

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on July 7, 2011 beginning at 1:00 p.m. in the Brenham City Hall, City Council Chambers, at 200 W. Vulcan Street, Brenham, Texas.

Members present:

Mayor Pro Tem Gloria Nix
Councilmember Andrew Ebel
Councilmember Danny Goss
Councilmember Keith Herring
Councilmember Charlie Pyle
Councilmember Weldon Williams, Jr.

Members Absent:

Mayor Milton Y. Tate, Jr.

Others present:

City Manager Terry Roberts, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Administrative Assistant Tammy Cook, Chief Financial Officer Carolyn Miller, Christi Korth, Brandon Plumb, Fire Chief Ricky Boeker, Alan Finke, Allen Hinze, Andrew Jozwiak, Josh Sebastian, Chad Dismukes, Cecil Wright, Police Chief Rex Phelps, Assistant Police Chief Jay Petrash, Chris Jackson, Kelvin Raven, Public Works Director Doug Baker, Kim Hodde, Leslie Kelm, Public Utilities Director Lowell Ogle, Community Services Director Wesley Brinkmeyer, Angela Hahn, and Becky Squyres

Citizens present:

Amanda Dismukes, Susan Spencer, Sara Spencer, Steven Spencer, Annie Jackson, Mary Chavarria, Rachael Lynch, Josh Clover

Media Present:

Arthur Hahn, Brenham Banner Press; Ed Pothul, KWHI

- 1. Mayor Pro Tem Nix called the meeting to order**
- 2. Invocation and Pledges to the US and Texas Flags – Mayor Pro Tem Gloria Nix**

3. Proclamations

- Mayor Pro Tem Nix read a proclamation designating Thursday, July 7, 2011 as Texas Vietnam War Veterans Day. No one accepted this proclamation.
- Mayor Pro Tem Nix read a proclamation designating July 8, 2011 as Red Shirt Friday. The proclamation was accepted by the Red Shirt Friday Organization. Councilmember Goss expressed his appreciation to Mary Chavarria for all she has done in establishing this organization.

4. a. Service Recognitions

Service Recognitions were presented to the following employees:

| | | |
|---------------|--------|----------|
| Casey Redman | Parks | 10 years |
| Chad Dismukes | Fire | 10 years |
| Kelvin Raven | Police | 15 years |

Chief Phelps thanked Kelvin Raven for his service to the Police Department.

b. New Employees

Lowell Ogle introduced the following new employees:

| | |
|-----------------------|-----------------------|
| Andrew “Mikey” Wancho | Wastewater Department |
| Eric Sommerfield | Water Department |

Carolyn Miller introduced the following new employee:

| | |
|---------------|--------------------|
| Brandon Plumb | Finance Department |
|---------------|--------------------|

5. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

6. Statutory Consent Agenda

6-a. Minutes from the June 16, 2011 Council Meeting

A motion was made by Councilmember Herring and seconded by Councilmember Pyle to approve the Statutory Consent Agenda Item 6-a. minutes from the June 16, 2011 council meeting.

Mayor Pro Tem Nix called for a vote. The motion passed with Council voting as follows:

| | |
|----------------------------------|---------------|
| Mayor Milton Y. Tate, Jr. | Absent |
| Mayor Pro Tem Gloria Nix | Yes |
| Councilmember Andrew Ebel | Yes |
| Councilmember Danny Goss | Yes |
| Councilmember Keith Herring | Yes |
| Councilmember Charlie Pyle | Yes |
| Councilmember Weldon Williams | Yes |

WORK SESSION

7. Discuss Chapter 8½, Flood Damage Prevention, of the City of Brenham's Code of Ordinances

Allen Jacobs presented this item. He gave a brief explanation of the amended flood damage prevention ordinance. The Federal Emergency Management Agency (FEMA) recently provided revised flood hazard data to the community. The City is now required to amend its existing regulations to reference the new flood map and flood study.

Mr. Jacobs explained that property owners within the community benefit because they can participate in the National Flood Insurance Program (NFIP). Property owners are allowed to purchase insurance for protection against flood losses in exchange for compliance of state and community flood plain management regulations.

REGULAR AGENDA

8. Discuss and Possibly Act Upon an Ordinance on its First Reading Amending Chapter 8½, Flood Damage Prevention, of the City of Brenham's Code of Ordinances

A motion was made by Councilmember Pyle and seconded by Councilmember Williams to approve an ordinance on its first reading amending Chapter 8 ½, Flood Damage Prevention, of the City of Brenham's Code of Ordinances

Mayor Pro Tem Nix called for a vote. The motion passed with Council voting as follows:

| | |
|----------------------------------|---------------|
| Mayor Milton Y. Tate, Jr. | Absent |
| Mayor Pro Tem Gloria Nix | Yes |
| Councilmember Andrew Ebel | Yes |
| Councilmember Keith Herring | Yes |
| Councilmember Charlie Pyle | Yes |
| Councilmember Weldon Williams | Yes |
| Councilmember Danny Goss | Yes |

9. Discuss and Possibly Act Upon RFP No. 11-011 for Bank Depository Services and Authorize the Mayor to Execute any Necessary Documentation

This item was presented by Chief Financial Officer Carolyn Miller. Ms. Miller explained that the City recently solicited requests for proposals (RFP) for bank depository services for a two year period in accordance with the City Charter. Electronic RFP's were sent to six local banks. Of these six banks, Brenham National Bank and Citizens State Bank submitted notices of non-participation and JP Morgan Chase and Wells Fargo submitted proposals.

Ms. Miller noted, as in the past, Patterson & Associates assisted in the process of bidding services and the analysis of bank depository service proposals. The completed analysis was given to councilmembers. This analysis indicated both JP Morgan Chase and Wells Fargo were essentially equal in service capabilities. However, JP Morgan Chase offered lower monthly average fees as well as a 1% floor rate for the earnings credit rate (ECR). The calculated earnings help pay the bank fees and the rate helps determine the amount of funds required to be left in the bank as a compensating balance. Ms. Miller outlined the rates and balance requirement from each bank proposal. JP Morgan Chase proposed an ECR of 1% with a balance requirement of \$1,544,776 and Wells Fargo proposed an ECR of 0.36% with a balance requirement of \$4,354,430. Ms. Miller informed council of the recommendation made by Patterson & Associates to remain with JP Morgan Chase and use the 1% floor rate.

A motion was made by Councilmember Pyle and seconded by Councilmember Goss to Approve RFP No. 11-011 for bank depository services and authorize the Mayor Pro Tem to execute any necessary documentation.

Councilmember Pyle questioned the number of requests that were sent and the number of proposals received. He inquired of the number of proposals received and asked if it is typical to receive only two. Ms. Miller noted the last time RFP's went out for Bank Depository Services, only two submitted proposals as well.

Mayor Pro Tem Nix called for a vote. The motion passed with Council voting as follows:

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|------------------------------------|----------------|
| Mayor Milton Y. Tate, Jr. | Absent |
| Mayor Pro Tem Gloria Nix | Yes |
| Councilmember Andrew Ebel | Yes |
| Councilmember Keith Herring | Abstain |
| Councilmember Charlie Pyle | Yes |
| Councilmember Weldon Williams | Yes |
| Councilmember Danny Goss | Yes |

10. Discuss and Possibly Act Upon an Agreement with Survalent Technology for SCADA System Software and Support and Authorize the Mayor to Execute any Necessary Documentation

This item was presented by Public Utilities Director Lowell Ogle. Mr. Ogle explained this agreement is for the annual Software Support and Maintenance of the Supervisory Control and Data Acquisition (SCADA) system. In the past this support and maintenance was purchased on an annual basis. However, this agreement was discussed in last year's budget process and presented in a decision package. Survalent Technology is offering a multi-year discount if a five (5) year support agreement is purchased. Mr. Ogle noted an approximate \$12,000 savings over the five (5) year period.

A motion was made by councilmember Williams and seconded by Councilmember Ebel to approve an agreement with Survalent Technology for SCADA System Software and Support in the amount of \$35,437.50 and authorize the Mayor Pro Tem to execute any necessary documentation.

Councilmember Goss confirmed this was a budgeted item. Mr. Ogle explained during the budget process last year council was given the option to budget for one year of service or budget the entire amount of \$35,437.50 for five years of service, council chose to budget the five year amount. Councilmember Goss further questioned why this item is being presented to council at this time, if it was approved previously. Mr. Ogle explained that this is an agreement over \$25,000 and according to financial policies any agreement over \$25,000 must have council's approval. Although council approved the funding last year, they now have to approve the actual agreement.

Councilmember Williams inquired about the capability of integrating this system with the automated meter readers that are currently used within in the city’s utilities department. Mr. Ogle stated they are looking into ways to integrate the SCADA system with the others currently in use.

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

| | |
|----------------------------------|---------------|
| Mayor Milton Y. Tate, Jr. | Absent |
| Mayor Pro Tem Gloria Nix | Yes |
| Councilmember Andrew Ebel | Yes |
| Councilmember Keith Herring | Yes |
| Councilmember Charlie Pyle | Yes |
| Councilmember Weldon Williams | Yes |
| Councilmember Danny Goss | Yes |

11. Discuss and Possibly Act Upon an Agreement for Assignment of the Final Payment Related to the Henderson Park Lift Station Improvements Project Between The Guarantee Company of North America USA, Brazos Valley Services, and the City of Brenham, and Authorize the Mayor to Execute Any Necessary Documentation

City Attorney Cary Bovey presented this item. Mr. Bovey gave council a brief update of the Henderson Park Lift Station project. The project was completed by Brazos Valley Services and there were no issues pertaining to the improvements made, but there were issues regarding payment of subcontractors on the project. In accordance with direction from Council the City pursued the contractor to assign final payment to the Guarantee Company of North America USA. The agreement presented is a three party agreement that would be executed by the Contractor, Brazos Valley Services, The Surety Company, Guarantee Company of North America USA, and the City of Brenham. This agreement will authorize the City to make payment to the surety company. The contractor and the surety company would then indemnify the city for any issues related to the payment to the surety company instead of the contractor. This agreement would also constitute acceptance of the project and approval of final payment. With the exception of one addition to the agreement, the surety company has approved the agreement. Mr. Bovey explained the last sentence in item five (5) of the agreement is still pending a response from the surety company. He feels there will be no objection to this addition of wording, but he has not received confirmation at this time. Mr. Bovey turned the discussion over to Josh Clover, attorney for Brazos Valley Services.

Mr. Clover recommended this agreement to his clients, Brazos Valley Services, but there has been no response at this time. However in order to put things in motion Council must approve the acceptance of the project.

A motion was made by Councilmember Williams and seconded by Councilmember Pyle to approve an agreement for assignment of the final payment related to the Henderson Park Lift Station improvement project between the Guarantee Company of North America USA, Brazos Valley Services, and the City of Brenham subject to the surety company and contractor signing and approving agreement and authorize the Mayor Pro Tem to execute after any minor changes to agreement.

Councilmember Goss asked if the contractor could place a lien on this property. Mr. Bovey explained as a public entity the property is not subject to a lien. There is a payment bond on the project, so if a subcontractor has a claim this bond protects the city. There is also a time limit that a contractor has to file a claim and this time limit has elapsed.

Mayor Pro Tem Nix called for a vote. The motion passed with Council voting as follows:

| | |
|----------------------------------|---------------|
| Mayor Milton Y. Tate, Jr. | Absent |
| Mayor Pro Tem Gloria Nix | Yes |
| Councilmember Andrew Ebel | Yes |
| Councilmember Keith Herring | Yes |
| Councilmember Charlie Pyle | Yes |
| Councilmember Weldon Williams | Yes |
| Councilmember Danny Goss | Yes |

12. Administrative/Elected Officials Report

- Councilmember Pyle thanked everyone for their support in the Hot Nights Cool Tunes (HNCT) concert
- City Manager Terry Roberts updated council on the Railroad Quiet Zone
- Mr. Roberts also reminded council and citizens of the Public Hearing this evening on Redistricting
- Mayor Pro Tem Nix expressed her appreciation to the Red Shirt Friday Organization

Council convened into Executive Session at 1:37 p.m.

EXECUTIVE SESSION

- 13. Texas Government Code 551.072 – Deliberation Regarding Real Property – Discuss and Consider the Acquisition of Street Right-of-Way for the Longwood Drive Extension Project**

(Note: The City Council will convene in Room 2A, 2nd Floor of City Hall, for Executive Session item 14)

- 14. Texas Government Code 551.071 – Consultation with City Attorney Regarding Chapter 16, Occupational Licenses and Business Regulations, of the City of Brenham’s Code of Ordinances to Provide for the Regulation of Sexually Oriented Businesses within the City Limits**

Executive Session adjourned at 3:02 p.m.

RE-OPEN REGULAR SESSION

- 15. Discuss and Possibly Act Upon Resolution No. R-11-007 Determining the Public Need and Necessity for the Acquisition of Street Right-of-Way for the Construction, Repair and Maintenance of Street Improvements Incidental to the Longwood Drive Extension Project, Authorizing the City Manager to Agree on Amounts to be Paid to the Property Owner(s) as Compensation for Said Street Right-of-Way, and Authorizing the City Attorney to Institute Condemnation Proceedings, If Necessary, to Acquire Said Street Right-of-Way Across Land Lying in the City of Brenham, Washington County, Texas in the Phillip Coe Survey A-31 Owned by RPH Investments, L.L.C.**

A motion was made by Councilmember Pyle and seconded by Councilmember Herring to approve Resolution No. R-11-007 determining the public need and necessity for the acquisition of street right-of-way for the construction repair and maintenance of street improvements incidental to the Longwood Drive Extension Project, authorizing the city manager to agree on amounts to be paid to the property owner(s) as compensation for said street right-of-way, and authorizing the city attorney to institute condemnation proceedings, if necessary, to acquire said street right-of-way across land lying in the City of Brenham, Washington County, Texas in the Phillip Coe Survey A-31 owned by RPH Investments, L.L.C.

Mayor Pro Tem Nix called for a vote. The motion passed with Council voting as follows:

| Mayor Milton Y. Tate, Jr. | Absent |
|----------------------------------|---------------|
| Mayor Pro Tem Gloria Nix | Yes |
| Councilmember Andrew Ebel | Yes |
| Councilmember Keith Herring | Yes |
| Councilmember Charlie Pyle | Yes |
| Councilmember Weldon Williams | Yes |
| Councilmember Danny Goss | Yes |

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary

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