physical damage, crime, animal mortality and theft and workers' compensation insurance coverages for the City of Brenham for Fiscal Year 2012-13 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

8. Discuss and Possibly Act Upon the Approval of the Routine Airport Maintenance Program (RAMP) Grant Agreement No. M317BRENM with TxDOT for Fiscal Year 2012-13 and Authorize the Mayor to Execute any Necessary Documentation

Administrative Assistant Kim Hodde presented the annual Routine Airport Maintenance Program (RAMP) Grant Agreement with TxDOT and she stated that the City normally spends \$60,000 each year with TxDOT reimbursing the City \$30,000, noting that TxDOT could have reimbursed the City \$50,000 if \$100,000 was spent. Hodde explained that Council budgeted more funding for the airport in the FY2012-13 due to the increased cost associated with the game fence being constructed around the airport and added that this agreement enables the City to receive \$100,000 worth of maintenance for \$50,000 because of TxDOT's matched funds.

Councilmember Keith Herring asked if the game fence will fully enclose the airport. Hodde explained the City is working towards fully enclosing the airport; however, the project may need to be completed in next year's budget.

City Manager Terry Roberts further explained that enclosing the entire perimeter of the airport will take about two (2) RAMP years to complete.

Hodde stated that fence construction will begin in the front where most of the problems occur and the fence will be brought all the way around to the back. Hodde added that clearing out the fence line will hopefully help to decrease the area's appeal to wildlife.

A motion was made by Councilmember Goss and seconded by Mayor Pro Tem Nix to approve the Routine Airport Maintenance Program (RAMP) Grant Agreement No. M317BRENM with TxDOT for Fiscal Year 2012-13 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 to Repeal Ordinance O-12-010 Relating to a Non-Exclusive Franchise Granted 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 explained that Council approved an Ordinance in May 2012 granting A&K Waste Removal, Inc. a non-exclusive franchise to collect demolition/construction debris and solid waste using roll-off containers or commercial compactors. Salsgiver explained that A&K Waste Removal was recently sold to Texas Disposal Systems, Inc. so staff recommends repealing Ordinance O-12-010, which granted A&K Waste Removal, Inc. authority to operate inside city limits.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve an Ordinance on its first reading to repeal Ordinance O-12-010 relating to a non-exclusive franchise granted 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

10. Discuss and Possibly Act Upon an Ordinance on Its First Reading Granting a Non-Exclusive Franchise to Texas Disposal System to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits

Deputy City Secretary Jennifer Salsgiver presented an Ordinance granting Texas Disposal Systems, Inc. (TDS) the authority to collect debris and solid waste using roll-off containers or commercial compactors. Salsgiver explained that City staff is in the process of revising all of the sanitation franchise agreements; however, since TDS just recently purchased A&K Waste Removal, the passage of this Ordinance would enable TDS to operate in Brenham and pay the franchise fee of five percent (5%) while the agreements are all being reviewed.

Salsgiver explained that due to the upcoming revision of the sanitation franchise agreements, the term of A&K's agreement would only be for one hundred and eighty (180) days.

Councilmember Goss requested that Section VIII, Placement of Containers, in the current agreement be reviewed by staff for possible changes. He explained that placing containers on city streets should be prohibited because containers damage streets and roll-off companies do not pay for street repair. Councilmember Goss noted that if the city does not allow containers on the streets, then companies should be fined when their containers are placed on a city street.

Councilmember Goss pointed out that the Ordinance allows the City to grant permission to place a container on the street. Mayor Tate stated that containers placed on streets may be an

enforcement issue and not an Ordinance language issue if the City does not grant permission to place containers on the street.

Salsgiver reiterated that this Ordinance enables the City to collect the franchise fee during the interim period while staff reviews the Ordinance and explained that City Secretary Jeana Bellinger and Assistant Public Utilities Director Dane Rau would provide information on the recommended changes to Council in the coming months.

Mayor Tate explained that Council can revise the Ordinance during the amendment process and notify staff authorized to grant permission that Council does not want containers on the street.

Councilmember Barnes-Tilley asked if wording in this Ordinance needed changed to reflect Council's zero tolerance on placing containers on the street.

City Attorney Cary Bovey clarified that staff has reviewed the franchise and found changes that will be recommended to Council. Bovey explained that this Ordinance enables TDS to operate while assuring that their franchise agreement will be subject to any changes approved by Council.

Assistant Utilities Director Dane Rau explained that only one (1) person requested permission to place a container on the street within the last five (5) years and only after the City found out that his container was placed on the street. Rau stated either the franchises are overlooking the restriction or staff is not aware of the violation, but it has not been a huge problem. Rau agreed that the City should prohibit placing containers on the street unless no other place is available for the container.

Mayor Tate stated that Council can approve what is currently in the Ordinance and staff will review the language during this six (6) month period for recommendations to Council.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve an Ordinance on its first reading granting a non-exclusive franchise to Texas Disposal System to operate a roll-off container service for residents, businesses, and industries inside Brenham city limits and that provides for termination at any time upon a thirty (30) day written notice after the initial period (Section XXII).

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

Council adjourned into Executive Session at 1:24 p.m.

EXECUTIVE SESSION

- 12. Section 551.072 – Texas Government Code – Deliberation Regarding Real Property – Discussion Regarding Possible Acquisition of Real Estate for Future Municipal Improvements**
- 13. Section 551.072 – Texas Government Code – Deliberation Regarding Real Property – Discussion Regarding Possible Acquisition of Real Property for Future City of Brenham Sanitation Department Operations**
- 11. Section 551.074 – Texas Government Code – Personnel Matters – Discuss and Consider City Manager’s Employment Agreement and Related Issues**

Executive Session adjourned at 2:35 p.m.

RE-OPEN REGULAR SESSION

- 14. Discuss and Possibly Act Upon City Manager’s Employment Agreement and Related Issues**

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Goss to extend the City Manager’s employment Agreement for an additional year beginning February 1, 2013 to February 1, 2014, increase his salary from \$136,000 to \$141,000 which is a 3.67% increase, and increase his car allowance by \$100 to be consistent with the car allowance granted to staff.

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 Acquisition of Real Estate for Future Municipal Improvements

A motion was made by Councilmember Williams and seconded by Councilmember Ebel that the Mayor be authorized to negotiate a contract for the purchase of certain parcels of property in the downtown area for possible future municipal improvements, in accordance with the parameters discussed in executive session, and further that the Mayor be authorized 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

16. Discuss and Possibly Act Upon the Acquisition of Real Property for Future City of Brenham Sanitation Department Operations

A motion was made by Councilmember Williams and seconded by Mayor Pro Tem Nix that the Mayor be authorized to negotiate a contract for the purchase of certain parcels of property in the downtown area for possible future City of Brenham Sanitation Department Operations, in accordance with the parameters discussed in executive session, and further that the Mayor be authorized 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

17. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- National Night Out is scheduled for October 2, 2012 with a Wide World of Sports theme.
- ILA meeting with the County is scheduled for next week. ILA packets will be provided to the County tomorrow and copies will be distributed to the ILA Task Force and Council.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary