

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on April 4, 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, Chief Financial Officer Carolyn Miller, Jamie Maurer, Susan Nienstedt, Joyce Mahanay, Crystal Dahlquist, Tammy Jaster, Fire Chief Ricky Boeker, Deputy Fire Chief Alan Finke, Brett Schroeder, Brian Scheffer, Cecil Wright, Josh Sebastian, Police Chief Rex Phelps, Development Services Director Julie Fulgham, Sarah Hill, Public Works Director Dane Rau, Leslie Kelm, Casey Redman, Bobby Branham, Public Utilities Director Lowell Ogle, Wanda Kramer, Kevin Boggus, Janie Mehrens, Grant Lischka, Angela Hahn, Shelley Addison, Meri-ane Allen, Ashley McDonald, Mary Sklar, Angeline Howard, and Dennis Krueger

Citizens present:

Clint Kolby, Perry Thomas, Casey Acker, Frank and Jodeen Cierroechi, William Krueger, Barbara and Danny Ross, Homer Carmean, Jerry Calvert, and Diane Alexander

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 Goss

3. 3-a. New Employees

- Meri-ane Allen - Communications
- Ashley McDonald - Police Department
- Mary Sklar - Utility Billing
- Angeline Howard - Utility Billing
- Sarah Hill - Development Services
- Dennis Krueger – Sanitation Department

3-b. Service Recognitions

- Joyce Mahanay – 5 years
- Alan Finke – 35 years

Assistant Fire Chief Alan Finke thanked his Fire Department team that was on shift today that came to Council today. He stated the success of the Fire Department is teamwork.

4. Special Recognitions and Presentations

2013 Tyler Public Sector Excellence Award - Wanda Kramer

Mayor Tate stated that the item will be presented at a later date when Wanda Kramer has the award to present at Council.

5. Proclamations

➤ **Disabled Veteran’s Day – April 23, 2013**

Mayor Tate read a proclamation designating April 23, 2013 as Disabled American Veterans Day. The Proclamation was accepted by Robert Squyres.

➤ **Child Abuse Awareness Month – April 2013**

Mayor Tate read a proclamation designating the month of April 2013 as Child Abuse Awareness and Prevention Month. The Proclamation was accepted by a representative of CASA for Kids.

6. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

7. Statutory Consent Agenda

7-a. Minutes from the March 7, 2013 Council meeting

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Barnes-Tilley to approve the Statutory Consent Agenda Item 4-a. minutes from the March 7, 2013 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

WORK SESSION

8. Presentation of the 2012 Municipal Court Statistics

City Manager Terry Roberts stated that Municipal Court Administrator Rhonda Kuehn is out of the office due to an illness; therefore, she will present this item at the next Council meeting.

9. Presentation of the Recreation and Aquatics Department Update

Recreation Superintendent Jamie Maurer, Recreation Coordinator Crystal Dahlquist and Aquatics Coordinator Tammy Jaster presented this item. Recreation Superintendent Jamie Maurer presented an overview of the Recreation and Aquatics Presentation. Recreation Coordinator Crystal Dahlquist discussed the programs the Recreation Department provides for the City, the Field Users, Athletic Events hosted by the City of Brenham, and Department Marketing. Aquatics Coordinator Tammy Jaster discussed Blue Bell Aquatic Center's (BBAC) yearly totals, programs and the three pools. Jaster stated BBAC received Agency of the Year – Class III for the second consecutive year.

10. Discussion and Update on Potential Areas for Annexation into the Corporate Boundaries of the City of Brenham

City Engineer Grant Lischka presented this item. Lischka stated Staff has identified several areas for potential annexation. Lischka explained these areas were selected due to recent utility extensions, at the property owner's request or because of their vicinity to existing infrastructure and development pressure.

The areas Staff specifically identified are as follows:

1. West of State Highway 36 South and east of the BNSF Railroad
2. West of State Highway 36 North at FM 577
3. West of State Highway 36 North between U.S. 290 West and BNSF Railroad
4. East of FM 577 and South of U.S. Highway 290 East

11. Discussion and Presentation on Street, Curb and Sidewalk Design Standards in New Residential Developments

City Engineer Grant Lischka presented this item. Lischka reiterated that as discussed in the March 21st Council work session, 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 stated 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.

Lischka explained that Staff has been approached by a developer that is requesting the option of a lay-down curb on local residential streets. Lischka stated if allowed, the lay-down curb will change the look of new residential subdivisions. Lischka stated that Staff has evaluated the request and has the following suggestions if lay-down curbs are allowed:

1. They may only be used on new local residential streets constructed in new subdivisions (collector streets shall have standard curb, even if inside the subdivision)
2. If lay-down curbs are used in a subdivision, all residential streets must match (no mixing standard curbs and lay-down curbs) and transitions will be approved by the City Engineer
3. All streets with lay-down curb must be constructed of concrete (no asphalt)
4. Sidewalks must be provided on both sides of the road and may not be next to the curb
5. Developer must submit drainage calculations that show the curb is designed to provide adequate drainage (this is required for standard curb also)

Vice President Brenham Operations Manager of Jones & Carter, Inc., William Krueger stated the advantage to lay down curbs is the contractor does not have to breakout the curb for the driveway. Krueger stated that the disadvantage of the lay down curb is that there is less curb to contain storm and rain water. Krueger stated lay down curbs are used in College Station and Houston. Krueger stated there is not much of a cost cut for lay down curbs as compared to standard curbs.

Councilmember Barnes-Tilley expressed she feels that the only benefit to the lay down curb is the look rather than the cost factor because there doesn't seem to be much of a cost savings.

Lischka stated additionally, while reviewing these specifications, Staff discovered that the City of Brenham currently requires sidewalks to be constructed at the time a lot is developed. Lischka stated that he believes that the only way to have a successful sidewalk program is to require it at the time of subdivision development. Lischka stated the new residential subdivision's Homeowners' Association would be responsible for sidewalk maintenance, not the City. There are a few options for a sidewalk policy which are:

1. Eliminate the sidewalk requirement;
2. Keep the requirement as is and work to better enforce sidewalk development as a lot is built on;
3. Amend the specification to require sidewalks at the time of subdivision development;
4. Require sidewalks to be built at the time of development, but only on one side of the street; and/or
5. Require sidewalks on all streets classified higher than local (require them on collectors, arterials, etc.).

Lischka reminded Council that these standards can be amended by the City Engineer by filing amendments for 30 days in the City Secretary's office before enforcement.

12. Discussion and Presentation on Mobile Home/Manufactured Home Subdivisions, including Section 23-25 of the City of Brenham's Code of Ordinances

Development Services Director Julie Fulgham presented this item. Fulgham stated the Development Services Department has conducted research regarding Manufactured Home Park/Subdivision frontage regulations found within Subdivision Ordinances. Fulgham reiterated Section 23-25 of the City of Brenham Code of Ordinances outlines that the maximum frontage for a manufactured home park/subdivision development is 400 feet and the minimum frontage is 200 feet. Fulgham stated maximum frontage regulations are related to aesthetics.

Fulgham explained minimum frontage regulations are intended so that a manufactured home park/subdivision has adequate access to a public right-of-way. If Section 23-25 were relaxed or removed, the following City of Brenham codes would regulate minimum frontage requirements:

1. ETJ properties would be required to have a minimum frontage, if it is developed as urban lots (all utilities provided). Rural lots in the subdivision ordinance are required to have a minimum lot width of 125 feet and low-density residential lots in the subdivision ordinance are required to have a minimum lot width of 110 feet. (Mr. Adolph Wehmeyer's requested manufactured home park development, presented to Council at the March 7, 2013 Council meeting, would be classified as an urban lot development since all utilities were to be provided. This is consistent with the R-3 zoning district standards, and the terms of the annexation development agreement.)
2. New manufactured home parks/subdivisions located within an R-3 zoning district, (and within the City limits), do not specifically call out a minimum lot width and only require a minimum site size of 4 acres. Additionally, the R-3 zoning district requires each home space within the park to be a minimum of 5,000 square feet. However, a minimum lot in an R-3 District for a single manufactured home is 60 feet and staff would interpret the minimum lot size for any manufactured home park development to be 60 feet.

Fulgham explained the Development Services Department reached out to ten (10) Texas cities: Athens, Beeville, Belton, Dumas, Gainesville, Huntsville, Lockhart, Navasota, Mount Pleasant, and Sulphur Springs. Fulgham stated all of the cities we received responses from regulate manufactured home parks/subdivision; however, there is little consistency other than their regulations is limited to zoning ordinances and not subdivision ordinances. Fulgham explained the City of Brenham appears to have the most comprehensive manufactured home park/subdivision regulations.

Councilmember Goss stated that he was under the impression that at the last Council meeting where this was discussed, the recommendation was to eliminate the frontage language in the Code of Ordinances.

Councilmember Barnes-Tilley stated the recommendation was to research the matter further so that more discussion could take place before determining whether or not to remove the frontage requirements. Barnes-Tilley stated she did research nationwide and kept coming across the 200 feet, but there were no specifications where the figure came from. Barnes-Tilley explained that she does not feel comfortable removing the frontage requirements to fit one person's request without better knowledge of why it was included in the Code of Ordinances originally.

Councilmember Ebel suggested Wehmeyer bring Variance back to Council to be reviewed again.

Councilmember Barnes-Tilley advised the Code of Ordinances be left as is for now and Wehmeyer bring another Variance request to Council.

Councilmember Goss stated to take out the maximum and minimum frontage.

Mayor Pro Tem Nix expressed her mixed emotions on the subject. At this point, she does not have an opinion either way, but she does think the Ordinance is there for a reason.

REGULAR AGENDA

13. Discuss and Possibly Act Upon an Ordinance on Its First Reading Authorizing the Placement of Stop Signs on Chappell Hill Street at Its Intersection with Pecan Street

Public Works Director Dane Rau presented this item. Rau handed out a redlined version of the Ordinance with changes made by City Attorney Cary Bovey. Rau stated the City of Brenham has received a request to place two stop signs on Chappell Hill St. at its intersection with Pecan St. Rau explained this intersection has been discussed routinely with Staff and local residents.

Rau stated that Staff has reviewed and discussed the pros and cons of placing stop signs at this location numerous times. Rau explained the data that has been looked at does not warrant stop signs at this location, but there can be benefits outside of the statistics that could help this intersection with the placement of stop signs on Chappell Hill Street. Rau stated this intersection is not the easiest to cross and does have some sight distance issues when vehicles are looking to cross over Chappell Hill St. from Pecan.

Mrs. Ross expressed her concerns with the speed on Chappell Hill Street. Ross stated there were no speed limit signs until recently and cars fly down this street at excessive speeds.

A citizen expressed his concerns with the amount of traffic on Chappell Hill Street from the hours of 7:00-8:30am, 11:00am-1:00pm, and 4:00-6:00pm. He stated there is a lot of traffic and speeding that occurs.

Councilmember Barnes-Tilley questioned if it would be problematic to add stop signs at this location. Rau explained the only downfall that he anticipates is the noise of the trucks starting and stopping as well as the stop signs backing up traffic.

Police Chief Rex Phelps explained he has studies of similar intersections over a 2 year period. Phelps stated the scale is measured from 0-7 relating to accidents at the location. This particular intersection is listed as a 7, which is the most extreme. Phelps explained there have only been 2 accidents at this location that were reported in the past two years; however, he is aware that minor accidents have occurred here that were not reported to them. Phelps stated they have been tracking speed on this road and there does not seem to be a problem; however, the data could be skewed due to approach the speed trailer, which could mean speeding is worse than the data shows.

Councilmember Herring stated that when you are attempting to turn from Pecan Street onto Chappell Hill Street, you must turn really fast to avoid an accident due to the speed of vehicles traveling on this road.

A citizen explained an occurrence when he was trying to turn from Pecan Street to Chappell Hill Street. He stated he looked both ways with no traffic approaching, but when he turned, another vehicle came upon him very quickly and also hit him. Thankfully another car was not coming the opposite direction because the other vehicle had to swerve to miss colliding with the citizen's vehicle.

A motion was made by Councilmember Williams and seconded by Councilmember Herring to approve an Ordinance on its first reading authorizing the placement of stop signs on Chappell Hill Street at its intersection with Pecan Street in accordance with revisions of the Ordinance.

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

14. Discuss and Possibly Act Upon an Ordinance on Its First Reading Authorizing the Placement of Two Additional Stop Signs at the Intersection of Tison and W. Stone Streets

Public Works Director Dane Rau presented this item. Rau handed out a redlined version of the Ordinance with changes made by City Attorney Cary Bovey. Rau explained this intersection is an awkward intersection that currently has traffic stopping on W. Stone St. with traffic having the right-of-way on Tison St.

Rau explained if you drive down W. Lubbock and W. Stone St., you will notice that this is the only street that does not have a stop sign preventing traffic from entering onto one of these thoroughfare streets. Rau further explained most vehicles tend to want to stop on Tison because it seems like you would be yielding to the larger street, being W. Stone. Rau explained by placing two stop signs on Tison, it will allow all residential streets intersecting W. Stone or W. Lubbock to have the same pattern.

Police Chief Rex Phelps explained he has studies of similar intersections over a 2 year period. Phelps stated the scale is measured from 0-7 relating to accidents at the location. This particular intersection is listed as a 0, which is the least extreme. Phelps explained there have been 0 accidents at this location in the past two years.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Nix to approve an Ordinance on its first reading authorizing the placement of two additional stop signs at the intersection of Tison and W. Stone Streets with revisions.

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

15. Discuss and Possibly Act Upon the Appointment of a New Member to the Parks and Recreation Advisory Board

Recreation Superintendent Jamie Maurer presented this item. Maurer explained that due to his work schedule, Ed Mueshler submitted his resignation from the Parks and Recreation Advisory Board. Maurer stated Luis Mendoza submitted a Board Appointment Application to the City Secretary's office in August of 2012 and he is still interested in serving. Maurer recommended that Council appoint Mr. Mendoza to the Parks and Recreation Advisory Board due to the resignation of Mr. Mueshler.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve the appointment of Luis Mendoza to the Parks and Recreation Advisory Board.

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

16. Discuss and Possibly Act Upon a Request for a Noise Variance from American Cave Man Charities for a Fund-Raising Event Benefitting the Boys & Girls Club to be Held on April 27, 2013 from 1:00 p.m. – 10:30 p.m. and Authorize the Mayor to Execute Any Necessary Documentation

City Secretary Jeana Bellinger presented this item for Planning Technician, Kim Hodde. Bellinger explained American Cave Man Charities is requesting a Noise Variance for a Fund-Raising Event Benefitting the Boys & Girls Club to be Held on Saturday, April 27, 2013 from 1:00 p.m. – 10:30 p.m.

Fire Chief Ricky Boeker explained American Cave Man Charities is a local business owner who is doing a fundraiser including bar-b-que and antique cars to raise money for the local Boys & Girls Club. Boeker explained the festivities will take place in the parking lot by Green Grain on Commerce Street. Bellinger explained that this portion of the permit has already been approved.

Development Services Director Julie Fulgham explained they reached out to the Main Street Board regarding the fundraiser and they did not have a problem with it.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Nix to approve a request for a noise variance from American Cave Man Charities for a fund-raising event benefitting the Boys & Girls Club to be held on April 27, 2013 from 1:00 p.m. – 10:30 p.m. 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

17. Administrative/Elected Officials Report

Public Works Director Dane Rau reported on the following:

- The overlay project should be done by the end of the day then they will begin on their punch list, which should be completed by the end of the week.
- The Public Works Department has received good feedback on the improvements to Linda Anderson Park. Everyone seems to be really impressed with the improvements.

City Manager Terry Roberts reported on the following:

- Next Thursday, April 11, 2013, Business After Hours will be held at All Sports Building. This event is sponsored by the City of Brenham and Texas Commercial Waste.
- On April 18, 2013, there will be a presentation to Council regarding the new animal shelter by Chief Phelps and the Animal Shelter Task Force explaining the \$500,000.00 gift match challenge.

City Engineer Grant Lischka reported on the following:

- Staff met with TXDOT regarding the Westwood light. TXDOT stated the light malfunctioned on Friday, but that it has been fixed.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

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