

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on November 20, 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 Danny Goss  
Councilmember Keith Herring  
Councilmember Andrew Ebel  
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, Kacey Weiss, Chief Financial Officer Carolyn Miller, Stacy Hardy, Sara Parker, Wende Ragonis, Susan Nienstedt, Public Works Director Dane Rau, Public Utilities Director Lowell Ogle, Janie Mehrens, City Engineer Grant Lischka and Billy Rich.

### Citizens present:

Brad Stufflebeam and Carol Dippel-Webber.

### Media Present:

Arthur Hahn, Brenham Banner Press; and Mary-Janet Reyes, KWHI

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

There were no citizen comments.

## CONSENT AGENDA

### 4. Statutory Consent Agenda

- 4-a. Minutes from the November 6, 2014 Regular City Council Meeting
- 4-b. Ordinance No. O-14-036 on Its Second Reading Authorizing a Variance to Minimum Setback Requirements as Outlined in Chapter 14, Mobile Homes, Manufactured Homes and Manufactured Home Parks, of the City of Brenham's Code of Ordinance
- 4-c. Ordinance No. O-14-037 on Its Second Reading to Repeal Ordinance No. O-14-027 Relating to the Designation of Approximately 1.4 Acres in the Arabella Harrington League as Reinvestment Zone Number Forty for Commercial Tax Phase-In Incentive as Provided in Chapter 312 of the Texas Tax Code

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve the Statutory Consent Agenda Items 4-a, 4-b and 4-c as presented.

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

### 5. Discussion and Presentation Related to Street Improvements Including, but not Limited to, Chappell Hill Street Between Lawndale Avenue and Stone Street and Possible Funding Options

City Engineer Grant Lischka presented this item. Lischka explained that with the Chappell Hill Street extension south of Lawndale Avenue under construction; staff has explored the possibility of continuing the improvements of Chappell Hill Street north between Lawndale Avenue and Stone Street. Lischka stated that the existing right-of-way is adequate to construct a 39-foot wide collector street; however, any reconstruction work would require installation of approximately 1,400 feet of new curb and gutter and new intersection valleys and driveway approaches.

Lischka stated that the approximate cost for the concrete work is \$30,000 and the he recommends that City personnel complete the remainder of the street construction, which has an estimated cost of \$30,000, for a total project cost of approximately \$60,000. According to Lischka, one possible funding source is the 2012 Certificates of Obligations, which have a balance of approximately \$600,000; however, since Council has shown interest in using this money for other projects.

Assistant City Manager Kyle Dannhaus reminded Council that the Certificates of Obligation from 2012 allowed for \$900,000.00 for street/reconstruction work and that this project could use some of that money or the Council could choose to not do the work at all. Dannhaus explained that there is \$550,000.00 of the CO money that has not been allocated to any projects as of yet.

Councilmember Barnes-Tilley asked that if the council approved this funding what street projects would not get funded? Lischka stated that if there were any reconstruction projects already in the street department budget then those projects would get postponed. Public Works Director Dane Rau provided Council with a list of streets that are scheduled to be reconstructed and if the CO money is not used some of the budgeted street improvements would have to be put on hold.

Councilmember Ebel stated that he believes the project needs to be done so that it will be a finished product.

Councilmember Goss stated that he is not in favor of the project due to there already being overages in spending. Lischka explained that the overages were from Texas Department of Transportation (TXDOT) requiring the city to do some of the signals and stripping on Market Street due to the TXDOT's lane realignment of Market Street at Chappel Hill Street.

## **REGULAR AGENDA**

### **6. Discuss and Possibly Act Upon the 2015 Holiday Schedule**

Human Resource Manager Susan Nienstedt presented this item. Nienstedt advised Council that the 2015 schedule provides for the same twelve (12) holidays as approved for 2014.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve the 2015 holiday schedule as presented.

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

**7. Discuss and Possibly Act Upon the Purchase of Group Term Life and Accidental Death and Dismemberment and Long Term Disability Coverage and Authorize the Mayor to Execute Any Necessary Documentation**

Risk Manager Janie Mehrens presented this item. Mehrens advised Council that the group term life and accidental death and dismemberment and long term disability policies with Lincoln Financial Group terminate on December 31, 2014. She stated that proposals for replacement coverage, effective January 1, 2015, were sought and proposals from three (3) companies: Lincoln Financial Group, The Municipal Pool and Sun Life of Canada.

Mehrens advised Council that staff is recommending Sun Life of Canada as their prices resulted in rates 13% lower with final rates as follows:

\$0.16 per \$1,000 base salary – Employee Basic Life  
\$0.02 per \$1,000 base salary – Employee Basic AD&D  
\$0.24 per \$100 base salary - LTD

Mayor Pro Tem Nix asked why we were not using Lincoln Financial Group. Purchasing Manager Sara Parker stated that Lincoln Financial Group did not meet the requirements of the bid process.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Herring to approve the purchase of Group Term Life and Accidental Death and Dismemberment and Long Term Disability coverage from Sun Life of Canada at the rates presented 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

**8. Discuss and Possibly Act Upon an Ordinance on Its First Reading Providing for Updated Service Credit and an Increase in Retirement Annuities in the Texas Municipal Retirement System**

Risk Manager Janie Mehrens presented the item. Mehrens explained that for many years, City Council has approved on an annual basis an ordinance providing for updated service credit and an increase in retirement annuities of 70% of the Consumer Price Index, as provided through the Texas Municipal Retirement System. Mehrens stated that in order to make any changes in any provision of the City's plan in TMRS, an ordinance must be approved by the Council. She also advised Council that the funding rate for the City will decrease from 6.98% to 6.35% effective January 1, 2015.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve an Ordinance on its first reading providing for updated service credit and an increase in retirement annuities in the Texas Municipal Retirement System, effective January 1, 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 a Request for a Noise Variance for Home Sweet Farm Market Located at 307 S. Park Street and Authorize the Mayor to Execute Any Necessary Documentation**

City Secretary Jeana Bellinger presented this item. Bellinger explained that Brad Stufflebeam with Home Sweet Farm Market submitted a noise variance request to have live music (1-2 persons with acoustic guitars) on the 1<sup>st</sup> and 3<sup>rd</sup> weekend of each month on Saturday from 6:00 p.m. to 9:00 p.m. and on Sunday from 11:00 a.m. to 4:00 p.m. Bellinger stated that the only business near the market is Ant Street and Mr. Stufflebeam has already contacted them and will coordinate the music for days there are no weddings.

Mr. Stufflebeam was present and explained to the Council that he will have music playing outside while the market is open. He said they will have an acoustic guitar and a brother/sister duet singing.

City Attorney Cary Bovey advised the Council that since there is not an end date for the noise variance the Council should consider adding an end date. Councilmember Barnes-Tilley asked if they could extend it for six months or a year. Attorney Bovey stated that would be acceptable. Councilmember Barnes-Tilley suggested the Council approve the noise variance for a six month period to be renewed by the City Manager if there are no issues or complains about it.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve a request for a noise variance for Home Sweet Farm Market located at 307 S. Park Street for a six month period with an additional six month renewal by the City Manager if there are no complaints received by the City 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

**10. Discuss and Possibly Act Upon Change Order No. 1, Change Order No. 2, Change Order No. 3 (Reconciliation) and Authorize Final Payment to Dudley Construction, Ltd. for the Utility Line Extension Along State Highway 36 North and Burleson Street and Authorize the Mayor to Execute Any Necessary Documentation**

Public Utilities Director Lowell Ogle presented this item. Ogle advised Council that Dudley Construction, Ltd. has completed the work to extend water service to the recently annexed area along Highway 30 North and Burleson Street. He explained that the project did have three (3) change orders but the total project came in at \$49,871.13 below the original contract price.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve Change Order No. 1 for a reduction of \$1,767.93, Change Order No. 2 for a reduction of \$50,299.20, Change Order No. 3 (Reconciliation) for an increase of \$2,196.00 and approve final payment in the amount of \$48,759.71 to Dudley Construction, Ltd. for utility line extension along State Highway 30 North and Burleson Street 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

**11. Discuss and Possibly Act Upon an Ordinance on Its First Reading Authorizing the Placement of Stop Signs on S. Day Street at its Intersection with Charles Lewis Street**

Public Works Director Dane Rau presented this item. Rau advised Council that during the last council meeting staff recommended placing additional stop signs on S. Day Street at its intersection with Charles Lewis in order to slow down vehicles traveling from Tom Green and W. Fifth. Rau explained that the additional stop signs were discussed with the residents adjacent to this intersection and all of them are in favor. Rau recommended to Council that this ordinance, converting this intersection from a 2-way stop to a 4-way stop, be approved on its first reading.

Councilmember Herring advised Council that he went to this intersection and based on the traffic he observed, he does not feel the additional stop signs are needed at this time.

Citizen Carol Dippel-Webber addressed the Council and stated that people living in that area have been to council meetings before asking that extra stop signs be added to the intersection. She explained that motorists drive fast through this intersection street and she is worried about the pedestrians.

A motion was made by Councilmember Ebel and seconded by Councilmember Barnes-Tilley to approve an Ordinance on its first reading authorizing the placement of stop signs on S. Day Street at its intersection with Charles Lewis Street.

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
<b>Councilmember Keith Herring</b>	<b>No</b>
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

**12. Discuss and Possibly Act Upon Resolution No. R-14-025 in Support of a Request to the Texas Department of Transportation for the Placement of Stop Signs on College Avenue at its Intersection with S. Day Street**

Public Works Director Dane Rau presented this item. Rau advised Council that he received a request from St. Paul's Christian Day School outlining their concerns and asking for support in approaching TxDOT about placing stop signs on College Avenue where it intersects with S. Day Street. Rau stated that this portion of College Avenue is considered FM 389 and is State right-of-way; therefore, the City does not have the authority to place stop signs on College Avenue but can is willing to assist St. Paul's in their effort if directed by Council to do so.

Rau explained that this Resolution, if approved by Council, will be presented to TxDOT for their consideration.

Councilmember Barnes-Tilley expressed concern about traffic backing up at the intersection. Rau explained that it is an area that they will watch closely to see if that happens. Mayor Tate said that the Council could choose to go back to the original two stop signs if that occurred.

Councilmember Goss questioned whether the City would be placing the stop signs or if TXDOT would take care of it. Rau stated that the City will be responsible for putting up the signs and the estimated cost to the City will be about two hundred dollars.

A motion was made by Councilmember Williams and seconded by Councilmember Ebel to approve Resolution No. R-14-025 in support of a request to the Texas Department of Transportation for the placement of stop signs on College Avenue at its intersection with S. Day Street.

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 Change Order No. 2 to Collier Construction, LLC for the Extension of Chappell Hill Street and Authorize the Mayor to execute Any Necessary Documentation**

City Engineer Grant Lischka presented this item. Lischka explained that Change Order No. 2 for the Chappell Hill Street Extension contains deductions for value engineering items and will save the City \$21,440.93 if approved.



Lischka also explained that the majority of the savings, approximately \$20,000.00, is on the south end of Chappell Hill Street, which is the Kruse portion of the project. The other \$1,400.00 savings would be on the portion that the city is paying for. Lischka reminded Council that the whole project is being funded 75% by the developer (Kruse Family) and 25% by the Brenham Community Development Corporation (BCDC).

A motion was made by Councilmember Ebel and seconded by Councilmember Herring to approve Change Order No. 2 to Collier Construction, LLC for a reduction of \$21,440.93 for the extension of Chappell Hill Street 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

The Council adjourned into Executive Session at 1:53 p.m.

## **EXECUTIVE SESSION**

### **14. Section 551.073 – Texas Government Code – Deliberation Regarding Prospective Gift – Discussion Regarding Prospective Gift(s)/Donations(s) of Real Property for City Street Right -of-Way Purposes**

Executive Session adjourned at 2:35 p.m.

## **REGULAR AGENDA**

### **15. Administrative/Elected Officials Report**

City Manager Terry Roberts reported on the following:

- The draft agenda for the December 4<sup>th</sup> Council meeting will be ready on Wednesday, November 27<sup>th</sup> due to the Thanksgiving Holidays.
- There will be a Charter workshop following the Council meeting on December 4<sup>th</sup>.

- On Sunday, November 23<sup>rd</sup> there will be a ribbon cutting at 4:00 p.m. for the new Alton Elementary School.
- The Fire Department Christmas Party will be December 6<sup>th</sup> at 6:00pm.
- On Friday, December 5<sup>th</sup>, the Christmas Stroll will be held in downtown beginning at 6:00pm.
- There was an Audit Committee meeting. The City's financial advisor, Garry Kimball, says the city could refinance about \$4,000,000.00 of pass thru toll financing from a few years back and save about \$250,000.00 over the next five years or about \$50,000 a year if we refinance after the first of the year.
- The Parks Board meeting will be held December 10<sup>th</sup> at noon and will be discussing the final stages of the Parks Master Plan.

The meeting was adjourned.

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Milton Y. Tate, Jr.  
Mayor

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Jeana Bellinger, TRMC  
City Secretary