

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on October 4, 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 Albert Wright

Members absent:

Councilmember Keith Herring
Position 5 - Vacant

Others present:

City Manager James Fisher, City Attorney Cary Bovey, City Secretary Jeana Bellinger, Deputy City Secretary I Kacey Weiss, Assistant City Manager – Chief Financial Officer Carolyn Miller, Sara Parker, Director of Tourism & Marketing Jennifer Eckermann, Crystal Locke, Fire Chief Ricky Boeker, Police Chief Allwin Barrow, Public Works Director Dane Rau, Assistant City Manager of Public Utilities Lowell Ogle, Development Services Director Lori Lakatos, Kevin Boggus, Shelley Addison, Amber Ortega, Ellie Mariscal, Dallas Bozich and Leah Rogers

Citizens present:

None

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 – Councilmember Goss**

- 3. **Service Recognitions**
 - **Crystal Locke, Community Programs and Marketing** 10 Years
 - **Shelley Addison, Utility Billing** 30 Years
- 4. **Proclamation**
 - **Fire Prevention Week**
- 5. **Citizens Comments**
There were no citizen comments.

CONSENT AGENDA

- 6. **Statutory Consent Agenda**
 - 6-a. Minutes from the August 16, 2018 and September 6, 2018 Regular City Council Meetings and September 17, 2018 Special City Council Meeting**
 - 6-b. Ordinance No. O-18-014 on Its Second Reading Providing for a No Parking Zone Along W. Fifth Street, Old Mill Creek Rd. and Saeger St.**
 - 6-c. Resolution No. R-18-015 Reauthorizing an Investment Policy for the City of Brenham**
 - 6-d. Resolution No. R-18-016 Appointing Karen Stack as Deputy City Secretary II**

A motion was made by Councilmember Cantey and seconded by Councilmember Goss to approve the Statutory Consent Agenda Items 6-a. through 6-d. 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 Danny Goss	Yes
Councilmember Keith Herring	Absent
Councilmember Albert Wright	Yes
At Large, Position 5	Vacant

WORK SESSION

7. Presentation and Discussion Regarding Updates to and Revision of Chapter 18, Oil and Gas Production, of the Code of Ordinances for the City of Brenham

City Attorney Cary Bovey presented this item. Bovey stated that the Texas Legislature passed House Bill 40 in 2015. Bovey explained that the bill was enacted in response to a ban on hydraulic fracturing approved by voters in Denton, Texas. Bovey advised that HB40 effectively overturned the Denton fracking ban by providing that oil and gas operations (exploration, development, production, processing, and transportation of oil and gas, including drilling, hydraulic fracturing, and other activities) are subject to the exclusive jurisdiction of the state, and Texas cities may not enact or enforce ordinances or other regulations that ban, limit or otherwise oil and gas operations. Bovey noted that however, the bill also provided cities with authority to reasonably regulate aboveground activity related to oil and natural gas operations such as setbacks from other structures, traffic, and noise.

Bovey explained that since the City's ordinance dealing with oil and gas production has not been updated since 1969 coupled with the passage of HB40, the City Manager asked him to prepare an updated ordinance that would protect the City's interests while complying with the new state law.

REGULAR SESSION

8. Discuss and Possibly Act Upon a Master License and Services Agreement Between the City of Brenham and Ion Wave Technologies for Electronic Bidding and Contract Management Software and Authorize the Mayor to Execute Any Necessary Documentation

Purchasing Manager Sara Parker presented this item. Parker explained that over the past two years, it has become evident that the traditional bid system requiring delivery of hard copy bids for all of the formal bid purchases and contracts is no longer viable. Parker stated that electronic bidding was determined to be a solution. Parker advised that the Ion Wave system is reasonable in price, involves no cost to bidders and offers other features such as contract management, vendor registration and management of insurance certificates. Parker noted that Ion Wave is used by several other entities in this area, including the Cities of Bryan and College Station.

After further discussion with the Council about the software, a motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Wright to table Item 8.

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	Absent
Councilmember Albert Wright	Yes
At Large, Position 5	Vacant

9. Discuss and Possibly Act Upon a Professional Services Agreement with Strand Associates, Inc. for Services Related to FY19 Water Main Replacements and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager of Public Utilities Lowell Ogle presented this item. Ogle explained that the agreement from Strand Associates, Inc. is for engineering services related to improvements within the Water Distribution System. Ogle stated these improvements would involve replacing old asbestos concrete (AC) and cast iron (CI) water lines with new C-900 PVC pipe. Ogle advised that approximately 11,000 linear feet of existing water main would be replaced. Ogle noted that some of the areas where mains are to be replaced are Blinn Blvd., Vulcan St., N. Douglas, N. Park, Prairie Lea, with others to be determined later.

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Cantey to approve a Professional Services Agreement with Strand Associates, Inc., not to exceed \$117,750, for services related to FY19 water main replacements 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	Absent
Councilmember Albert Wright	Yes
At Large, Position 5	Vacant

10. Discuss and Possibly Act Upon a Request for a Noise Variance from Christ Lutheran Day School for a Fundraiser to be Held on October 19, 2018 from 6:00 p.m. – 9:00 p.m. at 1104 Carlee Drive and Authorize the Mayor to Execute Any Necessary Documentation

Deputy City Secretary Kacey Weiss presented this item. Weiss stated that Christ Lutheran Day School wanted to have an outdoor movie, which would include an inflatable movie screen and amplified sound system, at their annual fundraiser.

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to approve a request for a noise variance from Christ Lutheran Day School for a fundraiser to be held on October 19, 2018 from 6:00 p.m. – 9:00 p.m. at 1104 Carlee Drive 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	Absent
Councilmember Albert Wright	Yes
At Large, Position 5	Vacant

11. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- TML Conference is October 9-12 in Fort Worth
- Council retreat will be held on October 24-26 at the LCRA Riverside Conference Center in Bastrop
- There will be an item on the October 18th Council agenda to discuss possibly rescheduling the November through January Council meeting dates

Police Chief Allwin Barrow reported on the following:

- National Night Out was a huge community success
- Corp. Todd Ashorn competed in an Iron Man contest in Georgia and finished 1st place in his age group

Council adjourned into Executive Session at 2:16 p.m.

EXECUTIVE SESSION

12. **Section 551.087 – Texas Government Code – Economic Development Negotiations – Discuss and Deliberate Project Cardinal and Project BK Regarding Commercial or Financial Information that the City Has Received from Business Prospects and the Offer of Financial or Other Incentives to Business Prospects that the City Seeks to Have Locate In or Near the City of Brenham and With Which the City is Conducting Economic Development Negotiations**

Executive Session adjourned at 2:46 p.m.

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor

Jeana Bellinger, TRMC, CMC

City Secretary

