

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on September 18, 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, Cynthia Longhofer, Kaci Konieczny, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Development Services Director Julie Fulgham, Kim Hodde, Public Works Director Dane Rau, Public Utilities Director Lowell Ogle, Kevin Boggus, Janie Mehrens, and Grant Lischka

Citizens present:

None

Media Present:

Arthur Hahn and Caitlin Hahn, Brenham Banner Press

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

3. Awards

- GFOA Certificate of Achievement for Excellence in Financial Reporting
 - *Sixth Consecutive Year*

Chief Financial Officer Carolyn Miller presented the award; Council congratulated her team on a job well done.

4. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

5. Statutory Consent Agenda

5-a. Minutes from the August 7, 2014 Regular City Council Meeting

5-b. Ordinance No. O-14-029 on Its Second Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning from an Industrial (I) District to a Manufactured Home Residential (R-3) District on Property Located at 20785 FM 389, and Specifically Being a 10.74 Acre Tract Described as a Portion of Tract 196 of the Phillip Coe Addition in the City of Brenham, Washington County, Texas

5-c. Ordinance No. O-14-030 on Its Second Reading Amending the Rate Tariff Schedule(s) for the City of Brenham's Large and Small Industrial Electric Rate Classes

5-d. Ordinance No. O-14-031 on Its Second Reading Amending the Rate Tariff Schedule(s) for the City of Brenham's Natural Gas Rates

5-e. Ordinance No. O-14-032 on Its Second Reading Amending the Rate Tariff Schedule(s) for the City of Brenham's Sanitary Sewer Rates

5-f. Ordinance No. O-14-033 on Its Second Reading Amending the Rate Tariff Schedule(s) for the City of Brenham's Utility Rules and Regulations

Mayor Tate requested that Council pass on Consent Agenda Item 5-a.

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

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. Presentation and Update Regarding Article III, Section 14, Salaries, of the City of Brenham's Charter

City Secretary Jeana Bellinger presented this item. Bellinger stated in response to Councilmember Goss' request that research be done on salary and compensation paid to Mayors and Councilmembers in other cities, she used the 2014 *Texas State Directory* to locate cities with populations in the 10,000 to 20,000 range. Bellinger explained that since there were a total of 94 cities that fit her population criteria, she asked the City Manager to randomly select 20 cities for her research. The following cities were chosen:

Athens	Midlothian
Belton	Mineral Wells
Boerne	Mount Pleasant
Brownwood	Palestine
Ennis	Port Lavaca
Fredericksburg	Portland
Jacksonville	Stephenville
Kilgore	Taylor
Lakeway	Tomball
Lockhart	Uvalde

Bellinger advised that in an effort to gather the correct information, phone calls were made to the City Secretary in each of the 20 cities and the following questions were asked:

1. How often does your Council meet? What time are the meetings? On average, how long to they last?
2. What is the average age of your council? Is the majority of your Council retired or employed?

3. Is your Mayor/Council paid a salary? If so how much and how often?
4. Does your Mayor/Council receive any other type of compensation (i.e. car allowance, expense allowance, cell phones, i-Pads, etc...)?
5. Does your Mayor/Council receive reimbursement for “local” expenses (i.e. travel to/from ribbon cuttings, lunch with staff members, community meetings, etc...)?
6. Does the City pay for your Mayor/Council to attend “out-of-town” conferences, seminars and other continuing education programs? If so, what expenses would the City pay for them (i.e. registration, mileage, meals, hotel, etc...)?

Bellinger explained that during her research of salary and compensation, Councilmember Williams called and requested that she also research the history of Brenham’s salary for the Mayor and Council. Bellinger stated that in order to obtain historical salary information, her office researched old council minutes and election records, dating back to 1921.

Bellinger advised the Council of the following as a result of her research:

History of Brenham’s Salary/Compensation:

- The earliest mention of the Mayor/Council receiving a salary was in February, 1921.
- Prior to 1985, salary adjustments were discussed and decided upon by the Council during a regular City Council meeting.
- The Mayor/Council salaries were added to the City’s Charter in 1985. The monthly compensation proposed at that time was \$200 for the Mayor and \$150 for Council. The proposition passed with a vote of 574 (83%) citizens in favor and 115 (17%) against.
- Salaries were again amended via a Charter Election 1993. The monthly compensation proposed at that time was \$275 for the Mayor and \$225 for Council. The 1993 proposition passed with a vote of 969 (61%) citizens in favor and 618 (39%) against.
- Since 1921, the Mayor and Council have received two expense allowance adjustments. The first in 1962 authorized the Mayor to receive \$50 a month and Councilmembers \$25 a month for expenses. These amounts were increased in 1999 to \$100 a month for the Mayor and \$50 a month for Councilmembers.

Salary/Compensation Research:

- The City of Brownwood is the only city surveyed that holds daytime meetings (9:00 a.m.).
- A majority of the cities (16 out of the 20 surveyed) hold two meetings per month.
- The average age of all the Mayors/Councilmembers was 52. The Cities of Stephenville and Lockhart have the youngest governing body – both with an average age of 35.
- The majority of Council members are actively employed versus being retired.
- The City of Belton pays the least – only \$1 per year.

- The highest paying City was Port Lavaca. The Mayor is paid \$600 per month. Councilmembers are paid \$300 a month. The next closest cities were Fredericksburg and Lockhart.
- A majority of the cities (Athens, Brownwood, Ennis, Midlothian, Mineral Wells, Portland, and Tomball) pay their Mayor and Council on a per meeting basis. The per-meeting pay ranges from \$10 to \$125.
- Several cities provide a monthly stipend for expenses ranging from \$1 to \$750. These cities are Boerne, Lockhart, Mount Pleasant, and Tomball. There was only one city (Lockhart) that also provides their Mayor with a car allowance of \$3,000 a year.
- The City of Lockhart also pays \$50 a month for internet service in the homes of the Mayor and Councilmembers.
- A couple of cities (Midlothian and Taylor) provide their Mayor and Councilmembers with iPads and data plans for the iPads.

Bellinger advised that since the salaries of the Mayor and Council are a part of the City's Charter, any adjustment to the amount will require voter approval. The Council thanked Bellinger for her research and advised her that the salary stated in the City's Charter remain as is.

7. Presentation and Update Regarding Articles VI and VII of the City of Brenham's Charter

City Secretary Jeana Bellinger presented this item. Bellinger explained each recommended change to Articles VI and VII with the Council.

REGULAR AGENDA

8. Discuss and Possibly Act Upon Ordinance No. O-14-034 on Its Second Reading Adopting the Budget for Fiscal Year Beginning October 1, 2014 and Ending September 30, 2015 and Take Record Vote

Chief Financial Officer Carolyn Miller presented this item. Miller stated the Fiscal Year 2014-15 Proposed Budget has been developed in compliance with the Property Tax Code, Local Government Code and the City Charter. Miller explained a property tax rate of \$0.4912 per \$100 valuation is necessary to fund the proposed budget, which is on the City's website, on file with the City Secretary, Washington County Clerk, and at the Nancy Carol Roberts Memorial Library. Miller advised that because of the recent passage of Senate Bill (S.B.) 656, city council's vote to adopt a budget is required to be a record vote.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Nix to approve Ordinance O-14-034 on its second reading adopting the budget for fiscal year beginning October 1, 2014 and ending September 30, 2015.

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-14-035 on Its Second Reading Levying Taxes for the Tax Year 2014 for the City of Brenham at \$0.4912 per \$100 Valuation

Chief Financial Officer Carolyn Miller presented this item. Miller stated the FY2014-15 Proposed Budget includes a tax rate of \$0.4912 per \$100 valuation which has two components: maintenance and operations (M&O) and interest and sinking (I&S). Miller explained the proposed tax rate of \$0.4912 will allocate \$0.2890 to the General Fund for M&O expenditures and the balance of \$0.2022 will be allocated to the Debt Service Fund for principal and interest obligations. Miller advised the proposed tax rate of \$0.4912 is below the effective rate of \$0.5542 and below the rollback rate of \$0.4921.

Miller stated the City has complied with all of the notices, publications, and public hearings as required by the Tax Code. Miller explained that unlike in prior years, because this year's tax rate raises less revenue than last year, the Tax Code does not specify the wording of the motion to adopt the tax rate.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to Approve Ordinance O-14-035 on its second reading levying taxes for the Tax Year 2014 for the City of Brenham at \$0.4912 per \$100 valuation.

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 an Ordinance on Its First Reading Amending Chapter 5, Animal and Fowl, of the Code of Ordinances of the City of Brenham, Texas Designating a Caretaker of Impounded Animals

Police Chief Rex Phelps presented this item. Phelps stated that in 2012, the Texas State Board of Veterinary Medical Examiners affirmed the need for a vet/patient/client relationship as is delineated in Section 801.351 of the Veterinary Licensing Act of the Occupations Code and ruled it must apply to shelters as well. Phelps explained that relationship generally begins when the vet first exams the animal; in the case of an animal in a shelter, that exam may not happen until after the mandatory holding period is met and the shelter becomes the animal's owner. Phelps advised that under Texas law, an animal's owner or a caretaker can perform acts of veterinary medicine on the animal without involving a veterinarian and without concern for establishing a vet/patient/client relationship because the owners/caretakers are exempt from the Veterinary Licensing Act. This ordinance would designate the City Manager as the owner/caretaker of all the animals in the shelter so that any needed medical attention could be provided, when needed, by City staff or a veterinarian contracted by the City.

Councilmember Barnes-Tilley questioned if this takes away the 3 day period. City Attorney Cary Bovey stated it does not. Councilmember Barnes-Tilley questioned the purpose of the 3 day period. Bovey explained that if the owner changes their mind, the owner can determine what to do with the animal or can reclaim it.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve an Ordinance on its first reading amending Chapter 5, Animal and Fowl, of the Code of Ordinances of the City of Brenham, Texas designating a Caretaker of impounded animals.

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

11. Discuss and Possibly Act Upon Two (2) Lease Agreements and Award Agreements for Updated Mailing Equipment and Certification Software for the Utility Billing Department and Authorize the Mayor to Execute Any Necessary Documentation

Public Utilities Director Lowell Ogle presented this item. Ogle advised the agreements with Pitney Bowes are under Texas Buyboard Contract #407-12. Ogle stated the mail equipment and software is used for mailing of over 90,000 bills per year as well as mail for all other departments within the city. Ogle advised all mail is tracked by department for expensing.

Ogle explained that based on the information gathered, Staff recommends awarding the agreements to Pitney Bowes in the amount of \$860/month for the equipment and \$330/month for the software. Ogle advised overall this will be a significant savings of over \$2,500 during the next 12 months in lease fees and over \$12,500 over the term of the agreements.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to award two (2) lease agreements with Pitney Bowes for updated mailing equipment and certification software for the Utility Billing Department 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 an Ordinance on Its First Reading Amending Chapter 6, Buildings and Structures, of the Code of Ordinances of the City of Brenham, Texas

Development Services Director Julie Fulgham presented this item. Fulgham stated this is a complete rewrite of Chapter 6, primarily to adopt the following codes: 2012 International Building Code (IBC), 2014 National Electric Code (NEC), 2012 International Fuel Gas Code (IFGC), 2012 International Mechanical Code (IMC), 2012 International Property Maintenance Code (IPMC), 2012 International Plumbing Code (IPC), 2012 International Energy Conservation Code (IECC), 2012 International Residential Code (IRC), and 2012 International Existing Building Code (IEBC). Fulgham explained this Ordinance also creates the office of the Building Official and deletes a lot of obsolete language from the Article II, Electrical, which dates back to 1947.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve an ordinance on its first reading amending Chapter 6, Buildings and Structures, of the City of Brenham Code of Ordinances.

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

13. Discuss and Possibly Act Upon the Approval of the Routine Airport Maintenance Program (RAMP) Grant Agreement No. M1517BRENM with TxDOT for FY2015 and Authorize the Mayor to Execute Any Necessary Documentation

Planning Technician Kim Hodde presented this item. Hodde stated this item is for consideration of a grant agreement with TxDOT for participation in the Routine Airport Maintenance Program (RAMP) for September 1, 2014 to August 31, 2015.

Hodde explained as in the prior years, this agreement allows the City to be reimbursed for 50% of the cost of monthly AWOS monitoring, the annual AWOS Maintenance Contract, as well as 50% of replacement lamps for the airport lighting system, herbicides, general maintenance, and a contingency for emergency repairs. Hodde stated Staff has budgeted funds for \$50,000 and with TxDOT's match of \$50,000, this will enable the City to do \$100,000 worth of maintenance and fencing at half the cost.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve the Routine Airport Maintenance Program (RAMP) Grant Agreement No. M1517BRENM with TxDOT for FY2014-15 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

14. Discuss and Possibly Act Upon the Approval of an Amended Ground Space Lease Agreement with John Richardson dba JR Leasing for Hangar Space at the Brenham Municipal Airport and Authorize the Mayor to Execute Any Necessary Documentation

Planning Technician Kim Hodde presented this item. Hodde stated originally, John Richardson dba JR Leasing had planned to construct two 50x60 hangars at the airport so two separate ground space lease agreements were executed with Mr. Richardson. Hodde advised that Mr. Richardson contacted the City and would like to build one 60x75 hangar plus a parking area instead of the two smaller hangars. Hodde explained that since, the 11,200 sf leased space is the same but is in one lease rather than two leases of 5,600 sf each, Staff is leaving the original effective and expiration dates in place. Hodde stated approval of this amended lease agreement will void the two prior leases.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve an amended ground space lease agreement with John Richardson dba JR Leasing for hangar space at the Brenham Municipal Airport 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

15. Discuss and Possibly Act Upon the Renewal of City of Brenham Group Health Plan with TML Multistate Intergovernmental Employee Benefits Pool and Establishment of Funding Rates for Calendar Year 2015 and Authorize the Mayor to Execute Any Necessary Documentation

Risk Manager Janie Mehrens presented this item. Mehrens stated the annual procurement of group medical coverage is being presented somewhat earlier this year than in the past for the January 1 renewal. Mehrens explained the new enrollment requirements of TML IEBP require that the City's plan election be made by September 22 with employee enrollment beginning in early November. Mehrens advised the overall increase in rates is 11% over current calendar year rates. Mehrens stated that because a proposed 2% COLA has been deferred until mid-year, Staff is recommending that employee costs remain at the current level and that City contribution rates increase by the amounts shown on the spreadsheet. Mehrens explained that since the proposed funding rates do not include an increase in employee contributions, this results in an increase of 11.5% in City costs. Mehrens advised the rates would become effective January 1, 2015.

Councilmember Barnes-Tilley questioned if Staff budgeted to cover the extra amount. Mehrens stated yes. Councilmember Barnes-Tilley questioned that they were approving the additional amount even if salaries go up. Mehrens stated yes because it is not contingent on salaries.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve renewal of City of Brenham Group Health Plan with TML Multistate Intergovernmental Employee Benefits Pool and establishment of funding rates for calendar year 2015 and authorize the Mayor to sign 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

16. Discuss and Possibly Act Upon Resolution No. R-14-019 Authorizing the Execution of an Agreement with TxDOT for the Temporary Closure of State Right of Way in Connection with the 2014 Christmas Stroll to be Held on Friday, December 5, 2014

Deputy City Secretary Amanda Klehm presented this item. Klehm stated the 2014 Christmas Stroll is sponsored by the City of Brenham. Klehm advised this year's stroll will be held on December 5, 2014 from 5:30 pm until 10:00 pm. Klehm stated Main and Alamo Streets will be closed between Market Street and Austin Street from 4:00 pm until 10:00 pm.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Herring to approve Resolution No. R-14-019 authorizing the execution of an Agreement with TxDOT for the temporary closure of state right of way in connection with the 2014 Christmas Stroll to be held on Friday, December 5, 2014.

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

17. Administrative/Elected Officials Report

Police Chief Rex Phelps reported on the following:

- October 7th is National Night Out. The theme is Old West.
- The Animal Shelter is only 12% short of meeting the fundraising goal. The Animal Friends Gala is Saturday Night and they will be donating 25% of proceeds to the Animal Shelter.
- October 2nd he will bring back approval to apply for grants to help cover the remaining amount.

City Manager Terry Roberts reported on the following:

- Fortnightly contributions are in at \$1.5 million dollars for the Library project.
- Staff should be ready to go out for bids for the Library and Animal Shelter by the end of the year.
- Payments from TxDOT for the pass through toll were received at \$1,718,000. The minimum Staff was hoping to receive was \$1,025,000 to cover the debt service payment.
- The ILA Task Force will meet Monday morning at 10am. This will be the last meeting before the County takes over Communications on October 1st.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary