

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on December 7, 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 Andrew Ebel
Councilmember Susan Cantey
Councilmember Danny Goss
Councilmember Keith Herring
Councilmember Charlie Pyle
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, Human Resources Director Susan Nienstedt, Sara Parker, Kaci Konieczny, Cynthia Longhofer, Director of Community Services Wende Ragonis, Crystal Locke, Jennifer Eckermann, Fire Chief Ricky Boeker, Assistant Fire Chief Brian Scheffer, Fire Marshal Brent Sauble, Police Chief Craig Goodman, Trey Gully, Public Works Director Dane Rau, Assistant City Manager of Public Utilities Lowell Ogle, City Engineer Lori Lakatos, Cindy Ross, Jerred Eschete, Josh Sebastian, Kelvin Raven, Darlene Konieczny, Paula Shields, Pam Ruenke, Rebecca Ruffino, Kevin Boggus, Jo Anne Hynes, Carrie Derkowski, Angeline Howard, Kristi Jackson, Christi Korth, Tara Wellmann, Todd Ashorn and Alyson Tofel

Citizens present:

Page Michel, Jim Kruse, Billy Bowen, Frank Lynch, John Beckendorf, Jenny Mills, Nichole Carr, James Hejl, April Hooks, Vicki Ignasiak and John Durrenberger

Media Present:

Arthur Hahn, Brenham Banner Press; and Mark Whitehead, KWHI

1. **Call Meeting to Order**
2. **Invocation and Pledges to the US and Texas Flags – City Manager Terry Roberts**
3. **Special Recognitions**
 - 3-a. **Police Department Promotion and Badge Pinning**
 - **Todd Ashorn, Sergeant**
 - 3-b. **Sara Parker – Lifetime Certification as a Certified Purchasing Manager from the Institute for Supply Management**
 - 3-c. **Service Recognitions**
 - **Jerred Eschete, Fire Department** **5 Years**
 - **Kaci Konieczny, Finance** **5 Years**
 - **Cindy Ross, Public Utilities** **15 Years**
 - **Trey Gully, Police Department** **20 Years**
4. **Citizens Comments**
There were no citizen comments.

CONSENT AGENDA

5. **Statutory Consent Agenda**
 - 5-a. **Minutes from the October 19, 2017 and November 2, 2017 Regular City Council Meetings**

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve the Statutory Consent Agenda Item 5-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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

WORK SESSION

- 6. Discussion and Presentation of a Report Entitled “*Reviving Tourism Revenues in Brenham and Washington County: Trends, Challenges and Recommendations*” As Presented to the Brenham-Washington County Hotel Occupancy Tax (HOT) Board by HOT Board Member, Sharon Brass**

This item was passed.

PUBLIC HEARING

- 7. Public Hearing to Consider an Amendment to the Official Zoning Map of the City of Brenham, to Change the Zoning District of an 8.07 Acre Tract of Land, Being A Portion of the 32.16 Acre Tract of Land Adjacent to Tiaden Lane, Described as R16649 (WCAD), Tract 2 of the Isaac Lee Survey, A77, in Brenham, Washington County, Texas from a Local Business Residential Mixed Use (B-1) District and a Single Family Residential Use (R-1) District to an Industrial Use (I) District**

Mayor Tate opened the Public Hearing.

City Engineer Lori Lakatos presented this item. Lakatos explained that this is a request from John Beckendorf representing the Fritz W. Beckendorf Estate to rezone a portion of the tract of land described above from a Local Business/Residential Mixed Use District (B-1) and a Residential District (R-1) to an Industrial District (I) for the purpose of selling the property to the adjacent property owner, Del Sol Food Company. Lakatos stated that two public comments in support and two public comments in opposition of the proposed zoning were heard during the Planning and Zoning Commission’s Public Hearing. Lakatos advised that the Planning and Zoning Commission voted unanimously to recommend approval of the rezoning request.

John Majewski, a resident at 2300 Tiaden Lane, addressed Council and stated that he is concerned about the tax rates increasing, as well as the resale value of his property if the rezoning is approved.

Resident April Hooks advised that she is concerned about the increase in traffic on Tiaden Lane.

Justin Margist, a resident at 2400 Tiaden Lane, explained that he is concerned about the tax rate increasing, the traffic increasing and the drainage issue on his property from the Brenham Business Center getting worse.

8. Public Hearing, Discussion and Receipt of Input Related to the Proposed Creation of Reinvestment Zone Number 41 Requested by Moser Community Media, LLC for Commercial Tax Phase-In Incentive on a Certain Tract or Parcel of Land Lying and Being Lot 28 and Part of Lot 29 of the Original Town Tract, Being Located at 101 E. Main Street, Brenham, Texas, with Boundaries Further Described in Exhibit “A” of the Ordinance Creating Reinvestment Zone 41, and Designating This Property as Qualifying for Tax Phase-In

City Secretary Jeana Bellinger introduced this item. Bellinger stated that prior to considering the creation of a Reinvestment Zone for implementing a Tax Phase-In incentive for any business the City Council is required to hold a Public Hearing to receive input regarding the request for tax phase-in. Bellinger advised Council that her office received a request for tax phase-in from Moser Community Media, LLC and asked

Page Michel, President of the Brenham Economic Development Foundation introduced Jim Moser, owner of Moser Community Media, LLC. Moser addressed Council and stated that his company is wanting to renovate one of the buildings in downtown to help expand their business. Moser explained that the renovation will include opening up second floor windows that have been covered up and returning the exterior to an “era-appropriate” finish with a traditional store front façade. Moser stated that the renovations will cost approximately \$470,000; which is why he requested consideration of a seven-year tax phase-in period.

Mayor Tate closed the Public Hearing.

REGULAR SESSION

10. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District of an 8.07 Acre Tract of Land, Being A Portion of the 32.16 Acre Tract of Land Adjacent to Tiaden Lane, Described as R16649 (WCAD), Tract 2 of the Isaac Lee Survey, A77, in Brenham, Washington County, Texas from a Local Business Residential Mixed Use (B-1) District and a Single Family Residential Use (R-1) District to an Industrial Use (I) District

A motion was made by Councilmember Herring and seconded by Councilmember Canteay to approve an Ordinance on its first reading amending the Official Zoning Map of the City of Brenham, to change the zoning district of an 8.07 acre tract of land, being a portion of the 32.16 acre tract of land adjacent to Tiaden Lane, described as R16649 (WCAD), Tract 2 of the Isaac Lee Survey, A77, in Brenham, Washington County, Texas from a Local Business Residential Mixed Use (B-1) District and a Single Family Residential Use (R-1) District to an Industrial Use (I) District.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	No
Councilmember Weldon Williams	No

11. Discuss and Possibly Act Upon an Ordinance on its First Reading for the Creation of Reinvestment Zone Number 41 Requested by Moser Community Media, LLC for Commercial Tax Phase-In Incentive on a Certain Tract or Parcel of Land Lying and Being Lot 28 and Part of Lot 29 of the Original Town Tract, Being Located at 101 E. Main Street, Brenham, Texas, with Boundaries Further Described in Exhibit “A” of the Ordinance Creating Reinvestment Zone 41, and Designating This Property as Qualifying for Tax Phase-In

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Ebel to approve an Ordinance on its first reading for the creation of Reinvestment Zone Number 41 requested by Moser Community Media, LLC for Commercial Tax Phase-In incentive on a certain tract or parcel of land lying and being Lot 28 and part of Lot 29 of the Original Town Tract, being located at 101 E. Main Street, Brenham, Texas, with boundaries further described in Exhibit “A” of the Ordinance creating Reinvestment Zone Number 41, and designating this property as qualifying for Tax Phase-In.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

9. Discuss and Possibly Act Upon Approval of an Ordinance of the City of Brenham, Texas, Authorizing the Issuance and Sale of City of Brenham, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2017; 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. Miller explained that the proceeds from the sale of these Certificates of Obligation will be used for the following purposes: (i) rehabilitation of and improvements to the City’s water and wastewater utility systems; (ii) construction of street, thoroughfare, parking and drainage improvements and the acquisition of land and interests in land in connection therewith; (iii) renovation of and improvements to the City’s aquatic center (collectively, the “Project”); (iv) professional services of attorneys, engineers, financial advisors and other professionals in connection with the Project; and (v) to pay the costs associated with the issuance of the Certificates.

A motion was made by Councilmember Pyle and seconded by Councilmember Cantey to approve an Ordinance of the City of Brenham, Texas, authorizing the Issuance and Sale of City of Brenham, Texas, Certificates of Obligation, Series 2017.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

12. Discuss and Possibly Act Upon Resolution No. R-17-024 Re-Adopting the Guidelines and Criteria for Granting Tax Phase-In in a Reinvestment Zone Created in the City of Brenham

Page Michel, President of the Brenham Economic Development Foundation, presented this item. Michel stated that the Tax Phase-In Policy will expire at the end of 2017 and will need to be re-adopted for another two years. Michel advised that the EDF’s Incentives Review Committee did not recommend any changes to the policy to be considered for re-adoption as approved by the EDF Board of Directors. Michel explained that the tax phase-in is a partial, temporary exemption from ad valorem taxes with the City of Brenham.

Councilmember Goss stated that he would like for there to be representation from the Brenham Community Development Corporation (BCDC), as well as the City to review this policy in the future.

A motion was made by Councilmember Herring and seconded by Councilmember Pyle to approve Resolution No. R-17-024 re-adopting the guidelines and criteria for granting Tax Phase-In in a Reinvestment Zone created in 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

13. Discuss and Possibly Act Upon Resolution No. R-17-025 Adopting Design Guidelines for the Brenham Downtown Historic District Incentive Grant Program

Director of Community Services Wende Ragonis presented this item. Ragonis explained that as part of the 2017 Main Street Plan of Work, the Economic Restructuring Committee developed a comprehensive document that summarizes incentives offered to Downtown Brenham property and business owners. Ragonis advised the Design Guidelines are suggested guidelines for development for Brenham's Downtown Historic District and these guidelines are only enforced when incentive grant funding is requested. Ragonis stated the Brenham Community Development Corporation (BCDC) approved the Downtown Incentive Program and Design Guidelines at their November 16, 2017 board meeting.

A motion was made by Councilmember Pyle and seconded by Councilmember Cantey to approve Resolution No. R-17-025 adopting Design Guidelines for the Brenham Downtown Historic District Incentive Grant Program.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

14. Discuss and Possibly Act Upon an Ordinance on its First Reading Amending the FY2016-17 Adopted Budget

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller explained the highlights of the amendment to the FY2016-17 budget include net revenue increases in the General Fund, 2014 Capital Projects Fund, FEMA Disaster Relief Fund and Donations Fund. Miller stated the budgeted amounts for the Electric and Gas Fund isolated pass-through revenues were moved to separate funds for transparency and, therefore, saw a net change of zero between the funds.

Miller advised General Fund expenditures were decreased in various departments due to line item savings. Miller stated these savings generated additional ABNR (Above Budget Net Revenues). Miller explained the budgeted expenditures are being increased in the Gas WPC Fund, Wastewater Fund, County HOT Fund, Capital Leases Fund, Parks Capital Improvements Fund, BCDC Fund and BCDC Capital Projects Fund. Miller advised the budgeted amounts for the Electric and Gas Fund isolated pass-through costs were moved to separate funds for transparency and, therefore, saw a net change of zero between the funds.

Miller stated that other budget amendment items include the transfers between funds and proceeds for the FY17 Chase Equipment Lease, 2016 Certificates of Obligation and the BCDC Promissory Note.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Ebel to approve an Ordinance on its first reading amending the FY2016-17 Budget.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

15. Discuss and Possibly Act Upon the Purchase of Group Term Life and Accidental Death and Dismemberment and Long Term Disability Coverage and Authorize the Mayor to Execute Any Necessary Documentation

Human Resources Director Susan Nienstedt presented this item. Nienstedt explained that the City’s Group Term Life and Accidental Death and Dismemberment and Long Term Disability insurance policies with Sun Life Financial will terminate as of December 31, 2017.

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to purchase Group Term Life and Accidental Death and Dismemberment and Long Term Disability insurance from Dearborn National for a 3-year guaranteed term effective January 1, 2018 at the rate of \$.136 per \$1,000 base salary for Term Life, \$.020 per \$1,000 base salary for Employee Accidental Death and Dismemberment, and \$.209 per \$100 base salary for Long Term Disability.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

16. 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:

Janet Hess
Jon Hodde
Eddie Van Dyke

Board of Adjustment:

MaLisa Hampton
Arlen Thielemann
John Pledger (Alternate)
Thomas Painter
Clint Kolby

Building Standards Commission:

Jason Kiemsteadt
Lloyd Pieper

Brenham Community Development Corporation:

Atwood Kenjura
Darrell Blum
David Cone
Charles Moser

Brenham Housing Authority:

John Harris
Wanda Cooley
Tieman Dippel
Kenneth Miller

Hotel Occupancy Tax Board:

Keith Hankins
Stacey Walters
Byron Davis

Library Advisory Board:

Lu Hollander (Fortnightly Club Appointee)
Janie Mehrens (Fortnightly Club Appointee)
Lillian Marshall

Main Street Board:

Tiffany Morisak
John Herman
Jim Moser
Dona Parker
Connie Wilder

Parks and Recreation Advisory Board:

Bill Betts
Paula Buls
Luis Mendoza

Planning and Zoning Commission:

Keith Behrens
Nancy Low
Deanna Alfred
Marcus Wamble

Roberts advised Council that additional members are still needed for a couple of Board and that those will be brought back to Council at a later date.

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve the recommendation for appointments and/or re-appointments to various City advisory boards.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

Council adjourned into Executive Session at 2:22 p.m.

EXECUTIVE SESSION

- 17. Section 551.074 – Texas Government Code – Personnel Matters – Discussion Regarding:**
 - a. Evaluation of Candidates for the Position of City Manager**
 - b. Possible Modifications to the Retiring City Manager’s Employment Agreement Including, But Not Limited to, a Limited Extension and Other Modifications Facilitating the Transition to the New City Manager**

Executive Session adjourned at 2:54 p.m.

RE-OPEN REGULAR SESSION

- 18. Discuss and Possibly Act Upon An Agreement for Professional Services and Employment as City Manager and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to appoint James Fisher as City Manager effective January 11, 2018 and to approve an agreement for professional services and employment as City Manager 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

19. Discuss and Possibly Act Upon Modifications to the Agreement for Professional Services and Employment as City Manager of the Retiring City Manager Including, But Not Limited to, a Limited Extension and Other Modifications Facilitating the Transition to the New City Manager and Authorize the Mayor to Execute Any Necessary Documentation

Mayor Tate presented this item. The Mayor stated that the deadline for extending the City Manager's contract has already passed and Council will amend the contract to end on January 11, 2018.

A motion was made by Councilmember Herring and seconded by Councilmember Goss to approve the modifications to the Agreement for Professional Services and Employment as City Manager of the retiring City Manager including, but not limited to, a limited extension to January 11, 2018 and other modifications facilitating the transition to the new City Manager 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

20. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- Council meeting dates during the holiday season will be December 21st and January 4th
- Ratings call with Standard and Poor's revealed that the City has maintained a good bond rating

Director of Community Services Wende Ragonis reported on the following:

- The Christmas Stroll was a huge success and thanked Council, Crystal Locke and the rest of the Community Services staff
- Saturday, December 9th the Animal Shelter will be open for adoptions and offering pictures with Santa
- Blue Bell Aquatic Center's Open House is December 12th from 8:30 a.m. to 11:30 a.m.

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor

Jeana Bellinger, TRMC, CMC

City Secretary



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