

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on May 2, 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, Stacy Hardy, Jamie Maurer, Kaci Konieczny, Christi Korth, Tammy Jaster, Fire Chief Ricky Boeker, Deputy Fire Chief Allan Finke, Billy Rich, Development Services Director Julie Fulgham, Public Works Director Dane Rau, Casey Redman, Public Utilities Director Lowell Ogle, Dane Bybee, Norma Rodriguez, Kevin Boggus, and Grant Lischka

### Citizens present:

William Krueger, Kathleen Rooker, Megan McCoy, Marcus Lawhon and Kirk Hanath

### 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 Herring**

**3. 3-a. New Employees**

- John Bellinger – Water Construction

**3-b. Service Recognitions**

- Norma Rodriguez – 5 years
- Jamie Maurer – 10 years

**4. Proclamation**

- **Municipal Secretaries Week – May 5–11, 2013**

Mayor Tate read a proclamation designating May 5-11, 2013 as Municipal Secretaries Week. The Proclamation was accepted by City Secretary Jeana Bellinger and Deputy City Secretary Amanda Klehm.

- **Arson Prevention Week – May 5–11, 2013**

Mayor Tate read a proclamation designating May 5-11, 2013 as Arson Prevention Week. The Proclamation was accepted by Deputy Fire Chief Allan Finke. Finke handed out a Protecting Homes Against Arson brochure to Council.

**5. Citizens Comments**

City of Brenham resident, Kathleen Rooker, (606 E. Main St) addressed the Council about Country Boys Cuts Barber Shop located across the street from her residence. Rooker stated this has been an ongoing problem for many years. She stated there are late nights, loud music, loitering, partying, and profanity, which occur at the barber shop location. Rooker stated that she has made multiple calls to the police and written several letters to Ms. Skaggs, the building owner, with no response to date from the business owner.

Rooker asked the Council if there was something they could do to regulate the happenings at this location. Mayor Tate requested that Rooker to leave her contact information with City Secretary, Jeana Bellinger, and the City would look into this matter and contact her with an answer.

## CONSENT AGENDA

### 6. Statutory Consent Agenda

- 6-a. **Discuss and Possibly Act Upon Ordinance No. O-13-009 on Its Second Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas; Amending the Official Zoning Map to Grant a Specific Use Permit at 704 Durden Street (Legal Description Being Block 8, Lot 3 of the Durden Courts Addition in the City of Brenham, Washington County, Texas), to Allow an Auxiliary Church Use on the Property**
- 6-b. **Discuss and Possibly Act Upon Ordinance No. O-13-010 on Its Second Reading to Repeal Ordinance O-12-025 and Grant a Non-Exclusive Franchise to Texas Disposal Systems, Inc. to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits**

Mayor Tate advised that Consent Agenda Item # 6-c. will be moved to the first item on the Regular Agenda by request of a Councilmember.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve the Statutory Consent Agenda Item 6-a. Ordinance No. O-13-009 on its second reading amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas; amending the official zoning map to grant a Specific Use Permit at 704 Durden Street and 6-b. Ordinance No. O-13-010 on its second reading to repeal Ordinance O-12-025 and grant a non-exclusive franchise to Texas Disposal Systems, Inc.

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

### 7. Presentation of the 2012 Municipal Court Statistics

Mayor Tate advised that Item #7 will be passed to another Council meeting due to the presenting staff member being out ill.

**REGULAR AGENDA**

**6-c. Discuss and Possibly Act Upon Ordinance No. O-13-011 on Its Second Reading to Approve a Variance from Section 23-25(3), Subdivision Ordinance of the Code of Ordinances to Allow the Development of a New Mobile Home Park on Approximately 19.3 Acres Located on FM 389 and Situated Directly West of the Eight Star Corporation’s Mobile Home Park (Formerly Known as Wehmeyer Mobile Home Park)**

A motion was made by Councilmember Ebel and seconded by Councilmember Williams to approve a variance from Section 23-25(3), Subdivision Ordinance of the Code of Ordinances to allow the development of a new mobile home park on approximately 19.3 acres located on FM 389 and situated directly west of the Eight Star Corporation’s Mobile Home Park (formerly known as Wehmeyer Mobile Home Park).

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

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

**8. Discuss and Possibly Act Upon Resolution R-13-005 Authorizing the Submission of a Grant Application for the 2013 Bulletproof Vest Partnership through the Bureau of Justice Assistance for the Brenham Police Department and Authorize the Mayor to Execute Any Necessary Documentation**

Lieutenant Billy Rich presented this item. Rich explained this is a yearly grant with the Bulletproof Vest Partnership (BVP), created by the Bulletproof Vest Partnership Grant Act of 1998 is a U.S. Department of Justice initiative designed to provide a critical resource to state and local law enforcement. Rich stated the grant funding will reimburse up to \$3,049.80 for the purchase of bulletproof vests.

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to approve Resolution R-13-005 authorizing the submission of a grant application for the 2013 Bulletproof Vest Partnership through the Bureau of Justice Assistance for the Brenham Police Department in the amount of \$6,099.60 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	Yes

**9. Discuss and Possibly Act Upon Change Order No. 1 and Final Payment to Kieschnick General Contractors for the 2012 Valmont Water System Improvement Project and Authorize the Mayor to Execute Any Necessary Documentation**

Mayor Tate advised the Council that Item #9 will be passed at this meeting due to incorrect language on the agenda and will be presented at the next Council meeting.

**10. Discuss and Possibly Act Upon Resolution No. R-13-006 Authorizing Execution of an Agreement with TxDOT for the Temporary Closure of State Right-of-Way in Connection with the 2013 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be Held on July 6, 13, 20, and 27, 2013**

Deputy City Secretary Amanda Klehm presented this item. Klehm stated that due to the period of time the road closures for 2013 Downtown Summer Concert Series Hot Nights, Cool Tunes, TxDOT requires the City to execute an Agreement with TxDOT for the temporary closure of state right-of-way on July 6, 13, 20, and 27, 2013. Klehm stated Police Chief Rex Phelps and Fire Chief Ricky Boeker have both approved the event permit and noise variance for this event.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Ebel to approve Resolution R-13-006 authorizing execution of an agreement with TxDOT for the temporary closure of state right-of-way in connection with the 2013 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be held on July 6, 13, 20, and 27, 2013.

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	Yes

**11. Discuss and Possibly Act Upon a Request for a Noise Variance in Connection with Hot Nights, Cool Tunes Summer Concert Series to be Held from 4:00 P.M. to 11:00 P.M. on July 6, 13, 20, and 27, 2013**

Deputy City Secretary Amanda Klehm presented this item. Klehm stated Main Street Brenham has requested a noise variance request for the 2013 Downtown Summer Concert Series called Hot Nights, Cool Tunes from 4:00 p.m. until 11:30 p.m. on July 6, 13, 20, and 27, 2013. Klehm explained that there will be a free concert, children’s activities, food and beverage sales and a classic car cruise-in. Klehm stated Police Chief Rex Phelps and Fire Chief Ricky Boeker have both approved the event permit and noise variance for this event.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve a request for a noise variance in connection with the 2013 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be held from 4:00 p.m. to 11:00 p.m. on July 6, 13, 20, and 27, 2013.

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	Yes

Council adjourned into Executive Session at 1:24 p.m.

**EXECUTIVE SESSION**

**12. Section 551.072 – Deliberation Regarding Real Property – Discussion Concerning Possible Acceptance of Property for Future Park Purposes**

Executive Session adjourned at 2:25 p.m.

**RE-OPEN REGULAR AGENDA**

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

City Manager Terry Roberts reported on the following:

- The Maifest Parade is on Saturday.

The meeting was adjourned.

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Milton Y. Tate, Jr.  
Mayor

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Jean Bellinger, TRMC  
City Secretary

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