

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on April 2, 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
Councilmember Weldon Williams, Jr.

Members absent:

None

Others present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary Kacey Weiss, City Engineer Grant Lischka, Chief Financial Officer Carolyn Miller, Stacy Hardy, Susan Nienstedt, Sara Parker, Kaci Konieczny, Cynthia Longhofer, Director of Community Services Wende Ragonis, Fire Chief Ricky Boeker, Deputy Fire Chief Alan Finke, Police Chief Rex Phelps, Chris Jackson, Billy Rich, Amanda Carker, Public Works Director Dane Rau, Leslie Kelm, Public Utilities Director Lowell Ogle, Debbie Gaffey, Development Services Manager Erik Smith, Kim Hodde, David Doelitsch, Janie Mehrens, Dale Steinfeld, Angela Hahn, Pam Ruemke, Jenna Gonzales, Tony Tavary, Stephen Reynolds and Kevin Schmidt

Citizens present:

Angela Knauss

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 Keith Herring**

3. **Service Recognitions**

- **Dale Steinfeld, Street Department** **20 Years**
- **Kim Hodde, Development Services** **25 Years**
- **Pam Ruemke, Information Technology** **30 Years**

4. **Citizens Comments**

There were no citizen comments.

WORK SESSION

5. **Discussion and Presentation Amending the Rate Tariff Schedule(s) for the City of Brenham’s Collection Station**

Public Works Director Dane Rau presented this item. Rau advised over the last year staff has been evaluating operations at the Collection Station located at 2009 Old Chappell Hill Road. Rau explained that one area operating at a deficit is the brush grinding operation; this operation is falling behind in covering its costs on an annual basis. Rau noted that this past year total revenue was \$126,000 with total expenditures at the \$183,000 mark. Rau explained that revenues were comprised of mulch sales and charging for commercial brush. Rau noted that due to the past droughts, his department has been receiving more material than they can grind and sell through mulching. Rau also advised that in the next few years the tub grinder will need to be replaced.

Rau advised staff is recommending the following rate changes:

- **Allocating 18% of the brush grinding costs to our Residential Collection Department. (\$33,000 in expected revenue to Collection Station).** City residents bring in on average 18% of the total amount of brush throughout the year and the City does not charge our citizens for this service.
- **Raising commercial brush rates an additional \$5 per ton, to a total of \$20/ton (\$17,000 in expected revenue to Collection Station).** Since commercial collection contributes 55% of the total brush brought in to the collection station staff feels that this rate needs to be raised.
- **Establish a rate of \$10/ton for the Washington County Work Crew and the Washington County Road and Bridge for material brought to Collection Station (\$6,000 in expected revenue to Collection Station based off of history)** In the past Washington County has not been charged for material brought into the collection Station as it relates to wood waste. Rau explained that overall Washington County Road and Bridge contributes 5.5% of the total brush to the Collection Station and the County Work Crew contributes 4.5% to the Collection Station.

Rau stated that staff has also looked at raising disposal rates on tires. Rau advised that the City has had the same rates for over 10 years and within the last 3 years the City has been getting charged to dispose of used tires by the pound rather than by the tire. Rau explained that in order to balance this change staff recommends raising the rates as follows:

<u>Size</u>	<u>Current Rate</u>	<u>Recommended Rate</u>
15” and below	\$2.00/tire	\$2.50/tire
16” and above	\$5.00/tire	\$7.50/tire
Large Truck and Tractor	\$35.00	\$45.00

Councilmembers Ebel and Barnes-Tilley stated that they believe the commercial brush rate should be at least \$7.50 per ton for the commercial brush. A majority of the Council agreed with this recommended rate.

6. Discussion and Presentation Regarding an Events Policy for the City of Brenham

City Secretary Jeana Bellinger presented this item. Bellinger explained that non-City sponsored events held in the city have become very time consuming for staff and some events can have an unexpected fiscal impact on departmental budgets. Bellinger advised that during Work Session on March 5th, staff presented a draft Special Events Policy to Council and based on the feedback received from Council, she made the following adjustments to the policy:

- Created a new definition for a “Special Event”. These events would be anything that required closure of state right-of-way for longer than four (4) hours, required electrical hook-ups and/or service, and/or any special equipment or services to be provided by the City (i.e. stage, roll-off dumpster, etc...).
- Removed BISD, Blinn College and other governmental entities from the exemption list.
- In regards an “Event” – added an application fee of \$25 and an event fee of \$100
- In regards a “Special Event” – added an application fee of \$50 and an event fee of \$2,000
- Added notification language.

Councilmember Barnes-Tilley advised that \$2,000 seems high for a special event and it should possibly be based on just their electrical usage. Bellinger noted that she based that amount on what is comparable to other rental places in the community. Barnes-Tilley stated that we should do a cost per item being used or charge a maximum amount of \$2,000.

Councilmember Goss stated that just having an event and a special event are two different things and we need to differentiate between the two with clear guidelines.

Councilmember Herring stated that he would like to see a clause written that if an organization still has a balance from a prior event and would like to do another event, that Council should be able to decline the upcoming event. City Attorney Cary Bovey stated that would be a good idea and that would need to be written into the agreement. Bovey also noted that if an organization uses any city property would Council want that organization to have insurance in case there is an accident. Councilmember Barnes-Tilley advised that the cost of insurance for an outside entity hosting an event on city property should be checked into.

7. Discussion and Presentation Regarding the Construction of a New Animal Shelter and the Expansion/Renovation of the City Library

Police Chief Rex Phelps presented information related to the construction of the new animal shelter. Phelps advised that city staff, the project architect and the low bidder have been working to value engineer this project since the bids came in significantly higher than the projected costs.

Phelps explained that approximately \$1,900,000 in funding is secured, this number includes the City's commitment to provide \$1,000,000 and the Animal Shelter Task Force raising the other \$900,000 dollars.

Phelps explained that there are two viable options related to cost cutting measures while still providing the service requirements of a new shelter.

- Option#1A will have the same square footage as the original bid minus the sally port area. This option will enable the shelter to still have three times the sheltering capability as the current facility. The construction costs of Option#1A is estimated at \$2,699,005.
- Option#1B has the largest reduction in square footage. Both the sally port and the middle kennel run area or corridor would be removed. If this option is chosen there will be an additional re-design fee of approximately \$12,000 and this value engineering option is \$439,079 less than the lowest bid. The construction costs of Option #1B is estimated at \$2,520,921.

Phelps advised Council that staff's recommendation is to award the bid to Collier Construction with change order Option #1A.

Director of Community Services Wende Ragonis presented information related to the expansion and renovation of the city library. Ragonis advised that the purchasing staff has received a favorable base bid for the asbestos abatement, demolition and construction of the facility, and IT and the engineering staff have tallied the projected costs for tasks which are outside of the general contractor's base bid of \$3,083,000.

REGULAR AGENDA

8. Discuss and Possibly Act Upon Bid No. 15-005 for the Purchase of Refuse Bags for the Sanitation Department and Bin Liners for the Parks Department and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau noted that on March 3, 2015 bids were opened for the purchase of refuse bags and bin liners for various departments. Rau advised there were 11 bids sent out with 6 bids received. Rau stated that since two different products were bid staff broke them out separately on the bid packet and indicated that each item could be awarded independently.

Rau advised that Central Poly was the low bidder on the 12,500 refuse bags at \$6.70/roll and provides the best value and product to the City of Brenham. Rau stated the City has used Central Poly in the past and they have provided a very durable bag that meets our minimum bid standards and has proven to hold up to the conditions in which we use them.

Rau stated the bin liners are a product that we have added to the bid and have previously quoted them out as we needed them. Rau advised these bags are used in the parks system and downtown area on a weekly basis for the larger trash bins. Rau advised that he is recommending awarding the bid for bin liners to All American Poly whose bid was \$20.52 per carton; based on "best value" to the City since All American Poly was not the lowest bidder.

A motion was made by Councilmember Williams and seconded by Councilmember Herring to award Bid No. 15-005 for the purchase of 12,500 rolls of refuse bags to Central Poly in the amount of \$6.70 per roll; and 250 cartons of bin liners to All American Poly in the amount of \$20.52 per carton 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

9. Discuss and Possibly Act Upon Bid/Job No. 1006.087-WG/WH for 2015 Water Distribution System Improvements and Authorize the Mayor to Execute Any Necessary Documentation

Public Utilities Director Lowell Ogle presented this item. Ogle stated that on March 3, 2015 bids were opened by O'Malley Strand Associates, Inc. for the 2015 water distribution system improvements.

Ogle advised that staff would like to recommend the Council award the Base Bid, the Additive Alternate Bid A, and the Deductive Change Order No. 1 to Mercer Construction Co. in the amount of \$347,575.00.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to award Bid No. 1006.087-WG/WH to Mercer Construction Company in the amount of \$347,575.00 for the base bid, the alternate bid A, and the concurrent Change Order No. 1 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 an Ordinance on Its First Reading Amending Chapter 12, Health and Sanitation, Article III, Junked Vehicles, of the Code of Ordinances of the City of Brenham

Development Services Manager Erik Smith presented this item. Smith advised that as of March 1st state law changed related to the inspection and registration sticker requirement on motor vehicles and because of the new law, the City's Code needed to be updated accordingly.

Smith also explained that there were some other minor amendments staff is proposing to Chapter 12 in order to clean up some other language in the Code. Those amendments include:

- A definition of a lawful aircraft and watercraft and the applicable notification process.
- Changes to the junk vehicle notification process

A motion was made by Pro Tem Mayor Nix and seconded by Councilmember Ebel to approve an ordinance on its first reading amending Chapter 12, Health and Sanitation, Article III, Junked Vehicles, of the Code of Ordinances of the City of Brenham.

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 Resolution No. R-15-011 Expressing Official Intent to Reimburse Certain Costs Related to Construction of a New Animal Shelter and the Expansion/Renovation of the City Library

Chief Financial Officer Carolyn Miller presented this item. Miller advised that in reviewing the Work Session item for the construction of a new animal shelter and the expansion/renovation of the City library, the possibility of issuing additional certificates of obligation was discussed among staff.

Miller explained that if Council decides to award the bids for these two construction projects, they will need to decide how to fund the costs overage. Miller stated that the Reimbursement Resolution is on this agenda to get Council's direction in order to keep the timeline of approving or rejecting the Animal Shelter bids before they expire.

Miller stated that while a decision is needed today on the Reimbursement Resolution, the issuance of debt would not have to occur until later in fiscal year 2015 or early in calendar year 2016. Miller noted that the City has sufficient funds to begin the projects, but in order for Council to award the bid, we need to decide if Council wants to issue additional debt to complete these capital projects. Miller advised this Reimbursement Resolution would allow the City to declare reimbursement of certain costs related to the construction and equipping of the animal shelter and expanded/renovated library from the issuance of Certificates of Obligation.

A motion was made by Councilmember Goss and seconded by Councilmember Ebel to approve Resolution No. R-15-011 expressing official intent to reimburse certain costs related to construction of a new animal shelter and the expansion/renovation of the city library.

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 Bid No. 15-003 for the Construction of the City of Brenham's Pet Adoption and Animal Care Facility and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Councilmember Ebel and seconded by Councilmember Herring to remove this item from the Table for discussion.

Police Chief Rex Phelps presented this item. Phelps stated the City has recently accepted bids to construct the new shelter. Phelps advised the original intent was to build a health conscious facility to serve the community for many years by tripling the sheltering capabilities. Phelps noted that all the bids were significantly over the estimated projections; however, staff and the architect have engaged in numerous meetings with the low bidder, Collier Construction, in an attempt to value engineer the project.

Phelps advised that Bid Option #1A has very little square footage reduction with significant value engineering cuts to bring the construction costs to \$2,699,005 and that Bid Option #1B has a much more significant square footage reduction that does impact sheltering capabilities with virtually the same value engineering cuts to bring the construction costs to \$2,520,921.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to award Bid No. 15-003 for the construction of the City of Brenham's Pet Adoption and Animal Care Facility, including Change Order No. 001A, to Collier Construction Company in the amount of \$2,699,005 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

13. Discuss and Possibly Act Upon Bid No. 15-006 for the Construction and Rehabilitation of the Nancy Carol Roberts Memorial Library and Authorize the Mayor to Execute Any Necessary Documentation

Director of Community Services Wende Ragonis presented this item. Ragonis advised that Purchasing Services opened bids for the Nancy Carol Roberts Memorial Library (NCRML) modernization project on March 23, 2014. Ragonis stated three bids were received and sent via overnight mail to the City's architect, Komatsu Architecture, for their review.

Ragonis explained to Council that Bid No. 15-006 was for two alternate structures in addition to the base bid. Ragonis stated that both staff and Komatsu's team recommend Council award the base bid of \$3,083,000 and the alternate structure of an outdoor reading room in the amount of \$25,000 to Collier Construction.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Williams to award Bid No. 15-006 for the base bid in the amount of \$3,083,000 and the outdoor reading room in the amount of \$25,000 to Collier Construction 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 an Events Policy for the City of Brenham and Authorize the Mayor to Execute Any Necessary Documentation

This item was passed.

15. Discuss and Possibly Act Upon a Request for a Noise Variance from the Brenham Maifest Association for the Maifestival Events to be Held on May 1, 2015 from 6:00 p.m. – Midnight, May 2, 2015 from 6:00 p.m. – Midnight, and May 3, 2015 from Noon – 4:00 p.m. at Fireman’s Park and Authorize the Mayor to Execute Any Necessary Documentation

City Secretary Jeana Bellinger presented this item. Bellinger advised that Charlie Pyle with the Brenham Maifest Association is requesting a Noise Variance for concerts at Fireman’s Park from May 1-3, 2015; Friday is 6pm-Midnight, Saturday is 6pm-Midnight, and Sunday is Noon-4pm. Bellinger noted they will have bands and a sound amplification system, which require a Noise Variance. Bellinger advised Council that the Police Department and the Fire Department have approved the noise variance request.

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Gloria Nix to approve a request for a noise variance from the Brenham Maifest Association for the Maifestival Events to be held on May 1, 2015 from 6:00 p.m. – Midnight, May 2, 2015 from 6:00 p.m. – Midnight, and May 3, 2015 from Noon – 4:00 p.m. at Fireman’s Park 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

Council adjourned into Executive Session at 3:02 p.m.

EXECUTIVE SESSION

- 16. Section 551.074 – Texas Government Code – Deliberation Regarding Personnel Matters – Discussion Regarding the Appointments of a Presiding Judge and City Prosecutor for the Brenham Municipal Court, Both for an Unexpired Term Ending December 31, 2016**
- 17. Section 551.074 – Texas Government Code – Deliberation Regarding Personnel Matters – Consider Compensation for Municipal Court Judges and City Prosecutor**
- 18. Section 551.074 – Texas Government Code – Deliberation Regarding Personnel Matters - Discussion Regarding the Upcoming Retirement of the Assistant City Manager**

Executive Session adjourned at 4:07 p.m.

RE OPEN REGULAR AGENDA

19. Discuss and Possibly Act Upon the Appointments of a Presiding Judge and a City Prosecutor for the Brenham Municipal Court, Both for an Unexpired Term Ending December 31, 2016

A motion was made by Councilmember Ebel and seconded by Councilmember Williams to appoint Bill Kendall as the Presiding Judge for the Brenham Municipal Court.

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	No
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

A motion was made by Councilmember Ebel and seconded by Mayor Pro Tem Nix to appoint Jonas Lacina as the City Prosecutor for term to expire on December 31, 2016. His appointment will also include a six (6) month probationary period.

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	No
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

20. Discuss and Possibly Act Upon Compensation for Municipal Court Judges and City Prosecutor

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to increase the annual salary of the Presiding Judge to \$21,000; and the annual salary of the Associate Judge to \$18,000; and to set the annual salary for the City Prosecutor at \$18,000.

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	No
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

21. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- The signal light at Chappell Hill Street is being constructed and will be in operation at the intersection with Market Street

Director of Community Services Wende Ragonis reported on the following:

- The Easter Egg Hunt will be held at Hohlt Park tonight

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary