

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on April 7, 2016 beginning at 10:00 a.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 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, Stacy Hardy, Susan Nienstedt, Sara Parker, Director of Community Services Wende Ragonis, Jennifer Eckermann, Fire Chief Ricky Boeker, Assistant Fire Chief Brian Scheffer, Police Chief Craig Goodman, Public Works Director Dane Rau, Leslie Kelm, Assistant City Manager of Public Utilities Lowell Ogle, Debbie Gaffey, Development Services Manager Erik Smith, Lori Lakatos, Kyle Branham, Ginger Bishop, Carrie Derkowski, Angela Hahn, Judson Hall, Kevin Schmidt, Clint Kolby, Pam Ruemke, Josh Sebastian, Cecil Wright, Greg Nienstedt, Justin Schroeder, Chris Mc Cain, Brett Schroeder, and Brent Folsom

### Citizens present:

Amanda Sebastian, Shelly Scheffer, Jennifer Schroeder, Frances Poston, Eric Gurley, Richard Heiges, Bevin Gurley, Delano Klausmeyer, Diana Sommerfield and Leroy Armstrong

### 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 – City Attorney Cary Bovey**
3. **Special Recognitions**

**Fire Department Promotions & Badge Pinning**

- **Brian Scheffer, Assistant Fire Chief**
- **Brett Schroeder, Captain**

Fire Chief Ricky Boeker introduced the Assistant Fire Chief and Captain, along with their wives that participated in the pinning ceremony.

4. **Citizens Comments**

There were no citizen comments.

**CONSENT AGENDA**

5. **Statutory Consent Agenda**

**5-a. Minutes from March 3, 2016 Regular City Council Meeting**

**5-b. Ordinance No. O-16-007 on Its Second Reading Amending Chapter 6, Buildings and Structures, Article VI, International Plumbing Code, of the Code of Ordinances of the City of Brenham**

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Nix to approve the Statutory Consent Agenda Items 5-a. and 5-b. 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
<b>Councilmember Danny Goss</b>	<b>Absent</b>
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

## WORK SESSION

### 8. Discuss and Review the FY2015-16 First Quarter Financial Report

Assistant City Manager-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 the actual to budget variance was favorable in the General, Electric, Gas and Sanitation Funds with weather and the delayed start-up of Blue Bell impacting the Water and Wastewater Funds. Miller explained that the City of Brenham's financial performance continues to be positive and no unusual or unanticipated trends are noted.

## REGULAR SESSION

### 11. Discuss and Possibly Act Upon Resolution No. R-16-014 Amending the Investment Policy for the City of Brenham

Assistant City Manager-Chief Financial Officer Carolyn Miller presented this item. Miller explained that in working with the City's new depository bank, Bank of Brenham, and with Linda Patterson of Patterson & Associates, Staff identified several needed revisions to the Investment Policy.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve Resolution No. R-16-014 amending the Investment Policy for the City of Brenham dated April 7, 2016.

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

**12. Discuss and Possibly Act Upon an Addendum to the Online Auction Memo of Understanding Between the City of Brenham and GovDeals Inc. Related to the Terms of the Memo and Flexible Pricing Options and Authorize the Mayor to Execute Any Necessary Documentation**

Purchasing Manager Sara Parker presented this item. Parker explained that in 2011, Council approved a Memo of Understanding with GovDeals Inc. for the online auction of surplus assets and inventory for the City. Parker stated that the Pricing Option selected at that time assigned the 12.5% charged by GovDeals on sales as a 7.5% Administrative Fee charged to the City and a 5% Buyer's Premium charged to the Buyer. Parker noted that the City has since sold approximately \$497,000 in surplus assets and inventory and the City's fees for these sales were approximately \$37,600. Parker explained that GovDeals has pointed out that many of their clients have changed the Pricing Option so that all fees and premiums are paid by the Buyer. Parker stated they have seen no negative impact on successful sales after the change.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve the Addendum to the Online Auction Memo of Understanding between the City of Brenham and GovDeals Inc. 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
<b>Councilmember Danny Goss</b>	<b>Absent</b>
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

**13. Discuss and Possibly Act Upon Bid No. 16-006 Related to Concrete Work for Old Mill Creek Lot Development Project and Authorize the Mayor to Execute Any Necessary Documentation**

Public Works Director Dane Rau presented this item. Rau explained that on March 31, 2016 the Purchasing Department opened bids related to miscellaneous concrete work for the Old Mill Creek Lot Development. Rau stated there were two bids received and that Collier Construction submitted the lowest bid related to the Old Mill Creek Lot Development for the proposed work at \$46,044.00. Rau explained that Staff has allocated \$150,000 for lot preparation on the Old Mill Creek road extensions in order to prepare these lots for resale.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve Bid No. 16-006 to Collier Construction in the amount of \$46,044.00 related to concrete work for the Old Mill Creek Lot Development Project 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
<b>Councilmember Danny Goss</b>	<b>Absent</b>
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

**14. Discuss and Possibly Act Upon Quotation No. 11198244 from SHI Government Solutions for the Renewal of the Microsoft Enterprise Agreement Between the City of Brenham and Microsoft Corporation and Authorize the Mayor to Execute Any Necessary Documentation**

IT Manager Kevin Schmidt presented this item. Schmidt explained that the Microsoft Enterprise Agreement is a three year contract allowing the City of Brenham to legally use the Microsoft software and licenses. Schmidt noted this is the third renewal of the original agreement, which was signed in 2007. Schmidt advised that IT has already budgeted for this expense. Schmidt stated the total cost is \$74,392.70 per year for three years.

A motion was made by Councilmember Williams and seconded by Mayor Pro Tem Nix to approve Quotation No. 11198244 from SHI Government Solutions for a three year contract renewal in the amount of \$74,392.70 per year for the Microsoft Enterprise Agreement between the City of Brenham and Microsoft Corporation 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

**15. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Water Conservation Plan for the City of Brenham**

Utility Compliance Manager Debbie Gaffey presented this item. Gaffey explained that this plan is mandated by the Texas Commission on Environmental Quality (TCEQ) and is required to be readopted every five (5) years. Gaffey noted that the entire copy of the revised 2016-2020 Water Conservation Plan is available in the City Secretary's office.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve an Ordinance on its first reading amending the Water Conservation Plan 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

**16. Discuss and Possibly Act Upon Resolution No. R-16-015 Authorizing the Submission of a Grant Application for 2016 Homeland Security Grant Funds, If Available, Through the Brazos Valley Council of Governments**

Fire Chief Ricky Boeker presented this item. Boeker explained that the Office of the Governor, Homeland Security Division, has requested that all entities have a resolution approved by the governing body authorizing the submission of a grant application for 2016. Boeker stated that Staff is requesting that this resolution be passed so that it will be on file with the state and that City Council approves of an application if additional funds become available. Boeker noted that Staff would still inform the Council of the intent to apply for any funds, if any become available.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Williams to approve Resolution No. R-16-015 authorizing the submission of a grant application for 2016 Homeland Security Grant Funds, if available, through the Brazos Valley Council of Governments.

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 a Request for a Noise Variance from Annie Mae Sharp for the Graves Family Reunion at 906 Armbrister Street to be Held on Saturday, April 16, 2016 from 10:30 a.m. - 11:00 p.m. and Authorize the Mayor to Execute Any Necessary Documentation**

Deputy City Secretary Kacey Weiss presented this item. Weiss explained that Annie Mae Sharp is requesting a Noise Variance for a family reunion gathering at 906 Armbrister Street on April 16, 2016 from 10:30 a.m. – 11:00 p.m. Weiss stated that set-up will be from 10:30 a.m. to 12:30 p.m., the event will be from 1:00 p.m. until 10:00 p.m. and clean-up will be from 10:00 p.m. to 11:00 p.m. Weiss noted that they will have a DJ using speakers and a sound system.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve a request for a noise variance from Annie Mae Sharp for the Graves Family Reunion at 906 Armbrister Street to be held on Saturday, April 16, 2016 from 10:30 a.m. – 11:00 p.m. 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

**18. Discuss and Possibly Act Upon a Request for a Noise Variance from the Brenham Maifest Association for the 2016 Maifest Events to be Held on April 30, 2016, May 5, 2016, May 6, 2016 and May 7, 2016 and Authorize the Mayor to Execute Any Necessary Documentation**

Deputy City Secretary Kacey Weiss presented this item. Weiss stated that the Maifest Royalty Run will be held on April 30, 2016, and will begin at 8:00 a.m. Weiss noted they will have a DJ playing music. Weiss advised that the Maifest Celebration will be held May 5<sup>th</sup> through May 7<sup>th</sup> and activities include a carnival, bands and the coronations.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Nix to approve a request for a noise variance from the Brenham Maifest Association for the 2016 Maifest Events to be held on April 30, 2016, May 5, 2016, May 6, 2016 and May 7, 2016 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. Administrative/Elected Officials Report**

City Manager Terry Roberts reported on the following:

- Spring Clean Up begins today for City residents
- Assistant City Manager of General Government, Rex Phelps, has taken a new job in Haltom City and this is his last Council meeting
- The previous zoning items of Old Mill Creek/Saeger Street will be on the agenda for the April 21<sup>st</sup> Council meeting
- Council Pre-Budget Retreat will be on May 2<sup>nd</sup> at 8:30 a.m.

Assistant City Manager of Public Utilities Lowell Ogle reported on the following:

- The new Water Treatment Plant Manager, Matthew Monfreda, started last week.



Mayor Tate advised that the meeting will recess until 1:00.

The City Council meeting reconvened at 1:00 p.m.

## **PUBLIC HEARING**

- 6. Public Hearing to Consider an Amendment of the City of Brenham's "Envision 2020" Comprehensive Plan Future Land Use Map to Change the Designation From Single Family Residential Use to Commercial/Retail Use on Certain Land Described as Block 9, Washington Terrace Addition, Out of the A. Harrington Survey, A-55, Said Land Being Bounded on the North by Rucker Street, on the East by North Park Street, on the South by West Blue Bell Road, and on the West by Ewing Street in Brenham, Washington County, Texas**

Mayor Tate opened the Public Hearing.

Development Services Manager Erik Smith presented this item. Smith explained that this is a request for an amendment to the "Envision 20/20" Comprehensive Plan. Smith noted the specific parcel is a tract of land located on the northwest corner of the intersection of North Park Street and West Blue Bell Road. Smith advised the current district as designated by the Comprehensive Plan is "Single Family"; however, staff is requesting the district be changed to "Commercial/Retail". Smith explained that it is ideal to change the district designation in the City's Comprehensive Plan when a rezoning request is made so that the city's zoning map does not conflict with the map in the Comprehensive Plan.

- 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 Local Business/Residential Mixed Use (B-1) District on a Tract of Land Described as Lot 7A and Lot 11A, Block 9, Washington Terrace Addition, Out of the A. Harrington Survey, A-55, Located at the Southeast Intersection of Ewing Street and Rucker Street in Brenham, Washington County, Texas**

Development Services Manager Erik Smith presented this item. Smith explained that Kolkhorst Investments LLC has requested a rezoning of two tracts of land from the existing R-1 Single Family District to a B-1 Local Business/Residential Mixed Use. Smith noted that the remaining lots on this particular block are all currently zoned B-1. Smith stated that changing the remaining two lots would give the applicant the same type of zoning for the entire block and would allow them to develop the property under one zoning district.

Smith stated that his office has received two phone calls from neighboring property owners who were opposed to this request. Smith advised that at the Planning and Zoning Commission meeting additional residents voiced their concern about this request. Smith noted that residents asked about the process to file a protest in opposition of this request.

Leroy Armstrong, a resident at 1205 Ewing Street, presented a protest to Council. Mr. Armstrong stated that he is against the change because of the added noise and traffic, as well as a decrease in their property values.

Eric Gurley, a resident at 1107 Ewing Street, explained that he has children and is concerned about their safety. He also stated that he is worried about the added traffic and big trucks coming through the neighborhood.

Councilmember Goss advised Mr. Gurley that the city's ordinance currently prohibits big trucks from using residential streets.

Diana Sommerfield, a resident at 1201 Ewing Street, stated that she is concerned about the noise, the physical aspect, increased traffic and homes losing their values. She requested that the lots remain zoned as residential.

Smith stated that Mr. Kolkhorst relayed to him that his development would not include a gas station.

Mayor Tate closed the Public Hearing.

## **REGULAR SESSION**

- 9. Discuss and Possibly Act Upon Resolution No. R-16-013 Providing for an Amendment of the City of Brenham's "Envision 2020" Comprehensive Plan Future Land Use Map to Change the Designation From Single Family Residential Use to Commercial/Retail Use on Certain Land Described as Block 9, Washington Terrace Addition, Out of the A. Harrington Survey, A-55, Said Land Being Bounded on the North by Rucker Street, on the East by North Park Street, on the South by West Blue Bell Road, and on the West by Ewing Street in Brenham, Washington County, Texas**
  
- 10. 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 Lot 7A and Lot 11A, Block 9, Washington Terrace Addition, Out of the A. Harrington Survey, A-55, Located at the Southeast Intersection of Ewing Street and Rucker Street in Brenham, Washington County, Texas**

A motion was made by Councilmember Goss and seconded by Councilmember Herring to table Items 9 and 10.

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

The meeting was adjourned.

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Milton Y. Tate, Jr.  
Mayor

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Kacey A. Weiss  
Deputy City Secretary

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