

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on May 1, 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.
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 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, Darlene Konieczny, Wende Ragonis, Susan Nienstedt, Cyndi Longhofer, Fire Chief Ricky Boeker, Deputy Fire Chief Alan Finke, Police Chief Rex Phelps, Development Services Director Julie Fulgham, Public Works Director Dane Rau, Leslie Kelm, Bobby Branham, Nancy Stafford, Public Utilities Director Lowell Ogle, Dane Bybee, Ande Bostain, Bobby Keene, Kevin Boggus, Kyle Branham, and Grant Lischka

Citizens present:

Joe Baker, Cheri Baker, Elizabeth Mason, Daniel Mason, Vivian Mason, Casey Stephens, John Beckendorf, Larry Tegeler, John T. Muegge, Kay Schulze Domel

Media Present:

Arthur Hahn, Brenham Banner Press; Mark Whitehead and Frank Wagner, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – City Manager Terry Roberts**

3. 3-a. Service Recognitions

- Eliborio Villarreal – Streets – 10 years
- James Antkowiak – Electric Department – 15 years
- Daniel McCracken – Public Utilities – 15 years
- Colleen Latham – Transfer Station – 20 years
- Alfredo Garcia – Street Department – 25 years
- Lowell Ogle, Jr. – Public Utilities – 30 years

3-b. New Employees

- Sara Parker – Purchasing Supervisor
- Richard DePhillippis III – Street Department

4. Proclamation

- **Municipal Secretaries Week – May 5–9, 2014**

Mayor Tate read a proclamation designating May 5-9, 2014 as Municipal Secretaries Week. The Proclamation was accepted by City Secretary Jeana Bellinger and Deputy City Secretary Amanda Klehm.

5. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

6. Statutory Consent Agenda

6-a. Minutes from the April 3, 2014 City Council Meeting

6-b. Ordinance No. O-14-015 on Its Second Reading for the Placement of Stop Signs at Multiple Street Intersections within the Ralston Creek Subdivision

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve the Statutory Consent Agenda Item 6-a. and 6-b.

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

7. Presentation, Discussion and Overview of the Annexation Process and Proposed Areas to be Annexed

Development Services Director Julie Fulgham presented this item. Fulgham presented an overview of the annexation process, tracts proposed for annexation, and process for assigning permanent zoning classifications for land to be annexed.

Fulgham advised of the following important upcoming dates for annexation proceedings are:

- May 1, 2014 – 1st public hearing
- May 15, 2014 – 2nd public hearing
- June 5, 2014 – 1st reading of annexation ordinance, joint P&Z and Council meeting, Public Hearing regarding zoning or land to be annexed, 1st reading of zoning ordinance (zoning of land to be annexed)
- June 19, 2014 – 2nd reading of annexation ordinance, 2nd reading of zoning ordinance (zoning of land to be annexed)

Fulgham explained all services will be provided immediately upon annexation. Fulgham advised the zoning classification will be determined and they will assign a permanent zoning classification at a joint meeting with the City Council and the Planning and Zoning Commission on June 5th. Fulgham stated notifications will go out in the main to property owners.

Mayor Tate questioned which are the tracts that were annexed in 2008 and whom accepted Development Agreements. Fulgham stated the Wehmeyer, Vivian Mason and Smith tracts along with various property owners will not be offered subsequent Development Agreements in the Donut Hole. Mayor Tate questioned where the Donut Hole was located. Fulgham explained the Donut Hole is located off of Burleson Street.

Citizen Daniel Mason questioned if the motion was or was not passed. Mayor Tate explained there is not a formal vote because this is just a work session to discuss.

Mayor Tate questioned if the City can furnish utilities to all properties being annexed. Fulgham explained yes, the properties can easily get utilities, which was reviewed by her department. Mayor Tate questioned the time frame is two and a half years. Fulgham stated that was correct.

Citizen Daniel Mason questioned what if the property owners do not want City services. Fulgham explained the City does not require water or sewer unless their septic system fails. Fulgham advised if they maintain their status quo, then they do not have to accept City services.

Citizen Vivian Mason questioned regarding road maintenance. Mason stated the City is only annexing property on one side of the road yet if they maintain the entire road then it is not fair to fix the entire road the City's expense if both sides of the road are not annexed. Fulgham advised the City will annex some roadways, but will not on others.

PUBLIC HEARING

8. Proposed Annexation of Four Areas of Land into the City Limits and Explanation of Service Plan for Each Area Proposed for Annexation

Section 2014-1: Approximately 281.667 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, and the Arrabella Harrington Survey, Abstract No. A0055 generally consisting of tracts with frontage along Burleson Street; tracts with frontage along State Highway 36th North and Dixie Street; land located east of and adjacent to Westwood Lane; and land with frontage along Highway 290 West that is not currently within the City limits being located approximately 2500 feet from the 'cloverleaf' intersection of Highway 290 West and State Highway 36 North.

Section 2014-2: Approximately 30.512 acres of land situated in Washington County, Texas, out of the John Carrington Survey, Abstract No. A0120, generally consisting of tracts with frontage along the western right-of-way line of State Highway 36 beginning at the current City limits and proceeding in a southerly direction to approximately Anderson Lane (located on the eastern side of State Highway 36 North).

Section 2014-3: Approximately 45.366 acres of land situated in Washington County, Texas, out of the Isaac Lee Survey, Abstract No. A0077, generally consisting of tracts that abut the current City limits between South Blue Bell Road and Taden Lane and tracts that abut US Highway 290 East from Blue Bell Road to approximately 500 feet east of Taden Lane.

Section 2014-4: Approximately 46.457 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, consisting of tracts located between FM 389 and Industrial Boulevard.

Development Services Director Julie Fulgham presented this item. Fulgham stated a public hearing is required by State Law to hear comments regarding annexation.

Citizen Daniel Mason stated the limitations to the use of the property is what he has the biggest problem with because his family has used the land for farming purposes for many generations. Mason stated the property has been in their family for generations and he is not comfortable with the City taking up all of his property that he runs cattle on.

Citizen Kay Schulze-Domel stated she has had an ag exemption on her property for many years and she wants to know if she will lose the exemption when the annexation takes place. Mayor Tate advised her to speak with Willy Dilworth at the Appraisal District, but she should not lose that exemption. Domel advised that she has property on Peach Wood and wants to know if the City has plans to annex it in the future. Fulgham explained that the City has no plans to annex any additional property in the future as of now.

Citizen John Muegge advised that he is a representative for the Beckendorf interest on Section 3 of the annexation. Muegge advised that he does not have an objection to the annexation process; however, the annexation paperwork does not include when the citizens will be eligible to register to vote. Muegge explained the access to the property off of Blue Bell Road is another concern and they are asking for access to the property. Muegge questioned the initial zoning is proposed to be R1, but that is not an appropriate zoning classification for that area. Muegge stated he thinks it should be zoned I (Industrial) because it is the least restrictive. Muegge advised that these matters need to be considered before they go to other links.

Citizen Larry Tegeler stated that he does not have problem with his property being annexed, but he does have a problem with the R1 zoning classification. Tegeler stated that he has plans for a Mobile Home Park and will need water and sewer, but he won't have access to the land because TxDOT is not putting in a feeder street with the new highway. Tegeler stated he thinks they need feeder streets on both sides of the new highway and feels that the City needs to work with the State on this matter. Fulgham advised the Ordinance stated that Staff needed to temporarily designate a zoning classification of R1 to the properties until a permanent classification is designated at the joint meeting. Roberts explained a subcommittee of City Council and the Planning and Zoning Commission are looking at the properties to determine the appropriate zoning classification by each property. Roberts stated the land owners will be notified by mail of the proposed zoning classification prior to the June 5 joint meeting.

Muegge questioned if they have issues, how they can get the information or position to those who are the decision making persons. Mayor Tate stated they should get the information to Fulgham, Roberts or Dannhaus and they will route the information to the appropriate people.

REGULAR AGENDA

9. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 8, Fire Protection and Prevention, Articles I, III, and V, of the Code of Ordinances of the City of Brenham

City Secretary Jeana Bellinger presented this item. Bellinger stated for the past several months she has been working with Staff to update and re-write Chapter 8 (Fire Protection and Prevention) in the Code of Ordinance. Bellinger explained Article IV (Substandard Buildings or Structures) was rewritten and adopted by Council in July, 2013. Bellinger advised Article II (Fire Prevention Code) was rewritten and adopted by Council in February, 2014. Bellinger stated the only articles needing review were I, III and V. Bellinger explained that most of the changes are simply to get the Ordinance in compliance with current State Law or to match policies and procedures currently being followed by Staff. Bellinger explained that some sections of these articles have not been updated since the mid-1980s; with a handful being on the books since the early 1800's.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Williams to approve an Ordinance on its first reading amending Chapter 8, Fire Protection and Prevention, Articles I, III and V, of the Code of Ordinances of the City of Brenham

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 #1006.082-WG/WH for 2014 Water Distribution System Improvements and Authorize the Mayor to Execute Any Necessary Documentation

Public Utilities Director Lowell Ogle presented this item. Ogle stated on March 25, 2014 bids were opened by O'Malley Engineers and City of Brenham Staff regarding water distribution system improvements. Ogle explained these are the line replacements Staff has been contracting out each year to replace aging AC water lines in areas where Staff is having numerous leaks.

Ogle advised the base bid included the installation of approximately 2,700 linear feet of 6” C-900 PVC to replace existing AC water lines and related appurtenances and street repair on the following streets:

- Drumm St from Eldon to Edward
- Edward St from Eldon to Drumm
- Eldon St from Munz to west cul-de-sac

Ogle stated Alternate Bid A included the installation of approximately 900 linear feet of 6” C-900 PVC to replace existing AC water lines and related appurtenances and street repair on the following streets:

- Munz from Meadow Lane to Jefferson
- Meadow Lane from Jefferson to Munz

Ogle explained Deductive Alternate Bid B would have deducted the cost of the 1.5 inches of asphalt from the pavement repair. Ogle stated that repair would then be done in-house by City crews because the contractor’s pricing is very cost effective, Staff does not recommend the Deductive Alternate. Ogle explained the contractor’s bid for that work is a deduction of (\$13,750.00).

<u>Bidder</u>	<u>Base Bid</u>	<u>Alternate Bid A</u>	<u>Ded Alternate Bid B</u>
Supak Construction, Inc..	\$200,200.00	\$ 66,952.50	\$(13,750.00)
Elliott Construction, LLC	\$228,365.00	\$ 81,882.50	\$(24,750.00)
M&C Fonseca Const Col, Inc., Granite Shoals, TX	\$268,775.00	\$100,290.00	\$(13,200.00)
Kieschnick Contractors Wellborn, TX	\$299,000.00	\$102,700.00	\$(19,250.00)

Ogle advised City Staff would like to recommend that council award the Base Bid and the Additive Alternate Bid A, but do not accept Deductive Alternate Bid B to Supak Construction, Inc. in the amount of \$267,152.50.

Councilmember Williams questioned which method they use to determine the extent of a leak and to repair or replace. Ogle stated they repair every leak they find, but, in some geographic areas, it makes more sense to replace the old A/C lines.

Councilmember Barnes-Tilley questioned if Supak is a local company and they are \$100,000 under budget on this project. Ogle stated that Supak is located just south of Sealy and yes, in the neighborhood of \$100,000 under budget.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Nix to award Bid #1006.082-WG/WH Base Bid plus Alternate Bid A to Supak Construction, Inc. for the water line replacement along Drumm, Edward, Eldon, Munz streets and Meadow Lane in the amount of \$267,152.50 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

WORK SESSION

11. Presentation and Update Regarding the Charter Review

City Secretary Jeana Bellinger presented this item. Bellinger laid a redlined version of suggested changes to Articles I and II around the Dias. Bellinger stated the City Attorney and she are in the process of going through each section of the Charter and will be bringing regular updates to Council as they progress through the document. Bellinger presented recommended changes to Article II (Powers) of the Charter. Bellinger explained there are still four or five more sections in Article II that have not been reviewed yet because they are still working through them.

City Attorney Cary Bovey stated the first four pages are current provisions in the first six sections where there was unnecessary verbiage. Bovey advised as a Home Rule City, all unwritten and innumerate powers are given by statutes under State Law; therefore, they do not need to be included in the Charter. Bovey explained these changes will cut down on the length and still put the City in a position to exercise rights and powers granted by the State and Federal Law. Bovey stated the City already adopted a Resolution to operate under State Law in regards to competitive bidding. Bovey advised the City is reserving self-governing by the Home-Rule City designation.

Councilmember Barnes-Tilley questioned if the City has an electronic version of the Charter. Councilmember Barnes-Tilley suggested providing an appropriate link to appropriate documents to show the State or Federal Law designations if someone were to be looking at the Charter. Bellinger stated that she will check with Municode to see if it is doable to cross-reference those links.

12. Discussion and Update on the Restroom Renovations at the City of Brenham Fire Station

Assistant City Manager Kyle Dannhaus presented this item. Dannhaus stated the restroom in the fire station quarter's area is in need of repairs and renovation. Dannhaus explained this is the original facility from 1978, the year that the fire station was built. Dannhaus advised normal wear and tear has taken a toll on the floors, walls and fixtures. Dannhaus stated based on the preliminary quotes during budget preparation for the FY13-14 budget year, \$34,480 was requested and approved for the upgrades.

Dannhaus explained current estimates by the project architect (Keese & Assoc.) indicate that the actual cost will exceed that amount. Dannhaus advised BFD Staff agrees with the architect that if properly funded, the renovation of the restroom area will result in facilities that will last decades longer. Dannhaus advised when the major remodeling of the former Community Hall into fire administrative offices and EOC (emergency operations center) was done in 2008; the commitment was made to maintain the fire station at the current location for the foreseeable future. Dannhaus explained this renovation project will result in better utilization of existing space for the current staffing level of 4 per shift, which is double that of the 1978 staffing level, which was two people per shift.

Mayor Tate questioned at the time of the construction of the original building, there were only two people per shift. Fire Chief Ricky Boeker stated yes, that is correct, but now the Fire Department has up to four people per shift plus volunteers that are riding out.

Councilmember Goss questioned the cost of the project. Dannhaus stated the architect will cost approximately \$6,000 and the construction will cost approximately \$50,000. Councilmember Goss questioned if the City has any extra money in the budget for the remodel. Chief Financial Officer Carolyn Miller stated there is \$30,000 in the Equipment Fund that was allotted in the current year's budget for shelving units at the Library that is not being used, but some of those funds will have to go towards the remaining balance that was not paid by insurance on the wrecked police vehicles. Councilmember Goss questioned that since we are almost at the end of the budget cycle, would it be better to wait until next budget year to do remodel. Miller stated that is an option. Miller explained the City could transfer the money from the Equipment Fund into next year and the surplus in the General Fund for next year. Councilmember Goss suggests the City postpones the remodel until the next budget year. Mayor Tate questioned the difference since the remodels will have to be made and the money will be spent regardless of the time of budget year. Councilmember Barnes-Tilley questioned how much extra would be needed over what was originally budgeted. Dannhaus advised they need an additional approximately \$21,000, but they will not know the exact amount until they complete the bid process. Councilmember Herring questioned how much the bid process will cost. Dannhaus stated it should not be much because it's basically just Staff time.

Councilmember Barnes-Tilley questioned if it is possible to start with the project now and budget for next year. Councilmember Barnes-Tilley questioned if there is anything that can be done now or if it is all or nothing. Dannhaus stated it is pretty much all or nothing, but could have the bid process done and then the City has 30 days to act upon the bid. Mayor Tate questioned the time table for the remodel. Dannhaus stated it will probably be 4-6 weeks, but up to two months.

Councilmember Barnes-Tilley questioned if it would make sense to coordinate for separate bathrooms for possible anticipated female firefighters. Boeker stated that the Fire Department really does not have the room to segregate bathrooms. Boeker stated the space is not ideal, but they are going to make do with what they have. Boeker explained with the renovations, they will be able to lock the doors when females go to take showers or go to the bathroom. Boeker advised the remodel will make help the situation.

Councilmember Williams stated to go ahead and do the remodel now. Councilmember Ebel advised to bid and then we can see what options are available. Councilmember Herring stated move forward with the bid process and remodel. Dannhaus stated Staff must bring the contract before Council for approval.

Councilmember Barnes-Tilley questioned how much is in the Equipment Fund and how much are the anticipated costs for the police cars. Miller explained there is \$30,000 in the Equipment Fund and Staff is estimating the police cars to cost approximately \$9,000-\$10,000. Miller advised that Staff can update Council of purchases at the time that the bid is brought back to Council for a better idea of where the City stands at that point.

13. Presentation of the 2013 Annual Report by the Public Utilities Department

Public Utilities Director Lowell Ogle presented this report. He provided an overview of each department within the Public Utilities Department including: SCADA, Backflow Prevention, FOG, Mapping, Utility Compliance, Utility Customer Service, Electric, Gas, Water Systems, Water Distribution, Wastewater Systems, and Wastewater Treatment. He recognized the department's accomplishments and expressed appreciation for his Staff.

There were no questions.

14. Presentation of the 2013 Annual Report by the Administration Department

Assistant City Manager Kyle Dannhaus presented this item. Dannhaus stated the achievements of the Administration Department throughout the year, which included: Interlocal Agreements, Kruse Park, and Transportation Projects. Dannhaus highlighted the responsibilities, accomplishments, and objectives of each of his departments including: City Engineering, Information Technology, and Brenham Emergency Communications. Dannhaus recognized his Staff and expressed his appreciation for their hard work.

There were no questions.

15. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- Refreshments will be served after the meeting in celebration of Mayor Tate's birthday.
- Councilmembers are welcome to take a tour of the Library after the Council meeting.

Administrative Services Manager Wende Ragonis reported on the following:

- Staff is currently putting shelves together and books in boxes have arrived at City Hall and are currently being put up.
- All City Staff has been relocated except Library Staff.
- May 12th – the Library will reopen at City Hall.
- The facility accessibility has improved and the Library Staff has set up an area for children's computers (under 16 years old) and access groups.

- Councilmember Barnes-Tilley said it should be telling for the usage of computers by the youth.
- The books were broken into 4 categories: keep, store, loan, and discard.

City Manager Terry Roberts reported on the following:

- 2nd reading for abandonment of Don Boecker property will be at an upcoming Council meeting. Staff is waiting to receive the replat from Mr. Boecker.
- Maifest is this weekend. The parade is Saturday morning.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

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