

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on January 7, 2016 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 of General Government Rex Phelps, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary Kacey Weiss, Assistant City Manager-Chief Financial Officer Carolyn Miller, Susan Nienstedt, Sara Parker, Director of Community Services Wende Ragonis, Fire Chief Ricky Boeker, Police Chief Craig Goodman, Public Works Director Dane Rau, Assistant City Manager of Public Utilities Lowell Ogle, Development Services Manager Erik Smith, and City Engineer Lori Lakatos

Citizens present:

John Deans, Tom Whitehead, Rick Flammer, Vince Michel, Marvalette Hunter and Judge John Brieden

Media Present:

Arthur Hahn, Brenham Banner Press; Tom D. Whitehead, KWHI; and Codi Rynn, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Barnes Tilley**

3. **Proclamation**
 - **Madyson Johnson**

4. **Citizens Comments**

There were no citizen comments.

CONSENT AGENDA

5. **Statutory Consent Agenda**

- 5-a. **Minutes from the December 3, 2015 Regular City Council Meeting**
- 5-b. **Ordinance No. O-16-001 on Its Second Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District of the Tracts of Land Addressed as 401, 403, 405 and 411 S. Market Street, and Specifically Described as N PT 10A, 11A, E PT 10A of the Clinton Street Addition in Brenham, Washington County, Texas from a Commercial Research and Technology (B-2) District to a Local Business/Residential Mixed Use (B-1) District**
- 5-c. **Ordinance No. O-16-002 on Its Second Reading Authorizing the Abandonment of an Unnamed, Unimproved Alleyway North of Lots 16, 17, 48 and 49 in the College Heights Addition in Brenham, Washington County, Texas**
- 5-d. **Ordinance No. O-16-003 on Its Second Reading Granting a Specific Use Permit to Allow a Multifamily Development on a Site of Two (2) Acres or More for the Properties Located Between Hosea Street and Bob Street in an R-2, Mixed Residential Zoning District, and Being Described as Tract 29 of the A. Harrington Survey A-55, and Lots 1-5 of the Parkcrest Subdivision, Section 2, in Brenham, Washington County, Texas**
- 5-e. **Ordinance No. O-16-004 on Its Second Reading Amending the FY2014-15 Adopted Budget**

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve the Statutory Consent Agenda Items 5-a., 5-b., 5-c., 5-d., and 5-e. 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

6. Presentation on New Legislation Related to Open and Concealed Carry of Handguns by Handgun License Holders at Various City Facilities

City Secretary Jeana Bellinger presented this item. Bellinger advised that during the 2015 Legislative Session, the Texas Legislature passed House Bill 910 which allows a concealed handgun license holder to “*open carry*” in a belt or shoulder holster beginning on January 1, 2016. Bellinger stated that the new law also allows the governing body of a municipality to prohibit concealed and open carry of handguns in meetings that are subject to the Texas Open Meetings Act.

Bellinger explained that at the September 17, 2015 Council meeting, she provided Council with information on the new legislation and how it would affect various city facilities and activities. Bellinger noted that a big part of the discussion at that meeting was related to the definition of “premise” and how city facilities such as the Blue Bell Aquatic Center (BBAC), City Hall, Fireman’s Park and Hohlt Park would be affected by the new law. Bellinger advised that she and the City Attorney explained that there were currently outstanding requests from other governmental entities to the Texas Attorney General’s Office asking for the clarification of “premise” among other things. Bellinger stated at that time it was the direction of Council that staff delay any recommendations related to city facilities until the Attorney General issued an opinion.

Bellinger stated that on Monday, December 21st, Attorney General Paxton released three (3) separate opinions related to this new legislation. Bellinger advised that the AG ruled that premise is (1) a structure utilized by the court; or (2) a portion of such a structure. Bellinger noted that the AG further explained that the portion of the structure is only those offices essential to the operation of a government court and not the entire building structure. Bellinger also stated that the AG ruled that any governmental entity that improperly prohibits handguns, through oral or written notice, can be subject to civil penalties. Lastly, Bellinger explained that the AG ruled that premises as related to school sponsored activities is the physical premises of a school or any grounds or building on which an activity sponsored by a school is being conducted.

Bellinger explained that she and the City Attorney agree that signage is needed at City Hall and the BBAC to protect the City from possible civil suits by concealed handgun license holders. Bellinger explained that in regards to high school and collegiate sporting events and other school-related activities held at Fireman's Park and Hohlt Park, she and Mr. Bovey recommend that the entity sponsoring the activity be responsible for posting the proper notices.

Citizen John Deans stated that open carry is a non-issue because only a small amount of people will open carry. Deans noted that he would like to recommend that Council does not prohibit the carrying of guns.

Councilmember Barnes-Tilley advised that she would like to know what the Police Chief's thoughts are on the issue. Police Chief Goodman stated that he would recommend that the Council allow guns in open meetings.

REGULAR SESSION

7. **Discuss and Possibly Act Up Upon Resolution No. R-16-001 Prohibiting the Open and Concealed Carry of Handguns in All City of Brenham Meetings Subject to Texas Open Meetings Act**

A motion was made by Councilmember Ebel and seconded by Councilmember Barnes-Tilley to approve Resolution No. R-16-001 prohibiting the open and concealed carry of handguns in all City of Brenham Meetings subject to Texas Open Meetings Act

Mayor Tate called for a vote. The motion failed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	No
Mayor Pro Tem Gloria Nix	No
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	No
Councilmember Keith Herring	No
Councilmember Mary E. Barnes-Tilley	No
Councilmember Weldon Williams	No

8. Discuss and Possibly Act Upon Resolution No. R-16-002 Providing Support for HuntJon, LLC’s Submission of an Application Requesting Low Income Housing Tax Credits to the Texas Department of Housing and Community Affairs for Parklane Villas, a Low Income Housing Development

Development Services Manager Erik Smith presented this item. Smith advised that HuntJon, LLC. and the Brenham Housing Authority, are requesting support of their Texas Department of Housing and Community Affairs tax credit application for Parklane Villas development. Smith explained that applications for the tax credit benefits are scored on a number of factors and applications may qualify for up to seventeen points for a resolution from the municipality and/or county in which the proposed development site is located. Smith stated that Resolutions with no support do not receive any points. Smith advised that in addition to points for a Resolution for support, the developer may also receive an additional point for a contribution of services in the form for assistance with a monetary value. Smith explained that the City of Brenham is willing to contribute services including granting an easement, at no cost to the applicant, as well as extending an off-site water main to the property.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Williams to approve Resolution No. R-16-002 in support of HuntJon, LLC’s and the Brenham Housing Authority’s submission of an application requesting Low Income Housing Tax Credits to the Texas Department of Housing and Community Affairs in favor of Parklane Villas, a low income housing development.

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 One (1) Year Contract Extension in Accordance with Bid No. 14-002 for Janitorial Services at Various City Facilities and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau advised that on December 5, 2013, the City Council awarded Ambassador Higher Cleaning Standards the annual contract for janitorial services related to numerous City facilities. Rau noted that on January 15, 2015, the first extension of the contract was awarded by Council and the City is entering the final renewal term and last year of the contract. Rau stated that Ambassador Higher Cleaning Standards has indicated that they would like to extend the contract for the 3rd and final year.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve a one year contract extension with Ambassador Higher Cleaning Solutions in the amount of \$62,618 for the janitorial services for various city facilities 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 Recommendations for Appointments to Various City Advisory Boards

City Manager Terry Roberts presented this item. Roberts discussed the appointments and re-appointments requested. Roberts stated that according to the City's policy, the Mayor and City Manager are to review the board appointments and offer a recommendation to the City Council. The recommendations to the Council were as follows:

Park and Recreation Advisory Board:

Darron Smith

Main Street:

Jim Moser

A motion was made by Councilmember Ebel and seconded by Mayor Pro Tem Nix to approve the recommendations for appointments to Main Street and Parks and Recreation Advisory Board, 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

11. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- The Chamber Banquet will be held on February 2nd.
- The Fire Department is hosting their Annual Appreciation Get Together on January 14th from 5:00 to 7:00 PM at the Fireman's Training Center.
- Staff is conducting background checks on candidates for the Fire Marshall position.
- There will be a work session discussion on Fire Department staffing at a future Council meeting.
- The Guns and Hoses Blood Drive will be January 22nd and 23rd.

Director of Community Services Wende Ragonis reported on the following:

- The Wine Swirl will be held in Downtown on January 16th.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

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