

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on August 3, 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, Comptroller Stacy Hardy, Human Resources Director Susan Nienstedt, Cynthia Longhofer, Rhonda Kuehn, Director of Community Services Wende Ragonis, Fire Chief Ricky Boeker, Police Chief Craig Goodman, Trey Gully, Public Works Director Dane Rau, Assistant City Manager of Public Utilities Lowell Ogle, Alton Sommerfield, Debbie Gaffey, Amber Pendergraft, Development Services Director Erik Smith, City Engineer Lori Lakatos, Kevin Boggus, Chris Bugaj, Ande Bostain, Kevin Mertz, Jared Campbell, William Herrin, Lloyd Powell, Bobby Keene, Shawn Bolenbarr, Shelley Addison, Nancy Stafford, Cindy Turnbow and Mike Davis

### Citizens present:

John Doss, Marcus Lawhon 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 Pyle**
3. **Service Recognitions**
  - **Christopher Bugaj, Gas Department 10 Years**
  - **William Herrin, Street Department 15 Years**
  - **Lloyd Powell, Jr., Police Department 20 Years**

**Special Recognition**

- **Texas Public Power Association’s 2017 Gary Brown City Service Award**

Assistant City Manager of Public Utilities Lowell Ogle received this award on July 26<sup>th</sup> during the Texas Public Power Association Annual Meeting. This award recognizes outstanding leadership and dedication by a municipal official in a city served by a TPPA member utility.

4. **Citizens Comments**

There were no citizen comments.

**WORK SESSION**

5. **Presentation of the 2016 Municipal Court Statistics**

Municipal Court Administrator Rhonda Kuehn presented this item. Kuehn reviewed the report and advised that from October 2016 through June 2017 there have been 3,990 cases filed. Kuehn noted that the total number of cases filed in FY16 was 6,889.

6. **Discuss and Review the FY2016-17 Second 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 except for the Gas Fund. Miller explained that the City of Brenham’s financial performance continues to be positive and no unusual or unanticipated trends are noted.

7. **Discussion and Presentation on the Passage of Senate Bill 1004 Related to Small Cellular Network Deployment and the Usage of City of Brenham Right-of-Way by Network Providers**

Development Services Director Erik Smith presented this item. Smith explained that Senate Bill 1004 goes into effect on September 1, 2017 and is related to the deployment of network nodes in public right-of-way.

Smith stated that passage of this bill gives network providers access to the public right-of-way and the ability to attach network nodes to poles and structures in the public right-of-way. Smith discussed approvals of the permit application, limitations on placement, applications and permits, rates, underground requirements and a design manual.

Mayor Tate advised that Staff will prepare an ordinance as an emergency reading to be presented at the Council meeting on August 17<sup>th</sup>. City Attorney Cary Bovey stated that in order for it to be passed as an emergency measure it would need unanimous approval of the City Council.

## **PUBLIC HEARING**

### **8. Public Hearing to Consider Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to Redeemer Church Brenham to Allow for a Church and Related Auxiliary Uses on Property Located at 2111 S. Blue Bell Road in an R-1, Single Family Residential Zoning District, Said Property Being Described as 44.876 Acres Out of the James Walker Survey, A-106 (WCAD Tract 309), in Brenham, Washington County, Texas**

Mayor Tate opened the Public Hearing.

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

Pastor Marcus Lawhon of Redeemer Church addressed Council and requested approval.

Citizen John Doss, a resident at 2201 Parker Court in the Ralston Creek Subdivision, addressed Council and requested to maintain the residential zoning status in that area and not to allow it to be used for industrial use.

**9. Public Hearing to Consider Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham Granting a Specific Use Permit to On Site Restoration, Inc. dba On Site Clean Car to Allow for an Auto Detail Shop on Property Located at 1414 W. Main Street in a B-1, Local Business Residential Mixed Use Zoning District, Said Property Being Described as 0.407 Acres Out of the Phillip Coe Survey, A-31 (WCAD Tract 231), in Brenham, Washington County, Texas**

Development Services Director Erik Smith presented this item. Smith explained that On Site Restoration, Inc. has requested a special use permit (SUP) for 1414 West Main Street to allow for an auto detail shop. Smith stated the applicant will be required to follow all other local ordinances currently required for businesses located in the B-1 Local Business/Residential Mixed Use District. Smith noted this would include all of the materials used for this business to be located inside the business when not in operation.

Smith advised the Planning and Zoning Commission recommended unanimous approval of this request with the condition that the vegetative barrier remain in place. Smith explained that Staff would also like to add the recommendation that when this particular business no longer exists for this location the specific use permit expire, which would require any future like use to re-request a specific use permit.

Councilmember Cantey stated that since this will be located on a main pathway into town she is concerned about the appearance of the outside area. Mayor Tate advised he would like Staff to add some wording to the ordinance regarding the appearance of the area during the shops working hours.

Mayor Tate closed the Public Hearing.

## **REGULAR SESSION**

**10. Discuss and Possibly Act Upon An Ordinance on Its First Reading Granting a Specific Use Permit to Redeemer Church Brenham to Allow for a Church and Related Auxiliary Uses on Property Located at 2111 S. Blue Bell Road in an R-1, Single Family Residential Zoning District, Said Property Being Described as 44.876 Acres Out of the James Walker Survey, A-106 (WCAD Tract 309), in Brenham, Washington County, Texas**

A motion was made by Councilmember Pyle and seconded by Councilmember Cantey to approve an Ordinance on its first reading granting a Specific Use Permit to Redeemer Church Brenham to allow for a Church and Related Auxiliary Uses on property located at 2111 S. Blue Bell Road in an R-1, Single Family Residential Zoning District, said property being described as 44.876 Acres Out of the James Walker Survey, A-106 (WCAD Tract 309), 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

**11. Discuss and Possibly Act Upon An Ordinance on Its First Reading Granting a Specific Use Permit to On Site Restoration, Inc. dba On Site Clean Car to Allow for an Auto Detail Shop on Property Located at 1414 W. Main Street in a B-1, Local Business Residential Mixed Use Zoning District, Said Property Being Described as 0.407 Acres Out of the Phillip Coe Survey, A-31 (WCAD Tract 231), in Brenham, Washington County, Texas**

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Ebel to approve an Ordinance on its first reading granting a Specific Use Permit, to On Site Restoration, Inc. dba On Site Clean Car to allow for an Auto Detail Shop on property located at 1414 W. Main Street in a B-1, Local Business Residential Mixed Use Zoning District, said property being described as 0.407 acres out of the Phillip Coe Survey, A-31 (WCAD Tract 231), in Brenham, Washington County, Texas with the condition that a screening device be installed to shield the vehicle detail operation of the business from the view of persons traveling on West Main Street and that when this particular business no longer exists at this location the specific use permit will expire.

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
<b>Councilmember Danny Goss</b>	<b>No</b>
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

**12. Discuss and Possibly Act Upon a Proposal to Adopt a Tax Rate of \$0.5170 per \$100 Valuation for the 2017 Tax Year, Take Record Vote and Set the Public Hearings on the Proposed Tax Rate in Accordance with State Law**

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller advised Council that the City will be increasing the property tax rate from \$0.5070 per \$100 valuation to \$0.5170 or \$0.01. Miller stated the new property tax rate of \$0.5170 consists of an operations and maintenance rate of \$0.3200 and the debt service rate of \$0.1970.

Miller explained that the Washington County Appraisal District has certified taxable values of \$1,268,819,218 for the 2017 Tax Year which is a net increase of \$71,840,428 or 6.00% above the 2016 (adjusted) taxable values. Miller advised that in accordance with the Tax Code, Council must take a Record Vote to place a proposal to adopt the proposed property tax rate on the agenda of future meetings. Miller stated a separate public hearing on the proposed budget will be held during a Special Council Meeting on September 18, 2017.

A motion was made by Councilmember Cantey and seconded by Councilmember Herring that the property tax be increased by the adoption of a tax rate of \$0.5170 per \$100 valuation, which is effectively a 7.06% increase in the tax rate, to be considered by the governing body on the agendas of the September 18, 2017 and September 21, 2017 meetings and to schedule public hearings on the proposed tax rate for August 17, 2017 and September 7, 2017 in accordance with state law.

Mayor Tate called for a record 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
<b>Councilmember Danny Goss</b>	<b>No</b>
Councilmember Keith Herring	Yes
Councilmember Charlie Pyle	Yes
Councilmember Weldon Williams	Yes

**13. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County Related to the Acquisition, Operation and Maintenance of Public Safety Computer Hardware and Software System and Authorize the Mayor to Execute Any Necessary Documentation**

Assistant City Manager of General Government Ryan Rapelye presented this item. Rapelye explained that earlier this year, the Washington County 911 Advisory Board provided a letter of intent to the ILA Communications Task Force with an explanation and rationale for moving forward to a new Computer Aided Dispatch (CAD) system which includes a capable Record Management System (RMS).

Rapelye stated the letter of intent to the ILA Communications Task Force included next steps to move forward with developing an RFP for new fully integrated public safety software. Rapelye advised that Washington County received four bids and the Advisory Board selected Zuercher Technologies. Rapelye stated the Zuercher Technologies selection was recommended and approved by the ILA Communications Task Force at their May 31, 2017 meeting. Rapelye noted a timeline for implementation of this software has been tentatively established with a go-live in April of 2018.

Councilmember Goss asked if every department will be using this software. Rapelye stated that the fire department will use their own software for records management, but will be dispatched by the new software. Councilmember Goss questioned why the City is paying 45% of the software cost when the fire department will not be using it. Goss stated that he wants to make sure the city's contribution is fair as to the services that it will be receiving.

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve an Interlocal Agreement between the City of Brenham and Washington County related to the Acquisition, Operation and Maintenance of a Public Safety Computer Hardware and Software System 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

#### **14. Administrative/Elected Officials Report**

City Manager Terry Roberts reported on the following:

- TMRS Executive Workshop on August 22<sup>nd</sup> in Sugar Land
- A special council meeting will be held on September 18<sup>th</sup> at 8:30 a.m.

Fire Chief Ricky Boeker reported on the following:

- Fireman's Fiesta is August 12<sup>th</sup>

Director of Community Services Wende Ragonis reported on the following:

- Hot Nights, Cool Tunes has ended and each Saturday night reached over 10,000 people on Facebook

The meeting was adjourned.

*Milton Y. Tate, Jr.*

Mayor



*Jeana Bellinger, TRMC, CMC*

City Secretary