

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on February 19, 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

Others present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Kacey Weiss, City Engineer Grant Lischka, Chief Financial Officer Carolyn Miller, Stacy Hardy, Sara Parker, Cynthia Longhofer, Director of Community Services Wende Ragonis, Tammy Jaster, Brandie Dahlquist, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Public Works Director Dane Rau, Casey Redman, Public Utilities Director Lowell Ogle, Development Services Manager Erik Smith, Kim Hodde, Angela Hahn and Becky Squyres

Citizens present:

Charlie Pyle, Bill Betts, Jeff Burkhart, Dayle Burkhart, Holly Johnson, Amanda Akers, Casey Finke, Jeff French, Brittney Prestwood and Delbert Boeker

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 Pro Tem Gloria Nix**

3. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

4. Statutory Consent Agenda

4-a. Ordinance No. O-15-005 on Its Second Reading Granting a Specific Use Permit to New Beginnings Life Ministries for Carpentry/Upholstering Related to Furniture Manufacturing on a Site in a Business/Residential Mixed Use (B1) Zoning District and Being Located on Approximately 1.238 Acres, being a Part of Tract 70 in the Arrabella-Harrington Survey of the City of Brenham, Washington County, Texas (Said Property Located at 1000 E. Blue Bell Road)

A motion was made by Councilmember Herring and seconded 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
Councilmember Weldon Williams	Absent

WORK SESSION

5. Discussion and Presentation of the City of Brenham Parks, Recreation and Open Spaces Master Plan for 2015 through 2025

Community Services Director Wende Ragonis presented this item. Ragonis stated that at the direction of the Parks Advisory Board, Community Services along with Parks and Recreation staff developed the 2015 - 2025 Parks, Recreation and Open Spaces Master Plan for the City of Brenham. Ragonis noted that City staff partnered with Texas State University to complete the master planning process. Ragonis explained by working with an academic intuition, costs were minimized and many tasks were performed by existing City resources. Ragonis stated that Dr. Jo An Zimmermann, Ph.D., CPRP of Texas State University has guided the Parks Advisory Board and City staff throughout the process as the parks and recreation industry expert.

Ragonis noted that funding for this project was provided by the Brenham Community Development Corporation (BCDC) at their January 23, 2014 regularly scheduled meeting in the amount of \$5,000.00. The master planning process began with the following goals:

- Reconfirm the Parks & Recreation Vision, Mission and Goals.
- Create a National Recreation Parks Association (NRPA) PRORAGIS Profile to utilize industry standards to benchmark performance.
- Create an Asset Map detailing existing park and recreational opportunities in the area.
- Gather an understanding of demographics and community needs.
- Assess the data gathered to define goals and priorities to meet the dynamic needs of the community.
- Develop a comprehensive Master Plan to guide the parks system for the next ten years while incorporating flexibility in responding to unique opportunities as they arise.

Ragonis explained that in addition to these goals, staff has taken great care to draft a document which meets the criteria published by the Texas Parks and Wildlife Department (TPWD) to ensure the City of Brenham is favorably positioned to receive grant funding from TPWD. Ragonis noted the TPWD offers various types of grants and assistance programs to municipalities; and to be competitive for grant and assistance opportunities, municipalities must have a Master Plan that is 1) compliant with TPWD requirements and 2) adopted by its Council.

Dr. Jo An Zimmermann, Ph. D., CPRP of Texas State University gave a presentation and presented a slide show. Dr. Zimmermann noted that they have developed an excellent plan and there was six community input meetings in order to get feed back. Zimmermann explained that the City should not duplicate its services and should maximize the resources that are already here. Zimmermann also noted that the City should work with Brenham Independent School District and use some of their buildings to offer evening classes such as a visual arts class or to possibly build a recreation center.

6. Discussion and Presentation Regarding City and Non-City Sponsored Special Events in Downtown and Other Areas Within the City

City Secretary Jeana Bellinger presented this item. Bellinger explained that since January, her office has received six (6) requests for special events from non-City organizations. Bellinger stated these events include walks, runs, parades and street dances. Bellinger stated that while discussing the various requests with staff, it was recommended that a work session be held to discuss how Council would like to handle special events in Brenham (whether they are in the downtown area or in other areas of the City).

Bellinger stated each year the City hosts approximately 10 events; however, her office also processes requests from other organizations for their events. Bellinger stated the non-city hosted events have included things such as the Celebration of the Feast of Guadalupe (walk), the Blue Bell Fun Run (5K run), St. Mary's 100 Days of Summer (festival) and D&S Community Services Fun & Field Day Event (walk). Bellinger's office also handles all parade permits; in 2014, downtown was host to 7 different parades (only 1 was city hosted).

Bellinger noted that in receiving an application for a special event, her office forwards the request to other city departments that may be affected upon approval of the request. Bellinger stated those departments include Police, Fire, Streets, Sanitation, Utilities, Maintenance, and Code Enforcement. Bellinger stated that once reviewed by the necessary departments, she advises the requestor of their events approval or denial.

Bellinger explained that at this time, the only revenue generated by the City for special events is the cost of the permit: \$10. Bellinger noted that in reviewing other cities in our area, it seems that every city handles special events differently; however, each of the cities she researched charge amounts ranging from \$100-\$500 for the permit alone and many of them require security deposits, bonds and insurance.

Bellinger stated during the Work Session she would be asking for Council direction on the various special event requests that have already been submitted and how to handle future requests. Bellinger noted that due to a March 28th event date, please note that Item 10 (street closure) and Item 11 (noise variance) on the agenda are directly related to requests for special events.

City Attorney Cary Bovey explained that any asset that the city has, whether it is streets or property, there is a liability concern. Bovey noted that some cities require organizations to have a certain amount of insurance to cover accidents. Bovey stated that he would check into a Special Events Rider through Texas Municipal League.

Councilmember Barnes-Tilley stated that she believes that the permit fees should be increased and the Council needs to be consistent in what they are charging and to whom.

Councilmember Goss noted that he does not think the Council should have to pick what organizations will do what, but he also does not think the City should have to support every non-sponsored City function. Goss stated that the City has very nice parks and facilities and those places could be used by those organizations.

Community Services Director Wende Ragonis explained that her department loves to have non-city sponsored events in the downtown area because they have a positive economic impact, but she also realizes that it is a lot of work for staff and that it does get costly for the City.

Councilmember Ebel noted that he likes the idea of having fees for non-sponsored city events and that all organizations would be required to have insurance.

Mayor Tate noted that while some events have the purpose of making money, he feels that some of the parades are purely for the public and that there needs to be separate fee amounts for parades and larger things like dances. Tate explained that everyone should come up with an idea of a fee schedule and that the item should be brought back to Council.

REGULAR AGENDA

7. Discuss and Possibly Act Upon Ordinance No. O-15-006 on Its Second Reading Amending Ordinance No. O-12-020, Section 1, to Revise Certain Regulations Applicable to the Ralston Creek Estates Planned Development District

Development Services Manager Erik Smith presented this item. Smith explained that there were several minor changes to the Ordinance requested by the City Attorney and that is why this item is back on the regular agenda.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve Ordinance No. O-15-006 as presented on its second reading amending Ordinance No. O-12-020, Section 1, revising certain regulations applicable to the Ralston Creek Estates Planned Development District.

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	Absent

8. An Ordinance of the City Council of the City of Brenham, Texas, Authorizing the Issuance and Sale of City of Brenham, Texas, General Obligation Refunding Bonds, Series 2015; Levying a Tax and Providing for the Security and Payment Thereof; Approving the Official Statement, A Purchase Agreement, A Paying Agent/Registrar Agreement and an Escrow Agreement; Calling Certain Outstanding Obligations for Redemption; and Enacting Other Provisions Relating Thereto

Garry Kimball, of Specialized Public Finance, presented this item. Kimball presented information related to the opportunity to advance refund a portion of the City's 2010 Pass-Through Toll Revenue and Limited Tax Bonds. Kimball explained that the City would issue approximately \$4,300,000 in Series 2015 General Obligation Refunding Bonds and would recognize about \$243,974 in savings. Kimball explained that he was very pleased with the transaction and hoped that Council will approve.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Nix to approve an Ordinance of the City Council of the City of Brenham, Texas, authorizing the issuance and sale of City of Brenham, Texas, General Obligation Refunding Bonds, Series 2015; levying a tax and providing for the security and payment thereof; approving the official statement, a purchase agreement, a paying agent/registrar agreement and an escrow agreement; calling certain outstanding obligations for redemption; and enacting other provisions relating thereto.

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	Absent

9. Discuss and Possibly Act Upon Ordinance No. O-15-007 on Its Second Reading Ordering a Special Election on May 9, 2015 for the Purpose of Submitting to the Qualified Voters of Brenham Certain Proposed Amendments to the Existing Charter of the City of Brenham, Texas

City Secretary Jeana Bellinger presented this item. Bellinger explained that at the February 5th council meeting the ordinance calling the May 9, 2015 Special Charter Amendment Election was approved by the City Council on its first reading. Bellinger stated that since that time, she and the City Attorney have made several revisions to the Ordinance to assure that it addresses each of the 23 Propositions accurately and provides the appropriate ballot wording.

Bellinger explained that due to the length of the ordinance and the time it has taken to carefully review each Proposition, the ordinance is not included in the agenda packet. Bellinger stated it would be distributed separately to the Councilmembers prior to the meeting and is available for public review in the City Secretary's office during normal business hours.

A motion was made by Councilmember Barnes Tilley and seconded by Mayor Pro Tem Nix to approve Ordinance No. O-15-007 on its second reading ordering a Special Election on May 9, 2015 for the purpose of submitting to the qualified voters of Brenham certain proposed amendments to the existing Charter of the City of Brenham, Texas.

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	Absent

10. Discuss and Possibly Act Upon Resolution No. R-15-003 Authorizing Execution of an Agreement with TxDOT for the Temporary Closure of State Right of Way in Connection with the 125th Maifest Celebration to be Held on Saturday, March 28, 2015 from 6:00 p.m. – 11:00 p.m. in Downtown Brenham and Authorize the Mayor to Execute Any Necessary Documentation

City Secretary Jeana Bellinger presented this item. Bellinger explained that the Brenham Maifest Association has submitted a special event permit, with street closures, for the 125th Maifest Celebration to be held in downtown on March 28, 2015. Bellinger stated that as outlined in their request, this Celebration will include activities at Unity Theater, Ant Street Inn and Simon Theater. Bellinger noted the stage for the live band would be set-up at the intersection of Alamo and Douglas (parking area by public restrooms). Bellinger stated that this item was for the street closure only.

A motion was made by Councilmember Barnes Tilley and seconded by Councilmember Ebel to approve Resolution No. R-15-003 authorizing the execution of an agreement with TxDOT for the temporary closure of state right of way in connection with the 125th Maifest Celebration to be held on Saturday, March 28, 2015 from 6:00 p.m. – 11:00 p.m. in Downtown Brenham 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	Absent

11. Discuss and Possibly Act Upon a Request for a Noise Variance from the Brenham Maifest Association for the 125th Maifest Celebration to be Held on Saturday, March 28, 2015 from 6:00 p.m. – 11:00 p.m. in Downtown Brenham and Authorize the Mayor to Execute Any Necessary Documentation

City Secretary Jeana Bellinger presented this item. Bellinger explained that Charlie Pyle with the Brenham Maifest Association is requesting a Noise Variance for their 125th Maifest Celebration to be held on Saturday, March 28, 2015 from 6:00 p.m. – 11:00 p.m. Bellinger stated they are requesting to have a live band and street dance at the intersection of Alamo Street and Douglas Street in downtown. Bellinger noted this is a separate event from the normal Maifest activities that will be held in Fireman’s Park in May. Bellinger stated that this is for the noise variance only.

A motion was made by Councilmember Barnes Tilley and seconded by Councilmember Herring to approve a request for a noise variance from the Brenham Maifest Association for the 125th Maifest Celebration to be held on Saturday, March 28, 2015 from 6:00 p.m. – 11:00 p.m. in Downtown Brenham 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	Absent

12. Discuss and Possibly Act Upon Resolution No. R-15-004 Adopting a New Fee Schedule for the Antique Carousel Located in Fireman’s Park

Community Services Director Wende Ragonis presented this item. Ragonis explained that the Antique Carousel located in historic Fireman’s Park is an asset to the community. Ragonis stated the Park Advisory Board discussed with Staff Carousel rates and operations at the December 10, 2014 and the January 21, 2015 Parks Advisory Board meetings and determined the following rates for the public use of that facility.

Ragonis explained the Carousel will open to the public for set hours of operation on Saturdays and Sundays from March 1, 2015 thru October 31, 2015 for the cost of \$1 per rider. Ragonis stated it will be available for reservation year round Monday – Friday 10:00am – 4:00pm. The Carousel fee for a reservations during the week will be \$1 per rider, with a minimum fee set at \$40 for the reservation.

Councilmember Goss questioned how the carousel would be staffed. Ragonis stated that they will be hiring a part-time carousel operator and hope to find someone that already works part-time with in the City.

A motion was made by Councilmember Ebel and seconded by Mayor Pro Tem Nix to approve Resolution No. R-15-004 adopting a new fee schedule for the antique carousel located in Fireman's Park.

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	Absent

13. Discuss and Possibly Act Upon Bid No. 15-004 for the Purchase of Four (4) Pick-Up Trucks for Various City of Brenham Departments and Authorize the Mayor to Execute Any Necessary Documentation

Purchasing Supervisor Sara Parker presented this item. Parker explained a bid package for four (4) pickup trucks for use by various City Departments was publicly advertised and bid notices were also sent to known interested vendors including four (4) local vendors. Parker stated four (4) bids were submitted with the lowest bid from Caldwell Country Chevrolet in the amount of \$96,255.

Parker explained that the pickups to be purchased are:

- Two (2) for the Police Department. These will be assigned within the Department and will replace older units that will be sold at auction.
- One (1) for Animal Control. This will also replace an older unit which will be sold at auction.
- One (1) for Water Construction. Addition of this vehicle will allow crews to be dispatched to more than one site for more efficient assignment of work.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes Tilley to award Bid No. 15-004 for the purchase of four (4) pick-up trucks for various City of Brenham departments to Caldwell Country Chevrolet in the amount of \$96,255.00 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	Absent

14. Discuss and Possibly Act Upon Resolution No. R-15-005 Authorizing the Submission of a Grant Application to the Texas Office of Rural Community Affairs Under the Texas Community Development Program (TCDP) for Possible Funding of the Church Street Water Tower Rehabilitation Project and Authorize the Mayor to Execute Any Necessary Documentation

Public Utilities Director Lowell Ogle presented this item. Ogle explained that the Church Street Water Tower is in need of maintenance work. Ogle stated this work includes removal of lead paint (exterior), recoating, and repair of some ladders, etc. Ogle noted the estimated cost to rehabilitate the Church Street Water Tower is proposed to be between \$305,000 (best case) and \$513,000 (worse case). Ogle explained that if bids for the project come in higher than expected, then the city would be responsible for the difference between the grant funding (\$275,000), the city's match (\$55,000) and the actual cost of the project.

Ogle explained this grant program is administered by the Texas Department of Agriculture and their priority is to assist in construction and/or rehabilitation of water and sewer facilities within an area populated primarily by residents that are low to moderate income; Ogle advised the Council that the City of Brenham meets the requirements to qualify for this grant program.

Ogle explained that he recommends Council approve the Resolution authorizing the submission of the grant application to the Texas Department of Agriculture for potential funding to be used for the Church Street Water Tower Rehabilitation in the amount of \$275,000. He stated that if the City is chosen to receive the grant, we would have approximately two years to spend the money.

Councilmember Goss questioned that if the city is chosen to receive the grant would acceptance of the grant be brought back to council for final approval before the repairs are started. Ogle stated that it would be brought back to Council.

A motion was made by Councilmember Barnes Tilley and seconded by Councilmember Herring to approve Resolution No. R-15-005 authorizing the submission of the grant application to the Texas Department of Agriculture for potential funding of the Church Street Water Tower Rehab project in the amount of \$275,000 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	Absent

15. Discuss and Possibly Act Upon Resolution No. R-15-006 Authorizing the Acceptance of Public Improvements in the Oak Alley Subdivision and Authorize the Mayor to Execute Any Necessary Documentation

City Engineer Grant Lischka presented this item. Lischka explained that Washington County Oak Alley, LLC has completed all required public infrastructure improvements related to the development of Phase 1 of Oak Alley, a 10 lot subdivision constructed for residential use located east of Blue Bell Road (FM 577). Lischka stated the public infrastructure improvements have been constructed and inspected according to all applicable City of Brenham ordinances and regulations and are ready to be accepted by the City of Brenham for ownership and maintenance. Lischka noted this is only acceptance of the water and sanitary sewer improvements as the street and drainage facilities are private and will be maintained by a property owners association.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve Resolution No. R-15-006 authorizing the acceptance of public improvements in the Oak Alley Subdivision, Phase 1, and authorize the Mayor to execute any necessary documentation with revisions as noted.

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	Absent

- 16. Discuss and Possibly Act Upon Resolution No. R-15-007 Granting Tax Deferment, Through A Development Loan, to Jefferson Square Housing Ltd. for Rehabilitation to Jefferson Square Apartments, Located at 801 W. Jefferson Street and Authorize the Mayor to Execute Any Necessary Documentation**

This item was passed.

Council adjourned into Executive Session at 2:50 p.m.

EXECUTIVE SESSION

- 17. Section 551.074 – Texas Government Code – Deliberation Regarding Personnel Matters – Discussion Regarding the Appointment of a Presiding Judge of the Brenham Municipal Court for the Unexpired Term Ending December 31, 2016**

Executive Session adjourned at 3:20 p.m.

RE-OPEN REGULAR AGENDA

- 18. Discuss and Possibly Act Upon the Appointment of a Presiding Judge of the Brenham Municipal Court for the Unexpired Term Ending December 31, 2016**

This item was passed.

19. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- The Council meeting on March 5th will remain at 1:00 p.m.
- Washington County Day at the Capitol is next week Tuesday, February, 24th.
- Valmont's Tax Phase-In will be on the Council agenda on March 5th.
- The animal shelter bids came in higher than estimated; staff is working with the architect to review.
- Movie in the Park kicks off on March 19th and will be held at Hohlt Park.
- Thursday, April 30th will possibly be the date for a Council pre-budget retreat.
- The Spring Open Collection dates have been posted. City residents dates are March 19th-21st and county resident's dates are March 26th-28th.
- Councilmember Williams is back at home.
- Walk with A Doc will be on February 28th at Hohlt Park.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

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