

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on March 6, 2014 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.
Councilmember Andrew Ebel
Councilmember Danny Goss
Councilmember Keith Herring
Councilmember Mary E. Barnes-Tilley
Councilmember Weldon Williams, Jr.

Members absent:

Mayor Pro Tem Gloria Nix

Others present:

City Manager Terry K. 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, Susan Nienstedt, Crystal Locke, Cyndi Longhofer, Fire Chief Ricky Boeker, Deputy Fire Chief Alan Finke, Heath Moehlmann, Police Chief Rex Phelps, Chris Jackson, Billy Rich, Kevin Mertz, David Beserra, Development Services Director Julie Fulgham, Public Works Director Dane Rau, Casey Redman, Public Utilities Director Lowell Ogle, Dane Bybee, Joshua Daniels, Gary Jeter, Kevin Boggus, and Grant Lischka

Citizens present:

Perry Thomas, Bill Decker, Clint Kolby, and Michelle Kwiatkowski

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 – Councilmember Goss**

3. 3-a. New Employees

- David Beserra – Police Department
- Kevin Mertz – Police Department
- Joshua Daniels – Water Construction Department

3-b. Awards

- Lone Star Legacy Park – Fireman’s Park

Kenneth Goessler, Crystal Locke, Casey Redman and Dane Rau were present to receive the award. Mayor Tate stated during the recent Texas Recreation and Parks Society Annual meeting, the City of Brenham was awarded the Lone Star Legacy Park designation for Fireman’s Park. A Lone Star Legacy park holds special prominence in the local community and the state of Texas. Lone Star Legacy parks have endured the test of time and have become iconic to those who have visited, played and rested on their grounds. A designation as a Lone Star Legacy is one of the highest honors that can be bestowed upon a park, and the City of Brenham is honored to have this designation for Fireman’s Park. Please join me in congratulating the City of Brenham’s Parks and Recreation staff for their dedication to providing exceptional park services to our community. A special thank you goes out to Crystal Locke, Casey Redman and Jody Kapchinski for all their hard work in the care and support of the City of Brenham’s Parks and Recreation services. Also, a special thank you to Angela Hahn for preparing the packet, which contained a three page essay of the park’s history, including the Carousel and the gathering of the letters of support for Fireman’s Park.’

4. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

5. Statutory Consent Agenda

5-a. Minutes from the February 6, 2014 City Council Meeting

5-b. Ordinance No. O-14-013 on Its Second Reading Revoking and Cancelling the Non-Exclusive Franchise Agreement Between the City of Brenham and Reliable Roll-Off Services, LLC to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits

5-c. Ordinance No. O-14-014 on Its Second Reading Amending the Code of Ordinances of the City of Brenham, Chapter 10, Advisory Boards & Committees, Article I, Main Street Advisory Board, to Provide for the Powers, Duties, Organization, Operation, Board Membership and Additional Matters Related to the Main Street Advisory Board

An updated Ordinance was laid around the Dias.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve the Statutory Consent Agenda Items 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	Absent
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

REGULAR AGENDA

6. Discuss and Possibly Act Upon Acceptance of the Audit from Seidel, Schroeder, & Company for Fiscal Year 2013

Auditor Partner from Seidel, Schroeder and Company Michelle Kwiatkowski presented this item. Kwiatkowski stated State law requires that all general-purpose local governments publish, within six months of the close of the fiscal year, a complete set of financial statements presented in conformity with generally accepted accounting principles (GAAP) and audited in accordance with generally accepted auditing standards by a firm of licensed certified public accountants. Kwiatkowski advised the financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Brenham, Texas, as of September 30, 2013, and the respective changes in financial position and, where applicable, cash flows thereof and the respective budgetary comparison for the General Fund for the year then ended in accordance with accounting principles generally accepted in the United States of America.

Councilmember Goss questioned if the cost of expansion was covered by the expansion. Chief Financial Officer Carolyn Miller stated we used prior year's fund balance because that item was not budgeted. Miller advised revenues were down for the Recycling Center and Transfer, so reserves were used for the Woodson property expansion.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to accept the audit from Seidel, Schroeder, & Company for Fiscal Year 2013.

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	Absent
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Abstain
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

7. Discuss and Possibly Act Upon the Acceptance of the 2013 Audit of Washington County Appraisal District by Seidel, Schroeder & Company

Mayor Tate stated this item would be passed until the next Council meeting.

8. Discuss and Possibly Act Upon Approval of a Request From Blue Bell Creameries to Install a 20,000 Gallon Above Ground Diesel Fuel Storage Tank

Deputy Fire Chief Alan Finke presented this item. Finke stated Blue Bell Creameries submitted a request for a special permit to operate an above ground diesel fuel tank with a capacity of 20,000 gallons. Finke advised the tank is needed to supply a newly constructed fueling station for Blue Bell's truck tractors. Finke stated the proposed tank location is the Blue Bell main plant property, which is zoned Industrial. Finke explained the proposed (existing) tank meets all requirements of Article II, Chapter 8, City of Brenham Code, including all 2012 Fire Code requirements pertaining to design, construction & operation of above ground tanks for the storage of combustible liquids. Finke stated the tank is registered with Texas Commission on Environmental Quality. Finke advised the spill containment and impact protection provisions will meet applicable codes and standards. Finke advised the permit will be for one year and renewable annually, after inspection by Fire Marshal's Office personnel.

Mayor Tate questioned if the storage tank would be located at the old Coca Cola. Finke explained that storage tank will hold milk and will stand up, but will not be used for gas. Finke explained that storage tank was recently moved to that location.

Mayor Tate recused himself from the discussion and Councilmember Williams was nominated as Mayor Pro Tem for this item.

A motion was made by Councilmember Ebel and seconded by Councilmember Herring to nominate Councilmember Williams as Mayor Pro Tem for Item 8.

Temporary Presiding Officer Williams called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Abstain
Mayor Pro Tem Gloria Nix	Absent
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

Councilmember Goss questioned if the fuel storage tank would be sitting in a reservoir. Finke explained the storage tank does not need to sit in a reservoir since it is a double wall tank and self-containing.

Councilmember Williams stated that he likes the fact that the storage tank is above ground for inspection purposes. Finke stated the underground tank is fire safe, but above ground tanks can be inspected daily.

Councilmember Ebel questioned how the tank was going to be used. Finke stated there will be fueling islands on the property.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve the request from Blue Bell Creameries to install a 20,000 gallon above ground diesel fuel storage tank.

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	Absent
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 Resolution No. R-14-008 Accepting the Dedication of Infrastructure Improvements From the Brenham Housing Authority to the City of Brenham and Authorize the Mayor to Execute Any Necessary Documentation

City Engineer Grant Lischka presented this item. Lischka stated in the 1970's, City Council passed two resolutions that outlined the maintenance responsibilities of the City with regard to infrastructure within the Brenham Housing Authority (BHA) properties of Cityview and Crestview, Fairview and Sunnyside. Lischka explained at the time, Northview and Northside Terrace had not been constructed, so there was no resolution relating to those properties. Lischka advised in 2013, BHA passed resolutions updating the maintenance responsibilities for all properties. Lischka stated after reviewing the resolutions from BHA and the resolutions from the 1970's, staff felt there was a need for the City to update the resolutions so that all of the BHA properties were listed together and to clear up any ambiguity. Lischka advised the new resolution does not add any additional infrastructure that is not already on the City's capital asset list and will allow staff to have a single document to reference in the future.

Councilmember Goss questioned the current conditions of the streets and their grade. Lischka stated the streets are currently fair to poor. Lischka advised the concrete streets in Northview and Northside Terrace are in better shape than the asphalt streets and the City has been maintaining them. Mayor Tate questioned if the City would be responsible for the concrete streets. Lischka stated yes, the City would be taking over the concrete streets because they are on the City's capital asset list. Councilmember Goss questioned if those streets were in our maintenance program. Lischka stated they are.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Williams to approve Resolution No. R-14-008 accepting the dedication of infrastructure improvements from the Brenham Housing Authority to the City of Brenham 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	Absent
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 a Ground Space Lease Agreement With Randall Reed for Hangar Space at the Brenham Municipal Airport and Authorize the Mayor to Execute Any Necessary Documentation

City Engineer Grant Lischka presented this item. Lischka stated JB105 Management Company has sold their hangar (3311 Aviation Way) to Randall Reed; therefore a lease agreement needs to be executed with the new owner. Lischka advised the execution of this lease agreement with Randall Reed will cancel the previous agreement with JB105 Management Company. Lischka stated this lease agreement is our standard ground space lease for .08 cents per square foot.

A motion was made by Councilmember Goss and seconded by Councilmember Williams to approve a ground space lease agreement with Randall Reed for hangar space at the Brenham Municipal Airport and authorize the Mayor to execute any necessary documentation and terminate the existing lease with JB105 Management Company.

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	Absent
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 Initiating the Annexation of Approximately 403 Acres of Land into the City Limits of the City of Brenham, Texas and the Approval of Development Agreements to be Offered to Various Land Owners having Property with Agricultural Exemption in the Land Being Considered for Annexation and Authorize the Mayor to Execute an Necessary Documentation

Development Services Director Julie Fulgham presented this item. Fulgham stated staff would like Council to review the finalized list of properties proposed to be annexed as well as the proposed development agreements to be offered to property owners that own land with agricultural exemptions and authorize staff to begin annexation. Fulgham stated notices will be mailed to all property owners listed on the attachments.

Fulgham stated the Wehmeyer tract was left out of the packet, but will be included as part of the annexation. Councilmember Goss questioned about the property next to the Wehmeyer tract and towards FM 332. Fulgham advised they were not offered a Development Agreement, but they can send them one.

Mayor Tate questioned if the City could serve them with utilities. Assistant City Manager Kyle Dannhaus stated the sewer would take a lift station, but otherwise yes the City can provide utilities to those properties.

Councilmember Goss would like to include the property next to the Wehmeyer tract and use as a boundary, so the annexation would run up to FM 332 and Farmer's Road.

Fulgham stated the Development Agreement will mail out tomorrow. Councilmember Goss questioned if the agriculture exempt properties would remain or do they have to do something to retain the exemption. Fulgham stated WCAD does a yearly review to determine which properties are agriculture exempt eligible and with Development Agreement is 5 years. Fulgham explained if the property owner wants to develop their land or wants City utilities then the City can annex their property.

Citizen Perry Thomas stated the Development Agreements were not offered in 2003 or 2006. Thomas advised they are offered for 5 years, but he recommends 15 years, 30 years or 45 years. Thomas explained he is not familiar with what the agreement does other than the City of Brenham cannot tell the property owner what they can do or grow on their property. Thomas stated the savings aren't worth the property owner's time, but the City should explain to the property owner and let them make their own decision regarding the agreement. Thomas stated if you want to develop, you must meet with the City of Brenham, record and file at the Courthouse, and certify the document. Thomas stated there should be a simpler way to do this rather than the current, long, drawn out process.

City Attorney Cary Bovey stated the State Law changed where the City of Brenham is required to offer Development Agreements and the property owner can accept it or not. Bovey advised the document must be notarized and recorded at the Courthouse, which is required for land that is appraised as agriculture exempt, timberland, and wildlife. Bovey explained the City of Brenham is willing to sit down and talk to property owners. Bovey advised the City is required to offer the agreement for a period up to 45 years, but the City Council chose 5 years. Bovey stated at the end of 5 year agreement, if the land is not developed then the City can give an additional 5 years to the property owner.

A motion was made by Councilmember Goss and seconded by Councilmember Ebel to approve the initiation of the annexation of approximately 403 acres of land into the City Limits of the City of Brenham, Texas and the approval of Development Agreements to be offered to various land owners having property with agricultural exemption in the land being considered for annexation to include property omitted from the packet to Highway 332 between FM 389 and Industrial Boulevard 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	Absent
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

WORK SESSION

12. Presentation of the 2013 Annual Report by the Fire Department

Fire Chief Ricky Boeker presented this report. He reviewed the department's performance, statistics, and services. Boeker discussed various grant funding and donations the Fire Department received throughout the year in addition to their budget. The department responded to 560 fires in 2013, 416 incident in the City limits and 144 incidents outside of the City. The department's county response increased from 109 to 144. Boeker explained the various fire safety presentations they provide for the community. Boeker advised about the new position of Deputy Fire Marshal. ISO was performed in March 2012 and ISO maintained Brenham's PPC at "3" and they maintained the same level in 2013.

Councilmember Goss questioned if calls are recorded by area. Boeker stated yes, they are. Councilmember Goss questioned where the divisions are located. Boeker stated there is a map that is included in the annual report, but Division 5 is located outside of the City limits.

Councilmember Herring questioned about false alarms. Boeker stated they were able to bill for 2 and 1 was 47 times. City Manager Terry Roberts questioned the limit for false alarms in a year before they send a bill. Deputy Fire Chief Alan Finke stated 12 within a calendar year.

Councilmember Williams questioned when they receive the new fire trucks will it affect their ISO rating. Boeker stated it will not because they are just replacing old trucks. Boeker explained they would need to disperse more to increase their ISO rating.

Mayor Tate questioned if the Blue Bell Tank is located within the City limits. Finke stated yes, it is located inside the City limits on industrial property.

13. Presentation of the 2013 Annual Report by the Police Department

Chief Rex Phelps presented this report. Phelps reviewed the department's performance, statistics, and services. Phelps explained the department elements as: administration, patrol, investigations, and support services. Phelps explained the department completed its first year recognized as a Texas Best Practices agency. Phelps was proud to report that the Part 2 versus Part 1 crime rate has decreased by 16% and they have a 40+% case clearance rate over the national average. Phelps stated that in 2013, patrol officers conducted over 7,000 traffic stops, responded to approximately 3,760 emergency 911 calls, and responded to 26,451 total calls to include self-initiated activity and non-emergency calls. Phelps discussed the Citizens on Patrol (COPS) program, which is made up of over 50 members. The COPS logged 11,400 man hours, which equates to 950 hours per month patrolling the city and assisting the patrol officers with equipment and resource support. In 2013, the animal shelter and animal control sections processed 1,645 animals. Code Enforcement addressed 773 code violations of the City of Brenham's Health and Sanitation ordinance in 2013. Phelps expressed his appreciation to all of his officers, the Mayor and City Council, and the public for all of their assistance during the year.

Councilmember Herring questioned why there are so many COPS at BES. Councilmember Herring questioned if the COPS were included in briefings. Phelps stated the COPS are the eyes and ears when the Police Officers are on calls. Councilmember Herring questioned if on strategies and warrants in the County, does the Police Department turn those cases over to the County. Phelps stated no, the Fusion Unit handles those cases, but works with the Sheriff's Office.

Councilmember Goss stated the Police Department hired two additional officers and how many does that make per squad. Phelps stated the additional officers, which gives each squad four officers and a sergeant, so five total officers per shift. Phelps explained there are four shifts with 12 hour periods for each shift. Phelps advised that they will be looking at geographical policing this summer since they now have been adequately staffed. Councilmember Goss questioned if the traffic patrol officer positions were being filled by Fusion Unit Officers. Phelps stated no, this was not the case.

City Manager Terry Roberts stated Chief Phelps was selected by his peers as the 2013 Officer of the Year and read many of the comments that his peer stated he possessed such as fair, honest, and does what he says he will do.

14. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- Building Standards Commission meeting had 13 candidates needing rehab or demolition. The Ordinance did not comply with State Law, so Staff had to rewrite, adopt and implement. The first round of letters had some voluntary demolition. Alan Finke and David Doelitsch did the inspections in house.
- The Audit Committee meeting was this morning and budget workshops are set for the third week in July. Budget Workshops are tentatively set for Monday, July 21st and Thursday, July 24th for full days.
- The Animal Shelter Task Force Update and Library Update will be given at the March 20th Council meeting.
- The new supervisor has been hired in Purchasing Department and Sarah Parker will be joining the City in a few weeks.
- The gas company alerted to a supply problem with the ice, but Lowell was up at 4:30am to babysit the gas pressure and there were no problems.
- Communications are meeting monthly. In March, they met jointly with the Public Safety Chiefs and are working through issues of the transfer. The County is currently interviewing for their IT position. In accordance with the Truth and Taxation Laws, they are consulting with attorneys for the transfer, which will either take place in October 2014 or October 2015 in order to go up or down with the tax rate at one time. They will be bringing recommendations to the governing bodies in May for a decision. Councilmember Goss questioned if they have gone over the benefits with the Communication Staff with County HR Manager. Roberts stated the City and County will make sure the employees are not without insurance during the 30 day period between insurances.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

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