

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on July 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 Andrew Ebel
Councilmember Susan Cantey
Councilmember Danny Goss
Councilmember Keith Herring
Councilmember Charlie Pyle
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, Human Resources Director Susan Nienstedt, Sara Parker, Director of Community Services Wende Ragonis, Fire Chief Ricky Boeker, Police Chief Craig Goodman, Public Works Director Dane Rau, Assistant City Manager of Public Utilities Lowell Ogle, Development Services Director Erik Smith, City Engineer Lori Lakatos, Kevin Boggus, Luke Henkhaus and Todd Ashorn

Citizens present:

Perry Thomas, Tommy Upchurch and Steven Drake

Media Present:

Arthur Hahn, Brenham Banner Press; and Mark Whitehead, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Goss**

- 3. **Service Recognitions**
 - **David Herzog, Street Department** **5 Years**

4. **Citizens Comments**

Director of Community Services Wende Ragonis introduced intern Luke Henkhaus. He is attending Texas A&M University. Luke is majoring in Economics and his minor is Journalism.

CONSENT AGENDA

5. **Statutory Consent Agenda**

5-a. Minutes from the May 11, 2017 Special City Council Meeting and May 18, 2017 Regular City Council Meeting

A motion was made by Councilmember Herring and seconded by Councilmember Cantey 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle`	Yes
Councilmember Weldon Williams	Yes

PUBLIC HEARING

- 6. **Public Hearing to Consider an Amendment to the Official Zoning Map of the City of Brenham, to Change the Zoning District on a Tract of Land Described as R42930 (WCAD), 0.168 Acres, Located on Peabody Street, Being Part of Lot 47A of the West Main Subdivision in Brenham, Washington County, Texas from a Commercial, Research and Technology Use (B-2) District to a Mixed Residential Use (R-2) District**

Mayor Tate opened the Public Hearing.

Development Services Director Erik Smith presented this item. Smith explained that Jared Johnson has requested a rezoning for one tract of land to be changed from the existing B-2 Commercial, Research, and Technology District to R-2 Mixed Residential District. Smith advised that the property owner intends to replat this tract of land into one lot. Smith stated that if City Council approves the zoning request the applicant intends to plat the two lots as one lot, which will allow him to be able to place a garage/apartment on the rear portion of the property. Smith noted that the neighboring properties on this block are all existing R-2 and the zoning across the street from this parcel is B-2.

Smith stated that Staff did not receive any phone calls, nor were there any concerns from neighboring property owners. Smith advised that the Planning and Zoning Commission recommended unanimous approval of the request.

Mayor Tate closed the Public Hearing.

REGULAR SESSION

7. 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 on a Tract of Land Described as R42930 (WCAD), 0.168 Acres, Located on Peabody Street, Being Part of Lot 47A of the West Main Subdivision in Brenham, Washington County, Texas from a Commercial, Research and Technology Use (B-2) District to a Mixed Residential Use (R-2) District

A motion was made by Councilmember Herring and seconded by Councilmember Pyle to approve an Ordinance on its first reading amending the Official Zoning Map of the City of Brenham, to change the Zoning District on a tract of land described as R42930 (WCAD), 0.168 Acres, located on Peabody Street, being part of Lot 47A of the West Main Subdivision in Brenham, Washington County, Texas from a Commercial, Research and Technology Use (B-2) District to a Mixed Residential Use (R-2) District.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

8. Discuss and Possibly Act Upon Ordinance No. O-17-006 on Its Second Reading Amending the City of Brenham Zoning Ordinance (Code of Ordinances, City of Brenham, Texas - Appendix A) and the Official Zoning Map of the City of Brenham, to Provide for a Neighborhood Business District (B-4) to include a Downtown Business/Residential Overlay, and to Change the Zoning Districts on Various Tracts of Land Bounded by and/or Adjacent to S. Austin Street, W. First Street, S. Market Street, S. Baylor Street, S. Park Street, and S. Church Street from Commercial, Research and Technology (B-2) and Industrial (I) Districts to the Neighborhood Business District (B-4) to include a Downtown Business/Residential Overlay, in Brenham, Washington County, Texas

Development Services Director Erik Smith presented this item. Smith explained that Staff presented two different parking options for the B-4 Neighborhood Business District to City Council at the previous Council meeting. Smith stated that Option B was the choice of City Council.

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to approve Ordinance No. O-17-006 on its second reading amending the City of Brenham Zoning Ordinance (Code of Ordinances, City of Brenham, Texas - Appendix A) and the Official Zoning Map of the City of Brenham, to provide for a Neighborhood Business District (B-4) to include a Downtown Business/Residential Overlay, and to change the zoning districts on various tracts of land bounded by and/or adjacent to S. Austin Street, W. First Street, S. Market Street, S. Baylor Street, S. Park Street, and S. Church Street from Commercial, Research and Technology (B-2) and Industrial (I) Districts to the Neighborhood Business District (B-4) to include a Downtown Business/Residential Overlay, in Brenham, Washington County, Texas.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

9. Discuss and Possibly Act Upon the Approval of a Request from the Washington County Appraisal District to Retain the Accumulated Funds of \$47,279 from FY2015-16 Budget Savings, the City of Brenham’s Portion Being \$5,062

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller stated that the Washington County Appraisal District’s (WCAD) audited financial statement for the fiscal year ending August 31, 2016 showed budget savings of \$47,279. Miller advised WCAD is requesting to retain the savings to use for three specific purposes. Miller explained, if approved, the City of Brenham’s portion of the funds to be retained would be \$5,062. Miller stated that if the \$47,279 is not retained by the WCAD, \$5,062 would be returned to the City.

A motion was made by Councilmember Williams and seconded by Councilmember Herring to approve a request from the Washington County Appraisal District to retain the accumulated funds of \$47,279, from FY15-16 budget savings, with the City of Brenham’s portion being \$5,062, for three purposes: \$7,250 for an electric switch for disaster recovery, \$31,000 for replacement computer servers and the balance of \$9,029 for a 2020 flight of pictometry.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

10. Discuss and Possibly Act Upon Resolution No. R-17-012 Authorizing of the Submittal of a Notice of Intent to the Appropriate Public Agencies for the Creation of a Railroad Quiet Zone that would Include the BNSF Railway Crossing at FM 109 and Authorize the Mayor, or His Designated Representative, to Execute the Necessary Documentation

Public Works Director Dane Rau presented this item. Rau stated that as discussed previously during administrative reports, Staff is moving forward with numerous requests by local citizens to create a railroad quiet zone at the FM 109 crossing. Rau explained that this is a joint effort between Washington County, TX DOT, the FRA, and BNSF. Rau advised that Staff has executed the agreement with BEFCO for their consulting work and the first diagnostic meeting was conducted on June 6th with all parties involved. Rau stated that as the process moves forward Staff will know more, but all indications are that this project, including consulting services, will be around \$14,000. Rau explained that the Letter of Intent does not obligate the city to establish a zone. Rau advised that it is however, a required step in the process.

Citizen Perry Thomas stated that he is in favor of establishing the quiet zone.

A motion was made by Councilmember Goss and seconded by Mayor Pro Tem Ebel to approve Resolution No. R-17-012 authorizing of the submittal of a Notice of Intent to the Appropriate Public Agencies for the Creation of a Railroad Quiet Zone that would include the BNSF Railway Crossing at FM 109 and authorize the Mayor, or his designated representative, to execute the 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

11. Discuss and Possibly Act Upon Payment No. 17, Payment No. 18, Change Order No. 003 and Final Payment to Collier Construction, LLC for the City of Brenham's Pet Adoption and Animal Care Facility and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained that Collier Construction has substantially completed the Pet Adoption Center construction project. Rau noted this project was truly a cooperative partnership between the City of Brenham, private individuals, and the Pet Adoption Center Task Force. Rau stated the original contract amount with Collier Construction was \$2.96 million and the final contract amount with all change orders was \$2,716,902.00. Rau advised that a total of \$1.3 million dollars came from private donors throughout our community.

A motion was made by Councilmember Pyle and seconded by Councilmember Cantey to approve Payment No. 17 in the amount of \$10,975.82, Payment No. 18 in the amount of \$135,845.10 and Change Order No. 003, which is an \$841 deduction from the original contract, for a combined final payment of \$145,979.92 to Collier Construction, LLC for the Brenham Pet Adoption Center 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

12. Discuss and Possibly Act Upon Bid No. 2016-16 for the Fireman’s Park Public Restrooms and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained that on June 23, 2017, Upchurch Architects along with Staff opened bids. Rau stated that there were 5 bids received with the lowest bid submitted by GCP Contractors LLC out of Needville, TX. Rau advised the base bid was \$245,000. Rau explained that there were two alternates as options and those were bid at \$2,500 for Item B1 and \$6,500.00 for Item B2. Rau advised that Staff and the architect do not recommend awarding B1, but based off of the price, that B2 will be a benefit to the project. Rau noted that the budget allowed by BCDC was \$250,000 on the project.

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to award Bid No. 2016-16, including Alternate B2, to GCP Contractors LLC in the amount of \$251,500 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

13. Administrative/Elected Officials Report

Director of Community Services Wende Ragonis reported on the following:

- Hot Nights, Cool Tunes is starting July 8th and will be held every Saturday this month

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor



Jeana Bellinger, TRMC, CMC

City Secretary