

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on January 31, 2013 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 Andrew Ebel
Councilmember Danny Goss
Councilmember Mary Barnes-Tilley
Councilmember Weldon Williams, Jr.

Members Absent:

Councilmember Keith Herring

Others present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Chief Financial Officer Carolyn Miller, Stacy Hardy, Jamie Maurer, Kaci Konieczny, Tammy Jaster, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Corporal Chris Jackson, Sergeant Todd Jacobs, Lieutenant Billy Rich, Ginger Bishop, Lieutenant Trey Gully, Corporal Bob Lawrence, Lieutenant Dant Lange, Development Services Director Julie Fulgham, Public Works Director Dane Rau, Casey Redman, Public Utilities Director Lowell Ogle, Kevin Boggus, Angela Hahn, Janie Mehrens, Grant Lischka, Amanda Klehm

Citizens present:

Clint Kolby, Josh Bass, Page Michel, David Aguilar, Tom Powles, Ron Schmidt, Jeff Boecker, C.H. Harvey

Media Present:

Arthur Hahn, Brenham Banner Press; Frank Wagner, KWHI

- 1. Mayor Tate Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – City Manager Terry Roberts**

3. Special Recognitions and Presentations

➤ Brenham Police Department's Best Practices Award

The Chief of Police from the City of Keller, Mark Hafner, represented the Texas Police Chief's Association and presented the Best Practices Award to Police Chief Rex Phelps and the Brenham Police Department for achieving recognition status from the Texas Best Practices for Law Enforcement. Chief Phelps and Corporal Bob Lawrence accepted the award on behalf of the Brenham Police Department.

➤ Blue Bell Aquatic Center Agency of the Year Award

Recreation Superintendent Jamie Maurer advised Council that the Blue Bell Aquatic Center was awarded the Agency of the Year Award from the Texas Public Pool Council for superior facilities, programs, and services to the community. Tammy Jaster, Ash Branson, Kat Thompson, and Pamela Paez accepted the award on behalf of the Blue Bell Aquatic Center.

4. Citizens Comments

Citizen C. H. Harvey addressed the Council about funding of various city projects.

CONSENT AGENDA

5. Statutory Consent Agenda

5-a. Ordinance No. O-13-001 on its Second Reading Amending Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham, Texas by Amending Part V, Section 3.03, Relating to Membership of the Board of Adjustment

5-b. Minutes from the December 6, 2012, December 13, 2012, and December 20, 2012 Council Meeting

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to approve the Statutory Consent Agenda Items 5-a minutes from December 6, 2012, December 13, 2012, and December 20, 2012 council meeting and 5-b Ordinance No. O-13-001 relating to the membership of the Board of Adjustment.

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 Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Absent
Councilmember Mary Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

WORK SESSION

6. Discuss and Review the FY2011-12 Fourth Quarter Financial Report

Chief Financial Officer Carolyn Miller reviewed the financial performance for the fiscal year ending September 30, 2012. Miller advised that the City experienced favorable performance in the General Fund, and with the exception of the Electric and Gas Funds, posted net revenues over expenditures in the Utility Funds.

Miller presented the following FY2011-12 fourth quarter financial performance summary to the Council:

Fund	4 th QTR Actual Performance		
	Revenues	Expenditures	Net Revenues
General Fund	\$ 15,536,009	\$ 15,272,278	\$ 263,731
Electric Fund	\$ 25,045,457	\$ 25,413,895	\$ (368,438)
Gas Fund	\$ 2,440,777	\$ 2,523,745	\$ (82,969)
Water Fund	\$ 4,639,755	\$ 4,471,006	\$ 168,750
Wastewater Fund	\$ 3,665,867	\$ 3,627,988	\$ 37,879
Sanitation Fund	\$ 3,382,625	\$ 3,312,462	\$ 70,163

Miller stated that the City managed to grow fund balance and working capital reserves even in these challenging economic times. She credited the outstanding performance to the efforts of the division directors and senior management who monitor department expenditures and make necessary adjustments throughout the year.

7. Discussion Regarding Commercial Sanitation Services Within the City of Brenham

Public Utilities Director Dane Rau presented this item to Council. Rau discussed the exclusive sanitation contract with Texas Commercial Waste (TCW) and the options the City has upon the expiration of the contract.

Rau explained that TCW currently services over five hundred and sixty (560) accounts within the City and the City benefits by receiving a franchise fee payment of seven percent (7%) as well as a three percent (3%) billing fee on gross charges. Rau stated that before the City entered into the contract with TCW; the City provided the commercial sanitation route.

Rau continued by stating that his staff has weighed the options of bidding out the service, renegotiating a new contract with TCW, or providing the service ourselves. Rau advised Council that if the City decided to operate in-house, we would also have to invest roughly a million dollars in the start-up which would consist of two front load trucks, and over five hundred (500) dumpsters and approximately one hundred (100) carts, which would take approximately five (5) years for the City to see a return on their investment. Rau also explained that the City would also need to purchase a backup truck and additional staff would need to be hired. Rau advised Council that at this time, he would recommend the City renegotiate a new contract with TCW for three (3) years with an option to renew for an additional three (3) years.

Councilmember Ebel expressed that he feels that we should extend the contract and look at possibly taking it over ourselves at some point in the future.

PUBLIC HEARING

8. Public Hearing, Discussion and Receipt of Input Related to the Proposed Creation of Reinvestment Zone Number 36 Requested by Brazos Valley Brewing Company for Commercial-Industrial Tax Phase-In Incentive on Two (2) Certain Tracts of Land Containing a Total of 0.526 Acres, More or Less, Being Located at 201 West First Street, Brenham, Texas, with Boundaries Further Described in Exhibit "A" of the Ordinance Creating Reinvestment Zone Number 36, and Designating This Property as Qualifying for Tax Phase-In

Mayor Tate opened the Public Hearing.

Economic Development Foundation's Project Manager, Clint Kolby, requested that Council consider a tax phase-in application from Brazos Valley Brewing Company, LLC. Kolby explained that Brazos Valley Brewing Company is planning to start a micro-brewery in a downtown building located at 201 West First Street. Kolby stated that the use of the Tax Phase-In incentive will enhance the economic viability of their start-up business in Brenham's historic downtown, as well as help to offset tax costs that can be more productively used toward equipment purchases or labor costs.

Kolby stated that he believes this project will serve as a positive economic catalyst to revitalize the Southside District of downtown Brenham as called upon in the Downtown Master Plan.

Kolby introduced Josh Bass with Brazos Valley Brewing Company. Bass explained that they will create a total of eleven (11) new jobs, generating \$405,000 in payroll as well as a \$350,000 capital investment over the term of the agreement. Bass said that he hopes to begin operating by June 1, 2013. Bass further explained that they will be distributing their beer and not selling it to the public; however, they hope to eventually offer tours of their facility to the public where they can give away samples of their beer.

Councilmember Goss questioned the issue of parking around the facility. Bass explained that they will be using the back portion of the building in the dock area to store their company vehicles and will not be using the street front for their parking.

Mayor Tate closed the Public Hearing.

REGULAR AGENDA

9. Discuss and Possibly Act Upon an Ordinance on Its First Reading for the Creation of Reinvestment Zone Number 36 Requested by Brazos Valley Brewing Company for Commercial-Industrial Tax Phase-In Incentive on Two (2) Certain Tracts of Land Containing a Total of 0.526 Acres, More or Less, Being Located at 201 West First Street, Brenham, Texas, with Boundaries Further Described in Exhibit “A” of Said Ordinance, and Designating This Property as Qualifying for Tax Phase-In

A motion was made by Councilmember Williams and seconded by Councilmember Ebel to approve an Ordinance on its first reading for the creation of Reinvestment Zone Number 36 requested by Brazos Valley Brewing Company, LLC for Commercial-Industrial Tax Phase-In incentive on two (2) certain tracts of land containing a total of 0.526 acres, more or less, being located at 201 West First Street, 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 with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Absent
Councilmember Mary Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

10. Discuss and Possibly Act Upon the Appointment of Amanda Klehm as a Deputy City Secretary

City Secretary Jeana Bellinger presented this item to Council. Bellinger stated that in January, Amanda Klehm joined the City Secretary's Office. Bellinger stated that Klehm graduated from Sam Houston State University in May 2007 with a Bachelor's degree in Political Science and obtained a Master's degree in Public Administration from the George Bush School of Government and Public Service at Texas A&M University in May of 2009. The past couple of years, Klehm worked at Germania Insurance as a Casualty Claims Adjuster.

Bellinger also advised Council that she is married to one of Brenham finest, a Brenham Police Officer and they have a new baby girl. Bellinger stated that in accordance with the City's Charter, the City Council must appoint a person to exercise all of the duties of the City Secretary, in her absence. Bellinger recommended that Amanda Klehm be appointed as Deputy City Secretary.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to appoint Amanda Klehm as a Deputy City Secretary.

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 Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Absent
Councilmember Mary Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

11. Discuss and Possibly Act Upon a Memorandum of Agreement Between the City of Brenham and Blinn College for the Use of Softball Fields at Hohlt Park and Authorize the Mayor to Execute any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained that the Memorandum of Agreement between the City of Brenham and Blinn College for the use of the softball field at Hohlt Park expired on November 30, 2012. Rau stated that it was decided by both parties to restructure the Agreement as a Land Use Agreement.

Rau explained that the new Agreement outlines each entity’s responsibility pertaining to the field and dressing rooms. He explained that the City has always provided Blinn with a superb playing field by performing routine maintenance on the field, the scoreboard, and the lights. Rau said these services will continue but the new Agreement outlines when large improvements are needed that Blinn and the City will mutually agree on the improvements and have the opportunity to budget for the costs.

Rau also explained that in the past the City has maintained the dressing rooms but under the new Agreement the financial burden will fall on Blinn to maintain the dressing room in good working order. He said that Blinn will have the right to modify the inside of the building as they see fit, but will not be allowed to modify the outside of the building.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Ebel to approve the Memorandum of Agreement between the City of Brenham and Blinn College for the use of softball fields at Hohlt Park 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 Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Absent
Councilmember Mary Barnes-Tilley	Abstain
Councilmember Weldon Williams	Yes

12. Discuss and Possibly Act Upon Final Payment to Legacy Concrete Works, LLC for the Realignment of Stringer Street Associated with the Improvements Related to the U.S. Highway 290 Project and Authorize the Mayor to Execute any Necessary Documentation

City Engineer Grant Lischka presented this item. Lischka explained that Legacy Concrete Works, LLC has completed the work on the U.S. Highway 290 Frontage Road and Stringer Street intersection. Lischka stated that the construction costs came in \$14,006.10 under the original contract amount. He said the contractor is responsible for any defects in materials and workmanship that may occur in the above described improvements for a period of one year, beginning on the date of acceptance by the City. The contractor has agreed to provide an additional one year of warranty covering the hot mix pavement.

Lischka requested that Council approve the final payment contingent upon receiving a valid certificate of surety from Legacy Concrete Works, LLC. He said that Legacy is working on getting the surety documents completed but they had not been received yet.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve final payment to Legacy Concrete Works, LLC in the amount of \$36,523.82 contingent upon receiving the consent of surety documents 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 Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Absent
Councilmember Mary Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

13. Discuss and Possibly Act Upon an Order Calling a General Election on May 11, 2013 for the Purpose of Electing One Council Member for Place 1 – Ward 1; One Council Member for Place 3 – Ward 3; One Council Member Place 5 – At Large; One Council Member for Place 6 – At Large; and Calling a Special Election on May 11, 2013 for the Purpose of Electing One Council Member for Place 2 – Ward 2 (Two-Year Transitional Term)

Considerar y Posiblemente Actuar Sobre una Orden para una Elección General que se efectuara el 11 de Mayo, 2013 Con el Propósito de Elegir Un (1) miembro del Concejal para Lugar 1-Distrito 1; Un (1) miembro del Concejal para Lugar 3-Distrito 3; Un (1) miembro del Concejal para Lugar 5- Distrito Abierto; Un (1) miembro del Concejal para Lugar 6-Distrito Abierto; Y Actuar Sobre una Orden Para Una Elección Especial que se Efectuara el 11 de Mayo, 2013 Con el Propósito de Elegir Un (1) Miembro del Concejal para Lugar 2-Distrito 2 (Termino Transicional de Dos Años)

City Secretary Jeana Bellinger presented this item. Bellinger reminded Council that shortly after Senate Bill 100 (SB-100) passed; the City was notified by the County that they would not be able to provide election services to the City due to the lack of electronic voting machines. She said that since the City did not want to go to the expense of purchasing our own election equipment, the City Council adopted Resolution No. R-11-014 in September, 2011 which changed our councilmember terms from three (3) years to four (4) years and set-up the proper staggering.

Bellinger advised that due to the changes made because of SB-100 and the passage of Resolution R-11-014 the following Councilmember Places will be up for election in May, 2013:

- Place 1 – Ward 1 (4 year term to expire in May, 2017)
- Place 3 – Ward 3 (4 year term to expire in May, 2017)
- Place 5 – At Large (4 year term to expire in May, 2017)
- Place 6 – At Large (4 year term to expire in May, 2017)
- Place 2 – Ward 2 (2 year transitional term to expire in May, 2015)

Bellinger explained that the Election Order being presented to Council calls both a General Election for Places 1, 3, 5, and 6 and a Special Election for Place 2 and the period for a candidate to file for a place on the ballot is from Wednesday, January 30th thru Friday, March 1st.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve an Order calling a General Election on May 11, 2013 for the purpose of electing one Council Member for Place 1 – Ward 1; One Council Member for Place 3 – Ward 3; One Council Member Place 5 – At Large; One Council Member for Place 6 – At Large; and calling a Special Election on May 11, 2013 for the purpose of electing one Council Member for Place 2 – Ward 2 (Two-Year Transitional Term)

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 Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Absent
Councilmember Mary Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

14. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham, Brenham Independent School District and Blinn College for the May 11, 2013 Elections and Authorize the Mayor to Execute Any Necessary Documentation

City Secretary Jeana Bellinger presented this item. Bellinger stated that in past elections the City and Brenham Independent School District (BISD) have contracted with Washington County to provide election services and equipment. As required by State law, BISD must hold their trustee elections jointly with the City. In past years, Blinn has ran their own elections and entered into a separate agreement with BISD for election services. This year, however, Blinn College has decided to contract with the County also.

Bellinger explained that the Interlocal Agreement addresses various issues related to the May 2013 election and outlines what each entity will be responsible for during the election process. This Agreement is also consistent with the terms outlined in the City's election services contract with Washington County which was approved by Council on December 20, 2012. Bellinger clarified that BISD and Blinn each have their own election services contract with the County.

Bellinger advised that this Agreement has been sent to BISD and Blinn for their review and approval; however she has not yet heard back from Blinn College. Bellinger requested that the Agreement be approved contingent on being approved in final form by the City Attorney if BISD or Blinn make any changes.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Barnes-Tilley to approve an Interlocal Agreement between the City of Brenham, Brenham Independent School District and Blinn College for the May 11, 2013 Elections (contingent on receiving final approval by the City Attorney if any changes are requested by BISD and/or Blinn) 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 Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Absent
Councilmember Mary Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

15. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- Election filling began yesterday and three of the five incumbents have filled for re-election.
- The 290 Project is moving forward and the Hwy 36 Project is opened.
- Tree trimming has started in some of the parks.
- The signal light at Westwood is now operational.
- The City of Huntsville will be here February 1st at 2:00, in Conference Room 2A, to serve ice cream for losing the 2012 Mayor's Bowl.
- Kim Hodde will be moving into the new Assistant Planner position as soon as her replacement is hired.

Public Works Director Dane Rau reported on the following:

- The Paving Contractors are in town now and the asphalt is coming on Monday.
- The Linda Anderson Project is ongoing. There is grass on the infield on 2 fields and the other 2 fields will have grass tomorrow. The scoreboards are scheduled to go up next week. The concession stand is being updated and the batting cages have matting down and the netting is being hung today. The Linda Anderson Project was funded by BCDC in a 2 year increments. The deadline is March 23rd for Little League's Opening Day Celebration and Games.

Finance Director Carolyn Miller reported on the following:

- The Library recently got a new facelift. The facelift consisted of interior and exterior improvements, which include parking lot, picnic table outside, safety handrails and planter boxes installed, lighting replacements, and new paint and a chair rail in the community room.
- FY2013-14 budget books have been printed and are ready for pickup for those who wish to have a hard copy.
- The annual Holiday Party is scheduled for February 1st at 6:00 pm at Fireman's Training Center.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

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