

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on January 17, 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 Danny Goss
Councilmember Keith Herring
Councilmember Albert Wright
Councilmember Clint Kolby

Members absent:

None

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, Sara Parker, Strategic Budget Officer Debbie Gaffey, Director of Tourism and Marketing Jennifer Eckermann, Tammy Jaster, Fire Chief Ricky Boeker, Police Chief Allwin Barrow, Dant Lange, Allison Harper, Public Works Director Dane Rau, Assistant City Manager of Public Utilities Lowell Ogle, Alton Sommerfield, Development Services Director Lori Sanguedolce, Stephanie Doland, Susan Cates, Kelsey Toy and Melinda Gordon

Citizens present:

Perry Thomas and Pat Johnson

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. Citizens Comments

Pat Johnson, owner of Select Furnishings, addressed Council regarding revisions to the sign ordinance. Johnson stated that due to the moratorium on sign permits, his business has been without an illuminated sign for two years. Johnson advised Council that in his opinion there needs to be additional options for LED signs. Johnson advised that he would like to purchase a 64 square foot sign for his business. Johnson explained that what is currently being recommended by staff only allows for a 48 foot sign however, this size sign is too small for people to read while driving down Highway 290. Johnson asked that Council consider his request for more options, including larger signs on the highway.

CONSENT AGENDA

4. Statutory Consent Agenda

4-a. Minutes from the December 13, 2018 Regular City Council Meeting

4-b. Ordinance No. O-19-005 on Its Second Reading Amending the Rate Tariff Schedule(s) for the City of Brenham Recycling Center and Collection Station Rates

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve the Statutory Consent Agenda Items 4-a. and 4-b. 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 | Yes |
| Councilmember Albert Wright | Yes |
| Councilmember Clint Kolby | Yes |

WORK SESSION

5. Discuss and Review the FY2017-18 Fourth Quarter Financial Report

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller advised the status of the General Fund and the five major utility funds in the report. Miller reported that the City experienced favorable budget performance in all funds. Miller stated that the General Fund maintained above 90 days of reserves and all utility funds maintained above 60 days of working capital reserves.

6. Discussion and Presentation Related to the Amendment of Chapter 5, Animal and Fowl, of the Code of Ordinances of the City of Brenham

City Secretary Jeana Bellinger presented this item. Bellinger explained that according to her research, this Chapter was first codified into the City’s code back in 1998 and has only had one minor update since then. Bellinger stated that the new Chapter will consist of 9 Articles (the current ordinance only has 3) that will mandate things such as: animals left in hot vehicles; private animal sales; head per acre limitations for livestock, revised requirements for multi-animal permits; clarification of rabies quarantine period; the addition of dangerous dog provisions; and the regulation of community cat colonies.

Councilmember Goss questioned enforcement of the ordinance. Chief Barrow commented that code enforcement, the Police Department, and animal control will all work together on enforcement. City Manager James Fisher stated that staff will work with the City’s new Communications and Public Relations Manager Melinda Gordon to get the word out about the new ordinance and can also use social media to help spread the word.

REGULAR SESSION

7. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 5, Animal and Fowl, of the Code of Ordinances of the City of Brenham

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to approve an ordinance on its first reading amending Chapter 5, Animal and Fowl, of the Code of Ordinances of the City of Brenham.

A motion was made by Councilmember Goss and seconded by Councilmember Herring to table this item.

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

| | |
|-----------------------------------|-----------|
| Mayor Milton Y. Tate, Jr. | Yes |
| Mayor Pro Tem Andrew Ebel | No |
| Councilmember Susan Cantey | No |
| Councilmember Danny Goss | Yes |
| Councilmember Keith Herring | Yes |
| Councilmember Albert Wright | Yes |
| Councilmember Clint Kolby | Yes |

8. Discuss and Possibly Act Upon Resolution No. R-19-003 Amending the City of Brenham Human Resources Policy Manual

City Manager James Fisher requested the Council consider tabling this item since they have not had very long to review the Policy.

A motion was made by Councilmember Herring and seconded by Councilmember Wright to table Item 8.

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

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|-----------------------------|-----|
| 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 |
| Councilmember Clint Kolby | Yes |

9. Discuss and Possibly Act Upon Resolution No. R-19-004 Authorizing the Submission of a Grant Application to Texas Parks and Wildlife Through the Community Outdoor Outreach Program (CO-OP) Grant for Angler Education Week at the Blue Bell Aquatic Center

Aquatic Center Supervisor Tammy Jaster presented this item. Jaster explained that the Community Outdoor Outreach Program (CO-OP) grant provides funding to local governments and non-profit organizations for programming that introduces under-served populations to environmental and conservation programs as well as Texas Parks and Wildlife Department's mission oriented outdoor activities. Jaster stated that staff would like to apply for the Community Outdoor Outreach Program grant in order to be able to offer Angler Education Week. Jaster advised that the grant would cover costs for refreshments and activity supplies. Jaster noted that for the last twelve years, the Blue Bell Aquatic Center has hosted an annual KidFish event that is free to the community. Jaster stated that staff's goal is to have the Angler Education Week October 7th – 11th which would lead straight into KidFish on October 12th.

A motion was made by Councilmember Kolby and seconded by Mayor Pro Tem Ebel to approve Resolution No. R-19-004 authorizing the submission of a grant application to Texas Parks and Wildlife through the Community Outdoor Outreach Program (CO-OP) Grant for Angler Education Week at the Blue Bell Aquatic Center.

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 |
| Councilmember Clint Kolby | Yes |

10. Discuss and Possibly Act Upon a Ground Space Lease Agreement with Brazos Exec Air, Inc. for Hangar Space at the Brenham Municipal Airport and Authorize the Mayor to Execute Any Necessary Documentation

Development Services Director Lori Sanguedolce presented this item. Sanguedolce explained that Brazos Exec Air, Inc. currently has a lease agreement for 2903 Aviation Way and they are in the process of selling the hangar to another company. Sanguedolce stated that the prospective buyer of the hangar requested Brazos Exec. Air to have their existing ground lease increased to 30 years for tax purposes. Sanguedolce advised that the tax regulations require the ground lease be 30 years at the time of purchase for potential tax benefits. Sanguedolce noted that this lease agreement would replace the existing lease in its entirety. Sanguedolce explained that once the sale has taken place, the lease with Brazos Exec Air would be terminated and a new lease will be executed with the new owner. Sanguedolce stated that the lease agreement is the City's standard ground space lease for .08 cents per square foot with one exception; the lease rate may increase up to \$0.02 cents every year. Sanguedolce advised that the original lease rate increase was up to \$.02/sf every five years. Sanguedolce noted that this is a change the City is proposing for all future ground leases.

A motion was made by Councilmember Cantey and seconded by Councilmember Kolby to approve a Ground Space Lease Agreement with Brazos Exec Air, Inc. for hangar space at the Brenham Municipal Airport 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 |
| Councilmember Clint Kolby | Yes |

11. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 23, Subdivisions, of the Code of Ordinances of the City of Brenham, Section 23-22(1) to Remove the Twenty-Five (25) Foot Minimum Building Setback for Lots that Abut Arterial or Collector Streets in Brenham, Washington County, Texas (Case No. P-18-026)

A motion was made by Councilmember Herring and seconded by Councilmember Kolby to remove Item 11 from the table.

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 |
| Councilmember Clint Kolby | Yes |

Assistant Director of Development Services Stephanie Doland presented this item. Doland explained that Council held a Public Hearing concerning this item on December 13, 2018. Doland stated that during the Council meeting, the item was postponed for consideration by the Council during a meeting in January 2019.

Doland advised that the amendment originally proposed to remove language pertaining to setbacks adjacent to collectors and arterials from the Subdivision Ordinance and relocate said language in the Zoning Ordinance. Doland explained that upon further review, staff is proposing an amendment to the setback requirements related to arterials and collectors within the City of Brenham extraterritorial jurisdiction (ETJ). Doland noted that the arterial setback will remain at 25 feet and the collector is proposed to be 15 feet. Doland stated that the Planning and Zoning Commission voted unanimously to recommend approval of the request.

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve an Ordinance on its first reading amending Chapter 23, Subdivisions, of the Code of Ordinances of the City of Brenham, Section 23-22(1) to remove the twenty-five (25) foot minimum building setback for lots that abut arterial or collector streets in Brenham, Washington County, Texas (Case No. P-18-026).

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 |
| Councilmember Clint Kolby | Yes |

12. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Appendix A - “Zoning” of the Code of Ordinances of the City of Brenham by Amending Part II, Division 1, Section 17, Height and Area Exceptions of General Applicability, to Establish a Twenty-Five (25) Foot Minimum Building Setback for Property Adjacent to Arterial Roadways in Brenham, Washington County, Texas (Case No. P-18-026)

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to remove Item 12 from the table.

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 |
| Councilmember Clint Kolby | Yes |

Assistant Director of Development Services Stephanie Doland presented this item. Doland explained that Council held a Public Hearing concerning this item on December 13, 2018. Doland stated that during the Council meeting, the item was postponed for consideration by the Council during a meeting in January 2019.

Doland advised that this City initiated text amendment establishes a minimum 25-foot setback requirement for property within the City of Brenham adjacent to arterial streets in the zoning ordinance. Doland noted that in an effort to remain consistent in the review of setback requests for property in the City of Brenham, staff finds that relocating language about setbacks adjacent to arterial roadways from the subdivision ordinance to the zoning ordinance will allow the Board of Adjustment to consider all requests pertaining to setback variances. Doland stated that the Planning and Zoning Commission upheld the staff recommendation when they voted unanimously to recommend approval of the request.

A motion was made by Councilmember Kolby and seconded by Councilmember Cantey to approve an Ordinance on its first reading Amending Appendix A - "Zoning" of the Code of Ordinances of the City of Brenham by amending Part II, Division 1, Section 17, Height and Area Exceptions of General Applicability, to establish a twenty-five (25) foot minimum building setback for property adjacent to arterial roadways in Brenham, Washington County, Texas (Case No. P-18-026).

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 |
| Councilmember Clint Kolby | Yes |

13. Discuss and Possibly Act Upon the Final One Year Contract Extension, in Accordance with Bid No. 14-010, for Bulk Water Treatment Chemicals and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager of Public Utilities Lowell Ogle presented this item. Ogle explained that on December 4, 2014, City Council approved a contract with Evoqua Water Technologies for the purchase of Sodium Chlorite at a cost of \$0.74 per pound. Ogle stated that the contract was a one-year contract with four additional one-year terms (5 years total). Ogle advised that Evoqua has consistently provided good service to the city and they have agreed to extend their contract for the final renewal of one (1) year. Ogle noted that this year there would be a slight increase in the cost of Sodium Chlorite, from \$0.74 per pound last year to a current price of \$0.792 per pound, an increase of approximately \$5,200.

A motion was made by Councilmember Kolby and seconded by Mayor Pro Tem Ebel to approve the final one year contract extension with Evoqua Water Technologies for bulk water treatment chemicals in accordance with Bid No. 14-010, subject to receiving the proper documentation related to the new price of 0.792 per pound, and authorize the Mayor to execute any necessary documentation.

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

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|-----------------------------|-----|
| 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 |
| Councilmember Clint Kolby | Yes |

14. Discuss and Possibly Act Upon Bid No. 61C-148C Related to the Copper Conductor Replacement Project and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager of Public Utilities Lowell Ogle presented this item. Ogle explained that in 2017, an Agreement between the City of Brenham and McCord Engineering was signed to perform engineering services related to the Copper Conductor Replacement and Power Line Rehabilitation. Ogle stated that the copper lines being replaced are 50 to 60 plus years old and are mainline conductor. Ogle advised they would be replaced with an Aluminum Conductor that is Steel Reinforced (ACSR). Ogle noted that this is a proactive approach to increase system reliability and reduce customer outages. Ogle stated that two bids were received for the rehabilitation project. Ogle advised that the low bidder, Techline Construction, LLC is qualified and experienced in this type of work and has been recommended by McCord Engineering

A motion was made by Councilmember Herring and seconded by Councilmember Wright to award Bid No. 61C-148C for Option 2 Total-All Items to Techline Construction LLC in the amount of \$1,006,910.95 related to the Copper Conductor Replacement Project 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 |
| Councilmember Clint Kolby | Yes |

15. Discuss and Possibly Act Upon the Purchase of Material for the Copper Conductor Replacement Project from Techline, Inc. Through the Lower Colorado River Authority (LCRA) Material Program and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager of Public Utilities Lowell Ogle presented this item. Ogle explained that the construction phase of the Copper Conductor Replacement Project is set to begin for Section 1 (Atlow Subdivision) and Section 5. Ogle stated that all materials purchased for the Copper Conductor Replacement Project would be purchased from Techline, Inc. through the LCRA Material Purchasing Program.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Ebel to approve the purchase of material for the Copper Conductor Replacement Project, Sections 1 and 5, in the amount of \$188,599.25, to Techline, Inc. through the Lower Colorado River Authority (LCRA) Material 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 Danny Goss | Yes |
| Councilmember Keith Herring | Yes |
| Councilmember Albert Wright | Yes |
| Councilmember Clint Kolby | Yes |

16. Discuss and Possibly Act Upon Recommendations for Appointments and/or Re-Appointments to Various City Boards and Committees

Deputy City Secretary II Karen Stack presented this item. Stack explained that according to the City of Brenham's Policies and Procedures for Boards and Commissions, a Subcommittee of City Council is to review applications for appointment to boards and commissions, and make recommendations to the full Council. The sub-committees recommendations to the Council are as follows:

Airport Advisory Board:

Brent Nedbalek
Bryan Butler
Mark Whitehead
Edwin Owens

Brenham Housing Authority:

Richard Flammer
Cory Flencher
Marcus Wamble
Lillian Pollard

Planning and Zoning Commission:

Marcus Wamble
Leroy Jefferson
Calvin Kossie
Lynnette Sheffield

Brenham Community Development Corporation:

Bill Betts
John Hasskarl
Gary Crocker

Library Advisory Board:

Keith Herring
Jamey Johnson
Sabrina Roberts (Fortnightly Club Appointee)

Main Street Board:

Walter Jackson
Tom Whitehead
Jeffrey Lewman
Evonne Sturm

Parks and Recreation Advisory Board:

Jim Baker
Matthew Wehring
Lee Chalmers
Andrea Fischer

Stack advised that the Subcommittee does not yet have recommendations for appointments to the Board of Adjustments, Building Standards Commission or Animal Services. Stack noted that these appointments would be brought back to Council in the near future.

A motion was made by Councilmember Cantey and seconded by Mayor Pro Tem Ebel to approve the recommendations for appointments and/or re-appointments to various City boards and committees in accordance with the recommendations of the subcommittee.

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 |
| Councilmember Clint Kolby | Yes |

17. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- Washington County Chamber of Commerce banquet is February 5th
- The next Economic Development Strategic meeting will be held on February 12th at the Nancy Carol Roberts Memorial Library

Assistant City Manager – Chief Financial Officer Carolyn Miller introduced two new employees:

- Susan Cates, Economic Development Director
- Melinda Gordon, Communications and Marketing Manager

Council adjourned into Executive Session at 2:29 p.m.

EXECUTIVE SESSION

- 18. Section 551.087 – Texas Government Code – Economic Development Negotiations – Discuss and Deliberate Project BK Regarding Commercial or Financial Information that the City Has Received from a Business Prospect and the Offer of Financial or Other Incentives to a Business Prospect 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 3:19 p.m.

RE-OPEN REGULAR AGENDA

19. Discuss and Possibly Act Upon a Chapter 380 Development Agreement Regarding Project BK and Authorize the Mayor to Execute Any Necessary Documentation

A motion was made by Councilmember Kolby and seconded by Councilmember Wright to approve Resolution No. R-19-005 authorizing the Mayor to enter into a Chapter 380 Economic Development Agreement between the City of Brenham and BK Stringer Limited also known as Baker Katz related to a commercial and retail development at the intersection of Highway 290 E and Chappell Hill.

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 | Absent |
| Councilmember Keith Herring | Yes |
| Councilmember Albert Wright | Yes |
| Councilmember Clint Kolby | Yes |

20. Discuss and Possibly Act Upon Resolution No. R-19-005 Supporting Projects and Programs Promoting and Encouraging the Enhancement of Economic Activity, Increase of Commercial Investment and Expansion of Job Opportunities in the City of Brenham

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve Resolution No. R-19-005 with the correction of the Resolution No. to R-19-006.

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 | Absent |
| Councilmember Keith Herring | Yes |
| Councilmember Albert Wright | Yes |
| Councilmember Clint Kolby | Yes |

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor

Jeana Bellinger, TRMC, CMC

City Secretary

