

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on December 5, 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, Kaci Konieczny, Wende Ragonis, Susan Nienstedt, Cyndi Longhofer, Andria Heiges, Fire Chief Ricky Boeker, Deputy Fire Chief Alan Finke, Heath Moehlmann, Greg “Tank” Nienstedt, Development Services Director Julie Fulgham, Public Works Director Dane Rau, Dwayne Lucius, Nancy Stafford, Leslie Kelm, Public Utilities Director Lowell Ogle, Stephen Draehn, Gary Jeter, Kevin Boggus, Kyle Branham, and Grant Lischka

Citizens present:

Page Michel, Clint Kolby, Kyle Kendall, Mark Shafer, Lynwood Kindt, Joseph with Ambassador Higher Cleaning Standards

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 Barnes-Tilley**

3. 3-a. Service Recognitions

- Christopher S. Kokemor – Water Construction – 5 years
 - Christopher was not present.
- Nancy S. Stafford – Public Utilities – 5 years
 - Nancy was present and received her award.
- Fire Chief Ricky Boeker presented the new Fire Captain, Greg “Tank” Nienstedt

4. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

5. Statutory Consent Agenda

- 5-a. Discuss and Possibly Act Upon Ordinance No. O-13-028 on Its Second 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**
- 5-b. Discuss and Possibly Act Upon Ordinance No. O-13-029 on Its Second 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**
- 5-c. Discuss and Possibly Act Upon Ordinance No. O-13-030 on Its Second 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**

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve the Statutory Consent Agenda Item 5-a, 5-b, and 5-c as read.

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

6. Discussion and Update on the Tax Phase-In Compliance Review Committee Report(s) and Recommendation(s)

Project Manager with the Brenham Economic Development Foundation Clint Kolby presented this item. Kolby stated the Tax Phase-In Compliance Review Committee meets every year to review all of the current tax phase-in recipients who were granted the incentive to ensure that value creation and employment & payroll criteria are being met. Kolby explained the Committee consists of Susan Ebel and Catherine Kenjura representing the City of Brenham, Roger Chambers and John Gunn representing Washington County, and Willy Dilworth representing the Washington County Appraisal District with Page Michel and Clint Kolby of the Brenham Economic Development Foundation acting as liaisons for the Committee. Kolby stated this year, the Committee reviewed the following six companies for compliance: Advanced Data Storage, Stanpac, QuestVapco, Blue Bell Creameries, Valmont Industries and Longwood Elastomers. The Committee has verified that all six companies are in compliance with the criteria set forth in the Tax Phase-In Policy.

Councilmember Goss questioned the number of employees with Blue Bell Creameries. Kolby stated locally, they have approximately 870 employees.

REGULAR AGENDA

7. Discuss and Possibly Act Upon Resolution No. R-13-020 Re-Adopting the Guidelines and Criteria for Granting Tax Phase-In as Provided for in the City of Brenham “Policy Statement on Property Tax Phase-In Incentive for Selected Commercial Enterprises”

Project Manager with the Brenham Economic Development Foundation Clint Kolby presented this item. Kolby stated every two years the Tax Phase-In Policy needs to be reviewed and readopted. Kolby explained this incentive has proven to be an effective economic development tool with recruiting new companies to town and helping existing industry grow over the past several years. Kolby stated over 500 new jobs would be created with an approximate \$39 million new value creation. Kolby explained all six companies have met the value creation and employment & payroll criteria for receiving the tax phase-in incentive. Kolby stated the Brenham EDF Board of Directors recommends that the Tax Phase-In Policy be re-adopted with no changes made to it for 2014-15.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve Resolution No. R-13-020 re-adopting the guidelines and criteria for granting Tax Phase-In as provided for in the City of Brenham “Policy Statement on Property Tax Phase-In Incentive for Selected Commercial Enterprises.”

Councilmember Goss questioned if large retail companies were eligible. Kolby stated it is up to Council development, but the primary sector job in product export outside the County are usually the primary recipients.

Councilmember Barnes-Tilley stated all new companies or expansions should look into this opportunity.

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

8. Discuss and Possibly Act Upon Recommendations for Appointments and/or Re-Appointments to Various City Advisory Boards

City Manager Terry Roberts presented this item. Roberts discussed each Board and the appointments and re-appointments requested. Roberts explained there are five people seeking appointments and 22 incumbents seeking re-appointment. Roberts stated according to the City's policy, the Mayor and City Manager are to review the board appointments and offer a recommendation to the City Council. Roberts' recommendations are shown below:

Airport Advisory Board:

Jerry LeGard
Pat Elliott

Board of Adjustment and Appeals:

MaLisa Hampton
Arlen Thielemann

Brenham Community Development Corporation:

Atwood Kenjura
Darrell Blum
David Cone
Charles Moser

Brenham Housing Authority:

John Harris
Wanda Cooley
Ray Daugbjerg

Hotel Occupancy Tax Board:

Al Patel
Stephanie Wehring
Tiffany Winkles

Library Advisory Board:

Renee Mueller
Deborah Ottsen
Christy Van Dyke

Main Street Board:

Margie Young
Jon Hill
Mark Schneider

Parks Advisory Board:

Kenneth Goessler
Delbert Boeker
Pam Hohlt

Planning and Zoning Commission:

Charlie Pyle
Nancy Low
Deanna Alfred

Councilmember Barnes-Tilley questioned how the City recruits new people for Board appointments. Mayor Tate stated the application and Board information is located on the City's website. City Manager Terry Roberts stated some people apply on their own, while sometimes if Boards have vacancies, they ask for recommendations from current Board members or Staff.

Councilmember Herring questioned if we have a pool of people we chose from to serve on the Boards. City Secretary Jeana Bellinger stated we try to accommodate people's preferences when they request to serve, but sometimes they have to hold onto applications for vacancies if they are not available.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve the recommendations for appointments and/or re-appointments to various city advisory boards, as presented.

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

9. Discuss and Possibly Act Upon Ordinance No. O-13-031 on Its Second Reading Establishing New Speed Limits on U.S. Highway 290 from the East City Limit Line to Business U.S. 290 West

City Engineer Grant Lischka presented this item. Lischka laid a new motion, revised Ordinance, and an enlarged map around the Dias for better clarification for Council. Lischka stated TxDOT representative Mark Shafer was present to answer any questions. Lischka stated as previously discussed in work session, TxDOT performed a speed zone study in July 2013 on U.S. Highway 290 within the City Limits. Lischka explained after discussions with Staff, TxDOT proposed the following speed limits:

1. From the east City Limit line to Business U.S. 290 West, TxDOT is proposing a speed limit of 65 MPH in both directions.

Lischka explained Council approved an Ordinance on its first reading that established speed limits of 60 mph. Lischka stated after reviewing State law regarding the establishment of speed zones, the speed study performed by TxDOT does not support a speed limit of 60 mph. Lischka explained in order for the speed limit to be set at 60 mph, the 85th percentile speed must be lower than 65 mph. Lischka stated the TxDOT speed study had an 85th percentile speed of 69 mph. Lischka explained if the Council approves the ordinance with a 60 mph speed limit, then TxDOT will not replace the existing speed limit signs to reflect the new speed limit as set by the Ordinance. Lischka stated the speed studies were taken at several different locations from Mill Creek Road to the East City Limit line.

Mayor Pro Tem Nix questioned if the speed study was taken 7 days a week or 5 days a week. TxDOT representative Mark Shafer stated the speed study is conducted by looking at 125 vehicles or 2 hour time limit in the middle of the week to get a normal flow of traffic pattern. Mayor Tate questioned if they take wrecks and injuries into account when setting the speed limits. Shafer stated they look at the history of the location and accidents, but this location is not above average.

Councilmember Barnes-Tilley asked that it be explained what would happen if Council decreases speed limit further. Lischka stated lowering the speed limit too much can cause more problems because if the speed limit is set lower than average, the differential will be larger, which can lead to running into or onto other vehicles causing problems and accidents. Councilmember Goss questioned that we are setting the speed limit for those that are breaking the law. Lischka explained the higher speed limits on FM 577 are due to the fact that there are fewer areas of conflict or driveways in that area. Lischka stated these are the standard procedures for setting speed limits.

Councilmember Goss questioned if the City could change the speed limit to 60. Lischka explained TxDOT by state law cannot change the signs lower than what is shown in the speed study. Shafer stated to have legally enforceable speed limits, an Ordinance and engineer speed study must be in place; otherwise, a citizen can fight the ticket in court and will win. Citizen Kyle Kendall stated the speed isn't the problem. Kendall stated the flow of traffic and paying attention is the problem. Councilmember Williams stated the Council was basing their decision on what the citizens want.

A motion was made by Councilmember Goss and seconded by Councilmember Williams to approve Ordinance No. O-13-031 in its second reading establishing new speed limits on U.S. Highway 290 from the east City Limit line to Business U.S. 290 West.

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 Bid No. 14-003 for the Purchase of Road Base Materials for the Street Department and Authorize the Mayor to Execute any Necessary Documentation

Mayor Tate stated Staff has requested this item be passed.

11. Discuss and Possibly Act Upon Bid No. 14-002 for Janitorial Services for Various City Facilities and Authorize the Mayor to Execute any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau stated on November 19, 2013 the Purchasing Dept. opened bids for janitorial services for several city facilities. Rau explained there were 14 bids sent out with 5 completed bids received for the cleaning on 6 city facilities which include City Hall, Library, Police Station, Fire Station, Central Communications, and the Blue Bell Aquatic Center. Rau explained the low bidder was Ambassador Higher Cleaning Standards from Houston, TX at \$66,036.00. Rau stated for the past two years, Callie Korth has been our janitorial service provider and has done an excellent job. Rau explained Callie opted not to renew her contract for 2013-14, which initiated the bid process. Rau stated Staff has checked numerous references on Ambassador Higher Cleaning Standards and has been very satisfied with what Staff has heard about accountability, honesty, detailed work, professional image and improving on areas of concern throughout the contract. Rau explained overall, this contract will save the City of Brenham significant money from the previous contractor whose low bid was at \$95,935.72 in 2011. Rau stated if passed and approved by Council, this contract will become effective January 15, 2014. Rau stated Joseph with Ambassador Higher Cleaning Standards is present to answer any questions.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Ebel to approve Bid No. 14-002 and award contract to Ambassador Higher Cleaning Standards in the amount of \$66,036.00 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 a Correction to Bid No. 14-001 for a 53' Aluminum Refuse Trailer and Authorize the Mayor to Execute Any Necessary Documentation

Purchasing Manager Wende Ragonis presented this item. Ragonis stated Staff presented and Council awarded Bid No. 14-001 for a Live Floor Trailer at the November 21, 2013 Council meeting; however there was an error in the awarded bid amount. Ragonis stated Purchasing Services is presenting the Bid to Council to ask that the corrected Bid amount be awarded. Ragonis explained the amount initially presented at the November 21, 2013 Council meeting was \$65,070, which is the bid amount without the shipping charge of \$350. Ragonis explained the bid document requires the vendor to ship the item to the City of Brenham FOB, so the bid amount awarded by Council must include the shipping charge. Ragonis explained the corrected amount is of \$65,420.

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to approve a correction to Bid No. 14-001 for a 53' aluminum refuse trailer in the amount of \$65,420.00 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

Council adjourned into Executive Session at 1:42pm.

EXECUTIVE SESSION

13. Section 551.072 – Deliberation Regarding Real Property – Discussion Related to the Possible Acquisition of Property for the Temporary Relocation of the Nancy Carol Roberts Memorial Library

Executive Session adjourned at 2:30pm.

RE-OPEN REGULAR SESSION

14. Administrative/Elected Officials Report

Purchasing Manager Wende Ragonis reported on the following:

- The Lighted Christmas Parade and Christmas Stroll is tomorrow. The rainout line 337-7233 will have updates in the event of cancellation. The final determination on the parade will be made at 11am on Friday. There are 83 entries in the parade, which is headed by Crystal Dahlquist.
- December 23 – January 1 – the Library will be closed for inventory and in-house training.
- The Pet Parade will be held on Saturday, which is headed by Angela Hahn.
- The Ice Skating Rink will be open downtown this week Thursday, Friday and Saturday.
- Council will be riding in the Parade.

City Manager Terry Roberts reported on the following:

- Audit Committee met today at noon and will begin the audit today.
- Police Chief Phelps is out working on a murder case.

Fire Chief Ricky Boeker reported on the following:

- The Fire Department party is Saturday. Happy Hour from 6-7pm and dinner at 7pm.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

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