

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on March 2, 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 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, Comptroller Stacy Hardy, Human Resources Director Susan Niensteadt, Sara Parker, Cynthia Longhofer, Director of Community Services Wende Ragonis, Tammy Jaster, Fire Chief Ricky Boeker, Police Chief Craig Goodman, Public Works Director Dane Rau, Assistant City Manager of Public Utilities Lowell Ogle, Development Services Director Erik Smith, City Engineer Lori Lakatos and Judson Hall

Citizens present:

Jason Reimer, Bob Schmidt, Katy Pugh, Hannah Smith, Andy Hart, Marnie Gaston, Rodney Gaston, Jay Strasner, Michele Kwiatowski, Kevin Burnett, Alexander, Susan Cantey and Charlie Pyle

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 Barnes-Tilley**
3. **Special Presentation**
 - **2016 Texas Association of Public Pool Council Awards**
4. **Service Recognitions**
 - Employees unable to attend*
5. **Citizens Comments**

Mayor Tate introduced Jay Strasner as the new publisher for the Brenham Banner-Press.

Citizen Andy Hart addressed Council regarding the need for sidewalks at the South Day area specifically between Tom Green Street and the Highway 36 Business interchange. Hart also thanked the Council for the sidewalks that have already been put into place throughout the city.

CONSENT AGENDA

6. **Statutory Consent Agenda**
 - 6-a. **Minutes from the February 2, 2017 and February 16, 2017 Regular City Council Meetings**

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve the Statutory Consent Agenda Item 6-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 |

PUBLIC HEARING

7. **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.

Kevin Burnett with Stylecraft Builders was introduced to Council. Council questioned the entrances and exits to the subdivision. Burnett and Smith explained that Highway 36 is a state highway and that Staff is not at the development process yet regarding that. Staff stated that TXDOT officials will have the final decision as to entrances and exits for the subdivision.

There were no citizen comments heard during the Public Hearing.

Mayor Tate closed the Public Hearing.

REGULAR SESSION

8. City Secretary's Certification of Unopposed Candidates for the City of Brenham's May 6, 2017 General Election

Certificación de Candidatos Sin Oposición por la Secretaria de la Ciudad de el Municipio de Brenham

City Secretary Jeana Bellinger presented this item. Bellinger explained that as outlined in Section 2.052 of the Election Code, the authority responsible for having the official ballot prepared shall certify that the candidates are unopposed. Bellinger then read the following statement:

“I, Jeana Bellinger, certify that I am the City Secretary of the City of Brenham and the authority responsible for preparing the ballot for the May 6, 2017 City election. I further certify that no person has made a declaration of write-in candidacy, and all of the following candidates are unopposed:

| <u>Candidate</u> | <u>Office Sought</u> |
|-------------------------|---|
| Keith Herring | Councilmember Place One (1), Ward One (1) |
| Andrew Ebel | Councilmember Place Three (3), Ward Three (3) |
| Charlie Pyle | Councilmember Place Five (5), At Large |
| Susan Cantey | Councilmember Place Six (6), At Large” |

9. Discuss and Possibly Act Upon an Order Declaring Unopposed Candidates for the Position of Councilmember Place 1 – Ward 1, Councilmember Place 3 – Ward 3, Councilmember Place 5 – At Large, and Councilmember Place 6 – At Large Elected to Office and Canceling the City of Brenham May 6, 2017 General Election

Considerar y en consecuencia actuar una Orden Declarando Candidatos Sin Oposición Para el Puesto de Concejal para Lugar 1 – Distrito Electoral 1, Concejal para Lugar 3 – Distrito Electoral 3; Concejal para Lugar 5 – Distrito Abierto; Concejal para Lugar 6-Distrito Abierto Elegidos a su Puesto y Cancelando la Elección General de la Ciudad de Brenham para el 6 de mayo, 2017

City Secretary Jeana Bellinger presented this item. Bellinger explained that as outlined in the Election Code, upon receipt of the City Secretary’s Certification of Unopposed Candidates, the City Council must, by order or ordinance, declare each unopposed candidate elected to office. Bellinger stated that the Elections Division of the Secretary of State’s office interprets the unopposed candidates as being elected when they are issued the certificate of election after the prescribed election day of May 6, 2017. Bellinger advised that unopposed candidates declared elected to office cannot take office until the regular canvassing of the election would have taken place. Bellinger stated that therefore, the unopposed candidates will not take office and begin their official duties as Councilmembers until they are sworn into office at the May 18, 2017 Council meeting.

A motion was made by Councilmember Goss and seconded by Mayor Pro Tem Nix to approve an Order Declaring Unopposed Candidates for the Position of Councilmember Place 1 - Ward 1, Councilmember Place 3 - Ward 3, Councilmember Place 5 - At Large, and Councilmember Place 6 - At Large Elected to Office and Canceling the City of Brenham May 6, 2017 General Election.

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 the Acceptance of the Audit from Seidel Schroeder for Fiscal Year 2016

Assistant City Manager – Chief Financial Officer Carolyn Miller and Auditor Partner from Seidel Schroeder, Michele Kwiatowski, presented this item. Kwiatowski advised Council that state law requires that all general-purpose local governments publish, within six months of the close of the fiscal year, a complete set of financial statements presented in conformity with generally accepted accounting principles (GAAP) and audited in accordance with generally accepted auditing standards by a firm of licensed certified public accountants. Kwiatowski advised the financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Brenham, Texas. Kwiatowski stated that pursuant to State requirements, and on behalf of the Finance Department, she would like to present the Comprehensive Annual Financial Report (CAFR) of the City of Brenham for the fiscal year ended September 30, 2016.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Herring to accept the audit from Seidel Schroeder for Fiscal Year 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 | Abstain |
| Councilmember Keith Herring | Yes |
| Councilmember Mary E. Barnes-Tilley | Yes |
| Councilmember Weldon Williams | Yes |

11. Discuss and Possibly Act Upon the Acceptance of the 2016 Audit of the Washington County Appraisal District by Seidel Schroeder

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller stated that the Washington County Appraisal District’s audit for the fiscal year 2015-2016 has been completed by Seidel Schroeder. Miller advised there were no discrepancies found during this time period and the appraisal district stayed \$47,279 under budget.

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to approve the acceptance of the 2016 audit of the Washington County Appraisal District by Seidel Schroeder.

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 | Abstain |
| Councilmember Keith Herring | Yes |
| Councilmember Mary E. Barnes-Tilley | Yes |
| Councilmember Weldon Williams | Yes |

12. 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

A motion was made by Councilmember Ebel and seconded by Councilmember Herring to remove Item 12 from the table.

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 |

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.

Councilmember Barnes-Tilley stated that she is in favor of the changes to the contract and believes that the changes are needed. Barnes-Tilley noted that any additional concerns of the tow companies should be addressed at another time.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel 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.

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 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 Various City Infrastructure Improvements at Multiple Locations;**
 - b. Professional Services Agreement with O'Malley Strand Associates, Inc. for Storm Damage Repairs to the Munz Lift Station;**
 - c. Professional Services Agreement with O'Malley Strand Associates, Inc. for Storm Damage Repairs to the Lake Line at Big Sandy Creek;and**
 - d. Professional Services Agreement with Gunda Corporation for Storm Damage Repairs to Various City Infrastructure Improvements at Multiple Locations;**
- 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 Barnes-Tilley and seconded by Councilmember Williams 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, not to exceed, of \$287,356 for Storm Damage Repairs to Various City Infrastructure Improvements at Multiple Locations;
- b. Professional Services Agreement with O'Malley Strand Associates, Inc. in the amount, not to exceed, of \$52,300 for Storm Damage Repairs to the Munz Lift Station
- c. Professional Services Agreement with O'Malley Strand Associates, Inc. in the amount, not to exceed, of \$34,150 for Storm Damage Repairs to the Lake Line at Big Sandy Creek; and
- d. Professional Services Agreement with Gunda Corporation, LLC. in the amount, not to exceed, of \$295,841 for Storm Damage Repairs to Various City Infrastructure Improvements at Multiple Locations; 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. Discuss and Possibly Act Upon the Rejection of Bid No. 17-004 for the Fabrication and Installation of Wayfinding Signage and Authorize the Mayor to Execute Any Necessary Documentation

Purchasing Manager Sara Parker presented this item. Parker explained that Bid No. 17-004 for the Wayfinding Signage Project was scheduled for opening with a submission deadline of 10:30 a.m. on February 14, 2017. Parker advised that on that day, Brenham and surrounding areas experienced severe weather and as a result, only one bid was received. Parker noted that at least two other bidders had attempted to submit bids, but were delayed by weather and missed the deadline. Parker stated that another was sent by overnight courier service and did not arrive until the following day.

Parker stated that due to the importance of this project for the promotion of the City of Brenham and the efforts already invested by the Main Street Board, the Wayfinding Committee and City personnel, staff recommends that Council reject the bid received to allow Purchasing Services to rebid the project as soon as possible.

A motion was made by Councilmember Goss and seconded by Councilmember Barnes-Tilley to approve the rejection of Bid No. 17-004 for the fabrication and installation of wayfinding signage 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 |

15. Discuss and Possibly Act Upon Bid No. 17-005 for the Purchase of Refuse Bags for the Sanitation Department and Bin Liners for the Parks Department and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau stated that on February 21, 2017 bids were opened for the purchase of refuse bags and bin liners. Rau advised that there were 10 bids received. Rau explained that evaluation of all bids and the sample bags submitted resulted in Staff's recommendation to award the two items separately and on a Best Value basis.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to award Bid No. 17-005 for the purchase of 14,000 rolls of refuse bags to Houston Poly Bag in the amount of \$5.97 per roll; and the purchase of bin liners from BMC Supply in the amount of \$20.50 per carton, with both being based on the Best Value basis, 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 |

16. Discuss and Possibly Act Upon a Request for a Noise Variance from Jesus Christ is the Answer for a Church Gathering on March 24, 2017 from 5:00 p.m. – 10:00 p.m. at Fireman’s Park and Authorize the Mayor to Execute Any Necessary Documentation

Deputy City Secretary Kacey Weiss presented this item. Weiss stated that the church gathering will be held on March 24th at Fireman’s Park and they will be using a sound amplification system. Weiss noted that the Brenham Police Department and the Brenham Fire Department have approved the noise variance request.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve a request for a noise variance from Jesus Christ is the Answer for a church gathering to be held on March 24, 2017 from 5:00 p.m. – 10:00 p.m. at Fireman’s 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 |

17. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- Spring Clean Up will be March 30th through April 1st for city residents and April 6th through 8th for county residents

Director of Community Services Wende Ragonis reported on the following:

- Texas Independence Celebration this weekend at the Barnhill Center

Police Chief Craig Goodman reported on the following:

- K9 Ronny is improving from his recent illness

ACM – Chief Financial Officer Carolyn Miller reported on the following:

- Council Budget Workshops will be July 12th through 14th
- Council Retreat is tentatively set for May 8th

Councilmember Barnes-Tilley commented that the basketball court improvements look great and she is glad to see them being used.

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor



Jeana Bellinger, TRMC, CMC

City Secretary

THIS PAGE INTENTIONALLY LEFT BLANK