

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on August 21, 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 Weldon Williams, Jr.

Members absent:

Councilmember Mary E. Barnes-Tilley

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, Cynthia Longhofer, Kaci Konieczny, Wende Ragonis, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Development Services Director Julie Fulgham, Public Works Director Dane Rau, Leslie Kelm, Public Utilities Director Lowell Ogle, Andria Heiges, Kevin Boggus, and Grant Lischka

Citizens present:

Lu Hollander and Page Michel

Media Present:

Arthur Hahn and Caitlin Hahn, Brenham Banner Press; Ed Pothul, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Mayor Tate**

3. Proclamation
➤ **Library Card Sign-Up Month**

Library Supervisor Andria Heiges was present to receive the Proclamation.

4. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

5. Statutory Consent Agenda

The Statutory Consent Agenda includes non-controversial and routine items that Council may act on with one single vote. A councilmember may pull any item from the Consent Agenda in order that the Council discuss and act upon it individually as part of the Regular Agenda.

5-a. Minutes from the July 21, 2014 and July 24, 2014 Special City Council Budget Workshops

5-b. Ordinance No. O-14-023 on Its Second Reading Amending Chapter 23, Subdivisions, Section 23-36, Filing Fees, of the Code of Ordinances of the City of Brenham, Texas

5-c. Ordinance No. O-14-024 on Its Second Reading Adopting a Revised City of Brenham Drought Contingency Plan and Water Conservation Plan for 2014

5-d. Ordinance No. O-14-025 on Its Second Reading Amending Chapter 12, Health and Sanitation, Article II, Cleanliness of Premises, of the Code of Ordinances of the City of Brenham, Texas

5-e. Ordinance No. O-14-026 on Its Second Reading Repealing Chapter 25, Article III, Division 2, Section 25-57, Reserved Parking, of the Code of Ordinances of the City of Brenham, Texas

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve the Statutory Consent Agenda Items 5-a., 5-b., 5-c., 5-d., and 5-e.

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	Absent
Councilmember Weldon Williams	Yes

WORK SESSION

6. Presentation of the Third Quarter Report by the Washington County Convention and Visitors Bureau

Lu Hollander, with the Washington County Convention and Visitors Bureau, presented this report. She focused on the highlights featured in the *Third Quarter CVB Report: April - June 2014*, pointing out the visitor statistics, major tourism events, advertising placements, and editorial coverage.

7. Discussion Regarding the FY2014-15 Street Rehabilitation and Program of Work

Public Works Director Dane Rau presented this item. Rau stated that based on the 2013 Street Inventory, over 55% of the City's 81 miles of streets fall into the "Poor" and "Fair" category. Rau explained that it is Staff's intent to improve those percentages by reconstructing approximately 2.5 miles of streets per year for the next four years or a value of \$360,000 per year. Rau advised this compares to one (1) mile of street work at \$135,000 in the current budget year. Rau explained that Staff has identified 14 sections of roadway that they would like to improve beginning on October 1, 2014.

Rau advised Council that areas that are included this year are: Longhofer, Borman, and Reimer and in the the upcoming years, Staff plans to improve: Allison St, Westwind, Windy, Windswept, Drumm St, Edward St, Eldon St, Munz St, and Meadow Lane.

Mayor Tate questioned if these are short ranges of street. Rau stated the range is from 360 feet to 1200 feet. Rau explained that some stretches of street are short while others are long. Mayor Tate questioned if the Street Department was able to do all of the projects in house. Rau stated yes.

PUBLIC HEARING

8. Public Hearing, Discussion and Receipt of Input Related to the Proposed Creation of Reinvestment Zone Number 40 Requested by Independence Coffee Company, LLC for Commercial-Industrial Tax Phase-In Incentive on a Certain Tract of Land Containing 1.40 Acres, More or Less, Being Located at 321 South Baylor Street, Brenham, Texas, with Boundaries Further Described in Exhibit "A" of the Ordinance Creating Reinvestment Zone Number 40, and Designating This Property as Qualifying for Tax Phase-In

Project Manager with the Brenham Economic Development Foundation Clint Kolby presented this item. Kolby stated that prior to considering the creation of a Reinvestment Zone for implementing a tax phase-in incentive for Independence Coffee Company the City Council is required to hold a Public Hearing to receive citizen input regarding the Reinvestment Zone.

Kolby explained that Independence Coffee Company is planning to relocate their operations to the old Beaumier Iron Works building located at 321 South Baylor Street. Mayor Tate questioned if there were any environmental problems with that site and if they were using the brick building or metal building. Kolby stated there are no environmental problems thus far and they will be using the brick building located at the front of the property only.

Councilmember Ebel questioned if they would also be opening a retail storefront there. Kolby explained that they would have retail in the front and roasting in the back of the building. Mayor Tate questioned about parking. Kolby stated that they are still in discussions with the City about the required parking.

There were no citizen comments.

REGULAR AGENDA

9. Discuss and Possibly Act Upon an Ordinance on Its First Reading for the Creation of Reinvestment Zone Number 40 Requested by Independence Coffee Company, LLC for Commercial-Industrial Tax Phase-In Incentive on a Certain Tract of Land Containing 1.40 Acres, More or Less, Being Located at 321 South Baylor Street, Brenham, Texas, with Boundaries Further Described in Exhibit "A" of the Ordinance Creating Reinvestment Zone Number 40, and Designating This Property as Qualifying for Tax Phase-In

Development Services Director Julie Fulgham presented this item. Mayor Pro Tem Nix questioned if the whole site is environmentally safe. City Attorney Cary Bovey stated that Independence Coffee would have to comply with all City Ordinances and any applicable State or Federal environmental laws before any permit can be issued.

Councilmember Goss questioned who performed the inspection of the structural integrity of the building. Fulgham stated that the building has not been inspected yet. Fulgham explained that the last inspection of the building was done in the 1980s. Fulgham advised that the structural inspection has not been done yet, but at the walkthrough, there were no signs of problems and the building seems to be well maintained. Mayor Pro Tem Nix questioned if the inspection should be done before the Tax Phase In. Bovey stated that it is not required because the inspection is not related to the creation of a reinvestment zone.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve an Ordinance on its first reading for the creation of Reinvestment Zone Number 40 requested by Independence Coffee Company, LLC and designating this property as qualifying for Tax Phase-In.

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	No
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Absent
Councilmember Weldon Williams	Yes

10. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the FY2013-14 Adopted Budget

Chief Financial Officer Carolyn Miller presented this item. Miller explained the highlights of the amendment to the FY2013-14 budget include the following revenue increases:

- General Fund: Revenues for insurance proceeds and HOT taxes for increased collections;
- Donations Fund: Revenues for animal shelter capital donations;
- BCDC Fund: Revenues due to the sale of land in the Brenham Business Center; and
- Capital Projects Fund: Contributions from the Fortnightly for the library renovation and expansion project.

Miller explained the highlights of the amendment to the FY2013-14 budget include the following expenses:

- General Fund: Increased expenditures due to the unanticipated expenses from the Henderson Park restroom building fire and the purchase of land at 300 N. Park Street;
- Streets & Drainage Fund: Street overlay project;
- Central Fleet Fund: Purchase of equipment;
- 2014 Capital Projects: Costs associated with bond issuance;
- Water Fund: Increased due to the high pressure plane expansion project; and
- Hotel Occupancy Tax Fund: Additional funding expenditures approved by the HOT board.

A motion was made by Councilmember Williams and seconded by Councilmember Herring to approve an Ordinance on its first reading amending the FY2013-14 adopted budget.

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	Absent
Councilmember Weldon Williams	Yes

11. Discuss and Possibly Act Upon Authorization to Sell the Brenham Fire Department’s Jaws of Life Tools and Power Units and Designate the Proceeds as Matching Funds for the Purchase of New Jaws of Life Tools and Power Units and Authorize the Mayor to Execute Any Necessary Documentation

Fire Chief Ricky Boeker presented this item. Boeker stated the Brenham Fire Department membership purchased these tools originally and donated them to the City of Brenham and now staff is asking to sell these tools through GovDeals and use the proceeds to purchase new replacement Jaws of Life tools. Boeker advised that any difference in the selling price and the cost of new tools will be paid for by the Brenham Fire Department membership. Boeker explained that the tools have experienced some mechanical issues in the past and that is why staff recommends selling the units.

Councilmember Goss questioned since the company is not living up to their commitments, even though they are out of business, can the City go after them. City Attorney Cary Bovey stated the equipment was purchased by the 501(c) and donated to the Brenham Fire Department; therefore, the City Attorney cannot represent the volunteers, but they can hire an attorney and pay legal fees.

Mayor Pro Tem Nix questioned if we can sell the equipment with the defects and would the City of Brenham be held liable. Bovey explained that the City could sell the equipment “as is” with all defects and state that in the Bill of Sale. Boeker explained the problem is an oil leak, which when they replaced once, it did not fix the problem.

A motion was made by Councilmember Ebel and seconded by Councilmember Herring to approve the sales of the Brenham Fire Department’s Jaws of Life tools and power units and designate the proceeds for the purchase of new Jaws of Life tools and power units 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	Absent
Councilmember Weldon Williams	Yes

12. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- BCDC is working on a Development Agreement with John Beckendorf regarding a street that will run between Blue Bell Road and Tiaden Lane in the Brenham Business Center. Once all the details have been worked out, the Agreement will be brought to Council for final approval since the oversizing of the road will be at the City of Brenham's cost.
- Staff is working with BISD on finishing the inspections of the new schools.
Fire Chief Ricky Boeker reported on the following:
 - Fire Chief Ricky Boeker advised the Council that the Fireman's Fiesta was a success. They only made \$89 less than last year.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

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