

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on February 7, 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 Keith Herring
Councilmember Clint Kolby

Members absent:

Councilmember Danny Goss
Councilmember Albert Wright

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, Director of Tourism and Marketing Jennifer Eckermann, Fire Chief Ricky Boeker, Police Chief Allwin Barrow, Allison Harper, Public Works Director Dane Rau, Assistant City Manager of Public Utilities Lowell Ogle, Development Services Director Lori Sanguedolce, Stephanie Doland, Kevin Boggus, Alyson Toefel, Todd Ashorn, Kelvin Raven, Jared Campbell, Lance Weiss, Officer John Snowden, Lawrence Garnett, Dant Lange, Becky Squyres, Michele Glenz, Susan Cates, Joe Merkley, Lloyd Powell, Steven Eilert, Jason Derrick

Citizens present:

Charlie Pyle, Perry Thomas, Angela Hahn, Elizabeth Price, Dorothy Morgan, Barbara Ross, Danny Ross, Doug Baker

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 Recognitions

- Jared Campbell, Police 5 Years
- Lance Weiss, Police 10 Years
- John Snowden, Police 15 Years
- Becky Squyres, Public Utilities 20 Years
- Dant Lange, Police 25 Years
- Michele Glenz, Public Utilities 30 Years

4. Citizens Comments

Chief Barrow introduced new Brenham Police Officer, Lawrence Garnett.

CONSENT AGENDA

5. Statutory Consent Agenda

5-a. Minutes from the December 20, 2018 and January 10, 2019 Regular City Council Meetings

5-b. Ordinance No. O-19-006 on Its Second 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)

5-c. Ordinance No. O-19-007 on Its Second 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 approve the Statutory Consent Agenda Item 5-a. through 5-c., with a correction to the December 20, 2018 minutes removing redundant motion language in Item 12.

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	Absent
Councilmember Clint Kolby	Yes

PUBLIC HEARING

Mayor Tate opened the Public Hearing.

6. **Public Hearing to Consider Amending Appendix A – “Zoning” of the Code of Ordinances of the City of Brenham, Texas by Amending Part 1, Sec. 5.02 Definitions, to Redefine Accessory Building or Use, Garage Apartment and Establish a New Definition for Accessory Dwelling Units (ADU); Part II, Division 1, Section 10 – Accessory Structures and Uses to Establish Standards Related to the Development of Such Uses; Part II, Division 1, Section 17 – Height and Area Exceptions of General Applicability; and Part II, Division 2 – Zoning District Regulations, to Allow Accessory Dwelling Units by Specific Use Permit in the Residential (R-1), Mixed Residential (R-2), and Manufactured Home Residential (R-3) Zoning Districts and By-Right in the Local Business/Residential Mixed Use (B-1) Zoning District (Case No. P-18-025)**

This item was presented by Assistant Director of Development Services Stephanie Doland. Doland explained that this is a Public Hearing initiated by a request from Mary Thornhill to amend the zoning ordinance to allow accessory dwelling units (ADUs) within various residential zoning districts and to establish specific standards for such uses.

Doland explained that Ms. Thornhill wishes to construct an ADU on her property and requested that the City consider an amendment to allow ADUs in Brenham. Doland further stated that Ms. Thornhill submitted a proposed text amendment which included defining ADUs and allowing said use by-right in the R-1, Residential District.

Doland stated that staff researched the proposed text amendment and recommends the following text amendments:

- Revise the definition of Accessory Building or Use and Garage Apartments;
- Adopt a definition for Accessory Dwelling Unit;
- Delete the definition of Servants’ Quarters;
- Revise the use-specific standards for Accessory Structures and Uses;
- Adopt use-specific standards for ADUs;
- Allow ADUs by Specific Use Permit in R-1, R-2, and R-3, and
- Allow ADUs by-right in B-1.

Doland reported that on January 28, 2019, after conducting a Public Hearing, the Planning and Zoning Commission voted unanimously to recommend approval of the proposed text amendment with the following conditions:

- That all detached accessory structures in residential districts shall be located in the rear yard and shall have a side and rear yard of not less than five (5) feet, and
- To remove height restrictions pertaining to ADUs.

Councilmember Cantey expressed her concern about the regulation and management of ADUs. Cantey stated her two main concerns were parking and that the ADU may become a multi-family dwelling.

Councilmember Kolby stated he is in favor of ADUs as they may provide affordable housing options for single individuals or person that have elderly family members.

Councilmember Herring asked if there was a way for us to restrict occupants based on the square footage of the ADU. Doland said that would be something she could look into with the City Attorney.

Mayor Tate closed this Public Hearing.

7. Public Hearing to Consider an Amendment to the Official Zoning Map of the City of Brenham, to Change the Zoning District of a 51.119 Acre Tract of Land, Described as R20290 (WCAD), John Long Survey, A156, in Brenham, Washington County, Texas from a Mixed Residential Use (R-2) District to a Commercial Research and Technology Use (B-2) District (Case No. P-19-005)

This item was presented by Assistant Director of Development Services Stephanie Doland. Doland explained this is a Public Hearing for a request by Brenham Market Square, LP for their property to be rezoned from a combination of Mixed Residential Use District (R-2) and Commercial Research and Technology Use District (B-2) to Commercial Research and Technology Use District (B-2) for a mixed use development proposed to include multiple-family, office, and retail uses. Doland stated the property in question is located west of the intersections of South Market Street, Cantey Street and US Highway 290 E, and is a primarily vacant 51.119-acre tract of land.

Doland stated the proposed rezoning request is in accordance with land use policies adopted in Envision 2020, the City of Brenham Comprehensive Plan which recommends the City consider multiple-family uses near major arterials as well as commercial and retail uses along highly traveled roadways such as U. S. Highway 290.

Doland stated that six public comments were received prior to the Planning and Zoning Commission meeting; six of them were opposed to the rezoning and one was neither for nor against. Doland further stated that on November 26, 2018, after conducting a Public Hearing, the Planning and Zoning Commission voted unanimously to recommend approval of the rezoning request.

Doland introduced a representative of Brenham Market Square, Paul Laventis. Mr. Laventis stated his company was trying to establish a “live, work, and play” environment similar to one they developed in College Station, Century Square. Laventis stated the development would include commercial properties such as restaurants, hotels, and office space, as well as multi-family dwellings. Laventis further stated this would be a 5-7 year project.

Mayor Tate closed this Public Hearing

REGULAR SESSION

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

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Cantey to remove this item 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	Absent
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Absent
Councilmember Clint Kolby	Yes

This item was presented by Human Resources Director Susan Neinstedt. Neinstedt explained that the item had been tabled at the January 27, 2019 meeting so that a few final revisions could be reviewed by the City Attorney. Neinstedt stated that the current policy manual was last revised in September 2015, and that several revisions and additions were necessary to be consistent with regulations and city procedures and practices. Neinstedt stated the final version has been reviewed by the City Attorney.

A motion was made by Councilmember Cantey and seconded by Councilmember Kolby to approve Resolution Number R 19-003 amending the City of Brenham Human Resources Manual effective February 7, 2019.

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	Absent
Councilmember Clint Kolby	Yes

9. 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 Mayor Pro Tem Ebel and seconded by Councilmember Cantey to remove this item 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	Absent
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Absent
Councilmember Clint Kolby	Yes

Captain Dant Lange and Animal Services Manager Alison Harper presented this item. Lange explained that this item was tabled at the January 17, 2019 meeting. Lange stated that the new ordinance addresses 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.

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve an ordinance, as presented around the dais in redline format, on its first reading, amending Chapter 5, Animal and Fowl, of the Code of Ordinances of the City of Brenham, with a minor wording change in Sec. 5-83.1.c. to read “appropriate law enforcement agency” instead of “police”.

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	Absent
Councilmember Clint Kolby	Yes

10. Discuss and Possibly Act Upon Resolution No. R-19-007 Authorizing the City of Brenham’s Participation in the U. S. Department of Justice and the U.S. Department of the Treasury Asset Forfeiture and Equitable Sharing Programs

Police Chief Allwin Barrow presented this item. Chief Barrow explained that in October of 2018, the Brenham Police Department conducted a joint task force operation with the assistance of the DEA and ATF. Barrow stated that the outcome of this operation resulted in seizure money, and in order for the Brenham Police Department to receive this money, Brenham must become part of an Equitable Sharing Program with the Department of Justice.

A motion was made by Councilmember Kolby and seconded by Mayor Pro Tem Ebel to approve Resolution No. R-19-007 authorizing the City of Brenham’s participation in the U.S. Department of Justice and the U.S. Department of the Treasury Asset Forfeiture and Equitable Sharing Programs.

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	Absent
Councilmember Clint Kolby	Yes

11. 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, Texas by Amending Part 1, Sec. 5.02 Definitions, to Redefine Accessory Building or Use, Garage Apartment and Establish a New Definition for Accessory Dwelling Units (ADU); Part II, Division 1, Section 10 – Accessory Structures and Uses to Establish Standards Related to the Development of Such Uses; Part II, Division 1, Section 17 – Height and Area Exceptions of General Applicability; and Part II, Division 2 – Zoning District Regulations, to Allow Accessory Dwelling Units by Specific Use Permit in the Residential (R-1), Mixed Residential (R-2), and Manufactured Home Residential (R-3) Zoning Districts and By-Right in the Local Business/Residential Mixed Use (B-1) Zoning District (Case No. P-18-025)

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

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	Absent
Councilmember Clint Kolby	Yes

12. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending the Official Zoning Map of the City of Brenham, to Change the Zoning District of a 51.119 Acre Tract of Land, Described as R20290 (WCAD), John Long Survey, A156, in Brenham, Washington County, Texas from a Mixed Residential Use (R-2) District to a Commercial Research and Technology Use (B-2) District (Case No. P-19-005)

Assistant Director of Development Services Stephanie Doland presented this item. Doland explained staff received a request by Brenham Market Square, LP for their property to be rezoned from a combination of Mixed Residential Use District (R-2) and Commercial Research and Technology Use District (B-2) to Commercial Research and Technology Use District (B-2) for a mixed use development proposed to include multiple-family, office, and retail uses. Doland stated the property in question is located west of the intersections of South Market Street, Cantey Street and US Highway 290 E, and is a primarily vacant 51.119-acre tract of land.

A motion was made by Councilmember Kolby and seconded by Councilmember Cantey to approve an ordinance, as presented in redline format around the dais, on its first reading amending the Official Zoning Map of the City of Brenham, to change the Zoning District of a 51.119 Acre Tract of Land, Described as R20290 (WCAD), John Long Survey, A156, in Brenham, Washington County, Texas from a Mixed Residential Use (R-2) District to a Commercial Research and Technology Use (B-2) District (Case No. P-19-005).

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	Absent
Councilmember Clint Kolby	Yes

13. Discuss and Possibly Act Upon a Bid for City of Brenham Project No. 2017-02 Related to the 2017 Wastewater Treatment Plant Storm Damage Repairs and Authorize the Mayor to Execute Any Necessary Documentation

Development Services Director Lori Sangueldolce presented this item. Sangueldolce stated that during the May 2016 flood event, the City of Brenham’s Wastewater Treatment Plant experienced severe erosion along Hog Branch. According to Sangueldolce, the erosion undermined the security fence, outfall structure, chemical and water lines, and is encroaching on structures. Sangueldolce stated this project was submitted to FEMA as part of the damage inventory and is considered an eligible project under the disaster declaration DR-4272. Sangueldolce said this project is funded at a 75/25 cost share.

Sangueldolce stated the notice to bidders for this project was published December 13, 2018 and December 20, 2018, and the submittals were due on January 8, 2019 at 2:00 PM. Sangueldolce reported that two contractors submitted bids ranging from \$1.38 million to \$1.45 million for the base bid. Sangueldolce stated that based on discussions with the consultant and City staff the lowest qualified contractor for this project is Solid Bridge Construction, LLC. Sangueldolce said the base bid is \$1,380,120.00 and the alternate bid is \$107,790.00 for a total \$1,487,910.00.

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to award a bid for the City of Brenham Project No. 2017-02 related to the 2017 Wastewater Treatment Plant Storm Damage Repairs, with alternate bid, to Solid Bridge Construction, LLC in the amount of \$1,487,910.00 subject to review of Solid Bridge Construction’s financials by the City Manager and Assistant City Manager - Chief Financial Officer 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	Absent
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Absent
Councilmember Clint Kolby	Yes

14. Discuss and Possibly Act Upon Resolution No. R-19-008 Authorizing the Acceptance of Infrastructure Improvements in the Vintage Farms Phase I Subdivision

Development Services Director Lori Sangueldolce presented this item. Sangueldolce stated that CTX Development Company has completed infrastructure improvements related to the development of Phase I of Vintage Farms, a 137 lot residential phase of the subdivision at the corner of Dixie Road and State Highway 36 North.

Sangueldolce explained the infrastructure improvements have been constructed and inspected according to the City of Brenham ordinances and regulations and are ready for acceptance by the City of Brenham.

A motion was made by Councilmember Herring and seconded by Councilmember Kolby to approve Resolution No. R-19-0008 authorizing the acceptance of infrastructure improvements in the Vintage Farms Phase I Subdivision.

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	Absent
Councilmember Clint Kolby	Yes

- 15. Discuss and Possibly Act Upon an Ordinance on Its First Reading Providing for the Abandonment of a 1,517 Square Foot Portion and a 137 Square Foot Portion of a 12-Foot Wide Alley in Block 6 of Hurt’s Addition, Bounded on the North by West First Street, Bounded on the East by the Brenham Wholesale Grocery Co., Inc. Called 10, 999 Square Foot Tract, Bounded on the South by the Remainder of the 12-Foot Alley, and Being Bounded on the West by the Brenham Wholesale Grocery Co., Inc. Called 0.4726 Acre Tract and the Susan Crawford Called 0.37 Acre Tract, Situated in Brenham, Washington County, Texas, Out of the A. Harrington Survey, Abstract No. 55 and Authorize the Mayor to Execute Any Necessary Documentation**

Development Services Director Lori Sangueldolce presented this item. Sangueldolce stated that Brenham Wholesale Grocery Co. and Susan Crawford have requested that a portion of the unimproved alley, located off of West First Street be abandoned. Sangueldolce said that Brenham Wholesale submitted the alley abandonment request on December 21, 2018 and the Crawfords submitted their request on January 9, 2019. Sangueldolce stated that both requestors ask that they get their respective portion of the alley and that the abandonment of this alley does not create an undue burden on traffic or on utilities.

A motion was made by Councilmember Kolby and seconded by Councilmember Cantey to approve an Ordinance on its first reading, as presented in redline format around the dais, providing for the abandonment of a 1,517 square foot portion and a 137 square foot portion of a 12-foot wide alley in Block 6 of Hurt’s Addition, bounded on the north by West First Street, bounded on the east by the Brenham Wholesale Grocery Co., Inc. called 10,999 square foot tract, bounded on the south by the remainder of the 12-foot alley, and being bounded on the west by the Brenham Wholesale Grocery Co., Inc. called 0.4726 acre tract and the Susan Crawford called 0.37 acre tract, situated in Brenham, Washington County, Texas, out of the A. Harrington Survey, Abstract No. 55 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	Absent
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Absent
Councilmember Clint Kolby	Yes

16. Discuss and Possibly Act Upon the Purchase of a Trackhoe for the Sanitation Department and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau reported that on December 5, 2018 the Sanitation Department's 1994 trackhoe that is used for grinding mulch and brush caught fire. Rau stated that the machine was evaluated by TML and was ruled a total loss. Rau advised that TML will fully reimburse the City for the a replacement trackhoe

Rau advised Council that his staff has found a 2014 John Deere 210GLC with a Solesbee grapple that is similar to the old unit, and that compared to equivalent quotes on units similar in age and size, they feel this unit will be the best value for the City of Brenham. Rau asked Council to approve the purchase of a 2014 John Deere 210GLC from RDO Equipment Company, out of Pflugerville, TX, for \$103,850.00. Rau added that they would be receiving an additional transmission and hydraulics warranty on the unit.

A motion was made by Mayor Pro Tem Ebel and seconded by Councilmember Cantey to approve the purchase of a trackhoe from RDO Equipment Co., in the amount of \$103,850.00, for the Sanitation Department 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	Absent
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Absent
Councilmember Clint Kolby	Yes

17. Discuss and Possibly Act Upon Bid No. 10-2018 Related to the Henderson Park Improvements, Phase 1, and Authorize the Mayor to Execute Any Necessary Documentation

Public Works Director Dane Rau presented this item. Rau reported that in June of 2017, BCDC approved \$294,500 for Phase I Improvements to Henderson Park. Rau advised that this project was bid in October, 2018 with only one bid received at a value four times the budget. Rau explained that it was decided to reject those bids.

Rau reported that on January 9, 2019, this project was re-bid with a more conservative breakdown considering alternates in the bid in which more flexibility would be given to staff on choosing how to move forward if bids came back high once again. Rau said that this round of bids came back much better and three bids were received. Rau explained that the following items were bid out: ADA accessible sidewalks connecting the parking lot, kitchen; a playscape; a new barbeque pit area (Alternate 2); ADA parking upgrades; improvements to the kitchen area; making the restrooms ADA accessible and adding HVAC; and various improvements to the concession and restroom area near the baseball field (Alternate 1).

Rau reported that when presented to BCDC it was recommended that the base bid be awarded along with Alternate 2 (new barbeque pit area). Rau said the total amount of the base bid and Alternate 2 totals \$156,400.50. Rau stated that alternate 1 which is the concession stand and restroom improvements by the ballfield would be left out at this time but may be included in Phase 2 which BCDC also dedicated funds for.

Rau asked council to approve the base bid and Alternate 2 to Four Seasons Development Co. for \$156,400.50 for Phase I improvements to Henderson Park. Rau added that Strand and Associates has helped evaluate Four Seasons Development and it appears that they have very good references.

A motion was made by Councilmember Herring and seconded by Mayor Pro Tem Ebel to award Bid No. 10-2018, related to the Henderson Park Phase I Improvements, for the base bid and Alternate No. 2 to Four Seasons Development Co. in the amount of \$156,400.50 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	Absent
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Absent
Councilmember Clint Kolby	Yes

18. Discuss and Possibly Act to Rescind the December 15, 2016 Approval by the City Council of a Lease Agreement Between the City of Brenham and Simon Theater Master Tenant, LLC for the Management and Operation of the Barnhill Center at the Historic Simon Theater and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager - CFO Carolyn Miller presented this item. Miller stated that in order for the City Council to consider the companion agenda item (No. 19), the Council must rescind the lease agreement that was approved by Council on December 15, 2016 between the City of Brenham and Simon Theater Master Tenant, LLC (Landlord). Miller explained that the 2016 agreement was never executed by the Simon group and therefore, needs to be rescinded by City Council.

A motion was made by Councilmember Cantey and seconded by Councilmember Kolby to rescind the December 15, 2016 Lease Agreement between the City of Brenham and Simon Theater Master Tenant, LLC. for the management and operation of the Barnhill Center at the Historic Simon Theater 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	Absent
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Absent
Councilmember Clint Kolby	Yes

19. Discuss and Possibly Act Upon a Memorandum of Understanding Between the City of Brenham and Simon Theater Master Tenant, LLC for the Management and Operation of the Barnhill Center at the Historic Simon Theater and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager - CFO Carolyn Miller presented this item. Miller explained that this Memorandum of Understanding (MOU) is a more streamlined agreement between the City of Brenham and the Simon Theater Master Tenant, LLC. Miller explained that in the MOU the City will have exclusive use of the Barnhill Center for general business and recreational use in exchange for \$1,500 per month. Miller also explained that under the new MOU the City will have the authority to establish rental rates, have exclusive administrative rights and control over website and social media domains, have final authority in development of marketing materials and advertisements, have control over the published telephone number, and have control over concessions.

Miller added that under this new MOU, the City agrees to have staff present at all times during events at the facility, ensure that outside parties purchase event insurance, keep all audio-visual equipment in good and clean order, be responsible for building repairs, maintenance, and elevator warranty up to \$12,000 per year, and maintain insurance.

A motion was made by Councilmember Cantey and seconded by Councilmember Herring to approve a Memorandum of Understanding between the City of Brenham and the Simon Theater Master Tenant, LLC for the management and operation of the Barnhill Center at the Historic Simon Theater 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	Absent
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Absent
Councilmember Clint Kolby	Yes

20. Discuss and Possibly Act Upon the Acceptance of the 2018 Audit of the Washington County Appraisal District by Seidel, Schroeder & Company

Assistant City Manager - CFO Carolyn Miller presented this item. Miller stated that the City has received a copy of the Washington County Appraisal District's (WCAD) audited financial statement for the fiscal year ending August 31, 2018. Miller shared the transmittal letter from Chief Appraiser Willy Dilworth which explains that the WCAD audit was performed by Seidel, Schroeder & Company and that no discrepancies were found.

Miller advised the Council that Dilworth reported there were savings of \$39,275 for FY17-18 and that once the best use of these excess funds has been determined, he will return to the Council for approval of expenditures.

A motion was made by Councilmember Herring and seconded by Councilmember Kolby to approve the acceptance of the 2018 audit of the Washington County Appraisal District by Seidel, Schroeder & Company.

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	Absent
Councilmember Clint Kolby	Yes

21. Discuss and Possibly Act Upon a Professional Services Agreement Between the City of Brenham and Strand Associates, Inc. for Services Related to the Baker Katz Development Project and Authorize the Mayor to Execute Any Necessary Documentation

Assistant City Manager of Public Utilities Lowell Ogle presented this item. Ogle stated the agreement is for engineering services related to the Baker Katz Development Project. Ogle stated the project will extend sanitary sewer service to several unserved tracts of land located near the intersection of the US Highway 290 South frontage road and Chappell Hill Street. Ogle said the project will also provide service to the proposed Family Park and possibly provide an option to remove the current lift station at the State Supported Living Center. Ogle said the sanitary sewer expansion includes approximately 3,900 linear feet of gravity sewer, 7,100 linear feet of force main, and a 200-gallon per minute lift station with an emergency generator.

Ogle said the services to be provided include, but are not limited to, submitting design drawings, specifications, bid form, and a final opinion of probably construction costs for this project, finalize documents for bidding purposes and distribute bidding documents, attend prebid meeting, attend bid opening, and provide contract administration services including review of contractor's drawing submittals, review of contractor's periodic pay request, and provide record drawings. Ogle said the total cost of the engineering services is not to exceed \$117,000.

A motion was made by Councilmember Cantey and seconded by Councilmember Herring to approve a Professional Services Agreement between the City of Brenham and Strand Associates, Inc. for services related to the Baker Katz Development Project, not to exceed \$117,000, 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	Absent
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Absent
Councilmember Clint Kolby	Yes

22. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- The installation of the street bollards in Downtown is now underway.
- The economic development strategic meeting will be held on February 12th at the Nancy Carol Roberts Memorial Library from 11:00 a.m. to 3:00 p.m.
- On February 21st at 10:00 a.m. a group of third graders from the Gifted and Talented program at Alton Elementary will be at City Hall for a work session meeting in which they will discuss the comprehensive plan with staff and Council.
- There will be a public meeting on February 28th from 5:15 p.m. to 7:00 p.m. at the Barnhill Center regarding the Comprehensive Plan.
- On February 28th at 11:00 a.m. there will be a joint meeting of the City Council, the Planning & Zoning Commission and the Board of Adjustments to review the Comprehensive Plan.

Council adjourned into Executive Session at 2:52 p.m.

EXECUTIVE SESSION

23. Section 551.071 – Texas Government Code – Consultation with Attorney – Consultation with the City Attorney for the Purpose of Seeking Legal Counsel Regarding Brenham Police Department Matters, Personnel, and Associated Issues

Executive Session adjourned at 4:04 p.m.

The meeting was adjourned.

Milton Y. Tate, Jr.

Mayor

Jeana Bellinger, TRMC, CMC

City Secretary

