

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on September 15, 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 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, Susan Nienstedt, Sara Parker, Director of Community Services Wende Ragonis, Fire Chief Ricky Boeker, Fire Marshal Brent Sauble, Police Chief Craig Goodman, Public Works Director Dane Rau, Assistant City Manager of Public Utilities Lowell Ogle, Development Services Manager Erik Smith, Kim Hodde, Lori Lakatos, Judson Hall, Angela Hahn, Ashley Burns, Seth Klehm, Hunter Andras, Mark Pierce and Chris Jackson

Citizens present:

Tiffany Morisak

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 – Councilmember Goss**

- 3. **Proclamation**
 - **K9 Sammy**
 - **Constitution Week**

4. **Citizens Comments**

There were no citizen comments.

CONSENT AGENDA

5. **Statutory Consent Agenda**

- 5-a. **Minutes from the August 4, 2016 Public Hearing and Regular City Council Meeting**
- 5-b. **Ordinance No. O-16-021 on Its Second Reading Approving Financing for the Purchase of Furnishings and Equipment for the Expanded and Renovated Nancy Carol Roberts Memorial Library**
- 5-c. **Ordinance No. O-16-022 on Its Second Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas, Part V, Section 3.03, Relating to the Number of Alternate Members of the Board of Adjustment**

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel 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	Absent
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

WORK SESSION

6. Presentation of the Third Quarter Report by the Washington County Convention and Visitors Bureau

Jenny Mills, with the Washington County Convention and Visitors Bureau, presented this item. Mills focused on the highlights featured in the *Third Quarter Report – April – June 2016*, pointing out the visitor statistics, major tourism events, advertising placements and editorial coverage.

REGULAR SESSION

7. Discuss and Possibly Act Upon Ordinance No. O-16-023 on Its Second Reading Adopting the Budget for Fiscal Year Beginning October 1, 2016 and Ending September 30, 2017

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller explained that the Fiscal Year 2016-17 Proposed Budget has been developed in compliance with the Property Tax Code, Local Government Code and the City Charter.

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to approve Ordinance No. O-16-023 on its second reading adopting the budget for fiscal year beginning October 1, 2016 and ending September 30, 2017.

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

8. Discuss and Possibly Act Upon Ordinance No. O-16-024 on Its Second Reading Levying Taxes for the Tax Year 2016 for the City of Brenham at \$0.5070 per \$100 Valuation

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller advised the FY2016-17 Proposed Budget includes a tax rate of \$0.5070 per \$100 valuation which has two components: maintenance and operations (M&O) and interest and sinking (I&S).

Miller explained that the proposed tax rate of \$0.5070 will allocate \$0.3150 to the General Fund for M&O expenditures and the balance of \$0.1920 will be allocated to the Debt Service Fund for principal and interest obligations. Miller also stated the proposed tax rate of \$0.5070 is above the effective rate of \$0.4710, but below the rollback rate of \$0.5132.

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.

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

9. An Ordinance of the City Council of the City of Brenham, Texas, Authorizing the Issuance and Sale of City of Brenham, Texas Combination Tax and Revenue Certificates of Obligation, Series 2016; Levying a Tax In Payment Thereof; Authorizing the Execution and Delivery of a Purchase Agreement and a Paying Agent/Registrar Agreement; Approving the Official Statement; and Enacting Other Provisions Relating Thereto

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item and introduced the City’s Financial Advisor, Garry Kimball of Specialized Public Finance, and Bond Counsel, Glenn Opel of Bracewell, LLP. Miller explained that the proceeds from the sale of these Certificates of Obligation will be used for the following purposes: (i) the construction and equipping of a new City animal shelter; (ii) the expansion, renovation and equipping of the City library; (iii) the construction and improvements of the City’s electric utility system (collectively, the “Project”); and (iv) to pay professional services of attorneys, engineers, financial advisors and other professionals in connection with the Project; and to pay the costs associated with the issuance of the Certificates.

Mr. Kimball gave a presentation summarizing the official bids for the sale of the bonds and Mr. Opel presented the Ordinance complete with pricing.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Goss to approve an Ordinance of the City of Brenham, Texas, authorizing the issuance and sale of City of Brenham, Texas, 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

10. An Ordinance of the City Council of the City of Brenham, Texas, Authorizing the Issuance and Sale of City of Brenham, Texas General Obligation Refunding Bonds, Series 2016; Levying a Tax In Payment Thereof; Authorizing the Execution and Delivery of a Purchase Agreement, A Paying Agent/Registrar Agreement and an Escrow Agreement; Calling Certain Outstanding Obligations for Redemption; Approving the Official Statement; and Enacting Other Provisions Relating Thereto

The City's Financial Advisor, Garry Kimball of Specialized Public Finance, presented this item. Kimball presented information related to the opportunity to advance refund a portion of the City's 2008 Certificates of Obligation Bonds, which were used to construct a south side elevated water tower and for expansion/improvements to the water utility system.

Kimball explained that the City would issue approximately \$4,985,000 in Series 2016 General Obligation Refunding Bonds and would recognize a net savings of over \$557,000. Kimball noted that the savings would be realized over a 17 year period at approximately \$40,000 per year or over 9% net present value benefit compared with the face amount being refinanced.

A motion was made by Councilmember Goss and seconded by Councilmember Ebel to approve an Ordinance of the City of Brenham, Texas authorizing the issuance and sale of General Obligation Refunding Bonds, 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 Renewal with Texas Municipal League Intergovernmental Risk Pool for General Liability, Law Enforcement Liability, Public Officials Liability, Mobile Equipment, Airport Liability, Property, Auto Liability and Physical Damage, Crime, Animal Mortality and Theft and Workers' Compensation Coverage for the City of Brenham for Fiscal Year 2016-17 and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller explained the renewal of property and liability coverages with TML Intergovernmental Risk Pool for FY2016-17.

- General Liability Coverage
Overall, liability rates for the coming year will change by about 1.7%, but the auto liability continues to experience greater than expected losses. The overall rate increase for auto liability is 5.9%.
- Property Rates and Coverage Changes
Due to several significant weather events and the increase in losses, there is a 5% increase in property rates for the 2016/17 fund year.

Effective October 1, 2016, the Pool will expand its cyber liability and data breach coverage. This coverage will be provided for no additional contribution.

- Workers' Compensation Rate Changes
For the current year, rates were increased for individual classification codes based on loss experience. The City received notification of our workers' comp rates in early June, and the new rates have been included in the proposed FY16-17 personnel budget.
- Impact to City of Brenham
Although liability, property, and workers' compensation rates did increase across the Pool's entire membership, the individual member contributions are affected not only by rates, but also the member's loss experience (experience modifier) and/or changes in exposure. The overall budget impact is a decrease of over \$51,826. Based on our renewal, the City will experience the following percent changes:
 - 22.25% decrease in general liability
 - 20.35% increase in property coverage
 - 16.86% decrease in workers' compensation rates

Miller stated that the increase in property coverage is due in part to an increase of over \$10 million in new property added for FY2016-17.

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to approve the renewal with Texas Municipal League Intergovernmental Risk Pool for General Liability, Law Enforcement Liability, Public Officials Liability, Mobile Equipment, Airport Liability, Property, Auto Liability and Physical Damage, Crime, Animal Mortality and Theft and Workers' Compensation coverage for the City of Brenham for Fiscal Year 2016-17 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

12. Discuss and Possibly Act Upon the Renewal of City of Brenham Group Health Plan with TML Multistate Intergovernmental Employee Benefits Pool and Establishment of Funding Rates for Calendar Year 2017 and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller explained the renewal of fully-funded group medical plan with TML MultiState Intergovernmental Employee Benefits Pool and approval of funding rates for calendar year 2017. Miller advised that in developing the FY16-17 personnel budget, a key priority was holding the City’s portion of insurance costs at the current level. Miller noted this would be achieved by: (1) identifying changes to our group medical plan to mitigate any premium increases for the City; (2) continue the transition to equalize the City contribution for dependent coverage by shifting the cost share percentage from 70/30 to 65/35 (65% City and 35% employee); and (3) hopefully with plan changes, our employees would not be impacted by the shift in cost share for dependent premiums.

Miller explained that last year employees were facing a 3% increase in total premiums before any plan changes, and with plan modifications, employees experienced a 5% decrease. Miller advised that knowing that the City was facing a 4% increase in premiums, Staff asked TML IEBP for plan change options that could be considered this year to circumvent any increase; TML IEBP recommended increases in office visit co-pays and out of pocket costs for employees.

Miller stated that after careful review, Staff is recommending the adoption of the proposed group medical plan with a \$35 office visit copay, \$1,200 individual/\$2,400 family deductible and \$3,500 individual/\$7,000 family out of pocket maximum plan effective January 1, 2017.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve the renewal for City of Brenham Group Health Plan with TML Multistate Intergovernmental Employee Benefits Pool, establish funding rates for calendar year 2017 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 a Canine Transfer Agreement Between the City of Brenham and Mark Pierce for the Transfer of K9 Sammy and Authorize the Mayor to Execute Any Necessary Documentation

Police Chief Craig Goodman presented this item. Goodman explained that the City has owned 9-year-old K9 Sammy since 2010 and wishes to retire him. Mark Pierce has been the designated handler of K9 Sammy from March 5, 2010 to September 15, 2016. During this timeframe, Officer Pierce has participated in a substantial amount of training with K9 Sammy and has developed a strong bond with him.

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to approve a Canine Transfer Agreement between the City of Brenham and Mark Pierce for the transfer of K9 Sammy 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 Resolution No. R-16-025 Authorizing the Acceptance of TxDOT’s Selective Traffic Enforcement Program (STEP) Grant for Speed Enforcement During the Specific Period of October 1, 2016 through September 30, 2017

Police Chief Craig Goodman presented this item. Goodman explained that this grant provides funding for officers to work overtime to enforce the speed limits at selected sites within the City limits. Goodman advised the total amount the City will be reimbursed for is \$15,000. Goodman stated that Corporal Kurie and Sergeant Raven are the two primary officers that are part of this program.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Barnes-Tilley to approve Resolution No. R-16-025 authorizing the acceptance of TxDOT’s Selective Traffic Enforcement Program (STEP) Grant for speed enforcement during the specific period of October 1, 2016 through September 30, 2017.

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 a Recommendation for the Appointment of Alternate Members to the Board of Adjustment

Development Services Manager Erik Smith presented this item. Smith explained that he would like to have two (2) additional alternate positions for the Board of Adjustment. The two additional members will help to assure that this board always has a quorum so that can act on City business. Smith recommended that Lynette Sheffield and John Pledger be appointed as the alternate board members.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve the appointment of Lynette Sheffield and John Pledger as alternates to the Board of Adjustment.

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 Approval of the Routine Airport Maintenance Program (RAMP) Grant Agreement No. M1717BRENM with TxDOT for FY2017 and Authorize the Mayor to Execute Any Necessary Documentation

Planning Technician/Airport Coordinator Kim Hodde presented this item. Hodde explained that this grant agreement with TxDOT is for participation in the Routine Airport Maintenance Program (RAMP) for September 1, 2016 through August 31, 2017. Hodde advised that as in prior years, this agreement allows Staff to be reimbursed for 50% of the cost of the monthly AWOS Maintenance Contract, as well as 50% of the replacement lamps for the airport lighting system, herbicides, general maintenance, and a contingency for emergency repairs. Hodde noted that the maximum for this grant is \$100,000 (50/50 match); however, Staff has budgeted funds of \$30,000. Hodde explained that with TxDOT's match of \$30,000, Staff will have a total of \$60,000 for this fiscal year.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve the Routine Airport Maintenance Program (RAMP) Grant, Agreement No. M1717BRENM with TxDOT for FY2017 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 an Ordinance on Its First Reading Amending Chapter 8, Fire Protection and Prevention, Sec. 8-3, Possession, Selling, Etc. of Fireworks, of the Code of Ordinances of the City of Brenham, Texas, Regarding the Sale of Fireworks

Fire Marshal Brent Sauble presented this item. Sauble explained that looking back through the 2015 Legislative changes, Staff noticed that nothing was ever done to update the City’s ordinance based on the passage of Senate Bill 1593 that states “a home rule city may not define and prohibit as a nuisance the sale of fireworks or similar materials within the 5,000 foot nuisance zone outside the city limits”.

A motion was made by Councilmember Goss and seconded by Councilmember Williams to approve an Ordinance on its first reading amending Chapter 8, Fire Protection and Prevention, Sec. 8-3, Possession, Selling, Etc. of Fireworks, of the Code of Ordinances of the City of Brenham, Texas, regarding the sale of fireworks.

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 an Ordinance on Its First Reading for the Abandonment of a Portion of Day Street Right-Of-Way

City Engineer Lori Lakatos presented this item. Lakatos explained that Matt Stolz has requested that a portion of the unimproved Day Street right-of-way (ROW) be abandoned. Lakatos advised that he submitted a ROW abandonment application in July 2016 and the adjacent property owners have agreed to the abandonment. Lakatos stated that once the City abandons the ROW, the property owners will convey the ROW as they have agreed.

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to approve an Ordinance on its first reading abandoning a portion of Day Street right-of-way.

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

19. Discuss and Possibly Act Upon Resolution No. R-16-026 Authorizing the Acceptance of a Grant from the Texas Department of Agriculture for the 2016 Community Development Fund (CD) Grant In The Amount of \$275,000 for the Rehabilitation of the Church Street Water Tower

Assistant City Manager of Public Utilities Lowell Ogle presented this item. Ogle explained that the City obtained a \$275,000 grant from the Texas Department of Agriculture for the rehabilitation of the tower. The matching funds contribution by the City will be a minimum of 20% of the grant amount or \$55,000.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Ebel to approve Resolution No. R-16-026 authorizing the acceptance of a grant from the Texas Department of Agriculture for the 2016 Community Development Fund (CD) Grant in the amount of \$275,000 for the rehabilitation of the Church Street water tower.

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

20. Discuss and Possibly Act Upon a Request for a Noise Variance from St. Mary’s Immaculate Conception Catholic Church for a Fundraiser to be Held on September 18, 2016 from 8:00 a.m. – 4:00 p.m. at 701 Church Street and Authorize the Mayor to Execute Any Necessary Documentation

Deputy City Secretary Kacey Weiss presented this item. Weiss stated that the fundraiser will be held on September 18th at the church. Weiss advised that they will be using a sound amplification system.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Barnes-Tilley to approve a request for a noise variance from St. Mary’s Immaculate Conception Catholic Church for a fundraiser to be held on September 18, 2016 from 8:00 a.m. – 4:00 p.m. at 701 Church Street 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

21. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- Thanked the Council for their work on the budget
- The next Council meeting will be October 13th

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

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