

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on November 21, 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 Mary E. Barnes-Tilley  
Councilmember Weldon Williams, Jr.

### Members absent:

Councilmember Keith Herring

### 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, Wende Ragonis, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Todd Jacobs, Billy Rich, Amanda Carker, Development Services Director Julie Fulgham, Public Works Director Dane Rau, Bobby Branham, Casey Redman, Public Utilities Director Lowell Ogle, Stephen Draehn, and Grant Lischka

### Citizens present:

Lete Phillips, Clint Kolby, Sallie Blackie-Single, Angela Knauss, and John Knapp

### Media Present:

Arthur Hahn and Caitlin Hahn, Brenham Banner Press; Frank Wagner, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Ebel**
- 3. Citizens Comments**

There were no citizen comments.

## CONSENT AGENDA

### 4. Statutory Consent Agenda

#### 4-a. Minutes from the November 7, 2013 City Council Meeting

#### 4-b. Discuss and Possibly Act Upon Ordinance No. O-13-027 on Its Second Reading Authorizing the Abandonment of Magnolia Street

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve the Statutory Consent Agenda Item 4-a. minutes from the November 7, 2013 City Council Meeting and 4-b. approving Ordinance No. O-13-027 on its second reading authorizing the abandonment of Magnolia Street.

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           |
| <b>Councilmember Keith Herring</b>  | <b>Absent</b> |
| Councilmember Mary E. Barnes-Tilley | Yes           |
| Councilmember Weldon Williams       | Yes           |

## WORK SESSION

### 5. Discussion and Presentation by the Police Chief Regarding an Update from the Animal Shelter Task Force Concerning the Future Shelter Facility

Police Chief Rex Phelps presented this item. Phelps stated the Animal Shelter Task Force respectfully requests to engage the Mayor and City Council in a discussion on items such as the naming of the new facility and the location options of the new facility. Phelps explained there are two location options identified and discussed the pros and cons of each potential location. Phelps stated one location is the existing lot next to the Police Department and the other is land donated by Animal Friends of Washington County. Phelps stated the Task Force believes the upcoming fundraising efforts would be more successful if the location is solidified and identified first by the City Council. Phelps stated the new animal shelter will be called the Brenham Pet Adoption and Care Center and their mission is to create a bond and optimize unification between people and pets. Phelps explained the majority of the Task Force likes the location next to the Police Department because it has long term stability and the location is close to 290.

Mayor Tate questioned the size of the lot at the Police Department site. Phelps stated the shelter facility would be around 8,000 square feet and the shelter could share parking with the Police Department. Phelps explained 2-3 acres is adequate for the shelter. Mayor Tate questioned if the Police Department site would have room for outside animals. Phelps explained the land between the Police Department and potential animal shelter lot would be kept isolated, but he would speak with businesses surrounding the location for their feedback. Phelps stated the new shelter facilities have less room for outside animals.

Councilmember Barnes-Tilley expressed her gratitude for the generous offer for land from the Animal Friends of Washington County, but she is more comfortable with the location by the Police Department. Councilmember Ebel and Councilmember Goss expressed their agreement with Councilmember Barnes-Tilley.

## **REGULAR AGENDA**

**6. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Code of Ordinances of the City of Brenham, Chapter 2, Administration, Article VII, Library Advisory Board, to Provide for the Powers, Duties, Organization, Operation, Board Membership and Additional Matters Related to the Library Advisory Board**

City Secretary Jeana Bellinger presented this item. Bellinger laid a redlined version of the Ordinance around the Dias cleaning up the language to address the City only library on Page 24, Section 2.82. Bellinger stated the Interlocal Agreement between the City of Brenham and Washington County for library services at the Nancy Carol Roberts Memorial Library ended on September 30, 2013. Bellinger explained due to the termination of the ILA, Chapter 2 of the Code of Ordinances mandating the membership, organization and operation of the Library Advisory Board needed to be amended accordingly. Bellinger explained the County seat on the Library Board will be replaced with a City at Large position.

Councilmember Williams stated they had a Library meeting the night before and it was a little rough because the new lady was in attendance at the meeting whom will be taking Zeb's spot. Councilmember Williams stated Zeb Heckmann looked surprised and upset about the removal of his seat on the Library Board. Chief Financial Officer Carolyn Miller stated they presented the Library Board with a revised Library Ordinance at a meeting a few months ago, so all members should have been aware of the changes to take place.

A motion was made by Councilmember Williams and seconded by Mayor Pro Tem Nix to approve an Ordinance on its first reading amending the Code of Ordinances of the City of Brenham, Chapter 2, Administration, Article VII, Library Advisory Board, to provide for the powers, duties, organization, operation, board membership and additional matters related to the Library 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           |
| <b>Councilmember Keith Herring</b>  | <b>Absent</b> |
| Councilmember Mary E. Barnes-Tilley | Yes           |
| Councilmember Weldon Williams       | Yes           |

**7. Discuss and Possibly Act Upon Resolution No. R-13-019 for the Election of Members to the Board of Directors of the Washington County Appraisal District**

City Manager Terry Roberts presented this item. Roberts explained a redlined version of the ballot sheet is laid around the Dias because the wrong numbers were put into the ballot that was included in the agenda packet. Roberts explained at the October 17, 2013 Council meeting, Resolution No. R-13-016 was approved for the nomination of Washington County Appraisal District Board members to serve a two-year term beginning January 1, 2014. Roberts stated our taxing entity received 590 votes; these votes can be cast to on candidate or distributed among any of the candidates. Roberts stated the candidates on the official ballot include John Schaer, Delton Koerth, Charles Gaskamp, Johanna Fatheree and Joel Romo, with the incumbent candidates receiving 118 votes each.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve Resolution No. R-13-019 for the election of members to the Board of Directors of the Washington County Appraisal District as modified.

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           |
| <b>Councilmember Keith Herring</b>  | <b>Absent</b> |
| Councilmember Mary E. Barnes-Tilley | Yes           |
| Councilmember Weldon Williams       | Yes           |

**8. Discuss and Possibly Act Upon an Ordinance on Its First Reading to Repeal Ordinance No. O-09-019 Relating to a Non-Exclusive Franchise to Impact Disposal Services, LLC to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits**

Deputy City Secretary Amanda Klehm presented this item. Klehm stated on November 5, 2009, Council approve an Ordinance on its second reading granting Impact Disposal Services, LLC a non-exclusive franchise to collect demolition/construction debris and or solid waste from commercial residential, and industrial sites using roll-off containers and/or commercial compactors. Klehm stated this ordinance was requested by Impact Disposal Services, LLC at that time. Klehm explained on November 12, 2013, the City of Brenham was notified by Ray Lauter,

Impact Disposal Services, LLC owner, that his company will no longer be operating in the City of Brenham; therefore, Staff recommends that Council repeal Ordinance O-09-019 which granted Impact Disposal Services, LLC authority to operate a roll-off container service for residents, businesses, and industries inside Brenham city limits.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve an Ordinance on its first reading to repeal Ordinance No. O-09-019 relating to a non-exclusive franchise to Impact Disposal Services, LLC to operate a roll-off container service for residents, businesses, and industries inside Brenham city limits.

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           |
| <b>Councilmember Keith Herring</b>  | <b>Absent</b> |
| Councilmember Mary E. Barnes-Tilley | Yes           |
| Councilmember Weldon Williams       | Yes           |

**9. Discuss and Possibly Act Upon an Ordinance on Its First Reading to Grant a Non-Exclusive Franchise to Legacy Waste Services to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits**

Deputy City Secretary Amanda Klehm presented this item. Klehm laid a redlined version of the Ordinance around the Dias with the corrected Section 8 with new wording as requested by Councilmember Goss. Klehm stated On November 12, 2013 we received a letter from Legacy Waste Services requesting to do business within the City of Brenham. Legacy Waste Services purchase Impact Disposal Services, LLC. They have never had a franchise in Brenham. Klehm explained Legacy Waste Services purchased Impact Disposal Services, LLC from Ray Lauter.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Ebel to approve an Ordinance on its first reading to grant a non-exclusive franchise to Legacy Waste Services to operate a roll-off container service for residents, businesses, and industries inside Brenham city limits with changes or modification made.

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           |
| <b>Councilmember Keith Herring</b>  | <b>Absent</b> |
| Councilmember Mary E. Barnes-Tilley | Yes           |
| Councilmember Weldon Williams       | Yes           |

**10. Discuss and Possibly Act Upon Bid No. 14-001 for the Purchase of a 53' Aluminum Refuse Trailer and Authorize the Mayor to Execute Any Necessary Documentation**

Public Works Director Dane Rau presented this item. Rau explained on November 13, 2013 the Purchasing Dept. opened bids for the purchase of an aluminum refuse trailer. Rau stated bids were sent to 4 manufactures with two bids received. Rau explained Travis Body and Trailer was the low bid received and met all bid specifications. Rau stated during the 2013-14 budget process a total of \$68,000 was budgeted for this trailer. Rau explained by purchasing this trailer it will add to the City's fleet of transfer trailers that are used on a daily basis to transport waste to the Austin landfill, which will ultimately replace the oldest 48' steel transfer trailer which is approaching 10 years old. Rau stated these trailers are used 6 days a week and transport over 20+ tons of waste on each trip. Rau stated the transfer station averages 4 trips per day to the landfill with other trailers being loaded throughout the day. Rau explained after buying this trailer, it will give us 6 trailers and 3 trucks. Rau explained over the last year Staff has seen the City's volumes increase approximately 1500 tons than the prior year.

Councilmember Goss questioned if this was a replacement trailer. Rau stated this trailer is the last in the fleet to replace a steel trailer with an aluminum trailer. Rau explained aluminum is lighter and doesn't rust. Rau explained the steel trailer will be sold on GovDeals.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve Bid No. 14-001 and award contract to Travis Body and Trailer in the amount of \$65,070.00 for the purchase of a 53' Aluminum Refuse Trailer 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           |
| <b>Councilmember Keith Herring</b>  | <b>Absent</b> |
| Councilmember Mary E. Barnes-Tilley | Yes           |
| Councilmember Weldon Williams       | Yes           |

Council adjourned into Executive Session at 1:28pm.

**EXECUTIVE SESSION**

**11. Section 551.072 – Deliberation Regarding Real Property – Discussion Concerning the Possible Donation and Acceptance of Land for Future Park Purposes**

Executive Session adjourned at 2:18pm.

## RE-OPEN REGULAR SESSION

### 12. Discuss and Possibly Act Upon a Development Agreement Related to the Donation of Land for Future Park Purposes and Authorize the Mayor to Negotiate and Execute Any Necessary Documentation

Councilmember Barnes-Tilley stated these are based on future plans and there is no timeline at this point for development of the park land.

A motion was made by Councilmember Goss and seconded by Councilmember Ebel to approve a development agreement related to the donation of land for future park purposes in accordance with the parameters, consideration and terms discussed in executive session and authorize the Mayor to negotiate and 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           |
| <b>Councilmember Keith Herring</b>  | <b>Absent</b> |
| Councilmember Mary E. Barnes-Tilley | Yes           |
| Councilmember Weldon Williams       | Yes           |

### 13. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- The County is available for a Joint Session on December 2<sup>nd</sup> at 10:00am.
- The Council meetings in January will be moved from January 2, 2014 and January 16, 2014 to January 9, 2014 and January 23, 2014.
- Council will still conduct its regular meeting on December 19, 2013 at 1:00pm.
- Councilmember Williams stated he filed an animal control complaint online and the website is working well.
- December 6, 2013 – Christmas Stroll and Lighted Parade.

The meeting was adjourned.

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Milton Y. Tate, Jr.  
Mayor

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Jeana Bellinger, TRMC  
City Secretary

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