

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on August 15, 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  
Councilmember Weldon Williams, Jr.

### Members absent:

None

### 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, Fire Chief Ricky Boeker, Police Chief Rex Phelps, David Doelitsch, Development Services Director Julie Fulgham, Kim Hodde, Public Works Director Dane Rau, Leslie Kelm, and Grant Lischka

### Citizens present:

Tracey Darden, Paul Kruse, Darlene McClellan, and Clint Kolby

### 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 Herring**
- 3. Citizens Comments**

There were no citizen comments.

## CONSENT AGENDA

### 4. Statutory Consent Agenda

#### 4-a. Minutes from the August 1, 2013 City Council meeting

#### 4-b. Discuss and Possibly Act Upon Correction of Resolution No. R-13-012 Assigned to Resolution Approved on July 11, 2013 Adopting an Incentive Grant Reimbursement Program

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Nix to approve the Statutory Consent Agenda Item 4-a and 4-b 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       | Yes |

## WORK SESSION

### 5. Discussion and Presentation Regarding Vegetation Control Pertaining to City, State, and Railroad Right-of-Ways

Public Works Director Dane Rau presented this item. Rau stated many of you have probably noticed the unsightly weeds, grass, and vegetation growing alongside TXDOT highways, railroad tracks and city streets, which grow in right-of-ways which are either maintained by TXDOT, the BNSF or the City of Brenham. Rau explained BNSF and TXDOT only address their right-of-ways periodically throughout the year. Rau stated TXDOT has a schedule in which they mow and provide litter pick-up in May and November of each year and BNSF sprays vegetation alongside their right-of-ways bi-annually as well with a pre-emergent in January and then a final spraying in August. Rau stated the other right-of-ways are city right of ways and are currently maintained by the City of Brenham Street Dept. on an ongoing basis.

Rau stated Staff has been advised by TXDOT that they only have enough resources to stick with their schedule of bi-annual mowing and litter control along the major roadways twice per year, but if the City wishes to maintain these right-of-ways more frequently than the City can do so. Rau stated TXDOT when mowing during these two times, only shreds large areas where shredders can continue on one path; therefore, areas such as Becker Dr. toward downtown on business 290, S. Chappell Hill St. to Creekside Veterinary Clinic, and from Hohlt Park

throughout Austin St. are not mowed by TXDOT and it is left up to the property owner or the City of Brenham to maintain that right-of-way.

Mayor Tate questioned how long it would take City employees to maintain these areas. Rau stated the upkeep would monopolize one employee for two to three months in regards to Hwy 290, Hwy 36 and Hwy 105. Councilmember Barnes-Tilley questioned how often would the maintenance need to be done. Rau stated that Staff has not come up with a game plan yet. Councilmember Herring questioned if the City could spray instead of weed eat? Rau explained Staff weed eats first and then goes back and sprays to take care of the vegetation. Councilmember Ebel would like to know how much it would cost the City to do maintenance every two months. Rau stated he will get figures to him.

Rau suggested the City take care of the maintenance of the vegetation or update the City Ordinance to have citizens take care of the vegetation on their property. Councilmember Goss suggested the City have Main Street Program participate. Bovey suggested Staff look into compensation from TXDOT for the City to maintain State right-of-ways year-round. Councilmember Barnes-Tilley would like to look at the City's options for absorbing cost of maintenance before placing that burden on citizens. Councilmember Barnes-Tilley suggested putting out a Public Service Announcement to kindly ask citizens to help out the City in vegetation control.

Councilmember Herring questioned if the City is on BNSF or TXDOT property and City employee is injured, is the City liable? Bovey stated he will look into the contracts and get back with Council. Councilmember Goss questioned if City enters onto BNSF property, do we have to give notice. Rau stated according to contract, the City must let them know.

## **REGULAR AGENDA**

### **6. Discuss and Possibly Act Upon an Ordinance on its First Reading Amending the FY2012-13 Adopted Budget**

Chief Financial Officer Carolyn Miller presented this item. Miller handed out an enlarged spreadsheet of the budget amendments and a budget amendment memo. Miller stated the proposed ordinance will be an amendment to the FY2012-13 budget. Miller explained the highlights of the amendment include the following revenue increases: General Fund revenues for insurance proceeds, County HOT Fund for additional County HOT tax collections remitted to the City in FY13, Hwy 290 Fund for the two repayments received from TXDOT in FY13, and City HOT taxes for increased collections.

Miller explained the two largest items in the General Fund column are the increase in expenditures related to the demolition of the old City Hall building and the City match for the Airport Hangar Grant. Miller stated both of these expenditures will be utilizing General Fund reserves. Miller stated BCDC and Hotel Occupancy Tax Fund are both being amended for additional expenditures approved by their respective boards during the current fiscal year. Miller explained other miscellaneous amendment items include: unanticipated repairs to fire trucks,

repairs related to storm damage at the communications building, and fire station, and transfers. Miller stated this is a mid-year budget amendment and Staff will bring back final amendments in November or December.

Councilmember Barnes-Tilley questioned if the \$12,000 will take care of the replacement of the entire wall at Fireman’s Park. Rau explained yes all materials are included in the price. Councilmember Herring questioned that we spent \$300,000 for improvements at Linda Anderson Park. Miller stated the amount is correct and was funded by BCDC.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve an Ordinance on its first reading amending the FY2012-13 Budget.

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       | Yes |

**7. Discuss and Possibly Act Upon a Proposal to Adopt a Tax Rate of \$0.5632 per \$100 Valuation for the 2013 Tax Year, Take Record Vote and Set the Public Hearings on the Proposed Tax Rate in Accordance with State Law**

Chief Financial Officer Carolyn Miller presented this item. Miller stated as discussed during the Council Budget Workshops and during the work session of the August 1, 2013 City Council meeting, the City will be increasing the property tax rate of \$0.5432 per \$100 valuation by \$0.02. Miller explained the new property tax rate of \$0.5632 is comprised of a maintenance and operations rate of \$0.3579 and a debt service (interest and sinking) rate of \$0.2053. Miller explained the City experienced a 5.16% or \$53,016,245 increase in total taxable values over the 2012 (adjusted) values. The increase is comprised of:

- **\$18,858,039**                    **36 %** New properties and new improvements
- **\$34,158,206**                    **64%** Increased property values

Therefore, Miller explained the proposed FY13-14 budget includes a proposal to increase in the current M&O tax rate from \$0.3420 to \$0.3579. The combined impact of the increased property values along with the increase in the M&O tax rate will generate additional tax revenue over the current year of \$346,063. Miller stated the proposal is to increase the current tax rate of \$0.5432 per \$100 valuation to \$0.5632 per \$100 valuation.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Goss that the property tax rate be increased by the adoption of a tax rate of \$0.5632 per \$100 valuation, which is effectively a 7.28% increase in the tax rate, to be considered by the governing body on the agendas of the September 16, 2013 and September 19, 2013 meetings and to schedule public hearings on the proposed tax rate for August 29, 2013 and September 5, 2013 in accordance with state law.

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       | Yes |

**8. Discuss and Possibly Act Upon a Request for a Noise Variance for a Back to School Bash to be Held from 6:00 P.M. to 9:00 P.M. at 707 Pleasant View Avenue on August 23, 2013**

Deputy City Secretary Amanda Klehm presented this item. Klehm stated Tracey Darden has requested a noise variance to hold an event to celebrate Back to School on August 23, 2013 from 6:00 p.m. – 9:00 p.m. at 707 Pleasant View Avenue. Klehm explained they will have a children’s inflatable water slide, passing out school supplies, BBQ, and a DJ. Klehm stated they will be using sound amplification equipment. Klehm explained the Brenham Police Department and the Brenham Fire Department have approved the noise variance request. Klehm explained Tracey Darden is present at the meeting to answer any questions Council may have.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve a request for a noise variance from Tracey Darden for a Back to School Bash to be held from 6:00 P.M. to 9:00 P.M. at 707 Pleasant View Avenue on August 23, 2013 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       | Yes |

**9. Discuss and Possibly Act Upon a Request for a Noise Variance for Christ to the Nations: City-Wide Revival to be Held September 1-7, 2013 from 7:00 P.M. to 10:00 P.M. at 505 Martin Luther King Jr. Parkway**

Deputy City Secretary Amanda Klehm presented this item. Klehm stated Darlene McClellan has requested a noise variance to hold an event for a city-wide revival from September 1-7, 2013 from 7:00 p.m. – 10:00 p.m. at 505 Martin Luther King Parkway. Klehm explained they will have a church outreach service under a tent and keyboard with speakers. Klehm stated they will be using sound amplification equipment. Klehm explained Darlene McClellan is present at the meeting to answer any questions Council may have.

Police Chief Rex Phelps stated he has spoken with Ms. McClellan and they changed the times of the event from 6-9pm instead of 7-10pm since it may get too late on a school night. Mayor Tate questioned if seven days was too long. Phelps stated the Police Department and Fire Department are not concerned with the length of time, just the time frame.

Councilmember Goss questioned the exact location of the event. Citizen Darlene McClellan stated they will erect a tent on the vacant lot across the street from the funeral home at the corner of Burleson and Martin Luther King Jr. Parkway.

Councilmember Williams questioned if Ms. McClellan has spoken with the home owners behind the lot to make sure that they are okay with the event. McClellan stated that she will speak with those neighbors. Councilmember Goss questioned about parking on the streets. Phelps stated MLK is large enough where there should not be a problem, but the Police Department will monitor the parking. Councilmember Goss questioned if they will have security, McClellan stated her property is next to the vacant lot, so they will monitor the property during the day and night, but the only thing left at night will be the tent and chairs.

A motion was made by Councilmember Williams and seconded by Councilmember Ebel to approve a request for a noise variance from Christ to the Nations: City-Wide Revival to be held September 1-7, 2013 from 6:00 P.M. to 9:00 P.M. at 505 Martin Luther King Jr. Parkway and request Ms. McClellan contact the neighbors.

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       | Yes |

## 11. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- Memo from Paula was set around Dias, which includes upcoming dates. The second page is a tear off event checklist that needs to be filled out by each Councilmember and returned to Paula.
- Council meeting on September 5<sup>th</sup> is at 10:00am.

City Engineer Grant Lischka reported:

- The 290/Chappell Hill/Stringer St tie in to Market Street update:
  - At Chappell Hill, the property parcels have been finalized and purchase prices will be brought back to Council.
  - The Engineer Plan is at 75% and Staff will start looking at preliminary plans.
  - If the City wants to construct a signal light, Staff will need to do an Advanced Funding Agreement with TXDOT.
  - The issue is the time frame. The Engineer is estimating completion date is December 2014, but Staff is looking to speed up the process.

Fire Chief Ricky Boeker reported:

- Fireman's Fiesta was a huge success with a good turnout.

Councilmember Herring reported:

- Ed Miesler with Boy Scouts has requested Council to start late at 4pm either October 3<sup>rd</sup> or October 17<sup>th</sup>.

## WORK SESSION

*(Note: The City Council will convene in Conference Room 2A, 2<sup>nd</sup> Floor of City Hall, for Work Session and Administrative/Elected Officials Report)*

### 10. Discussion and Overview of Washington County's Proposal to Operate Emergency Communications (as well as EMS and Jail) in Exchange for the City of Brenham Providing Animal Control Services, Animal Shelter Services, Fire Protection and Fire Rescue Services, and Library Services at the Nancy Carol Roberts Memorial Library Under a Comprehensive Interlocal Agreement and Potentially Discuss Other Current Interlocal Agreements Between Washington County and the City of Brenham

City Manager Terry Roberts presented this item. Roberts stated Staff confirmed with the two County Commissioners working on the exchange of services ILA that the County is prepared to extend the current agreements beginning in October to the figures the City presented the County in June for the fire/rescue interim ILA agreement as well as the animal shelter interim agreement, which will be extended for six months to coincide with the projected start of the exchange of services interlocal in April 2014. Roberts stated rather than using the per run figures for the fire/rescue agreement and the per animal rate for animal shelter, the City will draft

extensions based on historic utilization and those rates which gives the City those higher numbers Staff discussed with the Council in the summer. Roberts stated for ease of billing, the City will convert those annual figures to monthly numbers.

Roberts explained Staff is also working to update the extension for animal control and the City needs to address the Linda Anderson Park interlocal agreement. Roberts stated the County and City were in agreement on that interlocal agreement. Roberts explained as Council discussed at the work session last week, the library interlocal will not be extended.

Roberts stated the plan is to bring Council a final draft by the first meeting in September with a plan to adopt both the exchange of services ILA and the interim extensions for October through March at the second meeting in September.

Councilmember Herring requested the City provide an addendum to the ILAs that spell out everything in detail including terms, expectations, etc. Mayor Tate explained the County is suggesting a 10 year agreement instead of 5 year agreement in regards to Section 17 of the ILA document with the termination clause as is. Councilmember Williams questioned how legally binding is the ILA. Bovey stated the ILA is supported by the State Constitution as a legally binding document. Councilmember Herring is in favor of a 5 year agreement instead of 10 year. Councilmember Barnes-Tilley would like to review the progress of the exchange of service after the first year. Mayor Tate explained the Board will be reviewing the progress and will come back to alert Council on any issues. Roberts stated the County does not have a problem with sitting down after the first year to review or coming to Council to give a report.

Councilmember Barnes-Tilley stated concerns that the County picked only one department to take over and now the City will be stuck with the cost of the new shelter, new or renovated library and the new substation, which equals roughly \$5 million dollars in the upcoming few years. Mayor Tate stated that County must have an I.T. infrastructure in place by 2015; therefore, he believes this is one reason they chose to take over Communications. Councilmember Goss questioned how Communications has anything to do with the County's I.T. infrastructure requirement. Communications Director Pam Ruemke stated it does not have anything to do with it.

Roberts stated the County would like consideration for lease of the Communication's building less than fair market value in regards to exchange of services. Dannhaus stated it is hard to come up with numbers in regards to leasing the building. Councilmember Goss stated Dannhaus should go off of a commercial building lease roughly \$3000 to \$6000 per month. Councilmember Williams questioned if the price would include the furniture. Dannhaus stated that he has included furniture in the figure. Councilmember Goss questioned how many years the City has to depreciate the furniture. Miller stated it would depreciate as a capital expense; therefore, 5-10 years. However, a lot of the assets are 8-10 years old have already been depreciated out. Councilmember Herring questioned if the forgiveness of the lease included utilities. Dannhaus explained no the County must maintain the building themselves. Councilmember Barnes-Tilley questioned if the City should maintain own building to be able to regulate the integrity of the building. Mayor Tate stated the City will oversee the operating of the building, but the County will be responsible for the maintenance, insurance, utility bill, and like



costs for the upkeep of the building. Bovey stated the agreement will make the County liable for all costs. Councilmember Ebel questioned how long the County plans to lease the City's building. Mayor Tate stated originally the County stated 3 years, but recently stated 4 years. Councilmember Goss questioned if something goes wrong, who is responsible. Bovey stated in the agreement, the County is responsible.

Councilmember Williams stated he called Bastrop, who recently built a new library fairly recently and they do not charge for library cards, but each City has different setups, but they are City controlled. Councilmember Williams stated Pflugerville charges for anyone who doesn't live inside the school district. Pflugerville charges \$25.00 for a library card and \$25.00 for e-books. Councilmember Williams stated he is not proposing that the City charge for library cards, but if the City builds a new facility, may want to consider charging everyone a fee. Mayor Tate reminded Council that the agreement states if the City is going to charge then will charge both City and County residents. Councilmember Williams wants to have that language taken out of the agreement. Roberts states the County wants their residents to have the same access as the City residents. Councilmember Barnes-Tilley states she does not like the idea of charging patrons because those using the library don't have access from home. Councilmember Barnes-Tilley suggested we lessen hours, circulation or other means to keep from charging a fee to patrons.

Councilmember Williams asked if the County is dead set against a 5 year agreement. Mayor Tate stated they are asking for a 10 year agreement and he doesn't see the downside because either party can get out of the contract with a 1 year notice. Roberts explained the current 5 year agreement has a 1 year extension automatically built into the agreement.

Councilmember Herring stated the City should charge the County for the building lease and that it should not be free. Councilmember Ebel questioned length of the term of the building lease. Mayor Tate stated at least 3 years to start with. Councilmember Goss stated the agreement is 5 years, so the building lease should be set for 5 years as well. Councilmember Barnes-Tilley suggest including a clause if the term of the lease changes.

Councilmember Barnes-Tilley would like a report from the Board on the progress of operations. Fire Chief Ricky Boeker stated he can include the Board's review in his annual report. Councilmember Barnes-Tilley expressed her concern that nothing is stated in the agreement to protect the current Communication's Staff jobs as long as their performance is good. Dannhaus stated that the County would have to agree to those terms. Councilmember Herring stated Pam Ruemke (or her position) should have final say on the performance of her Staff as she does now, but that does not protect her job.

Councilmember Herring stated the lease agreement should start April 1<sup>st</sup> when the anticipated take-over date occurs. Councilmember Goss stated the building lease should be at least \$1500 a month. Dannhaus stated the County will be responsible for maintenance, utility bills, insurance and other bills relating to the operations and maintenance of the building and those terms will be specifically stated in the agreement. Mayor Tate stated the building lease will be set at \$1000 per month.

## **Adjourn**

The meeting was adjourned.

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Gloria Greenwade Nix  
Mayor Pro Tem

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Amanda Klehm  
Deputy City Secretary