

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on April 6, 2017 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 Ryan Rapelye, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary Kacey Weiss, Assistant City Manager – Chief Financial Officer Carolyn Miller, Comptroller Stacy Hardy, Human Resources Director Susan Nienstedt, Sara Parker, Kaci Konieczny, Cynthia Longhofer, Director of Community Services Wende Ragonis, Crystal Locke, Fire Chief Ricky Boeker, Assistant Fire Chief Brian Scheffer, Fire Marshal Brent Sauble, Police Chief Craig Goodman, Dant Lange, Chris Jackson, Trey Gully, Public Works Director Dane Rau, Assistant City Manager of Public Utilities Lowell Ogle, Debbie Gaffey, Development Services Director Erik Smith, City Engineer Lori Lakatos, Steven Eilert, Darlene Konieczny, JoAnne Hynes, Kristin Jackson, Judy Wagner, Christi Korth, Ande Bostain, Kelvin Raven, Paula Shields, Andrew Joswiak, Brett Schroeder, Brent Folsom, Josh Sebastian and Tommy Kurie

Citizens present:

Virginia Hamilton, Doc Hamilton, Jann Whaley, Frank Wagner, Doug French, Matt Childers, Sally Clinton, Alicia Cargile, Billy Sutherland, Peter Blatchley, Lynn Garris, Margaret Broadbent, Peter Broadbent, Irma Eilert, Kenneth Moerbe, Suzanne Longley, Charlie Pyle, Danny Ross, Barbara Ross, David Siefert, Russell Honerkamp, Jonathan Mitchell, Jean Shoup, Larry Doherty, Susan Cantey and Charlie Pyle

Media Present:

Arthur Hahn, Brenham Banner Press; and Noelle Buffam, KWHI

1. **Call Meeting to Order**
2. **Invocation and Pledges to the US and Texas Flags – City Manager Terry Roberts**
3. **Special Recognitions**
 - 3-a. **Police Department Promotions & Badge Pinning**
 - **Chris Jackson, Sergeant**
 - **Steven Eilert, Sergeant**
 - 3-b. **Service Recognitions**
 - **Kristin Jackson, Finance Department 5 Years**
 - **Kacey Weiss, Administration 5 Years**
 - **Andrew Jozwiak, Fire Department 10 Years**
4. **Proclamations**
 - **Adult & Teen Challenge of Texas Day**
 - **Brenham Safe Digging Month**
5. **Citizens Comments**

Citizen Russell Honerkamp addressed Council regarding the need for a No U-Turn sign to be placed on Hwy. 290 just past the cloverleaf. Honerkamp stated it is very dangerous for drivers to do U-Turns in that area and that U-Turns should only be done at the traffic light at Westwood.

CONSENT AGENDA

6. **Statutory Consent Agenda**
 - 6-a. **Ordinance No. O-17-003 on Its Second Reading Annexing the Hereinafter Described Territory into the City of Brenham and Adopting a Service Plan:**

Section 2017-1: Approximately 86.664 Acres of Land Situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031 Generally Consisting of Tracts with Frontage Along State Highway 36 North; Land Located West of and Adjacent to Dixie Street that is not Currently within the City Limits and Approximately 1,500 Feet from the “Cloverleaf” Intersection of Highway 290 West and State Highway 36 North, said property being more particularly described in Exhibit “A” attached to the Ordinance annexing the 86.664 acres

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve the Statutory Consent Agenda Item 6-a. as presented.

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

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|-------------------------------------|-----|
| 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

14. Discuss and Possibly Act Upon Resolution No. R-17-006 In Opposition to the United States Bureau of Land Management's (BLM's) Decision to Allow Possible Oil and Gas Production in Washington County, At and Around Lake Somerville

Assistant City Manager of Public Utilities Lowell Ogle presented this item. Ogle explained that it has come to the City and State's attention that the Bureau of Land Management (BLM) plans to auction off tracts of land around Lake Somerville for oil and gas drilling and production. Ogle advised that the City of Brenham, State Senator Lois Kolkhorst for Brenham's district, and concerned citizens oppose the auctioning of the parcels of land at the lake. Ogle stated that Lake Somerville is the sole source of drinking water for the city of Brenham and any loss or contamination of this fresh water supply would be catastrophic for the Citizens of Brenham.

There were numerous citizens present that expressed concern about this issue and asked that Council pass the Resolution.

Sally Clinton, a representative of Texas Rural Voices, stated that their group is strongly opposed to the drilling in fear that it will contaminate the water.

Councilmember Goss explained that the drillers use highly toxic chemicals for drilling and these chemicals could cause major issues at some point. Goss stated that the areas being looked at for drilling are closer to the lake and drilling could create problems with the City's only source of water.

A motion was made by Councilmember Goss and seconded by Councilmember Ebel to approve Resolution No. R-17-006 in opposition to the United States Bureau of Land Management's (BLM's) decision to allow possible oil and gas production in Washington County, at and around Lake Somerville.

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

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|-------------------------------------|-----|
| 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

- 7. Public Hearing to Consider Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to Calvary Baptist Church to Allow for a Church and Related Auxiliary Uses on Property Located at 1100 Niebuhr Street in an R-1, Single Family Residential Zoning District, Said Property Being Described as 2.5443 Acres Out of the Arrabella Harrington Survey, A-55 (WCAD Tract 241), in Brenham, Washington County, Texas**

Mayor Tate opened the Public Hearing.

Development Services Director Erik Smith presented this item. Smith explained that Calvary Baptist Church has requested a special use permit (SUP) for 1100 Niebuhr Street to allow for a church and auxiliary use including philanthropic and educational facility. Smith noted that the building is operating as a church today but no SUP has ever been granted for this site. Smith advised that the church can continue with no interference from the City of Brenham, but they cannot expand the nonconforming uses footprint on the site unless they get a SUP. Smith stated the applicant has informed Staff they would like to expand the garage to the rear of the property. Smith stated that Staff would not be able to issue a building permit for this unless a SUP is approved by City Council.

Smith also advised that the Planning and Zoning Commission recommended unanimous approval of this request and there has been one resident who voiced support for this request.

Mayor Tate closed the Public Hearing.

WORK SESSION

8. Presentation, Discussion and Update on New Permitting Software for Development Services Department

Development Services Director Erik Smith presented this item. Smith explained that Staff has been working with Tyler Technologies (Incode) to implement the EnerGov product line. Smith advised that this program will help Staff improve the overall customer service to their main clientele, contractors, by providing an online portal for them to register with the City of Brenham. Smith noted that once they are registered, Staff will be able to issue permits for the type of project they are licensed for. Smith stated this program will improve the internal and external operations for the department.

Councilmember Herring asked what the anticipated cost will be. Smith stated that it will be around \$40,800 for the software and up to \$8,500 for the training. Smith advised that Tyler Technologies will provide the training for Staff.

9. Presentation, Discussion and Update on Sign Ordinance

Development Services Director Erik Smith presented this item. Smith explained that Staff last brought the sign ordinance to City Council on September 19, 2013. Smith advised that Staff did meet with the Board of Adjustments, as directed by Council, on December 8, 2014. Smith stated the purpose of this workshop is to update Council on some issues and possible solutions that Staff has identified from that time to date.

Smith stated a possible solution is to create a “donut hole” around the B-3 Historical Central Business District. Smith advised that another possible solution is that there would be a sign ordinance that controls signage throughout the City Limits and Extra Territorial Jurisdiction, but there would be a separate set of rules or no rules for the B-3 District.

Councilmember Goss stated that he believes the existing ordinance should be left in place for Main and Alamo Streets and a new ordinance can be addressed for the rest of the City.

Director of Community Services Wende Ragonis advised that if Council does decide to do a “donut hole” solution that it is not just for Main and Alamo Streets but for the whole B-3 District. Ragonis stated that could put Main and Alamo Street business owners at an advantage or disadvantage. Ragonis also noted that members of the Main Street Economic Restructuring Committee have been working with state representatives to do an addendum to the current Mutual Maintenance Agreement with TxDOT that will hopefully help with the sign situation in downtown.

Council advised Staff to move forward in the “donut hole” direction for the whole B-3 District.

Citizen Susan Cantey stated that Staff look into being removed from the Bryan TxDOT district and try to be placed back into the La Grange district. Ms. Cantey stated that in her opinion the TxDOT office in La Grange was easier to work with that the office in Bryan.

REGULAR SESSION

11. 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 FY16-17 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 \$64,654 and the Utility Funds combined is \$30,345. Miller noted that at the March 2, 2017 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 FY16-17 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 Mayor Pro Tem Nix and seconded by Councilmember Goss to approve a two percent (2%) mid-year employee pay scale adjustment as included in the City of Brenham FY2016-17 Adopted Budget.

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

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|-------------------------------------|-----|
| 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 |

12. Discuss and Possibly Act Upon An Ordinance on Its First Reading Granting a Specific Use Permit to Calvary Baptist Church to Allow for a Church and Related Auxiliary Uses on Property Located at 1100 Niebuhr Street in an R-1, Single Family Residential Zoning District, Said Property Being Described as 2.5443 Acres Out of the Arrabella Harrington Survey, A-55 (WCAD Tract 241), in Brenham, Washington County, Texas

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to approve an Ordinance on its first reading granting a Specific Use Permit to Calvary Baptist Church to allow for a Church and Related Auxiliary Uses on property located at 1100 Niebuhr Street in an R-1, Single Family Residential Zoning District, said property being described as 2.5443 acres out of the Arrabella Harrington Survey, A-55 (WCAD Tract 241), in Brenham, Washington County, Texas

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

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|-------------------------------------|-----|
| 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 |

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 to Change the Residential Single Family (R-1) Zoning District Classification to a Planned Development (PD) Zoning District Regarding the Property Being Annexed into the City of Brenham and More Specifically Described Below:

Section 2017-1: Approximately 86.664 Acres of Land Situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031 Generally Consisting of Tracts with Frontage Along State Highway 36 North; Land Located West of and Adjacent to Dixie Street that is not Currently within the City Limits and Approximately 1,500 Feet from the “Cloverleaf” Intersection of Highway 290 West and State Highway 36 North, said property being more particularly described in Exhibit “A” attached to the Ordinance annexing the 86.664 acres.

Development Services Director Erik Smith presented this item. Smith explained that this is a request for a zone change from an R-1 District to a Planned Development District for development of a mix of R-1 Single-Family Residential, R-2 Mixed Residential and B-1 Business/Residential Mixed Use District to establish a neighborhood commercial tract to serve the surrounding area.

Smith stated that the Planning and Zoning Commission recommended approval of this request with the recommendation that the developer only be required to install one tree in each front yard as opposed to two with additional emphasis for trees around the perimeter facing State Highway 36.

Councilmember Barnes-Tilley stated that she would like to see sidewalks added to the subdivision.

A motion was made by Councilmember Goss and seconded by Councilmember Ebel to recommend approval of an Ordinance, with the recommended amendment from the developer, on its first reading amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham to Change the Residential Single Family (R-1) Zoning District Classification to a Planned Development (PD) Zoning District Regarding the Property Being Annexed into the City of Brenham and more specifically described below: Section 2017-1: Approximately 86.664 Acres of Land Situated in Washington County, Texas, out of the Phillip Coe Survey, Abstract No. A0031 Generally Consisting of Tracts with Frontage Along State Highway 36 North; Land Located West of and Adjacent to Dixie Street that is not Currently within the City Limits and Approximately 1,500 Feet from the “Cloverleaf” Intersection of Highway 290 West and State Highway 36 North, said property being more particularly described in Exhibit “A” attached to the Ordinance annexing the 86.664 acres

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

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|-------------------------------------|-----|
| 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 a Request for a Noise Variance from the Brenham Maifest Association for the 2017 Maifest Events to be Held on April 29, 2017, May 5, 2017 and May 6, 2017 and Authorize the Mayor to Execute Any Necessary Documentation

Deputy City Secretary Kacey Weiss presented this item. Weiss explained that the Maifest Color Fun Run will be held on April 29, 2017 and will begin at 9:00 a.m. Weiss noted they will be using a microphone. Weiss advised that the Maifest Celebration will be held May 5th and 6th and activities include a carnival, bands and the coronations.

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to approve a request for a noise variance from the Brenham Maifest Association for the 2017 Maifest Events to be held on April 29, 2017, May 5, 2017 and May 6, 2017 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 |

16. Discuss and Possibly Act Upon a Request for a Noise Variance from Calvary Baptist Church for a National Day of Prayer Event to be Held on May 4, 2017 from 12:00 p.m. – 1:00 p.m. at the Courthouse Gazebo and Authorize the Mayor to Execute Any Necessary Documentation

Deputy City Secretary Kacey Weiss presented this item. Weiss explained that the event will be held on May 4th and they will be using sound amplification equipment to sing songs and pray.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Nix to approve a request for a noise variance from Calvary Baptist Church for a National Day of Prayer event to be held on May 4, 2017 from 12:00 p.m. – 1:00 p.m. at the courthouse gazebo 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 the First Amendment to the Lease Agreement Between the City of Brenham and Wells Fargo Bank Texas to Provide for a Month-to-Month Lease of the ATM and ATM Lane Located at 110 W. Vulcan Street, Brenham, Texas and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager of General Government Ryan Rapelye presented this item. Rapelye explained that the City acquired the motorbank property utilized by Wells Fargo as a Motorbank/ATM in 2001 and Wells Fargo has continued to maintain a lease agreement with the City.

Rapelye stated in December 2016, Wells Fargo notified City Manager Terry Roberts of their intent to opt out of their lease and vacate the motor bank operations at this facility on the City hall campus as of April 2, 2017. Rapelye advised that in January, Staff brought an item for Council’s review and discussion on the motor bank facility moving forward. Rapelye noted that as a next step, Staff will be assessing the facility and developing proposals for considerations of other financial institutions from the community for potential use which would include the ATM at City hall. Rapelye explained that in the meantime, Wells Fargo has now requested an amendment to the original lease to reduce the leased premise specifically related to operations and management of the ATM on a month to month basis during this time period while staff is developing proposals.

A motion was made by Councilmember Herring and seconded by Councilmember Goss to approve the first amendment to the lease agreement between the City of Brenham and Wells Fargo Bank Texas to provide for a month-to-month lease of the ATM and ATM Lane located at 110 W. Vulcan Street, Brenham, Texas, as approved in final form by the City Attorney, 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 |

WORK SESSION

10. Presentation, Discussion and Review of the FY2016-17 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 all 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

18. Administrative/Elected Officials Report

➤ Department Relocations at City Hall

City Manager Terry Roberts updated the Council on office relocations within City Hall.

Assistant City Manager of General Government Ryan Rapelye reported on the following:

- Lightning detection equipment will be added to the radio communications tower and the County will pay for half of the cost as outlined in the ILA with the City.

Fire Chief Ricky Boeker reported on the following:

- Fire Department Fish Fry will be April 7th from 5:30 p.m. to 7:30 p.m.
- The 150th Birthday Celebration will be May 27th

Director of Community Services Wende Ragonis reported on the following:

- Town Hall meeting will be held at Henderson Park on April 12th at 5:30 p.m. to discuss the future needs of the park

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor



Jeana Bellinger, TRMC, CMC

City Secretary

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