Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on September 5, 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 Keith Herring
- Councilmember Albert Wright
- Councilmember Clint Kolby

Members absent:

- Councilmember Adonna Saunders

Others present:

- City Manager James Fisher, City Attorney Cary Bovey, 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, Strategic Budget Officer Debbie Gaffey, Andria Heiges, Director of Tourism and Marketing Jennifer Eckermann, Crystal Locke, Melinda Gordon, Fire Chief Ricky Boeker, Police Chief Allwin Barrow, Dant Lange, Todd Ashorn, Public Works Director Dane Rau, Casey Redman, Assistant City Manager – Director of Public Utilities Lowell Ogle, Development Services Director Stephanie Doland, Kim Hodde, Allen Jacobs, Economic Development Director Susan Cates and Kevin Boggus

Citizens present:

- Vicky Soderberg, Sue Hewitt, Bob Schmidt, Donna Culliver, Melinda Faubion, Brenda Herrmann, Wende Ragonis, Emil Mokry, Sharon Brass, Charlie Pyle and Meredith Dang

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 – City Attorney Cary Bovey
3. Proclamations
   - Washington County READ
   - Childhood Cancer Awareness Month

4. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

5. Statutory Consent Agenda

   5-a. Ordinance No. O-19-030 on Its Second Reading Amending Chapter 24, Taxation, Code of Ordinances, City of Brenham, Texas to Provide for the Creation of a Municipal Sales and Use Tax for the City of Brenham

   5-b. Ordinance No. O-19-031 on Its Second Reading Amending the Rate Tariff Schedule(s) for the City of Brenham Water Rates

   5-c. Resolution No. R-19-022 Authorizing the Acceptance of TxDOT’s Selective Traffic Enforcement Program (STEP) Comprehensive Grant for Traffic Enforcement October 1, 2019 through September 30, 2020

   5-d. Resolution No. R-19-023 Authorizing the Conveyance of Public Safety Equipment to the Washington County Precinct 1 Constables Office

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve the Statutory Consent Agenda Items 5-a, 5-c and 5-d as presented and to approve Statutory Consent Agenda Item 5-c with the minor grammatical changes as requested by the City Attorney.

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 Adonna Saunders**       Absent
Councilmember Keith Herring    Yes
Councilmember Albert Wright    Yes
Councilmember Clint Kolby      Yes
WORK SESSION

6. Presentation and Discussion Regarding the Visit Brenham/Washington County Tourism Strategic Action Plan

Director of Tourism and Marketing Jennifer Eckermann presented this item and introduced Vicky Soderberg of Cygnet Strategies. Eckermann explained that Visit Brenham, the Destination Marketing Organization (DMO) for Brenham and Washington County, has been working diligently with Vicky Soderberg to develop a strategic action plan for tourism for Brenham/Washington County. Eckermann stated that since starting this project almost a year ago, staff has travelled numerous times across the county and met with tourism partners to discuss the current state of tourism, and later to listen, to gather information, and to collaborate about how those interested can move forward to successfully attract visitors. Soderberg presented an overview of the Plan, as it relates to Brenham and the Visit Brenham DMO.

7. Presentation and Discussion Regarding Updates to Chapter 19, Parks and Recreation, Code of Ordinances, City of Brenham, Texas

Deputy City Secretary II Karen Stack presented this item. Stack advised that the City’s Ordinance related to Parks and Recreation was last updated in 2010. Stack explained that it contains some provisions which are outdated, and Parks and Recreation staff believed additional provisions would be beneficial. Stack noted that staff held two work sessions at Parks and Recreation Board meetings and that on August 14th, 2019 the Board voted to recommend these changes for consideration by the City Council.

Stack advised that some of the more significant changes to the Ordinance include:

➢ New prohibitions of unauthorized advertising, overnight camping, sleeping in restrooms, use of tobacco products, use of bicycles and skates on trails, swimming in unauthorized areas, parking semis and trailers, and alcohol at the aquatic center.

➢ New permitting requirements and processes.

➢ Removal of Article III, pertaining to the Parks and Recreation Board. The Board would then be governed under the Boards Policy adopted by Council in December 2018.

PUBLIC HEARING

8. Proposed Tax Rate of $0.5140 per $100 Valuation for Fiscal Year Beginning October 1, 2019 and Ending September 30, 2020

Mayor Tate opened the Public Hearing.
Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller explained that the Council must hold two public hearings to receive citizen comments on a proposed tax rate. Miller stated that the first public hearing on the proposed tax rate was held during the special Council meeting on August 14, 2019 and citizen comments were received.

Miller advised that a property tax rate of $0.5140 per $100 valuation is proposed to fund the FY2019-20 Budget. Miller stated that of this rate, $0.3200 will be for maintenance and operations (M&O). Miller noted that the balance of $0.1940 is for debt service (interest and sinking or I&S). Miller explained that although the proposed budget decreases the current property tax rate of $0.5170 to $0.5140, due to increased property values, this rate is above the effective rate and will produce higher tax revenues. Miller stated that the increase in property taxes will be used for the purpose of public safety and infrastructure maintenance and operations.

Citizen Emil Mokry addressed Council. Mokry asked if the pension fund is being fully funded. Miller stated that the pension fund currently is funded at 80%.

Mayor Tate announced the first reading of the Ordinance to adopt the tax rate will be during a Special Council meeting on Monday, September 16, 2019 at 8:30 a.m. at City Hall, located at 200 W. Vulcan Street. The second reading of the Ordinance and adoption of the tax rate is scheduled for a Regular Council meeting on Thursday, September 19, 2019 at 1:00 p.m. at City Hall, located at 200 W. Vulcan Street.

Mayor Tate closed the Public Hearing.

PUBLIC HEARINGS AND ASSOCIATED ACTION ITEMS


Development Services Director Stephanie Doland presented this item and introduced Meredith Dang of Kendig Keast Collaborative. Doland explained 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 explained that the following provides a brief overview of the community-wide engagement offered throughout the plan:

- Four community-wide public input events; and
- Five listening sessions with various community stakeholder groups; and
- Four Comprehensive Plan Advisory Committee Meetings; and
- Three joint workshop meetings with the BOA, P&Z and Council; and
- A community-wide online survey with 298 responses received.
Doland stated that the result of the aforementioned meetings was the new proposed Comprehensive Plan being presented to the Council. Doland explained that the new Plan consists of two components: (1) *Brenham Today* – The Existing City Report, and (2) *Historic Past, Bold Future: Plan 2040* – Our Future City Report (Plan 2040).

A motion was made by Councilmember Cantey and seconded by Councilmember Kolby to approve an Ordinance on its first reading adopting the City of Brenham’s 2019 Comprehensive Plan Entitled “Historic Past, Bold Future: Plan 2040” (Case No. P-19-029).

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

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Development Services Director Stephanie Doland presented this item. Doland explained that this is a City initiated request to remove from the City of Brenham’s Code of Ordinances, Appendix A, Part II, Division 1, Section 18 which previously established non-metal façade requirements on residential uses in selected zoning districts.

Doland stated that during the January and February Planning and Zoning Commission meetings earlier this year, the Commission considered an amendment to establish minimum non-metal façade requirements for residential property in Brenham. Doland advised that following a recommendation by the Commission, the Brenham City Council unanimously voted on April 18th and May 2nd, 2019 to approve an ordinance which prohibited the use of a metal façade on residential property in the R-1, R-2, R-3 and B-1 zoning districts. Doland explained that during the recent legislative session, House Bill 2439 was passed which prohibits Texas municipalities from enforcing ordinances that restrict the use of building material for residential or commercial construction if the material is approved for use by a national model code published within the last three code cycles. Doland noted that the aforementioned House Bill would become effective on September 1, 2019 and staff proposes to remove the recently adopted restriction to be in compliance with recent legislation.
A motion was made by Councilmember Herring and seconded by Councilmember Wright to approve an Ordinance on its first reading repealing Ordinance No. O-19-017 and deleting Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Part II, Division 1, Section 18, Exterior Construction Materials for selected zoning districts in Brenham, Washington County, Texas.

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

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REGULAR SESSION

11. **Discuss and Possibly Act Upon Resolution No. R-19-024 Adopting the Visit Brenham/Washington County Tourism Strategic Action Plan**

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Cantey to approve Resolution No. R-19-024 adopting the Visit Brenham/Washington County Tourism Strategic Action Plan.

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

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Deputy City Secretary II Karen Stack presented this item. Stack explained that Council approved the Ordinance on its first reading but asked for two changes to be made for second reading.
The two changes were:

1) Section 27-5 has been added, designating the City Secretary for delivery of any notice required under Chapter 27.

2) Section 27-31(a)(8) has been amended so that an individual with 2 or more DWI or DUI convictions is permanently disqualified from holding a city chauffeur’s license.

A motion was made by Councilmember Cantey and seconded by Councilmember Wright to approve Ordinance No. O-19-032 on its second reading amending Chapter 27, Vehicles for Hire, Code of Ordinances, 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 Andrew Ebel       Yes
- Councilmember Susan Cantey      Yes
- Councilmember Adonna Saunders  Absent
- Councilmember Keith Herring     Yes
- Councilmember Albert Wright     Yes
- Councilmember Clint Kolby       Yes

13. **Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 19, Parks and Recreation, Code of Ordinances, City of Brenham, Texas**

A motion was made by Councilmember Kolby and seconded by Councilmember Cantey to approve an Ordinance on its first reading amending Chapter 19, Parks and Recreation, Code of Ordinances, 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 Andrew Ebel       Yes
- Councilmember Susan Cantey      Yes
- Councilmember Adonna Saunders  Absent
- Councilmember Keith Herring     Yes
- Councilmember Albert Wright     Yes
- Councilmember Clint Kolby       Yes
14. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 6, Buildings and Structures, Code of Ordinances, City of Brenham, Texas to Adopt the 2015 Version of the International Building Codes with Local Amendments

Building Official Allen Jacobs presented this item. Jacobs explained that staff recommends updating the adopted building codes from the 2012 International Building Code suite to the 2015 International Building Code suite. The suite of the International Codes includes the following:

- 2015 International Building Code (IBC)
- 2015 International Residential Code (IRC)
- 2015 International Fire Code (IFC)
- 2015 International Plumbing Code (IPC)
- 2015 International Mechanical Code (IMC)
- 2015 International Fuel Gas Code (IFGC)
- 2015 International Existing Building Code (IEBC)
- 2015 International Property Maintenance Code (IPMC)
- 2015 International Swimming Pool and Spa Code (ISPSC)

Jacobs stated that the purpose of maintaining the current International Building Codes is to safeguard health, safety, property and public welfare. Jacobs advised that in addition to the 2015 International Codes, the City of Brenham also adopts local amendments to these codes. Jacobs explained that the local amendments accommodate the City of Brenham code of ordinances, and also allow the City of Brenham to enforce code requirements that are beneficial to our municipality. Jacobs noted that these local amendments are necessary as they reflect local construction practices and laws.

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to approve an Ordinance on its first reading amending Chapter 6, Buildings and Structures, Code of Ordinances, City of Brenham, Texas to Adopt the 2015 Version of the International Building Codes with Local Amendments.

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 Adonna Saunders Absent
- Councilmember Keith Herring    Yes
- Councilmember Albert Wright    Yes
- Councilmember Clint Kolby      Yes
15. Discuss and Possibly Act Upon Contract No. 2017-09 Related to Henderson Park Phase II and Phase III Improvements and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained that in June of 2018 and April of 2019, the Brenham Community Development Corporation (BCDC) approved a total of $650,000 for Phase II and Phase III for additional enhancements to Henderson Park. Rau stated that on August 22, 2019 Strand and Associates, along with staff opened bids related to Phase II/III. Rau noted that 4 bids were received. Rau advised that Aggieland Construction submitted the lowest base bid of $403,557.00. Rau explained that they also submitted prices for the alternates which were broken out from the base bid so staff could get a better understanding of pricing and have those for consideration.

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve Contract No. 2017-09 to Aggieland Construction, in the amount of $492,136.00 including the alternate bids, related to Henderson Park Phase II and Phase III Improvements 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 Adonna Saunders Absent
Councilmember Keith Herring Yes
Councilmember Albert Wright Yes
Councilmember Clint Kolby Yes

16. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Rate Tariff Schedule(s) for the City of Brenham Electric Rates

Assistant City Manager of Public Utilities Lowell Ogle presented this item. Ogle explained that the City’s electric rates are designed to cover the cost of electric distribution services, in an equitable manner, among rate classes. Ogle noted that distribution costs are recovered via a monthly customer charge and a consumption driven wires rate. Ogle advised that the City has a consultant-designed electric rate model which is used internally by staff to analyze the adequacy of electric rates. Ogle stated that the latest staff study reveals that current electric rates do not generate adequate revenues to cover distribution costs. Ogle explained that under the current rate structure, the City is projecting an average deficit in the Electric Fund of ($400,000) per year or ($2.4) million over six years.

Ogle stated that staff is proposing an increase to the monthly customer charge and the consumption-based wires charge. Ogle noted that the last rate change was in 2013 for small and large industrial customers and 2003 for all other customer classes. Ogle advised that the City’s electric rates will remain highly competitive after the increase. Ogle stated that the proposed new rates are effective with utility billing occurring on or after January 1, 2020.
A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Ebel to approve an Ordinance on its first reading amending the Rate Tariff Schedule(s) for the City of Brenham Electric 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 Adonna Saunders**    Absent
- Councilmember Keith Herring   Yes
- Councilmember Albert Wright   Yes
- Councilmember Clint Kolby     Yes

17. Discuss and Possibly Act Upon the Appointment of Persons to Serve on the Brenham Community Projects Fund, Inc. Board of Directors and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller explained that at the August 27, 2015 City Council meeting, former Director of Community Services, Wende Ragonis, presented to Council the idea of forming a 501(c)(3) non-profit Charitable Foundation to provide funding for quality of life enrichment for recreation, literacy and community philanthropy and development. Miller stated that at that time the City Council was in favor of moving forward to form a 501(c)(3) non-profit charitable foundation to be named City of Brenham Community Projects Fund, Inc. (the Foundation).

Miller explained that shortly after Council’s approval, the Certificate of Formation and Bylaws were prepared and submitted to the Secretary of State’s Office. The Council also appointed the following Officers for the Foundation:

- President: Mayor Milton Y. Tate, Jr.
- Vice President: Councilmember Gloria Greenwade Nix
- Treasurer: City Manager Terry Roberts
- Secretary: City Manager Terry Roberts

Miller stated that since 2015, the Foundation has been dormant; however, the past few months staff has had several people and local businesses inquire about a 501(c)(3) organization to accept monetary donations for Parks and Animal Services. Miller advised that the first step is to get a new slate of Officers, appointed by the City Council, since two of the three Officers are no longer affiliated with the City.

Mayor Tate volunteered to continue serving and Councilmembers Cantey and Kolby said that they would like to serve as well.
A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to approve the appointment Mayor Tate, Councilmember Cantey and Councilmember Kolby to serve on the Brenham Community Projects Fund, Inc. Board of Directors 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 Adonna Saunders**: Absent
- Councilmember Keith Herring: Yes
- Councilmember Albert Wright: Yes
- Councilmember Clint Kolby: Yes

18. **Discuss and Possibly Act Upon the Approval of the Routine Airport Maintenance Program (RAMP) Grant Agreement No. M2017BREN with TxDOT for FY2020 and Authorize the Mayor to Execute Any Necessary Documentation**

Planning Technician Kim Hodde presented this item. Hodde explained that this grant agreement with TxDOT is for participation in the Routine Airport Maintenance Program (RAMP) for September 1, 2019 through August 31, 2020. Hodde advised that as in the prior years, this agreement allows staff to be reimbursed for 50% of the cost of our monthly AWOS monitoring (AviMet Data Link connection fees and continued scheduled maintenance), annual AWOS maintenance contract, as well as 50% of our replacement lamps for the airport lighting system, herbicides, general maintenance, and a contingency for emergency repairs. Hodde noted that the maximum for the grant is $100,000 total (50/50 match) for the fiscal year; however, staff has budgeted funds of $50,000. Hodde explained that with TX DOT’s $50,000 match, this would enable staff to do $100,000 worth of maintenance at half the cost to the City of Brenham.

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Wright to approve the Routine Airport Maintenance Program (RAMP) Grant Agreement No. M2017BREN with TxDOT for FY2020 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 Adonna Saunders**: Absent
- Councilmember Keith Herring: Yes
- Councilmember Albert Wright: Yes
- Councilmember Clint Kolby: Yes
19. **Discuss and Possibly Act Upon the Extension of a Contract Between the City of Brenham and Ron Stegemoller dba RS Aircraft Services for Mechanic Services at the Brenham Municipal Airport and Authorize the Mayor to Execute Any Necessary Documentation**

Planning Technician Kim Hodde presented this item. Hodde explained that the City of Brenham approved an agreement with Ron Stegemoller dba RS Aircraft Service for mechanic services at the Brenham Municipal Airport on the 16th day of September 2004. Hodde stated that Article II of this agreement allows for a five (5) year renewal option if Lessee gives written notice of such desire to Lessor not less than sixty (60) days before the end of the current term. Hodde noted that this agreement was extended on August 5, 2010 and again on September 16, 2014 for a five (5) year term. Hodde advised that the contract extension will expire on September 16, 2019; however, the City and Mr. Stegemoller desire to extend the lease for another five (5) year term by mutual agreement.

A motion was made by Councilmember Wright and seconded by Councilmember Cantey to approve the extension of a contract between the City and Ron Stegemoller dba RS Aircraft Services for mechanic services at the Brenham Municipal Airport for five (5) years expiring on September 16, 2024 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 Adonna Saunders** Absent
- Councilmember Keith Herring Yes
- Councilmember Albert Wright Yes
- Councilmember Clint Kolby Yes

Council adjourned into Executive Session at 2:38 p.m.

**EXECUTIVE SESSION**

20. **Section 551.071 – Texas Government Code – Consultation with Attorney – Consultation with the City Attorney for the Purpose of Seeking Legal Counsel Regarding Brenham Municipal Court Matters and Associated Issues, Including But Not Limited to the Presiding Municipal Court Judge**

21. **Section 551.071 – Texas Government Code – Consultation with Attorney – Consultation with the City Attorney for the Purpose of Seeking Legal Counsel Regarding Authorizing Representation in a Matter Involving the Texas Municipal League Multistate Employee Benefits Pool and the Internal Revenue Service (IRS)**

Executive Session adjourned at 3:09 p.m.
RE-OPEN REGULAR AGENDA

22. Discuss and Possibly Act Upon Resolution No. R-19-025 Authorizing Representation in a Matter Involving the Texas Municipal League Multistate Employee Benefits Pool and the Internal Revenue Service (IRS)

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Cantey to approve Resolution No. R-19-025 authorizing representation in a matter involving the Texas Municipal League Multistate Employee Benefits Pool and the Internal Revenue Service (IRS) as recommended by the City Attorney.

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

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23. Administrative/Elected Officials Report

None

The meeting was adjourned.

**Milton Y. Tate, Jr.**  
Mayor

**Kacey A. Weiss, TRMC**  
Deputy City Secretary I