

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on March 24, 2016 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 of General Government Rex Phelps, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary Kacey Weiss, Assistant City Manager-Chief Financial Officer Carolyn Miller, Susan Nienstedt, Jennifer Eckermann, Tammy Jaster, Fire Chief Ricky Boeker, Police Chief Craig Goodman, Captain Trey Gully, Public Works Director Dane Rau, Assistant City Manager of Public Utilities Lowell Ogle, Debbie Gaffey, Development Services Manager Erik Smith, Lori Lakatos, Sergeant Judson Hall, Darrell Zwahr, Kevin Boggus and Kelsey Toy

### Citizens present:

Steve Jasinski, Wayne Winkelmann, Martha Jacob, Elmer Marburger, Fernie Walker, Lori Walker, Barbara Ross, Danny Ross, Wes Hohlt, Page Michel, Clint Kolby and Kirk Hanath

### Media Present:

Arthur Hahn, Brenham Banner Press; Caitlin Hahn, Brenham Banner Press; and Codi Rynn, KWHI

1. **Call Meeting to Order**
2. **Invocation and Pledges to the US and Texas Flags – Terry Roberts**
3. **Special Presentation**
  - **2015 Texas Association of Public Pool Council Awards**
4. **Citizens Comments**

Barbara Ross stated some concerns about the possible drilling at Lake Somerville affecting the city water supply. She spoke with Assistant City Manager of Public Utilities Lowell Ogle and understands that the issue will be discussed at a future Council meeting.

## **CONSENT AGENDA**

### **5. Statutory Consent Agenda**

#### **5-a. Minutes from February 18, 2016 Regular City Council Meeting**

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

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

## **REGULAR SESSION**

### **16. Discuss and Possibly Act Upon Concurrent Change Order No. 1, Change Order No. 2, Change Order No. 3 (Reconciliation) and Authorize Final Payment to Mercer Construction Company for the 2015 Water Distribution System Improvements and Authorize the Mayor to Execute Any Necessary Documentation**

Assistant City Manager of Public Utilities Lowell Ogle presented this item. Ogle explained that Mercer Construction Company has completed work replacing approximately 4,400 linear feet of water lines along LJ, Shepard, Carolyn, Janet, and Jefferson streets. Ogle stated that total construction cost was \$340,128.60 and the project is complete.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Goss to approve Change Order No. 1, Change Order No. 2, Change Order No. 3 (Reconciliation) and authorize final payment to Mercer Construction Company in the amount of \$113,026.73 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

**17. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 6, Buildings and Structures, Article VI, International Plumbing Code, of the Code of Ordinances of the City of Brenham**

Utility Compliance Manager Debbie Gaffey presented this item. Gaffey explained that Staff is amending Chapter 6, Section 6-62, Cross Connection Control Program, subsections 6-62(c)(3)d, of the code of Ordinances so that the lead limitation is consistent with federal and state statutes and TCEQ regulations for public water systems. Gaffey noted that the amendment reduces the lead content of pipes, pipe fittings, and plumbing fittings and fixtures from 8.0% to 0.25%. Gaffey noted that plumbing fixtures procured by the City have been in compliance with the new standard since January 4, 2014.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve an Ordinance on its first reading amending Chapter 6, Buildings and Structures, Article IV, International Plumbing Code, of the Code of Ordinances of the City of Brenham.

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

## PUBLIC HEARING

Mayor Tate excused himself from these items due to a conflict of interest.

Mayor Pro Tem Nix proceeded with the agenda.

Development Services Manager Erik Smith explained that the applicants would like to withdraw their request at this time.

City Attorney Cary Bovey explained that due to the applicant's withdrawal of the Old Mill Creek zoning requests, the public hearings and all action items related to the Mill Creek Saeger LLC Development should be tabled. Bovey clarified that any motion to table these zoning issues should include Agenda Items 6 through 15.

A citizen asked if this means that the items will be withdrawn. Smith stated that they will not be withdrawn, but will be postponed to a later date.

- 6. Public Hearing to Consider an Amendment of the City of Brenham's "Envision 2020" Comprehensive Plan Future Land Use Map to Change the District From a Recreational/Open Space District to a Multifamily District on a Tract of Land Described as 4.293 Acres Out of the Phillip Coe Survey, A-31, Located on the North Side of Old Mill Creek Road in Brenham, Washington County, Texas**
- 7. Public Hearing to Consider an Amendment to the Official Zoning Map of the City of Brenham, to Change the Zoning District From a Single Family Residential Use (R-1) District to a Mixed Residential Use (R-2) District on a Tract of Land Described as 4.293 Acres Out of the Phillip Coe Survey, A-31, Located on the North Side of Old Mill Creek Road in Brenham, Washington County, Texas**
- 8. Public Hearing to Consider an Amendment of Appendix A – "Zoning" of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to Allow a Multifamily Development on a Site of Two (2) or More Acres of Land Being Described as 4.293 Acres Out of the Phillip Coe Survey, A-31, Located on the North Side of Old Mill Creek Road in Brenham, Washington County, Texas**
- 9. Public Hearing to Consider an Amendment of the City of Brenham's "Envision 2020" Comprehensive Plan Future Land Use Map to Change the District From a Recreational/Open Space District to a Commercial/Retail District on a Tract of Land Described as 2.119 Acres Out of the Phillip Coe Survey, A-31, Located at the Northwest Corner of the Intersection of Old Mill Creek Road and S. Saeger Street in Brenham, Washington County, Texas**

10. **Public Hearing to Consider an Amendment to the Official Zoning Map of the City of Brenham, to Change the Zoning District from a Single Family Residential Use (R-1) District to a Local Business/Residential Mixed Use (B-1) District on a Tract of Land Described as 2.119 Acres Out of the Phillip Coe Survey, A-31, Located on the Northwest Corner of the Intersection of Old Mill Creek Road and S. Saeger Street in Brenham, Washington County, Texas**

## **REGULAR SESSION**

11. **Discuss and Possibly Act Upon Resolution No. R-16-010 Providing for an Amendment to the City of Brenham's "Envision 2020" Comprehensive Plan Future Land Use Map to Change the District From Recreational/Open Space District to a Multifamily District on a Tract of Land Described as 4.293 Acres Out of the Phillip Coe Survey, A-31, Located on the North Side of Old Mill Creek Road in Brenham, Washington County, Texas**
12. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District From a Single Family Residential Use (R-1) District to a Mixed Residential Use (R-2) District on a Tract of Land Described as 4.293 Acres Out of the Phillip Coe Survey, A-31, Located on the North Side of Old Mill Creek Road in Brenham, Washington County, Texas**
13. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A – "Zoning" of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to Allow a Multifamily Development on a Site of Two (2) or More Acres of Land Being Described as 4.293 Acres Out of the Phillip Coe Survey, A-31, Located on the North Side of Old Mill Creek Road in Brenham, Washington County, Texas**
14. **Discuss and Possibly Act Upon Resolution No. R-16-011 Providing for an Amendment to the City of Brenham's "Envision 2020" Comprehensive Plan Future Land Use Map to Change the District From a Recreational/Open Space District to a Commercial/Retail District on a Tract of Land Described as 2.119 Acres Out of the Phillip Coe Survey, A-31, Located at the Northwest Corner of the Intersection of Old Mill Creek Road and S. Saeger Street in Brenham, Washington County, Texas**
15. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District from a Single Family Residential Use (R-1) District to a Local Business/Residential Mixed Use (B-1) District on a Tract of Land Described as 2.119 Acres Out of the Phillip Coe Survey, Located on the Northwest Corner of the Intersection of Old Mill Creek Road and S. Saeger Street in Brenham, Washington County, Texas**

A motion was made by Councilmember Goss and seconded by Councilmember Herring to table Agenda Items 6 through 15.

Mayor Pro Tem Nix 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

### RE-OPEN REGULAR SESSION

**18. Discuss and Possibly Act Upon the Purchase of Two (2) Remote Tire Deflation Devices for the Police Department Using Seized Narcotic Funds and Authorize the Mayor to Execute Any Necessary Documentation**

Captain Trey Gully presented this item. Gully explained that the proposed remote tire deflation system allows officers to remotely deploy and retract the stop sticks from a distance up to 100 feet away using a wireless remote control. Gully stated that this new device is fully contained and prevents debris from being scattered over the roadway.

Councilmember Goss wanted to know if Captain Gully had ever personally used it or seen it in action. Gully stated that he had not seen the devices used in action, but noted that the company will come and do a demonstration to show people how it is used.

Councilmember Herring stated he is in support of the devices since they will be purchased with seizure funds.

A motion was made by Councilmember Herring and seconded by Councilmember Williams to approve the purchase of two (2) remote tire deflation devices for the Police Department in the amount of \$7,089 using seized narcotic funds 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

**19. Discuss and Possibly Act Upon a Two Percent (2%) Mid-Year Employee Pay Scale Adjustment**

Assistant City Manager-Chief Financial Officer Carolyn Miller presented this item. Miller explained that a 2% mid-year Cost of Living Adjustment (COLA) was included in the FY15-16 adopted budget. Miller stated the COLA is conditional upon a mid-year assessment of economic conditions and must be approved by Council before initiated. Miller advised that the General Fund impact is \$61,964 and the Utility Funds combined is \$29,005. Miller noted that at the March 3, 2016 Audit Committee meeting, Staff discussed this matter in greater detail and the Audit Committee gave their full support to move ahead and present this item to City Council for consideration. Miller explained that when the City Council included the 2.0% mid-year pay scale adjustment for all City employees in the FY15-16 Adopted Budget, they recognized the importance of keeping our salaries competitive to recruit and retain the best qualified workforce. Miller stated that in support of this initiative, and based on the economic conditions and outlook for the City, the budget team is confident in certifying that economic conditions support the approval of this action.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve a two percent (2.0%) mid-year employee pay scale adjustment as shown in the City of Brenham FY2015-16 Adopted Budget.

Mayor Tate called for a vote. The motion passed with Council voting as follows:

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

**20. Discuss and Possibly Act Upon Resolution No. R-16-012 Approving Retail Development Incentive Guidelines for the City of Brenham**

City Manager Terry Roberts introduced this item. President of the Economic Development Foundation Page Michel and Project Manager Clint Kolby presented this item. Kolby explained that the retail incentives policy is formally adopting a tool to aid in recruiting and attracting major retail development projects to our community. Kolby stated that the baseline criteria for consideration are a retailer with \$10 million in annual sales and a facility of 40,000 square feet.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve Resolution No. R-16-012 approving Retail Development Incentive Guidelines for the City of Brenham.

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

## 21. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- The next Council meeting will be at 10:00 a.m. on April 7<sup>th</sup> and the Audit Committee will meet that day at 1:00 p.m.

Public Works Director Dane Rau reported on the following:

- Spring Clean Up will be April 7<sup>th</sup> -9<sup>th</sup> for city residents and April 14<sup>th</sup>-16<sup>th</sup> for county residents
- Progress is being made on the Old Mill Creek lot development
- Playground equipment is being installed at the Michael Mansfield Owsley Park

The meeting was adjourned.

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Milton Y. Tate, Jr.  
Mayor

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Kacey A. Weiss  
Deputy City Secretary