

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on May 16, 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, Rhonda Kuehn, Kaci Konieczny, Susan Nienstedt, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Development Services Director Julie Fulgham, Public Works Director Dane Rau, Public Utilities Director Lowell Ogle, Gary Jeter, Angela Hahn, and Grant Lischka

Citizens present:

Dorothy Morgan, Presiding Judge Roy May, Associate Judge Robert Wright, Clint Kolby, Jeff Tilley, James Madison, Kirk Hannath, Don Voelter, Byron McAdams, Craig Kankel, Dr. and Mrs. Nolte, and Kathryn Nolte

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 – City Manager Terry Roberts**

3. Administer Oaths of Office to Elected Officials and Issue Certificates of Election for Council Positions:

Place 2 – Ward 2 Weldon Williams

City Secretary Jeana Bellinger read the Certificate of Office and Dorothy Morgan, retired Washington County Judge administered the Oath of Office to Weldon C. Williams, Jr. for the Place 2 – Ward 2 position on the City Council of the City of Brenham, Texas for a two (2) year transitional term, to expire in May, 2015.

Place 1 – Ward 1 Keith Herring

City Secretary Jeana Bellinger read the Certificate of Office and Associate Judge Robert G. Wright, City of Brenham Municipal Court, administered the Oath of Office to Keith Herring for the Place 1 – Ward 1 position on the City Council of the City of Brenham, Texas for a four (4) year term, to expire in May, 2017.

Place 3 – Ward 3 Andrew Ebel

City Secretary Jeana Bellinger read the Certificate of Office and Dorothy Morgan, retired Washington County Judge administered the Oath of Office to Andrew Ebel for the Place 3 – Ward 3 position on the City Council of the City of Brenham, Texas for a four (4) year term, to expire in May, 2017.

Place 5, At Large Mary Barnes-Tilley

City Secretary Jeana Bellinger read the Certificate of Office and Dorothy Morgan, retired Washington County Judge administered the Oath of Office to Mary E. Barnes-Tilley for the Place 5 – At-Large position on the City Council of the City of Brenham, Texas for a four (4) year term, to expire in May, 2017.

Place 6, At Large Gloria Greenwade Nix

City Secretary Jeana Bellinger read the Certificate of Office and Presiding Judge Roy May, Washington County Justice of the Peace, Precinct 3, administered the Oath of Office to Gloria Greenwade Nix for the Place 6 – At-Large position on the City Council of the City of Brenham, Texas for a four (4) year term, to expire in May, 2017.

4. Proclamation

➤ **2013 Motorcycle Awareness Month - Share the Road Campaign**

Mayor Tate read a proclamation designating May 2013 as Motorcycle Awareness Month - Share the Road Campaign. The Proclamation was accepted by a citizen.

5. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

6. Statutory Consent Agenda

The Statutory Consent Agenda includes non-controversial and routine items that Council may act on with one single vote. A councilmember may pull any item from the Consent Agenda in order that the Council discuss and act upon it individually as part of the Regular Agenda.

6-a. Minutes from the April 18, 2013 and May 2, 2013 City Council Meetings

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve the Statutory Consent Agenda Item 6-a. Minutes from the April 18, 2013 and May 2, 2013 City Council Meetings.

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

Municipal Court Administrator Rhonda Kuehn presented this item. Kuehn went over the statistics, which encompassed the last four fiscal years. Kuehn answered questions about the statistics and about state fees and reports.

City Manager Terry Roberts praised Kuehn and her team for a well-run operation with little complaints from patrons. Roberts stated the case load breaks down to roughly 30 cases a day in regards to working days.

8. Discussion and Presentation on the Community Oriented Policing Services (COPS) 2013 Hiring Program Grant

Police Chief Rex Phelps presented this item. Phelps stated, in accordance with the current personnel and staffing plan the police department is requesting two additional officers to complete the staffing of the patrol squads. Phelps explained these two officer positions are needed to ensure minimum staffing for officer safety and service delivery. Phelps stated there are only three patrol officers per patrol squad with one supervisor, but their minimum staffing due to community demand and officer safety is a minimum of four.

Phelps explained that they are running so thin in terms of personnel that if an employee gets sick, takes vacation, retires, or is assigned training, they run on a skeleton crew, which causes an obvious safety concern and eventually can be detrimental to morale.

Phelps presented information to explain the best management of their personnel resources would be to reorganize the department layout and shift two officers to the patrol division, but he explained there would still be a need for the additional two officers. Phelps explained that the grant his department would like to apply for will roughly cover 75% of salary and benefits for the two additional officers for three (3) years, which would leave a 25% commitment from the City. Phelps is requesting permission to apply for the hiring grant.

Councilmember Barnes-Tilley asked if this item would be included in next year's budget or if the City would have to find funds in this year's fiscal budget. Phelps explained that if they were awarded the grant, it would be included on the next fiscal budget.

Councilmember Goss directed his question at Chief Financial Officer Carolyn Miller regarding the annual salary, benefits, and expenses of an officer. Miller explained the annual salary and benefits is roughly \$60,000.00 per officer. Goss further questioned if the grant covered uniforms and vehicles. Phelps explained that the grant only covered the salary and benefits for the officers. Phelps stated uniforms are roughly \$6,000.00 per officer. Phelps plans to use two of the four annually budgeted police cars for the new officers and phase out only two vehicles instead of the usual four.

Phelps stated part of the grant's requirements include that the City must retain the positions at least one (1) year after the three (3) year grant period has ended.

REGULAR AGENDA

9. Discuss and Possibly Act Upon Resolution R-13-008 Authorizing the Submission of a Grant Application to Community Oriented Policing Services (COPS) for the 2013 Hiring Program to Employ Two Additional Police Officers and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to approve Resolution R-13-008 authorizing the submission of a grant application to Community Oriented Policing Services (COPS) for the 2013 Hiring Program to employ two additional police officers 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 the Renewal of the Contract with Perdue, Brandon, Fielder, Collins, & Mott, LLP for Municipal Court Fines and Fees Collection Services and Authorize the Mayor to Execute Any Necessary Documentation

Municipal Court Administrator Rhonda Kuehn presented this item. Kuehn explained this amendment would allow the City of Brenham to continue its contract with a third party collections firm. Kuehn explained they have been with the current collection's firm for two years and have had a good working relationship. Kuehn explained that the City is on a month to month contract for now and can cancel with 30 day notice at any time. Kuehn stated she went over the new contract with City Attorney Cary Bovey and they only made small changes, which Perdue, Brandon, Fielder, Collins, & Mott, LLP has agreed to. Perdue representative, Doug Calame, was present to answer questions.

Councilmember Herring questioned Section 4 of the contract, which allows 30% add-on fees. Perdue representative, Doug Calame, stated this is to cover costs of non-adjudicated cases before 2003. Kuehn explained that the City did not send any of those cases to them for collections.

Perdue representative, Doug Calame, stated they surpassed the goal of twenty percent in two (2) years. Calame stated the numbers are closer to thirty percent at this point and they look forward to increasing those numbers in the future for the City.

A motion was made by Councilmember Herring and seconded by Councilmember Goss to approve the renewal of the contract with Perdue, Brandon, Fielder, Collins, & Mott, LLP for municipal court fines and fees collection 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 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 Change Order No. 1, Change Order No. 2 (Reconciliation), and Authorize Final Payment to Kieschnick General Contractors for the Valmont and Salem Road Water System Improvements and Authorize the Mayor to Execute Any Necessary Documentation

Public Utilities Director Lowell Ogle presented this item. Ogle stated Kieschnick General Contractors has completed work to extend a 12” water main from Industrial Blvd into the Valmont property as well as installed some infrastructure within their property. Ogle explained the project also included extending a 12 inch water main down Salem Road to Highway 36 South. Ogle explained the project did have two (2) change orders. Ogle stated Change Order No. 1 was for supplemental insurance that ultimately was not needed and Change Order No. 2 was a reconciliation. Ogle stated the total project came in \$8,378.35 under the original bid amount.

A motion was made by Councilmember Williams and seconded by Councilmember Ebel to approve Change Order No. 1, a reduction in the amount of \$1,500, Change Order No. 2, a reduction in the amount of \$6,878.35, and approve final payment to Kieschnick General Contractors in the amount of \$47, 128.38 for the Valmont and Salem Road Water System Improvements 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 #1006.079-WG/WH for 2013 Water Distribution System Improvements and Authorize the Mayor to Execute Any Necessary Documentation

Public Utilities Director Lowell Ogle presented this item. Ogle stated the base bid included the installation of 2560 feet 6” PVC, 225 feet of 6” polyethylene and 410 feet of 8” water lines along Allison Street and Walnut Street to replace existing AC water lines. Ogle explained the project consists of several connections to existing water lines of various sizes, fire hydrant installation, service connections, asphalt pavement repair, and related appurtenances to replace the existing lines. Ogle stated four bids were received on the project with M&C Fonseca Construction, Inc. submitting the lowest bid in the amount of \$306,800.00. Ogle explained this was a budgeted item.

Councilmember Williams questioned the difference in the four bids. O’Malley Engineer Craig Kankel explained the top three (3) bidders are close in amount while the fourth bidder is significantly higher probably because his specialty is not in water distribution systems.

A motion was made by Councilmember Goss and seconded by Councilmember Barnes-Tilley to award Bid #1006.079-WG/WH to M&C Fonseca Construction, Inc in the amount of \$306,800.00 for 2013 Water Distribution System Improvements 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

13. Discuss and Possibly Act Upon Granting an Access Easement to Brenham Independent School District for Access Across City Owned Land from the Future Alton Elementary School Site to South Austin Street

Assistant City Manager Kyle Dannhaus presented this item. Dannhaus stated Brenham Independence School District approached the City regarding utilizing a narrow strip of land at the southern end of the water treatment plant for a one-way driveway connection from the future Alton Elementary School site (formerly the old Brenham Elementary School site) and South Austin Street. Dannhaus explained this easement grants BISD access to use this narrow strip of land for this access with the following conditions: (1.) The access easement is only to BISD and is no longer valid if they sell the land; and (2.) The easement will be revoked if state or federal laws governing the water treatment plant facility, located on the northern portion of this City owned land, requires abandonment of the easement for the City to comply with any applicable state or federal laws. Dannhaus stated the traffic patterns proposed is for parent drop-off traffic to enter the school site on South Market Street and progress either to this one-way exit driveway onto South Austin Street, or turn south and exit onto Tom Green Street via Church Street.

Dannhaus explained there will be no cross traffic off the easement; right turn only. Dannhaus advised the City has the ability to deny access if BISD requests to be able to turn left off the easement. Dannhaus stated that BISD has been agreeable to this point and have done what the City has asked of them.

Councilmember Herring questioned if the improvements made by BISD to the City's property will need to be reimbursed if the City gets the property back. Dannhaus stated BISD is covering the costs for improvements to the easement land. City Attorney Cary Bovey stated they can add language to the contract relinquishing liability to cover the City.

Dannhaus stated the City does have the right to close the easement for temporary use if necessary for repair of the water tank, but they will try to keep these repairs where it does not interfere with school traffic unless it's an emergency. BISD representation, Byron McAdams, stated BISD would only use the easement between 7:30am-8:30am and 3:00pm-4:00pm; otherwise, the gates to the easement will be closed. McAdams further stated no buses will be allowed on the easement, only parents. McAdams stated that BISD will be putting up gates and plans to work with the City on accessibility to the driveway.

McAdams stated that he does not foresee back up on Market Street because buses will be directed to go left towards Tom Green Street, while parents will be directed to go right. It was the consensus of the Council that an Ordinance be passed to help enforce the no left turn requirement.

A motion was made by Councilmember Goss and seconded by Councilmember Herring to approve granting an access easement with changes discussed to Brenham Independent School District for access across City owned land from the future Alton Elementary School site to South Austin Street and changes subject to the Mayor's approval.

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

(Note: The City Council will convene in Conference Room 2A, 2nd Floor of City Hall, for Work Session and Administrative/Elected Officials Report)

14. Discussion and Presentation on Amendments to the Thoroughfare Plan Map Within the City of Brenham's Envision 2020 Comprehensive Plan

Development Services Director Julie Fulgham presented this item. Fulgham stated that the Thoroughfare Plan is comprised of two elements: (1.) a map showing existing and planned roads by functional classification and right-of-way width; and (2.) an associated report on roadway and transportation corridor plans within a community. Fulgham explained a thoroughfare plan map is an integral part of a City's development regulations. Fulgham stated that Staff and the Planning and Zoning Commission have been working on amendments to the City of Brenham's existing thoroughfare plan map to ensure the City has adequately planned for transportation corridors.

After a lengthy discussion about the thoroughfare plan, it was a consensus of the Council that the following changes be made to the Thoroughfare Plan before it is brought back to Council for adoption:

1. Adjust the alignment of Lauraine Street so that the off-set intersection with FM 577 is straightened and corrected.
2. Extend North Day Street to South Austin Street to the north of the Austin-Day crossover to connect the two corridors and eliminate the 90-degree turns along Tom Green Street.
3. Reduce the curve in the proposed collector street creating the Stringer St to FM 109 connection.

15. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- May 23, 2013 at 8:30 a.m. in Conference Room 2-A will be the ILA workshop meeting.
- May 30, 2013 at 8:30 a.m. in Conference Room 2-As will be the Pre-Budget meeting.
- The City was fined by TCEQ due to a mercury violation at the wastewater treatment plant. The department is still looking at the causes. The City will be paying the fine to the Supplemental Environmental Project (SEP).
- Mr. Roberts and Fire Chief Ricky Boeker will have a meeting with the County Volunteer Fire Chiefs tonight for a brief overview of the fire ILA with the County to answer any questions they may have.
- Mr. Roberts will be out on vacation next week Monday-Wednesday. He will return to office on Thursday.

Mayor Tate reported on the following:

- Meeting with Judge Brieden tomorrow to go over the animal services and fire service ILAs.
- Reminded the Council that they will vote on the decisions made at the May 23rd ILA workshop meeting at the first or second meeting in June depending on the outcome of the May 23rd meeting.

Councilmember Williams reported on the following:

- The website is steadily improved and everyone should register for notifications from CodeRed.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary