

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on January 4, 2018 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:

Others present:

City Manager Terry Roberts, Assistant City Manager of General Government Ryan Rapelye, City Attorney Cary Bovey, Deputy City Secretary Kacey Weiss, Assistant City Manager – Chief Financial Officer Carolyn Miller, Comptroller Stacy Hardy, Human Resources Director Susan Nienstedt, Sara Parker, Cynthia Longhofer, Director of Community Services Wende Ragonis, Fire Chief Ricky Boeker, Interim Police Chief Rusty Pancoast, Public Works Director Dane Rau, Casey Redman, Assistant City Manager of Public Utilities Lowell Ogle, City Engineer Lori Lakatos, Alexandra Dill, Lloyd Powell, Billy Rich, Paula Shields, Trey Gully, David Andras, Todd Ashorn, David Doelitsch, Jared Campbell, Lance Weiss, Ashley Burns, Sierra Newell, and Jose Perez

Citizens present:

Brad Stafford, Elizabeth Price, Tommy Upchurch, Gloria Nix and Carlile Pond

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 – City Attorney Cary Bovey**

3. Special Recognitions

3-a. Retirement

- **Terry Roberts, Administration** **17 Years**

3-b. Service Recognitions

- **David Andras, Police Department** **5 Years**
- **David Doelitsch, Development Services** **10 Years**

4. Citizens Comments

Brad Stafford, City Manager in Navasota, addressed Council and congratulated Terry Roberts on his retirement. Stafford also thanked the City and staff for their help in repairing a water main break that happened in Navasota a few days before Christmas.

CONSENT AGENDA

5. Statutory Consent Agenda

5-a. Minutes from the December 4, 2017 Special City Council Meeting

5-b. Ordinance No. O-18-001 on Its Second Reading Authorizing a Variance to Building Setback Requirements, as Outlined in Section 23-22(1) of the City of Brenham's Code of Ordinances, on a Tract of Land Being Described as Residue of Lot 1, Block 1, of the Post Oak Grove Addition, Located at 1303 Simon Avenue in Brenham, Washington County, Texas

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

REGULAR SESSION

6. Discuss and Possibly Act Upon a One Year Contract Extension, in Accordance with Bid No. 17-005, for the Purchase of Refuse Bags for the Sanitation Department and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained that in March 2017, Bid #17-005 was awarded to Houston Poly Bag for the purchase of 14,000 refuse bags at a cost of \$5.97/roll. Rau stated that Houston Poly Bag has indicated that they would honor their price of \$5.97/roll to the City under the one-year contract extension language.

A motion was made by Councilmember Cantey and seconded by Councilmember Herring to approve a one (1) year contract extension, in accordance with Bid No. 17-005, for the purchase of 14,000 refuse bags from Houston Poly Bag for \$5.97/roll 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

7. Discuss and Possibly Act Upon Bid No. 18-001 Related to Annual Concrete Work for the City of Brenham and Authorize the Mayor to Execute any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained that on December 21, 2017, the purchasing department opened bids regarding annual concrete work, which is requested by the City throughout the year. Rau stated there were six bids mailed out with only two of those bids being received. Rau advised that Legacy Concrete Works submitted the lowest bid on each item that was listed. Rau noted that the current amount budgeted in the Street Department related to concrete work is \$80,000. Rau explained that this amount is used for curb replacement, valley gutter repair, sidewalk replacement and other concrete work as needed throughout the year.

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to award Bid No. 18-001 to Legacy Concrete Works for annual concrete work for the City of Brenham 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

8. Discuss and Possibly Act Upon the Purchase of a Software Upgrade for the Advanced Metering Infrastructure (AMI) System for the City of Brenham's Public Utility Department and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager of Public Utilities Lowell Ogle presented this item. Ogle explained that in 2008, the City began a pilot project of an Advanced Metering Infrastructure (AMI) system. Ogle stated this system would allow meters to communicate wirelessly back to the City's billing system. Ogle advised that the pilot proved to be a success and in 2010, the City received RFP's for a citywide deployment of the AMI system. Ogle explained that during the 2017-2018 budget process, Council approved \$90,000 in the Utility Billing budget to upgrade the AMI system with newer software, a more robust MDM, and a customer portal. Ogle stated the newer software and MDM provide more analytical information and options to the staff, as well as help increase productivity and customer service.

Councilmember Williams thanked Ogle and his staff for moving forward and updating the system.

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to approve the purchase of a software upgrade for the Advanced Metering Infrastructure (AMI) System for the City of Brenham's Public Utility Department from Aqua Metric at a cost of \$90,773.32 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

9. Discuss and Possibly Act Upon a One Year Contract Extension, in Accordance with Bid No. 14-010, for Bulk Water Treatment Chemicals and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager of Public Utilities Lowell Ogle presented this item. Ogle explained that on December 4, 2014, City Council approved a contract with Evoqua Water Technologies for the purchase of Sodium Chlorite at \$0.74/lb. Ogle stated the contract was a one (1) year contract with four (4) additional one (1) year terms (5 years total). Ogle advised that all renewals have the same terms and conditions as the original contract.

A motion was made by Councilmember Pyle and seconded by Councilmember Herring to approve a one-year contract extension, in accordance with Bid No. 14-010, with Evoqua Water Technologies for bulk water treatment chemicals at a price of \$0.74 per pound 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

10. Discuss and Possibly Act Upon the Conveyance of Approximately 0.750 Acres of Land Described as Part of the P. H. Coe Survey, A-31, Being the Same Property Described in a Deed Dated November 29, 1984 from John S. Garnett to the City of Brenham, Recorded in Volume 492, Page 732 of Deed Records of Washington County, Texas to the Brenham Fire Department, a Texas Non-Profit Corporation, and Authorize the Mayor to Execute Any Necessary Documentation

City Manager Terry Roberts introduced this item and City Attorney Cary Bovey presented it. Bovey explained that in November, 1983 John Garnett donated approximately 4 acres of land to the Brenham Fire Department (non-profit group) for the construction of the Fireman's Training Center. Bovey stated that shortly after the donation of the 4-acre tract, Mr. Garnett donated the abutting 0.75-acre tract (located at the corner of U.S. Highway 290 West and Industrial Blvd.) to the City.

Bovey advised that earlier this year, the Brenham Fire Department asked if the City would consider deeding the .75-acre tract over to them so that they could use this land when planning for future improvements to the Fireman’s Training Center. Bovey noted that according to the Texas Constitution, the City cannot deed or give away anything of value that could possibly benefit a private individual or private company.

Bovey further explained that in reviewing Section 253.011 of the Local Government Code, the City can give real property to a non-profit organization for public use as long as the non-profit uses the property “...in a manner that primarily promotes a public purpose of the municipality.” Bovey stated the law does require that the property revert back to the municipality if for any reason the non-profit organization fails to use the property for a public purpose. Bovey advised that if the City Council agrees to convey this land to the non-profit group, the deed will be prepared with a clause stating that if the use of property ever ceases to provide a public purpose, ownership of the land will revert back to the City.

A motion was made by Councilmember Goss and seconded by Mayor Pro Tem Ebel to approve the conveyance of approximately 0.750 acres of land described as part of the P. H. Coe Survey, A-31, being the same property described in a deed dated November 29, 1984 from John S. Garnett to the City of Brenham, recorded in Volume 492, Page 732 of Deed Records of Washington County, Texas to the Brenham Fire Department, a Texas Non-Profit 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

Council adjourned into Executive Session at 1:45 p.m.

EXECUTIVE SESSION

11. Section 551.071 – Texas Government Code – Consultation with Attorney – Consultation with City Attorney Regarding the Construction Contract Between the City of Brenham and GCP Contractors, LLC, Including But Not Limited to the Termination of Said Contract and Other Available Remedies

Executive Session adjourned at 2:38 p.m.

RE-OPEN REGULAR SESSION

- 12. Discuss and Possibly Act Upon the Termination of the Construction Contract Between the City of Brenham and GCP Contractors, LLC and Other Available Remedies, and Authorize the Mayor to Execute Any Necessary Documentation**

This item was passed.

- 13. Administrative/Elected Officials Report**

There were no administrative reports.

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor



Kacey A. Weiss, TRMC

City Secretary

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