

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on August 18, 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, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary Kacey Weiss, Assistant City Manager-Chief Financial Officer Carolyn Miller, Stacy Hardy, Director of Community Services Wende Ragonis, Jennifer Eckermann, 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 and Judson Hall

Citizens present:

Brad Stufflebeam, Douglas Cason, Danny Ross, Barbara Ross, Kassie Conner, Krissie Zorn, Jason Reimer, Rockie Rexroad, Janie Mehrens, Sabrina Roberts, Jenny Van Dorf, Patrick Murray and Deanna Murray

Media Present:

Arthur Hahn, Brenham Banner Press; and Noelle Buffam, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – City Attorney Cary Bovey**

3. Special Presentation
➤ **Fortnightly Club**

Representatives of the Fortnightly Club presented a check to Council in the amount of \$11,450.00 for the library.

4. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

5. Statutory Consent Agenda

- 5-a. Minutes from the June 16, 2016 and July 14, 2016 Regular City Council Meetings**
- 5-b. Ordinance No. O-16-017 on Its Second 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**
- 5-c. Ordinance No. O-16-018 on Its Second 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 Herring and seconded by Councilmember Barnes-Tilley to approve the Statutory Consent Agenda Items 5-a., 5-b. and 5-c. 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

PUBLIC HEARING

6. Proposed Tax Rate of \$0.5070 per \$100 Valuation for Fiscal Year Beginning October 1, 2016 and Ending September 30, 2017

Assistant City Manager-Chief Financial Officer Carolyn Miller presented this item. Miller advised a property tax rate of \$0.5070 per \$100 valuation is proposed. Miller stated that \$0.3150 will be for maintenance and operations and the balance of \$0.1920 will be for debt service.

Miller explained that the increase in property taxes will cover the addition of three new firefighters and provide resources for street paving.

Miller advised that as outlined in the Property Tax Code, the Council must hold two public hearings to receive citizen comments on the proposed property tax rate. Miller stated that at each hearing, the Council must announce the date, time, and place of the meeting at which they will vote on the tax rate.

Citizen Danny Ross, a resident on Chappell Hill Street, addressed the Council and questioned why the City needs additional firefighters.

Mayor Tate announced that the first reading of the Ordinance to adopt the tax rate will be during a Special Council meeting on Monday, September 12, 2016 at 8:00 a.m. at City Hall, located at 200 W. Vulcan Street. The second reading of the Ordinance and adoption of the tax rate is scheduled for a Regular Council meeting on Thursday, September 15, 2016 at 1:00 p.m. at City Hall, located at 200 W. Vulcan Street.

WORK SESSION

7. Presentation of the 2015 Municipal Court Statistics

Municipal Court Administrator Rhonda Kuehn presented this item. Kuehn reviewed the report and advised that from October 2015 through June 2016 there have been 5,305 cases filed. Kuehn noted that the total number of cases filed in FY15 was 6,746.

Councilmember Goss asked if most of the tickets issued are for people that live out of town. Kuehn stated that most of the tickets that are written are to out of town addresses.

Councilmember Williams questioned why the number of juvenile activity has decreased. Kuehn reported that the numbers are down due to changes in the state law and more responsibilities have been placed on Brenham I.S.D.

Councilmember Barnes-Tilley asked if all juvenile cases still get reviewed by the City Prosecutor. Kuehn stated that they do.

REGULAR SESSION

8. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Current FY2015-16 Adopted Budget

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller explained that the highlights of the FY2015-16 budget amendment included the following revenue increases: General Fund revenues for insurance proceeds and Parks Capital Improvements Fund revenue for a donation received for a planned park development project, along with advertising revenue for Fireman's Park outfield wall signage.

Miller advised that General Fund expenditures are also being increased due to expenses related to a state softball tournament and for unanticipated expenses from the repair of an airport runway light. Other expenditure increases include: additional materials for the Belle Towers drainage project, allocation of funds for the advertising and promotion for the Simon Conference Center, BCDC Fund payment to Economic Development Foundation for local match of grant, purchase of a replacement police vehicle in the Equipment Fund, and Parks Capital Improvement Fund expenditures related to a planned park development project connecting Fireman's Park and the Nancy Carol Roberts Memorial Library. Miller stated that expenditures are being decreased in the City Hotel Occupancy Tax Fund due to the transfer of contingency funds to the General Fund for the state softball tournament.

Miller advised that other budget amendment items included: insurance proceeds to cover the cost of a replacement police vehicle from the General Fund to the Streets and Equipment Fund, additional funding approved for the state softball tournament from the City Hotel Occupancy Tax Fund to the General Fund, additional materials and City in-kind labor and equipment for the Belle Towers drainage project from the General Fund to the Streets and Drainage Fund, and the allocation of HOT funds for the marketing and promotion of the Simon Conference Center from the City Hotel Occupancy Tax Fund to the new Simon Conference Center Fund

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve an Ordinance on its first reading amending the FY2015-16 adopted budget.

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 Resolution No. R-16-022 Expressing Official Intent to Reimburse Certain Costs Related to the Furnishing and Equipping of the Expanded and Renovated City Library

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller explained that as the expansion/renovation project at the Nancy Carol Roberts Memorial Library nears completion, Council has approved the purchase of shelving systems and furnishings from several vendors using numerous purchasing cooperative and award of competitive bids. Miller explained that rather than pursuing a traditional lease option, Staff has been working with Bank of Brenham, the City’s depository bank, to secure financing for the capital purchases. Miller explained that Staff is proposing this financing structure since there are multiple vendors and invoices, multiple pieces of shelving systems and furnishings, various shipment dates over several months which would provide opportunities for confusion and errors.

Miller advised that Staff is asking Council to approve the Reimbursement Resolution today to give Staff time to finalize this financing option to bring back to Council for formal approval at the September 1st Council meeting. Miller stated that approval of the Reimbursement Resolution will allow the City to pay any vendor invoices that might come due before the financing arrangement is approved by Council and then the City could reimburse ourselves from the loan proceeds.

A citizen questioned if it is only the City funding the cost of the library or does the County contribute as well. Miller stated that the City is funding the cost of the library; however, 44% of the total costs are being provided by private donations. The citizen also asked if the City has gone over budget on the library and animal shelter. Miller stated that \$190,000 is needed to complete the library and that money will come out of this year’s budget. Miller advised that the animal shelter has needed \$62,000 of additional money over and above bonds and private donations.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve Resolution No. R-16-022 expressing official intent to reimburse certain costs related to the furnishing and equipping of the expanded and renovated 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

10. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 21, Signs, of the Code of Ordinances of the City of Brenham Regarding the Regulation of Billboards

Development Services Manager Erik Smith presented this item. Smith advised that Staff was approached by SignAD Outdoor who made a presentation to City Council on April 28, 2016 to ask about possibly amending the billboard ordinance to be more favorable to their business. Smith explained that Staff also held a workshop meeting with the Board of Adjustment to give the public ample opportunity to express their concerns. Smith stated that they received some concerns from the public related to digital signs not billboards.

Smith explained that the proposed ordinance would allow the City to remove billboards that are not maintained or have discontinued advertising for more than 120 consecutive days. Smith stated the ordinance also has a provision allowing staff to pursue removing the sign if it's repair or reconstruction exceeds sixty percent (60%) of the costs to erect a new sign.

A motion was made by Councilmember Goss and seconded by Councilmember Williams to approve an Ordinance on its first reading amending Chapter 21, Signs, 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 a Facility Use Agreement Between the City of Brenham and the Brenham State Supported Living Center for Pool Use at the Blue Bell Aquatic Center and Authorize the Mayor to Execute Any Necessary Documentation

Director of Community Services Wende Ragonis presented this item. Ragonis explained that the City and the Brenham State Supported Living Center have a longstanding agreement for recreational aquatic services. Ragonis explained that the most recent agreement was reviewed by each agency's legal representative in the fall of 2012 and was executed December 18, 2012. Ragonis stated that this agreement had three (3) automatic annual renewal options which were exercised extending the term of the agreement to September 30, 2016.

Councilmember Goss asked if there is any documentation in the agreement regarding liability. City Attorney Cary Bovey stated there is not. Ragonis explained that the agreement is for state reporting that the state school has to use, gives the rate that they will pay, along with giving the aquatic center advanced notice as to when they will be attending so the center can be adequately staffed.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve a Facility Use Agreement between the City of Brenham and the Brenham State Supported Living Center for pool use at the Blue Bell Aquatic Center 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 Bid No. 3900.049 Related to the Repairs of the Walking Trail at Hohlt Park and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau stated that on August 11, 2016 the Purchasing Department along with a representative from O'Malley Strand opened bids related to the Hohlt Park Trail Reconstruction project. Rau noted that 4 bids were received.

Rau advised that Collier Construction submitted the lowest bid of \$144,200.00 for the proposed work. Rau explained this was not budgeted for, but has been documented in the FEMA report and it is estimated that 75% of the cost will be covered through the disaster funds. Rau stated the remaining 25% will come from general fund reserves over 95 days.

Rau explained that the bid documents called for the work to be substantially completed within 60 calendar days from the date the contract time commences. Rau stated it is expected that work will begin around September 1st and be completed by November, 2016.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to award Bid No. 3900.049 to Collier Construction in the amount of \$144,200.00 for repairs of the walking trail at Hohlt 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

13 Discuss and Possibly Act Upon a Request for a Noise Variance from the Texas Arts and Music Festival Organization for a Festival to be Held on October 15, 2016 from 4:00 p.m. to 10:00 p.m. in Downtown Brenham and Authorize the Mayor to Execute Any Necessary Documentation

Main Street Manager Jennifer Eckermann presented this item. Eckermann explained that earlier this year an organization was formed to offer an arts-related event – Texas Arts and Music Festival – that has been planned in conjunction with Main Street’s Texas Brew Step on October 15. Brad Stufflebeam, owner of Home Sweet Farm Market and Biergarten, is the chairman of the organization, and representing the organization, has submitted a Noise Variance Request for their event to be held at and around the Ant Street Inn. The public music portion of the event will be from 4:00 p.m. – 10:00 p.m. They will have two bands setting up behind the Ant Street Inn. The Brenham Police Department and the Brenham Fire Department have approved the noise variance request.

Brad Stufflebeam addressed the Council. Stufflebeam stated their goal is to promote art and music in Brenham and they are expecting around 1,000 people to attend the festival.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve a request for a noise variance from the Texas Arts and Music Festival Organization for a festival to be held on October 15, 2016 from 4:00 p.m. to 10:00 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	Yes

14. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- The BISD Luncheon will be held on September 2nd.
- The building located at 209 Market Street will be on the agenda for the Building Standards Commission meeting on September 7th.
- The Brenham Alliance will have a meeting at Bluebonnet Electric on August 25th at 7:30 a.m.
- The library and animal shelter projects are at punch list stage and there will be grand openings once they are completed
- Standards and Poors rating meeting will be August 22nd

Director of Community Services Wende Ragonis reported on the following:

- Back-To-School activities are being held at the library
- Little Diggers begins September 11th

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

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