

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on June 19, 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 Danny Goss
Councilmember Keith Herring
Councilmember Weldon Williams, Jr.

Members absent:

Councilmember Mary E. Barnes-Tilley

Others present:

City Manager Terry K. Roberts, City Secretary Jeana Bellinger, Chief Financial Officer Carolyn Miller, Stacy Hardy, Tammy Jaster, Susan Nienstedt, Sara Parker, Fire Chief Ricky Boeker, Deputy Fire Chief Alan Finke, Police Chief Rex Phelps, Public Works Director Dane Rau, Public Utilities Director Lowell Ogle, and Kevin Boggus

Citizens present:

Lu Hollander, John Muegge, Clint Kolby, Page Michel, Curtis Echman, Katherine Podeszwa, AJ Jozwiak, John Beckendorf, Ron Alfred, Kurt Alfred, Randy C. Fletcher, Pam Hohlt, Jeff Hohlt, Alan Hutson, and Donna Lewis

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. Citizens Comments**

Councilmember Williams introduced Donna Williams Lewis from Atlanta.

4. Special Recognition

➤ **Red Cross Life Saving Award Presented to Blue Bell Aquatic Center Employee**

Aquatic Supervisor Tammy Jaster presented the Red Cross Life Saving Award to Hannah Hohlt for saving her father's life with her CPR skills learned through Red Cross training. Red Cross Representatives Mark Felton and Curtis Echman also attended to present the award. EMS Representative Katie Podeszwa was present.

CONSENT AGENDA

5. Statutory Consent Agenda

5a. Ordinance No. O-14-019 on Its Second Reading Annexing the Hereinafter Described Territory into the City of Brenham and Adopting a Service Plan:

Section 2014-1: Approximately 281.667 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, and the Arrabella Harrington Survey, Abstract No. A0055 generally consisting of tracts with frontage along Burleson Street; tracts with frontage along State Highway 36th North and Dixie Road; land located east of and adjacent to Westwood Lane; and land with frontage along Highway 290 West that is not currently within the City limits being located approximately 2500 feet from the 'cloverleaf' intersection of Highway 290 West and State Highway 36 North.

Section 2014-2: Approximately 30.512 acres of land situated in Washington County, Texas, out of the John Carrington Survey, Abstract No. A0120, generally consisting of tracts with frontage along the western right-of-way line of State Highway 36 beginning at the current City limits and proceeding in a southerly direction to approximately Anderson Lane (located on the eastern side of State Highway 36 South).

Section 2014-3: Approximately 45.366 acres of land situated in Washington County, Texas, out of the Isaac Lee Survey, Abstract No. A0077, generally consisting of tracts that abut the current City limits between South Blue Bell Road and Tiaden Lane and tracts that abut US Highway 290 East from Blue Bell Road to approximately 500 feet east of Tiaden Lane.

Section 2014-4: Approximately 46.457 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No.

A0031, consisting of tracts located between FM 389 and Industrial Boulevard

- 5b. Ordinance No. O-14-020 on Its Second Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham to Establish Zoning District Classifications to Properties Being Annexed into the City of Brenham and More Specifically Described Below:**

Section 2014-1: Approximately 281.667 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, and the Arrabella Harrington Survey, Abstract No. A0055 generally consisting of tracts with frontage along Burleson Street; tracts with frontage along State Highway 36th North and Dixie Road; land located east of and adjacent to Westwood Lane; and land with frontage along Highway 290 West that is not currently within the City limits being located approximately 2500 feet from the ‘cloverleaf’ intersection of Highway 290 West and State Highway 36 North.

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Section 2014-3: Approximately 45.366 acres of land situated in Washington County, Texas, out of the Isaac Lee Survey, Abstract No. A0077, generally consisting of tracts that abut the current City limits between South Blue Bell Road and Taden Lane and tracts that abut US Highway 290 East from Blue Bell Road to approximately 500 feet east of Taden Lane.

Section 2014-4: Approximately 46.457 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, consisting of tracts located between FM 389 and Industrial Boulevard

- 5-c. Ordinance No. O-14-021 on Its Second Reading for the Approval of a Request for a Specific Use Permit to Allow a Bed and Breakfast within an R-2 Mixed Residential Zoning District on Property Located at 1002 S. Day Street, and Specifically Being a 0.497 Acre Tract Described as Block 3, Lot S ½ Lot 2 of the W.G. Wilkins Addition in the City of Brenham, Washington County, Texas**

- 5-d. Ordinance No. O-14-022 on Its Second Reading for the Approval of an Amendment to the Official Zoning Map of the City of Brenham, to Change the Zoning from an Industrial (I) District to a Residential Single Family (R-1) District on the Following Five (5) Tracts of Land Located on Burleson Street:**
- a. 1320 Burleson Street (Tract 142, Arrabella Harrington)**
 - b. Burleson Street [Leggett & Platt, Inc.] (Tract 232, Arrabella Harrington)**
 - c. 1406 Burleson Street (Tract 235, Arrabella Harrington)**
 - d. 1408 Burleson Street (Tract 230, Arrabella Harrington)**
 - e. 1414 Burleson Street (Tract 369, Arrabella Harrington)**

All consent agenda items were moved to the regular agenda.

REGULAR AGENDA

- 5a. Ordinance No. O-14-019 on Its Second Reading Annexing the Hereinafter Described Territory into the City of Brenham and Adopting a Service Plan:**

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Section 2014-4: Approximately 46.457 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, consisting of tracts located between FM 389 and Industrial Boulevard

A motion was made by Councilmember Herring and seconded by Councilmember Goss to approve Consent Agenda Item 5a.

Citizen John Muegge stated the new agreement regarding Tract 3 has been submitted and he does not have any objection to the annexation.

Citizen Dan Mason stated that in regards to Section 2014-1, he is not in agreement with the land being annexed and remain in opposition because they feel that the annexation will impede them to continue to use their property for family agriculture. Mason requested that Council remove 2600 Highway 290 West in Section 2104-1.

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	Absent
Councilmember Weldon Williams	Yes

5b. Ordinance No. O-14-020 on Its Second Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham to Establish Zoning District Classifications to Properties Being Annexed into the City of Brenham and More Specifically Described Below:

Section 2014-1: Approximately 281.667 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, and the Arrabella Harrington Survey, Abstract No. A0055 generally consisting of tracts with frontage along Burleson Street; tracts with frontage along State Highway 36th North and Dixie Road; land located east of and adjacent to Westwood Lane; and land with frontage along Highway 290 West that is not currently within the City limits being located approximately 2500 feet from the ‘cloverleaf’ intersection of Highway 290 West and State Highway 36 North.

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Section 2014-4: Approximately 46.457 acres of land situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031, consisting of tracts located between FM 389 and Industrial Boulevard

A motion was made by Councilmember Goss and seconded by Councilmember Williams to approve Ordinance No. O-14-020 on its second reading amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham to establish zoning district classifications to properties being annexed into the City of Brenham and more specifically described below.

Councilmember Goss questioned if Section 2014-3 zoning has been changed. Development Services Director Julie Fulgham stated that it has not changed, but rather remained as it is now. Citizen John Muegge stated that he had a previous objection, but when he met with Staff, he withdrew his previous objections.

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	Absent
Councilmember Weldon Williams	Yes

5-c. Ordinance No. O-14-021 on Its Second Reading for the Approval of a Request for a Specific Use Permit to Allow a Bed and Breakfast within an R-2 Mixed Residential Zoning District on Property Located at 1002 S. Day Street, and Specifically Being a 0.497 Acre Tract Described as Block 3, Lot S ½ Lot 2 of the W.G. Wilkins Addition in the City of Brenham, Washington County, Texas

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve Consent Agenda Item 5c.

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	Absent
Councilmember Weldon Williams	Yes

5-d. Ordinance No. O-14-022 on Its Second Reading for the Approval of an Amendment to the Official Zoning Map of the City of Brenham, to Change the Zoning from an Industrial (I) District to a Residential Single Family (R-1) District on the Following Five (5) Tracts of Land Located on Burleson Street:

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- c. 1406 Burleson Street (Tract 235, Arrabella Harrington)**
- d. 1408 Burleson Street (Tract 230, Arrabella Harrington)**
- e. 1414 Burleson Street (Tract 369, Arrabella Harrington)**

A motion was made by Councilmember Goss and seconded by Councilmember Ebel to approve Consent Agenda Item 5d.

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	Absent
Councilmember Weldon Williams	Yes

WORK SESSION

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

Lu Hollander, with the Washington County Convention and Visitors Bureau, presented this report. Hollander stated packets were laid around the Dias with more information. She focused on the highlights featured in the *Second Quarter Report – January – March 2014*, pointing out the visitor statistics, major tourism events, advertising placements, and editorial coverage.

There were no questions.

7. Presentation and Update Regarding the Charter Review

City Secretary Jeana Bellinger presented this item. Bellinger stated the City Attorney and herself are in the process of going through each section of the Charter. Bellinger presented recommended changes to the remaining sections (7-11C) of Article II.

8. Discussion and Presentation Regarding Future Transportation Mobility Projects

Public Works Director Dane Rau presented this item. Rau stated that in the Pre-Budget Workshop, Staff discussed with Council additional transportation projects that could enhance travel in the Brenham area. Rau explained that Staff currently has around \$900,000 left for new transportation and mobility projects out of the \$1.85 million bond proceeds from 2012. Rau advised that Staff would like to get Council's authorization to conduct several of these projects in-house.

The projects that Staff would like to get started on are:

1. Cantey St. Extension (Cul-D-Sac to 290 Feeder)
2. Mobility Projects
 - a. Day/Stone St.
 - b. Market/Stone/St.
 - c. Park/MLK/Academy St.
3. Chappell Hill St. Widening (Ralston Creek –Stone St.)

Rau explained that the Cantey Street Extension is ready for construction to begin. Rau stated that the mobility projects will need coordination with TxDOT and still require some planning. Rau advised that the Chappell Hill Street widening is currently in the planning stages. Rau stated these projects will be funded with the 2012 bond proceeds.

Councilmember Williams stated that Item C (MLK and Academy) is higher on his list of priority street projects because it's a dead area. Councilmember Williams stated that area gets easily backed up.

Councilmember Goss questioned how it is that the City has the revenue to complete the projects yet Staff has to obtain right-of-ways from TxDOT. Rau explained that depending on how wide Staff extends Stone Street as well as the intersections of the mobility projects. Rau stated that depending on what TxDOT comes to the table with on the signal lights, it could eat up a lot of money. Rau advised that Staff will not know the actual cost until they meet with TxDOT regarding the mobility projects. Rau stated the best route would be to work on Cantey Street and Chappell Hill Street, then work with TxDOT on the mobility projects with the money that is leftover. Councilmember Goss questioned about right-of-ways on Chappell Hill Street. City Engineer Grant Lischka stated it depends on if the roadway is 31 feet wide or 39 feet wide. Lischka explained that there are right-of-way issues now, but the City currently has curb and gutter. Lischka stated one solution would be to leave the current curb and gutter and extend the road to the West. Lischka explained that Staff is having some surveying done to hopefully be able to use the existing right-of-way. Lischka stated the City will have to purchase land on the North side just to the East of Ralston Creek Subdivision, which is an undeveloped piece of land. Lischka explained Staff is trying to stay away from acquiring more right-of-ways.

Councilmember Goss questioned that the only project that Staff can begin on without any issues is Cantey Street. Rau stated yes, Cantey Street is the only one that we currently own the right-of-way and the City can widen the streets. Mayor Tate stated that he thinks Staff should start with Cantey Street and then get facts and figures on the other projects. Rau stated that Staff will meet with TxDOT to look at all of the projects and get better figures on what it will cost to complete each project.

Mayor Tate questioned Chief Rex Phelps regarding accidents at the intersection of Stone Street. Phelps explained that there are no more accidents at that intersection than there are at intersections that are similar. Fire Chief Ricky Boeker stated that the Fire Department has not had to work any accidents at that intersection, but they have had to do roadway cleanup when things fall off of trucks and obstruct the roadway such as oil, paint and things like that.

Mayor Pro Tem Nix explained that she cautions that they should plan ahead on their street projects. Mayor Pro Tem Nix stated that it bothers her to see the City tear up something that they just fixed a few years ago.

Mayor Tate stated that Staff should come up with some current figures before beginning any projects at this point.

REGULAR AGENDA

- 9. Discuss and Possibly Act Upon an Agreement Between the City of Brenham and Brenham National Bank for the Use of Certain Property in the Event of a Natural Disaster and Authorize the Mayor to Execute Any Necessary Documentation**

City Manager Terry Roberts presented this item. Roberts stated that the City of Brenham acquired property from Brenham National Bank 10 years ago for additional parking for its new City Hall building. Roberts explained that the Bank retained the area where its ATM machine is located on Main Street. Roberts advised that in a related action to the real estate transaction, the City of Brenham and Brenham National Bank entered into a 10 year lease agreement for use of the parking lot area for a temporary bank location in the event of major disaster that rendered their bank building inoperable for a period of time. Roberts stated the Bank sought this location as their alternative disaster recovery site since already served that purpose before the sale of the site to the City.

Roberts explained that Brenham National has asked to renew the parking lot lease for an additional 10 years. Roberts advised that while the original lease may have been tied to the purchase of the parking lot by the City, the City Attorney recommends that the renewal have a more traditional section dealing with the “consideration” section of the lease.

Roberts stated the lease document provides for a \$1,000 per month lease if the need ever arose to deal with a disaster event at their location on S. Day. Roberts explained that was a number agreeable to Brenham National and the City Administration.

A motion was made by Councilmember Williams and seconded by Councilmember Ebel to approve an agreement between the City of Brenham and Brenham National Bank for the use of certain property in the event of a natural disaster and authorize the Mayor to execute any necessary documentation.

Councilmember Goss questioned if disaster should occur, would the City need to use the area around City Hall. Fire Chief Ricky Boeker stated he does not foresee any need that the City would need that area in the event of a disaster. Assistant City Manager Kyle Dannhaus stated that the City would most likely use the EOC at the Fire Station. Dannhaus stated that he doesn't foresee any need. Dannhaus stated that Staff would try to use City Hall if the building was usable, but Staff would be minimal. Dannhaus explained that Staff could use either EOC at the Fire Station or at the Police Department.

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	Absent
Councilmember Weldon Williams	Yes

10. Discuss and Possibly Act Upon Approval of a Request From Blue Bell Creameries to Install a 10,000 Gallon Above Ground Diesel Fuel Storage Tank

Deputy Fire Chief and Fire Marshal Alan Finke presented this item. Finke stated that AJ Jozwiak with Blue Bell was present to answer any questions Council may have about the fuel storage tank. Finke stated Blue Bell Creameries is requesting a Special Permit for a 10,000 gallon above-ground fuel storage tank to be used for red-dyed off-road use diesel fuel. Finke explained the tank to be located at 1101 South Blue Bell Road, Brenham, Texas, at the Blue Bell Creameries Main Plant Industrial Subdivision as per attached Site Plan (zoned Industrial). Finke advised that the tank is to be designed, constructed, installed & operated in compliance with standards of Underwriters Labs, National Fire Protection Association 30 (“Flammable & Combustible Liquids Code”), the International Fire Code (2012 Ed.), and regulations of the Texas Commission on Environmental Quality. Finke explained that the tank will be used only for storage of “combustible liquids” having a flash point no lower than 100°F. Finke stated the tank location is well away from all property lines (300 feet or more). Finke explained that the permit will be subject to annual renewal after inspection by the Fire Marshal’s Office. Finke advised that the Special Permit may be revoked by the Fire Marshal at any time for failure to comply with applicable regulations or if any unsafe condition is found.

A motion was made by Councilmember Ebel and seconded by Councilmember Williams to approve a request from Blue Bell Creameries to install a 10,000 gallon above ground diesel fuel storage tank.

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

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

11. Discuss and Possibly Act Upon an Addendum to the Contract Between the City of Brenham and Ambassador Higher Cleaning Standards for Janitorial Services and Authorize the Mayor to Execute Any Necessary Documentation

Purchasing Services Supervisor Sara Parker presented this item. Parker stated that on November 26, 2013, Council approved award of the Annual Contract for Janitorial Services for Various City Facilities to Ambassador Higher Cleaning Standards or Houston, TX in the amount of \$66,036.

Parker explained that the relocation of Library services to City Hall has required a revision of the contract: therefore, the vendor was requested to quote equivalent services for the Library occupied areas in addition to the services already provided for City Hall. Parker advised that the quote provides those services at \$514 per month, half of the original cost for the Library building.

Parker stated the savings versus budget allow for the addition of services at other City facilities. Parker stated the rental booking of the All Sports Building has increased and the Central Warehouse is utilized by all City Departments. Parker advised that Ambassador provided quotes for twice-weekly service for the ASB at \$187 per month and once weekly service for the office and restroom areas of the Central Warehouse at \$125 per month.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve an Addendum to the Contract as stated in the agenda item between the City of Brenham and Ambassador Higher Cleaning Standards for janitorial 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	Absent
Councilmember Weldon Williams	Yes

12. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and the State of Texas' Region VIII Education Service Center for Cooperative Purchasing Services (TIPS/TAPS) and Authorize the Mayor to Execute Any Necessary Documentation

Purchasing Services Supervisor Sara Parker presented this item. Parker stated Chapter 271 of the Texas Local Government Code allows municipalities to enter into interlocal agreements with cooperative purchasing associations such as *The Interlocal Purchasing System* (TIPS). Parker advised the cooperative awards contracts for various goods and services through a competitive bidding process which meets the standards of State of Texas purchasing statutes. Parker stated these contracts are then available to participating entities.

Parker explained that the advantages of a cooperative contract are lower administrative costs, improved response from vendors, and the potential for lower costs through increased volume. Parker advised that the City has the option on any individual purchase or project to utilize a cooperative contract or to pursue other qualifying means, including the full bid process. Parker stated the purchasing cooperative provides another tool to achieve best value for the City.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Nix to approve an Interlocal Agreement with changes as received by the City Attorney between the City of Brenham and the State of Texas' Region VIII Education Service Center for Cooperative Purchasing Services (TIPS/TAPS) 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	Absent
Councilmember Weldon Williams	Yes

13. Discuss and Possibly Act Upon a One (1) Year Extension in Accordance with 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

Public Works Director Dane Rau presented this item. Rau stated the City of Brenham and Alexander Oil have had a great working relationship for many years. Rau explained that in 2012, the City of Brenham Council awarded the bulk fueling contract to Alexander Oil in Bid #12-009. Rau advised that the initial term of this contract expired on July 1, 2013. Rau stated that on August 1, 2013 City Council awarded a one year extension to Alexander Oil. Rau explained that the time has come once again to either bid out or award the final extension to Alexander Oil. Rau stated Alexander Oil has acknowledged their intent (attached letter) to exercise the final contract extension for 2014 and continue supplying bulk fuel to the City of Brenham. Rau advised that this will be the final extension and will follow all terms and conditions as the contract that was approved in June of 2012. Rau explained the prices in Bid #12-009 will remain the same as well.

Rau stated in 2012, bids were awarded by the lowest profit margin per gallon above the average OPIS (Oil Price Information Service). Rau explained that two bids were sent out with only one bid received in 2012. Rau advised that Alexander Oil was awarded the bid based on the lowest profit margin parameters.

Rau explained that Alexander Oil provides the City of Brenham a location to fuel up fleet vehicles along with supplying numerous departments' bulk fuel at their desired location for items such as generators, bulk storage tanks and the tub grinder. Rau stated they also provide a secondary location for times when the main location is being worked on or temporarily out of service, which is located at the Brenham Food Stop on Prairie Lea St. Rau explained that if council agrees with this final extension the final term will run from July 1, 2014-June 21, 2015. Rau advised that next year a formal bid will be required due to exercising all the term options.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve a one (1) year extension with Alexander Oil in accordance with 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	Absent
Councilmember Weldon Williams	Yes

14. Discuss and Possibly Act Upon a Request for a Noise Variance From Daisy's Mexican Food Restaurant for June 20, 2014 From 9:00 P.M. to 1:00 A.M.

City Secretary Jeana Bellinger presented this item. Bellinger stated Daisy's Mexican Food Restaurant submitted a request for a Noise Variance to hold an event for their customers on June 20, 2014 from 9:30 p.m. until 1:00 a.m. when clean-up is through. Bellinger explained that there will a DJ and a sound amplification system; therefore, a Noise Variance is required. Bellinger explained that Deputy City Secretary Amanda Klehm sent the request to Police Chief Rex Phelps and Fire Chief Ricky Boeker. Bellinger advised that the Police Department did have some concerns because of complaints in that area in the past. Bellinger stated Police Chief Phelps recommended the time being changed to 7:00pm to 11:00pm.

Phelps stated that on the weekends, the Police Department feels that 11:00pm is okay, but anything after 11:00pm is when trouble begins to occur. Councilmember Williams questioned if that is by the barber shop. Phelps explained yes, the Police Department used to get a lot of complaint calls for that area.

Mayor Pro Tem Nix questioned why the form states one day yet the request states two days. Bellinger explained that she was not present when the request was made, but stated that Klehm spoke with her and it was meant for the Friday, June 20th date.

A motion was made by Councilmember Herring to approve a request for a noise variance from Daisy's Mexican Food Restaurant for June 20, 2014 from 7:00 P.M. to 11:00 P.M.

Mayor Tate stated that he would prefer the time be until 10:00pm. Councilmember Goss agreed with Mayor Tate. Councilmember Williams stated that he would say the event could be held until 10:30pm. Mayor Tate thought 10:30pm would be okay. Councilmember Herring questioned when she came in to fill out her request and has she done any preparations for this event since it was to be held the following day. Bellinger stated that she did not come in to fill out the request until Monday.

Councilmember Goss has concerns because it is located in a residential area. Councilmember Ebel questioned if the neighbors have been consulted.

Councilmember Herring retracted his motion.

Mayor Pro Tem Nix questioned if there was anyone who was present to represent this event. Bellinger stated there was not a representative present.

Councilmember Goss stated he doesn't remember them being open past 9:30pm. Mayor Tate stated then the event should be 7:00pm to 9:00pm. Phelps stated that he feels comfortable with the event going from 7:00pm to 10:30pm, if it's a one night deal. Phelps explained that he does not remember them ever having any complaints come from that restaurant.

Mayor Pro Tem Nix questioned if they have an alcohol license at this location. Bellinger stated that they do not. Mayor Pro Tem Nix stated that the lack of an alcohol license could help with the noise variance.

A motion was made by Councilmember Williams to approve a request for a noise variance from Daisy's Mexican Food Restaurant for June 20, 2014 from 7:00 P.M. to 10:30 P.M. The motion died for a lack of a second.

Councilmember Herring stated that, in the future, they need to give Council more notice and notify their neighbors of the event.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to deny a request for a noise variance from Daisy's Mexican Food Restaurant for June 20, 2014 from 7:00 P.M. to 1:00 A.M.

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	Absent
Councilmember Weldon Williams	Yes

Council adjourned into Executive Session at 2:20pm.

EXECUTIVE SESSION

- 15. Section 551.072 - Texas Government Code – Deliberation Regarding Real Property – Discussion Regarding Potential Sale of Approximately 204.925 Acres In the Silas Clark Survey (A028), Tract 18, As Recorded in Volume 496, Page 800 of the Official Records of Washington County and Located at 5525 Caney Creek Road in Chappell Hill, Texas and More Commonly Identified as the Old Landfill Property**

Executive Session adjourned at 3:10pm.

RE-OPEN REGULAR AGENDA

- 16. Discuss and Possibly Act Upon the Sale of Approximately 204.925 Acres In the Silas Clark Survey (A028), Tract 18, As Recorded in Volume 496, Page 800 of the Official Records of Washington County and Located at 5525 Caney Creek Road in Chappell Hill, Texas and More Commonly Identified as the Old Landfill Property and Authorize the Mayor to Execute Any Necessary Documentation**

There was no discussion on this item.

- 17. Administrative/Elected Officials Report**

City Manager Terry Roberts reported on the following:

- Council meeting will be held on July 3rd at 1:00pm.
- Community Services Subcommittee meeting is tomorrow. HOT Board and BCDC have already met.
- The ILA Task Force will meet next week.

Public Works Director Dane Rau reported on the following:

- The Rosenbaum house is down.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary