

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on March 21, 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 Keith Herring  
Councilmember Mary E. Barnes-Tilley  
Councilmember Weldon Williams, Jr.

### Members absent:

None

### Others present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary Amanda Klehm, Stacy Hardy, Rhonda Kuehn, Kaci Konieczny, Wende Ragonis, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Development Services Director Julie Fulgham, Public Works Director Dane Rau, Leslie Kelm, Casey Redman, Bobby Branham, Public Utilities Director Lowell Ogle, Grant Lischka, Angela Hahn, and Pam Ruemke

### Citizens present:

Clint Kolby, Ron Schmidt, Jeff Boecker, and Bo D. 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 Williams**
- 3. Citizens Comments**

There were no citizen comments.

## CONSENT AGENDA

### 4. Statutory Consent Agenda

#### 4-a. Minutes from the February 21, 2013 City Council meeting

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve the Statutory Consent Agenda Item 4-a. minutes from the February 21, 2013 City Council meeting.

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	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

## REGULAR AGENDA

### 5. Discuss and Possibly Act Upon Resolution No. R-13-004 Approving the Brenham Municipal Airport Hangar Project and Authorize the Mayor to Execute Any Necessary Documentation

City Engineer Grant Lischka presented this item. Lischka explained this Resolution is in support of the ten (10) unit T-hangar development, access taxiway and new electrical vault project that were discussed in work session at the last City Council meeting. Lischka stated the project was approved by TXDOT at an estimated cost of \$1,695,000.00 with the City of Brenham's share being approximately \$169,500.00. Lischka stated once the Transportation Commission grants approval of the project, a Grant agreement will be sent to the City of Brenham for execution then TXDOT will begin the process. The estimated payback time is five (5) years with the T-hangars bringing in approximately \$30,000.00 a year and the taxiway yearly revenue is approximately \$4,500.00.

A motion was made by Councilmember Goss and seconded by Councilmember Ebel to approve Resolution No. R-13-004 approving the Brenham Municipal Airport hangar project 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	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

**6. Discuss and Possibly Act Upon Ordinance No. O-13-004 on Its Second Reading to Repeal Ordinance O-07-009 and Grant a Non-Exclusive Franchise to Budget Roll-Off Service to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits**

City Secretary Jeana Bellinger presented this item. Bellinger passed out a handout of the red-lined version of Section 2, which was not included in the agenda packet. Bellinger explained at the March 7, 2013 council meeting, she presented this Ordinance for 1<sup>st</sup> reading. After discussing the Ordinance further with Council, it was decided that Staff should be allowed to set the exact location and specific time period for any containers placed on City streets. In response to Council's direction, Section 8, Placement of Containers, was amended to include the appropriate wording.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve Ordinance No. O-13-004 on its second reading to repeal Ordinance O-07-009 and grant a non-exclusive franchise to Budget Roll-Off Service to operate a roll-off container service for residents, businesses, and industries inside Brenham city limits with the redlined corrections 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 Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

**7. Discuss and Possibly Act Upon Ordinance No. O-13-005 on Its Second Reading to Repeal Ordinance O-09-008 and Grant a Non-Exclusive Franchise to Brazos Valley Recycling to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits**

City Secretary Jeana Bellinger presented this item. Bellinger passed out a handout of the red-lined version of Section 2, which was not included in the agenda packet. Bellinger explained this item is the same as Item 6.

A motion was made by Councilmember Goss and seconded by Councilmember Ebel to approve Ordinance No. O-13-005 on its second reading to repeal Ordinance O-09-008 and grant a non-exclusive franchise to Brazos Valley Recycling to operate a roll-off container service for residents, businesses, and industries inside Brenham city limits with the redlined corrections 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 Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

**8. Discuss and Possibly Act Upon Ordinance No. O-13-006 on Its Second Reading to Grant a Non-Exclusive Franchise to Action Roll-Offs, Inc. to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits**

City Secretary Jeana Bellinger presented this item. Bellinger passed out a handout of the red-lined version of Section 2, which was not included in the agenda packet. Bellinger explained this item is the same as Item 6 except Action Roll-Offs, Inc. did not have a previous Ordinance to repeal.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve Ordinance No. O-13-006 on its second reading to grant a non-exclusive franchise to Action Roll-Offs, Inc. to operate a roll-off container service for residents, businesses, and industries inside Brenham city limits with changes as presented for Section 8.

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	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

**9. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and the City of College Station for the Purchase of Radio Equipment for Use Related to the Brazos Valley Wide-Area Communication System (BVWACS) and Authorize the Mayor to Execute Any Necessary Documentation**

Communications Director Pam Ruemke presented this item. Ruemke advised in order for Communications to be compliant with State law, they are required by the State Interoperability Plan to monitor certain radio channels in the 800 MHz range. Ruemke states that currently the City does not have this capability and for the City to purchase this equipment, it would be in the \$25,000 to \$30,000 range. Ruemke states that College Station had some of this surplus equipment that they did not need any longer. Ruemke states this equipment was working when it was turned off and Staff is confident that it will serve our needed purpose. Ruemke states that Staff has estimated cost of below \$5,000 to install the equipment, which also includes repairing some of the grounding at Communications. Ruemke states that the City will purchase the radio equipment from the City of College Station for \$1.00. Ruemke explains that the equipment will be tested before it is installed to make sure that it will work before the City spends the money on installation of the equipment.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Nix to approve an Interlocal Agreement between the City of Brenham and the City of College Station for the purchase of radio equipment for use related to the Brazos Valley Wide-Area Communication System (BVWACS) 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	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

**10. Discuss and Possibly Act Upon an Agreement Between City of Brenham and Texas Commercial Waste for Exclusive Small Commercial Container Service Within the City Limits and Authorize the Mayor to Execute Any Necessary Documentation**

Public Works Director Dane Rau presented this item. Rau stated on January 31<sup>st</sup>, Staff discussed with Council commercial sanitation services within Brenham city limits. Rau further explained that at that meeting, it was the consensus to work with Texas Commercial Waste (TCW) on a new contract and keep them as the City's sole provider. Rau stated the major change was the term of the contract, which now calls for an initial 3 year term with automatic one year renewals after the third year.

A motion was made by Councilmember Goss and seconded by Councilmember Barnes-Tilley to approve an Agreement between City of Brenham and Texas Commercial Waste for exclusive small commercial container service within the city limits 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	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

**11. Discuss and Possibly Act Upon Bid No. 13-006 for the Sale of a Certain 0.3455 Acre Tract of Land, More or Less, Being the East Part of Lot 1-A and Part of Lot 1-B, Davidson Addition, City of Brenham, Washington County, Texas, and Authorize the Mayor to Execute Any Necessary Documentation**

Purchasing Services Manager Wende Ragonis presented this item. Assistant City Manager Kyle Dannhaus passed out a handout of a map of the property, which was not included in the agenda packet. Ragonis explained that Purchasing Services issued Bid No. 13-006 on February 15, 2013 for the sale of two lots (0.3455 acres and 0.912 acres) on Chappell Hill Street. Ragonis stated that for Property 1, described as 0.3455 acres), the City received two bids. Stanpac USA, LLC which bid \$21,100.00 on Property 1 and Mr. Tommie Wellmann who bid \$20,250.00 on Property 1. Ragonis would like to award the bid to Stanpac for the sale of Property 1 in the amount of \$21,100.00.

Ms. Ross questioned the intent of the land use by the Purchaser. Ragonis stated that she was not aware of the Purchaser's intent of the land.

A motion was made by Councilmember Herring and seconded by Councilmember Goss to approve Bid No. 13-006 in the amount of \$21,100.00 to Stanpac for the sale of a certain 0.3455 acre tract of land, more or less, being the east part of Lot 1-A and part of Lot 1-B, Davidson Addition, City of Brenham, Washington County, Texas, 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	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

**12. Discuss and Possibly Act Upon Bid No. 13-006 for the Sale of a Certain 0.912 Acre Tract of Land, More or Less, Being Reserve No. 3 in the L. D. Brown Subdivision, City of Brenham, Washington County, Texas, and Authorize the Mayor to Execute Any Necessary Documentation**

Purchasing Services Manager Wende Ragonis presented this item. Assistant City Manager Kyle Dannhaus passed out a handout of a map of the property, which was not included in the agenda packet. Ragonis explained that Purchasing Services issued Bid No. 13-006 on February 15, 2013 for the sale of two lots (0.3455 acres and 0.912 acres) on Chappell Hill Street. Ragonis stated that for Property 2, described as 0.912 acres, the City received one bid. Mr. Tommie Wellmann bid \$30,250 on Property 2. Ragonis stated that a minimum bid of \$40,000.00 was placed on this property, but the City is willing to forgo the minimum bid and accept Mr. Wellmann's offer, should the Council chose to accept this offer. Ragonis would like to award the bid to Mr. Wellmann for the sale of Property 2 in the amount of \$30,250.00.

Councilmember Goss questioned Fire Chief Ricky Boeker about the Fire Department's possible use of the property for storage. Boeker stated that the property is not ideal for storage for his department because it is across the street. Boeker further explained that he and Assistant City Manager Kyle Dannhaus have discussed other possible locations for extra storage.

Assistant City Manager Kyle Dannhaus stated that the goal in selling the property is to get it back on the tax roll since the property currently unused. Mayor Pro Tem Nix expressed her concern that the property was appraised at \$40,000.00 and the bid the City received from Mr. Wellmann is significantly less than the appraisal. Nix stated that she felt like the City could get more money for the property. Nix stated to Dannhaus that just because the property is sold does not necessarily mean that it will go back on the tax roll.

Councilmember Barnes-Tilley questioned the minimum bid and appraisal amount. Ragonis stated that the City had an appraiser conduct an appraisal on the property to determine a minimum bid. Ragonis stated this is only a person's opinion on the property.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to waive the minimum bid requirement and approve Bid No. 13-006 in the amount of \$30,250.00 to Mr. Tommie Wellmann for the sale of a certain 0.912 acre tract of land, more or less, being Reserve No. 3 in the L. D. Brown Subdivision, City of Brenham, Washington County, Texas, and authorize the Mayor to execute any necessary documentation.

Mayor Tate called for a vote. The motion passed with 5-2 vote, with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
<b>Mayor Pro Tem Gloria Nix</b>	<b>No</b>
Councilmember Andrew Ebel	Yes
<b>Councilmember Danny Goss</b>	<b>No</b>
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

Council adjourned into Executive Session at 1:40 p.m.

#### **EXECUTIVE SESSION**

- 16. Section §551.074 – Personnel Matters – Discuss and Consider Compensation for Municipal Court Judges Julian Weisler and Robert Wright**
- 17. Section §551.074 – Personnel Matters – Discuss and Consider the Rescission of the Appointment of the Assistant City Attorney for City Prosecution in Municipal Court**

Executive Session adjourned at 2:50 p.m.

#### **RE-OPEN REGULAR SESSION**

- 18. Discuss and Possibly Take Action as a Result of Executive Session Regarding Compensation for Municipal Court Judges Julian Weisler and Robert Wright**

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to increase Judge Julian Weisler's salary by \$500.00 per month effective today through May 31, 2013.

No action was taken in regards to Judge Robert Wright at this point.

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	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

**19. Discuss and Possibly Take Action as a Result of Executive Session Regarding the Rescission of the Appointment of and Cancellation of the Agreement with the Assistant City Attorney for City Prosecution in Municipal Court**

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Goss to rescind the appointment of Scott Ballard as Assistant City Attorney for prosecution in Municipal Court and provide sixty (60) days written notice as outlined in the Agreement.

Councilmember Herring requested that the minutes reflect that this rescission of the appointment is not a reflection on Mr. Ballard's job performance. The rescission is strictly due to the lack of need for the position.

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	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

**WORK SESSION**

\*Councilmember Ebel was not in attendance during Work Session.

### **13. Discussion and Presentation of the Adopted City of Brenham Design and Construction Standards and Standard Specifications Regarding Curb Standards**

City Engineer Grant Lischka presented this item. City Manager Terry Roberts stated that the current Standards have been reviewed by Lischka because of their technicality and Lischka will give recommendations on possible changes for future developments. Lischka stated the City of Brenham adopted Design and Construction Standards in June of 1996 and Standard Specifications in August of 1996 to regulate development of both public infrastructure and private property. Lischka explained that a comprehensive review of these standards has begun to ensure the minimum requirements align with currently accepted and modern engineering practices and building methods and standards. These standards can be amended by the City Engineer by filing amendments for 30 days in the City Secretary's office before enforcement.

Most proposed changes will be how the City processes applications procedurally and technical updates. However, one item that is proposed to be changed is allowing the option of a "lay-down" curb on local residential streets, which will change the look of subdivisions, if allowed.

Councilmember Goss questioned if the curb was flat or sloped. Lischka explained that curb is approximately 3 inch sloped from face of curb to back. Lischka explained the difference is that it is 12 inches wide instead of standard 6 inches.

Mayor Pro Tem Nix questioned about what happens when the streets needs to be re-paved. Lischka stated that if they are concrete streets, then there will not be problems, but if they are asphalt streets, then Staff will need to discuss resurfacing streets. If overlay the street and this type of curb is present, there would be no curb left. Dannhaus stated a good maintenance program would have to be in place to avoid this problem.

Councilmember Barnes-Tilley states that she does not see the benefit of this type of curb. Barnes-Tilley states that this may be prettier, but if there are drainage issues then it could potentially be more work on the City in the future.

Councilmember Goss stated that the standards now have a ledge while this one does not. Dannhaus stated that the City would not allow for modifications to be performed that do not meet the standards. Lischka stated language changing the policy would be included and this new standard would be for new residential subdivisions. These new standards would not be for existing residential subdivisions. Nix expresses concern about drainage. Lischka explains that the current curbs cannot withstand a large downpour or 100 year storm. Development Services Director Julie Fulgham stated the City would not allow the new curb standards to be used unless it was part of the Master Plan and throughout an entire new subdivision.

#### **14. Presentation of the 2012 Annual Report by the Public Works Department**

Public Works Director Dane Rau presented this report. He covered the highlights for his department and also expressed his appreciation for all of the people in his department and for Council's support. In 2012, the Public Works Division for the City of Brenham had some major changes in the departments reporting to this division as well as some personnel changes. The departments within the Public Works Division were split to now include: Street Department, Facility Maintenance, Fleet Maintenance, Parks Maintenance, and the Sanitation Department.

#### **15. Presentation of the 2012 Annual Report by the Public Utilities Department**

Public Utilities Director Lowell Ogle presented this report. He provided an overview of each department within the Public Utilities Department including: electric, gas, water treatment, water distribution, wastewater collection, wastewater treatment, collection station, transfer station, residential collection, recycling, and utility billing. He recognized the department's accomplishments and expressed appreciation for his staff.

#### **20. Administrative/Elected Officials Report**

City Engineer Grant Lischka reported on the following:

- The flashing yellow light on 290 at Westwood is a new TXDOT standard.

City Manager Terry Roberts reported on the following:

- Little League starts on Saturday and Linda Anderson Park will be ready. WiFi will be available at Linda Anderson Park as well as many of the other parks.
- TXDOT engineering analysis study for cloverleaf and merge to be bidding soon for \$2 million dollar project on 36 North and 36 Business. Fox Engineering has been contracted to do engineering work, which should be completed within this calendar year between cloverleaf and merge.
- Fire Department's Fish Fry is tomorrow.
- A date has not been set yet, but keep in mind that in 2 months, the City will be in the budget cycle and will be planning a pre-budget meeting with Council. New Budget Manager, Kaci Konieczny, will be heading up the budget this year under the supervision of Carolyn Miller.
- April 11-13 will be the City's Spring Collection Days at Collection Station. The following week will be for the County.

The meeting was adjourned.

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Milton Y. Tate, Jr.  
Mayor

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Jeana Bellinger, TRMC  
City Secretary