

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on November 7, 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, 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, Strategic Budget Officer Debbie Gaffey, Kaci Konieczny, Cynthia Longhofer, Crystal Locke, Fire Chief Ricky Boeker, Police Chief Allwin Barrow, Dant Lange, Public Works Director Dane Rau, Development Services Director Stephanie Doland, Darlene Konieczny, Christi Korth, Tara Wellmann, Kim Mueller, Brian Smith, Stephen Draehn, Angeline Howard, Nancy Stafford, JoAnne Hynes, Kevin Boggus, Alton Sommerfield, James Antkowiak, Brett Church, Jason Lange, Ryian Marshall, Curtis Martin, Trevor Eckert, Josh Gonzales, Billy Bender, Cody Herrin, Sean Schulz and Robert Wright

Citizens present:

Jerry Schwake, Bob Chappell, Carole Brittain, Robert G. Wright, Donald R. Holley, Suzanne Bockhorn, Ron Coder, Bonnie Pilchick, David A. Brittain, Robert Weiss, Russell Stein, Mark Kubeczka, Mitchell Davis, Lowell Ogle, Jeff Podavek, Ronnie Bockhorn, Allan Herzog, Scott Herzog, Susie Bilski and Willy Dilworth

Media Present:

Alyssa Faykus, Brenham Banner Press; and Josh Blaschke, KWHI

1. **Call Meeting to Order**
2. **Invocation and Pledges to the US and Texas Flags – Councilmember Kolby**
3. **Service Recognitions**
 - **Christi Korth, Finance** **10 Years**
 - **Kim Mueller, Maintenance** **20 Years**
 - **Susan Nienstedt, Human Resources** **20 Years**
 - **Alton Sommerfield, Electric** **40 Years**

4. **Citizens Comments**

There were no citizen comments.

CONSENT AGENDA

5. **Statutory Consent Agenda**

- 5-a. **Minutes from the September 19, 2019 and October 3, 2019 Regular City Council Meetings**
- 5-b. **Resolution No. R-19-033 Authorizing the Execution of an Agreement with TxDOT for the Temporary Closure of State Right of Way in Connection with the 2019 Christmas Stroll and Lighted Parade to be Held on Saturday, December 7, 2019**
- 5-c. **Purchase of Six (6) Vehicles for the City of Brenham Police Department from LaRoche Chevrolet, Through the General Motors Competitive Equalization Program for Political Subdivisions, In the Amount of \$196,800.00 and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-d. **Purchase of a Pneumatic Compactor for the City of Brenham Street Department from Mustang CAT – Bryan, Through Buy Board Local Government Purchasing Cooperative Contract No. 515-06, in the Amount of \$88,400.00 and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-e. **Purchase of a Dump Truck for the City of Brenham Street Department from Hermann International, Through Sourcewell Cooperative Contract No. 081716-NVS, in the Amount of \$104,550.00 and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-f. **Award Bid No. 19-004 Related to Chlorine Gas for Various Departments within the City of Brenham to DXI Industries, Inc. in the Amount of \$0.3145 per Pound and Authorize the Mayor to Execute Any Necessary Documentation**

- 5-g. Award Bid No. 19-005 Related to Type “D” Hot Mix (Asphalt) for the City of Brenham Street Department to Waller County Asphalt, Inc. in the Amount of \$57.00 per Ton (Pick-up), \$64.00 per Ton (Delivery) and \$1,500 Per Occurrence for Emergencies, Week-ends and Holidays and Authorize the Mayor to Execute Any Necessary Documentation**
- 5-h. Approve a Noise Variance from Christ Lutheran Day School for a Fundraiser to be Held on November 8, 2019 from 6:00 p.m. – 9:00 p.m. at 1104 Carlee Drive and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Cantey and seconded by Councilmember Wright to approve the Statutory Consent Agenda Items 5-a. through 5-h. 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

PUBLIC HEARING

- 6. Proposed Annexation of Three Areas of Land into the City Limits and Explanation of Service Plan for Each Area Proposed for Annexation**

Section 2019-1: Approximately 44.068 Acres of Land Situated in Washington County, Texas, Out of the Phillip Coe Survey, A-31, Consisting of a Single Tract of Land with Frontage Along Industrial Blvd., FM 332 and FM 389.

Section 2019-2: Approximately 0.643 Acres of Land Situated in Washington County, Texas, Part of the A. Harrington Survey, A-55, Consisting of Portions of Multiple Tracts of Land with Frontage Along the West Side of Old Masonic Road.

Section 2019-3: Approximately 194.762 Acres of Land Situated in Washington County, Texas, Part of the A. Harrington Survey, A-55, Consisting of Multiple Tracts of Land with Frontage Along the East Side of Farmers Road Between FM 389 and Old Mill Creek Road, and the North Side of Old Mill Creek Road Between the Current City Limit Line and Jackson Creek.

Mayor Tate opened the Public Hearing.

City Manager James Fisher presented this item. Fisher explained that in May the City Council adopted Resolution No. R-19-013 authorizing the City Manager to identify areas for possible annexation. Fisher stated that during numerous meetings with staff, the following areas were identified as possible areas for annexation:

- North Area: 132.005 acres
- Northwest Area: 748.357 acres
- Northeast Area: 138.676 acres
- Southeast Area: 1,050.958 acres
- Southwest Area: 194.762 acres

The staff also reviewed:

- 0.633 acres in the Scenic Estates Subdivision that was surveyed incorrectly years ago when the subdivision was constructed and annexed into the City limits; and
- Three (3) requests from property owners for voluntary annexation.

Fisher advised that because there are so many different areas for consideration by the City Council, staff broke out the areas into three (3) separate possible annexations over the next 12 months. The areas were divided as follows:

December 29, 2019	June 18, 2020	December 17, 2020
Southwest Area Scenic Estates Voluntary Tract No. 1	North Area Northwest Area Voluntary Tract Nos. 2 & 3	Southeast Area Northeast Area
239.463 Acres 75 Parcels	897.333 Acres 91 Parcels	1,189.634 Acres 62 Parcels

Fisher stated that during the month of October, staff held two (2) Town Hall meetings (October 15th and October 29th); both meetings were well attended, and staff heard from many concerned citizens. Fisher noted that the consensus of the Town Hall meetings was that the citizens living in the Southwest Area (Section 2019-3) do not wish to be annexed by the City and that these residents plan to submit a petition to try and stop the annexation of their property.

Fisher explained that another thing that staff has been working on is cost estimates related to the annexation of the Southwest Area. Fisher advised that City staff has been working to try and analyze the costs of utility infrastructure, street improvements, fire suppression, and various other costs related to this annexation. Fisher stated that as of the date of this memo, all cost estimates have not been finalized.

Fisher noted that at this time, it is staff's recommendation to move forward with the annexation of Section 2019-1 (Voluntary) and 2019-2 (Scenic Estates) but that Section 2019-3 (Southwest Area) be postponed until all costs can be properly evaluated.

Fisher explained that the timeline, going forward, for the annexation of Sections 2019-1 and 2019-2 is as follows:

- November 14th (Special Council Meeting): 2nd Public Hearing at 1:00 p.m.
- December 5, 2019: 1st reading of Annexation Ordinance
- December 19, 2019: 2nd reading of Annexation Ordinance
- December 29, 2019: Annexation finalized

Citizen Don Holle addressed Council. Holle stated that he lives in the Section 3 area and does not want his property annexed. Holle advised that several of his neighbors are in attendance today as well and they do not want to be annexed. Holle said they have very strong feeling about the annexation. Councilmember Cantey asked what the main reason was as to why he did not want to be annexed. Holle stated that his taxes would increase and his rights as a homeowner would be taken away.

Citizen Mark Kubeczka stated that he lives in the same section as Mr. Holle and is against the annexation. Kubeczka advised that he would not benefit from being annexed.

Citizen David Brittain, a resident of Country Place West, stated that he felt it was not fair for residents of Section 2019-3 to be taxed at the same rate as residents receiving more city services. Brittain noted that it would be very expensive to provide utility service to the area and he is not sure the City would ever be able to provide utility service at all. Brittain said he felt that this is an issue of fair treatment.

Citizen Ron Coder, a resident on Farmers Road, addressed Council. Coder stated that he is also against the annexation. Coder noted residents of the area proposed to be annexed have been told that one of the drivers behind the annexation is the City wanting to be involved in the Texas Department of Transportation (TxDOT) plans for the new cloverleaf. Coder stated that he has researched the TxDOT maps regarding the road plans and it does not appear that their area would be affected by the new roads. Coder also said the City needs to do its due diligence and examine the costs and benefits of annexation.

Citizen Don Voelter who resides in Country Place West asked if the annexation process for Section 3 was postponed would it require a vote of the citizens if this section was brought up again in 2020. City Attorney Cary Bovey stated that citizens would not be able to vote, and only Council would be able to vote on it. Voelter stated he feels the annexation process was rushed into by the Council as a way for the citizens to not get to vote.

Citizen Robert Weiss, representing his mother who lives on Farmers Road, addressed Council regarding services and the service plan. Weiss stated his understanding is that before the City can annex an area, it must already be providing services, and his mother is not currently receiving services. Fisher stated that this is incorrect, the City is only required to develop a plan to provide those services. Weiss asked whether the service plan was complete and Fisher replied that it is not complete. Bovey clarified that there is a draft of the service plan, but it has not been finalized. Fisher explained that if staff pursues Section 3 in 2020, the service plan would have to be presented at that time to the citizens and Council before being voted on. Weiss also asked what would happen with agricultural exemptions if a property was annexed. Fisher replied that annexation would not affect existing agricultural exemptions unless land use changed.

Citizen Jerry Schwake, who lives on Farmers Road, noted that Fisher had stated the City may have 2 to 5 years to provide certain services. Schwake stated that residents would be required to pay city taxes during those 5 years, and that this is not fair. Fisher stated that residents would have immediate access to some services.

Citizen Bob Chappell, who lives in Country Place West, addressed Council regarding the Council meeting time of 1:00 p.m. Chappell asked if the meeting time could be moved to 5:00 or 5:30 p.m. for the meetings in December in which annexation would be discussed. Bovey explained that information for public hearings must be posted in advance and the time of the meeting cannot be changed if notices have already been sent to citizens. Fisher stated that staff could possibly move the meeting time for the December 5th meeting unless other items on the agenda have already been posted.

Mayor Tate closed the Public Hearing.

REGULAR SESSION

7. Discuss and Possibly Act Upon Resolution No. R-19-031 Expressing Official Intent to Reimburse Certain Costs Related to Streets and Drainage Improvements and Renovation and Improvements to the City's Water and Wastewater Utility Systems and Facilities

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller explained that during the FY20 budget process, staff discussed with Council the intent to issue debt for street and drainage improvements, for water system improvements and the new regional lift station to support the Baker Katz retail development project. The total estimated costs for these capital projects are shown below:

Streets and Drainage Projects	\$2,875,000
Water System Improvements	\$ 760,000
Wastewater System Improvements	<u>\$1,415,000</u>
Total Estimated Project Costs	\$5,050,000

Miller stated that after talking with Garry Kimball of Specialized Public Finance, the City would not be issuing this debt until February 2020, and therefore to allow staff to move forward with these projects, a Reimbursement Resolution was needed. Miller advised that this agenda item allows Council the ability to reimburse certain costs related to these capital projects from the issuance of Certificates of Obligation.

A motion was made by Councilmember Kolby and seconded by Mayor Pro Tem Ebel to approve Resolution No. R-19-031 expressing official intent to reimburse certain costs related to street rebuild and reconstruction projects.

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 Resolution No. R-19-032 Regarding the Election of Members to the Board of Directors of the Washington County Appraisal District

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller explained that at the October 3, 2019 council meeting, Resolution No. R-19-027 was approved for the nomination of Washington County Appraisal District Board members to serve a two-year term beginning January 1, 2020. Miller stated that the city’s taxing entity received 544 votes; these votes could be cast to one candidate or distributed among any of the candidates. Miller noted that there are six candidates (Joe Antkowiak, Leslie Boehnemann, Jr., Douglas Borchardt, Johanna Fatheree, Charles Gaskamp, and John Schaer) on the ballot; however, there are only five positions on the Board.

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Saunders to approve Resolution No. R-19-032 regarding the election of members to the Board of Directors of the Washington County Appraisal District and to distribute the voting shares equally to all of the nominated candidates.

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 the 2020 Holiday Schedule

Human Resources Director Susan Nienstedt presented this item. Nienstedt explained that the schedule provides for 12 observed holidays, and 1 floating (birthday holiday) for a total of 13 paid holidays.

A motion was made by Councilmember Cantey and seconded by Councilmember Kolby to approve the 2020 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 Adonna Saunders	Yes
Councilmember Keith Herring	Absent
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

10. Discuss and Possibly Act Upon an Ordinance on Its First Reading Providing for Increased Prior and Current Service Annuities in the Texas Municipal Retirement System (“TMRS”) for Retirees and Beneficiaries of Deceased Retirees of the City of Brenham and Electing to Make Current Service and Prior Service Contributions to the City’s TMRS Benefit Accumulation Fund at the Actuarially Determined Rate of Total Employee Compensation

Human Resources Director Susan Nienstedt presented this item. Nienstedt explained that for many years, 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 stated that this year staff is recommending the statutory maximum contribution rate be removed by this ordinance, as well. Nienstedt noted that the statutory maximum rate does not limit the cost of the plan, it merely limits how much a city can be charged for a certain benefit level. Nienstedt advised that the TMRS Act allows any city to enact an ordinance to remove the Statutory Maximum. Nienstedt explained that if the maximum rate is not removed, and the City exceeds the limit, benefits would be reduced until the rate drops back below the limit. Nienstedt advised that the funding rate for the City would increase from 9.67% to 9.94%. Nienstedt noted that staff included this funding rate in the FY19-20 budget.

A motion was made by Councilmember Cantey and seconded by Councilmember Wright to approve an Ordinance on its first reading providing for increased prior service and current service annuities in the Texas Municipal Retirement System (“TMRS”) for retirees and beneficiaries of deceased retirees of the City of Brenham and electing to make current service and prior service contributions to the City’s TMRS Benefit Accumulation Fund at the actuarially determined rate of total employee compensation.

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 the City of Brenham City Council Meeting Dates for January 2020 and Authorize the Mayor to Execute Any Necessary Documentation

City Manager James Fisher presented this item. Fisher explained that in reviewing the Council meeting calendar for January, it was discovered that the first regular Council meeting date in January would be the day after the New Year’s Day holiday (January 2, 2020). Fisher stated that due to the holiday season, staff would like for the Council to consider only having one meeting in January 2020. Fisher advised that the recommended date would be the regular meeting date of January 16th (third Thursday of the month).

A motion was made by Councilmember Wright and seconded by Councilmember Saunders to approve the cancellation of the January 2, 2020 City Council meeting and agree to only hold one (1) City Council meeting on January 16, 2020 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. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- The police department is participating in No Shave November as a fundraiser
- Police Chief Barrow's last day will be November 22nd. Advertising for the position will begin next week. Rusty Pancoast will serve as the Interim Chief.

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

- A job fair hosted by the City of Brenham, Washington County Chamber of Commerce and Brazos Valley Workforce Solutions was held at the Washington County Fairgrounds today from 10:00 a.m. to 2:00 p.m.

Public Works Director Dane Rau reported on the following:

- Repairs are being completed to the drainage and street scape on S. Park Street
- Louanna Estates drainage project will begin next week
- Henderson Park Phase II demolition has begun

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

EXECUTIVE SESSION

13. Section 551.074 – Texas Government Code – Deliberation Regarding Personnel Matters – Deliberation Regarding the Appointment of an Additional Municipal Court Associate Judge

14. Section 551.074 – Texas Government Code – Deliberation Regarding Personnel Matters – Deliberation Concerning Compensation for the Interim Municipal Court Associate Judges

Executive Session adjourned at 2:27 p.m.

RE OPEN REGULAR AGENDA

15. Discuss and Possibly Act Upon the Appointment of an Additional Municipal Court Associate Judge

No action was taken on this item.

16. Discuss and Possibly Act Upon Compensation for the Municipal Court Associate Judges

A motion was made by Councilmember Cantey and seconded by Councilmember Saunders to approve a salary increase for Associate Judge Robert Wright to \$24,000 annually effective July 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 Adonna Saunders	Yes
Councilmember Keith Herring	Absent
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor

Kacey A. Weiss, TRMC

Deputy City Secretary I



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