

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on July 3, 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 Mary E. Barnes-Tilley

### Members absent:

Councilmember Weldon Williams, Jr.

### 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, Wende Ragonis, Fire Chief Ricky Boeker, Deputy Fire Chief Alan Finke, Heath Moehlmann, Police Chief Rex Phelps, Kelvin Raven, Lance Weiss, Angela Hahn, Billy Rich, Development Services Director Julie Fulgham, Sarah Hill, Public Works Director Dane Rau, Leslie Kelm, Public Utilities Director Lowell Ogle, and Grant Lischka

### Citizens present:

Clint Kolby, Brian Taylor, Alisa Taylor, and Bridget Weiss

### Media Present:

Kyle Cunningham, Brenham Banner Press; Frank Wagner, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Ebel**
- 3. Service Recognitions**
  - Lance Weiss – Police Department – 5 years

**4. Citizens Comments**

There were no citizen comments.

**CONSENT AGENDA**

**5. Statutory Consent Agenda**

**5-a. Minutes from the June 5, 2014 Pre-Budget City Council Workshop and June 5, 2014 Regular City Council Meetings**

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve the Statutory Consent Agenda Item 5-a.

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
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

**WORK SESSION**

**6. Discuss and Review the FY2013-14 Second Quarter Financial Report**

Chief Financial Officer Carolyn Miller presented this item. Miller advised the status of the General Fund and the five major utility funds in the report. Miller reported that the City experienced favorable performance in the General Fund and all utility funds posted positive net revenues over expenditures, with the exception of the Water Fund which posted a net loss for the quarter due to lower water consumption, which is weather driven.

**FINANCIAL PERFORMANCE SUMMARY**

Fund	2 <sup>nd</sup> QTR Actual Performance		
	Revenues	Expenditures	Net Revenues
<b>General Fund</b>	\$ 8,177,478	\$ 7,684,954	\$ 492,524
<b>Electric Fund</b>	\$ 13,006,313	\$ 12,644,492	\$ 361,820
<b>Gas Fund</b>	\$ 2,489,416	\$ 2,200,063	\$ 289,353
<b>Water Fund</b>	\$ 2,221,605	\$ 2,404,967	\$ (183,361)
<b>Wastewater Fund</b>	\$ 1,778,999	\$ 1,665,058	\$ 113,941
<b>Sanitation Fund</b>	\$ 1,685,346	\$ 1,596,778	\$ 88,568

Miller explained at the end of the second quarter, the General Fund posted net reserves of \$492,542. Miller advised the Electric Fund had favorable net revenues of \$361,820 at the end of the second quarter. Miller stated for the second quarter, the Gas Fund posted net revenues of \$289,353. Miller explained the Water Fund experienced unfavorable net revenues of (\$183,362) for the second quarter. Miller advised net revenues for the Wastewater Fund were \$113,941 for the second quarter. Miller advised the combined operations of the Sanitation Fund posted favorable net revenues of \$88,568 for the second quarter.

## **7. Discussion and Presentation on Various City of Brenham Permitting and Inspection Fees for Development Services, Code Enforcement, and Fire Marshal's Office**

Development Services Director Julie Fulgham presented this item. Fulgham handed out a revised and relined proposed fee schedule changes. Fulgham presented fee research and proposed fee increases related to planning, building permits, health inspections, and fire inspections within the City of Brenham. Fulgham explained that it has been twenty (20) years since the last fee update. Fulgham explained that she is recommending an increase in the City's fees to be more in-line with other cities that are the City's size or in the City's surrounding area. Fulgham advised that she will bring a Resolution to the next meeting for an effective date for the new fees of October 1, 2014.

Councilmember Goss questioned how often restaurants and daycares had to have health and building inspections performed. Councilmember Goss questioned if it was every year or every two years. Deputy Fire Chief Alan Finke stated that it varies upon the type of inspection, but General Fire Code Inspection is performed yearly or annually. Finke explained that for repeat Community Businesses and those inspections that are self-initiated by the Fire Marshal's Office will not be charged for the inspection; however, those inspections that are sought out by the businesses will be charged the fees. Finke stated initially the plan review and inspections are performed.

Councilmember Goss questioned regarding inspections of hospitals. Councilmember Goss inquired about how often they were inspected and the inspection fees. Finke stated hospitals are inspected yearly along with nursing homes, assisted living facilities and daycares. Finke advised that these establishments are required by the state to have the inspections done yearly for their relicensing.

Mayor Tate questioned about truck and trailer vendors in Brenham. Finke stated that he is only aware and inspected one of those.

Councilmember Goss questioned if food establishment permits are paid yearly. Fulgham stated that yes, David Doelitsch, Code Enforcement Officer, felt that it was fair to charge the \$100.00 fee, which includes all types of food vendors because there are many different variables and types to be inspected. Fulgham explained that there will be an additional fee for those food vendors who want a rush inspection less than 7 business days before they plan to begin selling.

Fulgham questioned if the City is inclined to waive the fees for other governmental entities. Assistant City Manager Kyle Dannhaus stated that the City typically does not charge Brenham ISD, Blinn College or Washington County to pull permits. Councilmember Goss questioned how much time goes into inspections for these entities. Dannhaus stated there is a lot of time that goes into the inspections because they are typically large projects. Councilmember Barnes-Tilley questioned if waiving fees for other governmental entities is a common practice in other cities. Fulgham stated that yes, typically this is the case, but it varies from city to city.

Councilmember Goss questioned how much time went into inspections for schools especially with the new Alton Elementary School currently being built. Finke stated typically forty (40) hours for each school, but he can't make up his time to charge hourly. Councilmember Barnes-Tilley stated that she is inclined to say no due to the size of the projects these governmental entities take on. Councilmember Goss stated roughly eighty (80) hours plus Plan Review and Allen Jacobs' time. Fulgham stated that only a few hours goes into Plan Review, but the bulk of the time spent is with Allen Jacobs. Councilmember Goss questioned if we charged hourly to help recuperate costs for these large projects, would the City even break even. Finke stated that there is no way to fully recuperate costs for these large projects and the hours he gave are being conservative.

Councilmember Barnes-Tilley stated that unless there is a good argument, she is not inclined to waive fees for those governmental entities. Mayor Pro Tem Nix stated that being a small business owner, it seems unfair for her to have to pay for permits, while larger businesses get their fees waived. Councilmember Herring stated that he concurs with Councilmember Barnes-Tilley and Mayor Pro Tem Nix. Councilmember Goss stated to review and bring back with a recommendation to the next Council meeting.

## **8. Discussion Regarding Burleson Street Improvements and Other Road Improvement Projects**

City Engineer Grant Lischka presented this item. Lischka stated as part of the Highway 36 and Burleson Street Waterline Extension, approximately 3,000 feet of pavement repair will be required on Burleson Street between Highway 36 and the Little Sandy Creek crossing. Lischka explained as discussed with Council at the June 19<sup>th</sup> meeting, approximately \$900,000 is available from the 2012 Bond Proceeds. Lischka advised that taking direction from Council, Staff initiated discussions with TxDOT regarding intersection and signal improvements at three intersections in the City and conducted more in-depth reviews of the other street projects discussed at the meeting.

### Burleson Street Reconstruction

Lischka stated the bid item in the contract is \$22.80 per linear foot of pavement repair, which translates into approximately \$68,000 to repair the approximately 3-foot wide trench. Lischka stated the contractor has already completed the backfilling and compaction of the trench at \$6.00 per foot, which leaves approximately \$50,000 available for the remaining pavement repair.

Lischka explained that after reviewing the roadway, Staff has determined that the Street Department could reconstruct and overlay the entire street (approximately 3,000 feet) for approximately the same price. Lischka advised that this price does not include the rental of a road mixer so it would be contingent on acquiring the road mixer for another project. Lischka explained that Burleson Street's utilization and dynamics have changed with the construction of the Woodbridge Subdivision and Staff believes this is a very economical option for improving Burleson Street. Lischka advised that Burleson Street has been resurfaced from FM 577 to the Little Sandy Creek crossing, so this would complete improvements to Burleson Street to the City Limits.

Councilmember Goss questioned about the low water crossing. Councilmember Goss questioned if Staff did an analysis on the low water crossing regarding removing it on Burleson Street. Lischka stated that Staff did not do a study of that area. Councilmember Goss questioned how much that would cost. Lischka advised that he would look into it.

### Intersection Improvements

Lischka explained that TxDOT is receptive to the intersection improvements and a coordination meeting is being scheduled. Lischka stated TxDOT has indicated that an Advanced Funding Agreement will need to be executed between the City and TxDOT in order for the City to perform the improvements. Lischka advised that engineered plans will also be required wherever modifications to signal infrastructure is needed. Lischka stated that currently, it appears that the Stone/Day and Academy/Park intersections will require signal infrastructure modifications. Lischka explained that the City does not have the benefit of survey information at these intersections, so at this time it is difficult to fully determine the right-of-way acquisition that will be required. Lischka stated that while the City would like to keep right-of-way acquisition to a minimum, there will certainly be the need in some, or possibly all, sides of the respective intersections. Lischka advised that right-of-way acquisition could play a large factor in the cost of the projects. Lischka explained that the timeframe for the projects is in the six to twelve month range before any work could begin. Lischka stated that Staff will continue to pursue the intersection improvements and establish more accurate cost estimates.

Lischka stated that given the many unknowns and timeframe regarding the intersection improvements, Staff recommends that the City should utilize a portion of the remaining bond proceeds to complete projects that are construction ready. Lischka explained the two projects Staff recommends are Cantey Street Extension and Chappell Hill Street Widening (from Ralston Creek to Stone Street), which would in turn provide the means to construct the Burleson Street Improvements.

Mayor Tate questioned if the cost for this project would be all on the City or TxDOT. Lischka advised that the City would incur all of the costs.

### Cantey Street Extension

Lischka explained that the City owns the necessary right-of-way to construct Cantey Street and the projected cost is \$130,000, which includes all materials and rental of a road mixer to construct a 39 foot collector street section to the U.S. 290 Frontage Road. Lischka advised the cost does not include labor or equipment because Staff recommends that the City Street Department perform the work. Lischka stated Staff believes Cantey Street utilization will increase with the new residential growth just north of this area.

Councilmember Goss stated that regarding Cantey Street and Chappell Hill Street extensions/expansions, he feels that it would be premature to extend Cantey Street because it could be some of the developer's responsibility at least partially because it would be an advantage to the developer. Councilmember Goss stated that he would like to see the City hold off on the Cantey Street project and focus on the Chappell Hill Street extension due to influx of traffic. Councilmember Goss explained that Chappell Hill Street being punched through will increase traffic flow than it currently has. Mayor Tate stated it is not a necessity for the developer to invest in the Cantey Street project because of current frontage. Councilmember Goss explained there are more advantageous reasons to put that project on hold because Chappell Hill Street project is a necessity. Mayor Tate stated Cantey Street feeds into 290 and would accommodate traffic better than Chappell Hill Street. Councilmember Goss stated he thinks there will be more traffic on Chappell Hill Street, but he does not deny that Cantey Street project will be beneficial. Mayor Tate stated he thinks the Cantey Street project is a priority over the Chappell Hill Street project.

### Chappell Hill Street Widening (from Ralston Creek to Stone Street)

Lischka stated the widening of Chappell Hill Street is a project that Staff believes could be started within a few months with the estimated cost of the project is \$225,000. Lischka explained that after review of the existing right-of-way, Staff believes that Chappell Hill Street can be widened to a minimum of 31 feet wide with only one property acquisition. Lischka advised that while this does not meet the current City standards of a 39-foot wide collector street, Staff believes that a pavement section at least 31 feet wide will suffice and improve existing conditions. Lischka explained that North of Stone Street is highly unlikely that anything wider than a 31-foot section is feasible. Lischka advised that as with Cantey Street, the estimated cost includes materials and rental of a road mixer, with the Street Department performing the work. Lischka explained that Chappell Hill Street is the City's most continuous north-south arterial street and this widening allows for safer traffic conditions.

### Road Mixer/Asphalt Zipper

Lischka explained that in order to complete any of the three projects listed above, a road mixer would be required. Lischka advised that the rental of the road mixer is included in the cost of Cantey Street and Chappell Hill Street, but not in the cost of Burleson. Lischka stated rental costs for a road mixer or Asphalt Zipper are approximately \$15,000 per month, which would be significant cost savings in the grouping of these projects due to a one-time rental of this machine.

Lischka explained that the City demoed an Asphalt Zipper earlier this year and was able to complete approximately 2,600 feet of street reconstruction in less than two weeks at a cheaper cost than the existing construction methods the Street Department currently has available. Lischka stated as discussed with Council before, Staff believes that an Asphalt Zipper will greatly expand the City's abilities to improve the existing street system and therefore, if funds are available Staff would recommend the purchase of an Asphalt Zipper.

**REGULAR AGENDA**

**9. Discuss and Possibly Act Upon an Audit Engagement Letter from Seidel, Schroeder & Company to Perform an Audit for the Fiscal Year Ending September 30, 2014 and Authorize the Mayor to Execute Any Necessary Documentation**

Chief Financial Officer Carolyn Miller presented the proposed audit engagement letter from Seidel, Schroeder & Company for the fiscal year ending September 30, 2014. Miller stated that the audit fee estimate, which slightly increased from last year due to changes in auditing standards in the area of regulatory compliance, is a reasonable amount due to the complexity of the City's financial activities. Miller stated that the annual audit fee includes a reasonable annual increase of \$200.

Miller advised that in comparing this fee with prior years, the following information is provided:

<u>Fiscal Year Ending</u>	<u>Audit Fee</u>	<u>\$ Increase</u>	<u>% Increase</u>
09/30/2010	39,500	-	-
09/30/2011	41,000 to 43,000	\$3,500	8.86%
09/30/2012	41,000 to 43,000	-	-
09/30/2013	41,800 to 43,800	800	1.86%
09/30/2014	42,000 to 44,000	200	.46%

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve an audit engagement letter from Seidel, Schroeder & Company to perform an audit for the fiscal year ending September 30, 2014 and authorize the Mayor to execute any necessary documentation.

Councilmember Goss abstained from the vote.

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
<b>Councilmember Danny Goss</b>	<b>Abstain</b>
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

**10. Discuss and Possibly Act Upon the Purchase of a 2003 Refurbished Vertical Cardboard Baler for the City of Brenham Recycling Center and Authorize the Mayor to Execute Any Necessary Documentation**

Mayor Tate stated that this item will be passed because it is not ready at this point.

**11. Discuss and Possibly Act Upon the Purchase of a 2014 Trench Roller for the City of Brenham's Fleet Program and Authorize the Mayor to Execute Any Necessary Documentation**

Public Works Director Dane Rau presented this item. Rau stated the Central Fleet is looking at purchasing a Wacker-Packer Trench Roller and adding it to the rental items for our internal departments. Rau explained that throughout the year, Central Fleet keeps equipment that is used by various city departments and rents them out on an as need basis rather than having multiple departments own the same piece of equipment. Rau advised that Staff started this several years ago and it has worked great. Rau advised that revenues are received throughout the year and expenses on maintenance and new items are paid for by the Central fleet Fund.

Rau stated the Central Fleet Department would like to purchase a trench roller that would be very beneficial for the gas, water, electric, and sewer departments. Rau explained that this trench roller would allow these departments to mechanically pack down a ditch line to assure that compaction requirements are met. Rau stated that it can be adjusted for ditches as small as 24" to 33". Rau stated it is a standalone unit that can be operated remotely. Rau explained that Staff has rented these units several times from rental companies and feel that it would be a great asset for these departments to rent from Central Fleet with all the projects taking place.

Rau explained that currently the Central Fleet Fund balance is \$219,000. Rau stated Staff would like to issue a purchase order to Equipro Texas for the trench roller for a total cost of \$31,926.00. Rau explained that Staff has received 4 quotes on the exact unit RTX-SC2 and Equipro Texas was the lowest quote.

Rau explained that in the past, Staff has purchased a 20' dump trailer and a small Vermeer vac unit from these reserves and both pieces of equipment have been used greatly by many departments.



A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve the purchase of a 2014 Trench Roller for the City of Brenham's Fleet Program from Equipro Texas in the amount of \$31,926.00 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
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

**12. Discuss and Possibly Act Upon the Purchase of Public Utility Software for the Electric System and Authorize the Mayor to Execute Any Necessary Documentation**

Public Utilities Director Lowell Ogle presented this item. Ogle stated that in the late 1990's the City of Brenham contracted with the LCRA engineering division to build a model of the City's electrical distribution system and to do a system study. Ogle explained that this model was built using Milsoft software. Ogle advised that over the years, the City has spent hundreds of thousands of dollars developing and keeping that model up-to-date. Ogle stated the City of Brenham owns the model (data) but not the software to run it.

Ogle explained that during the budget process last year, Council approved the purchase of Engineering and Outage Management Software for the Electric System. Ogle advised that this model would be used for the engineering analysis and outage management software the City will purchase. Ogle stated that due to the growth of the City's system and the added complexities of the regulatory environment, the City needs to have in-house access to the model. Ogle advised that this software will allow Staff to do more in-house analysis of load additions etc. as well as troubleshoot system problems, increase reliability to the City's customers, prepare for future regulatory requirements and improve efficiency and safety during outages. Ogle explained that the main driver for the City's purchase of the software is the Outage Management module since this is not used by the engineers.

Ogle explained that several years back, the City decided it would be more cost effective to have the electrical engineering firms Staff uses for the City's system design up keep the model. Ogle advised that the data in the model belongs to the City and Staff had it released to the City's engineering firms (Schneider and McCord Engineering), which only use Milsoft.

Ogle advised that the main engineering firm the City uses is McCord Engineering. Ogle explained that they only use Milsoft and recommend the City stays consistent with what the City already owns. Ogle stated the other systems they do work for also use Milsoft.

A motion was made by Councilmember Goss and seconded by Councilmember Herring to approve the purchase of Public Utility Software from Milsoft Utility Solutions in the amount of \$67,662.50 for the Electric System and authorize the Mayor to execute any necessary documentation.

Councilmember Goss stated currently when outages occur, Communications take a lot of calls on the City's behalf for utilities, but in the event that Communications moved to the County, the City will lose that ability. Councilmember Goss questioned with this new software and existing software, will the appropriate persons received notifications of outages and monitoring will send out notifications to identify the problem areas. Ogle explained that yes, it will send out notifications and predict where the outages are located. Ogle stated this will help because now Staff has to go out and have to manually locate the problem area. Ogle advised that the next step would be to get the automated and IBR system, which is a call back like Bluebonnet Electric uses. Ogle stated this could cut down on man power. Dannhaus stated it may not lower call volume unless go to the IBR system. Dannhaus explained that the City may need to do Call Staff and Ogle would bring in Staff if Communications goes to the County. Councilmember Goss questions if the City will have live people answering calls. Dannhaus stated yes, there would. Councilmember Goss questioned if those monitoring the system would be answering calls. Dannhaus stated no, Ogle would bring in Staff to answer calls. Councilmember Goss questioned what the solution to losing Communications is. Dannhaus stated one option is to have in-house Staff, but the City would need to determine if it is necessary to do a 24 hour, 7 day a week call center.

Mayor Tate questioned how many outages the City has in a year's time. Ogle stated that it depends on the weather, but he doesn't know off hand the exact number. Ogle explained that when a storm comes through, the City normally has outages. Mayor Tate questioned how much extra the IBR system is. Ogle stated it would be about \$80,000.00, but what the City pays for Staff to man a call center, it may be cheaper. Councilmember Barnes-Tilley stated that she doesn't want to take out the human factor, but want to be efficient.

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
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

**Administrative/Elected Officials Reports:** Reports from City Officials or City staff regarding items of community interest, including expression of thanks, congratulations or condolences; information regarding holiday schedules; honorary or salutory recognitions of public officials, public employees or other citizens; reminders about upcoming events organized or sponsored by the City; information regarding social, ceremonial, or community events organized or sponsored by a non-City entity that is scheduled to be attended by City officials or employees; and announcements involving imminent threats to the public health and safety of people in the City that have arisen after the posting of the agenda.

### 13. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- Budget Workshops will be Monday, July 21<sup>st</sup> and Thursday, July 24<sup>th</sup> all day both days. The workshops will begin at 8:30am with a continental breakfast being served at 8:00am.
- TML Conference registration is earlier this year, so Paula will need to know if you are attending by July 11<sup>th</sup>. The TML Conference begins on September 30<sup>th</sup>.
- ILA update is tentatively set to come back to Council on July 17<sup>th</sup>. Terry and Kyle will be glad to answer any questions on the packet laid around the Dias regarding the ILA update.
- Hot Nights, Cool Tunes kicks off on Saturday night with Texas Unlimited. This is the 10<sup>th</sup> anniversary of Hot Nights, Cool Tunes.
- Happy 4<sup>th</sup> of July!

Mayor Milton Tate reported on the following:

- Councilmember Williams saw a heart specialist and is on his way back from the doctor in Austin today. The Council would like to wish him well.

Public Utilities Director Lowell Ogle reported on the following:

- As of July 3<sup>rd</sup>, Lake Somerville is above full.

The meeting was adjourned.

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Milton Y. Tate, Jr.  
Mayor

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Jeana Bellinger, TRMC  
City Secretary

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