

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on December 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 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 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, Jennifer Eckermann, Tammy Jaster, Fire Chief Ricky Boeker, Dant Lange, Public Works Director Dane Rau, Assistant City Manager of Public Utilities Lowell Ogle, Development Services Manager Erik Smith and Lori Lakatos

Citizens present:

Otto Janner, Jr., John Barnhill, Hal Moorman and Clint Kolby

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. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

4. Statutory Consent Agenda

4-a. Minutes from the November 3, 2016 and November 17, 2016 Regular City Council Meetings

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

REGULAR SESSION

5. Discuss and Possibly Act Upon an Ordinance on its First Reading Amending the FY2015-16 Adopted Budget

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller explained the highlights of the second and final amendment to the FY2015-16 budget included the following revenue increases: General Fund revenues for court fees, sales tax, property tax and phone line access fees all due to higher collections and interest income due to new investments; Sanitation Fund revenue due to a rate increase and increased loads; County HOT Fund revenue for an additional payment received; 2014 Capital Projects Fund revenue for various library grants; Police Grant Fund revenue for body camera grant proceeds; FEMA Disaster Relief Fund revenue for insurance reimbursements; Donations Fund revenue for additional contributions for Library and Animal Shelter projects; and Parks Capital Improvements Fund revenue for skate park grant proceeds.

Miller advised that the General Fund expenditures are being increased due to replacement light poles and fixtures at the Aquatic Center. Other expenditure increases included: additional maintenance and higher disposal costs for the Sanitation Fund, purchase of new Library furniture, Outdoor Reading Room and AV equipment for the Library, completion of the Library and Animal Shelter Capital Projects, Police department body cameras and storage equipment, FEMA eligible expenditures incurred from the April and May 2016 floods, and expenditures related to the expansion of the Skate Park. Miller stated that General Fund expenditures are being decreased in various departments due to line item savings. Miller noted these savings generated additional ABNR (Above Budget Net Revenues).

Miller advised that other budget amendment items included the following transfers between funds: transfer from the General Fund to 2014 Capital Projects Fund for the completion of the Animal Shelter and Library projects; City grant match from the General Fund to the Police Grant Fund; ABNR transfer from the General Fund to the Equipment Fund for FY17 capital needs; donations received in the Donations Fund transferred to the 2014 Capital Projects Fund; and the allocation of funds for the Fireman’s Park Restroom Upgrade from the BCDC Fund to the Parks Capital Improvements Fund. Miller stated that also included in the transfer section are the proceeds from the Library furniture loan.

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

6. Discuss and Possibly Act Upon Change Order No. 003 for the Nancy Carol Roberts Memorial Library Expansion, Modernization and Renovation Project and Authorize the Mayor to Execute Any Necessary Documentation

Director of Community Services Wende Ragonis presented this item. Ragonis stated that Collier Construction was awarded Bid # 15-006 for the Construction and Rehabilitation of the Nancy Carol Roberts Memorial Library at the April 2, 2015 Council meeting. Ragonis explained that the total bid amount awarded to Collier Construction was \$3,108,000, which included \$25,000 for an outdoor reading room.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve Change Order No. 003 in the amount of \$10,756.36 to Collier Construction for the Nancy Carol Roberts Memorial Library expansion, modernization and renovation project 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

7. Discuss and Possibly Act Upon a Lease Agreement Between the City of Brenham and Simon Theater Master Tenant, LLC for the Management and Operation of the Barnhill Center at the Historic Simon Theater and Authorize the Mayor to Execute Any Necessary Documentation

Director of Community Services Wende Ragonis presented this item. Ragonis explained that in 2014, the Chairman of Brenham Main Street Historic Perseveration, Inc. (BMSHP) Hal Moorman spoke with Council at the June 5, 2014 Council meeting about the possible long term ownership and operation of the Barnhill Center at the Historic Simon Theater. Ragonis stated that this presentation initiated the City's evaluation of the possible ownership and/or operation of the Barnhill Center. Ragonis advised that to lead the City's evaluation efforts, a sub-committee of Council members including the Mayor was established. Ragonis explained that a Memo of Understanding (MOU) between the two organizations was executed May 4, 2016.

Ragonis advised that based upon much discussion and guidance from the Tourism and Promotion Sub-Committee of Council, staff and outside industry experts, the City of Brenham is prepared to operate the Barnhill Center at the Historic Simon Theatre as a conference and cultural arts destination. Ragonis explained that due to the complex nature of the State and Federal Tax Credit programs utilized in the multi-year restoration of the facility, the City of Brenham is not eligible to consider outright ownership of the facility until 2020. Ragonis advised that given this fact, it is the intent of BMSHP and the City of Brenham to enter into an agreement whereas the City of Brenham is the sole operator of the Barnhill Center facility. Ragonis stated that if approved by Council, this agreement will be effective from January 1, 2017 until September 30, 2017. Ragonis explained that during this nine (9) month term, the City will deliberately and thoroughly evaluate and consider the impact to City resources for operating this type of facility. Ragonis stated that at the end of the lease term, City staff should have a better understanding of resources required to adequately operate the facility as a conference center and cultural arts destination.

Councilmember Herring questioned the property currently being tax exempt and what would happen if the Washington County Appraisal District changed their interpretation of its use. City Attorney Cary Bovey stated that if there is a change, the City would be responsible for the tax. However, Bovey explained that since the City is a public entity and the building will be used for public use he does not think the City will have to pay taxes on the property. Bovey stated that he had spoken to Willy Dilworth, Chief Appraiser with the Washington County Appraisal District, and there does not appear to be an issue.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Goss to approve a lease agreement between the City of Brenham and Simon Theater Master Tenant, LLC for the Management and Operation of the Barnhill Center at the Historic Simon Theater 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

8. Discuss and Possibly Act Upon Resolution No. R-16-034 Adopting a New Fee Schedule for the City of Brenham’s Parks and Recreation Department

Director of Community Services Wende Ragonis presented this item. Ragonis stated that the City of Brenham publishes a Parks and Recreation Guide for visitors and residents as a reference for the City’s recreational community services offerings. Ragonis explained that while many of the Parks and Recreation amenities and programs are offered to the public at no cost, there are fees for services such as: facility rentals, admission to the BBAC, swim lessons and classes and other recreational programming. Ragonis noted that at the August 10, 2016 Parks Advisory Board meeting, staff reviewed the current Parks and Recreation rate schedule with the Board. Ragonis stated that the Blue Bell Aquatic staff presented modifications to the BBAC rates and those rates were discussed and approved by the Parks Advisory Board. Ragonis advised that if approved by Council, these rates will be published in the 2017 Parks and Recreation Guide.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve Resolution No. R-16-034 adopting a new fee schedule for the City of Brenham's Parks and Recreation Department.

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 Recommendations for Appointments and/or Re-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:

Airport Advisory Board:

Michele Bright
Jerry LeGard
Pat Elliott

Board of Adjustment:

Jon Hodde
Walt Schoenvogel
Richard Heiges (Alternate)
Jarvis Van Dyke (Alternate)

Building Standards Commission:

Walt Edmonds
Stoney Lacina

Brenham Community Development Corporation:

Jason Kiemsteadt
Bill Betts
John Hasskarl

Brenham Housing Authority:

Richard Flammer
Gerald Calvert
Cory Flencher
Lillian Pollard
Tieman Dippel – 1 year appointment, to expire on December 31, 2017
Ken Miller – 1 year appointment, to expire on December 31, 2017

Hotel Occupancy Tax Board:

Al Patel

Library Advisory Board:

Christy Van Dyke
Renee Mueller (Fortnightly Club Appointee)
Alana Winkelmann (Fortnightly Club Appointee)
Marshia Foster (Fortnightly Club Appointee)

Main Street Board:

Margie Young
Jon Hill
Mark Schneider

Parks and Recreation Advisory Board:

Delbert Boeker
Pam Hohlt
Ginger Bosse

Planning and Zoning Commission:

Walt Schoenvogel
Leroy Jefferson
Calvin Kossie
Lynette Sheffield

Roberts noted that additional members are still needed for the Board of Adjustment, Building Standards Commission and Hotel Occupancy Tax Board. These recommendations will be brought back to Council at a later date.

Councilmember Goss asked how staff is looking for potential people to serve on the boards. City Secretary Jeana Bellinger stated that the applications and a listing of vacancies are on the city's website. Bellinger advised that the staff liaison also seeks people. Councilmember Goss stated that it may be a good idea to put the information on the radio and in the newspaper so that more citizens are aware of it.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve the recommendations for appointments and/or re-appointments to various city advisory boards, 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

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

EXECUTIVE SESSION

- 10. Section 551.074 – Texas Government Code – Deliberation Regarding Personnel Matters – Discussion Regarding the Appointment of a Brenham Municipal Court Presiding Judge and Associate Judge, Both for a Two Year Term Ending on December 31, 2018, and the Appointment of a City Prosecutor**
- 11. Section 551.074 – Texas Government Code – Deliberation Regarding Personnel Matters – Consider Compensation for Municipal Court Judges and City Prosecutor**

Executive Session adjourned at 2:40 p.m.

RE OPEN REGULAR AGENDA

- 12. Discuss and Possibly Act Upon the Appointment of a Brenham Municipal Court Presiding Judge and Associate Judge, Both for a Two Year Term Ending on December 31, 2018, and the Appointment of a City Prosecutor**

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to appoint Bill Kendall as Presiding Judge and Robert Wright as Associate Judge each for a two year term to expire on December 31, 2018, and to appoint Cary Bovey and Luke Cochran, both with the Law Office of Cary L. Bovey, PLLC, as City Prosecutors to be effective on January 1, 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	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

13. Discuss and Possibly Act Upon Compensation for Municipal Court Judges and City Prosecutor

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to increase the annual salary of the Presiding Judge from \$21,000 to \$22,500 and the annual salary of the Associate Judge from \$18,800 to \$20,000, and the salary for the City Prosecutor to be as outlined in the current contract between the City of Brenham and the Law Office of Cary L. Bovey, PLLC.

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:

- January Council meeting dates will be the 12th and 19th

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC, CMC
City Secretary

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