

## **Brenham City Council Minutes**

A regular meeting of the Brenham City Council was held on October 18, 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, Comptroller Stacy Hardy, Director of Human Resources Susan Nienstedt, Sara Parker, Kaci Konieczny, Cynthia Longhofer, Director of Tourism and Marketing Jennifer Eckermann, Andria Heiges, Fire Chief Ricky Boeker, Police Chief Allwin Barrow, Public Works Director Dane Rau, Assistant City Manager of Public Utilities Lowell Ogle, Darlene Konieczny, Todd Ashorn, Dant Lange and Armando Guerra

### Citizens present:

Dorothy Morgan, Sam Sommer, Jenny Van Dorf, Jane Hinze, Randy Wells, Ethel Randle, Nancine Jones, Page Michel, Clint Kolby and Shae Janner

### 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 Cantey**

3. **Service Recognition**  
➤ **Ethel Randle, Library** **45 Years**

4. **Proclamations**  
➤ **Texas Chamber of Commerce Week**  
➤ **Think Pink Thursday**

5. **Citizens Comments**

There were no citizen comments.

**CONSENT AGENDA**

6. **Statutory Consent Agenda**

**6-a. Minutes from the September 20, 2018 Regular City Council Meeting**

A motion was made by Councilmember Cantey and seconded by Councilmember Herring to approve the Statutory Consent Agenda Item 6-a. as amended.

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

**REGULAR SESSION**

7. **City Secretary's Certification of Unopposed Candidate for the City of Brenham's December 8, 2018 Special Election**

**Certificación de Candidatos Sin Oposición por la Secretaria de la Ciudad de el Municipio de Brenham para la Elección Especial que se efectuara el 8 de diciembre, 2018.**

City Secretary Jeana Bellinger presented this item. Bellinger stated that as outlined in Section 2.052 of the Election Code, the authority responsible for having the official ballot prepared must certify in writing that a candidate was unopposed. Bellinger advised Council that Clint Kolby was unopposed for the position of At Large – Place 5 and that no other person had made a declaration of write-in candidacy.

**8. Discuss and Possibly Act Upon an Order Declaring an Unopposed Candidate for the Position of Councilmember Place 5 – At Large Elected to Office and Canceling the City of Brenham December 8, 2018 Special Election**

**Considerar y en consecuencia actuar sobre una Orden Declarando Candidatos Sin Oposición Para el Puesto de Concejal Lugar 5 – Distrito Abierto Elegido a su Puesto y Cancelando la Elección Especial de la Ciudad de Brenham para el 8 de diciembre, 2018.**

City Secretary Jeana Bellinger presented this item. Bellinger explained that as outlined in the Election Code, upon receipt of the City Secretary’s Certification of Unopposed Candidate, the City Council must by order or ordinance declare the unopposed candidate elected to office.

Bellinger stated that the Elections Division of the Secretary of State’s office interprets the unopposed candidate as being elected when they are issued the Certificate of Election after the prescribed Election Day (December 8, 2018). Bellinger advised that unopposed candidates, declared elected, could not take office until after the day in which the canvassing of the election results would have taken place had there been an election; therefore, Mr. Kolby could not take office and begin his official duty as Councilmember until he is sworn into office at the December 13, 2018 Council meeting.

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve an Order declaring the unopposed candidate for the position of At Large – Place 5 Councilmember, Clint Kolby, elected to office and canceling the City of Brenham’s December 8, 2018 Special Election.

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

**9. 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**

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Cantey to remove Item 9 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
At Large, Position 5	Vacant

Assistant City Manager of Public Utilities Lowell Ogle presented this item. Ogle 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 a viable solution. Ogle stated that late delivery by courier companies and the postal service has resulted in forced rejection of bids and in some cases, weather conditions have even made direct submission by bidders impossible. Ogle advised that Ion Wave would not only provide electronic bidding, but supplier registration and management tools also.

Ogle explained that another product of Ion Wave that the City would be purchasing is the contract management piece. Ogle noted that this module allows staff to easily track all of the contracts and insurance certificates. Ogle advised that it would consolidate all of our information and documents into one online repository/database to assist with vendor and contract reporting, contract expiration notifications, and public information requests.

A motion was made by Councilmember Herring and seconded by Councilmember Wright to approve a Master License and Services Agreement between the City of Brenham and Ion Wave Technologies for electronic bidding and contract management software in the amount of \$71,700 over five years (expiring in 2023) 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

**10. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 18, Oil and Gas Production, of the Code of Ordinances for the City of Brenham**

City Attorney Cary Bovey presented this item. Bovey explained that at the October 4, 2018 council meeting, an updated oil and gas production ordinance was presented to the City Council in work session. Bovey stated that during the work session, he advised Council that he would like to make a few minor revisions to the ordinance before presenting it for first reading but felt that overall it was a good ordinance that would protect the rights of the City while complying with State law.

Councilmember Goss expressed concern regarding noise limitations and discharge regulations. Bovey explained that noise limitations were outlined in the ordinance.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Ebel to approve an Ordinance, as presented, on its first reading amending Chapter 18, Oil and Gas Production, of the Code of Ordinances for the City of Brenham.

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

**11. Discuss and Possibly Act Upon a Development Agreement Between the City of Brenham and CTX Development Company (Stylecraft) Regarding the City's Participation in the Construction Costs of Oversizing Water Facility Extensions Along Vintage Farms Way and Wild Vine Circle (Future Roadway) Within Vintage Farms Subdivision and Authorize the Mayor to Execute Any Necessary Documentation**

Assistant City Manager of Public Utilities Lowell Ogle presented this item. Ogle stated that CTX Development Company (Stylecraft) has requested a Development Agreement with the City of Brenham for the oversizing of the water facilities. Ogle advised that Stylecraft was required to provide plans for the proposed water facility extensions. Ogle noted that the plans were designed in accordance with the City of Brenham's Construction Standards.

A motion was made by Councilmember Cantey and seconded by Councilmember Wright to approve a Development Agreement between the City of Brenham and CTX Development Company (Stylecraft) regarding the City’s participation in the construction costs of oversizing water facility extensions along Vintage Farms Way and Wild Vine Circle (Future Roadway) within Vintage Farms Subdivision in an amount not to exceed \$30,000.00 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

**12. Discuss and Possibly Act Upon Authorizing the Acceptance of a Grant from Lower Colorado River Authority (LCRA) Through Their Community Development Partnership Program (CDPP) for a Removable Bollard Traffic System in Downtown Brenham and Authorize the Mayor to Execute Any Necessary Documentation**

Public Works Director Dane Rau presented this item. Rau explained that during the FY18 calendar year, LCRA offered Community Development Partnership Program Grants to communities within its service area. Rau noted that grants of \$5,000 or more require a 20% match of the total project costs. Rau stated that staff applied for the Downtown Bollard Project. Rau advised that this project would enhance the public safety concerning the closure of roads during the city’s numerous downtown events. Rau stated that staff received notification on September 19<sup>th</sup> that the City had been awarded a grant in the amount of \$23,500.

A motion was made by Councilmember Cantey and seconded by Councilmember Herring to approve the acceptance of a grant from Lower Colorado River Authority (LCRA) in the amount of \$23,500 through their Community Development Partnership Program (CDPP) for a removable bollard traffic system in Downtown Brenham 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

**13. Discuss and Possibly Act Upon a One Year Contract Extension, in Accordance with Bid No. 17-011, for Janitorial Services for Various City Facilities and Authorize the Mayor to Execute Any Necessary Documentation**

Purchasing Manager Sara Parker presented this item. Parker stated that on October 12, 2017, Council awarded this Contract, at an approximate value of \$107,448.24 to Kustom Klean Janitorial Services. Parker advised that Kustom Klean is a local company chosen on the basis of Best Value to the city due to the quality of the bidder's services, the extent to which the bidder's services met the City's needs and the bidder's past relationship with the City. Parker noted that in the year since, Kustom Klean has far outperformed the previous two contractors and provided a much more consistent and reliable service to the City.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Ebel to approve a one-year contract extension, in accordance with Bid No. 17-011, for janitorial services for various City facilities 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

**14. Discuss and Possibly Act Upon Resolution No. R-18-017 Adopting a Commercial Tax Phase-In Agreement Between the City of Brenham and Blue Bell Creameries, L.P.**

City Manager James Fisher presented this item. Fisher explained that Blue Bell Creameries, L.P. would be adding \$12.5M in property improvements at their Brenham location (fleet maintenance facility/office space building & central transfer station). Fisher stated that these improvements would require the retention of 22 fleet department employees and the hiring of an estimated five additional fleet technician positions. Fisher advised that Blue Bell plans to have the construction projects complete by August –September 2019.

A motion was made by Councilmember Goss and seconded by Councilmember Wright to approve Resolution No. R-18-017 adopting a Commercial Tax Phase-In Agreement with Blue Bell Creameries, L.P.

Mayor Pro Tem Ebel called for a vote. The motion passed with Council voting as follows:

<b>Mayor Milton Y. Tate, Jr.</b>	<b>Abstain</b>
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. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- Kid Fish is October 27<sup>th</sup> at the Blue Bell Aquatic Center
- Boards and Commissions Appreciation Event is November 1<sup>st</sup>
- Fundraiser for Brenham Animal Services is tonight at Puppy Dawgs and Cat Tails

Council adjourned into Executive Session at 2:10 p.m.

#### EXECUTIVE SESSION

#### 16. 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 2:50 p.m.

The meeting was adjourned.

*Milton Y. Tate, Jr.*

Mayor

*Jeana Bellinger, TRMC, CMC*

City Secretary

