

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on October 18, 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 Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, Deputy City Secretary Jennifer Salsgiver, Accounting Manager Stacy Hardy, Budget Officer Debbie Gaffey, Rhonda Kuehn, Jamie Maurer, Public Utilities Director Lowell Ogle, Public Works Director Dane Rau, Leslie Kelm, Development Services Director Julie Fulgham, Kim Hodde, Doug Baker, Kevin Boggus, and Angela Hahn

Citizens present:

Clint Kolby, Page Michel, Lu Hollander, Judy Hyman, James Crady, Kristen Crady, and Ed Addicks

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 Pro Tem Gloria Nix**
- 3. Special Recognition**
 - **Recognition of the Downtown Master Plan’s Project Planning Award**

Development Services Director Julie Fulgham explained that the American Planning Association awarded the City of Brenham the Project Planning Award for the Downtown Master Plan at the state conference and she presented the award to Council.

4. Proclamation

➤ **Domestic Violence Awareness Month**

Mayor Tate read a proclamation designating October as Domestic Violence Awareness Month. Dot Borchgardt, with the Washington County Victim's Task Force, accepted the proclamation and invited everyone to the Eleventh (11th) Annual Candlelight Vigil to be held Tuesday, October 30, 2012 at 6:00 p.m. at Blinn College.

5. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

6. Statutory Consent Agenda

6-a. Minutes from the September 17, 2012 Special Council Meeting

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to approve the Statutory Consent Agenda Item 6-a. Minutes from the September 17, 2012 Special Council Meeting.

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

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|-------------------------------------|-----|
| 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. Presentation of the Fourth Quarter Report by the Washington County Convention and Visitors Bureau

Washington County Convention and Visitors Bureau (WCCVB) Advertising Manager Lu Hollander presented the WCCVB's fourth (4th) quarter highlights. Hollander pointed out two (2) major tourism events in July that contributed to over five thousand (5,000) website hits including the Hot Nights Cool Tunes Concert Series and the grape stomps at Pleasant Hill and Windy Wineries. Hollander highlighted the Round Top Fall Antiques Week and Washington County Fair for September's tourism events.

Hollander highlighted July's advertisement in *Edible Austin*, August's advertisement in *Texas Monthly*, and September's advertisement in the *See Texas First* travel insert in twenty-seven (27) newspapers. Hollander pointed out regional meetings, which included the Texas Association of Convention & Visitors Bureaus Annual Conference in August as well as the Texas Travel Industry Association Annual Conference and Brenham Downtown Merchants planning meetings in September.

Hollander announced that a national car tour will bring one hundred and ninety-two (192) pre-1942 automobiles to the area next week. She explained that they can be viewed in Downtown Brenham in groups of fifty (50) on Saturday and she will send Council the tour's full schedule. She noted that this national tour has not been in Texas for seventeen (17) years and it will bring around four hundred and thirty (430) people to the city.

Hollander explained that the Geiger Press Tour is scheduled for November 4, 2012 through November 8, 2012. She invited Council to a reception that will be held in the Simon Visitor's Center to meet the writers, explaining that more information will be sent to Council.

Hollander introduced WCCVB Marketing and Sales Manager Judy Hyman to Council.

REGULAR AGENDA

8. Discuss and Possibly Act Upon Resolution R-12-016 of the City Council of the City of Brenham, Texas, Authorizing the Giving of Notice of Intention to Issue City of Brenham, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2012; and Declaring an Effective Date

City Manager Terry Roberts welcomed the City's Financial Advisor Garry Kimble of Specialized Public Finance, Inc. to the Council meeting. Roberts stated that Council discussed undertaking additional street work at budget time and the City has the capacity within the existing tax rate to issue just under two million dollars (\$2,000,000) in additional bonds without an increase in the property tax rate. Roberts noted that Council identified in the budget workshops and in public hearings that they intended to issue additional debt within the current tax rate for additional street improvements. Roberts explained that Kimble will describe the process, noting that the notices will stipulate that the financing is only for public street improvements.

Kimble explained that this is the first step in a two step process required by the statute to authorize the publication of a notice of intent, which is required to outline three (3) points related to the financing. Kimble stated that the notice must identify a not to exceed principle amount of certificates to be issued, the use of the certificates proceeds, and the date on which action would be taken by Council to award the sale of certificates. Kimble explained that the certificates to be issued will not exceed one million eight hundred fifty thousand dollars (\$1,850,000), the proceeds will be used for transportation projects, and Council will award the sale of certificates on December 6, 2012 during the first Council meeting in December.

Kimble clarified that the publication must run thirty (30) days before Council can award the sale of certificates and that authorizing the publication does not require Council to issue the certificates. Kimble added that he will present the bids and his recommendation during the December 6, 2012 Council meeting. Kimble noted that rates are extremely low, providing an opportune time to lock in a twenty (20) year fixed-rate debt, which is currently below the 3% figure used for budgeting purposes.

A motion was made by Councilmember Goss and seconded by Councilmember Ebel to approve Resolution R-12-016 of the City Council of the City of Brenham, Texas, authorizing the giving of notice of intention to issue City of Brenham, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2012; and declaring an effective date.

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

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|-------------------------------------|-----|
| 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 Establishing a No Parking Zone on the North Side of W. Alamo, Beginning at the West Line of the BNSF Railroad and Extending Westward Approximately 460 Feet

Mayor Tate requested that Council pass this item and explained that staff is getting more information concerning a possible solution for this situation. He noted that the item will be published in the paper if it is taken up again.

10. Discuss and Possibly Act Upon the Award of a Contract for Construction Services for the 2012 Collector Street HMAC Overlay Project and Authorize the Mayor to Execute any Necessary Documentation

Special Projects Engineer Doug Baker explained that bids for this project were opened on October 3rd and eight (8) bids were received. Baker stated that Hubco, Inc. was the low bidder for construction services related to the overlay project in the amount of one million eighty-two thousand fifty-four dollars and thirty cents (\$1,082,054.30).

Baker stated that the base bid provides for a two inch (2") thick overlay and the deduction alternate bid "A" is the amount deducted from the base bid if the overlay is reduced to a one and a half inch (1½") thick overlay. Baker explained that the city could not predict whether there would be enough bond money for a two inch (2") thick overlay due to the influx in oil prices.

Baker stated that the addition alternate “B” is the amount added to the base bid to mill the existing asphalt street surface at all the street intersections for a smoother transition from the new asphalt surface to the existing asphalt surface, which is the normal procedure. Baker strongly recommended awarding the contract with the base bid as well as the addition alternate “B.”

Ed Addicks with O’Malley Engineers, LLC explained that they worked with Hubco recently on similar projects and TxDOT would recommend Hubco too. Addicks noted that Hubco can start on November 1, 2012 and the project will take five (5) weeks.

Mayor Tate asked about the other streets currently torn up. Baker explained that those streets are not related to this project. He explained that Council approved renting a road recycling machine an extra month, which allowed staff to work on Burleson Street and Lee Street. He added that Burleson Street and Lee Street will be seal coated for a short term basis, but they will need an overlay eventually.

Public Works Director Dane Rau explained that an overlay for Burleson Street and Lee Street is budgeted in the current year.

Baker highlighted a recap of the total expenses and explained that he believes the testing estimate is high after speaking with Addicks about quality control, but the recap gives Council an idea of the remaining bond proceeds. Baker recommended awarding the contract to Hubco, Inc. as the low bidder with the base bid and addition alternate “B.”

A motion was made by Councilmember Williams and seconded by Councilmember Goss to award the 2012 Collector Street HMAC Overlay Project contract in the amount of \$1,107,054.30, which includes the base bid in the amount of \$1,082,054.30, the addition of alternate “B” in the amount of \$25,000.00, as well as the engineering and testing components, to Hubco, Inc. and authorize the Mayor to execute any necessary documentation.

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

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|-------------------------------------|-----|
| 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 the Renewal of the Contract with the Texas Department of Public Safety for the Omni Base Program in the City of Brenham’s Municipal Court and Authorize the Mayor to Execute any Necessary Documentation

Municipal Court Administrator Rhonda Kuehn explained that the City of Brenham's contract with the Texas Department of Public Safety (DPS) has greatly helped the municipal court's collection program since November 2001. Kuehn explained that the program calls for DPS to deny driver license renewals on individuals with outstanding cases in the City's municipal court.

Kuehn stated that the Texas Legislature changed the contract and the City Attorney has reviewed the new contract. Kuehn pointed out minor changes including address and title changes and emphasized that the biggest change requires staff to submit clearance reports to DPS immediately instead of the current five (5) days period. Kuehn noted that staff clears outstanding cases in the system immediately following payment so the contract change will not alter staff's existing process and the renewal enables staff to continue utilizing this program.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve the renewal of the contract with the Texas Department of Public Safety for the Omni Base Program in the City of Brenham's Municipal Court and authorize the Mayor to execute any necessary documentation.

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

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|-------------------------------------|-----|
| 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 Bid No. 13-001 for Annual Concrete Work for the City of Brenham's Street Department and Authorize the Mayor to Execute any Necessary Documentation

Public Works Director Dane Rau explained that the City opened bids on October 4, 2012 regarding annual concrete work that is requested by the street department and many of the public utility departments throughout the year. Rau explained that four (4) bid packets were sent out and two (2) were received with Legacy Concrete Works, LLC, formally known as LaBu, Inc., submitting the lowest bid. Rau explained that Legacy Concrete Works, LLC was the lowest on four (4) of the five (5) items and on the total bid at one hundred sixteen thousand eight hundred two dollars and fifty cents (\$116,802.50) compared to one hundred twenty-eight thousand three hundred ninety-six dollars and seventy cents (\$128,396.70). Rau recommended that Council award the annual concrete work to Legacy Concrete Works, LLC.

Councilmember Barnes-Tilley asked if this figure was under the budgeted amount and if the concrete is less than what city staff thought it would cost. Rau explained that one (1) line item exists in the budget for all curb and street material so concrete comes out of this line item, which is over three hundred thousand dollars (\$300,000). He explained that specific materials are not budgeted for.

Assistant City Manager Kyle Dannhaus asked if a change order will be required if the numbers vary from the estimated quantities. City Attorney Cary Bovey clarified that the amount in the motion should refer to the unit price or dollar amount.

A motion was made by Councilmember Goss and seconded by Councilmember Ebel to award Bid No. 13-001 for annual concrete work for the City of Brenham's Street Department to Legacy Concrete Works, LLC in the amount of \$116,802.50 and authorize the Mayor to execute any necessary documentation.

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

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|-------------------------------------|-----|
| 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 Reassignment of a Ground Space Lease Agreement at the Brenham Municipal Airport and Authorize the Mayor to Execute any Necessary Documentation

Administrative Assistant Kim Hodde explained that on August 17, 2000, Council approved a ground space lease agreement with Barbara Hazard for Hangar B-1 at the Airport. Hodde explained that Mrs. Hazard notified the City that she wanted to change the name on the lease agreement to her husband, William Hazard. Hodde explained that the City Attorney drafted the reassignment of the lease that both Mr. Hazard and Mrs. Hazard have signed. Hodde clarified that none of the terms of the original lease have changed; the name change is the only change.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Nix to reassign the ground space lease agreement for Hangar B-1 at the Brenham Municipal Airport from Barbara Hazard to William Hazard and authorize the Mayor to execute any necessary documentation.

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

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|-------------------------------------|-----|
| 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 Resolution R-12-017 Authorizing the Execution of an Agreement with TxDOT for the Temporary Closure of State Right of Way in Connection with the 2012 Christmas Stroll to be Held on Friday, November 30, 2012

Administrative Assistant Kim Hodde presented an agreement with TxDOT to close Main Street and Alamo Street between Market Street and Austin Street from 4:00 p.m. until 10:00 p.m. in connection with the 2012 Christmas Stroll. Hodde explained that the event will be same as last year with the same times.

Mayor Pro Tem Nix asked if Council will have to approve another street closure if the Christmas Stroll event is extended to Saturday. Parks and Recreation Manager Jamie Maurer explained that the downtown merchants were planning additional activities to get people into the stores, but it will not require a street closure.

Councilmember Goss suggested providing a detour for traffic passing through Brenham during events that involve a street closure. Maurer explained that she will be meeting with the street department and police department in November and they will discuss street closures.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve Resolution R-12-017 authorizing the execution of an agreement with TxDOT for the temporary closure of state right of way in connection with the 2012 Christmas Stroll to be held on Friday, November 30, 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 |

15. Discuss and Possibly Act Upon a Recommendation from the Parks Advisory Board to Amend the Parks Master Plan to Reprioritize the Need for a Splash Pad in the Blue Bell Aquatic Center

Parks and Recreation Manager Jamie Maurer reminded Council that staff presented a Texas Parks and Wildlife Department (TPWD) Outdoor Recreation Grant opportunity in August for Blue Bell Aquatic Center (BBAC) improvements that would extend the outdoor deck, provide a canopy, and add a small splash pad.

Maurer stated that Items 15 and 16 are on the agenda to provide additional information requested by TPWD. Maurer explained that the Parks Master Plan, approved by the Parks and Recreation Advisory Board (PRAB) in February 2012 and submitted with the grant application, listed a splash pad at Fireman's Park not at the BBAC. Maurer presented a letter from PRAB Chairman Ken Goessler that explains that PRAB would like to prioritize a splash pad at the BBAC since the infrastructure already exists there.

Councilmember Goss asked if the grant application specified that the splash pad was for the BBAC. Maurer confirmed that the grant application did indeed locate the splash pad at the BBAC, but the Parks Master Plan listed a splash pad only at Fireman's Park. Maurer noted that TPWD wants to confirm that the project is for the BBAC.

Councilmember Barnes-Tilley asked if there are still plans for a splash pad at Fireman's Park or if the project was relocated to the BBAC, noting that it would be more expensive to locate a splash pad at Fireman's Park. Maurer stated that a splash pad at Fireman's Park has not been ruled out but the cost of the project doubles if it is located in Fireman's Park.

Councilmember Herring asked if a splash pad at the BBAC impacts the land available around the BBAC. Assistant City Manager Dannhaus confirmed that it would not impact the land available around the BBAC because the splash pad would be located inside the fence.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve a recommendation from the Parks Advisory Board to amend the Parks Master Plan to reprioritize the need for a splash pad in the Blue Bell Aquatic Center.

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 Resolution R-12-018 Authorizing the Submission of Supplemental Grant Documents Related to a Texas Parks and Wildlife Grant Application for Additional Water Features, Decking and Associated Improvements and Furnishings at the Blue Bell Aquatics Center

Parks and Recreation Manager Jamie Maurer explained that Council approved a Resolution in August for the submission of a Texas Parks and Wildlife Department (TPWD) grant for improvements at the Blue Bell Aquatics Center. Maurer stated that TPWD notified the City that additional wording was needed to specify that the City would not allow mining or drilling in the project area. Maurer stated that Resolution No. R-12-018 contains the appropriate wording in order to satisfy TPWD's requirement.

A motion was made by Councilmember Goss and seconded by Councilmember Herring to approve Resolution R-12-018 authorizing the submission of supplemental grant documents related to a Texas Parks and Wildlife grant application for additional water features, decking and associated improvements, and furnishings at the Blue Bell Aquatics Center.

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

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|-------------------------------------|-----|
| 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

Parks and Recreation Manager Jamie Maurer reported on the following:

- Kid Fish is scheduled for Saturday, October 20, 2012 from 9 a.m. – 1 p.m. at the Blue Bell Aquatics Center.

City Manager Terry Roberts reported on the following:

- The fish are there now for the Kid Fish event so Council can stop by the Blue Bell Aquatics Center if you can not make it Saturday.
- Bluebonnet Electric Cooperative (BBEC) open house for the Southwest Industrial Park expansion is scheduled Wednesday, October 24, 2012 at 4:00 p.m. RSVP to Paula Shields or BBEC directly.
- Hosting City of Huntsville officials for the Mayor's Bowl on Friday, November 2, 2012. RSVP to Paula Shields by Friday, October 26, 2012.

Mayor Pro Tem Nix reported on the following:

- Archeologist will evaluate items found in the area on Saturday, October 20, 2012 at the Brenham Heritage Museum.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

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