Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on March 5, 2015 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 Mary E. Barnes-Tilley

Members absent:

Councilmember Keith Herring
Councilmember Weldon Williams, Jr.

Others present:

City Manager Terry Roberts, Assistant City Manager Kyle Dannhaus, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary Kacey Weiss, City Engineer Grant Lischka, Chief Financial Officer Carolyn Miller, Susan Nienstedt, Sara Parker, Kaci Konieczny, Cynthia Longhofer, Andria Heiges, Jennifer Eckermann, Tammy Jaster, Fire Chief Ricky Boeker, Police Chief Rex Phelps, Public Utilities Director Lowell Ogle, Development Services Manager Erik Smith, David Doelitsch, Rhonda Kuehn, Angela Hahn, Kevin Boggus, Robyn Bentke, Hannah Hohlt and Daniel McCarty

Citizens present:

Lynnette Sheffield, Michael Riley, Sharon Brass, Catherine Sak and Michele Kwiatowski

Media Present:

Arthur Hahn, Brenham Banner Press; Caitlin Hahn, Brenham Banner Press; and Tom D. Whitehead, KWHI

1. Call Meeting to Order

2. Invocation and Pledges to the US and Texas Flags – Councilmember Danny Goss
3. Special Presentations

- Texas Downtown Association’s Downtowner of the Year Award
- 2014 Texas Public Pool Council Awards

They City recognized Sharon Brass. Mrs. Brass has contributed countless hours to the Main Street program and has helped in projects like Toubin Park and Local History Day. Mrs. Brass helped to promote and market Downtown Brenham and donated proceeds from The Burning of Brenham book, which she authored, to the Main Street program. Catherine Sak, Director of the Texas Downtown Association presented the award to Mrs. Brass for being named the Texas Downtown Association’s Downtowner of the Year.

Also, the City recognized the Blue Bell Aquatic Center under the leadership of Tammy Jaster. The aquatic center was recently awarded the Agency of the Year and the Water Safety Program of the year at the Texas Public Pool Council Annual Conference. Mayor Milton Tate presented the award for Class III Division Agency of the Year and Class III Division Safety Award for its Water Safety Program.

4. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

5. Statutory Consent Agenda

5-a. Minutes from the January 29, 2015 and February 5, 2015 Regular City Council Meetings

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel 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 Gloria Nix Yes
Councilmember Andrew Ebel Yes
Councilmember Danny Goss Yes
Councilmember Keith Herring Absent
Councilmember Mary E. Barnes-Tilley Yes
Councilmember Weldon Williams, Jr. Absent
PUBLIC HEARING

6. Public Hearing, Discussion and Receipt of Input Related to the Proposed Creation of Reinvestment Zone Number 40 Requested by Valmont Coatings, Inc. for Commercial-Industrial Tax Phase-In Incentive on Certain Tracts of Land Containing 34.106 Acres, More or Less, Being Located on Industrial Blvd., Brenham, Texas, with Boundaries Further Described in Exhibit A of the Ordinance Creating Reinvestment Zone Number 40, and Designating This Property as Qualifying for Tax Phase-In

Clint Kolby presented this item. Kolby stated that prior to considering the creation of a Reinvestment Zone for implementing a Tax Phase-In incentive for Valmont Coatings, Inc. the City Council is required to hold a Public Hearing to receive input regarding the proposal. Kolby stated that the EDF and City staff have been working with Valmont Coatings over the past several months in their site selection process to locate a galvanizing plant in Brenham to serve the local Valmont facility as well as secondary metal-based businesses in the region. Kolby stated Valmont Coatings currently has an earnest money contract to purchase more than 30 acres in the Southwest Industrial Park – Section III. Kolby advised the use of the Tax Phase-In incentive will help Valmont Coatings invest in the necessary equipment and human capital to help offset the initial costs of locating this expansion project here. Kolby noted that this project would also provide a substantial positive economic impact to the local Brenham economy; Valmont Coatings will create 80 new jobs during the first year of operations. Kolby noted the 80 new jobs that will be created are projected to add $4.3 million in payroll to the local economy. Kolby stated Valmont Coatings has plans to increase the number of employees to 120 after five years and will be investing $18.5 million in capital for this project. Kolby explained that $9.7 million will go towards constructing the facility and making site improvements; $8 million will be used to purchase new machinery and equipment and $800,000 will go towards purchasing the land in the Southwest Industrial Park.

Mayor Tate asked from the environmental point of view if the surrounding area would be protected from chemicals and leakage should it occur. Mr. Riley stated that the facility will meet all state environmental safety requirements and will go beyond by using secondary reinforcements.

Mayor Tate also questioned what happens to the waste that is produced by the company. Mr. Riley noted that the waste is sold as a secondary by-product and is sent to chemical plants to be used in fertilizers and other items.

Councilmember Barnes-Tilley asked if the company offers a training program for new workers. Mr. Riley stated that the majority of employees will be unskilled laborers and they will all be trained in house.
REGULAR AGENDA

7. Discuss and Possibly Act Upon an Ordinance on Its First Reading for the Creation of Reinvestment Zone Number 40 Requested by Valmont Coatings, Inc. for Commercial-Industrial Tax Phase-In Incentive on Certain Tracts of Land Containing 34.106 Acres, More or Less, Being Located on Industrial Blvd., Brenham, Texas, with Boundaries Further Described in Exhibit A of the Ordinance Creating Reinvestment Zone Number 40, and Designating this Property as Qualifying for Tax Phase-In

A motion was made by Councilmember Ebel and seconded by Councilmember Barnes-Tilley to approve an Ordinance on its first reading for the creation of Reinvestment Zone Number 40 requested by Valmont Coatings, Inc. for Commercial-Industrial Tax Phase-In Incentive on certain tracts of land containing 34.106 acres, more or less, being located on Industrial Blvd., Brenham, Texas, with boundaries further described in Exhibit A of the Ordinance creating Reinvestment Zone Number 40, 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 Gloria Nix Yes
 Councilmember Andrew Ebel Yes
 Councilmember Danny Goss Yes
 Councilmember Keith Herring Absent
 Councilmember Mary E. Barnes-Tilley Yes
 Councilmember Weldon Williams Absent

8. Discuss and Possibly Act Upon the Acceptance of the Audit from Seidel Schroeder for Fiscal Year 2014

Chief Financial Officer Carolyn Miller and Auditor Partner from Seidel Schroeder, Michele Kwiatowski, presented this item. Kwiatowski advised Council that state law requires that all general-purpose local governments publish, within six months of the close of the fiscal year, a complete set of financial statements presented in conformity with generally accepted accounting principles (GAAP) and be audited in accordance with generally accepted auditing standards by a firm of licensed certified public accountants. Kwiatowski advised the financial statements present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Brenham, Texas. Kwiatowski stated that pursuant to the requirements, and on behalf of the Finance Department, she would like to issue the comprehensive annual financial report (CAFR) of the City of Brenham for the fiscal year ended September 30, 2014.
A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Barnes-Tilley to accept the audit from Seidel Schroeder for Fiscal Year 2014.

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

<table>
<thead>
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<td>Abstain</td>
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9. Discuss and Possibly Act Upon the Acceptance of the 2014 Audit of the Washington County Appraisal District by Seidel Schroeder

Chief Financial Officer Carolyn Miller presented this item. Chief Appraiser with Washington County Appraisal District, Willy Dilworth, stated the audit for the fiscal year 2013-2014 has been completed by Seidel Schroeder. Dilworth explained there were no discrepancies found during this time period. Dilworth advised the audit revealed that the appraisal district staved $54,019 under budget.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Barnes-Tilley to approve the 2014 audit of the Washington County Appraisal District by Seidel Schroeder.

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

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<tr>
<td>Councilmember Weldon Williams</td>
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10. **Discuss and Possibly Act Upon Resolution No. R-15-008 Nominating a Candidate for Election to the Washington County Appraisal District Board of Directors, to Fill an Unexpired Term**

   City Manager Terry Roberts and Chief Appraiser with Washington County Appraisal District, Willy Dilworth, presented this item. Roberts advised the Washington County Appraisal District Board of Directors is nominated and appointed by the governing bodies that levy and collect property tax. Roberts explained that in November 2013, City Council voted to approve Resolution No. R-13-019 for the election of five members to the Board of Directors of the Washington County Appraisal District all for two year terms. Dilworth advised that due to the recent resignation of Joel Romo (one of the board members), the City Council must now nominate a replacement board member to serve the remainder of Mr. Romo’s term which runs until the end of 2015. Dilworth stated that once nominated, the current board of directors of the Washington County Appraisal District will select a replacement board member by majority vote. Dilworth advised that being presented for consideration today as the City’s nominee is Leslie Boehnemann, Jr. who has expressed interest in serving on this board.

   A motion was made by Councilmember Goss and seconded by Councilmember Ebel to approve Resolution No. R-15-008 nominating Leslie Boehnemann, Jr. to fill a vacancy on the Washington County Appraisal District Board of Directors, for an unexpired term ending on December 31, 2015.

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

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11. **Discuss and Possibly Act Upon Bid No. 15-003 for the Construction of the City of Brenham’s Pet Adoption and Animal Care Facility and Authorize the Mayor to Execute Any Necessary Documentation**

   Police Chief Rex Phelps presented this item. Phelps advised that the City recently opened bids for the construction of a new animal shelter; all four bids came in significantly over the projected budget for the project. Phelps explained that staff has been working with the architect and the lowest bidder to find ways to reduce the cost without compromising the needs of the facility.
A motion was made by Councilmember Goss and seconded by Councilmember Ebel to table Item 11 until further information is obtained.

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

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12. **Discuss and Possibly Act Upon the Acceptance of a Donation in the Amount of $25,000.00 to the Brenham Police Department and Authorize the Mayor to Execute Any Necessary Documentation**

Police Chief Rex Phelps presented this item. Phelps advised that The Pegasus Foundation has offered a donation to the police department for $25,000 to assist in needed training and equipment costs. Phelps explained the donation money will be placed in the donation account for equipment needs, facility needs or training – as requested by the donor.

Councilmember Goss questioned Phelps on what was meant by “facility needs.” Phelps stated that the money is intended for things related to training facility improvements such as upgrades at the shooting range.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Barnes-Tilley to accept a donation in the amount of $25,000.00 from The Pegasus Foundation to the Brenham Police Department and authorize the Mayor to execute any necessary documentation.

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

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13. Discuss and Possibly Act Upon an Ordinance on its First Reading for the Placement of Stop Signs at Multiple Street Intersections within the Woodbridge Subdivision

City Engineer Grant Lischka presented this item. Lischka advised that the City of Brenham has been approached by the Woodbridge Subdivision Home Owners Association (HOA) about placing stop signs at the intersection of Autumn Rain Dr. and Wintersong Dr. Lischka explained that staff has reviewed this stretch of roadway and has noticed that Autumn Rain has become a cut thru for vehicular traffic going from Burleson to Blue Bell Rd and Blue Bell Rd. to Burleson. Lischka noted on this 1400 foot section of roadway there is no deterrent to slow traffic down. Lischka stated this has been most noticeable in the mornings and afternoons with school traffic. Lischka explained the placement of stop signs at this intersection makes sense to staff and based off of the request by the Woodbridge HOA, staff would recommend moving forward with placing stop signs on Autumn Rain at its intersection with Wintersong Dr.

Lischka also advised Council that staff has spoken with the property owners at this intersection and all are in favor of the placement of these signs.

Lischka advised Council that during staff’s research for this item, it was discovered that an ordinance was never enacted for the existing stop signs in the Woodbridge Subdivision; these stop signs were installed along with the initial completion of the subdivision. Lischka advised that in an effort clean up this discrepancy, the proposed ordinance also includes all of the existing stop signs.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve an Ordinance on its first reading for the placement of stop signs at multiple street intersections within the Woodbridge Subdivision 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  Absent
Councilmember Mary E. Barnes-Tilley   Yes
Councilmember Weldon Williams Absent
14. Discuss and Possibly Act Upon a Request for a Noise Variance from the Brenham Maifest Association for the 2015 Royalty Run to be Held on Sunday, May 3, 2015 and Authorize the Mayor to Execute Any Necessary Documentation

City Secretary Jeana Bellinger presented this item. Bellinger explained that Megan Sommer with the Brenham Maifest Association is requesting a Noise Variance for the 2015 Royalty Run which will be held on Sunday, May 3, 2015 starting at 7:30 a.m. Bellinger advised that according to the application, there will be amplified music at the starting line (with a microphone) for this event. Bellinger stated the run will start and end in Henderson Park. Bellinger noted that the noise variance is for the run due to the use of a microphone.

Mayor Tate questioned if the residents of the neighborhood have been notified about the run. Councilmember Ebel stated that he does not have a problem issuing the noise variance, but would like to know what the residents think about it. Bellinger advised that she was not sure if the residents had been notified, but she would find out.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve a noise variance from the Brenham Maifest Association for the 2015 Royalty Run to be held on Sunday, May 3, 2015, with the condition that the organization notify the residents of Overlook Estates about the run, 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  Absent
- Councilmember Mary E. Barnes-Tilley  Yes
- Councilmember Weldon Williams  Absent

15. Discuss and Possibly Act Upon an Ordinance on its First Reading Amending Ordinance No. O-15-007 Ordering a Special Election on May 9, 2015 for the Purpose of Submitting to the Qualified Voters of Brenham Certain Proposed Amendments to the Existing Charter of the City of Brenham, Texas

City Secretary Jeana Bellinger presented this item. Bellinger explained that at the February 19th council meeting, the Council approved Ordinance No. O-15-007 ordering a Special Election for the purpose of submitting several propositions to the voters to amend the Home Rule Charter. Bellinger advised while going through the ordinance and all of the voter education documents again, she discovered three (3) small errors in the ordinance:
1. Proposition No. 2: Article V, Section 4 – the words “property tax paying” should have been struck through instead of the word “voters”.

2. Proposition No. 14: In the ballot wording “officers” should have read “offices” and “officer” should have read “office”.

3. Proposition No. 15: The title “ARTICLE IV. THE CITY MANAGER; FINANCES” should not have been struck through.

Bellinger explained that after discussing each of these with the City Attorney, it was his recommendation that an ordinance be adopted by the City Council to correct these errors.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Goss to approve an Ordinance on its first reading amending Ordinance No. O-15-007 ordering a Special Election on May 9, 2015 for the purpose of submitting to the qualified voters of Brenham certain proposed amendments to the existing Charter of the City of Brenham, Texas.

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 Absent
- Councilmember Mary E. Barnes-Tilley Yes
- Councilmember Weldon Williams Absent


City Manager Terry Roberts presented this item. Roberts advised that in a Work Session on February 19, 2015 with Council, Dr. Jo An Zimmermann of Texas State University and Director of Community Services Wende Ragonis presented the 2015-2025 Parks, Recreation and Open Space Master Plan for the City of Brenham. Roberts explained that in order to be fully compliant with the requirements of Texas Parks and Wildlife, the attached Resolution needs to be approved by Council.

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to approve Resolution No. R-15-009 adopting the Parks, Recreation and Open Spaces Master Plan for 2015 through 2025.
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**     Absent
Councilmember Mary E. Barnes-Tilley     Yes
**Councilmember Weldon Williams**     Absent

17. **Discuss and Possibly Act Upon the Acceptance of the Edge Reimbursement Implementation Grant from the Texas State Library and Archives Commission in the Amount of $5,000 for New Computer Equipment for the Nancy Carol Roberts Memorial Library and Authorize the Mayor to Execute Any Necessary Documentation**

Library Supervisor Andria Heiges presented this item. Heiges explained the Edge Initiative was developed by a national coalition of leading library and local government organizations and is funded by the Bill and Melinda Gates Foundation. Heiges advised it was created with the vision that all people should have opportunities to enrich and improve their lives through open access to information, communication, and technology services provided by public libraries.

Heiges advised Council that the Nancy Carol Roberts Memorial Library was awarded a $5,000 Edge reimbursement grant to purchase new technology. Heiges stated staff determined that the following devices would best align with current technology services offered at the Library:

- One (1) HP LaserJet Enterprise M551dn printer with an approximate cost of $800. This printer has double the printed pages per minute than the Library’s current printer and allows for mobile printing thus enabling printing from the Chromebooks.
- One (1) AWE-Digital Learning Solutions Early Literacy Station with an approximate cost of $3,200. This station provides safe and code compliant access to computer technology for young patrons.
- One (1) HP Pavilion Touchscreen All in One Desktop computer with an approximate cost of $800. This will computer will provide a technology station for the visually impaired patrons.

Heiges advised that staff recommends that the Council approve the acceptance of this grant, so these purchases can be made to further enhance the services offered at the Nancy Carol Roberts Memorial Library.
A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Barnes-Tilley to approve the acceptance of the Edge Reimbursement Implementation Grant from the Texas State Library and Archives Commission in the amount of $5,000 for new computer equipment for the Nancy Carol Roberts Memorial Library and authorize the Mayor to execute any necessary documentation.

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

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WORK SESSION

18. Presentation and Discussion Regarding City and Non-City Sponsored Special Events in Downtown and Other Areas Within the City

Assistant City Manager Kyle Dannhaus presented this item. Dannhaus explained that since the last council meeting city staff has been working on a draft policy related to special events. Dannhaus provided Council with the following draft fee schedule for events:

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<thead>
<tr>
<th>Event</th>
<th>Event Fee</th>
<th>Description</th>
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<tbody>
<tr>
<td>Parade</td>
<td>$550.00</td>
<td>Barricades and Sanitation Services</td>
</tr>
<tr>
<td>Fun Runs/Walks</td>
<td>$375.00</td>
<td>Barricades</td>
</tr>
<tr>
<td>Street Dance</td>
<td>$700.00</td>
<td>Barricades and Sanitation Services</td>
</tr>
<tr>
<td>Stage Set-up/Electricity</td>
<td>$450.00</td>
<td>Set-up, tear down and electric power</td>
</tr>
<tr>
<td>Additional Electricity</td>
<td>$50.00</td>
<td>Additional electric power</td>
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Dannhaus advised the fees included in the policy are based off of the number of attendees expected at the event and the type of event. Dannhaus explained the fees include an overtime rate for our Street employees who are responsible for barricading the roads during road closures and Sanitation employees who are responsible for cleanup during the downtown events. Dannhaus noted these fees also include street sweeping after parades and downtown events; also a cost related to stage setup/removal and electrical power if that aspect is requested. Dannhaus explained that if additional power is needed it will be an additional fee. Dannhaus advised other fees that may apply would be security and food/beverage/alcohol permit fees if the event requires them.
Councilmember Barnes-Tilley questioned if the Council should do a notification in the newspaper or on the website stating that there will be an event in downtown as to notify the residents. Barnes-Tilley thinks that would be appropriate as to how to notify residents of events. Dannhaus advised that possibly we should raise permit fees to do this or have the organizer pay to do a public notice.

Councilmember Barnes-Tilley stated that she would like to see an explanation as to the description of services so residents would understand what exactly they are being charged for. Barnes Tilley also advised that she would like to exempt non-profit organizations, not Brenham I.S.D or Blinn College.

Councilmember Barnes-Tilley questioned the amount of insurance that would be needed for the organizations hosting an event and what is the cost of that insurance to the organizations. Dannhaus stated that he has spoken to the City’s Risk Manager, Janie Mehrens, and the City is covered but outside sponsors would need their own policy.

Council adjourned into executive Session at 2:40 p.m.

EXECUTIVE SESSION

19. Texas Government Code Section 551.086 – Utility Competitive Matters – Discuss and Consider an Amendment to the Wholesale Power Agreement with the Lower Colorado River Authority


Executive Session adjourned at 3:05 p.m.

RE-OPEN REGULAR AGENDA

21. Discuss and Possibly Act Upon the Appointment of a Presiding Judge and City Prosecutor for the Brenham Municipal Court, Both for an Unexpired Term Ending December 31, 2016

This item was passed.
22. **Administrative/Elected Officials Report**

City Manager Terry Roberts reported on the following:

- Councilmember Williams was planning to attend the meeting, but due to the cold weather he decided not to attend.
- A Council retreat will be Monday, April 20th.
- City Secretary Jeana Bellinger has started charter presentations this week and will continue to present them to City Advisory Boards.

The meeting was adjourned.

_________________________________
Milton Y. Tate, Jr.
Mayor

_________________________________
Jeana Bellinger, TRMC
City Secretary