

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on October 3, 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, City Secretary Jeana Bellinger, Deputy City Secretary Amanda Klehm, Chief Financial Officer Carolyn Miller, Stacy Hardy, Wende Ragonis, Kathy Bell, Ethel Randle, Crystal Dahlquist, Fire Chief Ricky Boeker, Deputy Fire Chief Alan Finke, Ronald Bentke, Heath Moehlmann, Greg Nienstedt, Cecil Wright, Chris McCain, Justin Schroeder, Police Chief Rex Phelps, Public Works Director Dane Rau, Public Utilities Director Lowell Ogle, Wanda Kramer, Shelley Addison, Janie Mehrens, and Grant Lischka

Citizens present:

Jennifer Moehlmann, Klint Colby, Rev. David Ottsen

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 Pro Tem Nix**

- 3. 3-a. Service Recognitions**
- Crystal Dahlquist – Recreation Department – 5 years
 - Adam Mahlmann – Fire Department – 20 years
 - Shelley Addison – Utility Billing Department – 25 years
 - Douglas Maurer – Fire Department – 35 years
 - Cecil Wright – Fire Department – 35 years
 - Ethel Randle – Library – 40 years

- 4. Proclamation**
- **Fire Prevention Week – October 7-11, 2013**

The proclamation was received by Deputy Fire Chief Alan Finke.

- 5. Citizens Comments**

There were no citizen comments.

CONSENT AGENDA

- 6. Statutory Consent Agenda**
- 6-a. Minutes from the September 16, 2013 Special City Council Meeting**
 - 6-b. Discuss and Possibly Act Upon Ordinance No. O-13-024 on Its Second Reading Amending the Rate Tariff Schedule(s) of Small and Large Industrial Customers for the City of Brenham Electric Rates**
 - 6-c. Discuss and Possibly Act Upon Ordinance No. O-13-025 on Its Second Reading Amending the Rate Tariff Schedule(s) for the City of Brenham Natural Gas Rates**

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve the Statutory Consent Agenda Item 4-a, 4-b, 4-c, and 4-d as previously 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

7. Discussion and Presentation Regarding Chappell Hill Street Extension Improvements

City Engineer Grant Lischka presented this item. Lischka stated Staff has met with TxDOT and the design engineer for the project, Jones & Carter, Inc., to review the schedule developed for the construction of the Chappell Hill Street Extension. Lischka explained the planning and construction schedule for the signal light may take longer than the roadway construction. Lischka explained the construction of the signal light requires an Advanced Funding Agreement (AFA) between the City and TxDOT. Lischka stated once the AFA has been finalized, plans for the signal light must then be submitted to TxDOT for their review and approval. Lischka explained the length of the TxDOT review is currently unknown although staff anticipates receiving a timeframe soon. Lischka explained Staff feels that the completion of the road work should coincide with the completion of the signal construction so that the intersection is not put into service without signal lights.

City Manager Terry Roberts stated the AFA agreement is to allow the City of Brenham to fund and construct the traffic light because TxDOT has not warranted money to fund this project. Lischka stated TxDOT's responsibility is to make sure everything ties in together.

Mayor Tate questioned the elevation standards that will be used. Lischka stated they may lower the crown of the road some, but should be able to work through the elevation issues.

Roberts questioned if there will signal warnings on the other side of the hill to warn drivers of the approaching light. Lischka stated there will be a study to determine if the signal warnings are necessary, but he would think so, but cannot guarantee at this point.

Councilmember Goss questioned the timing issue. Lischka stated Staff recommended removing the light at Becker, but TxDOT does not want to take out a warranted light, but they may reconsider after the other light is constructed.

Councilmember Barnes-Tilley questioned if there would be back up between the two lights since they are close together. Lischka stated that they will need to time the lights together to avoid back up in traffic.

Councilmember Goss questioned if the light from Becker could be moved to the new location instead of constructing another light. Lischka stated this is not an option because each light is custom built for each intersection.

8. Discussion and Presentation Regarding Speed Limits and Other Improvements Along U.S. Highway 290

City Engineer Grant Lischka presented this item. Lischka stated TxDOT performed a speed zone study in July 2013 on U.S. Highway 290 within the City Limits. Lischka explained the proposed speed limits are as follows:

1. From the east City Limit line (just east of F.M. 577/Blue Bell Road) to approximately 500 feet east of the BNSF Railroad crossing (in the general area of the Fireman's Training Center) TxDOT is proposing a speed limit of 70 miles per hour (MPH). The current speed limit along this portion is 65 MPH.
2. From approximately 500 feet east of the BNSF Railroad crossing to Business U.S. 290 (cloverleaf) TxDOT is proposing a speed limit of 65 MPH. The current speed limit along this portion is 60 MPH.

Lischka explained accident data compiled by TxDOT from 2012 shows that there were 19 property damage accidents, with 4 of those accidents resulting in 4 personal injuries. There were no fatal accidents per TxDOT's research. Police Chief Rex Phelps expressed some safety concerns with the proposed speed limit increase. Phelps stated in 2012, there were 86 accidents with 16 of other accidents resulting in injuries and in 2013, there were 72 accidents with 15 of other accidents resulting in injuries. Phelps explained that if the speed limits are increased, there will most likely be more accidents resulting in injuries due to speed. Phelps stated speed limits are adequate currently because people already increase speeds over the current speed limits by 4-8 miles over. Lischka stated any changes to the speed limit will require approval of an Ordinance outlining the adopted speeds.

Councilmember Barnes-Tilley stated it would make sense to be consistent with the speed limits. Assistant City Manager Kyle Dannhaus stated the highway problems at 577 are alleviated with the overpass completion, so there is no reason to slow traffic to 60mph. Phelps agrees there needs to be consistency and it makes sense to move the stretch by 577 and highway 290 from 60mph to 65mph.

Roberts stated the crossover between Hopkins Distributing and Appel Ford is where TxDOT discussed complete removal because it is more dangerous to crossover the main lanes. Roberts stated they discussed possible one-way frontage roads by Sealy Mattress and Big Daddy's BBQ. Goss stated he received two calls on acceleration lanes by BNSF. Goss stated it is hard enough now to get into lane of traffic and to increase speed limits will only make it more difficult. Goss is not in favor of increasing speed limits. Lischka stated they must address the elevation problem by FM 389 to make the ramp work. Lischka explained one possibility is a frontage road over the railroad tracks.

Councilmember Williams stated on Highway 6 between Navasota and College Station they raised speed limits from 70mph to 75mph. Lischka stated the increase in speed limits is related to the roadway design. Lischka explained the engineers design roadway to 70-75mph, but don't take into consideration for issues by the police departments. Lischka stated roadways can be designed for any speed and different factors are taken into consideration for highway construction. Councilmember Barnes-Tilley questioned how some places are able to raise their speed limits. Lischka stated the State of Texas recommended that TxDOT look at its roadways to determine if they could increase speed limits to 75, but only if the design would allow for those types of speeds. Councilmember Barnes-Tilley would like to see speed limits consistent. Mayor Tate stated there is a consensus that the speed limits be consistent at 65mph.

Citizen Rev. David Ottsen stated he and his wife are concerned about safety, raising the speed limits and the discrepancy of speed limits. Ottsen stated they are adamantly opposed to raising speed limits because through populated areas, they need to keep speed limits down. Ottsen would like to see the speed limits changed to 60mph. Ottsen explained on a Sunday afternoon, it is like a race track and it will only get worse if the speed limits are increased. Ottsen stated if they decide to increase speed limits to 70mph, they must take out the crossovers; otherwise, there will be a catastrophe.

Lischka stated Staff has also discussed with TxDOT the crossover at Robert C. Appel Drive (near the Appel Ford dealership). Lischka stated TxDOT has proposed eliminating the crossover between the main lanes of traffic on 290 at this location. Lischka explained the crossover is a current safety issue because of the lack of deceleration lanes for traffic turning left. Lischka stated several businesses in the area would be affected if the crossover were removed. Lischka explained as of now, this has been an informal discussion between Staff and TxDOT and no property owners in the area have been contacted.

Roberts explained if TxDOT takes out the crossovers, they will try to improve feeder roads. Lischka explained TxDOT is proposing to have traffic heading Westward on Highway 290 to be forced over to make the entrance ramp from Westwood dominant. Councilmember Barnes-Tilley stated she finds this interesting to accommodate those who cannot read a yield sign.

REGULAR AGENDA

9. Discuss and Possibly Act Upon a Request for a Noise Variance for CD Release Party to be Held from 7:00 P.M. to 11:30 P.M., October 4, 2013 at the Home of Christi Bond Located at 505 E. Academy and Authorize the Mayor to Execute Any Necessary Documentation

Deputy City Secretary Amanda Klehm presented this item. Klehm stated Christi Bond has requested a noise variance to hold an event for a cd release on October 4, 2013 from 7:00 P.M. to 11:30 P.M. at her home. Klehm explained they will have a live music with an acoustic guitar and food. 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.

Councilmember Williams questioned if the time could be moved to 10pm instead of 11:30pm. Councilmember Goss questioned how much noise or loud music in the past occurs in that area where the police department receives calls. Phelps stated it is hard to say without pulling calls. Phelps explained 10:00-10:30pm is plenty late on a weekend night. Phelps explained after that time period, the police department usually starts getting noise complaints. Councilmember Herring questioned if we have confirmation that Ms. Bond spoke with her neighbors. Klehm stated she explained to Ms. Bond at the time of application that she would need to speak with her neighbors for approval prior to the event. Klehm stated she tried to contact Ms. Bond, but was unable to confirm if she has spoken with her neighbors.

A motion was made by Councilmember Ebel and seconded by Mayor Pro Tem Nix to approve a request for a noise variance for cd release party to be held from 7:00 P.M. to 9:30 P.M., October 4, 2013 at the home of Christi Bond and authorize the Mayor to execute any necessary documentation.

Mayor Pro Tem Nix questioned if there could be a stipulation on the noise variance that Ms. Bond has to speak with her neighbors before the event. Mayor Tate stated it is too late to put that stipulation in place since the event is the following day. Councilmember Herring suggested there be a form that has to be signed by neighbors if a noise variance is requested in a neighborhood. Councilmember Barnes-Tilley stated if it is only a guitar and microphone that the noise variance be extended to 10:00pm. Councilmember Barnes-Tilley questioned what if 20 neighbors are okay with the event and one is opposed, then how will the Council handle this situation. Mayor Tate stated they would have to decide on an individual basis.

A revised motion was made by Councilmember Ebel and seconded by Mayor Pro Tem Nix to approve a request for a noise variance for cd release party to be held from 7:00 P.M. to 10:00 P.M., October 4, 2013 at the home of Christi Bond and authorize the Mayor to execute any necessary documentation.

Mayor Tate called for a vote. The motion passed with 6-1 vote 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	No
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

10. Discuss and Possibly Act Upon a Request for a Noise Variance for Man's Space Adventures Awareness to be Held from 7:00 P.M. to 8:30 P.M., October 12, 2013 at Nancy Carol Roberts Library and Authorize the Mayor to Execute Any Necessary Documentation

Deputy City Secretary Amanda Klehm presented this item. Klehm stated Kathy Bell has requested a noise variance to hold an event for man's space adventures awareness on October 12, 2013 from 7:00 P.M. to 8:30 P.M. at Nancy Carol Roberts Library parking lot. Klehm explained they will have the use of telescopes, lessons on space exploration, handouts, Milky Way candy bars, and music during the event. Klehm explained they will be using a Bose CD player and sound amplification equipment. Klehm stated the Brenham Police Department and the Brenham Fire Department have approved the noise variance request.

Librarian Kathy Bell showed the Council a poster for the event and stated this event is happening all over the world. Bell stated they are registered with NASA and McDonald's Observatory. Bell stated they will have five (5) telescopes, lights turned off in parking lot, Moon Pies, Milky Way bars, telling stories, and looking at the stars through the telescopes.

Councilmember Barnes-Tilley questioned where the library got the telescopes. Bell stated that she has borrowed the telescopes from friends. Councilmember Goss questioned if the event will still be held in the event of inclement weather. Bell stated they would move the event inside and look on the internet at NASA's website and tell stories. Mayor Pro Tem Nix questioned if there will be food at the event. Bell stated Moon Pies and Milky Way bars will be served.

A motion was made by Councilmember Herring and seconded by Councilmember Goss to approve a request for a noise variance for man's space adventures awareness to be held from 7:00 P.M. to 8:30 P.M., October 12, 2013 at Nancy Carol Roberts Library 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

11. Discuss and Possibly Act Upon Resolution No. R-13-013 Authorizing the Execution of an Agreement with TxDOT for the Temporary Closure of State Right of Way in Connection with the 2013 Christmas Stroll to be Held on Friday, December 6, 2013

Deputy City Secretary Amanda Klehm presented this item. Klehm stated the 2013 Christmas Stroll is sponsored by the City of Brenham. Klehm explained their goal is to attract shoppers to the downtown area. Klehm stated this year's stroll will be held on December 6, 2013 from 5:30 pm until 10:00 pm. Klehm explained Main and Alamo Streets will be closed between Market Street and Austin Street from 4:00 pm until 10:00 pm. Klehm stated there will be live musical entertainment, parade, Farmer's Market and vendors, kids' activities, choirs and bands. Klehm stated the Brenham Police Department and the Brenham Fire Department have approved the noise variance request.

Recreation Manager Crystal Dahlquist stated the lighting will take place at 5:30pm and the parade will begin at 6:00pm. Dahlquist stated there will be a synthetic ice skating rink this year.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve Resolution No. R-13-013 Authorizing the Execution of an Agreement with TxDOT for the Temporary Closure of State Right of Way in Connection with the 2013 Christmas Stroll to be Held on Friday, December 6, 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 Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

12. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- There is an envelope with information for Council laying around the Dias.
- Public Works Director Dane Rau laid a memo regarding street work around the Dias.
- The comp study is complete and information regarding the study is available.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary