

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on June 25, 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:

Tami Redshaw, Wilma Finley, Marcus Finley, Clint Kolby and Craig Borchardt

### Citizens present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, Assistant City Manager of General Government Rex Phelps, City Engineer Grant Lischka, Deputy City Secretary Kacey Weiss, Assistant City Manager-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, Interim Police Chief Dant Lange, Public Works Director Dane Rau, Assistant City Manager of Public Utilities Lowell Ogle, Kim Hodde, and Angela Hahn

### 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 – Councilmember Goss**

3. **Proclamation**  
➤ Kyle Dean Dannhaus Day

4. **Citizens Comments**

Craig Borchardt, President and CEO of Hospice Brazos Valley, thanked the Council for the financial support of their organization.

**CONSENT AGENDA**

5. **Statutory Consent Agenda**

5-a. **Minutes from the May 21, 2015 and June 4, 2015 Regular City Council Meetings**

5-b. **Ordinance No. O-15-020 on Its Second Reading to Repeal Ordinance No O-15-008 Relating to the Designation of Approximately 31.2869, 2.099, and 0.7201 Acres in the Phillip Coe Survey 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 Item 5-a., with the spelling correction to the June 4, 2015 council minutes as presented, and Statutory Consent Agenda Item 5-b.

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. **Discuss and Review the FY 2014-15 Second Quarter Financial Report**

Assistant City Manager-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 Fund and all utility funds posted positive net revenues over expenditures. Miller stated the fund performance was favorable to budget except for the Electric Fund.

Miller explained at the end of the second quarter: the General Fund posted net revenues of \$739,111; the Electric Fund had favorable net revenues of \$237,072; the Gas Fund posted net revenues of \$168,324; the Water Fund experienced net revenues of \$54,465; the Wastewater Fund posted net revenues of \$186,851; and the Sanitation Fund posted favorable net revenues of \$246,435.

**REGULAR AGENDA**

**7. Discuss and Possibly Act Upon an Audit Engagement Letter from Seidel Schroeder to Perform an Audit for the Fiscal Year Ending September 30, 2015 and Authorize the Mayor to Execute Any Necessary Documentation**

Assistant City Manager-Chief Financial Officer Carolyn Miller presented the proposed audit engagement letter from Seidel Schroeder for the fiscal year ending September 30, 2015. Miller stated that the audit fee estimate increased from last year due to increased procedures related to the City’s adoption of GASB 68 for pensions. Miller advised that with the implementation of this new statement, the auditor must expand procedures pertaining to the amounts now recorded in the financial statements. Miller stated that the annual audit fee includes an annual increase of \$1,000.00.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve the audit engagement letter from Seidel Schroeder to perform an audit for the fiscal year ending September 30, 2015 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
<b>Councilmember Danny Goss</b>	<b>Abstain</b>
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

**8. Discuss and Possibly Act Upon Bid No. 15-007 for Bulk Water Treatment Chemicals and Authorize the Mayor to Execute Any Necessary Documentation**

Assistant City Manager of Public Utilities Lowell Ogle presented this item. Ogle stated that the City solicited bids for a one (1) year supply of caustic soda; however the contract would allow for two (2) one-year renewals.

Ogle explained that on May 27, 2015 his department received and opened 6 bids for caustic soda and he is recommending the Council award the bid based on the follow:

<u>Vendor</u>	<u>Price/ton</u>	<u>2014 Price</u>
Univar	\$190.00/liq. ton	\$261.80/dry ton

Ogle explained to Council that Univar is a new vendor to the city but that the purchasing department performed its due diligence and determined that the company offered a good product at a low cost to the city, provided excellent customer support, and was financially stable.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve Bid No. 15-007 for bulk water treatment chemicals and award an annual contract to Univar in the amount of \$190.00 per liquid ton 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 the Final One Year Extension of Two (2) Contracts, in Accordance with Bid No. 13-007, for Bulk Water and Wastewater Treatment Chemicals and Authorize the Mayor to Execute Any Necessary Documentation**

Assistant City Manager of Public Utilities Lowell Ogle presented this item. Ogle explained that in 2013 the City of Brenham solicited bids for a one (1) year supply of bulk water and wastewater treatment chemicals. Ogle stated the contracts were awarded to Brenntag Southwest for the purchase of liquid alum sulfate and to DXI Industries for the purchase of chlorine. Ogle noted the original contracts allowed for two (2) one-year renewals. Ogle advised that the service provided by the vendors has been very good and each has agreed to extend their contract for the final renewal of one year at the current prices. Ogle explained that the operations staff and purchasing department agree that the extension of these contracts would be a good value for the City and recommend approval of the extensions.

A motion was made by Councilmember Goss and seconded by Councilmember Williams to approve the final one-year extension of two (2) contracts, in accordance with Bid No. 13-007, to Brenntag Southwest for liquid aluminum sulfate in the amount of \$194.45/dry ton, and DXI Inc. for chlorine in the amount of \$0.26525 per pound 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 a Contract for Fixed Base Operator at the Brenham Municipal Airport and Authorize the Mayor to Execute Any Necessary Documentation**

Planning Technician/Airport Coordinator Kim Hodde presented this item. Hodde stated the Fixed Base Operator (FBO) contract will expire on September 1, 2015. Hodde explained that the original contract with Southern Flyer, Inc. was for a term of five (5) years beginning in 2000 with an option for up to a ten (10) year extension. Hodde noted that in 2005, the contract was extended for an additional ten (ten) years. Hodde advised that Jack Hess, President of Southern Flyer, Inc. has indicated that he would be willing to extend the contract for an additional ten (10) years. Hodde explained that Jack and Janet Hess have been and continue to be an asset to the Brenham Municipal Airport. Hodde advised that over the last fifteen (15) years, the airport has grown to become an important asset and economic development tool for the City and staff believes that Mr. and Mrs. Hess are a major reason for that growth. Hodde noted that the only modification to the contract is the fuel flowage fee for Jet-A Fuel will increase from four (4) cents per gallon to eight (8) cents per gallon. Hodde stated that this increase was recommended by Mr. Hess.

A motion was made by Councilmember Goss and seconded by Councilmember Ebel to approve a contract with Southern Flyer, Inc. as the Fixed Base Operator at the Brenham Municipal Airport commencing on the 1<sup>st</sup> day of September, 2015 and ending on the 31<sup>st</sup> day of August 2025 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 Bid No. 15-008 for Gasoline and Diesel Fuel for the City of Brenham’s Vehicle and Equipment Fleet and Authorize the Mayor to Execute Any Necessary Documentation**

Public Works Director Dane Rau presented this item. Rau explained that on June 9, 2015 the City opened bids regarding bulk fuel and fleet fueling services. Rau stated that there were two bid packets sent out and only one packet returned. Rau noted the bid packet received was from Alexander Oil in Brenham.

Rau explained that Alexander Oil provides the City a location to fuel up fleet vehicles along with supplying numerous departments’ bulk fuel at their desired location for items such as generators, bulk storage tanks and the tub grinder. Rau advised that they also provide a secondary location for times when the main location is being worked on or temporarily out of service. Rau stated that his departments would like to recommend the Council award the bid to Alexander Oil.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to award Bid No. 15-008 for gasoline and diesel fuel for the City’s vehicle and equipment fleet to Alexander Oil 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 Modifications to the Temporary License Agreement with Texas Ninety Six West, LLC for the Construction of a Parklet on Baylor Street in Downtown Brenham and Authorize the Mayor to Execute Any Necessary Documentation**

Director of Community Services Wende Ragonis presented this item. Ragonis explained that staff presented the temporary license to encroach for Ninety-Six West at the May 21, 2015 Council meeting. Ragonis advised that during that meeting, Council approved the temporary license as presented.

Ragonis explained that Ninety-Six West is now requesting modifications to that agreement. Ragonis noted that these modifications have been reviewed by the City Attorney and the attorney of Ninety-Six West.

Ragonis stated that most of the modifications are minor, but there are some key changes to note:

- 1) The agreement is automatically renewed annually for up to four (4) renew terms (total of 5 years including initial term of license). The Licensee must comply with any new parklet regulations on the later of either with 60 days after the expiration of the initial term of the license or within 60 days after the date of the City's adoption of the new parklet regulations. Either party may terminate the license with 120 days' notice.
- 2) Licensee shall have no responsibility for City's subsurface property or improvements unless the Licensee causes damage to the City's subsurface property or improvements.
- 3) The use of temporary heaters with liquefied petroleum gas cylinders (max. 20 lbs. capacity) would be allowed on the parklet.
- 4) If the City needed to inspect or enter the parklet for any reason, the City would proceed in a manner that causes the least interference or interruption to the Licensee's operations, except in cases of emergency.
- 5) The requirement for automobile liability insurance was removed.
- 6) The termination of the agreement by either party would require 120 days instead of 30 days written notice.

Councilmember Barnes-Tilley questioned the termination of the agreement by either party changing to 120 days instead of the 30 days written notice. Barnes-Tilley was concerned that it is too much of a change. Ragonis stated that she had spoken to the City Attorney Cary Bovey about it and with Texas Ninety-Six West investing so much into the project, it is fair to give them additional time to recoup the initial costs in the event that it would need to close.

Councilmember Goss asked if there was anything below surface on the streets that would possibly create an issue. Ogle stated there is not anything where the parking spaces are; only the driving lanes. Ragonis explained that the City would have access to any areas that would need to be repaired and would do minimal damage to their structure.

Councilmember Herring questioned if there is any financial responsibility on the City if something were damaged and Texas Ninety-Six West would need to move or re-do their area. Ragonis stated that according to the City Attorney, the City would not be held responsible.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve modifications to the temporary License Agreement with Texas Ninety-Six West, LLC for the construction of a parklet on S. Baylor Street 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	Yes

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

City Manager Terry Roberts reported on the following:

- Progress is slow on the two capital projects. The library's roof decking needs to be rehabilitated before expansion can begin. The silt barrier is in place and earth work is being done for the animal shelter.
- Movies in the Park will be showing "Annie" tonight at Hohlt Park.
- Tomorrow is Kyle Dannhaus' retirement luncheon from 11:00 a.m. to 2:00 p.m. in Council Chambers.

City Engineer Grant Lischka reported on the following:

- The new signal light at Chappell Hill Street and Market Street was activated on June 24<sup>th</sup> and the signal light at Becker Drive and Market Street has been removed. Crews are working on striping the lanes and signal timing.

Director of Public Works Dane Rau reported on the following:

- There was a 12 and under softball state tournament held at the parks June 19<sup>th</sup>-21<sup>st</sup>. There were 52 teams in attendance. The parks department did a great job of getting the fields ready and it was good for the local businesses.
- Mosquito spraying has begun.

Council adjourned into Executive Session at 1:50 p.m.

## **EXECUTIVE SESSION**

### **13. Section 551.072 – Texas Government Code – Deliberation Regarding Real Property – Discussion Regarding the Potential Sale of Several City Owned Parcels of Land, Consisting of Approximately 4.9972 Acres, in Brenham, Texas**

Executive Session adjourned at 2:01 p.m.

**RE-OPEN REGULAR SESSION**

**14. Discuss and Possibly Act Upon the Potential Sale of Several City Owned Parcels of Land, Consisting of Approximately 4.9972 Acres, in Brenham, Texas and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve the potential sale of several city owned parcels of land consisting of approximately 4.9972 acres in Brenham, Texas, and authorize the Mayor to negotiate as needed and 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 meeting was adjourned.

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Milton Y. Tate, Jr.  
Mayor

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Kacey Weiss  
Deputy City Secretary

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