

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on April 5, 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

Members absent:

Councilmember Charlie Pyle
Councilmember Weldon Williams, Jr.

Others present:

City Manager James Fisher, City Attorney Cary Bovey, Deputy City Secretary Kacey Weiss, Assistant City Manager – Chief Financial Officer Carolyn Miller, Comptroller Stacy Hardy, Sara Parker, Director of Community Services Wende Ragonis, Fire Marshal Brent Sauble, Interim Police Chief Rusty Pancoast, Jared Campbell, Public Works Director Dane Rau, Assistant City Manager of Public Utilities Lowell Ogle, Debbie Gaffey, Kim Hodde, City Engineer Lori Lakatos, Allison Harper, Robin Hutchens, Tara Wellmann, Craig Reagan, Christy Huerta, Pam Yahnke, Tyler Hartmann, Raleigh Wellmann, Kevin Boggus and Paula Shields

Citizens present:

Adam Behrens, Brian Bender, Todd Steele, Page Michel, Candi Eaton, Gloria Nix, Andy Adams, P. Walcik, Vince Michel and David Card

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 Manager James Fisher**

3. **Proclamations**
 - **National Animal Care and Control Appreciation Week**
 - **Opioid Awareness and Health Day**

4. **Citizens Comments**

There were no citizen comments.

CONSENT AGENDA

5. **Statutory Consent Agenda**

- 5-a. **Minutes from the March 22, 2018 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	Absent
Councilmember Weldon Williams	Absent

WORK SESSION

6. **Discuss and Review of the FY2017-18 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 City experienced favorable actual net revenues for all funds.

PUBLIC HEARING

- 7. Public Hearing to Consider Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham to Amend Part II, Division 2, Section 6, B-4 Neighborhood Business District, (Section 6.02), Permitted Uses (Non-Residential), to Add Fitness Facilities (Personal and Small Group Training Only) as a Permitted Use in the B-4 Neighborhood Business District (Case No. P-18-003)**

Mayor Tate opened the Public Hearing.

City Engineer Lori Lakatos presented this item. Lakatos explained that this is a request by Presley Walcik and Andy Adams, Washington County Athletics to amend the Zoning Ordinance to allow fitness facilities as permitted uses within the B-4 Neighborhood Business District. Lakatos stated the recommended text amendment is to add the following: (22) Fitness facilities (personal and small group training only). Lakatos advised that two public comments were made at the Planning and Zoning Commission Public Hearing on January 22, 2018. Lakatos noted the Planning and Zoning Commission voted unanimously to recommend approval of this request.

- 8. Public Hearing, Discussion and Receipt of Input Related to the Proposed Creation of Reinvestment Zone Number 42 Requested by D Bar B Sausage & Meats, LLC for Commercial Tax Phase-In Incentive on a Certain 3.0 Acre Tract of Land Located at 1909 Longwood Dr., Brenham, Texas, Being Described as Lot 2, of the Southwest Industrial Park, Section II, Reserve “B” Partition in the City of Brenham, Phillip Coe Survey, A-31, Washington County, Texas, with Boundaries Further Described in Exhibit “A” of the Ordinance Creating Reinvestment Zone 42, and Designating This Property as Qualifying for Tax Phase-In**

Page Michel, President of the Brenham Economic Development Foundation, presented this item. Michel explained that prior to considering the creation of a Reinvestment Zone for implementing a Tax Phase-In incentive for D Bar B Sausage & Meats, LLC. (Kountry Boys Sausage), the City Council is required to hold a Public Hearing to receive input regarding the proposal.

Brian Bender, owner of D Bar B Sausage & Meats, LLC, addressed Council and stated they are excited about expanding their business.

Mayor Tate closed the Public Hearing.

REGULAR SESSION

- 9. 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 Amend Part II, Division 2, Section 6, B-4 Neighborhood Business District, (Section 6.02), Permitted Uses (Non-Residential), to Add Fitness Facilities (Personal and Small Group Training Only) as a Permitted Use in the B-4 Neighborhood Business District (Case No. P-18-003)**

A motion was made by Councilmember Cantey and seconded by Councilmember Herring to approve an Ordinance on Its First Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham to Amend Part II, Division 2, Section 6, B-4 Neighborhood Business District, (Section 6.02), Permitted Uses (Non-Residential), to Add Fitness Facilities (Personal and Small Group Training Only) as a Permitted Use in the B-4 Neighborhood Business District (Case No. P-18-003).

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	Absent
Councilmember Weldon Williams	Absent

- 10. Discuss and Possibly Act Upon an Ordinance on its First Reading for the Creation of Reinvestment Zone Number 42 Requested by D Bar B Sausage & Meats, LLC for Commercial Tax Phase-In Incentive on a Certain 3.0 Acre Tract of Land Located at 1909 Longwood Dr., Brenham, Texas, Being Described as Lot 2, of the Southwest Industrial Park, Section II, Reserve “B” Partition in the City of Brenham, Phillip Coe Survey, A-31, Washington County, Texas, with Boundaries Further Described in Exhibit “A” of the Ordinance Creating Reinvestment Zone 42, and Designating This Property as Qualifying for Tax Phase-In**

A motion was made by Councilmember Goss and seconded by Mayor Pro Tem Ebel to approve an Ordinance on its First Reading for the Creation of Reinvestment Zone Number 42 Requested by D Bar B Sausage & Meats, LLC. for Commercial Tax Phase-In Incentive on a Certain 3.0 Acre Tract of Land Located at 1909 Longwood Dr., Brenham, Texas, Being Described as Lot 2, of the Southwest Industrial Park, Section II, Reserve “B” Partition in the City of Brenham, Phillip Coe Survey, A-31, Washington County, Texas, with Boundaries Further Described in Exhibit “A” of the Ordinance Creating Reinvestment Zone 42, and Designating This Property as Qualifying for Tax Phase-In.

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	Absent
Councilmember Weldon Williams	Absent

11. Discuss and Possibly Act Upon a Professional Services Agreement with Rostan Solutions LLC for Services Related to All Aspects of Federal Public Assistance and Mitigation Assistance Following a Declared Disaster Incident and Authorize the Mayor to Execute Any Necessary Documentation

City Engineer Lori Lakatos presented this item. Lakatos explained that since 2016 the City of Brenham has been trying to recover from the April and May 2016 storm damages. Lakatos stated staff has been working through the FEMA public assistance process. Lakatos advised that this process has become tedious and staff needs additional help to be able to navigate through the federal process. Lakatos explained that staff released a request for proposal (RFP) for professional services related to all aspects of federal public assistance and mitigation assistance following a declared disaster incident. Lakatos stated there were five submittals.

City Manager James Fisher stated that Lakatos needs help with the process, as it has been overwhelming. Fisher noted that Lakatos has done a great job thus far.

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve a Professional Services Agreement with Rostan Solutions LLC, making it retroactive to March 19, 2018, for services related to all aspects of federal public assistance and mitigation assistance following a declared disaster incident in an amount not to exceed \$200,000 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	Absent
Councilmember Weldon Williams	Absent

12. Discuss and Possibly Act Upon a Memorandum of Agreement Between the City of Brenham and Blinn College for the Use of Blinn Softball Field at Hohlt Park and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained that during the construction of Hohlt Park in 2000, the City of Brenham and Blinn College partnered on the use of a softball field and a dressing room which was the future home of Blinn Softball. Rau stated that during this time, a MOA was agreed upon and has been in place for the past 18 years. Rau noted that in the previous MOA's there was no monetary amount that Blinn College provided to the City of Brenham for maintenance of the field, only the initial \$200,000 for construction. Rau explained that last fall City of Brenham and Blinn College staff met to discuss a new MOA and how to move forward so that both parties would benefit equally.

A motion was made by Councilmember Goss and seconded by Councilmember Herring to approve a Memorandum of Agreement between the City of Brenham and Blinn College for the use of Blinn Softball Field at Hohlt Park for an initial payment of \$10,000 made in 2018 and each year thereafter will increase by \$1,250 until reaching \$20,000 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	Absent
Councilmember Weldon Williams	Absent

13. Discuss and Possibly Act Upon an Addendum to the Landfill Contract with Clean Harbors Environmental Services, Inc. Related to Landfill Disposal Rates and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained that in June of 2017, Clean Harbors notified the City of Brenham about a small rate increase on all tipping fees associated with the customers who utilize the landfill. Rau noted that at that time a 5% increase was expected. Rau stated that in preparation of this increase, the City of Brenham increased the tipping fees at the Brenham Transfer Station beginning on October 1, 2017. Rau advised that with the amendment to the 2015 agreement, the only aspect that changes is the rate, which will increase by \$.80/ton. Rau noted this was a 4.8% increase.

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve an Addendum to the 2015 agreement to the Landfill Contract with Clean Harbors Environmental Services, Inc. related to Landfill Disposal Rates with an increase of \$0.80/ton equaling \$17.66/ton of waste disposed 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	Absent
Councilmember Weldon Williams	Absent

14. Discuss and Possibly Act Upon a Contract with Ricoh USA, Inc. for Leased Office Automation Equipment and Authorize the Mayor to Execute Any Necessary Documentation

Purchasing Manager Sara Parker presented this item. Parker explained that earlier this year, a survey of the City’s photocopier fleet was conducted to determine needs for upgrades, additions, or replacements. Parker stated that it was determined that five machines need to be replaced with new and upgraded units. Parker advised that quotes were requested from Dahill Xerox and Ricoh USA, Inc. Parker explained that although not the lowest in price, Ricoh proved to be the Best Value choice based on user preference, features and contract terms. Parker noted that the five copiers that are being replaced would be sold through GovDeals.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Ebel to approve a 3-year lease contract with Ricoh USA, Inc. for leased automation equipment subject to review 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Absent
Councilmember Weldon Williams	Absent

15. Discuss and Possibly Act Upon a Request for a Noise Variance from the Brenham Maifest Association for the 2018 Maifest Events to be Held on April 28, 2018, May 3, 2018, May 4, 2018 and May 5, 2018 and Authorize the Mayor to Execute Any Necessary Documentation

Deputy City Secretary Kacey Weiss presented this item. Weiss explained that the Color Fun Run will be held on April 28, 2018, and will begin at 9:00 a.m. Weiss noted they will have speakers playing music. Weiss advised that the Maifest Coronation will be held May 3rd, May 4th and May 5th and activities include a carnival, bands and the coronations.

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to approve a request for a noise variance from the Brenham Maifest Association for the 2018 Maifest Events to be held on April 28, 2018, May 3, 2018, May 4, 2018 and May 5, 2018 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	Absent
Councilmember Weldon Williams	Absent

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 3, 2018 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 3rd and they will be using sound amplification equipment to sing songs and pray.

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve a request for a noise variance from Calvary Baptist Church for a National Day of Prayer event to be held on May 3, 2018 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 Andrew Ebel	Yes
Councilmember Susan Cantey	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Absent
Councilmember Weldon Williams	Absent

Council adjourned into Executive Session at 1:57 p.m.

EXECUTIVE SESSION

- 17. Section 551.071 and Section 551.072, Texas Government Code – Consultation with Attorney and Deliberation Regarding Real Property – Discussion and Deliberation, and Consultation with City Attorney, Regarding the Lease Between City of Brenham and Brenham Heritage Museum, Inc. Concerning the Real Property Located at 105 S. Market Street, and Associated Issues**
- 18. Section 551.071 – Texas Government Code – Consultation with Attorney – Deliberation Regarding the Construction Contract Between the City of Brenham and GCP Contractors, LLC, Including But Not Limited to a Tender, Release and Substitution Agreement, the Termination of Said Contract and Other Associated Matters and Available Remedies**

Executive Session adjourned at 2:35 p.m.

RE-OPEN REGULAR SESSION

- 19. Discuss and Possibly Act Upon a Tender, Release and Substitution Agreement, the Termination of the Construction Contract Between the City of Brenham and GCP Contractors, LLC, and Other Associated Matters and Available Remedies, and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve a Tender, Release and Substitution Agreement, the Termination of the Construction Contract Between the City of Brenham and GCP Contractors, LLC, and Other Associated Matters and Available Remedies, and authorize the Mayor to execute any necessary documentation upon approval of the final Agreement by the City Manager, City Attorney and Mayor.

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	Absent
Councilmember Weldon Williams	Absent

20. Administrative/Elected Officials Report

- Request from Brenham Housing Authority to Terminate the Police Protection Agreement

City Manager James Fisher explained that staff received a letter from the Brenham Housing Authority stating they will end the police protection agreement effective April 30, 2018.

Vince Michel with the Brenham Housing Authority addressed Council and stated that the change in ownership structure is the main reason they are terminating the contract. Michel said the new housing developments are no longer owned by the Brenham Housing Authority; therefore, the Board decided to cancel this agreement. The Board may re-visit the idea in the future after they see what their needs will be.

Director of Community Services Wende Ragonis reported on the following:

- April is Water Safety Month and all second graders in the community will be taking part in activities at BBAC
- Walk with a Doc is April 28th

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor



Kacey A. Weiss, TRMC

Deputy City Secretary