

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on January 5, 2012 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

### Members absent:

Councilmember Weldon Williams, Jr.

### Others present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Chief Financial Officer Carolyn Miller, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Public Works Director Doug Baker, Public Utilities Director Lowell Ogle, Adam Griffin, Debbie Gaffey, Assistant Police Chief Jay Petrash, Todd Jacobs, Billy Rich, Daniel Gaskamp, Trey Gully, Joseph Merkley, Kevin Boggus, Allen Jacobs, Leslie Kelm, Kim Hodde, Casey Redman, Lin Hartstack, Jamie Maurer, Luke Ongudu and Alton Sommerfield

### Citizens present:

Mary Barnes-Tilley, Jason Kiemsteadt, Page Michel, Clint Kolby, Wesley Brinkmeyer, Perry Thomas, Linda Thomas, Chelsea Merkley, and Kirk Hanath

### Media Present:

Allison Smith, Brenham Banner Press; Frank Wagner, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Andrew Ebel**

**3. Service Recognitions**

Service recognitions were presented to the following employees:

Luke Ongudu – Electric Department	5 years
Joseph Merkley – Police Department	10 years

**4. Citizens Comments**

No citizen comments were heard.

**CONSENT AGENDA**

**5. Statutory Consent Agenda**

**5-a. Minutes from the December 15, 2011 Council Meeting**

**5-b Ordinance No. O-12-001 on its Second Reading Amending Appendix A- “Zoning” of the Code of Ordinances of the City of Brenham, Texas; Amending the Official Zoning Map to Change the Zoning of Lot 1 and Lot 2 of the Trinity Care Center Subdivision and also Tract 120 of the Arrabella Harrington Survey from R-2, Mixed Residential District to a B-1, Local Business/Residential Mixed Use District**

A motion was made by Gloria Nix and seconded by Danny Goss to approve the Statutory Consent Agenda Items 5-a – minutes from the December 15, 2011 meeting and 5-b - Ordinance No. O-12-001 on its second reading Amending Appendix A- “Zoning” of the Code of Ordinances of the City of Brenham, Texas; Amending the Official Zoning Map to Change the Zoning of Lot 1 and Lot 2 of the Trinity Care Center Subdivision and also Tract 120 of the Arrabella Harrington Survey from R-2, Mixed Residential District to a B-1, Local Business/Residential Mixed Use District

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 Keith Herring	Yes
<b>Councilmember Weldon Williams</b>	<b>Absent</b>
Councilmember Danny Goss	Yes

## WORK SESSION

### 6. Discussion on New Policies and Procedures for All City of Brenham Boards and Commissions

Terry Roberts started off by telling Council that staff felt that the draft policies and procedures for the boards and commissions needed to be brought back to Council as a work session item for final clarification before the ordinances for the individual boards are prepared and presented for consideration. He stated that some of the boards are State created such as the Building Standards Commission, Planning & Zoning Commission, Board of Adjustments and Appeals, and the Brenham Community Development Corporation. These boards are mandated to have 2 year terms and some have residency requirements. We will not be changing these boards. We will only be addressing the Advisory Boards. This policy issue arose because of the term limits that were applied back in 2005 without staggering term limits; thereby, several boards would be totally replaced in a 13 month period. Mr. Roberts then turned the item over to Jeana Bellinger who presented it to City Council.

Ms. Bellinger reminded Council that on December 15, 2011 they passed Ordinance No. O-11-026 allowing for the evaluation and possible reorganization of the city's ten (10) boards and commissions. This work session item is to evaluate the changes being recommended by staff and get Council's direction on several issues. She discussed in detail the following items:

(1) Outline of Policies and Procedures for Boards and Commissions: This is a brief outline of a Policies and Procedures document that will be prepared for each board/commission. While all the various items will be discussed to some degree, the items highlighted in yellow are things that specific direction from Council is needed. The language on the outline is just a recommendation and can be amended as needed.

Ms. Bellinger reviewed the highlighted items and asked for feedback. The issues recommended and discussed are as follows:

- a) *Regular, full-time, City Employees are not eligible to serve on a City board unless required by State statute*

Jeana Bellinger stated that the committee discussed whether or not an employee would be able to serve on a board if it does not directly affect their department. Mayor Tate asked for input from Terry Roberts and Kyle Dannhaus. Mr. Dannhaus stated that the potential for problem is there if City employees serve on a City board but it would depend on the individual employee. Cary Bovey stated that Council could establish standards for the boards to deal with any potential problems. Jeana stated that most boards meet during the work day. The City Council was polled as follows:

**Andrew Ebel** – No – city employees should not be eligible to serve on city boards

**Keith Herring** – Yes - he would like to give the employees an opportunity to serve if they so choose.

**Gloria Nix** – Yes – she has no problem with employees serving as long as it did not interfere with their job.

**Danny Goss** – No - To avoid any question or opposition later, he would advise that city employees not be allowed to serve on city boards.

**Mayor Tate** - If problems are created, the policy can be changed.

Cary Bovey stated that if an employee creates a problem on a board, he/she can be removed. Mr. Dannhaus stated that it can create problems. Mr. Tate stated that he and Council would recommend not allowing City employees to serve on City boards or commissions.

b) *No persons within the third degree by blood or within the second degree by marriage to any member of the City Council are eligible to become a member of a board or commission*

This is the nepotism issue – should persons related to the City Council be allowed to serve on a City Board? Mayor Tate stated that since it is an advisory board, the City Council would still have the final vote.

**Andrew Ebel** – Yes – leave policy as proposed

**Keith Herring** – Yes – leave policy as proposed

**Gloria Nix** – No – could potentially be a problem.

**Danny Goss** – No – he feels that family members of Councilmembers should not be eligible to serve on City Boards to avoid any perception of persuasion

**Mayor Tate** - Leave policy as proposed

c) *Councilmember may not be appointed to a Board/Commission unless by special appointment by the Mayor*

Should Councilmembers be able to serve on a City Board/Commission except by special appointment? For example, when the City took over Library operations from the Fortnightly, the Mayor appointed Councilmember Williams and Councilmember Herring to the Library Board to serve in an advisory capacity during the transition. Both Councilmembers are currently serving as full-fledged members of the Library Board.

**Andrew Ebel** – Only by special appointment

**Keith Herring** – Agree – by special appointment only. It was good to have the liaison on the Library Board transition

**Gloria Nix** – Nearly every Councilmember serves on some type of Board

**Danny Goss** - Ok to have a Councilmember appointment by Mayor to serve as a Liaison but not as a voting member.

**Mayor Tate** – The City Council ultimately has the final vote and he doesn't see where there would be a great conflict if one or two councilmembers served on a board.

**Cary Bovey** - It could potentially be an issue if board member has a personal business that would be affected by the decision. Mr. Bovey feels that it is beneficial to have Councilmembers appointed to the various boards.

Terry Roberts clarified that on the Library Board, there is a County Commissioner as a member, two City Councilmembers, and four citizen members. Council may want to consider changing board from seven members to nine members at some point in the future.

*d) Applicants can be appointed to more than one board*

**Andrew Ebel** – no issue with policy as proposed

**Keith Herring** – no issue with policy as proposed

**Gloria Nix** – no issue with policy as proposed

**Danny Goss** – feels that this is a very gray area and we need to avoid it to avoid any potential problems.

**Mayor Tate** –doesn't see a problem if a person serves on more than one board. In some cases, such as Bill Betts serving on the BCDC and the Parks Board, it is very beneficial. He would hate to thwart the enthusiasm of an individual that is interested in serving the community.

*e) Board members shall serve a term of three (3) years, staggered; three (3) consecutive term limits*

**Andrew Ebel** – 3 year terms, staggered and no term limits for advisory boards

**Keith Herring** – 3 year terms, staggered and no term limits for advisory boards

**Gloria Nix** – 3 year terms, staggered and no term limits for advisory boards

**Danny Goss** – 3 year terms, staggered and no term limits for advisory boards

**Mayor Tate** –3 year terms, staggered and no term limits for advisory boards

*f) Board members of the Brenham Community Development Corporation (BCDC), Planning and Zoning Commission, and the Board of Adjustments and Appeals shall serve for two years; no term limits*

Danny Goss asked that the language “staggered terms” be added for clarification.

*g) Three (3) consecutive absences from regular sessions or absence from more than twenty-five percent (25%) of the meetings in any six month period, shall cause the board liaison to report the member's attendance record to the City Manager*

Mayor Tate asked about sickness and not being able to attend. Terry Roberts clarified that sickness would be excused. The intent of this language is to address persons just not showing up for board/commission meetings.

**Andrew Ebel** – ok with policy as proposed

**Keith Herring** – change “regular sessions” to “meetings”

**Gloria Nix** – ok with policy as proposed

**Danny Goss** – ok with policy as proposed

**Mayor Tate** – ok with policy as proposed

- (2) City of Brenham’s Human Resources Policy Manual, Page 79: In reviewing other city’s requirements for board/commission member eligibility, it seems that most cities have restrictions on family members of the Council serving on boards/commissions. This policy has not been followed in the past; however, staff would like to get Council’s thoughts on enacting a Nepotism Policy, like that found in our HR Policy Manual, for our boards/commissions.

This issue was discussed in item (1) and suggested to have the nepotism policy.

- (3) Board Member Selection Process: The board member selection process needed to be revised. In the past board members and/or staff found people to fill vacant board positions and presented the names to Council. In the new policy, it is staff’s recommendation that people wanting to volunteer submit their name (and credentials) for consideration by the Council. Board members and staff will still be encouraged to find people to apply but the final decision on appointments will be up to the Council.

It is not Administration’s intent to circumvent staff members or board members in the process of selecting replacement board members. Terry and Jeana plan on attending a meeting of each of the various boards and explain the changes. The City Council will vote on the replacements.

- (4) Request for Appointment to City of Brenham Boards and Commissions: This is somewhat of an “application” form that will be required of all persons wishing to serve on a city board. There can be some discussion about whether or not incumbent members would need to submit the entire application prior to their reappointment.

After receiving direction from Council, staff will proceed with finalizing the new policy, meeting with all of the boards/commissions to clarify Council’s wishes and explaining any new procedures. Ms. Bellinger will also begin writing ordinances specific to the set-up and organization of each board.

## REGULAR AGENDA

### 7. **Discuss and Possibly Act Upon Ordinance No. O-12-002 on its Second Reading Amending the Rate Tariff Schedule, Section 1005, Related to Residential Customer Deposits for All City-Owned Utilities and Authorize the Mayor to Execute Any Necessary Documentation**

Kyle Dannhaus presented this item to City Council. As discussed in the last Council meeting, staff has researched the possibility of establishing a policy regarding refunding residential utility deposits. Per Council's request, staff discussed whether renters should be included or excluded from this policy. Since the eligibility criteria for a refund is determined by payment history, staff would recommend that this policy apply to residential renters as well as homeowners who meet the requirements of no more than two late payments, no disconnects for non-payment or returned checks during their most recent twelve (12) month billing period. The customer's deposit would be credited to their utility bill. If the customer is disconnected for non-payment any time after their deposit is refunded, they will be required to put up a new deposit determined by the policy in effect at that time.

It will take several months to credit the deposits to utility accounts if approved by council because each account will have to be reviewed to see if it meets the criteria. These changes will not apply or effect commercial accounts. Kyle noted that not all customers will receive a refund of \$150.00 or \$250.00. The amount of refund will be the amount of the deposit that is on file. Customers that have been in the system for a while may only have a \$35.00 deposit on file.

A motion was made by Gloria Nix and seconded by Danny Goss to approve Ordinance No. -12-002 on its second reading amending the Rate Tariff Schedule, Section 1005, related to Residential Customer Deposits for all city-owned utilities 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 Keith Herring	Yes
<b>Councilmember Weldon Williams</b>	<b>Absent</b>
Councilmember Danny Goss	Yes

**8. Discuss and Possibly Act Upon a Recommendation from the Parks and Recreation Advisory Board Approving Admission Rates at the Blue Bell Aquatic Center**

Jamie Maurer presented this item to City Council. The Blue Bell Aquatic Center (BBAC) has been operating for over 10 years and during that time admission rates have remained the same with the exception of implementing a \$1 charge for children 3 and under. Operating expenses and maintenance continue to increase annually. The Parks and Recreation Advisory Board recommends increasing the admission fees. Ms. Maurer reiterated to Council that the Aquatic is a great benefit to our community and we are blessed to have such a first class facility.

Ms. Maurer handed out a revised page 34 which reflects both the proposed summer and non-summer rates. The proposed daily admission rates are \$4.00 for non-summer and \$5.00 for summer. The outdoor pool is open from Memorial Day through Labor Day, which is considered the summer season. The current rate is \$3 year round. We will also have a daycare rate of \$4 for our local daycares, including Boys & Girls Club, that come weekly. The increased rates would become effective 2/1/2012.

At current time, Aquatic Center revenues are covering a third of operating expenditures. The resulting shortfall requires annual subsidies from BCDC (\$200,000) and City tax payers (\$200,000). BCDC plans to curtail its annual Aquatic Center subsidy so that its' funds can be re-directed to other needed park and recreation projects so their subsidy may be reduced or eliminated entirely.

To minimize the possibility of an O&M tax increase to offset the loss of the BCDC subsidy, City staff has identified several objectives that include raising BBAC revenue through rate adjustments; increasing BBAC patronage, specifically in non-summer months; improving BBAC operating efficiencies leading to a reduction in expenditures; and improving operating efficiencies in other core service departments so that realized saving can be shifted to Aquatic Center support. 2011 summer total daily admission revenue was \$61,251. Using the increased rates with no attendance change the projected 2012 summer daily admission revenue would be \$105,781. Using the increased rates and a 20% decrease in attendance, the projected summer 2012 daily admission revenue is \$84,629. Ms. Maurer told Council that they are looking at ways to attract people to the Aquatic Center during the non-summer months which is when the center is not fully being utilized.

Linda Thomas, who teaches water aerobics at the aquatic center, stated that she and her users were blindsided by this increase. She and most of her users didn't find out about this issue until yesterday in the newspaper. She asked that Council reconsider taking any action today. She stated that she definitely advocated an increase in the summer rate but she urged staff to look closer at the user groups. They come from all surrounding areas and most pay the annual fees.

Ms. Maurer clarified that the increased rates for annual pass users would go into effect when their current contract expires. Kenneth Goessler, Chairman of the Parks and Recreation Advisory Board, stated that the Aquatic Center Master Plan Committee is comprised mainly of seniors and they are in support of this proposal.

A motion was made by Andrew Ebel and seconded by Keith Herring to approve a recommendation from the Parks and Recreation Advisory Board increasing admission rates at the Blue Bell Aquatic Center.

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 Keith Herring	Yes
<b>Councilmember Weldon Williams</b>	<b>Absent</b>
Councilmember Danny Goss	Yes

**9. Discuss and Possibly Act Upon Resolution No. R-12-001 Renaming Pickle Circle to Jake Pickle Drive**

Doug Baker presented this item to City Council. Congressman Jake Pickle was instrumental in helping to secure grants and funding for the new Southwest Industrial Park that is now home to over a dozen major employers. A street in the SW Industrial Park was named Pickle Circle in honor of Congressman Pickle.

The EDF board requested changing the name of Pickle Circle to Jake Pickle Drive to more properly honor the late Congressman. Pickle Circle is abutted by five separate properties and all of the property owners support the request. This show of support meets the requirements of our street renaming policy.

A motion was made by Gloria Nix and seconded by Andrew Ebel to approve Resolution No. R-12-001 renaming Pickle Circle to Jake Pickle Drive.

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 Keith Herring	Yes
<b>Councilmember Weldon Williams</b>	<b>Absent</b>
Councilmember Danny Goss	Yes

Perry Thomas, who was a personal friend of Jake Pickle, thanked the City Council for making this change to better memorialize Jake Pickle and the contributions that he made to the City of Brenham.

**10. Discuss and Possibly Act Upon Resolution No. R-12-002 Authorizing the Acceptance of Public Improvements in the Timber Oaks Subdivision, Section One, and Authorize the Mayor to Execute Any Necessary Documentation**

Doug Baker presented this item to City Council. The street, drainage, water, and sewer improvements in Timber Oaks Subdivision, Section One have been constructed by the developer, Gregory A. Appel and John J. Appel, Rental Partnership, in accordance with the City's standards and specifications. There are no lots in this subdivision. The plat and the improvements extend from Old Mill Creek Road to Blinn's driveway into their new Ag Building site. The right of way and the improvements will be extended southward as future sections of the subdivision are developed. The developer is responsible for any defects in materials and workmanship that may occur in the above described improvements for a period of one year, beginning on the date of acceptance by the City.

It is staff's recommendation that you accept these improvements for inclusion into the City's capital assets and for permanent maintenance by the City, exclusive of defects in materials and workmanship for a period of one year.

A motion was made by Keith Herring and seconded by Andrew Ebel to approve Resolution No. R-12-002 authorizing the acceptance of public improvements in the Timber Oaks Subdivision, Section One, exclusive of defects in materials and workmanship for a period of one (1) year from the date of acceptance by 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 Keith Herring	Yes
<b>Councilmember Weldon Williams</b>	<b>Absent</b>
Councilmember Danny Goss	Yes

**EXECUTIVE SESSION**

**11. Texas Government Code Section 551.072 – Deliberation Regarding Real Property – Discuss and Consider the Acquisition of Property for the Westwood Lane Improvements Project**

## RE-OPEN REGULAR AGENDA

### 12. **Discuss and Possibly Act Upon Resolution No. R-12-003 Approving the Acquisition of Certain Real Property for the Westwood Lane Improvements Project, Authorizing the Mayor to Act on Behalf of the City in All Matters Pertaining Thereto, and Authorizing the Mayor to Execute Any Necessary Documentation**

Doug Baker presented this item to City Council as discussed in Executive Session.

A motion was made by Danny Goss and seconded by Andrew Ebel to approve Resolution No. R-12-003 approving the acquisition of certain real property for the Westwood Lane Improvements Project, authorizing the Mayor to act on behalf of the City in all matters pertaining thereto, and authorizing 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 Keith Herring	Yes
<b>Councilmember Weldon Williams</b>	<b>Absent</b>
Councilmember Danny Goss	Yes

### 13. **Administrative/Elected Officials Report**

Terry Roberts reported on the following:

- Washington County Leadership – January 12, 2012 (morning)
- Fire Department Appreciation Social – January 19, 2012 (5-7 pm)
- City Holiday Party – January 27, 2012
- Chamber Banquet – January 31, 2012

Carolyn Miller reported on the following:

- Uptown Swirl – January 14, 2012 (2-7 pm)

Doug Baker reported on the following:

- Detention pond excavation in SWIP

Carey Bovey reported on the following:

- Thank you to all who attended his Christmas Party

Jeana Bellinger reported on the following:

- Early voting

Keith Herring reported on the following:

- Downtown Master Plan Meeting – January 23, 2012 (5-7 pm)

The meeting was adjourned.

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Gloria Nix  
Mayor Pro Tem

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Jeana Bellinger, TRMC  
City Secretary