

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on August 4, 2016 beginning at 4:00 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 Mary E. Barnes-Tilley
Councilmember Weldon Williams, Jr.

Members absent:

Councilmember Keith Herring

Others present:

City Manager Terry Roberts, Assistant City Manager of General Government Ryan Rapelye, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary Kacey Weiss, Assistant City Manager – Chief Financial Officer Carolyn Miller, Stacy Hardy, Sara Parker, Director of Community Services Wende Ragonis, Andria Heiges, Assistant Fire Chief Brian Scheffer, Police Chief Craig Goodman, Public Works Director Dane Rau, Casey Redman, Assistant City Manager of Public Utilities Lowell Ogle, Development Services Manager Erik Smith, Kim Hodde, Lori Lakatos, Paula Shields and Stephen Draehn

Citizens present:

Pat Johnson, John Scott Hueske, Tom Way, Kassie Conner and Krissie Zorn

Media Present:

Arthur Hahn, Brenham Banner Press; and Mark Whitehead, KWHI

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

3. Citizens Comments

Pat Johnson, with Select Furnishings, addressed the Council regarding signage for their new store which will be located at 1900 Highway 290 West. Johnson requested that Council review the LED signage requirements. Johnson explained that a professionally done LED sign is the only way to reach customers that do not see or hear their advertisements.

CONSENT AGENDA

4. Statutory Consent Agenda

4-a. Ordinance No. O-16-016 on Its Second Reading Granting a Specific Use Permit to Alma Carrillo to Allow for Open (Outdoor) Display or Storage of Retail Merchandise as an Accessory Use on Property Located at 1002 E. Blue Bell Road in a B-1, Local Business/Residential Mixed Use Zoning District, and Being Described as Tract 70 of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix 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	Absent
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

WORK SESSION

5. Discuss and Review the FY2015-16 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 explained that it is important to note that the second quarter performance does not include the impact of the May 2016 historic rainfall, storm damage assessment, and recovery cost. Miller stated the City experienced favorable net revenues to budget across all funds.

Miller explained at the end of the second quarter: the General Fund posted net revenues of \$694,653; the Electric Fund had favorable net revenues of \$437,549; the Gas Fund posted net revenues of \$49,403; the Water Fund experienced a net loss of (\$188,904) compared to budgeted loss of (\$254,331); the Wastewater Fund posted net revenues of \$129,990; and the Sanitation Fund posted net loss of (\$31,880) compared to budgeted loss of (\$82,010). Miller stated the City experienced favorable performance in the General Fund and all utility funds.

6. Discussion with the Director of Operations from Suddenlink Communications Regarding the Local Office Location Provision and Associated Matters in the Cable Television Franchise Agreement with the City

City Manager Terry Roberts introduced the item and Thomas Way, with Suddenlink Communications, addressed the Council. Way explained that Suddenlink Communications has restructured its organization and now the Brenham operation is a division of the Bryan-College Station office. Way stated Suddenlink would like to close the Brenham office in December 2016 when the lease expires. Way advised that the office traffic and subscriber count that they currently have in Brenham makes it nearly impossible, from a business cost perspective, to support an office here. Way stated the walk-in traffic averages about 10 people per day. Way noted that Brenham Suddenlink Customers will be served from the Bryan-College Station location.

Councilmember Barnes-Tilley asked what patrons are coming in for. Way explained that customers drop off payments, but Suddenlink does have arrangements with HEB to take payments at the store; however, for a transaction fee of \$2.00.

Way explained that they will still maintain the same technical staff that live and work in the area and equipment trade out would still require a home visit by a technician. Way advised that service would not be affected.

REGULAR SESSION

7. Discuss and Possibly Act Upon an Ordinance on Its First Reading Granting a Specific Use Permit to Krissie Zorn to Allow for Open (Outdoor) Display or Storage of Retail Merchandise as an Accessory to Use on Property Located at 2600 N. Park Street in a B-1, Local Business/Residential Mixed Use Zoning District, and Being Described as Reserve A, Block 1 of the Scenic Estates Subdivision in Brenham, Washington County, Texas

Development Services Manager Erik Smith presented this item. City Manager Terry Roberts explained what was discussed at the Public Hearing at 1:00 p.m. Roberts stated that there were concerns regarding the one year specific use permit limitation and that portable buildings will be prohibited on the premises.

A motion was made by Councilmember Williams and seconded by Councilmember Barnes-Tilley to approve an Ordinance on its first reading granting a specific use permit to Krissie Zorn to allow for open (outdoor) display or storage of retail merchandise as an accessory to use on property located at 2600 N. Park Street in a B-1, Local Business/Residential Mixed Use Zoning District, and being described as Reserve A, Block 1 of the Scenic Estates Subdivision in Brenham, Washington County, Texas, with the removal of the one year time limitation and adding a requirement that no outdoor storage buildings will be allowed.

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	Absent
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

8. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Section 8(b) of the Cable Television Franchise Granted by the “Brenham Community Antenna Television Ordinance,” as Amended, Regarding the Maintenance of an Office by Suddenlink Communications in the City of Brenham, and Associated Provisions

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Goss to approve an Ordinance on its first reading amending Section 8(b) of the Cable Television Franchise granted by the “Brenham Community Antenna Television Ordinance,” as amended, regarding the maintenance of an office by Suddenlink Communications in the City of Brenham, and associated provisions.

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	Absent
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

9. Discuss and Possibly Act Upon a Proposal to Adopt a Tax Rate of \$0.5070 per \$100 Valuation for the 2016 Tax Year, Take Record Vote and Set the Public Hearings on the Proposed Tax Rate in Accordance with State Law

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller advised Council that the City will be increasing the property tax rate from \$0.4731 per \$100 valuation to \$0.0570 or \$0.0339. Miller stated the new property tax rate of \$0.5070 consists of an operation and maintenance rate of \$0.3150 and the debt service rate of \$0.1920. Miller explained that the increase will be to fund three (3) additional firefighters and street repairs.

Miller explained that the Washington County Appraisal District has certified taxable values of \$1,198,049,873 for the 2016 Tax Year which is a net increase of \$14,670,533 or 1.24% above the 2015 (adjusted) taxable values. Miller advised that in accordance with the Tax Code, Council must take a Record Vote to place a proposal to adopt the proposed property tax rate on the agenda of future meetings. Miller stated a separate public hearing on the proposed budget will be held during a Special Council meeting on September 12, 2016.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel that the property tax rate be increased by the adoption of a tax rate of \$0.5070 per \$100 valuation, which is effectively a 7.64% increase in the tax rate, to be considered by the governing body on the agendas of the September 12, 2016 and September 15, 2016 meetings and to schedule public hearings on the proposed tax rate for August 18, 2016 and September 1, 2016 in accordance with state law.

Mayor Tate called for a record 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	Absent
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

10. Discuss and Possibly Act Upon Resolution No. R-16-020 of the City Council of the City of Brenham, Texas, Authorizing the Giving of Notice of Intention to Issue City of Brenham, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2016; and Declaring an Effective Date

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller explained that during the Council budget workshops, Staff discussed acting on Reimbursement Resolution No. R-15-011 to repay the \$1.26 million in street reconstruction money that was reallocated in FY16 for the completion of the new animal shelter and renovated/expanded library.

Miller advised that Staff also discussed issuing debt for \$2 million for the copper replacement project in the Electric Fund. Miller stated this agenda item is giving notice of the City's intent to issue Certificates of Obligation, Series 2016 not to exceed \$3.5 million for these purposes including bond issuance costs.

Miller explained that the initial step in the financing process is to give notice of the City's intent to issue the certificates of obligation, and upon Council's approval, the notice itself will be published in the Brenham Banner Press. Miller stated that Garry Kimball, the City's financial adviser, will handle securing the pricing and bring it back to Council for action at the September 15, 2016 meeting.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve Resolution No R-16-020 authorizing the giving of notice of intention to issue City of Brenham, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2016.

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	Absent
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

11. Discuss and Possibly Act Upon Resolution No. R-16-021 Providing for No Objection to Northview Village, LP's Submission of an Application to the Texas Department of Housing and Community Affairs Requesting 2016 Housing Tax Credits for the Rehabilitation of Northview Village in Brenham, Washington County, Texas

Development Services Manager Erik Smith presented this item. Smith explained that Northview Village, LP is making an application for Housing Tax Credits with the Texas Department of Housing and Community Affairs for Northview Village, a 66 unit housing project located at 1801 Northview Circle, Brenham.

Smith advised that the application to the City is not a competitive grant but that getting a letter of no objection from the City is part of the application process to qualify for the tax credits. The tax credits will be used to renovate and rehabilitate all of the 66 existing units.

A motion was made by Councilmember Williams and seconded by Mayor Pro Tem Nix to approve Resolution No. R-16-021 providing for no objection to Northview Village, LP's Submission of an Application to the Texas Department of Housing and Community Affairs requesting 2016 Housing Tax Credits for the Rehabilitation of Northview Village in Brenham, Washington County, 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	Absent
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

12. Discuss and Possibly Act Upon a License Agreement Between the City of Brenham and Brenham Independent School District for the Authorization of Right-Of-Way Encroachment Related to the Community Spirit Flag Program and Authorize the Mayor to Execute Any Necessary Documentation

Director of Community Services Wende Ragonis presented this item. Ragonis explained that the Spirit Flag Program is jointly sponsored by the Brenham ISD, Brenham Booster Club and Brenham Game Changers. Ragonis stated the Encroachment Agreement will authorize the placement of the Spirit Flags into the City's right of way (ROW). Ragonis advised that many of the school campus entrances are City ROW's and the placements may change slightly to account for any TxDot ROW's. Ragonis noted that the regional TxDOT representative did provide a verbal approval if the flags were placed in their ROW, but the City would strive to minimize flag placements in the TxDOT ROW.

Councilmember Goss asked if the flag placements were acceptable according to the City's ordinance of having a 10 foot setback from the back of the curb. Ragonis stated that the entrance to Brenham Junior High is the only location that is not because of how the curb is designed. City Manager of Public Utilities Lowell Ogle noted that typically the ROW is anywhere from 7-10 feet behind the curb and that these flags will be within that area.

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to approve a license agreement between the City of Brenham and Brenham Independent School District for the authorization of right-of-way encroachment related to the Community Spirit Flag Program 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	Absent
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

13. Discuss and Possibly Act Upon the Purchase of Skate Park Equipment Using BuyBoard Contract No. 423-13, for the Skateboard Park Located in Fireman’s Park and Authorize the Mayor to Execute Any Necessary Documentation

Director of Community Services Wende Ragonis presented this item. Ragonis explained that the Parks Department presented a Skate Park Enhancement Project to the Brenham Community Development Corporation (BCDC) Board of Directors at their June 4, 2015 meeting. The BCDC Board approved \$35,000 of funding for this project. Ragonis advised that Staff sought out Council’s support at the September 17, 2015 Council meeting for the application for matching funds to Texas Parks and Wildlife for the Skate Park Enhancement Project. Ragonis stated that the City of Brenham was awarded the grant and at the July 14, 2016 Council meeting, Council accepted the award of \$35,000 from Texas Parks and Wildlife for this Project.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve the purchase of skate park equipment from American Ramp Company, using BuyBoard Contract No. 423-13, in the amount of \$70,038.18 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	Absent
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

14. Discuss and Possibly Act Upon Bid No. 16-010 for the Purchase of Furniture for 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 explained that as part of the Library Modernization Project, there is a need to purchase new furnishings and fixtures for the Nancy Carol Roberts Memorial Library facility. Ragonis stated that the Purchasing Services Department oversaw the bidding process with Komatsu Architecture. Ragonis advised there were three (3) responsive bidders. Ragonis advised Komatsu Architecture, along with Staff, recommends an award to Intelligent Interiors.

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to award Bid No. 16-010 for the purchase of furniture for the Nancy Carol Roberts Memorial Library to Intelligent Interiors in the amount of \$199,352.92 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	Absent
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

- 15. Discuss and Possibly Act Upon the Purchase of Furniture for the Nancy Carol Roberts Memorial Library from the Following Purchasing Cooperatives:**
- a. Tables, Computer Desks and Conference Chairs Through The Cooperative Purchasing Network (TCPN) Contract No. R142213,**
 - b. Arm Lounge Chairs Through the U. S. Communities Government Purchasing Alliance Contract No. 4400003404,**
 - c. Stacking Chairs and Storage Carts Through the U. S. Communities Government Purchasing Alliance Contract No. 4400034025, and**
 - d. Circulation Desk, Signage and Wall Displays Through BuyBoard Contract No. 503-16,**

And Authorize the Mayor to Execute Any Necessary Documentation

Director of Community Services Wende Ragonis presented this item. Ragonis explained that Komatsu Architecture, the architect for the Nancy Carol Roberts Memorial Library facility modernization project, has designed a plan for furniture and fixtures. Ragonis noted that as discussed at the Council Budget Retreat held May 2, 2016, a capital lease will be utilized for these purchases.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Barnes-Tilley to authorize the Mayor to execute any necessary documentation related to the purchase of:

- a. Tables, Computer Desks and Conference Chairs through The Cooperative Purchasing Network (TCPN) Contract No. R142213, from Intelligent Interiors in the amount of \$28,571.00;
- b. Arm Lounge Chairs through the U. S. Communities Government Purchasing Alliance Contract No. 4400003404, from GL Seaman & Company in the amount of \$6,499.00;
- c. Stacking Chairs and Storage Carts through the U. S. Communities Government Purchasing Alliance Contract No. 4400034025, from Royer & Schutts in the amount of \$8,312.00; and
- d. Circulation Desk, Signage and Wall Displays through BuyBoard Contract No. 503-16, from PUTSI, DBA Cultural Surroundings in the amount of \$63,051.00

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	Absent
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

16. Discuss and Possibly Act Upon the Purchase of Seven (7) Body Armor Vests for the Police Department Using Seized Narcotic Funds and Authorize the Mayor to Execute Any Necessary Documentation

Police Chief Craig Goodman presented this item. Goodman explained that his department would like to replace seven (7) vests that are either expired or will expire shortly.

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to approve the purchase of seven (7) body armor vests for the Police Department from Black Company Tactical Group, LLC. in the amount of \$10,455.28 using seized narcotic funds 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	Absent
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

17. Discuss and Possibly Act Upon a Ground Space Lease Agreement with Aviators Plus LLC (Brent Nedbalek) for Hangar Space at the Brenham Municipal Airport and Authorize the Mayor to Execute Any Necessary Documentation

Planning Technician Kim Hodde presented this item. Hodde explained that Dr. Welton E. Hill sold his hangar (3317 Aviation Way) to Aviators Plus LLC (Brent Nedbalek) and therefore a new lease agreement needs to be executed with Aviators Plus LLC. Hodde advised that execution of this lease agreement with Mr. Nedbalek will cancel the previous agreement with Dr. E. Welton Hill.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve a ground space lease agreement with Aviators Plus LLC (Brent Nedbalek) for hangar space at the Brenham Municipal Airport 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	Absent
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

18. Discuss and Possibly Act Upon a Request for a Noise Variance from the American Cancer Society for the Relay for Life to be Held on October 22, 2016 from 6:00 p.m. to 12:00 a.m. (Midnight) at Fireman’s Park and Authorize the Mayor to Execute Any Necessary Documentation

Deputy City Secretary Kacey Weiss presented this item. Weiss explained that Erin Robinson with the American Cancer Society submitted a Noise Variance Request for their annual event to be held at Jackson Street Park. Weiss stated the event will be from 6:00 p.m. – Midnight. Weiss noted that the police department and fire department have approved the noise variance request.

Councilmember Goss asked if the residents had been contacted about the event and where everything would be set-up. Councilmember Goss also suggested that the North side of the park would be a good place to put the activities. Weiss stated that she did not know the details, but would contact Erin Robinson to find out.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve a noise variance from the American Cancer Society for the Relay for Life to be held on October 22, 2016 from 6:00 p.m. to 12:00 a.m. (Midnight) at Fireman’s Park and authorize the Mayor to execute any necessary documentation. After further discussion on this item Councilmember Barnes-Tilley withdrew her motion and Councilmember Ebel withdrew his second. No further action was taken on this item.

19. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- The Fireman's Fiesta will be held August 13th
- The first meeting in October will be moved from October 6th to October 13th due to the TML Conference
- Thanked the Council for meeting later in the day to accommodate Councilmember Goss' meeting with the Brazos River Authority Board.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary