

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on August 1, 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 Milton Y. Tate, Jr.
Mayor Pro Tem Gloria Nix
Councilmember Andrew Ebel
Councilmember Danny Goss
Councilmember Keith Herring
Councilmember Mary E. Barnes-Tilley

Members absent:

Councilmember Weldon Williams, Jr.

Others present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, Deputy City Secretary Amanda Klehm, Chief Financial Officer Carolyn Miller, Stacy Hardy, Kaci Konieczny, Wende Ragonis, Susan Nienstedt, Fire Chief Ricky Boeker, Deputy Fire Chief Alan Finke, Police Chief Rex Phelps, Billy Rich, Development Services Director Julie Fulgham, Jennifer Eckermann, Kim Hodde, Leslie Kelm, Brian Smith, Public Utilities Director Lowell Ogle, Debbie Gaffey, Gary Jeter, Pamela Ruemke, and Grant Lischka

Citizens present:

Judy Hyman, Lu Hollander, and Page Michel

Media Present:

Arthur Hahn and Caitlin Hahn, Brenham Banner Press; Frank Wagner, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Goss**
- 3. 3-a. Service Recognitions**
 - Brian E. Smith – Street Department – 5 years

3-b. Awards

- **GFOA Distinguished Budget Presentation Award**
 - Chief Financial Officer Carolyn Miller stated the Finance Department received the award back in May 2013. City of Brenham has received this award four consecutive years.

4. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

5. Statutory Consent Agenda

- 5-a. Minutes from the July 11, 2013, July 17, 2013 Budget Workshop, July 18, 2013 Budget Workshop, and July 19, 2013 Budget Workshop City Council meetings**
- 5-b. Discuss and Possibly Act Upon Ordinance No. O-13-015 on Its Second 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**
- 5-c. Discuss and Possibly Act Upon Ordinance No. O-13-016 on Its Second 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**

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Goss to approve the Statutory Consent Agenda Item 5-a, 5-b and 5-c as read.

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

WORK SESSION

6. Presentation of the Second and Third Quarter Report by the Washington County Convention and Visitors Bureau

Lu Hollander, with the Washington County Convention and Visitors Bureau, presented this item. Hollander focused on the highlights featured in the *Second and Third Quarter Report – January – March and April – June 2013*, pointing out the visitor statistics, major tourism events, advertising placements, and editorial coverage for each month.

Hollander presented advertisement and publication reports. She pointed out items of broadcast coverage and provided samples of publicity Washington County received in 2013.

7. Discussion and Presentation on Final Proposed Budget for Fiscal Year Beginning October 1, 2013 and Ending September 30, 2014

Chief Financial Officer Carolyn Miller presented this item. Miller handed out a revised Combined Budget Summary and a memo around the Dias. Miller stated Council decided to add three public safety positions (two patrol officers and a deputy fire marshal) and issue debt for the purchase of two fire trucks (rescue truck and pumper truck) in FY2013-14 budget during the budget workshops. Miller explained the property valuations were projected to increase 3.6% during budget workshops; however, the final property valuations from the Chief Appraiser were higher by 5.16% over the prior year. Miller stated the increased property tax valuations allowed Staff to incorporate these changes into the proposed FY 2013-14 budget with only a \$0.0200 increase to the tax rate instead of the proposed \$0.0250 during budget workshops. Miller explained the General Fund property tax revenues have increased from \$3,649,715 to \$3,837,971 (or \$188,256) related to the increased property valuations and the additional \$0.0125 in O&M tax rate.

Miller explained the Fireman's Field wall replacement in the amount of \$12,000 was budgeted in the Parks Capital Improvement Fund with a transfer-in from the General Fund this fiscal year. Miller stated this transfer will come back to Council, in a subsequent meeting, for approval as a budget amendment.

Miller gave an update on Main Street Incentive Grant Program stated the Uptown Swirl Event net revenues could provide resources for funding for the incentive grant program. Miller stated Council could decide to transfer the net revenues of \$12,254 for the current fiscal year to the Donations Fund, so the incentive grant program expenditures would be budgeted in the Donations Fund, not the General Fund.

Councilmember Barnes-Tilley questioned what did they predict for sale this year (2013)? Main Street Manager Jennifer Eckermann stated they could not have guessed the increase in glass sales from 250 to over 700 glasses from the previous year's event.

PUBLIC HEARING

8. Public Hearing Concerning a Text Amendment to Part 1, Section 5.02 (Definitions), (53) Dwelling, Detached, of Appendix A: Zoning of the City of Brenham's Code of Ordinances, Establishing 750 Square Feet as the Minimum Square Footage Allowed for Single Family Detached Dwellings on Individual Lots

Development Services Director Julie Fulgham presented this item. Fulgham stated the public hearing is to hear comments regarding establishing a minimum square footage requirement of 750 square feet for single-family detached dwellings on individual single-family residential lots. Fulgham stated Staff believes minimum square footage requirements for single family detached dwellings should be adopted to ensure new residences built within the City are compatible with the character and development patterns that currently exist. Fulgham explained Staff recommends a text amendment to the detached dwelling definition in the zoning ordinance to establish this minimum requirement. Fulgham stated this text amendment will define single-family detached dwellings as: (53) Dwelling, detached: A detached dwelling is one containing only one single-family dwelling unit per building lot and does not meet the requirements for a party wall or walls pertaining to a single family attached (townhouse) dwelling unit. All single-family detached dwellings shall be a minimum of seven hundred fifty (750) square feet.

Councilmember Barnes-Tilley asked about mobile home frontage requirements. Fulgham stated its 700 feet in accordance with Section 14 in the Code of Ordinances. Fulgham explained this text amendment applies only to single family or primary home on a lot.

Mayor Tate asked what other cities use as their minimum? Fulgham stated every other City she has worked for hasn't had a minimum.

CLOSE PUBLIC HEARING

REGULAR AGENDA

9. Discuss and Possibly Act Upon a Text Amendment to Part 1, Section 5.02 (Definitions), (53) Dwelling, Detached, of Appendix A: Zoning of the City of Brenham's Code of Ordinances, Establishing 750 Square Feet as the Minimum Square Footage Allowed for Single Family Detached Dwellings on Individual Lots

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve a Text Amendment to Part 1, Section 5.02 (Definitions), (53) Dwelling, Detached, of Appendix A: Zoning of the City of Brenham's Code of Ordinances, Establishing 750 Square Feet as the Minimum Square Footage Allowed for Single Family Detached Dwellings on Individual Lots.

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

10. Discuss and Possibly Act Upon a Request from the Main Street Board for the Approval of the Renewal of a Reserved Parking Space for Hospice Boutique

Main Street Manager Jennifer Eckermann presented this item. Eckermann stated at the July meeting, the Main Street Board voted to recommend approval of the half-day reserved space annually requested by Hospice Boutique based on the non-profit's request originally approved by Council, prior to the board being responsible for making recommendations of this type to Council. Eckermann explained the Board's recommendation accounted for concerns that all parking requests be considered in the larger context, being sensitive to other requests that have been, or might be made in the future. Eckermann stated the Board requested that staff visit with Hospice Boutique about their request and for the future, consider the use of the back door for deliveries. Eckermann explained the Board noted that a number of other consignment shops in town have backdoor delivery and Hospice is fortunate to have several parking spots on the back of their property – a rarity downtown, which makes backdoor deliveries feasible.

Mayor Pro Tem Nix and Councilmember Goss expressed their concern with granting reserved parking spaces for business owners downtown since the parking is limited. Councilmember Barnes-Tilley suggested Staff encourage business owners and their employees to parking in the parking lots and leave parking spaces in front of businesses available for customers.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve a request from the Main Street Board for the approval of the renewal of a reserved parking space for Hospice Boutique.

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

11. Discuss and Possibly Act Upon the Appointment of a New Member to the Main Street Board

Main Street Manager Jennifer Eckermann presented this item. Eckermann stated the resignation of Main Street Board Member Karen Holle has left a position open for a mid-term appointment to complete her term. A recommendation is being made that former Main Street Assistant Tiffany Morisak be named to fill that position.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve the appointment of a new member, Tiffany Morisak, to the Main Street Board to fill the remainder of the term of resigning board member Karen Holle.

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

12. Discuss and Possibly Act Upon a Recommendation from the Library Advisory Board Regarding the 2012 Contract with Komatsu Architecture for the City of Brenham's Library Assessment and Masterplan Design

Assistant City Manager Kyle Dannhaus presented this item. Dannhaus stated the Library Advisory Board voted to terminate the existing City of Brenham's Library Assessment and Masterplan Design contract with Komatsu Architecture on April 17, 2013. Dannhaus explained Komatsu Architecture completed approximately 30% of the work as outlined on the existing contract. Dannhaus stated Staff presented those deliverables to the Library Advisory Board on July 24, 2013. Dannhaus explained it wasn't the right time to keep planning reconstruction or renovations of the library. Dannhaus stated this is no reflection on Komatsu Architecture, or their work, but the project can't come to fruition for a while. Dannhaus suggested the City put the contract on hold and resurrect the contract at a later date or Council can terminate the contract and begin a new contract when the time is more suitable. City Attorney Cary Bovey stated Council can place the contract on hold, but the City will need to create an Addendum to the current contract to protect the City.

Councilmember Barnes-Tilley questioned what does Council know now that we didn't last year when approved the contract other than the limbo of the Interlocal Agreements relating to the library. Dannhaus explained when Council approved the contract with Komatsu initially the City was under the impression that the County would be an equal contributor to the construction or renovation of the library, but when the County Commission stated the County is not willing to participate in the Capital funding, it halted the plans.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to table Item 12 so that Staff can provide Council with more information relating to this issue.

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

Mayor Milton Y. Tate, Jr.	Yes
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	Absent

13. Discuss and Possibly Act Upon a One (1) Year Extension of the Contract with Alexander Oil Company, in Accordance with the Bid Specifications of Bid No. 12-009, for Gasoline and Diesel Fuel for the City’s Vehicle and Equipment Fleet, and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager Kyle Dannhaus presented this item. Dannhaus stated in 2012, the City of Brenham Council awarded the bulk fueling contract to Alexander Oil in Bid #12-009, which the initial term of this contract expired on July 1, 2013. Dannhaus explained that in discussions with Alexander Oil, it has been mutually decided that both parties would like to exercise the first contract extension for 2013 and continue utilizing Alexander Oil as our bulk fuel provider. Dannhaus stated this contract extension will be for one year and will follow all terms and conditions as the contract that was approved in June of 2012 with the prices in Bid #12-009 remaining the same. Dannhaus explained if Council agrees with this extension the new term will run from July 1, 2013-June 30, 2014 and there would then be one (1) term extension option remaining for this contract.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Ebel to approve a One (1) Year Extension of the Contract with Alexander Oil, in Accordance with the Bid Specifications of Bid No. 12-009, for Gasoline and Diesel Fuel for the City’s Vehicle and Equipment Fleet, 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 Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Absent

14. Discuss and Possibly Act Upon an Interlocal Agreement between the Brazos Valley Council of Governments (BVCOG) and the Brazos Valley Wide Area Communications System (BVWACS) Parties Approving BVCOG to be the Managing Entity of the Brazos Valley Wide Area Communications System and Authorize the Mayor to Execute Any Necessary Documentation

Fire Chief Ricky Boeker presented this item. Boeker explained the BVWACS parties, which include City of Brenham, City of Bryan, City of College Station, Brazos County, Washington County and Texas A&M University have renewed the Interlocal Agreement to jointly operate and maintain the BVWACS radio system. Boeker stated this agreement is for the BVCOG to be the managing entity of the BVWACS. Boeker stated this is the first renewal of the original agreement, which was started in 2008, with few changes.

Councilmember Goss asked what the changes to the Interlocal Agreement are. Boeker explained the signing pages and dates along with a few minor changes. Boeker stated the agreement is for five (5) years with extension. Boeker explained BVCOG has been the managing entity since the first day of the agreement.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve an Interlocal Agreement between the Brazos Valley Council of Governments (BVCOG) and the Brazos Valley Wide Area Communications System (BVWACS) parties approving BVCOG to be the managing entity of the Brazos Valley Wide Area Communications System 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 Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Absent

15. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Bryan, City of College Station, City of Brenham, Brazos County, Washington County and Texas A & M University Relating to the Operation and Maintenance of the Brazos Valley Wide Area Communications System (BVWACS) and Authorize the Mayor to Execute Any Necessary Documentation

Fire Chief Ricky Boeker presented this item. Boeker explained this is the first renewal of the ILA that organizes and combines the resources of City of Bryan, City of College Station, City of Brenham, Brazos County, Washington County and Texas A&M University to jointly operate the Brazos Valley Wide Area Communications System (BVWACS). Boeker stated the BVWACS system is joined with the Harris County system to make it a part of an even larger Regional Radio system. Boeker explained this Public Safety radio system has been a huge asset to all of its members. Boeker stated this is a five year agreement starting on October 1, 2013 with minor changes from the original ILA. Boeker explained the main changes were removal of the pages relating to the grant and the updated signing pages.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve an Interlocal Agreement between the City of Bryan, City of College Station, City of Brenham, Brazos County, Washington County and Texas A & M University relating to the operation and maintenance of the Brazos Valley Wide Area Communications System (BVWACS) 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 Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Absent

16. Discuss and Possibly Act Upon an Interlocal Agreement Between the Brazos Valley Council of Governments (BVCOG) and the City of Brenham for E9-1-1 Public Safety Answering Point Services and Authorize the Mayor to Execute Any Necessary Documentation

Communications Manager Pam Ruemke presented this item. Ruemke stated the Contract for 9-1-1 Services between Commission on State Emergency Communications (CSEC) and the Brazos Valley Council of Government (BVCOG) requires the execution of an Interlocal Agreement with the City of Brenham; relating to the planning, development, operation and provision of 9-1-1 service, the use of wireline and wireless 9-1-1 fees and equalization surcharge appropriated to the Commission and granted to BVCOG. Ruemke explained the current agreement was signed in 2011 and is terminated August 31, 2013. Ruemke stated the only changes made from last time are a statement in the ILA about complying with the PSAP Guidelines, added a statement under security about not connecting any external device to the 9-1-1 equipment and a statement about retaining records for two previous years plus current year. Ruemke explained the interlocal agreement when signed is effective as of September 1, 2013 and shall terminate on August 31, 2015.

A motion was made by Councilmember Goss and seconded by Councilmember Herring to approve an Interlocal Agreement between the Brazos Valley Council of Governments (BVCOG) and the City of Brenham for E9-1-1 Public Safety Answering Point Services 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 Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Absent

17. Discuss and Possibly Act Upon the Acceptance of a Donation in the Amount of \$25,000.00 to the Brenham Police Department and Authorize the Mayor to Execute Any Necessary Documentation

Police Chief Rex Phelps presented this item. Phelps stated the Pegasus Foundation has offered a donation to the Police Department for \$25,000 to assist in needed training and equipment costs. Phelps explained the same foundation also donated the same amount of money to the Sheriff's office. Phelps stated it was the desire of the foundation to give the generous donation to the area law enforcement agencies listed. Phelps explained the donation money will be placed in the donation account for equipment needs, facility needs or training. Phelps explained the donor only requested the funds be used for law enforcement training, facility or equipment needs.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to accept a donation in the amount of \$25,000.00 from the Pegasus Foundation to the Brenham Police Department 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 Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Absent

18. Discuss and Possibly Act Upon an Interlocal Cooperation Agreement Between the City of Brenham and the Region 6 Education Service Center (ESC6) for the Use of Fiber and Installation of Wireless Equipment on a City of Brenham Radio Transmission Tower

Information Technology Manager Gary Jeter presented this item. Jeter stated ESC6 has requested cooperation with the City of Brenham through an ILA on a project that will bring broadband internet to rural school districts. Jeter explained the City will allow use of a pair of fiber optic cables and installation of wireless equipment on the Communications tower. Jeter stated the City will see a drop in the \$600 per year charge for ESC6 for utility charge and power cost in exchange for space and cooperation in this project. Jeter stated the City requested wording in the agreement to include if, in the future, a new tower is built, the City can add their antennas to the new tower at no additional cost. Jeter explained this Interlocal Agreement is to provide Burton and Somerville schools with broadband internet access.

Councilmember Goss asked if a space or transmission issue due to all of the usage arises in the future, can they come back and instruct us to get off the tower? Bovey stated they cannot remove the City from the infrastructure according the contract without terminating the entire contract.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve an Interlocal Cooperation Agreement between the City of Brenham and the Region 6 Education Service Center (ESC6) for the use of fiber and installation of wireless equipment on a City of Brenham Radio Transmission Tower.

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

Council adjourned into Executive Session at 2:40 p.m.

EXECUTIVE SESSION

19. Section 551.072, Texas Government Code – Deliberation Regarding Real Property – Discussion Regarding the Purchase of Real Estate for Future Municipal Improvements

Executive Session adjourned at 2:51 p.m.

RE-OPEN REGULAR AGENDA

20. Discuss and Possibly Act Upon the Purchase of Real Estate for Future Municipal Improvements

A motion was made by Councilmember Herring and seconded by Councilmember Goss to approve the purchase of real estate for future municipal improvements in the amount of \$73,420 at 300 N. Park Street 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 Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Absent

9. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- 16-page Interlocal Agreement draft for the exchange of services is complete. There is no feedback from either party since everyone is getting the agreement at the same time. Council will meet in Conference Room 2-A August 8, 2013 at 8:30am to discuss.
- Ricky Boeker has handouts of pictures of the new fire trucks and equipment.
- Lowell Ogle has memo around the Dias relating to Lake Somerville and the water system.
- Fireman's Fiesta will be August 10, 2013 at the Fireman's Training Center.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Amanda Klehm
Deputy City Secretary

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