

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on June 20, 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, Deputy City Secretary Amanda Klehm, Stacy Hardy, Kaci Konieczny, Fire Chief Ricky Boeker, Deputy Fire Chief Alan Finke, Police Chief Rex Phelps, Development Services Director Julie Fulgham, Allen Jacobs, Kim Hodde, Public Works Director Dane Rau, Public Utilities Director Lowell Ogle, Stephen Draehn, Pam Ruemke, Angela Hahn, Janie Mehrens, Randall Spradlin, and Grant Lischka

Citizens present:

Jay Petrash, Kirk Hanath, Dorothy Morgan, Don Voelter, Joy Fuchs, Mary Whigham, Leonard Addicks, Angela Knauss, and Marlene Schumake

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 – Mayor Pro Tem Nix**

3. Proclamation

➤ **The C. C. & Sadie Smith Family Reunion**

Mayor Tate read a proclamation designating Saturday, June 22, 2013 as The C.C. & Sadie Smith Family Reunion Day. The Proclamation was accepted by Councilmember Andrew Ebel on behalf of his wife's family.

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 23, 2013 and May 30, 2013 City Council Meetings

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve the Statutory Consent Agenda Item 5-a. Minutes from the May 23, 2013 and May 30, 2013 City Council Meetings.

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

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|-------------------------------------|-----|
| 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 an Ordinance on Its First Reading Amending Chapter 8, Fire Protection and Prevention, of the Code of Ordinances of the City of Brenham, Texas by Amending Article IV, Substandard Buildings and Structures

Development Services Director Julie Fulgham presented this item. Fulgham explained the amendments were a comprehensive re-write of the Substandard Building Ordinance in order to outline and become compliant with state regulations. Fulgham stated this revised Ordinance allows the City to comply with state law requirements.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Herring to approve an Ordinance on its first reading amending Chapter 8, Fire Protection and Prevention, of the Code of Ordinances of the City of Brenham, Texas by amending Article IV, Substandard Buildings and Structures.

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 a Recommendation for Appointment to the Building and Standards Commission

Development Services Director Julie Fulgham presented this item. Fulgham handed out the applications for the reappointments for three (3) commissioners. Fulgham stated this Commission is required to have five (5) commissioners. The Commission currently has three (3) commissioners that need to be reappointed and two (2) persons who would like to be appointed to the Commission. The two (2) new Commissioners are Jason Kiemsteadt and Lloyd Pieper. The three (3) Commissioners who need to be reappointed are Johnny Andrade, Walt Edmonds, and Stoney Lacina.

A motion was made by Councilmember Ebel and seconded by Councilmember Barnes-Tilley to appoint Jason Kiemsteadt and Lloyd Pieper to the Building and Standards Commission and reappoint the three (3) Commissioners.

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

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|-------------------------------------|-----|
| 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 Ordinance on Its First Reading Prohibiting Turns Into and Left Turns Out of the Connector Driveway of Alton Elementary School

City Engineer Grant Lischka presented this item. Lischka stated the Ordinance will grant law enforcement officers the ability to enforce the Ordinance and write tickets for violations regarding the left turn only out of the connector driveway of Alton Elementary School.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve an Ordinance on its first reading prohibiting turns into and left turns out of the connector driveway of Alton Elementary School.

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

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|-------------------------------------|-----|
| 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 Approval of a Ground Space Lease Agreement with Michele Bright dba Bright Star Aviation, LLC for Hangar Space at the Brenham Municipal Airport

Planning Technician Kim Hodde presented this item. Hodde stated this is a standard ground space lease agreement for hangar space at the Brenham Municipal Airport. Hodde explained Michele Bright wants to construct a 70x80 hangar (5,600 sq. ft.) at the airport along with the area behind her hangar, which is otherwise unusable. Hodde stated with the standard 10 feet on each side plus the additional 110 feet on the rear side, the lease space will be 18,000 square feet (90x200) at \$0.08 cents per square foot.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve the ground space lease agreement with Michele Bright dba Bright Star Aviation, LLC for hangar space at the Brenham Municipal Airport.

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 Approval of a Ground Space Lease Agreement with A.J. Foyt for Hangar Space at the Brenham Municipal Airport

Planning Technician Kim Hodde presented this item. Hodde stated this is a standard ground space lease agreement for hangar space at the Brenham Municipal Airport. Hodde explained A.J. Foyt wants to construct a 110x120 hangar (13,200 sq. ft.) at the airport. Hodde stated with the standard 10 feet on each side plus 10 feet on the rear side, the lease space will be 16,900 square feet (130x130).at \$0.08 cents per square foot.

A motion was made by Councilmember Williams and seconded by Councilmember Goss to approve the ground space lease agreement with A.J. Foyt for hangar space at the Brenham Municipal Airport.

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 Approval of a Ground Space Lease Agreement with Richardson & Dunn dba J&S Water Wells for Hangar Space at the Brenham Municipal Airport

Planning Technician Kim Hodde presented this item. Hodde stated this is a standard ground space lease agreement for hangar space at the Brenham Municipal Airport. Hodde explained John Richardson wants to construct a 64x60 hangar (3,840 sq. ft.) at the airport. Hodde stated with the standard 10 feet on the east side and the rear, plus an additional 35 feet on the west side, the lease space will be 9,520 square feet (119x80) at \$0.08 cents per square foot.

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to approve the ground space lease agreement with Richardson & Dunn dba J&S Water Wells for hangar space at the Brenham Municipal Airport.

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

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|-------------------------------------|-----|
| 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 Approval of Two (2) Ground Space Lease Agreements with John Richardson dba JR Leasing for Hangar Space at the Brenham Municipal Airport

Planning Technician Kim Hodde presented this item. Hodde stated this is a standard ground space lease agreement for two hangar spaces at the Brenham Municipal Airport. Hodde explained for Lease #1 - John Richardson wants to construct a 50x60 hangar (3,000 sq. ft.) at the airport. Hodde stated with the standard 10 feet on each side, the lease space will be 5,600 square feet (70x80) at \$0.08 cents per square foot. Hodde explained for Lease #2 - John Richardson wants to construct a second 50x60 hangar (3,000 sq. ft.) at the airport. Hodde stated with the standard 10 feet on each side, the lease space will be 5,600 square feet (70x80) at \$0.08 cents per square foot.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve two (2) ground space lease agreements with John Richardson dba JR Leasing for hangar space at the Brenham Municipal Airport.

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 an Ordinance on Its First Reading Amending Chapter 6, Buildings and Structures, Article X, Swimming Pools, Section 6-145 of the Code of Ordinances of the City of Brenham

Development Services Director Julie Fulgham presented this item. Fulgham explained the amendments were made to clarify swimming pool regulations and alleviate any confusing or unspecific language in the Ordinance. Fulgham stated the amendments are standard and remove all of the other references to other sections within the Ordinance and outline all of the regulations in one place.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve an Ordinance on its first reading amending Chapter 6, Buildings and Structures, Article X, Swimming Pools, Section 6-145 of the Code of Ordinances of the City of Brenham.

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

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|-------------------------------------|-----|
| 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 Change Order No. 2, Change Order No. 3 (Reconciliation), and Final Payment to Supak Construction, Inc. for the 2012 Water Distribution System Improvements and Authorize the Mayor to Execute Any Necessary Documentation

Public Utilities Director Lowell Ogle presented this item. Ogle handed out a revised agenda item form with the corrected recommendation. Ogle stated Supak Construction, Inc. has completed work to replace sections of water lines. Ogle explained Change Order No. 2 was to pay for the addition of a fire hydrant on Longhofer and to relocate a hydrant on South Day Street that needed moving to allow room to replace the lead, gate valve, and valve box, which was \$2,000.

Ogle stated Change Order No. 3 (reconciliation) included an additional 140 feet of 6” PVC to tie in to existing lines, some additional services that were installed and additional pavement repair due to the increased footages, which was \$10,412.00. Ogle stated the construction portion of the project totaled \$349,283.00 including the change orders.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Williams to approve Change Order No.2 in the amount of \$2,000, Change Order No. 3 in the amount of \$10,412 and approve final payment to Supak Construction, Inc. in the amount of \$34,928.30 for work completed on the 2012 Water Distribution System Improvements Project.

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

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|-------------------------------------|-----|
| 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 Resolution No. R-13-011 Regarding the Gas Fund and Maintenance of Cash Reserves

Public Utilities Director Lowell Ogle presented this item. Ogle stated the City is a charter member of the Joint Gas Purchase Contract with Municipal Gas Acquisition and Supply Corporation. Ogle stated the contract is administered by Municipal Energy Resources Corporation (MERC). Ogle explained during 2008 when the cost of natural gas rose exponentially, MERC adopted internal policies to address financial risk to protect the 74 municipal customers in the Joint Gas Purchase Program. Ogle stated they feel that all the municipal customers have joint responsibility for the Program and should maintain reserves sufficient to minimize the risk. Ogle explained until recently, compliance with these policies was not enforced by MERC, however, their private “A” stable bond rating could be affected if member cities do not comply. Ogle stated as of September 30, 2012, the Gas Fund unrestricted cash balance was \$668,729, which is below the requirement of \$850,000. Ogle stated the City explained that cash reserves were used for the AMR meter replacement; however, MERC is looking at the City’s ability to have unrestricted cash on hand to pay our gas supplier.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve Resolution No. R-13-011 Regarding the Gas Fund and Maintenance of Cash Reserves.

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

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|-------------------------------------|-----|
| 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 |

16. Discuss and Possibly Act Upon Washington County's Proposal to Operate Emergency Communications (as well as EMS and Jail) in Exchange for the City of Brenham Providing Animal Control Services, Animal Shelter Services, Fire Protection and Fire Rescue Services, and Library Services at the Nancy Carol Roberts Memorial Library Under a Comprehensive Interlocal Agreement and Potentially Discuss Other Current Interlocal Agreements Between Washington County and the City of Brenham and Authorize the Mayor to Execute Any Necessary Documentation, If Needed

City Manager Terry Roberts presented this item. Roberts stated the City would like to consider the County's offer. Roberts explained that Staff will work with the County to come up with a detailed proposal for Council's consideration. Mayor Tate stated that from his discussion with Judge Brieden, he believes that the County wants to sit down with the City and go over the details of the County's proposal. Tate stated one of the Commissioners brought the proposal to the Commissioners Court because they felt like the battle would be ongoing every year and this would be a possible solution to the continuous yearly problem. Tate explained the County proposes they take over Communication and run it as a department like EMS and the two entities call it even regarding providing services to the residents of the City and County. Tate states it would be a disservice to the citizens not to sit down with the County and discuss the details of the proposal.

Councilmember Barnes-Tilley stated the City has been very open to where the City is headed and what the City passed regarding ILAs is a good compromise with the County in her opinion. Barnes-Tilley stated due to the timing issue, she says it's hard to consider a proposal so quickly. Barnes-Tilley explains she is frustrated with the lack of detail and the proposal coming out of nowhere. Barnes-Tilley is comfortable exploring the option but not to accept because she feels that the ILAs that were passed two weeks ago were a good compromise for both parties.

Councilmember Goss states he wants a detailed report outlining the operations, support, and funding of the proposal before the Council will sit down and discuss the proposal. Goss states over the last eight (8) years that he has served on Council, the County always states they do not have funds to participate in the costs of services to the County residents so the City sucks it up and continues to provide the services to all residents, but now the County wants to take over a \$1.2 million dollar operation.

Councilmember Williams states the County has had the time to build up EMS and it runs well, but Communications is the same, but to hand over will be collateral damage and the City must consider the offer because it is reasonable; however, the City needs more detail on how it will be run and how the County plans to take over Communications. Williams states the County cannot run the same operation with less money without sacrificing service. Williams states his constituents have suggested the City and County use arbitration to settle the differences.

Councilmember Ebel states the City will need to look at the offer as a service to its constituents because the City does not know what the proposal is.

Councilmember Herring states he was not crazy about the proposal in the beginning, but he wants to look at it further. Herring explains, however, that he wants the County to go with the 18 month ILAs the City approved two weeks prior as a counter offer to the County's proposal.

A motion was made by Mayor Tate and seconded by Councilmember Ebel to consider the offer of the County and instruct the Staff to work with the County representatives to come up with a detailed proposal in connection with our exchange of these services.

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

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|-------------------------------------|-----|
| 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 |

17. Discuss and Possibly Act Upon the following Interlocal Agreements Between the City of Brenham and Washington County Related to: Animal Control Services, Animal Shelter Services, Fire Protection and Fire Rescue Services, Library Services at the Nancy Carol Roberts Memorial Library, and 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 this item is to discuss how the City would like to move forward with the current ILA agreements that are set to expire on June 30, 2013. Roberts stated that the City can let them expire or extend them until the City has had time to evaluate the County's proposal.

Councilmember Goss stated the City is on schedule for ILAs and if the County doesn't agree, then the process of unwinding the agreements will begin on July 1st.

Councilmember Barnes-Tilley states she would like to see the County accept the 18 month agreements and grant a 30 day extension on the current agreements for the County to react.

A motion was made by Mayor Tate and seconded by Councilmember Ebel to extend the June 6th agreements for 90 days with effective date of October 1, 2013 and the existing agreements to continue in the interim.

Mayor Pro Tem Nix questions what the motion means. Mayor Tate explains the 90 day extension will give the City time to look at the proposal and to come to agreement with County. Councilmember Herring states that he is leaning toward 30 day extension instead of 90 day extension. Councilmember Barnes-Tilley agrees with Councilmember Herring that the extension period should be 30 days instead of 90.

Mayor Tate called for a vote. The motion passed with a 4-3 vote, with Council voting as follows:

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

WORK SESSION

18. Discussion and Presentation on a Downtown Incentive Grant Policy

Main Street Manager Jennifer Eckermann presented this item. Eckermann stated the Main Street Board is requesting adoption of an Incentive Reimbursement Grant Policy that would make funds available for building and site improvements in the National Register District area. Eckermann explained the program would benefit the City of Brenham by making Downtown more attractive, increasing the economic vitality of the buildings, increasing sales tax and property values while preserving and enhancing Brenham's architectural and cultural history.

19. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- There was a handout laid around the Dias regarding the dates for the Legislative Session and Council Photo.
- Budget Workshops are scheduled for July 17th, 18th, and 19th

The meeting was adjourned.

Gloria Greenwade Nix
Mayor Pro Tem

Amanda Klehm
Deputy City Secretary