

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on Thursday, December 6, 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 Roberts, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Chief Financial Officer Carolyn Miller, Jamie Maurer, Tammy Jaster, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Asst. Police Chief Jay Petrash, Chris Jackson, Daniel Gaskamp, Trey Gully, John Snowden, Dant Lange, Kelvin Raven, Mark Pierce, Judson Hall, Mike Davis, Public Works Director Dane Rau, City Engineer Grant Lischka, Public Utilities Director Lowell Ogle, Gary Jeter, Kevin Boggus, Randall Spradin, Adam Lewer; Janie Mehrens, Doug Baker Pam Ruemke and Paula Shields

Citizens present:

Nikki Gully, Clint Kolby, Glenn Opal, Garry Kimbal, Paul Rutledge, Barbara Ross, and Danny Ross

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 Andrew Ebel**

3. Special Recognitions

3-a. Brenham Police Department Promotions

Brenham Police Department Badge Pinning Ceremony

- Dant Lange – Promoted to Lieutenant, pinned by his wife
- Trey Gully – Promoted to Lieutenant, pinned by his wife
- Kelvin Raven – Promoted to Sargent, pinned by Chief Phelps
- John Snowden – Promoted to Sargent, pinned by Chief Phelps

Police Chief Rex Phelps personally introduced each officer and assured Council that each one is ready and able to take on the responsibilities of their new position.

3-b. Brenham Police Department Special Awards

- Mark Pierce
- Judson Hall
- Mike Davis

Police Chief Rex Phelps read a letter of commendation and gave special recognition to Officers Mark Pierce, Judson Hall and Mike Davis for their actions during a call back in 2009, which the Chief had recently become aware of. Chief Phelps stated that these officers put themselves in harm's way when they confronted an armed and barricaded suspect that had shot and injured a citizen. The victim was seriously wounded and needed medical attention right away. The officers risked their own lives to physically carry the victim to safety and get him immediate medical attention. Chief Phelps stated that the victim would have perished, if not for these officers' heroic actions.

4. 4-a. Service Recognitions

Service recognitions were presented to the following employees:

- Kevin Boggus – 5 years
- Mark Pierce – 5 years
- Trey Gully – 15 years

4-b. New Employees

- Adam Lewer – Information Technology
- Grant Lischka – City Engineer

IT Manager Gary Jeter introduced Adam Lewer to Mayor and Council. City Manager Terry Roberts introduced Grant Lischka to Mayor and Council.

5. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

6. Statutory Consent Agenda

- 6-a. Ordinance No. O-12-027 on Its Second Reading Providing for Updated Service Credit and an Increase in Retirement Annuities in the Texas Municipal Retirement System**
- 6-b. Ordinance No. O-12-028 on Its Second Reading Establishing a No-Parking Zone on the East Side of Seward Street between the North Right of Way Line of W. Main Street and the South Right of Way Line of W. Vulcan Street**
- 6-c. Ordinance No. O-12-029 on Its Second Reading Authorizing the Placement of Stop Signs on Hickory Hollow Lane at Its Intersection with Twisted Oak Drive**

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Nix to approve the Statutory Consent Agenda Item 6-a. Ordinance O-12-027; 6-b. Ordinance O-12-028; and 6-c. Ordinance O-12-029.

Councilmember Barnes-Tilley asked if the business owner impacted by Ordinance O-12-028 was contacted since the last council meeting. City Manager Terry Roberts explained that the business owner was contacted and, although he was not happy about it, he understood why there is a need for establishing a no parking zone.

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

WORK SESSION

7. Discussion and Presentation of Group Stop Loss Insurance Coverage and an Alternative Agreement for a Fully-Funded Group Medical Plan for Calendar Year 2013

Risk Manager Janie Mehrens presented this item. Mehrens advised Council that this year staff requested additional information from TML Intergovernmental Employee Benefit Plan regarding a fully-funded group medical plan for calendar year 2013. She explained that staff wanted to bring this information to Council in a work session where there is the ability for discussion.

Mehrens stated that for about fifteen (15) years, the City of Brenham has had a partially self-funded group medical plan. The plan is termed partially self-funded because individual and aggregate stop loss insurance is purchased from a carrier rather than being totally self-funded where all costs are assumed by the City.

Mehrens explained that the largest and most volatile component of any partially self-funded group medical plan is the cost of medical claims. While the stop loss and administrative cost are stable because they are purchased on a per person, per month, basis which remains the same over the agreement period, medical claim costs vary widely from claim to claim and from year to year. She further explained that in nine (9) of the fifteen (15) fiscal years, the plan showed a positive net income over expenses while in six (6) fiscal years, the net loss ranged from a low of \$29,580 to a high of \$375,479. The total net income loss over the fifteen (15) years is \$82,060, an average of \$5,741 per year.

Mehrens stated that over the years the City has sought quotes for group medical coverage and have asked carriers to provide quotes for a fully funded plan. The responses were usually too few for comparison or too costly to move the plan. However, this year, it appears that the cost of a partially self-funded plan and a fully funded plan is much closer than it has been in the past.

Mehrens said that TML-IEBP has given the City estimates that a fully insured plan through the pool would cost \$2,368,000 based on 206 employees and because the City of Brenham's benefit plan is very similar to the TML Pool Plan, there would be minimal change in the benefits to employees.

Mehrens shared with Council the following pros and cons of a fully insured plan through the Pool versus a fully self-insured plan:

- Additional cost to the City is a 6.3% increase. The total increase for 2013 will be \$146,000. However, this increase will not be passed on to the employee this year.

- Switching to fully-insured plan will require an additional \$150,000 to pay run-off claims (this amount has already been set aside in the budget).
- Fully-insured premiums will not vary; self-insured could reasonably range from \$2.0M to \$2.75M

REGULAR AGENDA

13. Discuss and Possibly Act Upon the Purchase of Group Stop Loss Coverage or Alternatively Approve an Agreement with Texas Municipal League Intergovernmental Employee Benefits Pool for the Purchase of a Fully-Funded Group Medical Plan for Calendar Year 2013 and Authorize the Mayor to Execute any Necessary Documentation

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve an agreement with Texas Municipal League Intergovernmental Employee Benefits Pool for the purchase of a Fully-Funded Group Medical Plan for Calendar Year 2013 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

8. Discuss and Possibly Act Upon Approval of Ordinance O-12-030 Providing for the Issuance and Sale of City of Brenham, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2012; in the Aggregate Principal Amount of \$1,850,000; Levying a Tax in Payment Thereof; Prescribing the Terms and Provision of said Certificates; Awarding the Sale Thereof; and Enacting Other Provisions Relating to the Subject

City Manager Terry Roberts introduced the City’s financial advisor, Garry Kimball from Specialized Public Finance and the City’s Bond Counsel, Glenn Opel, from Bracewell & Giuliani.

Kimball provided the Mayor and Council with a handout and began his review. The first handout was a Ten-Year History of The Bond Buyer's 20 Bond G.O. Index (tax exempt interest rates). Kimball explained that rates are now at an all-time low. Regardless of how the fiscal cliff discussion in Washington is resolved, rates will probably increase on the individuals with the highest earnings. These individuals are our buyers. Demand for municipal bonds have spiked which drives interest down and thus, benefits the City.

Kimball further explained that the second document is the bid tallies received today. We received 7 bids representing eleven different companies. The lowest bid received was from BOSCO, Inc. (Bank of Oklahoma Security Corp, a subsidiary of Bank of Oklahoma), with a fixed interest rate of 2.059882%. Kimball reminded Council that the interest rate was originally budgeted for 3%. With BOSCO, Inc. interest rate, this saves the City \$175,000 in interest expense over the 20-year term. These funds are for street improvements only.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve the Ordinance O-12-030 providing for the issuance and sale of City of Brenham, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2012; in the aggregate principal amount of \$1,850,000; levying a tax in payment thereof; prescribing the terms and provisions of said Certificates; awarding the sale thereof; and enacting other related provisions.

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

14. Discuss and Possibly Act Upon Renewal of the Police Protection Agreement between the City of Brenham and the Brenham Housing Authority and Authorize the Mayor to Execute any Necessary Documentation

Police Chief Rex Phelps presented this item. The Brenham Housing Authority (BHA) and the City of Brenham have an ongoing agreement regarding police services. Brenham Police Department provides a full-time police officer for the routine utilization of policing in and around the public housing areas. This proactive approach reduces crime and helps keep the patrol and investigative divisions balanced as it relates to police response to the entire Brenham community. In return, the BHA reimburses the city the costs related to personnel. The BHA increased its contribution from \$40,000 to \$56,809 a year.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to renew the Police Protection Agreement between the City of Brenham and the Brenham Housing Authority, in the amount of \$56,809.00, 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

15. Discuss and Possibly Act Upon Resolution No. R-12-022 Authorizing the Submission of a Grant Application to TxDOT for the Selective Traffic Enforcement Program (STEP) Grant for the Period of October 1, 2013 through September 30, 2014 and Authorize the Mayor to Execute Any Necessary Documentation

Police Chief Rex Phelps presented this item. This grant has been utilized in past years to enhance traffic safety in specified areas. This grant provides the funding for compensating off-duty officers to work special traffic deployments in areas prone to injury accidents and traffic law violations. This grant does require a match percentage of 20%.

A motion was made by Councilmember Herring and seconded by Councilmember Goss to act upon Resolution No. R-12-022 authorizing the submission of a grant application to TxDOT for the Selective Traffic Enforcement Program (STEP) Grant for the period of October 1, 2013 through September 30, 2014 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

9. Discuss and Possibly Act Upon an Agreement for Standard Software Maintenance with New World Systems Corporation and Authorize the Mayor to Execute Any Necessary Documentation

Communications Coordinator Pamela Ruemke presented this item. Ruemke advised Council that the Standard Software Maintenance Agreement between New World Systems Corporation and the City of Brenham sets forth the standard software maintenance support services provided by New World. This agreement begins January 1, 2013 and is in effect for five (5) years. The agreement contains a Non-Funding Provision in which the agreement can be terminated by providing written notice to New World no later than October 1st prior to the year we no longer want the maintenance.

Ruemke further explained that the contract covers any upgrades, temporary fixes, revisions to licensed documentation, reasonable telephone support, emergency 24 hour per day telephone support for Aegis CAD support (which is for emergency communication) and ESRI licensing. The first year will cover 1/1/13 to 12/31/2013 in the amount of \$101,510 to be billed on December 15, 2012.

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to act upon an agreement for standard software maintenance with New World Systems Corporation 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

10. Discuss and Possibly Act Upon Resolution No. R-12-019 Authorizing the City Manager to Approve and Execute Certain Purchase Orders, Agreements, Contracts and Related Documents Regarding City Operations up to \$50,000.00

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to remove this item from 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	Absent

Chief Financial Officer Carolyn Miller presented this item. Miller stated that this item was initially brought to Council at the November 1, 2012 meeting and was tabled pending additional information related to the specific contracts that fall between \$25,001 and \$50,000 which had occurred during the last three fiscal years.

Miller stated that in October 2009, Council approved Resolution No. R-09-023 adopting financial policies for the City of Brenham. The financial policies in Resolution R-09-023 include a Purchasing Policy section which authorized the following purchasing levels as approved in the adopted budget.

Non-Contractual Purchases (i.e. equipment)

<u>Dollar Amount</u>	<u>Authorized Level for Approval</u>
\$ 3,000 to \$24,999	Division Director
\$25,000 to \$49,999	City Manager or Assistant City Manager
Over \$50,000	City Council

Contractual Purchases (i.e. professional services agreement)

<u>Dollar Amount</u>	<u>Authorized Level for Approval</u>
\$ 3,000 to \$24,999	City Manager
Over \$25,000	City Council

Miller explained that the intention of this was to specify the authorized spending levels for the City Manager for both non-contractual and contractual purchases be set at \$50,000. The approval of R-12-019 would bring the authorized spending levels to the same amount and eliminate the gap from \$25,000 to \$50,000 for contractual purchases. Miller said that any items relating to bids, multi-year contracts and the involve other governmental entities will still be brought to the City Council for approval regardless of the dollar amount.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to act upon Resolution No. R-12-019 authorizing the City Manager to approve and execute certain purchase orders, agreements, contracts, and related documents regarding city operations up to \$50,000.

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	No
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Absent

11. Discuss and Possibly Act Upon an Ordinance on its First Reading Amending the Rate Tariff Schedule(s) for the City of Brenham Transfer/Collection Station Rates

Public Works Director Dane Rau presented this item. Rau explained that staff reviewed the year-end transfer station revenues for the past two budget years and have noticed that the rates currently being charged are not providing adequate reserves to sustain capital expenditures in the future.

Rau stated that staff looks for ways to reduce costs and save money but it is also critical to maintain reserve balances to cover equipment and infrastructure being used in the daily operation of the department. Rau explained that the city currently has two rates: (1) In-city rate of \$39.50 per ton; and (2) out of city rate of \$42.50 per ton. He said that staff is requesting Council approve an increase of both the in-city and out-of-city rates of \$3.00 per ton.

Rau said that all sanitation customers were notified of this proposed increase on October 1, 2012 by mail. If Council approves the new rate it will go into effect on January 1, 2013.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Nix to act upon an Ordinance on its first reading amending the Rate Tariff Schedule(s) for a \$3.00 per ton increase in the City of Brenham Transfer/Collection Station Rates.

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	No
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Absent

12. Discuss and Possibly Act Upon an Election Services Contract Between the City of Brenham and Washington County Related to Election Responsibilities for the May 11, 2013 General and Special Elections and Authorize the Mayor to Execute Any Necessary Documentation

City Secretary Jeana Bellinger presented this item. Bellinger requested that Council approve an Election Services Contract with Washington County for the May 11, 2013 General and Special Elections. Bellinger explained that this is the same agreement that was approved last year, with the exception of some additional wording relating to the Special Election. Bellinger said that the Contract has been sent to the County Clerk for review; however, she has not yet heard back from them. Bellinger asked that Council approve the contract contingent upon final review and approval by the City Attorney, in case the County did request any changes.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Herring to act upon an Election Services Contract between the City of Brenham and Washington County related to election responsibilities for the May 11, 2013 General and Special Elections and authorize the Mayor to execute any necessary documentation upon final review and approval by the City Attorney.

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

Council adjourned into Executive Session at 2:41 p.m.

EXECUTIVE SESSION

16. Section §551.074 – Personnel Matters – Discuss and Consider Re-Appointment and Compensation for Municipal Court Judges Julian Weisler and Robert Wright and City Prosecutor Bill Kendall

Executive Session adjourned at 3:07 p.m.

RE-OPEN REGULAR SESSION

17. Discuss and Possibly Take Action as a Result of Executive Session Regarding Re-Appointment and Compensation for Municipal Court Judges Julian Weisler and Robert Wright and City Prosecutor Bill Kendall

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to appoint Julian Weisler as our Chief Municipal Judge and Robert Wright as our Associate Municipal Judge for a two year term to expire October 31, 2015 and authorize both individuals a \$2,300 pay increase.

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

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to appoint Bill Kendall as our City Prosecutor for a two year term to expire October 31, 2015 and authorize his salary to increase to \$20,000 annually.

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

9. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- Police Department certification inspection for Best Practices going on today
- Paving contractor will start January 1st which is still within the 120 day completion schedule
- Next Thursday, December 10th, is the joint meeting between the City Council and the Washington County Commissioners

City Attorney Cary Bovey reminded everyone about his Christmas Party in Georgetown

Special Projects Engineer Doug Baker provided the following updates:

- Stringer project is completed
- TxDOT considering changing U.S. Highway 290 frontage roads at FM 389 to one-way

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary