

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on February 6, 2020 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 Adonna Saunders
Councilmember Albert Wright
Councilmember Clint Kolby

Members absent:

Councilmember Keith Herring

Others present:

City Manager James Fisher, City Attorney Cary Bovey, City Secretary – Director of Administrative Services Jeana Bellinger, Deputy City Secretary I Kacey Weiss, Deputy City Secretary II Karen Stack, Assistant City Manager – Chief Financial Officer Carolyn Miller, Human Resources Director Susan Nienstedt, Melinda Gordon, Tammy Jaster, Fire Chief Ricky Boeker, Interim Police Chief Rusty Pancoast, Dant Lange, Allison Harper, Lloyd Powell, Public Works Director Dane Rau, Assistant City Manager of Public Services and Utilities Donald Reese, Kim Hodde, Shauna Laauwe, Economic Development Director Susan Cates, Alyson Tofel, Curtis Schoen, Pam Ruemke, Jared Campbell, Seth Klehm, Kevin Boggus, Jose Perez, Terrence Johnson, Kelvin Raven, Steven Eilert, Andrew Adams, Kejan Mehlhorn-Hock, Mark Pierce, Craig Reagan and Leah Rogers

Citizens present:

Ken Miller, Paul Leventis, Ben Menjares, Joel Pollack, Ray Daugbjerg, Rick Flammer, Perry Thomas, Vince Michel, Brandon Roznovsky, Randy Thumann, Steven Taylor, Birdie Sommerfeld, Long Le, Matthew Newton, Charlie Pyle, LJ Lacina, Jr., Greg Rolling, Trenton Rolling, Mike Brannon, Blake Brannon, Sharon Pfeffer Cowart, Peggy Bland, Michael Fosel, Payne Schuelke, Eric Berg, Catherine Kenjura and Heather Woolwine

Media Present:

Alyssa Faykus, Brenham Banner Press; and Josh Blaschke, KWHI

1. **Call Meeting to Order**
2. **Invocation and Pledges to the US and Texas Flags – Councilmember Kolby**
3. **Special Presentation**
 - **Life Saving Award Presented to Brenham Police Department Officer Andrew Adams**
4. **Swearing-In Ceremony of Presiding Municipal Court Judge John Winkelmann**
5. **Service Recognitions**
 - **Steven Eilert, Police** **10 Years**
 - **Craig Reagan, Animal Control** **15 Years**
6. **Citizens Comments**

There were no citizen comments.

CONSENT AGENDA

7. **Statutory Consent Agenda**
 - 7-a. **Minutes from the December 19, 2019 Regular City Council Meeting**
 - 7-b. **Ordinance No. O-20-003 on Its Second Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District from a Combination of Residential District (R-1) and Commercial, Research and Technology District (B-2) to a Planned Development District (PDD) on Approximately 76.9 Acres of Land Located East of the Intersection of State Highway 36 and W. Blue Bell Road (aka FM 577), Being Further Described as a Portion of Tract 35 of the Phillip Coe Survey, A-31, and a Portion of Tract 219 and Tract 278 of the A. Harrington Survey, A-55, in Brenham, Washington County, Texas (Case Number P-19-046)**

Mayor Tate advised that Consent Agenda Item 7-b will need to be postponed until the February 20, 2020 meeting.

A motion was made by Councilmember Kolby and seconded by Mayor Pro Tem Ebel to approve the Statutory Consent Agenda Item 7-a. 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 Adonna Saunders	Yes
Councilmember Keith Herring	Absent
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

WORK SESSION

8. Discuss and Review the FY2018-19 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. Miller reported that all funds except for the Wastewater Fund experienced favorable performance for the fiscal year ending September 30, 2019. Miller stated that the Wastewater Fund was unfavorable due to the timing of reimbursements from FEMA.

9. Discussion and Presentation on an Agreement for Municipal Solid Waste Collection, Disposal and Recycling Services Between the City of Brenham and Brannon Industrial Group, LLC d/b/a BVR Waste and Recycling (RFP No. 19-003)

Public Works Director Dane Rau presented this item. Rau explained that on October 4, 2019 request for proposals were opened regarding Solid Waste Services for Residential Collection, Commercial Sanitation, Recycling Services, and Collection Operations for City of Brenham residents and businesses. Rau stated that after evaluating the proposals, it was evident that the Brannon Industrial Group, LLC d/b/a BVR Waste and Recycling (BVR) submitted the best value to the City overall. Rau noted that these evaluations were discussed with the Utilities Subcommittee of Council and on January 16, 2020 the full City Council authorized city staff to continue working with BIG to finalize a solid waste services contract.

Rau advised that staff members have been diligently working with BIG over the last 4-5 weeks to prepare a final contract document that would be the basis of the initial five-year contract. Rau noted that as of right now, the contract document would consist of the following sections:

- General Terms and Conditions
- Residential Waste Collection and Recycling Services
- Commercial Waste Collection and Recycling Services
- Collection and Transfer Station Services

Rau explained that the purpose of this work session was to update the Council on the status of the contract and those items that are still being negotiated with BVR. Rau advised that staff would present the final contract document for approval by the City Council at the February 20, 2020 meeting. Rau stated that as of right now, it is the intention of staff that BVR begin a stair-step process of taking over solid waste services for the City with commercial services being first and residential, recycling and collection/transfer station operations to follow. Rau noted that the full transition will be completed by June 2020.

City Manager James Fisher stated that there would be a Council workshop meeting on Thursday, February 13th at 10:30 a.m. to discuss the contract. Fisher noted that the final contract for commercial sanitation would be presented at the Council meeting on February 20th and the final contracts for residential collection and recycling services would be presented at the Council meeting on March 5th.

REGULAR SESSION

10. Discuss and Possibly Act Upon the Payoff to JPMorgan Chase Bank for the Diamond Z Tub Grinder in the amount of \$466,879.48

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller explained that in March 2017, Council approved a 7-year equipment lease with JPMorgan Chase for eleven items, one of which is the Diamond Z Tub Grinder. Miller stated that with the recent decision to allow City staff to engage in contract negotiations with the Brannon Industrial Group (BVR) for the provision of municipal solid waste collection, transfer, removal, disposal and recycling services, this piece of equipment is listed for acquisition in their response to RFP No. 19-003. Miller advised that Council must approve the early payoff of the capital lease financing, so that the lender will release the lien on the equipment.

A motion was made by Councilmember Cantey and seconded by Councilmember Saunders to approve the payoff to J.P. Morgan Chase Bank for the Diamond Z Tub Grinder in the amount of \$466,879.48.

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 Adonna Saunders	Yes
Councilmember Keith Herring	Absent
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

11. Discuss and Possibly Act Upon a Memorandum of Understanding Between the City of Brenham and the Texas State Library and Archives Commission for Acceptance of the FY2020 Library Technology Academy Grant for Travel Expenses and Academy Program Implementation at the Nancy Carol Roberts Memorial Library and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller explained that the Texas State Library and Archives Commission (TSLAC) has awarded the Nancy Carol Roberts Memorial Library a grant to attend the Library Technology Academy. Miller stated that this project-based training grant would use both online and in-person learning experiences to enable library staff more time, guidance, and individualized attention to support technology planning and management.

Miller advised that following the training, TSLAC and Library Technology Academy would provide funding support up to \$11,000 to participating libraries to buy supplies necessary to launch a library technology project location at their facility and for travel and lodging to in-person training. Miller noted that this is a reimbursement grant and all purchases are to be held and owned by the NCRML.

A motion was made by Councilmember Wright and seconded by Councilmember Kolby to approve a Memorandum of Understanding between the City of Brenham and the Texas State Library and Archives Commission for acceptance of the FY2020 Library Technology Academy Grant for travel expenses and academy program implementation at the Nancy Carol Roberts Memorial Library 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 Adonna Saunders	Yes
Councilmember Keith Herring	Absent
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

12. Discuss and Possibly Act Upon Resolution No. R-20-004 Repealing Resolution No. R-16-009 Related to the Adoption of a Commercial Tax Phase-In Agreement with Valmont Coatings, Inc., and Approving the Mutual Cancellation of Said Agreement

Economic Development Director Susan Cates presented this item. Cates explained that Valmont Coatings acquired United Galvanizing in 2019 and as part of this business decision, decommissioned the galvanizing kettle in Brenham, relocated it to Pennsylvania, and moved all regional coatings operations to Houston. Cates noted that therefore, they are in default of the terms of the 2016 Tax Phase-In Agreement.

A motion was made by Councilmember Kolby and seconded by Councilmember Cantey to approve Resolution No. R-20-004 repealing Resolution No. R-16-009 related to the adoption of a Commercial Tax Phase-In Agreement with Valmont Coatings, Inc., and approving the mutual cancellation of said Agreement.

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 Adonna Saunders	Yes
Councilmember Keith Herring	Absent
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

13. Discuss and Possibly Act Upon Resolution No. R-20-005 Providing for Support for Brazos Trace Brenham, LLC’s Submission of an Application to the Texas Department of Housing and Community Affairs Requesting 2020 Competitive 9% Housing Tax Credits for the Fairview Terrace Development in Brenham, Washington County, Texas

Economic Development Director Susan Cates presented this item and introduced Rick Flammer, a Brenham Housing Authority Board member. Cates explained that half of Brenham Housing Authority’s 80 aging duplex units at Blue Bell Road and Gay Hill Street were vacated when residents were relocated to Park Lane Villas in 2018. Cates noted that the 40 vacated units are in demolition at this time. Cates advised that the project referenced in this Resolution would replace the remaining 40 units and relocate the residents to updated units constructed by Brazos Trace Brenham LLC, who was awarded the project in response to a Brenham Housing Authority issued Request For Proposal. Cates stated that following demolition of the remaining 40 units, Brazos Trace plans to redevelop the portion of the tract not utilized for the tax credit complex with commercial property along the Blue Bell Road frontage and market-rate residential along Gay Hill Street.

Flammer addressed Council regarding the project. Flammer stated that this is an approximately \$12 million project that would be replacing 80 units. Flammer introduced Paul Leventis with Brazos Trace Development. Leventis advised that the estimated completion for the project is the end of 2021 or the first quarter in 2022.

A motion was made by Councilmember Cantey and seconded by Councilmember Wright to approve Resolution No. R-20-005 providing for support for Brazos Trace Brenham, LLC’s submission of an application to the Texas Department of Housing and Community Affairs requesting 2020 Competitive 9% Housing Tax Credits for the Fairview Terrace Development in Brenham, Washington County, Texas. (Note: The City Council subsequently rescinded its approval of Resolution No. R-20-005 – please see Item 14 herein below).

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 Adonna Saunders	Yes
Councilmember Keith Herring	Absent
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

14. Discuss and Possibly Act Upon Resolution No. R-20-006 Confirming that Fairview Terrace LP, Brazos Trace Brenham, LLC, and the Brenham Housing Authority's Development, Fairview Terrace, Located at 700 Eleanor Drive Contributes to Concerted Revitalization Efforts within the City Limits of the City Brenham, Texas

Economic Development Director Susan Cates presented this item. Cates explained that this item is related to the previous on the agenda. Cates stated that the Texas Department of Housing and Community Affairs uses a scoring system to rank projects submitted from across the state. Cates advised that this Resolution states that this project contributes more to the City's revitalization efforts than any other project submitted for this current round of 9% housing tax credit awards. Cates noted that this statement earns the project additional points in the scoring process. Cates explained that as this is the only project competing for these tax credits in Brenham that replaces deteriorated housing to provide Brenham Housing Authority subsidized housing residents improved living conditions, this is an appropriate statement.

Joel Pollack, PMCA Partners, the tax consultant for Brenham Housing Authority and Brazos Trace advised the Council that additional wording related to the tax credit would need to be added to the Resolution. City Manager James Fisher advised that if additional wording was required that the item would have to be postponed until the next City Council meeting on February 20th in order to give the City Attorney an opportunity to review the wording. Pollack advised that he would send the requested wording to the City Attorney for review so that the Resolution could be finalized for next meeting. Fisher requested that the Council not take action on Items 14 and 15 until the new wording could be incorporated into the Resolutions and that the previous Council action on Item 13 be rescinded since that Resolution wording would also need to be amended. The City Attorney agreed and no further action was taken by the City Council on this item.

A motion was made by Councilmember Cantey and seconded by Councilmember Wright to rescind the City Council's action to approve Resolution No. R-20-005 providing for support for Brazos Trace Brenham, LLC's submission of an application to the Texas Department of Housing and Community Affairs requesting 2020 Competitive 9% Housing Tax Credits for the Fairview Terrace Development in Brenham, Washington County, Texas (previous Item 13).

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 Adonna Saunders	Yes
Councilmember Keith Herring	Absent
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

15. Discuss and Possibly Act Upon Resolution No. R-20-007 Providing for Support for Trinity Brenham Trails, LP's Submission of an Application to the Texas Department of Housing and Community Affairs Requesting 2020 Housing Tax Credits for the Brenham Trails Development in Brenham, Washington County, Texas

No action was taken on this item.

16. Discuss and Possibly Act Upon Resolution No. R-20-008 Authorizing the Submission of a Grant Application Through the Criminal Justice Division of the Office of the Governor for the Rifle-Resistant Body Armor Grant Program

Interim Police Chief Rusty Pancoast presented this item. Pancoast explained that grant funding would allow the department to purchase rifle resistant body armor for police personnel who are part of the Emergency Response Team, as well as two additional patrol officers.

A motion was made by Councilmember Cantey and seconded by Councilmember Kolby to approve Resolution No. R-20-008 authorizing the submission of a grant application through the Criminal Justice Division of the Office of the Governor for the Rifle-Resistant Body Armor Grant Program.

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 Adonna Saunders	Yes
Councilmember Keith Herring	Absent
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

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

City Secretary Jeana Bellinger presented this item. Bellinger 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-committee's recommendation to the Council is as follows:

Airport Advisory Board:

Michele Bright
Edwin Owens
Lynwood Kindt

Animal Advisory Board:

Robert Davis
Phyllis McMahon
Sally Blackie-Sengel

Board of Adjustments:

Arlen Thielemann
Thomas Painter
MaLisa Hampton (Alternate Member A-4)
Danny Goss

Brenham Community Development Corporation:

Atwood Kenjura
Darrell Blum
Charles Moser
Ken Miller

Brenham Housing Authority:

John Harris
Wanda Cooley
Ray Daugbjerg
Ken Miller
George Dillingham

Brenham-Washington County Hotel Occupancy Tax Board:

Senecca McAdams
Susan Cantey
Al Patel
Sharon Brass

Building Standards Commission:

Lloyd Pieper
Paul Pomeroy

Library Advisory Board:

Fredericka DeBerry
Jody Tyson (Fortnightly Club Appointee)
Renee Mueller (Fortnightly Club Appointee)

Main Street Board:

Margie Young
Jon Hill
Shannan Canales

Parks and Recreation Advisory Board:

Ginger Bosse
Delbert Boeker
Andrea Fischer

Planning and Zoning Commission:

Keith Behrens
Deanna Alfred
Catharyne Neil

A motion was made by Councilmember Cantey and seconded by Councilmember Saunders to approve the recommendations for appointments and/or re-appointments to various City boards and committees.

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 Adonna Saunders	Yes
Councilmember Keith Herring	Absent
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

18. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- There will be a Council Workshop on February 13th from 10:30 a.m. to 1:30 p.m. to discuss the sanitation contract
- There will be a Special Council meeting on February 21st at 10:00 a.m. with the Gateway Program 3rd grade students from Alton Elementary

- Airport project to repair the bump in the runway will have a pre-bid meeting February 19th, bid opening is March 11th, be presented to Council in April and construction will begin in May or June
- There will be a Meet and Greet on February 27th from 4:00 p.m. to 6:00 p.m. at the Blue Bell Parlor for Assistant City Manager of Public Services and Utilities Donald Reese and Police Chief Ron Parker
- There will be a Black History Breakfast on February 8th at 8:30 a.m. at the Blinn College Student Center
- Texas Department of Transportation (TxDOT) officials will be having a joint meeting with Council members and County Commissioners in April to discuss the Highway 290 cloverleaf project

Council adjourned into Executive Session at 2:12 p.m.

EXECUTIVE SESSION

- 19. Section 551.071 – Texas Government Code – Consultation with City Attorney and Section 551.072 – Texas Government Code – Deliberation Regarding Real Property – Consultation with City Attorney and Discussion Regarding the Barnhill Center at the Historic Simon Theater**

Executive Session adjourned at 2:54 p.m.

RE-OPEN REGULAR AGENDA

- 20. Discuss and Possibly Act Upon the Development, Operation and Possible Acquisition of the Barnhill Center at the Historic Simon Theater and Authorize the Mayor to Execute Any Necessary Documentation**

City Manager James Fisher presented this item and introduced Hal Moorman and explained that Moorman represents the Brenham Main Street Historical Preservation, Inc., the non-profit organization that has coordinated and overseen the fundraising for the renovation to the Simon Theater.

Moorman explained that the non-profit group started the Simon project in 2003 and since that time has raised over \$7.5 million in donations and received \$2 million in tax credits. Moorman stated that in order to receive the \$2 million in tax credits the non-profit had to commit to finishing the building which required borrowing money. Moorman advised the Council that the outstanding principal on the note as of now is \$631,645.48 and that a principal and interest payment of approximately \$100,000 is due on March 30th. Moorman stated that the non-profit has been trying to raise funds for the payment but has not been successful in raising the entire amount due on March 30th.

Moorman stated that the Board currently has a Memorandum of Understanding with the City for the operation of the Simon; however, the Board would like the City to transition now to full operation and over sight of the facility and that after the tax credit requirements are completed, the City would own the facility outright. Moorman explained that if the City agreed to take on the Simon now, the Board would give the City full control.

Mayor Tate advised that the City Council would like to have some more time to consider his request and that it would be put on the February 20th Council agenda for further discussion and consideration by the Council.

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor

Jeana Bellinger, TRMC, CMC

City Secretary

