

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on September 6, 2018 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 Danny Goss
Councilmember Keith Herring
Councilmember Albert Wright

Members absent:

Position 5 - Vacant

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, Human Resources Director Susan Nienstedt, Debbie Gaffey, Director of Tourism and Marketing Jennifer Eckermann, Fire Chief Ricky Boeker, Assistant Fire Chief Brian Scheffer, Fire Marshal Brent Sauble, Police Chief Allwin Barrow, Public Works Director Dane Rau, Assistant City Manager of Public Utilities Lowell Ogle, Development Services Director Lori Lakatos, Stephanie Doland, Kevin Boggus, Kelvin Raven, Pam Ruemke, Greg Nienstedt, Jerred Eschete, Brent Folsom, Josh Sebastian, Chase Jones, Chris McCain and Carrie Derkowski

Citizens present:

Brad Leuschner, Fredericka DeBerry, Donna Culliver, Carol Muegge and Alesia Whaley

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. Administer Oath of Office to Ward 2 Councilman Albert Wright

4. Service Recognitions

- Christopher McCain, Fire 5 Years

5. Proclamations

- Childhood Cancer Awareness Month
- Washington County READ

6. Citizens Comments

There were no citizen comments.

CONSENT AGENDA

7. Statutory Consent Agenda

7-a. Minutes from the June 21, 2018 Regular City Council Meeting, July 18, 2018 Special City Council Meeting, July 19, 2018 Special City Council Meeting and July 20, 2018 Special City Council Meeting

7-b. Resolution No. R-18-010 Authorizing the Acceptance of TxDOT's Selective Traffic Enforcement Program (STEP) Comprehensive Grant for Traffic Enforcement October 1, 2018 through September 30, 2019

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve the Statutory Consent Agenda Items 7-a., 7-b. and 7.c. with a correction on Page 5 in the minutes of June 21, 2018, to reflect Councilmember Danny Goss abstained from voting on Item 7.

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 Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
At Large, Position 5	Vacant

WORK SESSION

8. Presentation of the 2017 Municipal Court Statistics

Municipal Court Administrator Rhonda Kuehn presented this item. Kuehn reviewed the report and advised that from October 2017 through June 2018 there have been 3,077 cases filed. Kuehn noted that the total number of cases filed in FY17 was 5,733.

PUBLIC HEARING

9. Proposed Tax Rate of \$0.5170 per \$100 Valuation for Fiscal Year Beginning October 1, 2018 and Ending September 30, 2019

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. The first public hearing was held during the Council meeting on August 16, 2018 and citizen comments were received.

Miller advised that a property tax rate of \$0.5170 per \$100 valuation is proposed to fund the FY2018-19 Budget. Of this rate, \$0.3200 will be for maintenance and operations (M&O). The balance of \$0.1970 is for debt service (interest and sinking or I&S). Miller explained that although the proposed budget maintains the current property tax rate of \$0.5170, due to increased property values, this rate is above the effective rate and will produce higher tax revenues. Miller stated the increase in property taxes would cover the addition of several full-time public safety positions.

Mayor Tate announced the first reading of the Ordinance to adopt the tax rate will be during a Special Council meeting on Monday, September 17, 2018 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 20, 2018 at 1:00 p.m. at City Hall, located at 200 W. Vulcan Street.

10. Public Hearing, Discussion and Receipt of Input Related to the Proposed Creation of Reinvestment Zone Number 43 Requested by Stanpac USA/Brenham Bartons, Inc. for Commercial Tax Phase-In Incentive on a Certain 3.687 Acre Tract or Parcel of Land out of the A. Harrington Survey, A-55, Lying Within Wilson's Addition and Being a Portion of Tracts 3 and 4 Called 9.152 Acres and Tract 10 Called 10,360 sq. ft., Being Located at 801 Mangrum St., Brenham, Texas, with Boundaries Further Described in Exhibit "A" of the Ordinance Creating Reinvestment Zone 43, and Designating This Property as Qualifying for Tax Phase-In

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller stated that prior to considering the creation of a Reinvestment Zone for implementing a Tax Phase-In incentive for Stanpac USA/Brenham Bartons, Inc., the City Council is required to hold a Public Hearing to receive input regarding the proposal. Miller explained that Stanpac is considering a modernization project at their Brenham location, which includes the purchase of new equipment valued at \$3.1 million and 20 additional employees.

11. Public Hearing, Discussion and Receipt of Input Related to the Proposed Creation of Reinvestment Zone Number 44 Requested by MIC Group, LLC for Commercial Tax Phase-In Incentive on a Certain 16.291 Acre Tract or Parcel of Land Being Comprised of Lot 1, Industrial Park of Brenham as Recorded in Plat Slide 190-A and B of the Plat Records of Washington County (P.R.W.C.) and Lot 5, Brenham Business Center, Phase I, as Shown on the Boundary Line Adjustment Plat Recorded in Plat Slide 425-A (P.R.W.C.), Being Located at 3140 S. Blue Bell Rd., Brenham, Texas, with Boundaries Further Described in Exhibit "A" of the Ordinance Creating Reinvestment Zone 44, and Designating This Property as Qualifying for Tax Phase-In

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller stated that prior to considering the creation of a Reinvestment Zone for implementing a Tax Phase-In incentive for MIC Group, LLC, the City Council is required to hold a Public Hearing to receive input regarding the proposal. Miller stated that MIC Group, LLC is planning to expand in Brenham by adding milling equipment valued at \$1 million and 10 additional machinists.

Brad Leuschner, CFO with MIC Group, addressed the Council. Leuschner thanks the Council for their support and explained that MIC primarily serves the oilfield service industry and with the recent upswing in the oilfield industry, they need to expand.

12. Public Hearing, Discussion and Receipt of Input Related to the Proposed Creation of Reinvestment Zone Number 45 Requested by MIC, Group, LLC for Commercial Tax Phase-In Incentive on a Certain 7.170 Acre Tract or Parcel of Land Being Situated in the City of Brenham, Washington County, Texas, part of the Phillip Coe Survey, A-31, Being Located at 1801 Industrial Blvd., Brenham, Texas, with Boundaries Further Described in Exhibit “A” of the Ordinance Creating Reinvestment Zone 45, and Designating This Property as Qualifying for Tax Phase-In

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller stated that prior to considering the creation of a Reinvestment Zone for implementing a Tax Phase-In incentive for MIC Group, LLC, the City Council is required to hold a Public Hearing to receive input regarding the proposal. Miller explained that MIC Group, LLC is planning to expand in Brenham by adding additional equipment valued at \$1.5 million and hiring 10 additional machinists.

Mayor Tate closed the Public Hearing.

REGULAR SESSION

13. Discuss and Possibly Act Upon an Ordinance on its First Reading for the Creation of Reinvestment Zone Number 43 Requested by Stanpac USA/Brenham Bartons, Inc. for Commercial Tax Phase-In Incentive on a Certain 3.687 Acre Tract or Parcel of Land out of the A. Harrington Survey, A-55, Lying Within Wilson’s Addition and Being a Portion of Tracts 3 and 4 Called 9.152 Acres and Tract 10 Called 10,360 sq. ft., Being Located at 801 Mangrum St., Brenham, Texas, with Boundaries Further Described in Exhibit “A” of the Ordinance Creating Reinvestment Zone 43, and Designating This Property as Qualifying for Tax Phase-In

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to approve an Ordinance on its first reading for the creation of Reinvestment Zone Number 43 requested by Stanpac USA/Brenham Bartons, Inc. for commercial tax phase-in incentive on a certain 3.687 acre tract or parcel of land out of the A. Harrington Survey, A-55, lying within Wilson’s Addition and being a portion of Tracts 3 and 4 called 9.152 acres and Tract 10 called 10,360 sq. ft., being located at 801 Mangrum St., Brenham, Texas, with boundaries further described in Exhibit “A” of the Ordinance creating Reinvestment Zone 43, and designating this property as qualifying for tax phase-in.

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 Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
At Large, Position 5	Vacant

14. Discuss and Possibly Act Upon an Ordinance on its First Reading for the Creation of Reinvestment Zone Number 44 Requested by MIC Group, LLC for Commercial Tax Phase-In Incentive on a Certain 16.291 Acre Tract or Parcel of Land Being Comprised of Lot 1, Industrial Park of Brenham as Recorded in Plat Slide 190-A and B of the Plat Records of Washington County (P.R.W.C.) and Lot 5, Brenham Business Center, Phase I, as Shown on the Boundary Line Adjustment Plat Recorded in Plat Slide 425-A (P.R.W.C.), Being Located at 3140 S. Blue Bell Rd., Brenham, Texas, with Boundaries Further Described in Exhibit “A” of the Ordinance Creating Reinvestment Zone 44, and Designating This Property as Qualifying for Tax Phase-In

A motion was made by Councilmember Herring and seconded by Councilmember Goss to approve an Ordinance on its first reading for the creation of Reinvestment Zone Number 44 requested by MIC Group, LLC for commercial tax phase-in incentive on a certain 16.291 acre tract or parcel of land being comprised of Lot 1, Industrial Park of Brenham as recorded in Plat Slide 190-A and B of the Plat Records of Washington County (P.R.W.C.) and Lot 5, Brenham Business Center, Phase I, as shown on the Boundary Line Adjustment Plat recorded in Plat Slide 425-A (P.R.W.C.), being located at 3140 S. Blue Bell Rd., Brenham, Texas, with boundaries further described in Exhibit “A” of the Ordinance creating Reinvestment Zone 44, and designating this property as qualifying for tax phase-in.

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 Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
At Large, Position 5	Vacant

15. Discuss and Possibly Act Upon an Ordinance on its First Reading for the Creation of Reinvestment Zone Number 45 Requested by MIC, Group, LLC for Commercial Tax Phase-In Incentive on a Certain 7.170 Acre Tract or Parcel of Land Being Situated in the City of Brenham, Washington County, Texas, part of the Phillip Coe Survey, A-31, Being Located at 1801 Industrial Blvd., Brenham, Texas, with Boundaries Further Described in Exhibit “A” of the Ordinance Creating Reinvestment Zone 45, and Designating This Property as Qualifying for Tax Phase-In

A motion was made by Councilmember Cantey and seconded by Councilmember Herring to approve an Ordinance on its first reading for the creation of Reinvestment Zone Number 45 requested by MIC, Group, LLC for commercial tax phase-in incentive on a certain 7.170 acre tract or parcel of land being situated in the City of Brenham, Washington County, Texas, part of the Phillip Coe Survey, A-31, being located at 1801 Industrial Blvd., Brenham, Texas, with boundaries further described in Exhibit “A” of the Ordinance creating Reinvestment Zone 45, and designating this property as qualifying for tax phase-in.

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 Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
At Large, Position 5	Vacant

16. Discuss and Possibly Act Upon an Order Calling a Special Election to be Held on December 8, 2018 for the Purpose of Electing One (1) Council Member to fill the Unexpired Term for the Place 5 – At Large Position

Considerar y Posiblemente Actuar Sobre una Orden para una Elección Especial que se efectuara el 8 de Diciembre, 2018 Con el Propósito de Elegir Un (1) miembro del Concejal para llenar el resto del termino de Lugar 5-Distrito Abierto.

City Secretary Jeana Bellinger presented this item. Bellinger explained that the recent resignation of Place 5 At Large Councilmember Charlie Pyle requires the City Council to order a Special Election to fill his unexpired term, until May 2021. Bellinger stated that the Texas Constitution mandates that a city with terms of office greater than two (2) years must hold a Special Election to fill the vacancy within 120 days after the vacancy occurs. Bellinger noted that the proposed election calendar calls for the Special Election to be held on Saturday, December 8, 2018 with Early Voting to begin on Wednesday, November 21, 2018.

A motion was made by Councilmember Goss and seconded by Councilmember Wright to approve an Order calling a Special Election to be held on December 8, 2018 for the purpose of electing one (1) Council Member to fill the unexpired term for the Place 5-At Large position.

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 Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
At Large, Position 5	Vacant

17. Discuss and Possibly Act Upon an Election Services Contract Between the City of Brenham and Washington County Related to Election Responsibilities for the December 8, 2018 Special Election and Authorize the Mayor to Execute Any Necessary Documentation

City Secretary Jeana Bellinger presented this item. Bellinger stated that as in years past the City will be contacting with Washington County to provide various election services and equipment for the December 8, 2018 Special Election for the Place 5 – At Large vacancy created by the recent resignation of Charlie Pyle.

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to approve an Election Services Contract between the City of Brenham and Washington County related to election responsibilities for the December 8, 2018 Special Election 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 Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
At Large, Position 5	Vacant

18. Discuss and Possibly Act Upon Revisions to the City of Brenham’s Policies and Procedures for Boards and Commissions and Authorize the Mayor to Execute Any Necessary Documentation

City Secretary Jeana Bellinger presented this item. Bellinger explained that back in 2012, the City Council adopted Policies and Procedures for Boards and Commissions to help establish uniform procedures for all advisory boards of the City. Bellinger stated that in in years past, during the months of September thru November the City accepts applications for appointment from citizens that would like to serve on a City advisory board.

Bellinger noted that there has been some discussion of late about whether or not to consider term limits for the volunteers and if there are any other provisions of the policy that need to be updated since it is over 5 years old. Bellinger advised that staff thought that prior to new appointments being made in December, now may be a good time to make changes to the policy.

Councilmember Cantey stated she would like there to be term limits, consequences for members not attending meetings and for the policy to be completely rewritten. Mayor Tate advised the Council that he would put together a sub-committee of the Council to work with staff on reviewing and updating the policy.

A motion was made by Councilmember Cantey and seconded by Councilmember Herring to table Item 18.

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 Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
At Large, Position 5	Vacant

19. Discuss and Possibly Act Upon Final Payment to Site Work Contractors L.L.C. for the Emergency Road Repairs and Storm Damage Repairs, Package 2A, for Burleson Street at Higgins Branch and Authorize the Mayor to Execute Any Necessary Documentation

Development Services Director Lori Lakatos presented this item. Lakatos explained that Site Work Contractors L.L.C. has completed the Burleson Street at Higgins Branch crossing repairs that resulted from the May 2016 storm events and Hurricane Harvey, August 2018. Lakatos stated the project included one change order, a deduction from the overall project, - \$80,599.00. Lakatos noted that the contract was originally awarded for \$464,700.00 and the final cost with the deduction is \$384,101.00.

Councilmember Goss stated that he is disappointed in the final site conditions. Lakatos advised that Site Work Contractors went to the location this morning and is working with City staff to get the sites cleaned up. Lakatos explained that final payment would not be made until the site condition is satisfactory to staff.

A motion was made by Councilmember Goss and seconded by Councilmember Cantey to authorize final payment, once approved by staff, to Site Work Contractors L.L.C. in the amount of \$21,599.05 for the Emergency Road Repairs and Storm Damage Repairs, Package 2A, for Burleson Street at Higgins Branch 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 Danny Goss	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
At Large, Position 5	Vacant

20. Discuss and Possibly Act Upon the Final One Year Contract Extension, in Accordance with Bid No. IFB 16-009, for Bulk Water and Wastewater Treatment Chemicals and Authorize the Mayor to Execute Any Necessary Documentation

This item was passed.

21. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- Introduced new employees Stephanie Doland and Karen Stack
- TML Region 10 Meeting is September 12th at 6:00 p.m.
- Washington County Fair parade is September 15th at 10:30 a.m.
- National Night Out is October 2nd
- TML Conference is October 9th – 12th

Council adjourned into Executive Session at 2:14 p.m.

EXECUTIVE SESSION

- 22. Section 551.071 – Texas Government Code – Consultation with Attorney – Consultation with the City Attorney for the Purpose of Seeking Legal Counsel Regarding a Facility/Land Development Matter and Associated Issues**

Executive Session adjourned at 2:40 p.m.

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor

Jeana Bellinger, TRMC, CMC

City Secretary



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