

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on January 29, 2015 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

### Members absent:

Councilmember Weldon Williams, Jr.

### Others present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Engineer Grant Lischka, Chief Financial Officer Carolyn Miller, Stacy Hardy, Sara Parker, Kacey Weiss, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Public Works Director Dane Rau, and Public Utilities Director Lowell Ogle

### Citizens present:

Clint Kolby, Page Michel, and Matt Whit

### Media Present:

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

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

**3. Citizens Comments**

There were no citizen comments.

**CONSENT AGENDA**

**4. Statutory Consent Agenda**

**4-a. Minutes from the December 4, 2014 Special Emergency Meeting and December 4, 2014, December 18, 2014 and January 8, 2015 Regular City Council Meetings**

A motion was made by Councilmember Herring and seconded by Councilmember Barnes Tilley to approve the Statutory Consent Agenda Item 4-a. 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
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

**WORK SESSION**

**5. Discuss and Review the FY2013-14 Fourth Quarter Financial Report**

Chief Financial Officer Carolyn Miller presented this item. Miller advised the status of the General Fund and the five major utility funds in the report. Miller reported that the City experienced favorable performance in the General, Gas and Wastewater Funds for FY2013-14; however, the Electric Fund was unfavorable due to LCRA generation rates, the Water Fund performance was unfavorable due to a 9.8% decrease in water consumption; and the Sanitation Fund overall posted a net loss for the year primarily due to utilization of fund balance reserves for capital expenditures and increased costs in the Transfer Station.

**FINANCIAL PERFORMANCE SUMMARY**

Fund	4 <sup>TH</sup> QTR Actual Performance			
	YTD Revenues	YTD Expenditures	Actual Net Revenues	Budgeted Net Revenues
General Fund	\$ 16,866,689	\$ 16,716,696	\$ 149,992	\$ 107,174
Electric Fund	28,051,982	29,064,299	(1,012,317)	(1,029,649)
Gas Fund	3,909,935	3,584,662	325,272	311,594
Water Fund	3,990,750	4,979,064	(988,314)	(993,016)
Wastewater Fund	3,594,683	3,569,542	25,142	32,652
Sanitation Fund	2,481,884	2,534,407	(52,523)	(53,199)

Miller explained at the end of the fiscal year, the City has 100 days of General Fund reserves to cover the financial goal of 90 days reserve and 5 days Renovations and Replacements (R&R) reserve, which leaves the City with over 5 days of undesignated reserves. Miller stated the Electric Fund working capital reserves decreased from 106 to 84 days. Miller explained the Gas Fund working capital reserves grew by one day from 153 days to 154 days. Miller stated with a net loss in the Water Fund, the working capital reserves fell from 221 days to 198 days. Miller noted that the Wastewater Fund posted net revenues of \$25,142 however, the days of working capital reserves decreased from 65 days to 52 days. Miller stated the Sanitation Fund working capital reserves decreased from 128 days to 117 days. Miller advised the City experienced favorable performance in the General, Gas and Wastewater Funds, and maintained the 90 or 60 day operating/working capital reserves in the General Fund and all utility funds except the Wastewater Fund.

**REGULAR AGENDA**

**6. Discuss and Possibly Act Upon Ordinance No. O-15-002 on Its Second Reading to Repeal Ordinance No. O-04-007 for the Placement of a Stop Sign on Chappell Hill Street at Its Intersection with Stringer Street**

Public Works Director Dane Rau presented this item. Rau advised that City Attorney Cary Bovey made a few changes to the ordinance related to when the stop signs will be installed.

A motion was made by Councilmember Barnes Tilley and seconded by Councilmember Ebel to approve Ordinance No. O-15-002 on its second reading to repeal Ordinance No. O-04-007 for the placement of a stop sign on Chappell Hill Street at its intersection with Stringer Street 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
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

**7. Discuss and Possibly Act Upon Ordinance No. O-15-003 on Its Second Reading for the Placement of a Stop Sign on Stringer Street at Its Intersection with S. Chappell Hill Street**

Public Works Director Dane Rau presented this item. Rau explained that City Attorney Cary Bovey made a few changes to the ordinance related to when the stop signs will be installed.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve Ordinance No. O-15-003 on its second reading for the placement of a stop sign on Stringer Street at its intersection with S. Chappell Hill Street 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
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

**8. Discuss and Possibly Act Upon Bid No. 15-002 for the Purchase and Installation of a 40-Ton HVAC Unit for City Hall and Authorize the Mayor to Execute Any Necessary Documentation**

Public Works Director Dane Rau presented this item. Rau explained that on January 6, 2015, bids were opened for the purchase and installation of a 40 ton HVAC unit for City Hall. Rau stated there were 7 bids sent out with 2 bids received and the lowest bidder was Brenham Heating and Air at \$51,000.00. Rau said this unit will replace a 2003 Carrier HVAC unit that controls the 1<sup>st</sup> Floor East Wing of City Hall where utility billing is located. Rau explained that this replacement was budgeted for in the 2014-15 budget at a cost of \$68,000.00. Rau noted that Brenham Heating and Air has stated that upon receiving the purchase authorization the delivery will be approximately 75 days and this will put the installation on or around April 16<sup>th</sup>. Rau noted that the front entrance of City Hall will be shut down and all patrons will be directed to use the Court entrance.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Nix to approve Bid. No. 15-002 to Brenham Heating and Air for the purchase and installation of a 40 ton HVAC Unit in the amount of \$51,000.00 for City Hall 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
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

**9. Discuss and Possibly Act Upon Acceptance of Post Issuance Compliance Procedures and Authorize the Mayor to Execute Any Necessary Documentation**

Chief Financial Officer Carolyn Miller presented this item. Miller explained that a Post-Issuance Tax Compliance Program is an established protocol that allows an issuer to monitor the requirements necessary to maintain the tax status of its bonds and, if necessary, identify potential problems so that it may take preventative or corrective actions, as applicable. Miller stated that the IRS has increased its focus on what happens after bonds are issued, and good post-issuance practices make it easier to show the IRS that all of the federal tax law requirements have been met. Miller noted that although we follow these procedures informally, a “best business practice” calls for written procedures adopted by the governing body. Miller explained that Bracewell & Giuliani, LLP provided the template for the procedures which we modified for the City of Brenham and our city attorney reviewed for content and accuracy of legal citations throughout the document. Miller noted that there will be a Standard and Poor’s meeting on Tuesday, February 3<sup>rd</sup> and this information will be noted.

A motion was made by Councilmember Barnes Tilley and seconded by Councilmember Goss to accept the Post-Issuance Compliance Procedures with the edited change 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
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

**10. Discuss and Possibly Act Upon an Order Calling a General Election on May 9, 2015 for the Purpose of Electing One Mayor; One Council Member for Place 2 – Ward 2; and One Council Member for Place 4 – Ward 4, Each for Four (4) Year Terms**

**Discutir y posiblemente actuar por una orden exigiendo Elecciones Generales el 9 de mayo de 2015 con el propósito de la elección de un alcalde, un miembro de consejo para Lugar 2 – Distrito Electoral 2, y un miembro de consejo para Lugar 4 – Distrito Electoral 4, cada uno para términos de cuatro (4) años.**

City Attorney Cary Bovey presented this item. Bovey explained that in accordance with the Texas Election Law and the City’s election schedule, the city must hold a General Election on Saturday, May 9, 2015, to elect a Mayor, one Councilmember for Place Two - Ward Two, and one Councilmember for Place 4 - Ward Four.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Herring to approve the Order authorizing the calling of a General Election on May 9, 2015, for the purpose of electing a Mayor; one Councilmember for Place 2 – Ward 2; and one Councilmember for Place 4 – Ward 4, each for a four (4) year term.

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
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

**11. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham, Brenham Independent School District and Blinn College for the May 9, 2015 Elections and Authorize the Mayor to Execute Any Necessary Documentation**

City Attorney Cary Bovey presented this item. Bovey explained that as the City has done in the past, the City, BISD and Blinn will all contract with Washington County to hold the 2015 election. Bovey noted that the City has already entered into an agreement with Washington County concerning the election costs.

A motion was made by Councilmember Barnes Tilley and seconded by Councilmember Ebel to approve the Interlocal Agreement between the City of Brenham, Brenham Independent School District and Blinn College for the May 9, 2015 Elections, contingent upon final approval by the City Attorney, 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
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

**12. Discuss and Possibly Act Upon Resolution No. R-15-001 of the City Council of the City of Brenham, Texas, Adopting a Commercial Tax Phase-In Agreement with Blue Bell Creameries, L. P. and Stanpac USA, LLC, Approving the Future Assignment Thereof, and Authorizing the Mayor to Execute Any Necessary Documentation**

Clint Kolby presented this item. Kolby stated that the Brenham Economic Development Foundation (EDF) requests consideration of an application for Tax Phase-In from Stanpac, USA. Kolby noted that Stanpac has plans to purchase a new commercial printing press and construct a new building at their Brenham plant to provide their customers, mainly Blue Bell, with the best possible print quality for their packaging. Kolby noted that the enhanced functionality of the new printing press will lead to new products and potentially new customers which will lead to increased jobs at the facility over time. Kolby explained that Stanpac will be investing \$8.5 Million in capital for this project; \$6 Million will be used to purchase the new pieces of machinery; and \$2.5 Million will be used to construct a new building and expand it off of their current facility.

Matt Whitt, Co-President of Stanpac USA, LLC, explained that the new press will allow new things, such as improving quality, making new products, and expanding their market. Whit also noted that they would like to build a new building to house the new equipment. Whit also stated that Stanpac doesn't own their property at this time, but they hope to buy the land in March from Blue Bell Creameries.

Councilmember Goss asked if Blue Bell Creameries is named in the tax phase-in since they own the property and City Attorney Cary Bovey advised they were. Goss questioned why tax phase-in is being done now if Stanpac doesn't actually own the land. Kolby explained that, if approved, construction will start prior to the land sales. Bovey further explained that tax phase-in requests have to be applied for and approved prior to any improvements being made to the property. Councilmember Barnes Tilley questioned what will happen if there is a delay in March with the property being purchased and Bovey stated that the tax phase-in will be delayed to the new owner.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve Resolution No. R-15-001 adopting a Commercial Tax Phase-In Agreement with Blue Bell Creameries, L.P. and Stanpac USA, LLC and authorizing 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
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

**13. Discuss and Possibly Act Upon Resolution No. R-15-002 Authorizing the Acceptance of TxDOT's Selective Traffic Enforcement Program (STEP) Grant for Impaired Driving Mobilization During the Specific Periods of December 19, 2014 through January 2, 2015; March 7 through March 22, 2015; June 26 through July 7, 2015; and August 21 through September 7, 2015 for the Police Department and Authorize the Mayor to Execute Any Necessary Documentation**

Police Chief Rex Phelps presented this item. Phelps explained that this grant funds the police department to intensify enforcement of alcohol-related driving offenses. Phelps also noted that this grant is of the same nature as the past STEP grants that have been accepted. Phelps stated that part of this time frame has passed as he thought only certain grants would have to be approved by the City Council. Phelps noted that he learned that all grants, no matter what the amount is, have to be approved and passed by City Council. Phelps explained that that once all of the paperwork is submitted then we will be reimbursed, even though the Council is approving it after the first time period has passed.

A motion was made by Councilmember Goss and seconded by Mayor Pro Tem Nix to approve Resolution No. R-15-002 authorizing the acceptance of TxDOT's Selective Traffic Enforcement Program (STEP) Grant, in the amount of \$3,000.00, for Impaired Driving Mobilization for the specific periods of December 19, 2014 through January 2, 2015; March 7 through March 22, 2015; June 26 through July 7, 2015 and August 21 through September 7, 2015, for the Police 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
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

Council adjourned into Executive Session at 1:35 p.m.

### **EXECUTIVE SESSION**

- 14. Section 551.072 - Texas Government Code – Deliberation Regarding Real Property – Discussion Regarding Potential Sale of Approximately 0.045 Acres of City Right-of-Way Abutting the Property Located at 2211 Old Chappell Hill Road**
- 15. Section 551.072 - Texas Government Code – Deliberation Regarding Real Property – Discussion Regarding Potential Sale of Approximately 3.86 Acres of Land Along Old Mill Creek Road, East of U.S. Highway 290**
- 16. Section 551.072 - Texas Government Code – Deliberation Regarding Real Property – Discussion Regarding Potential Sale of Approximately 1.78 Acres of Land Along Old Mill Creek Road, West of U. S. Highway 290**

Executive Session adjourned at 2:15 p.m.

### **RE-OPEN REGULAR SESSION**

- 17. Discuss and Possibly Act Upon an Ordinance on Its First Reading Abandoning and Closing a Portion of City Right-of-Way and Authorizing the Sale of Approximately 0.045 Acres Abutting the Property Located at 2211 Old Chappell Hill Road**

A motion was made by Councilmember Herring and seconded by Councilmember Goss to approve an Ordinance on its first reading abandoning and closing a portion of City right-of-way and authorizing the sale of approximately 0.045 acres abutting the City's property located at 2211 Old Chappell Hill Road, at the price discussed in Executive Session.

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
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

**18. Discuss and Possibly Act Upon the Potential Sale of Approximately 3.86 Acres of Land Along Old Mill Creek Road, East of U. S. Highway 290**

A motion was made by Councilmember Goss and seconded by Councilmember Ebel to approve the sale of approximately 3.86 acres of land along Old Mill Creek Road, east of U.S. Highway 290 and authorize the staff to contact a realtor to evaluate land for possible development and/or sale options.

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
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

**19. Discuss and Possibly Act Upon Potential Sale of Approximately 1.78 Acres of Land Along Old Mill Creek Road, West of U.S. Highway 290**

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve the potential sale of approximately 1.78 acres of land along Old Mill Creek Road, west of U.S. Highway 290 and authorize staff to proceed with research related to the sale of the land and bring back to the City Council options for further consideration.

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
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

## 20. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- The City Holiday Party will be January 30<sup>th</sup> at the Fireman's Training Center
- The Fortnightly Club will have a Grand Opening on February 2<sup>nd</sup> at their new Book House on Park Street
- Washington County Day at the Capitol is Tuesday, February 24<sup>th</sup>.
- City employee Tammy Jaster received the Blue Blazer of the Year Award at the Washington County Chamber of Commerce Banquet

Police Chief Rex Phelps reported on the following:

- Ten potential bidders attended the pre-bid meeting for the Brenham Pet Adoption Center; all bids are due on February 12<sup>th</sup>

Public Works Director Dane Rau reported on the following:

- Chappell Hill Street work is continuing since the weather has been good
- City crews are doing a lot of work at the library getting it ready for renovations

Fire Chief Ricky Boeker reported on the following:

- Both of the new fire trucks are in town

Director of Community Services Wende Ragonis reported on the following:

- The Parks Master Plan was placed around the dias for Council to review; it will be on the next Council meeting agenda for formal action.

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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