

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on February 16, 2017 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, Susan Nienstedt, Sara Parker, Director of Community Services Wende Ragonis, Crystal Locke, Fire Chief Ricky Boeker, Police Chief Craig Goodman, Dant Lange, Chris Jackson, Public Works Director Dane Rau, Leslie Kelm, Bobby Branham, Assistant City Manager of Public Utilities Lowell Ogle, Development Services Director Erik Smith, Lori Lakatos, Stephen Draehn, John Snowden and Kevin Boggus

Citizens present:

David Korth, Kevin Burnett, John Brieden, Kristi Stamnes, Joy Fuchs, Jon Devin, Lawrence Lin, David Viade, Bob Schmidt, Jason Reimer, Susan Cantey, Page Michel, Lu Hollander, Courtney Powell, Jenny Mills, Clint Kolby and James Franke

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 Ebel**

3. Citizens Comments

There were no citizen comments.

4. Special Introduction

- **Director of 9-1-1 Communications**

Washington County Judge John Brieden introduced Kristi Stamnes the new Director of 9-1-1 Communications for the County.

CONSENT AGENDA

5. Statutory Consent Agenda

5-a. Minutes from the January 12, 2017 and January 19, 2017 Regular City Council Meetings

5-b. Ordinance No. O-17-002 on Its Second Reading Authorizing a Variance to Design Standard Requirements, as Outlined in Section 23-22(5)(a) of the City of Brenham’s Code of Ordinances, on a Tract of Land Being Described as Tract 374 (WCAD), 0.265604 Acres of Land, Out of the Phillip Coe Survey, A-31, Located at 1118 West Main Street, Brenham, Washington County, Texas

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Goss to approve the Statutory Consent Agenda Items 5-a. and 5-b. 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 First Quarter Report by the Washington County Convention and Visitors Bureau

Lu Hollander with the Washington County Convention and Visitors Bureau presented this report. Hollander focused on the highlights featured in the *First Quarter Report: Oct - Dec 2016*, pointing out the visitor statistics, major tourism events, advertising placements and editorial coverage.

7. Presentation and Discussion Related to the Creation of a Neighborhood Commercial (B4) Zoning District

Development Services Director Erik Smith presented this item. Smith explained that property owners approached city staff about looking into a new zoning district for the downtown area. The new zoning area would be the Downtown Brenham Master Plan Southside Overlay District (B4 District). Smith stated that many of the existing structures and lots in this area of downtown have compliance issues and variances and special exceptions would be the only course of action for a property owner interested in redeveloping their property.

Smith advised that permitted uses in the new B-4 District would be similar to those listed in the B-3 Historical Central Business District and B-1 Local Business/Residential Mixed Use District and would include restaurants, retail, arts and crafts, amusement and entertainment, bakeries and offices. Smith also explained that the land area regulations would be similar to the current B-3 District where there is no limit on lot coverage, structure height requirement is 45 feet and no parking requirements in lieu of fee paid. Smith explained that the parking fees paid would help fund future satellite parking areas in the new District.

Smith explained that a new land use will also be included in a portion of the new B-4 District. The new land use would allow for single family detached homes, townhouses, two-family dwellings or duplexes, and multifamily dwellings. Smith stated there would be parking and setback requirements for all residential uses.

Smith advised the goals of the new B-4 District would be to help alleviate a number of potential variances and special exception requests from applicants wanting to revitalize their property; create parking requirements that fit the District and create a fund to earmark money for future satellite parking to serve the District; create a walkable community; and for revitalization of the south end of downtown.

Councilmember Goss stated that he would like staff to look into the various entertainment and amusement uses that will be allowed in the District since it will also be a residential area.

Smith advised Council that the next step in the process would be to hold Town Hall meetings so that interested citizens could come and ask questions about the new District and how it may affect their property. Smith said that the Planning and Zoning Commission (P&Z) will also have to have a series of public hearings and open meetings to discuss the new B-4 District. After the Town Hall meetings and further review and discussion by P&Z, a draft ordinance will be brought to Council for their approval.

PUBLIC HEARING

8. Proposed Annexation of Approximately 86.664 Acres of Land Situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031 Generally Consisting of Tracts with Frontage Along State Highway 36 North; Land Located West of and Adjacent to Dixie Street that is not Currently within the City Limits and Approximately 1,500 Feet from the “Cloverleaf” Intersection of Highway 290 West and State Highway 36 North

Mayor Tate opened the Public Hearing

Development Services Director Erik Smith explained that Staff has been working with Stylecraft Builders on a planned development project for the past year. Smith noted that the property itself is roughly 87 acres and is located near the intersection of Highway 290 West and State Highway 36. Smith advised that Stylecraft Builders has submitted a petition for annexation into the city limits.

There were no citizens heard during the Public Hearing.

REGULAR SESSION

- 9. Discuss and Possibly Act Upon the Following Professional Services Agreements Related to Storm Disaster Recovery Work from the May 2016 Storm Event:**
- a. Professional Services Agreement with O’Malley Strand Associates, Inc. for Storm Damage Repairs to the Wastewater and Water Treatment Plants; and**
 - b. Professional Services Agreement with Gunda Corporation, LLC for Storm Damage Repairs to the Raw Water Intake Structure at Lake Somerville;**
- and Authorize the Mayor to Execute Any Necessary Documentation**

City Engineer Lori Lakatos presented this item. Lakatos explained that during the May 2016 Flood Event multiple sites were damaged throughout the City and that FEMA declared Washington County as an eligible area for Federal assistance.

Lakatos advised that as part of the recovery relief, FEMA provides kind-in assistance and hazard mitigation, should the projects meet the benefit cost analysis, and will help reduce the risk of these types of damages occurring in the future. Lakatos explained that Staff has been working with FEMA to include the storm damage in the funding for eligible projects and has also been working with engineering firms to help the City’s recovery and possibly mitigate potential risks in the future.

A motion was made by Councilmember Goss and seconded by Councilmember Ebel to approve Professional Services Agreements related to storm disaster recovery work from the May 2016 Storm Event as follows:

- a. Professional Services Agreement with O’Malley Strand Associates, Inc. in the amount of \$360,100 for Storm Damage Repairs to the Wastewater and Water Treatment Plants;
- b. Professional Services Agreement with Gunda Corporation in the amount of \$285,888 for Storm Damage to the Raw Water Intake at Lake Somerville

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

10. Discuss and Possibly Act Upon Bid No. 17-003 for Janitorial Services for Various City Facilities and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau stated that on January 24, 2017, the Purchasing Department opened bids for janitorial services for various city facilities. Rau noted that there were 4 completed bids received. Rau advised that for the past three years, Ambassador Higher Cleaning Solutions has been the janitorial service provider. Rau explained that there have been issues with Ambassador and their service has been subpar.

Rau stated that Ambassador did submit the lowest bid at \$80,227.20; however, based off of the “best value” language included in the bid packet, past experiences with Ambassador and reference checks, Staff feels that the City cannot stay with Ambassador as the janitorial provider. Rau explained that Staff has reviewed the second lowest bidder, Lim Service Industries, and recommends that the Council awarding the janitorial bid to them.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to award Bid No. 17-003 to Lim Service Industries in the amount of \$96,912.00 for janitorial services in various city facilities, as it represents the best value for the City, 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

11. Discuss and Possibly Act Upon the Purchase of Equipment for Various City Departments as Shown on the Equipment Schedule Included in the Agenda Packet and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained that during the 2016-17 budget process, Staff shared with Council major equipment needs according to multiple departments' 5 year capital plans. Rau stated that in accordance with the 5 year capital plans, Staff would like to purchase 11 pieces of equipment from 8 different vendors.

Vendor	Equipment	Purchase Price
Mustang CAT	Loader	\$ 213,900.00
Mustang CAT	Paving Machine	200,635.00
R.B. Everett	Compactor	109,577.00
R.B. Everett	Double Drum	126,381.00
Altec Industries	Bucket Truck	128,292.00
Lonestar Freightliner	Tandem Dump	98,150.00
Art's Truck and Equip.	Water Truck	46,723.86
Interstate Trailers	Street Equip. Trailer	25,673.58
Mustang CAT	Trackhoe	194,700.00
Bane Manchinery	Tub Grinder	607,649.00
		\$ 1,751,681.44

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve the purchase of 11 pieces of equipment in the amount of \$1,751,681.44 for various City departments 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 an Equipment Financing Proposal with JPMorgan Chase Bank for the Purchase of Equipment for Various City Departments and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller stated that this is a companion item for the financing of major equipment as presented by Dane Rau, Public Works Director. Miller explained that JPMorgan Chase Bank and Bank of Brenham submitted proposals. Miller advised that another financing option would be for the City to issue 7-Year Limited Tax Notes (LTN) in the open market through our financial advisor, Garry Kimball of Specialized Public Finance. Miller stated that the pro-forma annual payments for 7-Year LTN would be equal to the JPMorgan Chase proposal; therefore, staff is recommending that the equipment financing be done through a financing agreement with JPMorgan Chase Bank.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve a 7 year equipment financing contract, as approved by the City Attorney, with JPMorgan Chase Bank for the purchase of equipment for various city departments at an interest rate of 2.20% with annual payments of principal and interest, each in arrears, equal to \$298,649.27 beginning on March 1, 2018 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 an Addendum to the Contract for Participation in the City of Brenham’s Rotation Log for Non-Consent Tows and Authorize the City Manager to Execute Any Necessary Documentation

Police Chief Craig Goodman presented this item. Goodman explained that in March 2016, staff met with the Non-Consent Tow Task Force members and representatives from all of the towing companies currently on the City and County non-consent tow contract. Goodman stated it was determined during that meeting that there were some issues that needed to be reviewed and possible changes made to the contract. Goodman advised that after several meetings with members of the Task Force, it was the overall consensus that an Addendum to the Non-Consent Tow Contract was needed to address some of the issues. Goodman noted that Commissioner Hueske is a member of the Task Force and has been involved in all of the discussions related to these changes.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve an addendum to the contract for participation in the City of Brenham’s rotation log for non-consent tows and authorize the City Manager to execute any necessary documentation.

Kevin Burnett, owner of B&B Automotive, addressed the Council. Burnett stated that he is very unhappy with the contract and believes the rules are unfair in that companies are not treated fairly. Burnett stated that he would like for the contract to be removed and that citizens should be allowed to choose their own tow service provider.

City Attorney Cary Bovey advised that the contract states that if a tow company wants to do non-consent tows in the City, then those companies must abide by the terms and conditions of the contract.

Councilmember Barnes-Tilley stated that she would like to get more information on the issues and concerns before Council votes on the item.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Goss to table agenda item 13

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 the Acceptance of a Donation in the Amount of \$15,000.00 to the Brenham Pet Adoption Center and Authorize the Mayor to Execute Any Necessary Documentation

Police Chief Craig Goodman presented this item. Goodman explained that Angela and Bob Knauss have offered a donation to the Brenham Pet Adoption Center for \$15,000 to provide funding for material to build frames for donated swings, material to cover portions of the outdoor kennels with \$1,500 specifically being allotted to the cat room. Goodman stated that the remainder of the donated funds will be allocated for the purchase of a security camera system.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Goss to accept a donation in the amount of \$15,000 to the Brenham Pet Adoption 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	Absent
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

15. Discuss and Possibly Act Upon Resolution No. R-17-003 Authorizing the Submission of a Grant Application Through the Criminal Justice Division of the Governor's Office for Conversion to the National Incident-Based Reporting System

Police Chief Craig Goodman presented this item. Goodman explained that Uniform Crime Reporting gathers crime data from law enforcement agencies for statistical analysis. Goodman stated that there are two methods for reporting data, Summary Reporting and Incident Reporting. Goodman advised that the Texas Legislature has mandated that all agencies move away from Summary Reporting to Incident Based Reporting. Goodman explained that Office of the Governor, Criminal Justice Division is accepting applications from local law enforcement agencies to upgrade technology infrastructure to allow for and support Incident-Based Reporting to the Texas Department of Public Safety. Goodman noted that there is no match required for this grant.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Ebel to approve Resolution No. R-17-003 for the submission of a grant application through the Criminal Justice Division of the Governor's Office for conversion to the National Incident-Based Reporting System.

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 Rifle Equipment 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 the police department is seeking approval to order twenty (20) Magpul flip-up rear sights and twenty (20) Aimpoint patrol rifle optics to complete the outfitting of the remaining rifles in the department. Goodman stated that Staff is requesting the use of narcotic seizure funds to purchase these items.

A motion was made by Councilmember Goss and seconded by Councilmember Ebel to approve the purchase of twenty (20) Magpul flip-up rear sights and twenty (20) Aimpoint patrol rifle optics from GT Distributors, Inc. in the amount of \$8,806.10 for the police department 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 Recommendation for Appointments to the Brenham-Washington County Hotel Occupancy Tax (HOT) Board

City Manager Terry Roberts presented this item. Roberts explained that the Brenham-Washington County HOT Board consists of nine (9) members: seven (7) members are appointed by the City Council and two (2) members are appointed by the Washington County Commissioners. Roberts stated that currently there are three (3) city-appointee vacancies on the HOT Board and staff is recommending that Mary Barnes-Tilley and Sharon Brass be appointed to fill two of the city's three spots on this Board. Roberts noted that the third member appointment will be brought back to Council at a later date.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve the appointment of Mary Barnes-Tilley and Sharon Brass to the Brenham-Washington County Hotel Occupancy Tax (HOT) Board.

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	Abstain
Councilmember Weldon Williams	Yes

19. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- Chamber Business After Hours will be February 23rd at the Barnhill Center
- Washington County Day at the Capitol is February 21st

Public Works Director Dane Rau reported on the following:

- New basketball goals are in place at Jackson Street Park
- New scoreboard is in place at Fireman's Park

Council adjourned into Executive Session at 2:28 p.m.

EXECUTIVE SESSION

18. Section 551.072 – Texas Government Code – Deliberation Regarding Real Property – Deliberation Regarding the Possible Lease, Sale or Exchange of a City-Owned Building and Associated Real Property Located at 110 W. Vulcan Street, Brenham, Texas

Executive Session adjourned at 2:55 p.m.

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor

Jeana Bellinger, TRMC, CMC

City Secretary



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