

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on June 20, 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 Albert Wright
Councilmember Clint Kolby

Members absent:

Councilmember Keith Herring

Others present:

City Manager James Fisher, 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, Comptroller Stacy Hardy, Director of Tourism and Marketing Jennifer Eckermann, Melinda Gordon, Fire Chief Ricky Boeker, Public Works Director Dane Rau, Assistant City Manager of Public Utilities Lowell Ogle, Development Services Director Stephanie Doland, Kim Hodde, Tony Tavary, Dustin Wendler, Thomas Holliday, Rolando Arroyo, Jack Evans, Kevin Schmidt, Captain Lloyd Powell, Kevin Boggus, Caylee Rocka and Emily Dedmon

Citizens present:

Dee Dee Michel, Alexander Michel, Savannah Gutierrez, Bob Schmidt, Brad Trochta and Tom Holiday

Media Present:

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

- 1. Call Meeting to Order**
- 2. Invocation and Pledges to the US and Texas Flags – Mayor Pro Tem Ebel**

- 3. **Service Recognitions**
 - **Tony Tavary, Information Technology** **5 Years**
 - **Dustin Wendler, Streets** **10 Years**
 - **Jennifer Eckermann, Tourism & Marketing** **20 Years**

4. **Citizens Comments**

There were no citizen comments.

CONSENT AGENDA

5. **Statutory Consent Agenda**

- 5-a. **Minutes from the May 16, 2019 Regular City Council Meeting**
- 5-b. **Ordinance No. O-19-018 on Its Second 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)**
- 5-c. **Ordinance No. O-19-019 on Its Second 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**

A motion was made by Councilmember Kolby and seconded by Councilmember Cantey to approve the Statutory Consent Agenda Items 5-a. through 5-c. 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 Adonna Saunders	Yes
Councilmember Keith Herring	Absent
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

WORK SESSION

6. Discussion and Presentation Related to the Possible Amendment of Chapter 27, Vehicles for Hire, of the Code of Ordinances of the City of Brenham

Deputy City Secretary II Karen Stack presented this item. Stack explained that the City's Ordinance related to Vehicles for Hire was last updated in 2010. Stack noted that in April, staff came to Council to discuss possible updates to the Ordinance. Stack advised that staff was directed to come back to Council with further information regarding maximum fares.

Stack stated that Bryan/College Station was identified as the best market for comparison to Brenham. Stack noted that a survey of rates in the Bryan/College Station area showed that the maximum fares currently in Chapter 27 are consistent with prevailing market rates.

Stack explained that it should be noted that the owner of Bluebonnet Cabs, who assisted Council in developing the maximum fares in 2010, went out of business a year later. Stack noted that in a letter to the City Secretary's Office, she stated that she had enough demand for services to support her business, but she could not make a profit due to the maximum fares. Stack stated that the owner asked the city to consider deregulation of rates.

Stack advised that due to the many factors that are involved with determining an appropriate fare, and the failure of Bluebonnet Cabs, the recommendation of staff is to remove the maximum fares from the Ordinance. Stack stated that language that requires an individual seeking a taxi permit to provide the city with a proposed fare schedule would prevent price gouging while allowing businesses to remain profitable as the market fluctuates.

Mayor Pro Tem Ebel stated that he would like to see the maximum fares removed from the ordinance.

REGULAR SESSION

7. Discuss and Possibly Act Upon Ordinance No. O-19-020 on Its Second Reading Amending Chapter 21, Signs, of the Code of Ordinances of the City of Brenham (Case No. P-19-019)

Development Services Director Stephanie Doland presented this item. Doland explained that following substantial public consideration and review, on June 6, 2019 Council considered the first reading of an ordinance to significantly amend Chapter 21 – Signs of the Brenham Code of Ordinances. Doland stated that following deliberation to consider recommendations on the proposed ordinance by the Main Street Board and Planning and Zoning Commission, staff was directed to make the following amendments prior to Council consideration of the second and final reading of the proposed sign ordinance:

1. Downtown properties with multiple entrances on multiple parallel streets be offered one sidewalk sign per corresponding entrance (Sec.21-12(3)(c)(iii)); and
2. Increase sign area of electronic signs along 290 and 36 from 50 square feet to 64 square feet (Sec. 21-9(3)); and
3. Increase height of residential entry monument signs from 5 feet to 8 feet (Sec. 21-12(1)(a)(i)); and
4. Add language permitting the use of seasonal decorations for state and federally recognized holidays (Sec. 21-7 (9)).

Doland advised that staff has made the necessary aforementioned amendments and staff recommends the following additional amendment to the non-residential sign regulations section:

1. Wall signs on building elevations that face properties zoned for and/or developed with a residential use shall be prohibited. (Sec. 21-12(2)(a)).

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to approve Ordinance No. O-19-020 on its second reading, including the recommended changes, amending Chapter 21, Signs, 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 Adonna Saunders	Yes
Councilmember Keith Herring	Absent
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

8. Discuss and Possibly Act Upon an Ordinance on Its First Reading for the Abandonment of a Portion of the Limit Street Right-of-Way

Development Services Director Stephanie Doland presented this item. Doland explained that Brenham Wholesale Grocery has requested that a portion of Limit Street be abandoned. Doland stated that the 0.137-acre tract is bounded on the north, east and west by property owned by Brenham Wholesale Grocery and bounded on the south by Harrell Street. Doland advised that the 0.013-acre tract of land is bounded on the west by the Dewitt Kossie tract, bounded on the north and east by Limit Street ROW, and bounded on the south by Harrell Street. Doland noted that if abandoned, the 0.137 acre tract would be deeded to Brenham Wholesale Grocery and the 0.013 acre tract would be deeded to Dewitt Kossie. Doland explained that there are existing utilities (water line, sanitary sewer line, overhead electric) in the Limit Street right-of-way and the City of Brenham will retain an easement for maintenance of said utilities.

A motion was made by Councilmember Cantey and seconded by Councilmember Kolby to approve an Ordinance on its first reading for the abandonment of a portion of the Limit Street Right-of-Way.

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	Absent
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

9. Discuss and Possibly Act Upon Resolution No. R-19-017 Adopting a New Fee Schedule for the City of Brenham Development Services Department

Development Services Director Stephanie Doland presented this item. Doland explained that the Development Services fee resolution includes planning and permitting fees for building, electrical, mechanical, plumbing, health, and fire applications. Doland stated that on July 17, 2014, the City adopted a resolution amending the Development Services fee schedule and no changes to building permit and planning fees have been made since that time.

Doland advised that recently the 86th State Legislative session established HB 852 preventing municipalities from charging residential permit fees based on value or construction cost, effective immediately. Doland noted that the City currently values new residential construction based on square footage.

Doland explained that staff has done extensive research comparing the fees of cities of similar size and population. Doland stated that staff also evaluated the time that is incorporated by multiple employees into to processing, reviewing, and inspecting each project application submitted for review and inspection. Doland advised that in comparison the City's fees are extremely low and are significantly subsidizing the cost of development review. Doland noted that staff proposes to increase various fees to break even on state required notifications while still incentivizing the review and inspection portion of development applications.

A motion was made by Councilmember Cantey and seconded by Councilmember Saunders to approve Resolution No. R-19-017 adopting a new Fee Schedule for the City of Brenham Development Services Department.

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	Absent
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

10. Discuss and Possibly Act Upon an Amendment to Attachment B (Fee Schedule) to the Standard Professional Services Agreement between Bureau Veritas North America, Inc. and the City of Brenham and Authorize the Mayor to Execute Any Necessary Documentation

Development Services Director Stephanie Doland presented this item. Doland explained that on August 7, 2014, Council approved a Professional Services Agreement between Bureau Veritas North America, Inc. and the City of Brenham for Plan Review, Inspection, and Permitting Services for the Development Services Department. Doland noted that the agreement was on a request only basis allowing the City to only utilize services as needed.

Doland stated that on May 21, 2019 HB 842, Prohibition on Certain Value-Based Building Permit and Inspection Fees, was signed by the Governor of Texas and was effective immediately. Doland advised that as a result, Bureau Veritas has provided the city with a revised fee schedule to allow the contract for services to be in accordance with the recently changed legislation.

A motion was made by Councilmember Kolby and seconded by Councilmember Wright to approve the Amendment to Attachment B (Fee Schedule) to the Standard Professional Services Agreement between Bureau Veritas North America, Inc. and the City of Brenham 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	Absent
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

11. Discuss and Possibly Act Upon Change Order No. 2 to the Contract with Barclays Premier Utility Services, LLC for the FY19 Water Main Replacement Program and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager of Public Utilities Lowell Ogle presented this item. Ogle explained that Barclay's Premier Utility Services, LLC was awarded Bid No. 64C-50C FY19 for Water Main Replacements. Ogle stated that the City has an agreement with Washington County for the County to fund the extension of a 12-inch water main to the new Road and Bridge building. Ogle advised that based on the experience with Barclays and the fact that they are in Brenham working on other City projects, staff requested a proposal from them to add this work into one of their existing contracts. Ogle noted that approving this change order would allow the project to begin much sooner than if staff goes through a separate bid process.

A motion was made by Councilmember Wright and seconded by Councilmember Cantey to approve Change Order No. 2 to the contract with Barclays Premier Utility Services, LLC in the amount of \$334,740.00 for the FY19 Water Main Replacement Program 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	Absent
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

12. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 24, Taxation, of the Code of Ordinances of the City of Brenham to Adopt an Exemption from the Assessed Taxable Value of Residential Homestead for Property Owners of the City of Brenham Who Are Disabled

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller explained that in January 2006, City Council approved a \$24,000 homestead exemption for persons 65 years of age or older, but this exemption was not granted to disabled persons. Miller stated that the other taxing entities in Washington County have adopted an exemption for disabled persons, and a comparison of the City of Brenham to other taxing entities was shown in the following table.

ENTITY	HOMESTEAD			TAX FREEZE	
	HOMESTEAD	HOMESTEAD FOR 65 & OLDER	HOMESTEAD FOR DISABLED	65 & OLDER	DISABLED
BISD	\$ 25,000	\$ 15,000	\$ 10,000	YES	YES
BLINN	\$ -	\$ 12,000	\$ 12,000	YES	YES
CITY OF BRENHAM	\$ -	\$ 24,000	\$ -	YES	YES
COUNTY-ROAD & BRIDGE	\$ 3,000	\$ 9,000	\$ 9,000	YES	YES
COUNTY-GENERAL	\$ -	\$ 12,000	\$ 12,000	YES	YES

Miller advised that for the 2018 tax year, the number of disabled persons in Washington County was 67, so Brenham would be at this amount or less. Miller noted that although an exact amount of lost tax levy from disabled persons could not be calculated, the impact overall would be minimal.

A motion was made by Councilmember Cantey and seconded by Councilmember Saunders to approve an Ordinance on its first reading amending Chapter 24, Taxation, of the Code of Ordinances of the City of Brenham to adopt an exemption from the assessed taxable value of residential homestead for property owners of the City of Brenham who are disabled.

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	Absent
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

13. Discuss and Possibly Act Upon a Contract for Leased Office Automation Equipment and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller explained that in May 2016, City Council authorized a three year contract with Ricoh to lease a copier machine for Administration, with a \$1 buyout option. Miller stated that after reviewing the condition and operation of this machine, staff determined it needs to be replaced. Miller advised that staff requested proposals from four vendors for the annual lease and maintenance of a similar machine.

Miller advised that staff's recommendation is to continue a three year lease arrangement with Ricoh for the Administration copier machine at an estimated annual cost of \$10,604. Miller noted that staff did receive a slightly lower quote from Xerox (\$9,430), but Ricoh has been a great vendor and is very responsive to requests for emergency service.

A motion was made by Councilmember Wright and seconded by Councilmember Cantey to approve a three (3) year lease contract with Ricoh USA, Inc. for office automation equipment 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	Absent
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

14. Discuss and Possibly Act Upon Bid No. 19-002 Related to Annual Concrete Work for the City of Brenham and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained that on May 29, 2019, the Purchasing Department opened bids regarding annual concrete work, which is requested by the City throughout the year. Rau stated that there were seven bids mailed out with only two of those bids being received. Rau advised that based on the bids, staff recommended awarding the annual concrete work to Legacy Concrete Works. Rau noted that by awarding this bid, it would allow all city departments to coordinate work through Legacy and obtain quick professional service.

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Wright to award Bid No. 19-002 related to annual concrete work for the City of Brenham to Legacy Concrete Works, LLC 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	Absent
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

15. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- Open House to discuss the Comprehensive Plan is today at the Barnhill Center from 5:00 p.m. – 7:00 p.m.
- Hotel Occupancy Tax (HOT) Board training is July 9th at Blinn College at 4:30 p.m.
- HOT Board funding meeting is July 17th at the fire department at 9:00 a.m.
- Parks and Recreation Advisory Board meeting is June 26th at the Blue Bell Aquatic Center at 12:00 p.m.
- Baker Katz should be breaking ground in mid-July and hoping to have a ground breaking ceremony in early August
- A meeting with representatives from the Brenham Heritage Museum is next week and hope to finalize a lease agreement

Council adjourned into Executive Session at 1:47 p.m.

EXECUTIVE SESSION

16. **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**

Executive Session adjourned at 2:31 p.m.

RE-OPEN REGULAR AGENDA

17. **Discuss and Possibly Act Upon the Evaluation, Duties, Suspension or Removal of the Presiding Municipal Court Judge**

No action was taken on this item.

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor

Jeana Bellinger, TRMC, CMC

City Secretary

