

## **Brenham City Council Minutes**

A special joint meeting of the Brenham City Council and Washington County Commissioners was held on Thursday December 13, 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 Mary E. Barnes-Tilley  
Councilmember Andrew Ebel  
Councilmember Danny Goss  
Councilmember Keith Herring  
Councilmember Weldon Williams, Jr.

### Washington County Commissioners Court Members present:

Judge John Breiden  
Commissioner Joy Fuchs  
Commissioner Kirk Hanath  
Commissioner Zeb Heckmann  
Commissioner Luther Hueske

### Others present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Dane Rau, Julie Fulgham, Lowell Ogle, Ricky Boeker, Rex Phelps, Grant Lischka, Alan Finke, Allan Hinze, David Doelitsch, Billy Rich, Stacy Hardy, Doug Baker, Todd Jacobs, Amanda Carker, Kaci Konieczny, and Paula Shields

### Citizens present:

Calvin Kossie, Lete Phillips, Don Hoffman, Dorothy Morgan, Doug Zwiener, Sally Blackie-Sengel, Mark Marzan, Julie Renken, Karen McGill, Peggy Kramer, Cheryl Lewer, and Beth Rothermel.

### Media Present:

Arthur Hahn, Brenham Banner Press; Frank Wagner, KWHI

1. **Call Meeting to Order**
2. **Invocation and Pledges to the US and Texas Flags – Mayor Milton Tate**
3. **Discussion and Overview of Interlocal Agreements Between the City of Brenham and Washington County and the Work Performed by the Joint City-County ILA Task Force**

City Manager Terry Roberts provided an overview of the Interlocal Agreements. The purpose of this meeting was to review the eight Interlocal Agreements between the City of Brenham and Washington County. A Joint City-County ILA Task Force made up of City Subcommittee appointed by the Mayor and non-quorum group of the Washington County Commissioners Court was established to review the agreements. This Task Force was unable to review all eight agreements. They did, however, review the Interlocal agreements relating to the last three items on the agenda – Health Services, BVWACS Radio System Operation and Fire and Rescue Service. However, they were not able to come to any resolution on the Fire and Rescue Service Agreement.

4. **a. Discuss and Possibly Act Upon an Addendum to and Modification of an Interlocal Agreement Between the City of Brenham and Washington County for Animal Control Services and Authorize the Mayor to Execute Any Necessary Documentation (City Action Item Only)**

A motion was made by Councilmember Goss and seconded by Councilmember Williams to discontinue the Interlocal Agreement between the City of Brenham and Washington County for animal control services on January 1, 2013.

City Manager Terry Roberts explained that the animal shelter item is item 5. This item involves animal control only. There seemed to be some confusion regarding this item.

Councilmember Williams withdrew his second; Councilmember Goss withdrew his motion.

A motion was made by Councilmember Herring and seconded by Councilmember Goss to: (1) extend the current Interlocal Agreement between the City of Brenham and Washington County for animal control services for a period of six (6) months (Agreement to be effective through June 30, 2013); (2) that Section 1.0(a)2 related to the City providing the County with three (3) free animal control calls each month be deleted from the extended Agreement; (3) that the phrase “beginning on the fourth (4<sup>th</sup>) call and for each subsequent call,” be deleted from Section 1.0(b)1 of the extended Agreement; and (4) that the Joint City-County ILA Task Force meet at least one time per month, until the extended Agreement terminates, in an effort to arrive at a mutual agreement on animal control services to be provided by the City to County residents beyond June 30, 2013.

Some councilmembers expressed concerns about deleting the three free calls at this point and only extending the agreement for six months. Some council members believed that the county has had sufficient time (i.e. the two years since the last meeting of the ILA Task Force) to work on pricing for this service.

Police Chief Rex Phelps stated the budget for the Animal Shelter is approximately \$300,000 with approximately 42-55% of animal control calls in Washington County. Sally Blackie-Sengel, a citizen representative on the Animal Shelter Task Force requested that a representative from both the County and the City to appointed to the Animal Shelter Task Force.

Former County Judge Dorothy Morgan urged the County and City to work together to resolve all of the Interlocal Agreements.

Judge John Brieden expressed his concerns and explained his understanding, based on City Manager Terry Roberts' memo was that this agreement as well as the next four agreements would be extended for one more year at the current funding levels and the ILA Task Force would continue their discussions on all of the agreements.

Mayor Tate called for a vote. The motion passed with a 5-2 vote with Council voting as follows:

<b>Mayor Milton Y. Tate, Jr.</b>	<b>No</b>
Mayor Pro Tem Gloria Nix	Yes
Councilmember Mary E. Barnes-Tilley	Yes
<b>Councilmember Andrew Ebel</b>	<b>No</b>
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Yes

**b. Discuss and Possibly Act Upon an Addendum to and Modification of an Interlocal Agreement Between the City of Brenham and Washington County for Animal Control Services and Authorize the County Judge to Execute Any Necessary Documentation (County Action Item Only)**

Judge Brieden presented the Council's recommendation to the Commissioners. A motion was made by Commissioner Hanath and seconded by Commissioner Fuchs, to accept the City's proposal to extend the current Interlocal Agreement between the City of Brenham and Washington County for animal control services for a period of six (6) months (Agreement to be effective through June 30, 2013) with the removal of the three (3) free animal control calls each month and that the Joint City-County ILA Task Force meet at least one time per month, until the extended Agreement terminates, in an effort to arrive at a mutual agreement on animal control services to be provided by the City to County residents beyond June 30, 2013.

Judge Brieden called for a vote. The motion passed with Commissioners voting as follows:

Judge John Breiden	Yes
Commissioner Joy Fuchs	Yes
Commissioner Kirk Hanath	Yes
Commissioner Zeb Heckmann	Yes
Commissioner Luther Hueske	Yes

**5. a. Discuss and Possibly Act Upon an Addendum to and Modification of an Interlocal Agreement Between the City of Brenham and Washington County for Animal Shelter Services and Authorize the Mayor to Execute Any Necessary Documentation (City Action Item Only)**

City Manager Terry Roberts explained that no back up information was provided for this agenda item and the next two item due to the ILA Task Force's recommendation to extend at the current funding levels for one more year while the County and City work through the agreements by the time budgets for both entities convened in the summer.

A motion for Items 5a, 6a and 7a was made by Councilmember Herring and seconded by Councilmember Goss to: (1) extend the current Interlocal Agreements between the City of Brenham and Washington County for animal shelter services, Linda Anderson Park, and Library services for a period of six (6) months (Agreements to be effective through June 30, 2013); (2) to prorate any annual charges being paid by the County to monthly charges; and (3) that the Joint City-County ILA Task Force meet at least one time per month, until the extended Agreements terminate, in an effort to arrive at a mutual agreement on said services to be provided by the City to Washington County residents beyond June 30, 2013.

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 Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Yes

**b. Discuss and Possibly Act Upon an Addendum to and Modification of an Interlocal Agreement Between the City of Brenham and Washington County for Animal Shelter Services and Authorize the County Judge to Execute Any Necessary Documentation (County Action Item Only)**

Judge Brieden presented the Council's recommendation to the Commissioners. A motion for Items 5a, 6a and 7a was made by Commissioner Fuchs and seconded by Commissioner Heckmann, to accept the City's proposal to extend the current Interlocal Agreements between the City of Brenham and Washington County for animal shelter services, Linda Anderson Park, and Library services for a period of six (6) months (Agreements to be effective through June 30, 2013) with any annual charges being prorated to monthly charges and that the Joint City-County ILA Task Force meet at least one time per month, until the extended Agreements terminate, in an effort to arrive at a mutual agreement on said services to be provided by the City to County residents beyond June 30, 2013.

Judge Brieden called for a vote. The motion passed with Commissioners voting as follows:

Judge John Breiden	Yes
Commissioner Joy Fuchs	Yes
Commissioner Kirk Hanath	Yes
Commissioner Zeb Heckmann	Yes
Commissioner Luther Hueske	Yes

**6. a. Discuss and Possibly Act Upon an Addendum to and Modification of an Interlocal Agreement Between the City of Brenham and Washington County Related to the Operation of and Improvements to Linda Anderson Park and Authorize the Mayor to Execute Any Necessary Documentation (City Action Item Only)**

Item 6a was acted upon by the City Council in conjunction with Item 5a (see above).

**b. Discuss and Possibly Act Upon an Addendum to and Modification of an Interlocal Agreement Between the City of Brenham and Washington County Related to the Operation of and Improvements to Linda Anderson Park and Authorize the County Judge to Execute Any Necessary Documentation (County Action Item Only)**

Item 6b was acted upon by the County Commissioners in conjunction with Item 5b (see above).

**7. a. Discuss and Possibly Act Upon an Addendum to and Modification of an Interlocal Agreement Between the City of Brenham and Washington County for Library Services at the Nancy Carol Roberts Memorial Library and Authorize the Mayor to Execute Any Necessary Documentation (City Action Item Only)**

Item 7a was acted upon by the City Council in conjunction with Item 5a (see above).

**b. Discuss and Possibly Act Upon an Addendum to and Modification of an Interlocal Agreement Between the City of Brenham and Washington County for Library Services at the Nancy Carol Roberts Memorial Library and Authorize the County Judge to Execute Any Necessary Documentation (County Action Item Only)**

Item 7b was acted upon by the County Commissioners in conjunction with Item 5b (see above).

**8. a. Discuss and Possibly Act Upon an Addendum to and Modification of an Interlocal Agreement Between the City of Brenham and Washington County for Jail Services and 9-1-1 Emergency Communication Services and Authorize the Mayor to Execute Any Necessary Documentation (City Action Item Only)**

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to extend the current Interlocal Agreement between the City of Brenham and Washington County for jail and 9-1-1 emergency communication services for a period of one (1) year (Agreement to be effective through December 31, 2013).

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 Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Yes

**b. Discuss and Possibly Act Upon an Addendum to and Modification of an Interlocal Agreement Between the City of Brenham and Washington County for Jail Services and 9-1-1 Emergency Communication Services and Authorize the County Judge to Execute Any Necessary Documentation (County Action Item Only)**

Judge Brieden presented the Council's recommendation to the Commissioners. A motion was made by Commissioner Hanath and seconded by Commissioner Hueske to extend the current Interlocal Agreement between the City of Brenham and Washington County for jail and 9-1-1 emergency communication services for a period of one (1) year (Agreement to be effective through December 31, 2013).

Judge Brieden called for a vote. The motion passed with Commissioners voting as follows:

Judge John Breiden	Yes
Commissioner Joy Fuchs	Yes
Commissioner Kirk Hanath	Yes
Commissioner Zeb Heckmann	Yes
Commissioner Luther Hueske	Yes

**9. a. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County for Health Inspection Services and Authorize the Mayor to Execute Any Necessary Documentation (City Action Item Only)**

City Manager Terry Roberts explained that for this agreement the funding level from the County has been adequate to cover staff cost and the City felt it was being paid for services rendered at a fair and equitable level. The funding formula was for the County to pay twenty percent (20%) of the health inspector's personnel costs and the associated line item for that work. The funding was roughly \$12,000 per year.

Although adequately funded, the City proposed to end this ILA so that our health inspector could spend 100% of his time on City business. The City advised the County at the September 24, 2012 ILA Task Force meeting that the City's staff member was needed full time and the City wanted to end this particular agreement. The County felt they could not accomplish the training of their staff by March 31<sup>st</sup> and asked the City to extend the current arrangement for ninety (90) days. The City Task Force members agreed to support the ninety (90) day extension request. The County said that if they aren't ready by March 31<sup>st</sup>, they may come back and ask for more time.

A motion was made by Councilmember Goss and seconded by Councilmember Williams to discontinue the Interlocal Agreement between the City of Brenham and Washington County for health inspection services on January 1, 2013.

After further discussion, Councilmember Williams withdrew his second; Councilmember Goss withdrew his motion.

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to approve an Interlocal Agreement between the City of Brenham and Washington County for health inspection services until March 31, 2013 with the understanding if the County is unable to get the State required certifications and licenses and have trained County staff in place by March 31, 2013, the City and County will work together to extend the agreement, as needed, beyond March 31, 2013.

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 Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Yes

**b. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County for Health Inspection Services and Authorize the County Judge to Execute Any Necessary Documentation (County Action Item Only)**

Judge Brieden presented the Council's recommendation to the Commissioners. A motion was made by Commissioner Heckmann and seconded by Commissioner Hueske to approve an Interlocal Agreement between the City of Brenham and Washington County for health inspection services until March 31, 2013 with the understanding if the County is unable to get the State required certifications and licenses and have trained County staff in place by March 31, 2013, the City and County will work together to attempt to extend the agreement, as needed, beyond March 31, 2013.

Judge Brieden called for a vote. The motion passed with Commissioners voting as follows:

Judge John Breiden	Yes
Commissioner Joy Fuchs	Yes
Commissioner Kirk Hanath	Yes
Commissioner Zeb Heckmann	Yes
Commissioner Luther Hueske	Yes



**10. a. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County to Share Costs Related to the Brazos Valley Wide Area Communications System (BVWACS) and Authorize the Mayor to Execute Any Necessary Documentation (City Action Item Only)**

City Manager Terry Roberts provided background relating to how the County and City arrived at the 50/50 arrangement. The BVWACS consists of six (6) entities including: Brenham, Washington County, Bryan, College Station, Brazos County and Texas A&M University. The original six-party agreement established a method of paying for the operating costs associated with the system. The funding allocation was based on the number of radios each agency owns. The City agreed to a sub-agreement to the six-party agreement and executed a Brenham-Washington County ILA to reflect our agreement to share BVWACS expenses 50/50. The actual number of radios between our two agencies is 38% city and 62% county. As the Task Force discussed this ILA, the County felt the 50/50 arrangement was still a fair approach and preferred not to revert to the six-party agreement formula. After much discussion, the City-County ILA Task Force members agreed to recommend a 56% county and 44% city allocation.

Roberts reminded Council that the ILA for BVWACS is on a different schedule than the other agreements. The current agreement is due to expire on September 30, 2013.

A motion was made by Councilmember Goss to discontinue the Interlocal Agreement between the City of Brenham and Washington County to share costs related to the Brazos Valley Wide Area Communications System (BVWACS). This motion died for lack of a second.

A motion was made by Councilmember Ebel and seconded by Councilmember Barnes-Tilley to approve an Interlocal Agreement between the City of Brenham and Washington County to share in the costs related to the Brazos Valley Wide Area Communications System (BVWACS) on a 44% (City) and 56% (County) basis and to review this funding during the next year.

After further discussion, Councilmember Barnes-Tilley withdrew her second; therefore, Councilmember Ebel's motion died for lack of a second.

A motion was made by Councilmember Goss and seconded by Councilmember Herring to terminate the Interlocal Agreement between the City of Brenham and Washington County to share costs related to the Brazos Valley Wide Area Communications System (BVWACS) effective October 1, 2013.

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 Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Weldon Williams	Yes

**b. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County to Share Costs Related to the Brazos Valley Wide Area Communications System (BVWACS) and Authorize the County Judge to Execute Any Necessary Documentation (County Action Item Only)**

Judge Brieden commented that due to the City's action, there was no action for the County to take.

**11. a. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County for Fire Protection and Fire Rescue Services and Authorize the Mayor to Execute Any Necessary Documentation (City Action Item Only)**

Mayor Tate commented that on this ILA, the Task Force did not come to any agreement. Based on discussions with Fire Chief Ricky Boeker, a six month phase-out period is needed to ensure there is adequate fire and rescue service to the County.

A motion was made by Councilmember Goss to approve an Interlocal Agreement between the City of Brenham and Washington County for fire protection and fire rescue services for six (6) months (Agreement to be effective through June 30, 2013) to allow the County time to redraw the fire district lines for the county volunteer fire departments and allow the City time to change the emergency communication service as needed. This motion died for lack of a second.

A motion was made by Councilmember Ebel and seconded by Mayor Tate to: (1) approve an Interlocal Agreement between the City of Brenham and Washington County for fire and rescue services for a period of six (6) months (Agreement to be effective through June 30, 2013); (2) that the County's funding level be \$13,750 for the six (6) month period; and (3) that the Joint City-County ILA Task Force meet at least one time per month, until the extended Agreement terminates, in an effort to arrive at a mutual agreement for fire and rescue services to be provided by the City to County residents beyond June 30, 2013.

Mayor Tate called for a vote. The motion passed with a 5-2 vote with Council voting as follows:

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Andrew Ebel	Yes
<b>Councilmember Danny Goss</b>	<b>No</b>
<b>Councilmember Keith Herring</b>	<b>No</b>
Councilmember Weldon Williams	Yes

**b. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County for Fire Protection and Fire Rescue Services and Authorize the County Judge to Execute Any Necessary Documentation (County Action Item Only)**

Judge Brieden presented the Council's recommendation to the Commissioners. A motion was made by Commissioner Fuchs and seconded by Commissioner Heckmann to approve an Interlocal Agreement between the City of Brenham and Washington County for fire and rescue services for a period of six (6) months (Agreement to be effective through June 30, 2013) and that the County's funding will be \$13,750 for the six (6) month period; and (3) that the Joint City-County ILA Task Force meet at least one time per month, until the extended Agreement terminates, in an effort to arrive at a mutual agreement for fire and rescue services to be provided by the City to County residents beyond June 30, 2013.

Judge Brieden called for a vote. The motion passed with Commissioners voting as follows:

Judge John Breiden	Yes
Commissioner Joy Fuchs	Yes
Commissioner Kirk Hanath	Yes
Commissioner Zeb Heckmann	Yes
Commissioner Luther Hueske	Yes

The meeting was adjourned.

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Milton Y. Tate, Jr.  
Mayor

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Jeana Bellinger, TRMC  
City Secretary