

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on October 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 Adonna Saunders
Councilmember Keith Herring
Councilmember Albert Wright
Councilmember Clint Kolby

Members absent:

None

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, Director of Tourism and Marketing Jennifer Eckermann, Crystal Locke, Melinda Gordon, Fire Chief Ricky Boeker, Police Chief Allwin Barrow, Dant Lange, Todd Ashorn, Public Works Director Dane Rau, Kim Hodde, Economic Development Director Susan Cates, Kevin Boggus and Caylee Rocka

Citizens present:

Martin and Betty Wiesepape, Perry Thomas, Dennis LaBonte, Ben Seeker, Steve Miller, Barbara Hemmer, Dwayne Gajewski, Erich Glenewinkel and Gloria Nix

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 Herring**

- 3. **Proclamation**
 - **95th Anniversary for Glissmann’s Gift Gallery**
- 4. **Special Recognition – Business Spotlight**
 - **Emerson Automation Solutions**

This item was passed.

5. Citizens Comments

Ben Seeker, Commander of VFW Post in Brenham and President of the Washington County Veterans Association, addressed Council. Seeker explained that there was vandalism at the Veterans Plaza located at Fireman’s Park on September 30th. Seeker stated that this was the fourth occurrence of vandalism at the plaza since its dedication in 2002. Seeker advised that there was over \$1,000 in damages.

Seeker explained that he has discussed the matter with Public Works Director Dane Rau and he and City Manager James Fisher agree that lighting and a security camera would be the best solution to deter vandalism at the plaza. Mayor Tate stated that staff would look into a camera and lighting and do whatever the City can do to help out.

CONSENT AGENDA

6. Statutory Consent Agenda

- 6-a. Minutes from the September 5, 2019 Regular City Council Meeting and September 16, 2019 Special City Council Meeting**
- 6-b. Ordinance No. O-19-040 on Its Second Reading Amending the Rate Tariff Schedule for the City of Brenham Sanitary Sewer Rates for Industrial Surcharges**

A motion was made by Councilmember Cantey and seconded by Councilmember Wright to approve the Statutory Consent Agenda Items 6-a. and 6-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 Adonna Saunders	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

WORK SESSION

7. Presentation of 4th Quarter Economic Development Report

Economic Development Director Susan Cates presented this item. Cates reviewed the report and explained that there has been a trend of businesses wanting to locate here from Houston. Cates stated that staff is moving forward with a website project for economic development and it should launch around the end of November. Cates advised that with the website, businesses would have access to data and demographics. Cates also explained that staff is working on a client relationship management program which would include a comprehensive list of businesses in the community. Cates noted that this program would be accessible to all groups and users.

8. Presentation of the 4th Quarter Tourism Report by Visit Brenham

Director of Tourism and Marketing Jennifer Eckermann presented this item. Eckermann presented information including updates in the areas of visitor kiosks, tourism plan, advertising and publicity; digital marketing; social media; The Barnhill Center; and the Visitor Center. Eckermann also highlighted projects that staff would be working on in the 1st Quarter.

REGULAR SESSION

9. Discuss and Possibly Act Upon Resolution No. R-19-030 Expressing Official Intent to Reimburse Certain Costs Related to Street Rebuild and Reconstruction Projects

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller explained that for the past three years, 40 streets or portions of streets (approximately 7.3 miles total) have been reconstructed through the City's Street Reconstruction Program. Miller stated that the majority of the funding for this program has come from funds that were set aside from the sale of the Chappell Hill landfill site. Miller advised that after three years, these funds have been 100% utilized, and in order to continue this vital program another funding source for FY20 is necessary. Miller noted that during the FY20 budget process, the continuation of the street reconstruction program was discussed as a major priority. Miller explained that included in the FY20 budget is the issuance of Certificates of Obligation for various capital projects, one of which is \$625,000 for Street Reconstruction Program. Miller stated that in order to continue this program without disruption, a Reimbursement Resolution is needed in the amount of \$625,000 for FY20 street rebuild and reconstruction costs. Miller noted that in FY20, 20 streets (2.81 miles) have been identified to be reconstructed.

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve Resolution No. R-19-030 expressing official intent to reimburse certain costs related to street rebuild and reconstruction projects.

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	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

10. Discuss and Possibly Act Upon City of Brenham Project No. 2017-03 Related to Industrial Boulevard Storm Damage Repairs and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained that on October 1, 2019, staff along with Strand and Associate representatives, opened bids pertaining to the 2017 Industrial Boulevard Storm Drainage Repairs at the creek crossing on Industrial Boulevard. Rau noted that 8 bids were received. Rau stated that this project was initially part of the FEMA work, but due to lack of obtaining funding it was presented in the 2020 operating budget and approved to move forward for repairs. Rau advised that the contract period is 180 days and construction is expected to begin near the first of the year as soon as all paperwork is signed by both parties.

A motion was made by Councilmember Saunders and seconded by Mayor Pro Tem Ebel to approve Project No. 2017-03 to Barclays Premier Utility Services, LLC, in the amount of \$321,885.00, related to Industrial Boulevard Storm Damage Repairs 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	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

11. Discuss and Possibly Act Upon City of Brenham Project No. E2017-13 Related to Brenham Community Development Corporation's Regional Detention Pond Improvements in the Southwest Industrial Park, Section III and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained that on October 1, 2019, staff along with Jones and Carter representatives, opened bids pertaining to the detention

pond rehabilitation in the Southwest Industrial Park. Rau noted that seven bids were received. Rau stated that this project scope was approved earlier in the year and will be funded by BCDC. Rau advised that with the expansion of some businesses and the addition of new property, this detention pond needs to be reworked so that it can handle growth that is on the horizon along with current development. Rau noted that the contract period is 120 days and construction is expected to begin near the first of the year as soon as all paperwork is signed by both parties.

A motion was made by Councilmember Herring and seconded by Councilmember Kolby to approve Project No. E2017-13 to South Central Texas Excavation and Construction, LLC, in the amount of \$269,245.48, related to Brenham Community Development Corporation's Regional Detention Pond Improvements in the Southwest Industrial Park, Section III 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	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

12. Discuss and Possibly Act Upon City of Brenham Contract No. 2016-04 Related to Brenham Community Development Corporation's Regional Detention Pond Improvements in the Brenham Business Center and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau explained that staff, along with Strand and Associates staff, opened bids related to the Brenham Business Center Detention Pond on October 3, 2019. Rau noted that 5 bids were received. Rau advised that this project is funded by BCDC and will greatly improve the stormwater runoff for existing development, as well as future development. Rau stated that the contract period is 180 days and construction is expected to begin near the first of the year as soon as all paperwork is signed by both parties.

A motion was made by Councilmember Cantey and seconded by Councilmember Wright to approve Contract No. 2016-04 to Lonnie Lischka Company, LP, in the amount of \$382,916.34 including alternate no. 1 and alternate no. 2 bids, related to Brenham Community Development Corporation's Regional Detention Pond Improvements in the Brenham Business Center 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	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

13. Discuss and Possibly Act Upon Approval of Revised Lease Rates for Ground Space Leases and City-Owned T-Hangar Leases at the Brenham Municipal Airport and Authorize the Mayor to Execute Any Necessary Documentation

Planning Technician Kim Hodde presented this item. Hodde explained that on January 3, 2008, City Council approved the City-owned T-hangar lease rate of \$250.00 per month as recommended by the Airport Advisory Board. Hodde noted that this monthly lease rate has not increased since 2008. Hodde advised that staff researched other airports in the area or similar in size/operations and found that the monthly T-hangar rates range from \$150.00 - \$450.00 per month, depending on the size and condition.

Hodde stated that at its May meeting, the Airport Advisory Board voted to recommend approval of the following rental rates effective January 1, 2020. Hodde noted that the Airport Advisory Board would like to review all rates every 1-2 years:

<u>Lease Type</u>	<u>Current Rate</u>	<u>Proposed Rate</u>
Ground space lease	\$.08 per SF / year	\$0.10 per SF / year
2008 T-hangars (push doors)	\$250.00 / month	\$265.00 / month
2015 T-hangars (electric doors)	\$250.00 / month	\$280.00 / month

Hodde advised that the new rates on T-hangar leases would not go into effect until January 1, 2020 so that all tenants/owners could be notified in ample time of the rate increase. Hodde noted that the new rates on ground space leases would go into effect on January 1, 2020 as well; however, due to wording in the leases, they would be increased at various times since they all have different renewal dates and are billed annually.

A motion was made by Councilmember Kolby and seconded by Mayor Pro Tem Ebel to approve the revised lease rates for Ground Space Leases and City-Owned T-Hangar Leases at the Brenham Municipal Airport to be effective January 1, 2020 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	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

Council adjourned into Executive Session at 1:54 p.m.

EXECUTIVE SESSION

- 14. Section 551.071 – Texas Government Code – Consultation with Attorney – Consultation with the City Attorney for the Purpose of Seeking Legal Counsel Regarding *In re: National Prescription Opiate Litigation*; MDL No. 2804 (N.D. Ohio)**
- 15. Section 551.071 – Texas Government Code – Consultation with Attorney – Consultation with the City Attorney for the Purpose of Seeking Legal Counsel Regarding Brenham Municipal Court Matters and Associated Issues, Including But Not Limited to the Presiding Municipal Court Judge**
- 16. Section 551.074 – Texas Government Code – Personnel Matters – City Manager’s Employment Agreement and Related Issues**

Executive Session adjourned at 3:05 p.m.

RE-OPEN REGULAR AGENDA

- 17. Discuss and Possibly Act Upon *In re: National Prescription Opiate Litigation*; MDL No. 2804 (N.D. Ohio) and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Herring and seconded by Councilmember Saunders to remain in class action suit *In re: National Prescription Opiate Litigation*; MDL No. 2804 (N.D. Ohio) 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	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

18. Discuss and Possibly Act Upon the Presiding Municipal Court Judge, Including But Not Limited to the Evaluation, Duties, Suspension or Removal of the Presiding Municipal Court Judge and Associated Matters

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to remove the Presiding Municipal Court Judge, effective immediately.

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	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

19. Discuss and Possibly Act Upon City Manager's Employment Agreement and Related Issues

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve the extension of the City Manager's Employment Agreement for one year, beginning on January 11, 2020 and provide a 2% cost of living increase, effective January 11, 2020.

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	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

20. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- This was Arthur Hahn's last meeting representing the Brenham Banner Press
- Received a letter from a citizen thanking City employees for their help at the Forever Young Resale Shop
- Paint the Town Pink will be September 24th
- Will be out of town October 18th through 23rd
- There will be an event October 19th at the Nancy Carol Roberts Memorial Library from 4:00 p.m. to 6:00 p.m. recognizing the Dibley Seymour sculpture, artist and author

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor

Jeana Bellinger, TRMC, CMC

City Secretary



THIS PAGE INTENTIONALLY LEFT BLANK