

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on February 1, 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

### Members absent:

Councilmember Weldon Williams, Jr.

### Others present:

City Manager James Fisher, Assistant City Manager of General Government Ryan Rapelye, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary Kacey Weiss, Human Resources Manager Susan Nienstedt, Kaci Konieczny, Cynthia Longhofer, Fire Chief Ricky Boeker, Assistant Fire Chief Brian Scheffer, Fire Marshal Brent Sauble, Interim Police Chief Rusty Pancoast, Dant Lange, Jared Campbell, Public Works Director Dane Rau, Assistant City Manager of Public Utilities Lowell Ogle, Kim Hodde, City Engineer Lori Lakatos, Darlene Konieczny, Paula Shields, Judy Wagner, Rebecca Ruffino, Kevin Boggus, Pam Ruemke, Carrie Derkowski, Robert Aguilar, Brett Schroeder, Brent Folsom, Cody Burge and Rhye Moschak

### Citizens present:

Bill Roberts, Peyton Puckett, Jason Reimer, Lynnette Sheffield, Jeff Robertson, Stacie Oberrender and Jay Petrash

### 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. Special Recognitions**

**3-a. Service Recognitions**

➤ **Ricky Boeker, Fire Department**                      **10 Years**

**3-b. Kacey Weiss – Texas Registered Municipal Clerk Certification**

**4. Citizens Comments**

Bill Roberts, Community Coalition Coordinator with Brazos Valley Council on Alcohol and Substance Abuse, stated that his organization would like to have a town hall meeting in mid-March or April to discuss the opioid epidemic. Roberts advised that he would like the meeting to include citizens from the city and county.

**CONSENT AGENDA**

**5. Statutory Consent Agenda**

**5-a. Minutes from the December 21, 2017 and January 4, 2018 Regular City Council Meetings**

A motion was made by Councilmember Cantey and seconded by Councilmember Herring 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
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

**WORK SESSION**

**6. Discussion and Presentation of the City of Brenham’s Thoroughfare Plan**

City Engineer Lori Lakatos presented this item. Lakatos explained that the City of Brenham’s Major Thoroughfare Plan (MTP) was updated in 2014. Lakatos explained that a thoroughfare plan balances land use and transportation impact of the street network to meet community needs and objectives. Lakatos stated this work session is to discuss an update to the City’s MTP to make sure it meets the needs of the community.

Lakatos stated that doing a basic update on the plan will cost the City around \$50,000. City Manager James Fisher explained that the city needs to update all plans, including the Comprehensive, Thoroughfare and Utility Service plans.

Councilmember Goss stated that the MTP is needed and it will give everyone guidance for what needs to be done for the future. Goss asked if the plan could be broken up into two pieces for budget purposes. Lakatos advised that she will talk to the company and see if that can be done. Fisher stated he would like staff to check on some additional funding sources.

## **7. Discussion and Update Regarding Storm Disaster Recovery from the Federal Emergency Management Agency (FEMA)**

City Engineer Lori Lakatos presented this item. Lakatos explained that Washington County was declared by FEMA a disaster area after unprecedented flooding in May 2016. Lakatos stated that staff has been working with FEMA to get assistance for the damages to facilities and infrastructure. Lakatos gave an update on the following projects currently being reviewed by FEMA for funding:

- Henderson Park
- Burleson Street @ Unnamed Tributary of Sandy Creek
- Hohlt Park
- Burleson Street @ Higgins Branch
- Jefferson Street @ Higgins Branch
- Wastewater Treatment Plant
- Barbee Street @ Unnamed Tributary to Hog Branch
- Jackson Street Park
- Schulte Blvd.
- Ralston Creek Between Chappell Hill & Walnut
- Industrial Blvd.
- Old Mill Creek @ Higgins Branch
- Lake Somerville – Water Intake Structure

## **PUBLIC HEARING**

### **8. Public Hearing to Consider Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas to Amend the Planned Development (PD) District Ordinance No. O-13-020 for Oak Alley Subdivision in Brenham, Washington County, Texas (Case No. P-18-002)**

Mayor Tate opened the Public Hearing.

City Engineer Lori Lakatos presented this item. Lakatos explained that this is a request by Washington County Oak Alley, LLC to amend Planned Development District Ordinance No. O-13-020 for the Oak Alley Subdivision. Lakatos stated the request is to amend setback and lot width requirements. Lakatos advised that the Planning and Zoning Commission voted unanimously to recommend approval of the request.

Jeff Robertson, engineer for the project, addressed Council regarding the changes. Councilmember Goss asked about drainage on the property. Robertson stated that Phase I of the subdivision drains to the north and Phase II would drain to the west to the detention pond.

**9. Public Hearing to Consider Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham to Amend Part III, Section 7, Required Signs (Case No. P-18-004)**

City Engineer Lori Lakatos presented this item. Lakatos explained that this is a city-initiated request to amend the signage requirements for the zoning ordinance. Lakatos stated that in order to better serve the public, it is recommended that the sign have contact information for the City, so concerned citizens can call and obtain information and have their questions and concerns addressed prior to the public meeting. Lakatos advised this is to encourage the public to be well informed about any proposals and attend the public hearings with any comments they may have. Lakatos noted that the Planning and Zoning Commission voted unanimously to recommend approval of the request.

**10. Public Hearing to Consider Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham to Amend Part V, Section 2.03, Membership and Appointment of the Planning and Zoning Commission and Section 3.03, Membership, Appointment and Terms of Office for the Board of Adjustment (Case No. P-18-005)**

City Engineer Lori Lakatos presented this item. Lakatos stated that this is a city-initiated request. Lakatos explained that the City of Brenham’s zoning ordinance currently does not require that members of the Planning and Zoning Commission and the Board of Adjustment be a citizen of the City. Lakatos advised that since the Zoning Ordinance only applies to properties within the city limits, it seems reasonable that only citizens of the city should be eligible to sit on these Boards. Lakatos noted that the Planning and Zoning Commission voted unanimously to recommend approval of the request.

Mayor Tate closed the Public Hearing.

**REGULAR SESSION**

**11. 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, Texas to Amend Planned Development (PD) District Ordinance No. O-13-020 for Oak Alley Subdivision in Brenham, Washington County, Texas (Case No. P-18-002)**

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to approve an Ordinance on its First Reading Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas to Amend Planned Development (PD) District Ordinance No. O-13-020 for the Oak Alley Subdivision 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
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

**12. 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 III, Section 7, Required Signs (Case No. P-18-004)**

A motion was made by Councilmember Herring and seconded by Councilmember Cantey 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 III, Section 7, Required Signs (Case No. P-18-004).

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
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

**13. 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 V, Section 2.03, Membership and Appointment of the Planning and Zoning Commission and Section 3.03, Membership, Appointment and Terms of Office for the Board of Adjustment (Case No. P-18-005)**

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel 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 V, Section 2.03, Membership and Appointment of the Planning and Zoning Commission and Section 3.03, Membership, Appointment and Terms of Office for the Board of Adjustment (Case No. P-180005).

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
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

**14. Discuss and Possibly Act Upon the 2017 Use of Force Report for the City of Brenham Police Department and Authorize the Mayor to Execute Any Necessary Documentation**

Interim Police Chief Rusty Pancoast presented this item. Pancoast stated the Recognition Best Practices Program requires the annual Use of Force Report be presented to Council. Pancoast explained that in review of the use of force incidents from 2016 to 2017, there was a decrease from 30 use of force incidents to 21, which is a 30% decrease.

A motion was made by Councilmember Pyle and seconded by Councilmember Goss to approve the 2017 Use of Force Report for the City of 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:

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
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

**15. Discuss and Possibly Act Upon the 2017 Pursuit Report for the City of Brenham Police Department and Authorize the Mayor to Execute Any Necessary Documentation**

Interim Police Chief Rusty Pancoast presented this item. Pancoast stated the Recognition Best Practices Program requires the annual Pursuit Report be presented to Council. Pancoast explained that during the calendar year of 2017, the department was involved in one (1) vehicle pursuit. Pancoast noted the pursuit was a result of a hit & run/reckless driver – motorcyclist. Pancoast advised that in review of vehicle pursuits for the year 2016 in comparison to 2017, there was a decrease by seven (7).

A motion was made by Councilmember Herring and seconded by Councilmember Goss to approve the 2017 Pursuit Report for the City of 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:

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
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

**16. Discuss and Possibly Act Upon Resolution No. R-18-003 Authorizing the Acceptance of a Rifle-Resistant Body Armor Grant from the Criminal Justice Division of the Office of the Governor**

Interim Police Chief Rusty Pancoast presented this item. Pancoast explained that in response to the July 7, 2016 shooting of police officers in Dallas, Texas, Senate Bill 12 was passed during the 85<sup>th</sup> Legislative Regular Session. Pancoast stated that Senate Bill 12 authorized the Criminal Justice Division (CJD) of the Governor’s Office to create a grant program to assist agencies in the purchase of rifle-resistant body armor.

Chief Pancoast explained that the city applied for this grant back in September 2017 and has been notified that the grant will be awarded once accepted by the Council.

A motion was made by Councilmember Goss and seconded by Mayor Pro Tem Ebel to approve Resolution No. R-18-003 authorizing the acceptance of a Rifle-Resistant Body Armor Grant from the Criminal Justice Division of the Office of the Governor.

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
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

**17. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham and Washington County for Sanitation Services at the Citizen’s Collection Station and Authorize the Mayor to Execute Any Necessary Documentation**

Public Works Director Dane Rau presented this item. Rau stated that on November 16, 2017 the Collection Station ILA was discussed with City Council. Rau explained that language concerning the operations of the Annual Spring Cleanup for the County and City was discussed. Rau advised that this item was also taken to the Commissioners Court during a workshop discussing the same concepts of changing the Annual Spring Cleanup from “free” to a portion of the waste being free and anything above 500 pounds a normal gate rate would then apply. Rau stated the only other minor change is that the county agreed to provide jail inmates, community service or other workers, as requested by the City, to assist the Station for both the City and County annual three-day “Spring Clean-Up” events.

A motion was made by Councilmember Herring and seconded by Councilmember Pyle to approve an Interlocal Agreement between the City of Brenham and Washington County for Sanitation Services at the Citizen’s Collection Station 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
<b>Councilmember Weldon Williams</b>	<b>Absent</b>



**18. Discuss and Possibly Act Upon Resolution No. R-18-004 In Opposition to the United States Bureau of Land Management’s (BLM’s) Decision to Lease Land for Oil and Gas Drilling and Production in Washington County, At and Around Lake Somerville**

Assistant City Manager of Public Utilities Lowell Ogle presented this item. Ogle explained that despite protests from area landowners, the United States Bureau of Land Management (“BLM”) plans to issue leases on approximately 1,400 acres of federal land around Lake Somerville for oil and gas drilling and production. Ogle stated that while City Council recognizes the importance of oil and gas drilling and production activities to the economy of the State of Texas, Council believes that the proposed activities must be assessed in relationship to the protection of clean drinking water supplies.

City Manager James Fisher addressed Council and stated that staff is trying to find out where the City would for water if there was a problem. Fisher questioned where an alternate source of water should be considered in near future in case something does happen with drilling at the Lake.

A motion was made by Councilmember Goss and seconded by Mayor Pro Tem Ebel to approve Resolution No. R-18-004 in regards to the United States Bureau of Land Management’s (BLM’s) decision to lease land for oil and gas drilling and production in Washington County, at and around Lake Somerville.

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
<b>Councilmember Weldon Williams</b>	<b>Absent</b>

Council adjourned into Executive Session at 2:37 p.m.

**EXECUTIVE SESSION**

**19. 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 the Termination of Said Contract and Other Available Remedies**

Executive Session adjourned at 2:56 p.m.

**RE-OPEN REGULAR SESSION**

- 20. 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.

- 21. Administrative/Elected Officials Report**

No reports given

The meeting was adjourned.

*Milton Y. Tate, Jr.*

Mayor

*Jeana Bellinger, TRMC, CMC*

City Secretary

