

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on October 1, 2015 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 Gloria Nix
Councilmember Andrew Ebel
Councilmember Danny Goss
Councilmember Keith Herring
Councilmember Mary E. Barnes-Tilley
Councilmember Weldon Williams, Jr.

Members absent:

None

Others present:

City Manager Terry Roberts, Assistant City Manager of General Government Rex Phelps, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary Kacey Weiss, Assistant City Manager-Chief Financial Officer Carolyn Miller, Sara Parker, Director of Community Services Wende Ragonis, Crystal Locke, Deputy Fire Chief Alan Finke, Police Chief Craig Goodman, Chris Jackson, Public Works Director Dane Rau, Assistant City Manager of Public Utilities Lowell Ogle, Development Services Manager Erik Smith, Janie Mehrens, Kevin Schmidt, Officer Todd Ashorn and Angela Hahn

Citizens present:

None

Media Present:

Arthur Hahn, Brenham Banner Press and Mary-Janet Reyes, KWHI

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

WORK SESSION

6. Presentation and Discussion Related to the Potential Rezoning of a Two Block Area Along the West Side of South Market Street Between West Stone Street and West Mansfield Street

Development Services Manager Erik Smith presented this item. Smith explained that staff received a request to rezone three properties along South Market Street. Smith noted the applicant's property is currently B-1 Local Business/Residential Mixed Use District. Smith stated the request is to change those properties to B-2 Commercial, Research and Technology District. Smith advised that in order for these properties to be rezoned, there would have to be a B-2 District contiguous to these properties. Smith stated that this is not the case. Smith explained that Staff has informed the applicant that without the two full blocks being rezoned to B-2 Commercial, Research and Technology District their request would be considered spot zoning which is illegal. Smith stated the applicant has asked that we research what options there might be. Smith advised that Staff believes the only way to allow his request to proceed would be to have the City initiate rezoning the remaining tracts between West Stone Street north to West Mansfield Street. Smith noted that this would bring the zoning district to a location contiguous to an existing B-2 District.

Smith noted that Staff made contact with 18 out of 32 residences by knocking on doors and leaving business cards. Smith explained that the general reaction was either no concern/neutral or no opposition and there were three residents that were adamantly against the proposal.

Smith explained that if the City Council chooses to proceed with the rezoning of the two blocks, Staff would follow the ordinance and Local Government Code requirements of notification. Smith stated that Staff would be required to notify all of the property owners proposed to be rezoned along with the property owners within 200 foot of the rezoning.

Mayor Tate asked what year it was changed from a B-2 Commercial District to its current zoning. Smith stated that the zoning change process was started in 1995 and took effect in 1996.

Councilmember Ebel stated that he thinks the City should not change what was done in 1996 as it would not be fair to the residents.

Three citizens attended the meeting and spoke against the zoning process.

Ben Boettcher, owner of the land that is requesting the rezoning, explained to Council that there is spot zoning along Market Street and does not see why the City will not change his. Boettcher stated that he is trying to sell his building and the potential buyers are not B1 types of businesses and therefore, selling the building has been a challenge.

Council advised staff to proceed with the normal re-zoning steps through the Planning and Zoning Commission (P&Z) so that all citizens in the rezoning area would have an opportunity to review the request and address the P&Z with their concerns. The overall consensus of the Council was to let the P&Z Board work through the issues and bring back a recommendation to Council at a later date..

REGULAR AGENDA

7. Discuss and Possibly Act Upon Resolution No. R-15-024 Reauthorizing an Investment Policy for the City of Brenham

Assistant City Manager-Chief Financial Officer Carolyn Miller presented this item. Miller explained in 1987, the Texas Legislature adopted the Public Funds Investment Act (PFIA) which established guidelines for local governments. Miller stated that this Act requires that a local government adopt a written investment policy and reauthorize the policy annually. Miller advised that she checked with Linda Patterson of Patterson & Associates to see if there were any recent legislative changes that the City needed to make. Miller explained that there was only one change related to continuing training which was reduced from ten hours to eight hours.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve Resolution No. R-15-024 Reauthorizing an Investment Policy for the City of Brenham dated October 1, 2015.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

8. Discuss and Possibly Act Upon Resolution No. R-15-025 Adopting a Fund Balance Policy for the City of Brenham

Assistant City Manager-Chief Financial Officer Carolyn Miller presented this item. Miller explained that the Governmental Accounting Standards Board (GASB) issued “Statement No. 54 Fund Balance Reporting and Governmental Fund Types” which established criteria for classifying fund balances into specifically defined classifications and clarified definitions for governmental fund types. Miller advised that when the City of Brenham implemented GASB 54, Staff did not bring a formal written policy to City Council. Miller stated that therefore, Staff is requesting Council approval at this time. Miller noted that in addition, the Government Finance Officers Association (GFOA) supports this formal adoption.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Herring to approve Resolution No. R-15-025 Adopting a Fund Balance Policy for the City of Brenham dated October 1, 2015.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

9. Discuss and Possibly Act Upon Bid No. 15-011 for the Renovation of the Air Conditioning System for the Living Quarters at the Brenham Fire Station and Authorize the Mayor to Execute Any Necessary Documentation

Purchasing Supervisor Sara Parker presented this item. Parker explained that on September 11, 2015, bids were opened for the air conditioning system for the living quarters at the Fire Station. Parker stated that nine (9) notices were sent to potential bidders and only one bid, from Brenham Heating and Air Conditioning Company, was submitted for consideration in the amount of \$73,000 with a suggested \$6,000 deductive alternate. Parker noted that the deduction concerns a controller interface that would be required in order to monitor the new system through the same software as the rest of the building. Parker explained that the system, as provided by the manufacturer, contains a controller that could provide the same functions through its own software, eliminating the cost of the interface. Parker advised that after discussion with maintenance personnel and the vendor it was determined that the inconvenience of separate software was inconsequential compared to the savings.

A motion was made by Mayor Pro Tem Nix and seconded by Councilmember Ebel to approve Bid No. 15-011 to Brenham Heating and Air Conditioning for the renovation of the air conditioning system for the living quarters at the Brenham Fire Station for \$67,000 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 Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

10. Discuss and Possibly Act Upon Resolution No. R-15-026 Authorizing the Acceptance of Infrastructure Improvements in the Timber Oaks Subdivision, Section III and Authorize the Mayor to Execute Any Necessary Documentation

Development Services Manager Erik Smith presented this item. Smith explained that Gregg Appel, the developer of Timber Oaks Subdivision, Section III, has completed all required public infrastructure improvements related to the development except for street lighting of Timber Oaks Subdivision, Section III.

Smith advised that the developer has not installed street lights at this time and is still deciding between doing a custom light that would be maintained privately or lights that would meet city specifications. Smith stated that if the developer installs lighting which meets city specs, Staff would accept that utility at a future time. Smith noted that Staff has informed the developer no Certificates of Occupancy will be issued prior to street light installation.

A motion was made by Councilmember Barnes-Tilley and seconded by Mayor Pro Tem Nix to approve Resolution No. R-15-026 authorizing the acceptance of infrastructure improvements in the Timber Oaks Subdivision, Section III 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 Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

11. Discuss and Possibly Act Upon a Request for a Noise Variance from Christ Lutheran Church and Day School for a Fall Carnival and Fundraiser on October 17, 2015 from 2:00 p.m. – 6:00 p.m. at Christ Lutheran Church and Authorize the Mayor to Execute Any Necessary Documentation

Deputy City Secretary Kacey Weiss presented this item. Weiss explained that Misty Johnson with Christ Lutheran Church and Day School has requested a noise variance to hold a fall carnival and fundraiser on October 17, 2015 from 2:00 p.m. – 6:00 p.m. at Christ Lutheran Church. Weiss advised that they will have carnival rides and games and will be using speakers playing music. Weiss noted that both the Police Department and the Fire Department have approved the noise variance request.

A motion was made by Councilmember Herring and seconded by Councilmember Barnes-Tilley to approve a request for a noise variance from Christ Lutheran Church and Day School for a fall carnival and fundraiser to be held on October 17, 2015 from 2:00 p.m. – 6:00 p.m. at Christ Lutheran Church 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 Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

12. Discuss and Possibly Act Upon Resolution No. R-15-027 Authorizing the Execution of an Agreement with TxDOT for the Temporary Closure of State Right of Way in Connection with the 2015 Christmas Stroll and Lighted Parade to be Held on Saturday, December 5, 2015

Community Services Specialist Crystal Locke presented this item. Locke explained that the 2015 Christmas Stroll and Lighted Parade is sponsored by the City of Brenham and their goal is to attract shoppers to the downtown area. Locke advised that this year's stroll will be held on December 5, 2015 from 5:30 pm until 10:00 pm. Locke noted that Main and Alamo Streets will be closed between Market Street and Austin Street from 4:00 pm until 10:00 pm. Locke stated there will be live musical entertainment, parade, Farmer's Market and vendors, kids' activities, choirs and bands.

A motion was made by Councilmember Barnes-Tilley and seconded by Councilmember Ebel to approve Resolution No. R-15-027 authorizing the execution of an agreement with TxDOT for the temporary closure of state right of way in connection with the 2015 Christmas Stroll and Lighted Parade to be held on Saturday, December 5, 2015.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

13. Discuss and Possibly Act Upon an Ordinance on its First Reading Providing for Updated Service Credit and an Increase in Retirement Annuities in the Texas Municipal Retirement System

Benefit Specialist Janie Mehrens presented this item. Mehrens explained that City Council approves, on an annual basis, an ordinance providing for updated service credit and an increase in retirement annuities of 70% of the Consumer Price Index, as provided through the Texas Municipal Retirement System.

Mehrens advised that according to the TMRS Plan Change Study, the funding rate for the City of Brenham will decrease from 6.35% to 6.07% effective January 1, 2016.

A motion was made by Councilmember Herring and seconded by Councilmember Ebel to approve an Ordinance on its first reading providing for updated service credit and an increase in retirement annuities in the Texas Municipal Retirement System effective January 1, 2016.

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

Mayor Milton Y. Tate, Jr.	Yes
Mayor Pro Tem Gloria Nix	Yes
Councilmember Andrew Ebel	Yes
Councilmember Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Mary E. Barnes-Tilley	Yes
Councilmember Weldon Williams	Yes

14. Administrative/Elected Officials Report

City Manager Terry Roberts reported on the following:

- National Night Out is on Tuesday, October 6th.
- Blinn Homecoming Luncheon is on Saturday, October 3rd at 11:00 a.m.
- The current ipads are about 4 ½ years old and the new ones are lighter and easier to use. Council members should let Paula or Jeana know if they would like a new one.

Director of Community Services Wende Ragonis reported on the following:

- Gave an update on library renovations
- Library Gala will be November 12th at the Simon Theatre
- Kid Fish was held on September 26th and there were 437 kids registered
- Brew Step will be October 17th in the Downtown area
- Step Into The Past starts this week
- Clean Sweep is in progress at the Blue Bell Aquatic Center

Police Chief Craig Goodman reported on the following:

- There are vacancies in his department for two officers, one Captain and two Sergeants. Staff is in the interviewing process and promotions will take effect November 30th with a ceremony at the first meeting in December.

Assistant City Manager of General Government Rex Phelps reported on the following:

- There will be improvements to the area around Hwy. 36 and FM 577 due to concerns from area residents. Staff met with the business owners and TxDOT to discuss the concerns and plans. TxDOT will be widening the area and the project will start in 2016.

Deputy Fire Chief Alan Finke reported on the following:

- Fire Prevention Week is October 4th – 10th and the firefighters will be visiting the schools to discuss fire safety.

The meeting was adjourned.

Milton Y. Tate, Jr.
Mayor

Jeana Bellinger, TRMC
City Secretary