

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on July 11, 2013 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 Mary E. Barnes-Tilley  
Councilmember Andrew Ebel  
Councilmember Danny Goss  
Councilmember Keith Herring  
Councilmember Weldon Williams, Jr.

### Members absent:

Mayor Milton Y. Tate, Jr.

### Others present:

City Manager Terry K. Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, Deputy City Secretary Amanda Klehm, Chief Financial Officer Carolyn Miller, Stacy Hardy, Kaci Konieczny, Darlene Konieczny, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Billy Rich, Trey Gully, Judson Hall, Mike Davis, Carl Wiesepape, Development Services Director Julie Fulgham, Kim Hodde, Jennifer Eckermann, Public Utilities Lowell Ogle, Pam Ruemke, Stephen Draehn, and Grant Lischka

### Citizens present:

Wendy Frazier, Amos McDonald, Sara Parker, Perry Thomas, Angela Cowan, Tracy Tate, and Don Boecker

### 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 – Councilmember Williams**
- 3. 3-a. New Employees**
  - David Andras – Police Department

**3-b. Service Recognitions**

- Michael Davis – Police Department – 20 years
- Carl Wiesepape – Police Department – 25 years

**4. Citizens Comments**

There were no citizen comments.

**CONSENT AGENDA**

**5. Statutory Consent Agenda**

- 5-a. Minutes from the June 6, 2013, June 6, 2013 Special Meeting, and June 20, 2013 City Council Meetings**
- 5-b. Discuss and Possibly Act Upon Ordinance No. O-13-012 on Its Second Reading Amending Chapter 8, Fire Protection and Prevention, of the Code of Ordinances of the City of Brenham, Texas by Amending Article IV, Substandard Buildings and Structures**
- 5-c. Discuss and Possibly Act Upon Ordinance No. O-13-013 on Its Second Reading Prohibiting Turns Into and Left Turns Out of the Connector Driveway of Alton Elementary School**
- 5-d. Discuss and Possibly Act Upon Ordinance No. O-13-014 on Its Second Reading Amending Chapter 6, Buildings and Structures, of the Code of Ordinances of the City of Brenham to Amend Article X, Swimming Pools**

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve the Statutory Consent Agenda Item 5-a. minutes from the June 6, 2013, June 6, 2013 Special Meeting, and June 20, 2013 City Council Meetings, 5-b. Ordinance No. O-13-012 amending Article IV, Substandard Buildings and Structures, 5-c. Ordinance No. O-13-013 prohibiting turns into and left turns out of the connector driveway of Alton Elementary School, and 5-d. Ordinance No. O-13-014 amending Article X, Swimming Pools.

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

<b>Mayor Milton Y. Tate, Jr.</b>	<b>Absent</b>
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

## WORK SESSION

### 6. Discuss and Review the FY2012-13 Second Quarter Financial Report

Chief Financial Officer Carolyn Miller presented this item. Miller discussed the FY2012-13 second quarter financial report. Miller advised Council that the City has experienced favorable performance with positive net revenues over expenditures in the General, Electric, Gas, and Sanitation funds. Miller explained the Water and Wastewater Funds experienced net losses for the quarter due to primarily to lower utility revenues. Miller provided Council with the following financial performance summary.

Fund	2 <sup>nd</sup> QTR Actual Performance		
	Revenues	Expenditures	Net Revenues (Expenditures)
General Fund	\$ 7,613,380	\$ 7,424,353	\$ 189,027
Electric Fund	10,672,689	10,390,773	281,916
Gas Fund	1,648,490	1,568,244	80,246
Water Fund	2,322,032	2,419,021	(96,989)
Wastewater Fund	1,750,586	1,781,810	(31,224)
Sanitation Fund	1,613,830	1,550,898	62,932

## REGULAR AGENDA

### 7. Discuss and Possibly Act Upon RFP No. 13-008 for Bank Depository Services and Authorize the Mayor to Execute any Necessary Documentation

Chief Financial Officer Carolyn Miller presented this item. Miller stated in May, the City solicited proposals for bank depository services for a two year period in accordance with City charter. Miller explained the City received four proposals for banking services in response to the Request for Proposal (RFP), which included: BBVA Compass, Capital One, JPMorgan Chase, and Wells Fargo. Miller stated Linda Patterson with Patterson & Associates assisted with the RFP process and the analysis of bank depository service proposals.

Miller stated the purpose of this analysis was to find the most cost effective and efficient banking situation for the City which provided all the necessary services. Miller explained on a fee basis BBVA Compass was materially the lowest and the materially higher ECR rates in the projected two year period give BBVA a natural advantage. Miller stated Patterson & Associates recommended that the City award the banking services contract to BBVA Compass.

A motion was made by Councilmember Williams and seconded by Councilmember Barnes-Tilley to award RFP No. 13-008 for Bank Depository Services to BBVA Compass for a period commencing August 1, 2013 through July 31, 2015 and authorize the Mayor Pro Tem to sign any necessary documentation.

Councilmember Herring abstained from the vote.

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

<b>Mayor Milton Y. Tate, Jr.</b>	<b>Absent</b>
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
<b>Councilmember Keith Herring</b>	<b>Abstain</b>
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

**8. Discuss and Possibly Act Upon an Audit Engagement Letter from Seidel, Schroeder & Company to Perform an Audit for the Fiscal Year Ending September 30, 2013 and Authorize the Mayor to Execute Any Necessary Documentation**

Controller Stacy Hardy presented the proposed audit engagement letter from Seidel, Schroeder & Company for the fiscal year ending September 30, 2013. Hardy stated that the audit fee estimate, which slightly increased from last year due to changes in auditing standards in the area of regulatory compliance, is a reasonable amount due to the complexity of the City's financial activities.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve an audit engagement letter from Seidel, Schroeder & Company to perform an audit for the fiscal year ending September 30, 2013 and authorize the Mayor Pro Tem to execute any necessary documentation.

Councilmember Goss abstained from the vote.

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

<b>Mayor Milton Y. Tate, Jr.</b>	<b>Absent</b>
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
<b>Councilmember Danny Goss</b>	<b>Abstain</b>
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

**9. Discuss and Possibly Act Upon an Ordinance on Its First Reading to Repeal Ordinance O-07-014 and Grant a Non-Exclusive Franchise to Texas Commercial Waste to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits**

Deputy City Secretary Amanda Klehm presented this item. Klehm handed out a revised Ordinance that has changes that were not included in the original agenda packet. Klehm stated the major changes include updating the general language, getting all of the Sanitation Franchises on the same expiration date each year, rates to be charged, payments to the City, access to records and reporting, placement of containers, interruption of service or default, and further explaining the issue of containers on the street to state if damage to the street occurs, the franchisee will be responsible for the street repair.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Goss to approve an Ordinance on its first reading to repeal O-07-014 and grant a Non-Exclusive Franchise to Texas Commercial Waste to Operate a Roll-Off Container Service for Residents, Businesses, and Industries inside Brenham City Limits.

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

<b>Mayor Milton Y. Tate, Jr.</b>	<b>Absent</b>
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 an Ordinance on Its First Reading to Repeal Ordinance O-07-015 and Grant a Non-Exclusive Franchise to Allied Waste Management to Operate a Roll-Off Container Service for Residents, Businesses, and Industries Inside Brenham City Limits**

Deputy City Secretary Amanda Klehm presented this item. Klehm handed out a revised Ordinance that has changes that were not included in the original agenda packet. Klehm stated the major changes include updating the general language, getting all of the Sanitation Franchises on the same expiration date each year, rates to be charged, payments to the City, access to records and reporting, placement of containers, interruption of service or default, and further explaining the issue of containers on the street to state if damage to the street occurs, the franchisee will be responsible for the street repair.

A motion was made by Councilmember Goss and seconded by Councilmember Ebel to approve an Ordinance on its first reading to repeal Ordinance O-07-015 and grant a non-exclusive franchise to Allied Waste Management to operate a Roll-Off Container Service for Residents, Businesses, and Industries inside Brenham City Limits.

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

<b>Mayor Milton Y. Tate, Jr.</b>	<b>Absent</b>
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

**11. Discuss and Possibly Act Upon Change Order No. 1 and Authorize Final Payment to Hubco, Inc. for the 2012 Collector Street HMAC Overlay Project and Authorize the Mayor to Execute Any Necessary Documentation**

City Engineer Grant Lischka presented this item. Lischka stated HUBCO, Inc. has completed the work on the 2012 Collector Street HMAC Overlay Project. Lischka explained the construction came in \$38,996.00 under the original contract amount of \$1,107,054.30 for a revised contract amount of \$1,068,058.30, which was due to an adjustment of quantities, mostly in the amount of HMAC pavement.

A motion was made by Councilmember Goss and seconded by Councilmember Herring to approve Change Order No. 1 and authorize final payment to Hubco, Inc. for the 2012 Collector Street HMAC Overlay Project in the amount of \$53,407.93 and authorize the Mayor to execute any necessary documentation.

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

<b>Mayor Milton Y. Tate, Jr.</b>	<b>Absent</b>
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

**12. Discuss and Possibly Act Upon Approval of Resolution No. R-13-011 Adopting an Incentive Grant Reimbursement Program**

Main Street Manager Jennifer Eckermann presented this item. Eckermann stated the Main Street Board is requesting approval of a Resolution adopting an Incentive Grant Reimbursement Program as an economic development tool making limited grant funds available for downtown building and site improvements. Eckermann explained the program would benefit the City of Brenham by making Downtown more attractive, increasing the economic vitality of the buildings, increasing sales tax and property values while preserving and enhancing Brenham's architectural and cultural history.

Citizen John Young expressed his opposition against the Downtown Incentive Grant because the City is putting a lot of money into Downtown and not helping him with the remodel of his building, which is located in Brenham yet not in the Downtown area. Young wants to know if there is something that can be done for others who generate tax dollars through their businesses, but who are not located in the Downtown area. Young stated he has seven (7) commercial real estate properties and he has had to put all of his own money into remodeling them. Young stated he thinks the Downtown Incentive Program should be a loan, not a grant. Young expressed that he thinks tax money should be used in other ways to bring more money and people into Brenham.

Jennifer Eckermann stated since they started the Main Street program in 1999, the property values Downtown have increased approximately 55% since the program's beginning.

Councilmember Goss questioned funding for this program. Goss questioned the purpose of the vote on today's item was solely to adopt the program, not for funding. Eckermann stated Goss was correct, the Resolution was for the policy side of the program only. Eckermann explained the funding will be budgeted. Eckermann stated there are two components to the program: policy and funding. Eckermann explained by State Law, the City has to first adopt a policy and then find funding. Eckermann stated the Council can deny funding at budget time, if they wish to do so.

Mayor Pro Tem Nix questioned if the Grant Program is a matching program. Eckermann explained it is a matching program where the business owner must match the amount of the grant out of their own funds.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve Resolution No. R-13-011 adopting an incentive grant reimbursement program.

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

<b>Mayor Milton Y. Tate, Jr.</b>	<b>Absent</b>
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 an Ordinance on its First Reading Authorizing the Abandonment of the Unimproved Right-of-Way as Shown on the Ewing Subdivision Plat and Located Near the Intersection of Old Chappell Hill Road and Carrington Lane in Brenham, Texas**

Development Services Director Julie Fulgham presented this item. Fulgham stated Donald Boecker, Ernest Lott, Peggy Williams, Danny Wilson, and Mabel Wills own property that abuts an unimproved right-of-way named Ewing Street on the W. R. Ewing subdivision plat filed on April 12, 1919. Fulgham explained that these property owners have submitted a request to abandon this unimproved right-of-way, as depicted on Exhibit "A" in the ordinance. Fulgham stated that Staff recommends approving this abandonment subject to a replat being filed to include the abandoned right-of-way as well as the rear yards (and separately platted lots) of the platted lots owned by the requestors being submitted to match property ownership lines. Fulgham stated the ordinance will take effect once a subdivision replat meeting this criterion is approved by the Planning and Zoning Commission.

Councilmember Williams questioned how there is a plot that is unknown. Fulgham stated information gets lost over time and she is working with Mr. Dilworth to get this resolved. Fulgham stated if ownership is not found or the Planning and Zoning does not approve in 120 days, then the abandonment will be voided; however, if it is approved, then there will be a replat.

Councilmember Goss questioned regarding landlocked properties. Fulgham explained that there are no property owners that are landlocked. Fulgham stated she has been working with Jon Hodde to pull all deeds and they cannot find any properties that are landlocked. Councilmember Goss questioned why this matter was coming to Council before Planning and Zoning? City Attorney Cary Bovey stated Council must abandon the right-of-way before it goes to Planning and Zoning. Bovey explained this is a special instance where Planning and Zoning cannot approve a replat before the right-of-way is abandoned by Council. Councilmember Goss would like the replat document to come back to Council, if the property is replatted.



Councilmember Goss questioned Mr. Boecker’s intent for the property. Citizen Don Boecker stated he wants to sell the property and the property will be plotted how the City explains in the zoning rules in as many lots as possible (up to 5). Councilmember Goss would like Fulgham to present Council with preliminary plat of property when she brings back the Ordinance for 2<sup>nd</sup> reading.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve an Ordinance on its first reading authorizing the abandonment of the unimproved right-of-way as shown on the Ewing Subdivision Plat and located near the intersection of Old Chappell Hill Road and Carrington Lane in Brenham, Texas with changes.

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

<b>Mayor Milton Y. Tate, Jr.</b>	<b>Absent</b>
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. Administrative/Elected Officials Report**

City Manager Terry Roberts reported on the following:

- A memo was placed around the Dias of upcoming meeting dates relating to the tax rate and budget special Council meetings.
- Budget Workshops will be held July 17<sup>th</sup>, 18<sup>th</sup>, and 19<sup>th</sup> at 8:30am in Conference Room 2-A. Breakfast will be served at 8:00am each morning.
- At this point, there are no matters to be discussed at the regular scheduled Council meeting on Thursday, July 18<sup>th</sup>.
- Next regular Council meeting will be August 1<sup>st</sup>.
- Two special Council meetings will be August 29<sup>th</sup> and September 16<sup>th</sup>
- Tomorrow is the Chamber Forum and the City was able to get their money back on the table.
- Council photo has been rescheduled for October 3<sup>rd</sup>.

The meeting was adjourned.

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Milton Y. Tate, Jr.  
Mayor

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Amanda Klehm  
Deputy City Secretary