

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on March 20, 2014 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 Keith Herring
Councilmember Mary E. Barnes-Tilley
Councilmember Weldon Williams, Jr.

Members absent:

Councilmember Danny Goss

Others present:

City Manager Terry K. Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary Amanda Klehm, Chief Financial Officer Carolyn Miller, Kaci Konieczny, Wende Ragonis, Andria Heiges, Cyndi Longhofer, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Todd Jacobs, Billy Rich, Amanda Carker, Development Services Director Julie Fulgham, Public Works Director Dane Rau, and Grant Lischka

Citizens present:

Zeb Heckmann, Page Michel, Clint Kolby, Willy Dilworth, Douglas Price, Les Edmunds, Amy Sibley, Mary Whigham

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 Ebel**
- 3. Citizens Comments**

There were no citizen comments.

WORK SESSION

4. Presentation and Update Regarding the Charter Review

City Secretary Jeana Bellinger presented this item. Bellinger stated last week she met with City Attorney Cary Bovey for two (2) full days and reviewed each section of the City's Charter. Bellinger advised in reviewing the Charter, they considered the following:

- Each section's compliance with applicable State and/or Federal law(s);
- Checked each section for proper grammar, spelling and punctuation;
- Verified that each section was consistent with other sections in the charter;
- Confirmed that each section was representative of current practices and/or policies; and
- Determined if our recommended change(s) would be administrative or legislative.

Bellinger stated in the first review of the Charter, Staff estimates there will be approximately 88 sections needing administrative revisions, 10 sections that need to be removed because they are no longer applicable and 4 sections that will need legislative review. Bellinger explained these are just estimates, as Cary and herself will continue to work through each section independently; there may be new things they find that would cause the section to be moved from administrative to legislative.

Bellinger stated that if a section did not require revisions (based on the considerations listed above), they are not recommending it for change. Bellinger explained if Councilmembers have a particular section in the Charter that they would like to see reviewed, analyzed, and compared to other cities, please be sure and let her know.

Bellinger explained there is still one more review to complete, Cary and herself will use charters from other cities and several publications from TML and the National Civic League to see if there are issues not outlined in the current charter that should be. Bellinger advised any recommendations they have for new sections will be presented to Council in a future workshop.

Bellinger explained they want to be sure the information they plan to provide to Council during this process is easy to understand and beneficial; therefore, they provided a brief handout to illustrate the comprehensive review of Article I for Council to provide them feedback.

There were no comments.

5. Presentation and Update Regarding the Brenham Pet Adoption and Care Center

Police Chief Rex Phelps presented this item. Phelps stated the Brenham Pet Adoption and Care Center initiative has progressed into a private (donations) + public (city funding) partnership. Phelps explained the obvious and urgent need for this facility has motivated private citizens to work with local government to fund this project in an effort to make the project a reality in the very near future. Phelps advised on the progress thus far as it relates to the architectural contract, design phase, estimated project costs, site placement, square footage of the facility, facility description, services to be provided, fundraising and marketing efforts, and current funding level secured.

Councilmember Ebel stated that the project looks like it's on target.

6. Presentation and Update Regarding the Library Facility

Administrative Services Manager Wende Ragonis presented this item. Ragonis stated the community library has been a catalyst for literacy and information sharing in for many years. Ragonis advised to continue this service to the community; Staff recommends the modernization of the current facility. Ragonis explained during the 2006 -2015 Strategic Plan, "*A Long Range Commitment to Library Services in Brenham and Washington County*" the Library Staff, Library Board and community representatives established strategic goals for library services. Ragonis stated many of these goals have been met or have evolved due to changing technologies or organization structure, but Goal VII, "*to expand or create a facility that is comfortable, secure, efficient, inviting and accessible for all users*" is yet to be realized.

Ragonis explained to implement the proposed *Facility Modernization Plan*, the following steps in the process will need to be completed: 1) A public – private partnership with the City of Brenham and the Fortnightly Club. Ragonis stated the details of this partnership were discussed with Fortnightly Club representatives at the Library Advisory Board meeting February 25, 2014 and with Council at the February 27, 2014 Capital Planning Workshop; 2) A Facility Relocation Plan will need to be developed and executed. Ragonis stated a conceptual plan to temporarily relocate library services to existing City facilities was discussed with stakeholders at the aforementioned public meetings as well.

Ragonis advised once these steps are complete, Staff working with the Library Advisory Board will begin the implementation of the *Facility Modernization Plan* which will include Komatsu Architecture for the design of a modernized facility. Ragonis explained Council approved an agreement with Komatsu architecture at the July 5, 2012 Council meeting, and Staff will work from this agreement.

Les Edmunds and Amy Sibley with Komatsu discussed the challenges of modernizing the current Library facility; however, they feel that it's a good site and better than others they have looked at. Edmunds and Sibley discussed that the current building is not in compliance with Code and needs significant renovations. Edmunds and Sibley showed pictures of similar projects and renovations they have completed in the past to give Council a good idea of what they are able to expect from this company.

Ragonis stated the Library is currently working with Douglas Price with the Brenham Heritage Museum for relocation.

Councilmember Herring stated they had a good meeting last night with the Library Advisory Board and he believes it is too good of an opportunity to pass up. Councilmember Herring stated making use of City Staff for wiring, parking lot and other functions will help out on this project. Mayor Tate stated the City of Brenham wants it done and will help to get it accomplished.

Douglas Price stated they have an accord to a great partnership between the Brenham Heritage Museum and the Library. Price stated there is grant money available and synergistic reasons to partner together. Price explained they will make plans together and the Museum is willing to help with the temporary relocation.

Mary Whigham with the Fortnightly Group stated she has worked on the 15 year plan for the Library and her biggest issue is that the Library project is not as far along as the dog pound project. Whigham questioned if the Certificates of Obligation could be delayed in order for the Library project to get up to speed as well as the Fortnightly Group to further discuss and ponder the partnership with the City of Brenham that they have just become aware of. Whigham stated the Fortnightly Group likes the idea of a partnership, but they need more information because they do not have any hard facts of the stipulations and agreements of the partnership. Mayor Tate stated the City of Brenham has to settle on the Certificates of Obligation on May 15th. City Manager Terry Roberts stated the project timetable is flexible, but within the tax rate. Roberts explained the money has to be expended within three years, so the timetable can change a few months, but for funding, they must go by the current timetable provided by the financial advisor. Roberts advised they will work closely with the Library Advisory Board and the Fortnightly Group for conceptual design phase, but won't turn Komatsu loose until the City sells the bond and they are sure we will move forward. Ragonis explained Staff will work with the Library Advisory Board or whatever it takes to get the new Library facility accomplished. Roberts stated 5 out of 9 Fortnightly members are on the Library Advisory Board, but it is available to any member or citizen. Whigham questioned if they can have a formal written agreement, so they know who is doing what and what is expected from each party. Roberts stated that is a possibility.

Councilmember Barnes-Tilley expressed her excitement about the Library facility project because it is helping the community and providing more access to those who don't have access now for citizens.

REGULAR AGENDA

7. Discuss and Possibly Act Upon the Acceptance of the 2013 Audit of Washington County Appraisal District by Seidel, Schroeder & Company

Chief Financial Officer Carolyn Miller presented this item. Chief Appraiser with Washington County Appraisal District Willy Dilworth stated the audit for the fiscal year 2012-2013 has been completed by Seidel, Schroeder, & Company. Dilworth explained there were no discrepancies found during this time period. Dilworth advised the audit revealed that the appraisal district stayed \$68,000 under budget.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve the acceptance of the 2013 audit of Washington County Appraisal District by Seidel, Schroeder & Company.

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

8. Discuss and Possibly Act Upon the Approval of a Request from the Washington County Appraisal District to Spend FY2012-13 Budget Savings of \$28,000, the City of Brenham’s Portion being \$3,295.64, For Two Purposes: \$18,000 for New Desktop Computers and the Remaining \$10,000 for a 2017 Flight of Pictometry

Chief Financial Officer Carolyn Miller presented this item. Chief Appraiser with Washington County Appraisal District (WCAD) Willy Dilworth stated the Washington County Appraisal District’s (WCAD) audited financial statement for the fiscal year ending August 31, 2013 showed budget savings of approximately \$68,000. Dilworth explained WCAD is requesting to retain \$28,000 of the savings and return \$40,000 to the appropriate taxing entities. Dilworth explained if approved, the City of Brenham’s portion of the funds to be retained would be \$3,295.64 and \$4,708.36 would be returned to the City. Dilworth stated if the \$28,000 is not retained by the WCAD, the amount to be returned to the City would be \$8,004. Dilworth stated would like to use \$18,000 towards the replacement of desktop computers for his office Staff. Dilworth explained the remaining \$10,000 would be placed in the fund to pay for a 2017 Flight of Pictometry, which would bring the total to \$60,000 for that purpose.

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to approve a request from the Washington County Appraisal District to spend FY2012-13 budget savings of \$28,000, the City of Brenham’s portion being \$3,295.64, for two purposes: \$18,000 for new desktop computers and the remaining \$10,000 for a 2017 Flight of Pictometry.

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

9. Discuss and Possibly Act Upon the Approval of a Request from the Washington County Appraisal District to Reallocate \$15,201 of FY2011-12 Excess Funds

Chief Financial Officer Carolyn Miller presented this item. Chief Appraiser with Washington County Appraisal District (WCAD) Willy Dilworth stated the Council approved the Washington County Appraisal District (WCAD) to retain \$47,880 from the 2011-12 budget to be used for the 2014 Flight of Pictometry and fleet replacement. Dilworth explained due to savings in the cost of the pictometry flight, the WCAD requested to reallocate the savings (\$15,201) to the following items: additional fleet replacement, security camera system, network switch, new computers and plotter repairs.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve a request from the Washington County Appraisal District to reallocate \$15,201 of FY2011-12 excess funds.

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

10. Discuss and Possibly Act Upon the Purchase of a Rooftop A/C Unit for City Hall from the BuyBoard Local Government Purchasing Cooperative and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau stated the unit is a direct replacement for the 2001 Carrier HVAC Unit that is above administration at City Hall. Rau explained Staff has had numerous issues with this unit that pertains to the condenser, condenser coils, compressor, circuit board and the variable speed drive. Rau stated this unit is approaching 14 years old. Rau advised with this purchase Staff will also be receiving the Carrier Control package, installation and the migration of our 2011 Carrier unit to the control system. Rau explained this purchase was budgeted for in the 2013-14 budget process at \$51,000. Rau advised the Buy Board price for the above services is \$53,298.05.

Rau explained that it is very important for Staff to get this unit ordered and replaced before the summer heat arrives. Rau stated it will also be an asset to purchase the control system with this unit in order to hook-up the current unit and the 2011 unit that is above Public Utilities. Rau explained Staff also has in their 5 year capital plan a replacement program that if funded will be replacing the remaining 4 units on top of City Hall within the next four years. Rau explained if this is the case, Staff will have all carrier units with total control of all units. Rau explained Staff realizes this is \$2,298.05 over the budgeted amount but this overage will be handled by a budget amendment at the end of the year with savings in other areas.

Councilmember Ebel questioned if we would be able to get the A/C unit in right away. Rau explained it would be 7-8 weeks before it would be delivered. Rau stated they are anticipating the unit around May 2014. Councilmember Barnes-Tilley questioned if the cost includes installation cost. Rau explained that all costs are included in that price. Mayor Tate questioned if the company or will we haul it off. Rau explained City Staff will take the old unit back to the shop and use some of the parts for other projects.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve the purchase of a 20 Ton rooftop HVAC Unit and Control System for City Hall from the BuyBoard Local Government Purchasing Cooperative in the amount of \$53,298.05 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 | Absent |
| Councilmember Keith Herring | Yes |
| Councilmember Mary E. Barnes-Tilley | Yes |
| Councilmember Weldon Williams | Yes |

11. Discuss and Possibly Act Upon the Approval of a Farm and Ranch Real Estate Listing Agreement with Hodde Real Estate Company for the Marketing, Listing and Possible Sale of Approximately 204.925 Acres of Land Located at 5255 Caney Creek Road, Chappell Hill, Texas and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager Kyle Dannhaus presented this item. Dannhaus stated Staff interviewed in order to recommend a real estate firm to market the Brenham/Chappell Hill property. Dannhaus advised that property was once considered as a future regional landfill site but several years ago Council decided to deactivate the permit. Dannhaus explained Staff is seeking approval to retain Hodde Real Estate Company for the marketing, listing and possible sale of approximately 205 acres of land. Dannhaus advised Staff has discussed the possibility of selling it as an entire tract but would entertain selling it in several smaller tracts. Dannhaus stated fortunately, the tract has road frontage on two sides making it convenient to sell without making internal improvements to the property. Dannhaus explained a recent change in state law allows cities to sell real property through a real estate broker. Dannhaus advised Staff has not established a firm price per acre for the property at this time.

Councilmember Williams stated to go with whatever ideas Randy Hodde has for the property and get rid of the property. Councilmember Herring questioned if it really needs to come back to Council for review. Councilmember Herring stated to go with the biggest bidder and sell the property. Hodde Real Estate Company Representative Randy Hodde stated they have not done research yet to know a good asking price per acre for the property. Mayor Tate stated if there are mineral rights on the property, the City may want to keep those. Mayor Tate explained they will work with the City Manager, Assistant City Manager and Randy Hodde to finalize the contract and bring it back to Council. Roberts stated the property does have road frontage on the front and back of the property, which allows them to sell the tract of land altogether or break it into four tracts of approximately 50 acres each. Mayor Pro Tem Nix stated she has a similar property on the tax roll currently and it appraises for roughly \$1.5 million dollars.

City Attorney Cary Bovey stated the new law passed in 2013 allows a City to enter into a contract with a broker. Bovey explained if they list the property on MLS, they must wait 30 days to enter into a sale contract.

A motion was made by Councilmember Williams and seconded by Councilmember Ebel to approve a Farm and Ranch Real Estate Listing Agreement with Hodde Real Estate Company for the marketing, listing, and possible sale of approximately 204.925 acres of land located at 5255 Caney Creek Road, Chappell Hill, Texas and authorize the Mayor to execute any necessary documentation and the Mayor and City Manager will meet with Randy Hodde for details.

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 | Absent |
| 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:

- The formal ground breaking PPE is scheduled for April 2nd at 10:30am.
- Spring Clean Up is currently going on. Dane Rau handed out a flyer. This year they are accepting tires with 8 tire maximum per person of 20 inch tires or less per resident at no cost during this event. Councilmember Ebel questioned if the City was getting any help from the County. Rau stated they are not getting any inmate help even with highway cleanup as they have in the past. Rau stated they are going to talk to Adult Probation for helpers. Rau explained they did get a Grade-All and worker for 1-2 days. Mayor Pro Tem Nix questioned the price on mulch. Rau stated \$22.50 a ton or \$2.50 a bag.
- Building Standards Commission was Tuesday and they had 13 structures they reviewed. Fulgham stated 1 owner complied before the meeting and they ordered repair on 11 structures within 90 days and the demolition of one property because it fell before so the owner must clean up within 45 days. Fulgham stated they are currently looking at new houses and structures. Fulgham explained on July 15th, the Board will look out any outstanding structures from the last meeting and review their progress. Councilmember Williams questioned if they send out letters. Fulgham stated yes, the notice goes out first.
- A Council update was laid around the Dias with future meeting dates.
- Pre-Budget Council Workshop is scheduled for May 15th at 9:00am. Regular Council meeting at 1:00pm on the same day, so Staff will bring in lunch for Councilmembers.
- Certificates of Obligation will be issued on May 15th.
- Annexation Agreements will go in the mail on Monday.
- City Council meetings in April will be on April 3rd at 8:00am and April 24th at 1:00pm.
- The County has hired an IT person and they will start soon.
- Councilmember Goss's mother fell and broke her hip last night; therefore, Councilmember Goss is out because his mother is having surgery today.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeanne Bellinger, TRMC
City Secretary