

## **Brenham City Council Minutes**

A special meeting of the Brenham City Council was held on July 15, 2014 beginning at 8:30 a.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, Susan Nienstedt, Wende Ragonis, Fire Chief Ricky Boeker, Public Utilities Director Lowell Ogle, Kevin Schmidt, and Kevin Boggus

### Citizens present:

Weldon Williams III

### Media Present:

Arthur Hahn, Brenham Banner Press

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

There were no citizen comments.

Councilmember Williams introduced his son, Weldon Williams III.

## REGULAR AGENDA

### **4. Discuss and Possibly Act Upon the Approval of an Addendum to and Modification of the Comprehensive Exchange of Services Interlocal Agreement Between the City of Brenham and Washington County, Amending Various Provisions of Said Agreement, and Authorize the Mayor to Execute Any Necessary Documentation**

City Manager Terry Roberts presented this item. Roberts stated in order to have a smoother transition of Emergency Communications from one governmental agency to another; the ILA included an 18 month transition period. Roberts explained that it became apparent soon after the transition started that a different transfer date should be considered other than July 1, 2015. Roberts advised that truth in taxation laws govern how the setting of tax rates are impacted when two governmental agencies exchange a department. Roberts stated that when a department transfers, there is a onetime adjustment in the effective and roll back tax rates for both entities. Roberts explained that because of this state law, October is the most appropriate time on the budget and tax calendar to make the move.

Roberts advised that the ILA Task Force has worked through the issues associated with transition of Emergency Communications. Roberts stated they finalized a set of recommendation to the governing bodies related to Emergency Communications and other amendments to the originally passed exchange of services ILA. Roberts explained that the ILA Task Force is recommending an October 2014 transfer date to the governing bodies. Roberts advised the October 1, 2014 date would mean the entire departmental cost would shift from the City to the County and it would trigger the tax rate calculation adjustment. Roberts explained with an October 2014 recommendation for transition, the governing bodies need to act by the end of July so that Chief Appraiser Dilworth has time to publish the new effective and roll back tax rates.

Roberts stated that since our Emergency Communications Department is not operated by a law enforcement agency, DPS mandates that the Board overseeing its operation be filled by majority law enforcement personnel. Roberts explained the original ILA did not make that stipulation. Roberts advised that DPS has stringent rules about the oversight of a civilian emergency communications department. Roberts stated the existing ILA says that the Board will be made up of “at least” the four major users of the service (PD, SO, EMS and Fire) plus the Emergency Communications Director. Roberts advised because it said “at least” there was not a problem including the DPS local sergeant and a representative of the volunteer fire departments in the County. Roberts explained that however, that arrangement does not comply with the DPS requirement that a majority of the board be law enforcement.

The amendment proposed by the Task Force will get the make-up of Communications Policy Board into compliance with DPS regulations. The amendment establishes the heads of the four major agencies (PD, SO, EMS and Fire) plus the DPS sergeant will be the five member board. The Communications Director will serve in a staff function and not be a voting member of the Board.

Councilmember Goss stated he has personal feelings about the County, but he must separate those from this decision. Councilmember Goss explained that in their Task Force meeting discussions, the County has made every effort to meet the needs and desires of the City to make the transfer. Councilmember Goss advised the County has met the needs of the employees as well as the monetary issues and benefits for those employees. Councilmember Goss stated the County has addressed the issues of the IT portion of this operation and have hired an IT Manager/Director to oversee the IT part of the operation and sought out advise around town for the business side. Councilmember Goss stated that when they discussed hosting and costs, the County didn't balk at the monetary figures the City presented to them because they feel that they can take over the operation. Councilmember Goss stated he feels that the County should have a chance to try to make this work.

Councilmember Barnes-Tilley stated while effort has been shown, she has reservations because it is moving too quickly and she wanted to watch them in action a little while longer before making the decision regarding transfer. Councilmember Barnes-Tilley stated the 50/50 split is nice and she would love to see that continue in the future as the two entities working together. Councilmember Barnes-Tilley expressed her appreciation for their efforts and working well together, but she is not comfortable with making the transition now.

Councilmember Herring stated that he is very disappointed that the County has not done more. Councilmember Herring expressed his frustration with the County hiring a manager, but no worker bees. Councilmember Herring explained he does not understand why they aren't doing it in-house instead of contracting the work out. Councilmember Herring stated he does not see much progress on the County's side. Councilmember Herring explained that they are delaying and to hear that they can't afford \$500,000.00 shared costs is disappointing. Councilmember Herring stated the County should have done better homework.

Mayor Tate stated that the County cannot raise their taxes if we continue with the 50/50 split. Councilmember Herring stated he has a lot of reservations because he feels like we are rushing into this. Mayor Tate stated that everything should be up and running by the time the City moves it over to the County.

Councilmember Herring stated after reading Roberts' memo, he was shocked that the City stated \$1600.00 a month for hosting and the County agreed to that price. Mayor Tate stated that when Councilmember Goss said \$5,000.00 a month, they agreed to that figure as well. Councilmember Herring stated he feels that the City needs to make the County non-dependent on the City and eventually they will not have to pay us for services.

Councilmember Herring praised the transition and continuation of the Task Force. Councilmember Herring questioned if the Council positions were restricted to the people's chairs that are currently serving in the event that they did not re-elect after a period of time. City Attorney Cary Bovey stated that the way it is worded, if someone succeeds them, the new person will take their position. Councilmember Herring stated that he does not like that because that would be too much for a new person to handle. Mayor Tate stated that would occur at the discretion of the Mayor, so the Mayor could make changes if they deemed necessary. Mayor Tate stated that the make-up of the Task Force for the City is the Mayor and two Councilmembers.

Councilmember Herring stated Section II should have wording to ensure the City is not funding the initial build out of the County's IT operations. Bovey stated Section 2B states there is an 18 month transition period and both parties are working on a shared budget. Councilmember Herring stated he would like protection from the City paying even partly for the County's IT build out. Assistant City Manager Kyle Dannhaus stated the City would provide the fiber, but they would allocate to individual budgets; however, Council needs to decide how to allocate those out. Mayor Tate stated there would be no budget for Communications if the operation is transferred to the County. Roberts reiterated that the City would not be picking up any of the Communications budget if it transfers to the County. Bovey explained Section 5 states that the County is responsible to fund all Communications operations. Councilmember Goss stated that in discussions regarding budget, the IT Director will put together a budget that will be reviewed by the ILA Task Force.

Mayor Pro Tem Nix questioned when the consoles wear out, who is responsible for replacing those. Roberts explained the County would be responsible for the replacement. Councilmember Goss questioned if the building rental included the utilities as well as the building and equipment. Mayor Tate stated no, utilities are not included in the rent. Dannhaus stated that everything is separate.

Councilmember Barnes-Tilley stated that she will do what she can to move forward even though as does not agree with it at this point. Councilmember Barnes-Tilley explained that she will continue to do as she has done to represent the Council's wishes.

Mayor Pro Tem Nix questioned if the consoles wear out and the County has to replace them, will it affect the rent. Bovey stated it will not affect the rent because the rent is not dependent on the equipment. Roberts explained that when the equipment wears out, they will work through the issues of how to handle it. Roberts advised that the City will take care of the roof, building and things of that nature. Roberts stated if things go south, the City will keep up the lease so the City can take back over, if necessary.

A motion was made by Councilmember Goss and seconded by Councilmember Ebel to approve an addendum to and modification of the Comprehensive Exchange of Services Interlocal Agreement between the City of Brenham and Washington County, amending various provisions of said agreement, and authorize the Mayor to execute any necessary documentation.

Mayor Tate called for a vote. The motion passed, with a 5-2 vote, 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>No</b>
<b>Councilmember Mary E. Barnes-Tilley</b>	<b>No</b>
Councilmember Weldon Williams	Yes

**5. Administrative/Elected Officials Report**

There were no reports.

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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