

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on Thursday, December 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

Members absent:

Councilmember Weldon Williams, Jr.

Others present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Chief Financial Officer Carolyn Miller, Development Services Director Julie Fulgham, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Billy Rich, Public Works Director Dane Rau, Grant Lischka, Public Utilities Director Lowell Ogle, Casey Redman, Leslie Kelm, Kevin Boggus, Jamie Maurer, Wende Ragonis, Kaci Konieczny, and Paula Shields

Citizens present:

Page Michel and Clint Kolby

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 Keith Herring**

3. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

4. Statutory Consent Agenda

4-a. Ordinance No. O-12-031 on its Second Reading Amending the Rate Tariff Schedule(s) for the City of Brenham Transfer/Collection Station Rates

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve the Statutory Consent Agenda Item 4-a. Ordinance O-12-031 as presented.

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

5. Discussion and Update on the Tax Phase-In Compliance Review Committee and Findings Related to the Committee's Review of Tax Phase-In Projects

Economic Development Corporation's Project Manager Clint Kolby presented this item. Kolby explained that according to the City of Brenham's Tax Phase-In Policy, a Compliance Review Committee shall collect a sworn statement of compliance and verify documents ensuring that all requirements have been met. The Tax Phase-In Compliance Review Committee consisted of two City appointed individuals – Susan Ebel and Catherine Kenjura; two County appointed individuals – Roger Chambers and John Gunn; and Willy Dilworth from the Washington County Appraisal District. Kolby stated that this year the Committee reviewed two companies for compliance, Advanced Data Storage (ADS) and Stanpac.

Kolby further explained that ADS received the tax-phase-in incentive in 2009 for relocating their new facility in the Brenham Business Center. Their tax phase-in period began in 2011 after they became fully operational in 2010. Stanpac received the tax phase-in incentive in 2010 for relocating their operations from Dallas to the former Mount Vernon Mills facility here in Brenham. This is their first year to receive the tax phase-in.

Both companies have met the tax phase-in policy's criteria of creating/retaining at least 10 jobs at an average base salary of \$30,000 including benefits and adding at least \$300,000 in new value to the property tax roll.

Kolby added that ADS started operations with 12 employees and now have 24; Stanpac began its operations here with 90 employees and now have 137.

Councilmember Barnes-Tilley asked if these jobs were new positions. Kolby stated that they were all new jobs.

6. Discussion on January 2013 Council Meeting Dates

City Manager Terry Roberts presented this item. Roberts explained that due to conflicts with scheduling, staff is requesting that the January council meetings be moved to January 10th and January 31st. All council members were acceptable to changing the January council meeting dates to January 10th and January 31st.

REGULAR AGENDA

7. Discuss and Possibly Act Upon an Ordinance on its First Reading Amending the FY2011-12 Adopted Budget

Chief Financial Officer Carolyn Miller presented this item. Miller stated that the General Fund revenues are being increased for Sales Tax revenue, GovDeals online auction funds, and insurance proceeds. Other expenditure amendment items, whether increases or decreases, are offset by revenues or transfers in/out. The largest item in the General Fund is related to the ABNR transfer-out to the Hwy 290 Fund for completion of Westwood Drive and Stringer Street. Miller also advised that the other amendment items were for BCDC activity, the AMR smart meter project and year-end budget realignment clean-up.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Herring to approve an Ordinance on its first reading amending the FY2011-12 adopted budget.

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 Resolution No. R-12-023 Approving the Modification of the Amortization Schedule of the Promissory Note from the Brenham Community Development Corporation (BCDC) to the City of Brenham Related to the Funding for Southwest Industrial Park, Section 3, and Authorize the Mayor to Execute Any Necessary Documentation

Chief Financial Officer Carolyn Miller presented this item. Miller explained that this item is being brought to Council to amend the original loan amortization schedule for the \$1 million loan to BCDC for land acquisition for the Southwest Industrial Park, Section 3.

Miller stated when Council approved the funding (Resolution No. R-10-008) in 2010, an exhibit was attached detailing the principal and interest payments to be made over the term of the loan. Subsequently, upon issuance of the \$760,000 Limited Tax Notes for infrastructure improvements, Garry Kimball of Specialized Public Finance provided the City with a debt service schedule for BCDC related to this loan. The annual breakdown of principal and interest payments are different from the original exhibit and the total interest to be repaid has been reduced by \$84,096.39 (\$901,616.50 to \$817,520.11).

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve a Resolution No. R-12-023 approving the modification of the amortization schedule of the promissory note from the Brenham Community Development Corporation (BCDC) to the City of Brenham Related to the Funding for Southwest Industrial Park, Section 3, 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 the Purchase of New Vehicles for the City of Brenham Police Department from the BuyBoard Local Government Purchasing Cooperative and Authorize the Mayor to Execute Any Necessary Documentation

Police Chief Rex Phelps presented this item. Phelps stated that the purchase of five (5) new police pursuit vehicles is to replace the existing vehicles due to their retirement under the Brenham Police Department's five-year vehicle replacement program. Phelps explained that all of the vehicles were budgeted in the FY2013-14 budget.

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to approve the purchase of new vehicles for the City of Brenham Police Department from the BuyBoard Local Government Purchasing Cooperative 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 a Rate Increase Proposed by Texas Commercial Waste for Commercial Sanitation Services and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained Texas Commercial Waste has informed the City of Brenham due to the most recent tipping fee increase at the City of Brenham Transfer Station that a 2% increase is needed at this time to cover those additional costs. Staff has looked at the proposed rates and understands the increase proposed by Texas Commercial Waste. A letter detailing the rate increase will be sent to customers who utilize the service. The increased rates will become effective January 1 and will be noticed on February's utility bills.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve a rate increase proposed by Texas Commercial Waste for commercial sanitation services 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

11. Discuss and Possibly Act Upon Bid No. 13-003 for the Annual Contract Relating to Road Base Material for the City of Brenham's Street Department and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained that this item was a re-bid due to the lack of bids received back in October. During the re-bid process, the purchasing department sent out nine (9) bids and three (3) competitive bids came back.

Rau explained that Lhoist North America submitted the lowest bid amount of \$21.00 per ton, which includes delivery to the site.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Herring to approve Bid No. 13-003 for the annual contract relating to road base material for the City of Brenham's Street Department to Lhoist North America in the amount of \$21.00 per ton and to 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. Discuss and Possibly Act Upon Recommendations for Appointments and/or Re-Appointments to Various City Advisory Boards

City Manager Terry Roberts presented this item. Roberts stated that at the last meeting, Council was provided with copies of the applications received by each individual seeking appointment or re-appointment on the various City Boards. Roberts explained that he and the Mayor reviewed the board applications and offer the following recommendations to City Council:

- **Airport Advisory Board**
 - Bryan Butler – re-appointment
 - Mark Whitehead – re-appointment
 - Brent Nedbalek – to replace Mickey Walker

- **Board of Adjustment**
 - Walt Schoenvogel – re-appointment
 - Mike Haywood – re-appointment
 - One Vacant Position

- **Brenham Housing Authority**
 - Richard Flammer – re-appointment
 - Harvey Williams – re-appointment

- **Brenham Community Development Corporation**
 - John Barkman – re-appointment
 - Bill Betts – re-appointment
 - John Hasskarl - re-appointment

- **Hotel Occupancy Tax Board**
 - Jean Shoup – re-appointment
 - One Vacant Position

- **Library Advisory Board**
 - Keith Herring – re-appointment
 - Meg Cone – re-appointment
 - Pending Fortnightly recommendation

- **Main Street Board**
 - Traci Pyle – re-appointment
 - Leslie Harrell – re-appointment
 - Tommy Upchurch – re-appointment

- **Parks Advisory Board**
 Jeff Tilley – re-appointment
 Jim Baker – re-appointment
 Robert Haberman – re-appointment

- **Planning and Zoning Commission**
 Walt Schoenvogel – re-appointment
 Leroy Jefferson – re-appointment
 Calvin Kossie – re-appointment
 Lynette Sheffield – re-appointment
 Deanna Alfred – new appointment
 Charlie Pyle – new appointment

There were a couple of citizens who have expressed an interest to be on City Boards but were not selected at this time. The Mayor stated that these citizens as well as any other new citizen who expresses an interest to be on City Boards will be considered for future vacancies.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve the recommendations as presented for board member appointments and/or re-appointments to the various City of Brenham advisory boards.

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

Council adjourned into Executive Session at 1:37 p.m.

EXECUTIVE SESSION

- 13. Texas Government Code Section 551.072 – Deliberation Regarding Real Property - Discussion and Deliberation Concerning the Possible Acquisition of Park Land**

- 14. Texas Government Code Section 551.071 – Consultation with Attorney – Consultation with City Attorney Concerning Legal Issues Related to the Demolition and Abatement of the Abandoned Municipal Building Located at 210 N. Park Street**

Executive Session adjourned at 2:57 p.m.

RE-OPEN REGULAR SESSION

15. Discuss and Possibly Act Upon Final Payment to 1 Priority Environmental Services, Inc. for the Demolition and Abatement of the Abandoned Municipal Building Located at 210 N. Park Street and Authorize the Mayor to Execute any Necessary Documentation

A motion was made by Councilmember Ebel and seconded by Councilmember Herring to Table Item 15.

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

16. Administrative/Elected Officials Report

- City Manager Terry Roberts reported on the following:
 - Celebration of Keith Herring and Gloria Nix birthdays immediately after Council meeting.
 - City of Brenham Police Department received the Best Practices Recognition Award.
 - TxDOT notified the City of 1st payment will be \$1,517,000 based 21,719 vehicles per day.
 - Casey Redman will be promoted to Parks Department Superintendent upon Lin Hartstack's retirement on January 11, 2013.
 - Jay Petrash retirement party on December 28, 2012 from 3:00 to 5:00 at PD.

- Chief Financial Officer Carolyn Miller reported on the following:
 - City Secretary Jeana Bellinger has been elected as Treasurer to the Capital Chapter of Municipal Clerks for a two year term and also to the 2013 Texas Municipal Clerks Association's Audit Committee.

- Public Works Director Dane Rau reported on the following
 - Lin Hartstack's retirement party January 11, 2013 at 4:00 p.m. at the Fireman's Park Kitchen.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary