

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on November 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 Albert Wright

### Members absent:

Position 5 - Vacant

### Others present:

City Attorney Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary I Kacey Weiss, Deputy City Secretary II Karen Stack, Assistant City Manager – Chief Financial Officer Carolyn Miller, Human Resources Director Susan Nienstedt, Sara Parker, Debbie Gaffey, Cynthia Longhofer, Crystal Locke, Andria Heiges, Fire Chief Ricky Boeker, Fire Marshal Brent Sauble, Police Chief Allwin Barrow, Dant Lange, Allison Harper, Public Works Director Dane Rau, Casey Redman, Assistant City Manager of Public Utilities Lowell Ogle, Development Services Director Lori Sanguedolce, Stephanie Doland, Kim Hodde and Todd Ashorn

### Citizens present:

Tiffany Morisak, Chris Ann Stroech, Molly Duge, Lynnette Sheffield, Doug French, Sarah Korpita and Clint Kolby

### Media Present:

Arthur Hahn, Brenham Banner Press; and Josh Blaschke, KWHI

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Councilmember Herring**

3. **Proclamation**
  - **National American Indian Heritage Month**
4. **Special Recognitions**
  - **GFOA Certificate of Achievement for Excellence in Financial Reporting**
    - *Tenth Consecutive Year*
5. **Citizens Comments**

There were no citizen comments.

## **CONSENT AGENDA**

6. **Statutory Consent Agenda**
  - 6-a. **Minutes from the October 4, 2018 Regular City Council Meeting**
  - 6-b. **Ordinance No. O-18-015 on Its Second Reading Amending Chapter 18, Oil and Gas Production, of the Code of Ordinances for the City of Brenham**
  - 6-c. **Accept a Grant in the Amount of \$14,500.00 from the Ladd and Katherine Hancher Library Foundation for the Nancy Carol Roberts Memorial Library for the Digitization of a Portion of the Brenham Banner Press and Authorize the Mayor to Execute Any Necessary Documentation**
  - 6-d. **Approve a Contract with Game Time in the Amount of \$89,384.69 for the Purchase and Installation of Playground Equipment for Fireman’s Park and Authorize the Mayor to Execute Any Necessary Documentation**
  - 6-e. **Approve a Contract with Miracle Recreation Equipment Co. in the Amount of \$66,280.00 for the Purchase and Installation of Playground Equipment for Hohlt Park and Authorize the Mayor to Execute Any Necessary Documentation**
  - 6-f. **Approve a Contract with Professional Turf Products, L.P. in the Amount of \$75,122.48 for the Purchase of Parks Mowing Equipment Through the BuyBoard Local Government Purchasing Cooperative and Authorize the Mayor to Execute Any Necessary Documentation**
  - 6-g. **Approve an Updated Engagement Letter for Legal Services with the Law Office of Cary L. Bovey, PLLC and Authorize the Mayor to Execute Any Necessary Documentation**
  - 6-h. **Approve a Noise Variance for “McCaul for Congress” for a Rally for Congressman Michael McCaul to be Held on November 3, 2018 from 4:00 p.m. – 6:00 p.m. at the Washington County Courthouse Gazebo and Authorize the Mayor to Execute Any Necessary Documentation**

**6-i. Approve a Noise Variance for the City of Brenham for a Pop-Up Play Day to be Held on November 10, 2018 from 11:00 a.m. – 2:00 p.m. at Hattie Mae Flowers Park and Authorize the Mayor to Execute Any Necessary Documentation**

**6-j. Approve a Noise Variance for Mount Rose Missionary Baptist Church for a Community Outreach Event to be Held on November 17, 2018 from 10:00 a.m. – 2:00 p.m. at Henderson Park and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to approve the Statutory Consent Agenda Items 6-a. through 6-j. 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 Albert Wright	Yes
At Large, Position 5	Vacant

## **WORK SESSION**

### **7. Presentation and Discussion Regarding the Roles and Responsibilities of the Comprehensive Plan Advisory Committee (CPAC)**

Assistant Director of Development Services Stephanie Doland presented this item. Doland stated that on September 20, 2018, the City Council approved a professional services agreement with Planning Consultant, Kendig Keast Collaborative (KKC) for the purposes of updating the City's Comprehensive Plan. Doland noted that the Comprehensive Plan process includes a large public input component. Doland explained that citizens, local businesses, local elected and appointed officials, and all community stakeholders are strongly encouraged to participate in the 12-month planning process.

Doland advised that when the Request for Qualifications was published in April and May 2018, staff included in the scope of the project the formation of a Comprehensive Plan Advisory Committee (CPAC). Doland stated the CPAC would be tasked with working alongside KKC and City Staff to assist in the development of the plan and to serve as the "sounding board" for the consultants during the formation of the Comprehensive Plan.

Doland explained that the CPAC is expected to meet at least four (4) times during the project, and will be encouraged to attend additional public input meetings and related functions. Doland stated that following Council's recommendation of three (3) at-large citizen members and one Councilmember representative and alternate, staff will bring forward a draft CPAC member list, which will represent a large range of community entities including members from various Boards and Commissions.

Council recommended Mary Lou Winkelmann and David Folschinsky to the committee and selected Councilmember Herring as the Council representative. Councilmember Cantey will serve as an Alternate for Councilmember Herring. Doland advised that she would present a full list of representatives at the Council meeting on November 29<sup>th</sup>.

## **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-17-005 for Vintage Farms Subdivision in Brenham, Washington County, Texas (Case No. P-18-024)**

Mayor Tate opened the Public Hearing.

Assistant Director of Development Services Stephanie Doland presented this item. Doland stated that this is the Public Hearing for the request by CTX Land Investments, LLC, d/b/a Stylecraft Builders, to amend Planned Development (PD) District Ordinance No. O-17-005 for the Vintage Farms Subdivision to remove language requiring that air conditioning units not encroach more than two (2) feet into rear or side yards. Doland advised that on Monday, October 22, 2018, after conducting a Public Hearing, the Planning and Zoning Commission voted unanimously to recommend approval of the request, subject to the approval of the Fire Marshal. Doland explained that Development Services staff conferred with City of Brenham Fire Marshal Sauble who was not opposed to the original amendment or the revised amendment as recommended by the Planning and Zoning Commission.

Citizen Lynnette Sheffield asked that if Council makes an exception to this PD ordinance, will staff have to go back and review the other PD districts. Doland explained that the City would not review any other PD ordinances unless requested to do so by the Developer or Council.

Councilmember Goss stated that every PD ordinance is written differently and that he was not in favor of amending this Agreement as requested, but that he would be in favor of amending the Agreement to allow the placement of the air conditioning units in the back yard.

Doug French, with Stylecraft Builders, addressed Council and explained that this wording was simply an oversight. He stated that he was not able to find any documentation to explain why this wording was included in the Agreement. He thanked Council for considering their request.

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, Texas to Amend Planned Development (PD) District Ordinance No. O-17-005 for the Vintage Farms Subdivision in Brenham, Washington County, Texas (Case No. P-18-024)**

Councilmember Goss made a motion to not approve the Ordinance on its first reading as presented but with a four and one-half (4½) feet encroachment into the rear of the building for HVAC unit. This motion failed due to lack of a second.

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Cantey to table Item 9.

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 Albert Wright	Yes
At Large, Position 5	Vacant

**10. Discuss and Possibly Act Upon an Ordinance on Its First Reading Authorizing a Variance to Building Setback Requirements, as Outlined in Section 23-22(1) of the City of Brenham Code of Ordinances, on a Tract of Land Being Described as Part of Lots 50-53, of the College Heights Addition, Located at 810 Brown Street in Brenham, Washington County, Texas**

Assistant Director of Development Services Stephanie Doland presented this item. Doland stated that this is a request from the owner Jose Rodriguez Avalos and the applicant Dara Childs for a variance from the subdivision ordinance. Doland noted that the applicant would like to purchase the property and build a single-family dwelling. Doland explained that the request is to allow a twenty (20) foot building setback. Currently, a twenty-five (25) foot building setback is required on this lot. Doland advised that on October 22, 2018, the Planning and Zoning Commission considered this request and recommended approval of the proposed variance.

A motion was made by Councilmember Cantey and seconded by Councilmember Herring to approve an Ordinance on its first reading authorizing a variance to building setback requirements, as outlined in Section 23-22(1) of the City of Brenham Code of Ordinances, on a tract of land being described as Part of Lots 50-53, of the College Heights Addition, located at 810 Brown Street 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 Albert Wright	Yes
At Large, Position 5	Vacant

**11. Discuss and Possibly Act Upon Resolution No. R-18-018 Adopting a Fee Schedule Related to Permits, Inspections and Other Requirements of Chapter 18, Oil and Gas Production, of the Code of Ordinances for the City of Brenham**

City Attorney Cary Bovey presented this item. Bovey stated that as discussed with the City Council at the October 18<sup>th</sup> council meeting, this Resolution is to adopt the fee schedule associated with the new oil and gas production ordinance.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Ebel to approve Resolution No. R-18-018 adopting a Fee Schedule related to permits, inspections and other requirements of Chapter 18, Oil and Gas Production, of the Code of Ordinances of the City of Brenham.

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 Albert Wright	Yes
At Large, Position 5	Vacant

**12. Discuss and Possibly Act Upon Proposed Changes to the City Council Meeting Dates for November and December 2018, and January 2019**

City Secretary Jeana Bellinger presented this item. Bellinger stated that as discussed at the October 18, 2018 Special meeting, the City Council meeting calendar for the holiday season would be as follows:

- November 1, 2018: First regular meeting of November, 2018
- November 29, 2018: Second regular meeting of November, 2018
- December 13, 2018: The only meeting in December, 2018
- January 10, 2019: First regular meeting of January, 2019
- January 17, 2019: Second regular meeting of January, 2019

A motion was made by Councilmember Herring and seconded by Councilmember Wright to approve the changes to the City Council meeting dates for November and December 2018, and January 2019 as presented with the addition of a special workshop meeting on December 6, 2018 at 11:00 a.m.

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 Albert Wright	Yes
At Large, Position 5	Vacant

**13. Discuss and Possibly Act Upon Resolution No. R-18-019 Adopting a Social Media Policy for the City of Brenham**

A motion was made by Councilmember Wright and seconded by Councilmember Cantey to table Item 13.

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 Albert Wright	Yes
At Large, Position 5	Vacant

**14. Discuss and Possibly Act Upon the 2019 Holiday Schedule**

Human Resources Director Susan Nienstedt presented this item. Nienstedt stated that the schedule provides for 12 observed holidays, and 1 floating (birthday holiday) for a total of 13 paid holidays. Nienstedt advised that staff is recommending the addition of Washington County Fair day, to accommodate employees and their children’s involvement in the local County Fair.

A motion was made by Councilmember Cantey and seconded by Councilmember Wright to approve the 2019 Holiday Schedule 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 Albert Wright	Yes
At Large, Position 5	Vacant

**15. Discuss and Possibly Act Upon an Ordinance on Its First Reading Providing for an Increase in Retirement Annuities in the Texas Municipal Retirement System Effective January 1, 2019**

Human Resources Director Susan Nienstedt presented this item. Nienstedt stated that for many years, City Council has approved, on an annual basis, an ordinance providing for an increase in retirement annuities of 70% of the Consumer Price Index (CPI) as provided through the Texas Municipal Retirement System. Nienstedt advised that in order to make any changes in the City’s plan provisions, an Ordinance must be approved by Council. Nienstedt noted that the funding rate for the City of Brenham would increase from 9.72% to 10.01%. Nienstedt stated that staff included this funding rate in the FY18-19 budget.

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve an Ordinance on its first reading providing for an increase in Retirement Annuities in the Texas Municipal Retirement System effective January 1, 2019.

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 Albert Wright	Yes
At Large, Position 5	Vacant



**16. Discuss and Possibly Act Upon Resolution No. R-18-020 Authorizing the Execution of an Agreement with TxDOT for the Temporary Closure of State Right of Way in Connection with the 2018 Christmas Stroll and Lighted Parade to be Held on Saturday, December 1, 2018**

Community Services Specialist Crystal Locke presented this item. Locke stated that staff is requesting the temporary closure of Main Street and Alamo Street between Market Street and Austin Street from 2:00 pm until 8:00 pm. Locke explained that due to an agreement with TxDOT, closures more than four hours need approval of this Agreement by the Council.

A motion was made by Councilmember Cantey and seconded by Councilmember Herring to approve Resolution No. R-18-020 authorizing the execution of an agreement with TxDOT for the temporary closure of state right of way in connection with the 2018 Christmas Stroll and Lighted Parade to be held on Saturday, December 1, 2018.

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 Albert Wright	Yes
At Large, Position 5	Vacant

**17. Discuss and Possibly Act Upon a Shelter Agreement Between the City of Brenham's Pet Adoption and Care Center and Hill's Pet Nutrition Through the Hill's Food, Shelter & Love Program for Pet Food and Authorize the Mayor to Execute Any Necessary Documentation**

Animal Services Manager Allison Harper presented this item. Harper stated that Hill's Pet Nutrition Sales, Inc. operates the Food, Shelter and Love Program whereby Hill's Science Diet pet food is made available at a discounted cost to animal shelters. Harper advised that in return, the shelter agrees to feed the provided food exclusively and to display and communicate information about the Food, Shelter and Love Program. Harper explained that by obtaining food through the Program, staff would be able to provide consistent, quality nutrition to animals at reduced cost compared to obtaining food at retail.

A motion was made by Councilmember Cantey and seconded by Councilmember Wright to approve the final version, with the city attorney's approval, of a Shelter Agreement between the City of Brenham's Pet Adoption and Care Center and Hill's Pet Nutrition Through the Hill's Food, Shelter & Love Program for Pet Food 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 Albert Wright	Yes
At Large, Position 5	Vacant

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

Assistant City Manager - Chief Financial Officer Carolyn Miller reported on the following:

- Boards and Commissions Appreciation Event is tonight from 5:00 p.m. - 7:00 p.m. in the City Hall lobby
- City Manager's Executive Assistant Paula Shields last day with the City is tomorrow. Mayor Tate thanked her for her service.

Public Works Director Dane Rau reported on the following:

- Community Services Specialist Crystal Locke's profile is in the current edition of the Texas Recreation and Parks Society (TRAPS) magazine

The meeting was adjourned.

*Milton Y. Tate, Jr.*

Mayor

*Jeana Bellinger, TRMC, CMC*

City Secretary

