

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on June 6, 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 Mary E. Barnes-Tilley  
Councilmember Andrew Ebel  
Councilmember Danny Goss  
Councilmember Keith Herring  
Councilmember Weldon Williams, Jr.

### Members absent:

None

### Others present:

City Manager Terry K. Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, Deputy City Secretary Amanda Klehm, Chief Financial Officer Carolyn Miller, Stacy Hardy, Jamie Maurer, Kaci Konieczny, Wende Ragonis, Susan Nienstedt, Christi Korth, Kristi Jackson, Fire Chief Ricky Boeker, Deputy Chief Alan Finke, Doug Maurer, Greg Nienstedt, Jerred Eschete, Police Chief Rex Phelps, Kim Hodde, Public Works Director Dane Rau, Casey Redman, Public Utilities Lowell Ogle, Wanda Kramer, Debbie Gaffey, Alton Sommerfield, Gary Jeter, Kevin Boggus, Angela Hahn, Janie Mehrens, Kyle Branham, Pam Ruenke, Stephen Draehn, Mandy Hodde, and Grant Lischka

### Citizens present:

C.H. Harvey, Jennifer Schroeder, Casey Acker, Dorothy Morgan, Marjorie Stark, Clint Kolby, Judy Hyman, and Page Michel

### 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 Attorney Cary Bovey**

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

- Cynthia Longhofer – Accounting Manager
- William DeWayne Lucius – Maintenance Superintendent
- Russell Phelps – Electric Apprentice Lineworker
- Brooke Ripple – Telecommunications Operator Trainee
- Kaitlin Long - Telecommunications Operator Trainee
- Shannon Selden - Telecommunications Operator Trainee

**3-b. Service Recognitions**

- Kyle J. Branham – 5 years
- Victorino A. Ortiz – 10 years
- Brett R. Schroeder – 10 years
- Gloria G. Nix – 15 years

**3-c. Awards**

- Wanda Kramer – 2013 Tyler Public Sector Excellence Award for Local Government Division

**4. Citizens Comments**

There were no citizen comments.

**CONSENT AGENDA**

**5. 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.

**5-a. Minutes from the May 14, 2013 and May 16, 2013 City Council Meetings**

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to approve the Statutory Consent Agenda Item 5-a. minutes from the May 14, 2013 and May 16, 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 Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Yes

## REGULAR AGENDA

### 6. Discuss and Possibly Act Upon the Election by Council of Mayor Pro Tem

Councilmember Weldon Williams nominated Gloria Nix for Mayor Pro Tem.

A motion was made by Councilmember Williams and seconded by Councilmember Herring to appoint Gloria Nix to serve as Mayor Pro Tem.

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

### 7. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County for Animal Control Services and Authorize the Mayor to Execute Any Necessary Documentation

Mayor Tate stated the proposal from the County came on Tuesday after the City's agenda was already posted; therefore, the City cannot discuss the County's proposal. Tate advised the County's proposal caught the City by surprise and the agenda was not able to be changed at that date to allow for discussion.

City Manager Terry Roberts presented this item. Roberts stated the animal control services fees as stated in the Interlocal Agreement are \$65.00 for each animal control call and \$175.00 for each animal bite call. Roberts explained the Interlocal Agreement is for 18 months from July 1, 2013 – December 31, 2014 with a provision for termination of the agreement by either party with 120 day notice without cause. Roberts reminded Council that they removed the free three calls in December from the previous agreement with the County.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve an Interlocal Agreement between the City of Brenham and Washington County for animal control services for \$65.00 for animal control and \$175.00 for bite cases 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

**8. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County for Animal Shelter Services and Authorize the Mayor to Execute Any Necessary Documentation**

City Manager Terry Roberts presented this item. Roberts stated the animal shelter fee as stated in the Interlocal Agreement is \$103.00 for each animal. Roberts explained the calculations to arrive at the fee included the shelter budget with offset revenue and the City applied the percentage of animals surrendered to the shelter that were from the County with the average of the last three years, which equaled forty-four percent of the net budget. Roberts explained the Interlocal Agreement is for 18 months from July 1, 2013 – December 31, 2014 with a provision for termination of the agreement by either party with 120 day notice without cause. Roberts stated the agreement states both parties must meet once before June 30, 2014 to discuss extension or new agreement before the December 31, 2014 deadline.

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to approve an Interlocal Agreement between the City of Brenham and Washington County for animal shelter services for \$103.00 per animal 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 a Resolution No. R-13-009 Supporting the Construction of a New Regional (Brenham-Washington County) Animal Shelter Facility**

Police Chief Rex Phelps and City Manager Terry Roberts presented this item. Phelps stated the Animal Shelter building is on its last leg and due to the age and viability; it will not meet the State's requirements or the community's expectations. Phelps explained the donor has offered \$500,000.00 towards a new Animal Shelter facility and the Animal Shelter Task Force has pledged to raise \$500,000.00; therefore, half of the cost of the new shelter facility will be donated. The donor asks that the City and County match the donor and fundraising. The donor would like the City and County to show their commitment to the project; therefore, a Resolution is being recommended today for Council's commitment to the new shelter facility.

Councilmember Goss states this is a joint project promoted by the donor, who is asking for equal shares from the City and County. Goss states that currently we are basing the cost on the number of animals brought into the shelter per year, but Goss requested the City changes the amount to be equal shares from both entities. Goss states this is a joint venture and has nothing to do with operations, so each entity should be equally responsible for the cost of the facility at \$500,000.00 each.

Councilmember Barnes-Tilley states she appreciates Councilmember Goss' recommendation because this is a joint facility and she supports his recommendation.

Mayor Pro Tem Nix questions what happens regarding the Donor's monetary offer if the County does not participate in the construction of the new facility? Roberts explains the Resolution states if the County does not participate, the City will bring a new Resolution for the Council's consideration. Phelps explains that he is not sure regarding the Donor's monetary offer in that scenario.

A motion was made by Councilmember Williams and seconded by Councilmember Barnes-Tilley to approve Resolution No R-13-009 supporting the construction of a new regional (Brenham-Washington County) animal shelter facility with the changes requested by Councilmember Goss in the amount of \$500,000.00.

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

**10. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County for Fire Protection and Fire Rescue Services and Authorize the Mayor to Execute Any Necessary Documentation**

City Manager Terry Roberts presented this item. Roberts explained the fees for fire services are not annual, but based on a per run cost and each run is different, so the cost will vary per run. Roberts explained that there are three types of fire calls: rescue, structure/house fires, and grass fires. The cost for rescue call is \$732.00 per run. The cost for structure/house fire call is \$600.00 per run. The cost for grass fire call is \$501.00 per run. Roberts stated the fees do not include standby.

Councilmember Goss recommended the fees be changes from a per run basis to a per hour per call basis. Goss stated the Brenham Fire Department was on scene this past Sunday for 3 hours out in the County on a call where, according to the new fee schedule, the City would only be reimbursed for one hour of service. Mayor Tate explained most calls are under or at an hour; therefore, he doesn't think changing to an hourly rate will produce more revenue.

Councilmember Herring questioned Fire Chief Ricky Boeker on the average time on scene for fire calls. Boeker stated the average fire call is 52 minutes on scene. Councilmember Goss questioned how many calls are over an hour? Boeker referred to the statistics presented in the packet: sixty-two (62) calls were 45 minutes or less, twenty (20) calls were 45 minutes to an hour, and twenty-seven (27) calls were more than an hour. Boeker stated the average \$603.00 per run is about 25% of the total average calls in the City and the County, which would equal the County paying an average of \$65,000.00 per year for fire service based on the fee schedule.

Fire Chief Ricky Boeker stated the fees changed because the City increased by \$120.00 for volunteer equipment and insurance cost, which is a change from ten to twenty percent. The twenty percent was determined by the average of calls in the last five years outside the City limits.

Councilmember Goss questioned Boeker regarding how much time has to pass at a call before they have to back fill the station. Boeker stated there are four guys at the station at a time and if only one person at the station, they will call in an off duty officer to help cover the station.

Councilmember Barnes-Tilley stated it seemed the City and County were close to coming to an agreement before the County proposal was introduced. Citizen C.H. Harvey stated a volunteer is a volunteer. Harvey stated the more volunteers that are at the scene, the more risk is involved. Boeker stated that when they get on the scene, they do not have volunteers standing around. Boeker stated everyone is hurting for people because fires can wear out people fast. Harvey states it seems to him that the City is nickel and diming the matter and micromanaging especially if both parties were close to an agreement. Harvey stated he supports the City and their proposal.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve an Interlocal Agreement between the City of Brenham and Washington County for fire protection and fire rescue services as presented in ILA documentation 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

**11. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County for Library Services at the Nancy Carol Roberts Memorial Library and Authorize the Mayor to Execute Any Necessary Documentation**

City Manager Terry Roberts presented this item. Roberts stated the State of Texas currently recognizes the library as a City-County Library, but the County is only providing \$30,000.00 toward the O&M Budget, which equates to 7% of the total budget. Roberts explained that the consensus of the Council is that this amount is not sufficient and, with half the card holders from the County, the County should pay 50% of the total budget.

Mayor Tate questioned the significance of accreditation. Administrative Services Manager Wende Ragonis stated accreditation conveys prestige and opens up the possibility of grants and access to databases for research and references. Ragonis stated currently the library has not met its accreditation requirements because they fell short of money spent due to the lack of a head librarian, but they plan to appeal for next year. Ragonis explained if the City accepts any money from the County, they will have to serve the entire population.

Councilmember Barnes-Tilley questioned the difference between Regional Library and City Library in regards to accreditation. Barnes-Tilley stated if City only, the library will serve 15,000 citizens, but if Regional (City-County) Library, the library will serve 33,000 citizens. Ragonis stated if the library reverts to City only, then they can reduce cost in regards to staff, training, and circulation material due to the smaller constituency they would be required to serve in accordance with the State.

Councilmember Herring questioned how the move to City Library would impact the database for clientele? Ragonis stated the change would impact Tech Share and would decline if the library cannot meet accreditation. Ragonis is going tomorrow to appeal regarding accreditation.

A motion was made by Councilmember Williams and seconded by Councilmember Goss to approve an Interlocal Agreement between the City of Brenham and Washington County for library services at the Nancy Carol Roberts Memorial Library with each entity providing half the cost of O&M budget 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

**12. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County Related to the Operation of and Improvements to Linda Anderson Park and Authorize the Mayor to Execute Any Necessary Documentation**

City Manager Terry Roberts presented this item. Roberts stated they are not recommending an increase in cost of operating Linda Anderson Park; therefore, the County contribute of \$35,000.00 will remain the same.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve an Interlocal Agreement between the City of Brenham and Washington County related to the operation of and improvements to Linda Anderson Park as presented 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

**13. Discuss and Possibly Act Upon Resolution No. R-13-010 Amending the Thoroughfare Plan Map Within the City of Brenham's Envision 2020 Comprehensive Plan**

City Engineer Grant Lischka presented this item. Lischka stated the Resolution was brought back to Council after the three (3) changes suggested by Council at the two (2) previous work sessions have been made to the Thoroughfare Plan.

A motion was made by Councilmember Goss and seconded by Councilmember Williams to approve Resolution No. R-13-010 amending the Thoroughfare Plan Map within the City of Brenham's Envision 2020 Comprehensive Plan.

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

**14. Discuss and Possibly Act Upon Bid #13-007 for Bulk Water Treatment Chemicals and Authorize the Mayor to Execute Any Necessary Documentation**

Public Utilities Director Lowell Ogle presented this item. Ogle handed out a revised Memo with corrections to the bid award name and recommended action. Ogle stated the bid for bulk water treatment chemicals is for a year contract and is an annual bid.

A motion was made by Councilmember Goss and seconded by Councilmember Herring to approve Bid #13-007 for bulk water treatment chemicals and award the annual contract to Brenntag Southwest for liquid aluminum sulfate in the amount of \$194.45/dry ton, General Chemical for caustic soda in the amount of \$251.80/liquid ton and award the annual contract to AOC Praxair for chlorine in the amount of \$0.26525 per lb 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

**15. Discuss and Possibly Act Upon a Vocational Work Contract Between the City of Brenham and the Brenham State Supported Living Center, a Department of Aging and Disability Services (DADS) Facility, for Litter Management Services and Authorize the Mayor to Execute Any Necessary Documentation**

Public Works Director Dane Rau presented this item. Rau stated the City of Brenham has contracted with the Brenham State Supported Living Center to help manage litter in City Parks. Rau stated this agreement is a renewal of those services in which clients assist the City of Brenham on a daily basis to manage litter throughout the 7 parks and numerous facilities.

Rau explained currently the State Supported Living Center conducts this service daily for 8 hours utilizing 5 clients, 1 Supervisor, and 1 Monitor. Rau stated a litter sweep of each park is conducted and all trash barrels are bagged, emptied, and new bags are placed in the barrels. Rau explained for the last 5 years these services cost approximately \$1800 per month; however, with this renewal the State Supported Living Center is asking for an additional increase of \$400 a mo. which would put the service at \$2,200 per month.

Rau stated the term of this agreement is for 60 months to begin on the date executed and shall remain in effect until August 31, 2014 with automatic renewals for four (4) additional one (1) year periods. Rau explained the total project is \$132,000 paid at a rate of \$2,200 per month.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Nix to approve a Vocational Work Contract between the City of Brenham and the Brenham State Supported Living Center, a Department of Aging and Disability Services (DADS) Facility, for litter management services as presented in the packet with increase for period of five (5) years 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

Citizen C.H. Harvey addressed Council stating they entered into an agreement with him, which is not being honored on the City's part. Harvey stated he is not opposed to the obligation to provide for projects, but, in exchange, the City needs to go to the voters prior to spending funds on streets as promised. Harvey stated he has not requested a Freedom of Information Request, but he will if he is forced to. Harvey stated the City should honor the solemn promises made to him by the City because Harvey has kept up his end of the deal. Harvey stated before the City goes too far with this, they need to think before proceeding forward [with spending more money on streets without taking it to the voters]. Harvey stated the Certificates of Obligation need to go to the voters to ask for bonds. Harvey stated the City officials are Servants, not Masters. Harvey stated the City has not heard the last of him on this matter.

Council adjourned into Special Executive Session with BCDC at 2:21pm.

## **EXECUTIVE SESSION**

### **2. Texas Government Code Section 551.072 – Deliberation Regarding Real Property – Discussion and Deliberation Concerning Possible Acquisition and Development of Real Property for Future Park Land**

Executive Session adjourned at 3:23pm.

## **RE-OPEN REGULAR SESSION**

## **WORK SESSION**

### **16. Discussion and Presentation on Possible FY2013-14 City Street Improvement Program**

Public Works Director Dane Rau and City Engineer Grant Lischka presented this item. Lischka stated an inventory of the City's streets is currently being performed by Staff to establish the current condition of the City's approximately 81 miles of streets and to help in developing a reconstruction and maintenance program.

Lischka stated the last street inventory was performed in 2006 and identified streets that were in need of reconstruction, overlays, seal coating, patching, crack sealing and other general maintenance. Lischka explained the streets were broken into four categories based on their condition: good (20%), satisfactory (25%), fair (35%), and poor (20%).

Rau explained that while the City has been actively reconstructing streets, a robust maintenance program has not been implemented in order to preserve newly reconstructed streets and to extend the life of existing streets, which has led to a continued deterioration of the street system. Rau stated maintenance items include: crack sealing, seal coating, slurry seal, overlay, overcoat, base failure repair, pot holes, utility patches and other general items.

Rau explained that currently, the Street Department performs "spot" reconstruction out of their maintenance budget (a recent example is Jefferson Street), but, while this has allowed the City to reconstruct a small number of street sections every year (usually less than 1 mile), it has pulled money away from the maintenance budget that should be spent on pavement maintenance.

Rau explained in the past, the City has utilized private contractors and City personnel to perform reconstruction and maintenance projects, but if a program was implemented that used City personnel, additional equipment would need to be purchased. Council would like to begin a maintenance program, but that would mean the City loses one (1) mile of street reconstruction a year.

## 17. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- Council Meetings
  - June 20, 2013
  - July 11, 2013
  - July 18, 2013
- At the June 20, 2013, Council will need to make decisions on the Interlocal Agreements with the County regarding Animal Control & Fire Services to know how to proceed forward
- At this point, the City does not have anything official from the County regarding their proposal.

The meeting was adjourned.

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Gloria Greenwade Nix  
Mayor Pro Tem

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Amanda Klehm  
Deputy City Secretary