

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on January 10, 2019 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
Councilmember Clint Kolby

Members absent:

None

Others present:

City Manager James Fisher, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary I Kacey Weiss, Assistant City Manager – Chief Financial Officer Carolyn Miller, Comptroller Stacy Hardy, Human Resources Director Susan Nienstedt, Sara Parker, Strategic Budget Officer Debbie Gaffey, Director of Tourism and Marketing Jennifer Eckermann, Crystal Locke, Tammy Jaster, Fire Chief Ricky Boeker, Public Works Director Dane Rau, Assistant City Manager of Public Utilities Lowell Ogle, Development Services Director Lori Sanguedolce, Stephanie Doland, Kim Hodde, Economic Development Director Susan Cates, Lloyd Powell, Kevin Boggus, Kyle Moudry, Eliborio Villarreal, Gary Marburger, Johnny Randermann, Ande Bostain, Brian Smith, Dane Bybee, Chris Bugaj, Vincent Estrada and Joe Moore

Citizens present:

Perry Thomas, Jim Kruse, John Mabie and Dorothy Morgan

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 Wright

3. Service Recognitions

- **Kyle Moudry, Water Treatment** **5 Years**
- **Eliborio Villarreal, Street** **15 Years**
- **Gary Marburger, Gas** **20 Years**
- **Johnny Randermann, Water Treatment** **30 Years**

4. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

5. Statutory Consent Agenda

- 5-a. Minutes from the December 6, 2018 Special City Council Meeting**
- 5-b. Ordinance No. O-19-001 on Its Second Reading Authorizing the Placement of a Stop Sign on Center Street at Its Intersection with Crockett Street**
- 5-c. Ordinance No. O-19-002 on Its Second Reading Authorizing the Placement of a Stop Sign on Duprie Drive at Its Intersection with Stephanie Street**
- 5-d. Ordinance No. O-19-003 on Its Second Reading Authorizing the Placement of a Stop Sign on Hosea Street at Its Intersection with Riggs Street**
- 5-e. Ordinance No. O-19-004 on Its Second Reading for the Abandonment of a Portion of Salley Street**
- 5-f. Acceptance of a Donation from The Andrus Foundation in the Amount of \$25,000.00 for the City of Brenham Police Department**
- 5-g. Approve an Addendum to and Modification of the Visitors Center Lease Agreement Between the City of Brenham and Simon Theater Master Tenant, LLC and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Herring and seconded by Councilmember Wright to approve the Statutory Consent Agenda Items 5-a. through 5-f. as presented and that Item 5-g. be moved to the Regular Session for discussion.

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
Councilmember Clint Kolby	Yes

WORK SESSION

6. Presentation and Discussion on the City of Brenham's Sign Ordinance

Assistant Director of Development Services Stephanie Doland presented this item. Doland explained that during the workshop portion of the City Council meeting on September 20, 2018, staff presented an update on the current sign ordinance and asked for feedback concerning an update to the ordinance. Doland stated that staff was directed to draft revisions to the sign ordinance and to meet with citizens, property owners, the Main Street Board and the Planning and Zoning Commission to discuss said revisions.

Doland advised that since September 20th staff has facilitated two public meetings, one specific to Downtown and one at-large signage meeting with the public to discuss signage needs. Doland noted that based on public feedback received, sign laws and rulings, and the existing sign ordinance staff has begun to assemble a draft to amend the sign ordinance. Doland stated that staff intends to provide an update on the status of the sign ordinance amendment process, including:

- Feedback received from citizens and business owners
- Proposed sign ordinance language
- Timeline for citizen and business owner feedback
- Timeline for Main Street Board and Planning and Zoning Commission feedback

7. Presentation and Discussion Regarding Revisions to the City of Brenham Human Resources Policy Manual

Human Resources Director Susan Nienstedt presented this item. Nienstedt explained that the Human Resource policy was last updated in full in 2015. Nienstedt stated that revisions and changes of the policy have been reviewed and discussed by our Employee Committee, Leadership Team, and the City Attorney. Nienstedt presented a summary of the proposed changes.

REGULAR SESSION

5-g. Approve an Addendum to and Modification of the Visitors Center Lease Agreement Between the City of Brenham and Simon Theater Master Tenant, LLC and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller stated that when the lease agreement was presented in October this section of building was inadvertently omitted from the agreement. Miller stated that the city is using this space for a conference room so it needs to be added to the lease.

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
Councilmember Clint Kolby	Yes

8. Discuss and Possibly Act Upon Resolution No. R-19-001 Authorizing the Giving of Notice of Intention to Issue City of Brenham, Texas, Combination Tax and Revenue Certificates of Obligation, Series 2019; and Declaring an Effective Date

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller explained that during the Council budget workshops and in the adoption of the FY18-19 budget, staff discussed issuing certificates of obligation (COs) for general government and water utility projects. Miller stated the general government projects of \$1.5 million include covering the costs to construct street and drainage improvements for Burleson at Higgins Branch, Jefferson at Higgins Branch and Industrial Boulevard. Miller advised that the water utility improvements of \$1.5 million include replacement of over 2.7 miles of cast iron (CI) and asbestos cement (AC) pipe in the water distribution system. Miller noted that this agenda item is giving notice of the City’s intent to issue Certificates of Obligation, Series 2019 not to exceed \$3.1 million for these purposes including bond issuance costs.

Miller explained that the initial step in the financing process is to give notice of the City’s intent to issue the certificates of obligation, and upon Council’s approval, the notice itself will be published in the Brenham Banner Press. Miller stated that Garry Kimball, the City’s financial adviser, would handle securing the pricing and bring it back to Council for action at the February 21, 2019 meeting.

A motion was made by Councilmember Goss and seconded by Councilmember Wright to approve Resolution No. R-19-001 authorizing the giving of notice of intention to issue City of Brenham, Texas, Combination Tax and Revenue Certificates of Obligation, Series 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
Councilmember Clint Kolby	Yes

9. Discuss and Possibly Act Upon Change Order No. 1 to the Contract with Kraftsman Commercial Playgrounds & Water Parks for Playground Equipment at the Blue Bell Aquatic Center and Authorize the Mayor to Execute Any Necessary Documentation

Purchasing Manager Sara Parker presented this item. Parker explained that the original quote from Kraftsman Commercial Playgrounds and Water Parks did not include the waiver of subrogation on Workman's Compensation insurance, which is required by the City of Brenham. Parker stated that the revised quote was received too late to make the change on the agenda item for the December 20th meeting. Parker noted that due to the time sensitivity of the project, staff moved forward with issuing the purchase order as originally approved and now request the change order for the additional charges.

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Kolby to approve Change Order No. 1 in the amount of \$824.75 to the contract with Kraftsman Commercial Playgrounds & Water Parks for playground equipment at the Blue Bell Aquatic Center 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
Councilmember Clint Kolby	Yes

10. Discuss and Possibly Act Upon Resolution No. R-19-002 Adopting a New Fee Schedule for the City of Brenham Parks and Recreation Department

Public Works Director Dane Rau presented this item. Rau explained that over the last year, staff has evaluated the rates that are charged for facilities and services within the Parks and Recreation Division. Rau stated that at the most recent Parks and Recreation Advisory Board meeting in December, staff presented proposed rates to the board. Rau noted that these proposed rates were discussed in length and evaluated in depth compared to many factors including private facilities in Brenham, public facilities in Brenham, surrounding cities rental rates, along with looking at added expenses of the Parks and Recreation assets since the last evaluation. Rau added that at the meeting, it was approved unanimously that these rates should be adjusted to reflect a closer comparison to similar assets in the community and public facilities in surrounding areas.

John Mabie, president of the Washington County Little League, addressed Council. Mabie stated that he would like to see the usage fees increased for the select teams that use Brenham fields.

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve Resolution No. R-19-002 adopting a new fee schedule for the City of Brenham Parks and Recreation Department with the revision that select team rates be increased from \$200 to \$250.

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
Councilmember Clint Kolby	Yes

11. Discuss and Possibly Act Upon the Fitness Passport Service Agreement between the City of Brenham and United Healthcare Optum Health Care Solutions, LLC Related to a Fitness Program and Facility Partnership at the Blue Bell Aquatic Center and Authorize the Mayor to Execute Any Necessary Documentation

Aquatic Center Supervisor Tammy Jaster presented this item. Jaster explained that this Fitness Passport Service Agreement between United Healthcare Optum Health Care Solutions, LLC and the Blue Bell Aquatic Center, is a Fitness Program – Facility Partnership. Jaster stated that this program is offered to certain individual policy plan holders of United Healthcare Medicare Advantage Plan. Jaster advised that Optum Health Care Solutions, LLC would pay the Blue Bell Aquatic Center based on usage of eligible members at a rate of \$4 per day up to \$32.00 per month (8 visits).

A motion was made by Councilmember Kolby and seconded by Councilmember Herring to approve the Fitness Passport Service Agreement between the City of Brenham and United Healthcare Optum Health Care Solutions, LLC related to a fitness program and facility partnership at the Blue Bell Aquatic Center 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
Councilmember Clint Kolby	Yes

12. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Rate Tariff Schedule(s) for the City of Brenham Recycling Center and Collection Station Rates

Public Works Director Dane Rau presented this item. Rau explained that as discussed at the December 20, 2018 meeting during Work Session, it is in the best interest to make adjustments to bagged garbage accepted at the Recycling Center and Collection Station. Rau stated that it was decided that all bagged garbage would be transitioned to one location, being the Citizens Collection Station on Old Chappell Hill Road. Rau advised that at the same time, the rate would increase from \$1.00 per bag to \$2.00 per bag. Rau noted that the new rate would be effective February 4th.

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve an Ordinance on its first reading amending the Rate Tariff Schedule(s) for the City of Brenham Recycling Center and Collection Station rates.

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
Councilmember Clint Kolby	Yes

13. Discuss and Possibly Act Upon the Purchase of a Bucket Truck for the Electric Department Using Sourcewell Cooperative Contract Number 042815-TER and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager of Public Utilities Lowell Ogle presented this item. Ogle explained that during the budget process, Council approved the purchase of a new bucket truck. Ogle stated that this unit would replace a 1999 model that has begun to have many maintenance issues. Ogle noted that the old unit would be sold on GovDeals.

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Wright to approve the purchase of a bucket truck for the electric department in the amount of \$196,211 using Sourcewell Cooperative Number 042815-TER 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
Councilmember Clint Kolby	Yes

14. Discuss and Possibly Act Upon the Purchase of a Brush Chipper for the Electric Department Through Buyboard Local Government Purchasing Cooperative Contract Number 515-16 and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager Lowell Ogle presented this item. Ogle explained that during the budget process, Council approved the purchase of a new brush chipper. Ogle advised that this unit would replace a 1995 model that has begun to have many maintenance issues. Ogle stated that the old unit would be sold on GOVdeals.

A motion was made by Councilmember Cantey and seconded by Councilmember Herring to approve the purchase of a brush chipper for the electric department in the amount of \$64,693.64 through Buyboard Local Government Purchasing Cooperative Contract Number 515-16 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
Councilmember Clint Kolby	Yes

15. Discuss and Possibly Act Upon an Order Calling a General Election on May 4, 2019 for the Purpose of Electing One Mayor; One Council Member for Place 2 – Ward 2; and One Council Member for Place 4 – Ward 4, Each for Four (4) Year Terms

Discutir y posiblemente actuar por una orden exigiendo Elecciones Generales el 4 de mayo de 2019 con el propósito de la elección de un alcalde, un miembro de consejo para Lugar 2 – Distrito Electoral 2, y un miembro de consejo para Lugar 4 – Distrito Electoral 4, cada uno para términos de cuatro (4) años.

City Secretary Jeana Bellinger presented this item. Bellinger explained that in accordance with the Texas Election Law and the City's election schedule, the city must hold a General Election on Saturday, May 4, 2019 to elect a Mayor, one Councilmember for Ward 2 and one Councilmember for Ward 4. Bellinger stated that each position would be for a four (4) year term.

A motion was made by Councilmember Cantey and seconded by Councilmember Kolby to approve an Order calling a General Election on May 4, 2019 for the purpose of electing one Mayor; one Council Member for Place 2 – Ward 2; and one Council Member for Place 4 – Ward 4, each for four (4) year terms.

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
Councilmember Clint Kolby	Yes

16. Discuss and Possibly Act Upon an Election Services Contract Between the City of Brenham and Washington County Related to Election Responsibilities for the May 4, 2019 General Election and Authorize the Mayor to Execute Any Necessary Documentation

City Secretary Jeana Bellinger presented this item. Bellinger stated that the City will be contracting with Washington County to provide various election services and election equipment for the May 4, 2019 General Election. Bellinger advised that this Election Services Agreement defines what each entity will be responsible for during the Election. Bellinger advised the Council that the County Clerk contacted her and expressed some concerns about having the new election equipment in time for the election. Bellinger said the contract needs to be amended to not name a specific type of equipment since it is unknown which equipment will be used. Bellinger requested that the agreement be approved with the stipulation that any wording changes be approved by the City Attorney.

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to approve an Election Services Contract between the City of Brenham and Washington County related to election responsibilities for the May 4, 2019 General Election and that any changes to the agreement related to the type of election equipment be approved 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 Albert Wright	Yes
Councilmember Clint Kolby	Yes

17. Discuss and Possibly Act Upon an Interlocal Agreement Between the City of Brenham, Brenham Independent School District (BISD) and Blinn College for the May 4, 2019 General Election and Authorize the Mayor to Execute Any Necessary Documentation

City Secretary Jeana Bellinger presented this item. Bellinger explained that as in previous years, the City, BISD and Blinn all contract with Washington County for election services and equipment. Bellinger noted that this Interlocal Agreement addresses various issues related to the election and outlines what each entity will be responsible for during the May 4, 2019 General Election.

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve an Interlocal Agreement between the City of Brenham, Brenham Independent School District (BISD) and Blinn College for the May 4, 2019 General Election 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
Councilmember Clint Kolby	Yes

Council adjourned into Executive Session at 2:58 p.m.

EXECUTIVE SESSION

- 18. Section 551.087 – Texas Government Code – Economic Development Negotiations – Discuss and Deliberate Project BK Regarding Commercial or Financial Information that the City Has Received from a Business Prospect and the Offer of Financial or Other Incentives to a Business Prospect that the City Seeks to Have Locate In or Near the City of Brenham and With Which the City is Conducting Economic Development Negotiations**
- 19. Section 551.072 – Texas Government Code – Real Property – Discuss and Deliberate the Purchase of Real Property in the Downtown Area for Future Municipal Improvements**
- 20. Section 551.074 – Texas Government Code – Personnel Matters – Discuss and Deliberate City Manager’s Employment Agreement and Related Issues**

Executive Session adjourned at 4:22 p.m.

RE-OPEN REGULAR AGENDA

- 21. Discuss and Possibly Act Upon a Chapter 380 Development Agreement Regarding Project BK and Authorize the Mayor to Execute Any Necessary Documentation**

This item was passed.

22. Discuss and Possibly Act Upon the Purchase of Real Property in the Downtown Area for Future Municipal Improvements and Authorize the Mayor to Negotiate and Execute Any Necessary Documentation

A motion was made by Councilmember Kolby and seconded by Councilmember Wright to approve the purchase of real property in the downtown area as identified by the Mayor and authorize the Mayor to negotiate and 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
Councilmember Clint Kolby	Yes

23. Discuss and Possibly Act Upon the City Manager’s Employment Agreement and Related Issues and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Councilmember Kolby and seconded by Councilmember Cantey to extend the city manager’s employment agreement for the period of January 11, 2019 to January 10, 2020 (one year) and change the City Manager’s mailing address listed in the agreement to the new Brenham address 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
Councilmember Clint Kolby	Yes

24. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- Town Hall Meeting tonight to discuss the Comprehensive Plan
- Bat remediation near Toubin Park will begin next week

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor

Jeana Bellinger, TRMC, CMC

City Secretary



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