

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on June 6, 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 Adonna Saunders
Councilmember Keith Herring
Councilmember Albert Wright
Councilmember Clint Kolby

Members absent:

None

Others present:

City Manager James Fisher, City Attorney Cary Bovey, City Secretary – Director of Administrative Services Jeana Bellinger, Deputy City Secretary I Kacey Weiss, Deputy City Secretary II Karen Stack, Assistant City Manager – Chief Financial Officer Carolyn Miller, Comptroller Stacy Hardy, Human Resources Director Susan Nienstedt, Crystal Locke, Caz Muske, Fire Chief Ricky Boeker, Police Chief Allwin Barrow, Public Works Director Dane Rau, Stephanie Doland, Kim Hodde, Economic Development Director Susan Cates, Lloyd Powell, Caylee Rocka and Emily Dedmon

Citizens present:

Charlie Pyle, Perry Thomas, Anthony Smith, Curtis Seale, Sally Clinton, Bob Schmidt, Pat Johnson, Roslyn Bradford, Wende Ragonis and Willy Dilworth

Media Present:

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

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – City Attorney Cary Bovey**

3. Citizens Comments

Curtis Seale, a resident of 2401 Oakwood, addressed Council. Seale stated that he is concerned about the safety and hazards of possible live wires in the right-of-way and a trench that is eroding and has started to erode onto his property. Mr. Seale advised that he has been in contact with Lowell Ogle and David Doelitsch regarding the issues. Mayor Tate stated that staff would continue to work with him to get the issues resolved.

CONSENT AGENDA

4. Statutory Consent Agenda

4-a. Minutes from the April 18, 2019 and May 2, 2019 Regular City Council Meetings and May 7, 2019 and May 14, 2019 Special City Council Meetings

4-b. Approve a Noise Variance for the City of Brenham for a Pop-Up Play Day to be Held on June 8, 2019 from 11:00 a.m. – 2:00 p.m. at Jackson Street Park and Authorize the Mayor to Execute Any Necessary Documentation

4-c. Approve a Noise Variance in Connection with the 2019 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be Held from 2:30 p.m. to Midnight on July 6, 13, 20 and 27, 2019 and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve the Statutory Consent Agenda Items 4-a. through 4-c. with a correction to the May 14, 2019 minutes.

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	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

PUBLIC HEARING

5. Public Hearing to Consider Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham to Amend Part II, Division II, Section 3.02, Permitted Uses: (Nonresidential Uses) to Allow Signs for Public Facilities Which are Placed by a Government Entity or Public Institution of Higher Education as a Permitted Use in the Local Business/Residential Mixed Use (B-1) District in Brenham, Washington County, Texas (Case No. P-19-020)

Mayor Tate opened the Public Hearing.

Assistant Director of Development Services Stephanie Doland presented this item. Doland explained that during the research and public input phase of revising the sign ordinance, staff received feedback that entry monument signage may be appropriate as the primary use of a non-residential property. Doland stated that entry monument signs are placed near or adjacent to public facilities such as educational and administration buildings, athletic and sports fields, stadiums, and community centers for identification purposes. Doland advised staff finds that revising the language would allow governmental entities and other public institutions the opportunity to place monument signs on vacant property to help establish a sense of place and distinguish arrival to otherwise unseen boundaries. Doland noted that the current zoning ordinance does not allow signage to be the primary use of a property. Doland stated that the Planning and Zoning Commission unanimously recommended approval.

Mayor Tate closed the Public Hearing.

REGULAR SESSION

6. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 21, Signs, of the Code of Ordinances of the City of Brenham (Case No. P-19-019)

Assistant Director of Development Services Stephanie Doland presented this item. Doland explained that on September 20, 2018 city staff was directed to draft revisions to the existing sign ordinance and seek a recommendation on the revisions by the Main Street Board and the Planning and Zoning Commission. Doland stated that since that time, staff has held four (4) public input meetings concerning the draft sign ordinance and has received feedback from citizens and business owners on two versions of the draft sign ordinance. Doland advised that additionally, staff has met individually with multiple interested parties and given presentations at various Main Street Board, Planning and Zoning Commission and Council Subcommittee meetings.

Doland explained that on Monday, May 6, 2019, the Main Street Board met to consider the proposed Sign Ordinance and unanimously recommended approval with the following revisions:

1. Properties with multiple entrances on multiple parallel streets be offered one sidewalk sign per corresponding entrance; and
2. Directed staff to review existing sidewalk signs downtown to determine if 12 square feet for sidewalk signage is the prevailing standard and to make necessary revisions.

Doland stated that on Tuesday, May 28, 2019, the Planning and Zoning Commission met to consider the proposed Sign Ordinance and unanimously recommended approval with the following revisions:

1. Increase sign area of electronic signs along 290 and 36 from 50 square feet to 64 square feet (Sec. 21-9(3))
2. Increase height of residential entry monument signs from 5 feet to 8 feet (Sec. 21-12(1)(a)(i)).

Councilmember Saunders requested increasing the number of residential signs (non-commercial) from two (2) to three (3) or four (4).

Councilmember Cantey stated that she does not want to allow so many signs at one time. Cantey noted that she is okay with increasing the number by a few, but does not want it to be unlimited.

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to approve an Ordinance on its first reading amending Chapter 21, Signs, of the Code of Ordinances of the City of Brenham (Case No. P-19-019) to accept the recommendations of the Planning and Zoning Commission and the Main Street Board recommendation concerning sidewalk sign placement, an amendment to Section 21-12 Regulations by Use Section 1(b)(i) to change the number to four (4) non-commercial signs or flag signs on the property at any time and to increase the sign faces to twenty-four (24) square feet cumulatively and direct staff to prepare language regarding patriotic and seasonal signs.

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	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

7. 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 II, Division II, Section 3.02, Permitted Uses: (Nonresidential Uses) to Allow Signs for Public Facilities Which are Placed by a Government Entity or Public Institution of Higher Education as a Permitted Use in the Local Business/Residential Mixed Use (B-1) District in Brenham, Washington County, Texas (Case No. P-19-020)

A motion was made by Councilmember Kolby 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 II, Division II, Section 3.02, Permitted Uses: (Nonresidential Uses) to allow signs for public facilities which are placed by a government entity or public institution of higher education as a permitted use in the Local Business/Residential Mixed Use (B-1) District in Brenham, Washington County, Texas (Case No. P-19-020).

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	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

8. Discuss and Possibly Act Upon an Ordinance on Its First Reading Establishing an Ad Valorem Tax Freeze for Residential Homestead Property Owners of the City of Brenham Who Are Disabled or 65 Years of Age or Older

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item and introduced Willy Dilworth, Chief Appraiser with the Washington County Appraisal District (WCAD). Miller explained that this item was being presented to City Council for consideration after being reviewed with the Audit Committee. Miller stated that the Audit Committee’s recommendation is to approve a tax freeze for residential property owners who are disabled or citizens 65 years of age and older, and maintain the \$24,000 exemption. Miller advised that the 2019 valuations are the base year for enacting the tax freeze. Miller noted that with a tax freeze, the tax bill would be frozen, not the valuation.

Miller advised that for the 2018 tax year, out of 9,000 accounts there were 1,447 accounts (or 2.53%) of the tax levy that received the \$24,000 exemption. Miller noted that this would be the number of citizens 65 and over who would receive a tax freeze. Miller explained that Chief Appraiser, Willy Dilworth, reviewed this information with the Audit Committee, and it was noted that although an exact amount of lost tax levy from the tax freeze could not be calculated, the impact overall would not be substantial.

Councilmember Cantey questioned if properties are ever devalued. Dilworth stated that they could be. He also clarified that this “freeze” is actually a ceiling, so that if a future calculated tax bill decreased from the 2019 bill due to loss of property value or decrease in tax rate, the property owner would be billed the reduced amount.

Councilmember Kolby asked whether this would apply only to homestead properties. Dilworth replied that this would apply only to primary residences.

A motion was made by Councilmember Herring and seconded by Councilmember Kolby to approve an Ordinance on its first reading establishing an ad valorem tax freeze for residential homestead property owners of the City of Brenham, Texas who are disabled or 65 years of age or older.

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	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

9. Discuss and Possibly Act Upon Resolution No. R-19-014 Authorizing Execution of an Agreement with TxDOT for the Temporary Closure of State Right-of-Way in Connection with the 2019 Downtown Summer Concert Series (Hot Nights, Cool Tunes) to be Held on July 6, 13, 20 and 27, 2019

Community Services Specialist Crystal Locke presented this item. Locke explained that Hot Nights, Cool Tunes, is hosted by the City of Brenham and sponsored by local businesses. Locke advised that this year’s concerts will be held July 6, 13, 20, and 27, from 7:00 p.m. – 10:00 p.m. Locke noted that one lane of Alamo Street between Park Street and St. Charles Street will close at 2:30 p.m. for stage setup. Locke stated that both lanes of Alamo Street would be closed between Austin Street and Market Street from 4:30 p.m. to midnight.

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Cantey to approve Resolution No. R-19-014 authorizing execution of an agreement with TxDOT for the temporary closure of state right-of-way in connection with the 2019 Downtown Summer Concert Series, Hot Nights, Cool Tunes, to be held on Saturdays in July.

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	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

10. Discuss and Possibly Act Upon a Professional Services Agreement with Strand Associates, Inc. for Henderson Park Improvements, Phase 2, and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained that during the 2017-18 BCDC funding meeting, \$294,500 was allocated to begin Phase I Improvements to this park. Rau advised that this portion is currently under construction. Rau stated that BCDC has allocated an additional \$600,000 to complete Phase II work. Rau stated that Phase II work consists of restroom/concession stand enhancements, as well as major renovation work to the baseball field, which includes bleacher pads, new bleachers, new ball field fencing, backstop netting, brick dugouts, bullpens, and conversion of the infield to 60/90 dimension baseball. Rau advised that it would also include additional lighting such as low-level lighting and parking lot lighting. Rau explained that by conducting this work it would complete the Henderson Park Improvements that are needed to enhance this park and provide usability in many areas.

A motion was made by Councilmember Herring and seconded by Councilmember Wright to approve a Professional Services Agreement with Strand Associates, Inc., in the amount of \$63,300, for Henderson Park Improvements, Phase 2, 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	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

11. Discuss and Possibly Act Upon Change Order No. 1 and Final Payment to Thielemann Construction for the Fireman’s Park Public Restrooms and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau stated that the Fireman’s Park Restroom project is finally complete! Rau advised that they became active in late March and are working well. Rau explained that this project has taken much longer than expected with the first contractor abandoning the project and ultimately going to surety where Thielemann Construction picked up the project. Rau noted that Thielemann Construction has been great to work with and worked through many obstacles to get to a final completion point.

A motion was made by Councilmember Ebel and seconded by Councilmember Cantey to approve Change Order No. 1 and final payment to Thielemann Construction in the amount of \$42,416.00 for the Fireman’s Park Public Restrooms 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	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

12. Discuss and Possibly Act Upon Change Order No. 1 and Final Payment to Progressive Commercial Aquatics, Inc. for Repairs to the Outdoor Leisure Pool at the Blue Bell Aquatic Center and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained that on November 29, 2018 City Council awarded a contract to Progressive Commercial Aquatics, Inc. for modifications to the outdoor leisure pool at the Aquatic Center. Rau stated that all modifications were driven by laws that went into effect since the pool was originally opened, specifically the Virginia Graeme Baker Spa and Safety Act of 2002.

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve Change Order No. 1 and final payment in the amount of \$123,380.79 to Progressive Commercial Aquatics, Inc. for repairs to the outdoor leisure pool 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 Adonna Saunders	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

13. Discuss and Possibly Act Upon Resolution No. R-19-015 Authorizing the Conveyance of Public Safety Radios to the Brazos Valley Wide Area Communications System (BVWACS) and Authorize the Mayor to Execute Any Necessary Documentation

Fire Chief Ricky Boeker presented this item. Boeker explained that if the City donates the old radios, they could be refurbished by BVWACS and maybe help another entity join the radio system. Boeker advised that last year Brazos County and City of Bryan donated their old radios to BVWACS. Boeker noted that it has helped Grimes County and City of Navasota get on the system, which in turn has dropped the City's annual cost to the BVWACS by \$6,433 this year. Boeker stated that if the radios were to be donated, staff would not have to wipe them because they will be the same network and mostly the same talk groups put back in the radios.

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Kolby to approve Resolution No. R-19-015 authorizing the conveyance of public safety radios to the Brazos Valley Wide Area Communications System (BVWACS) 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	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

14. Discuss and Possibly Act Upon Change Order No. 2 to the Professional Services Agreement with Strand Associates, Inc. for Services Related to FY19 Water Main Replacements and Authorize the Mayor to Execute Any Necessary Documentation

This item was passed.

15. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- Juneteenth Parade will be June 15th
- Budget meeting will be June 13th at 9:00 a.m. at the fire department
- Stephanie Doland is the new Director of Development Services

Council adjourned into Executive Session at 2:03 p.m.

EXECUTIVE SESSION

16. 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, Stay or Expand In or Near the City of Brenham and With Which the City is Conducting Economic Development Negotiations

17. Section 551.076 – Texas Government Code – Security Devices – Discuss and Deliberate Security Needs of City Hall and Other City Facilities

Executive Session adjourned at 2:57 p.m.

RE-OPEN REGULAR AGENDA

18. Discuss and Possibly Act Upon Resolution No. R-19-016 Approving the Amendment of the Chapter 380 Economic Development Agreement Between the City of Brenham and BK Stringer, Ltd.

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve Resolution No. R-19-016 approving the amendment of the Chapter 380 Economic Development Agreement between the City of Brenham and BK Stringer, Ltd.

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	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor

Jeana Bellinger, TRMC, CMC

City Secretary



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