

Brenham City Council Minutes

A regular meeting of the Brenham City Council was held on December 5, 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.
Councilmember Susan Cantey
Councilmember Adonna Saunders
Councilmember Keith Herring
Councilmember Albert Wright
Councilmember Clint Kolby

Members absent:

Mayor Pro Tem Andrew Ebel

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, Strategic Budget Analyst Debbie Gaffey, Kaci Konieczny, Cynthia Longhofer, Crystal Locke, Melinda Gordon, Tammy Jaster, Fire Chief Ricky Boeker, Fire Marshal Roger Williams, Interim Police Chief Rusty Pancoast, Dant Lange, Todd Ashorn, Lloyd Powell, Public Works Director Dane Rau, Daniel McCracken, Alton Sommerfield, Development Services Director Stephanie Doland, Shauna Laauwe, Economic Development Director Susan Cates, Mark Pierce, Steven Eilert, Seth Klehm, Kevin Mertz, Curtiss Schoen, Darlene Konieczny, Nancy Stafford, Christi Korth, Angeline Howard, Tara Wellmann, Kristi Jackson, Alyson Tofel, Kevin Boggus and JoAnn Hynes

Citizens present:

Jerry Schwake, Tres Masser, Robert G. Wright, Pat Gruner, Vanessa Meacham, Katherine Meacham, Courtney Botts, Faith Botts, Jo Ann Brittain, Lee Panko, Stephen Meacham, Lennis Richardson, John Young, Ann Brunn, Kirk Hanath, Amanda Klehm, Jim Kruse, Joy Fuchs, Hunter Andras, Kristi Schiller and Rob Aguilar

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 Wright**
3. **Proclamation**
 - **K9 Ronny**
4. **Special Recognition**
 - **Nancy Carol Roberts Memorial Library Teen Writing Contest Winners**
5. **Service Recognition**
 - **JoAnne Hynes, Public Works** **5 Years**
6. **Citizens Comments**

There were no citizen comments.

CONSENT AGENDA

7. **Statutory Consent Agenda**
 - 7-a. **Minutes from the November 7, 2019 Regular City Council Meeting**
 - 7-b. **Ordinance No. O-19-042 on Its Second Reading Amending Chapter 26, Utilities, of the Code of Ordinances of the City of Brenham Establishing a Municipal Drainage Utility System, Providing for the Establishment and Calculation of Municipal Drainage Utility Charges and Credits, and Providing Penalties and Remedies for Nonpayment of Charges**
 - 7-c. **Award Bid No. 19-007, Including Alternate No. 1, Related to Outdoor Leisure Furniture for the Blue Bell Aquatic Center to Lone Star Patio & Outdoor Living, in the Amount of \$56,816.58 and Authorize the Mayor to Execute Any Necessary Documentation**
 - 7-d. **Purchase of a Mini Bucket Truck for the City of Brenham Electric Department from Grande Truck Center, Through Buyboard Contract No. 521-16, in the Amount of \$182,100.00 and Authorize the Mayor to Execute Any Necessary Documentation**
 - 7-e. **Approve Expending Seized Narcotic Funds for Specialized Training for the City of Brenham Police Department**
 - 7-f. **Approval of Amendment No. 1 to the Professional Services Agreement with Strand Associates, Inc. Related to Project No. 2017-05 for Storm Damage Repairs to the Munz Lift Station and Authorize the Mayor to Execute Any Necessary Documentation**

- 7-g. Approve an Ordinance on Its First Reading Amending the FY2018-19 Adopted Budget**
- 7-h. Award RFP No. 19-008 Related to Financing for Vehicle and Equipment Replacement to Brenham National Bank with an Annual Percentage Rate (APR) of 2.03% for Three, Five and Seven Year Financing and Authorize the Mayor to Execute Any Necessary Documentation**
- 7-i. Award Contract No. 2017-11 Related to Fireman’s Park Stone Bridge Rehabilitation to Dudley Construction, Ltd., in the Amount of \$99,500.00 and Authorize the Mayor to Execute Any Necessary Documentation**
- 7-j. Acceptance of a Donation from The Dorothy Elaine O’Connor Living Trust in the Amount of \$25,000.00 for the Nancy Carol Roberts Memorial Library and Authorize the Mayor to Execute Any Necessary Documentation**
- 7-k. Approve the Bylaws of the Tax Increment Reinvestment Zone (TIRZ) No. 1 Board and Authorize the Mayor to Execute Any Necessary Documentation**
- 7-l. Approve a Professional Services Agreement with Strand Associates, Inc. Related to Engineering Services for the Ralston Creek Lift Station in an Amount Not to Exceed \$60,500.00 and Authorize the Mayor to Execute Any Necessary Documentation**

A motion was made by Councilmember Cantey and seconded by Councilmember Kolby to approve the Statutory Consent Agenda Items 7-a. through 7-l. with a change to Item 7-h. to reflect the annual percentage rate of 2.3% instead of 2.03% as reflected on the agenda.

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

REGULAR SESSION

8. Discuss and Possibly Act Upon an Ordinance on Its First Reading Annexing the Hereinafter Described Territory into the City of Brenham and Adopting a Service Plan:

Section 2019-1: Approximately 44.068 Acres of Land Situated in Washington County, Texas, Out of the Phillip Coe Survey, A-31, Consisting of a Single Tract of Land with Frontage Along Industrial Blvd., FM 332 and FM 389

Section 2019-2: Approximately 0.643 Acres of Land Situated in Washington County, Texas, Part of the A. Harrington Survey, A-55, Consisting of Portions of Multiple Tracts of Land with Frontage Along the West Side of Old Masonic Road

Section 2019-3: Approximately 194.762 Acres of Land Situated in Washington County, Texas, Part of the A. Harrington Survey, A-55, Consisting of Multiple Tracts of Land with Frontage Along the East Side of Farmers Road Between FM 389 and Old Mill Creek Road, and the North Side of Old Mill Creek Road Between the Current City Limit Line and Jackson Creek

City Manager James Fisher presented this item. Fisher reported that City staff held two Town Hall Meetings in October, during which staff heard from many concerned citizens. Fisher also reported that the consensus of those meetings was that citizens living in Section 2019-3 do not wish to be annexed by the City. Fisher advised that the service plan for Section 2019-3 has not been completed. Fisher stated that staff's recommendation is that Council proceed with the annexation of Section 2019-1 and 2019-2, but postpone the annexation of Section 2019-3 until costs can be accurately calculated. Fisher said that the Ordinance being presented to Council for approval provides for the annexation of only Section 2019-1 and Section 2019-2. Fisher explained that if Council would like to proceed with annexing Section 2019-3, an amended ordinance can be provided for second reading.

A motion was made by Councilmember Kolby and seconded by Councilmember Cantey to approve an ordinance on its first reading annexing Section 2019-1 and Section 2019-2 and adopting a service plan.

Councilmember Wright stated that citizens have expressed concerns regarding the roads in the Sections to be annexed. Fisher stated the annexation process includes the roads and the City would maintain the roads, with the exception of state roads which would be maintained by the State.

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

PUBLIC HEARINGS AND ASSOCIATED ACTION ITEMS

9. Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First Reading to Amend Appendix A – “Zoning” of the Code of Ordinances to Assign Zoning District Classifications to the Properties Being Considered for Annexation into the City Limits of the City of Brenham, Texas, and Being More Specifically Described Below (Case Number P-19-042):

Section 2019-1: Approximately 44.068 Acres of Land Situated in Washington County, Texas, Out of the Phillip Coe Survey, A-31, Consisting of a Single Tract of Land with Frontage Along Industrial Blvd., FM 332 and FM 389

Section 2019-2: Approximately 0.643 Acres of Land Situated in Washington County, Texas, Part of the A. Harrington Survey, A-55, Consisting of Portions of Multiple Tracts of Land with Frontage Along the West Side of Old Masonic Road

Section 2019-3: Approximately 194.762 Acres of Land Situated in Washington County, Texas, Part of the A. Harrington Survey, A-55, Consisting of Multiple Tracts of Land with Frontage Along the East Side of Farmers Road Between FM 389 and Old Mill Creek Road, and the North Side of Old Mill Creek Road Between the Current City Limit Line and Jackson Creek

Mayor Tate opened the Public Hearing.

Development Services Director Stephanie Doland presented this item. Doland stated that during the Planning and Zoning Commission meeting on November 25, 2019, the Commission voted to recommend to City Council the adoption of Industrial Zoning for Section 2019-1 and Residential Single-Family (R1) Zoning for Section 2019-2. Doland reported that the Commission recommended postponing consideration of annexation and zoning with respect to Section 2019-3. Doland stated the recommendations of the Commission are consistent with the policies and guidelines in the Future Land Use Map and Comprehensive Plan.

There were no citizen comments.

Mayor Tate closed the Public Hearing.

A motion was made by Councilmember Cantey and seconded by Councilmember Saunders to approve an ordinance on its first reading amending the Official Zoning Map of the Code of Ordinances to assign zoning district classifications to the properties being considered for annexation into the City Limits of the City of Brenham, Texas.

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

10. Public Hearing, Discussion 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 from Mixed Residential Use District (R-2) to Commercial, Research and Technology Use District (B-2) on a 0.186 Acre Tract of Land Located at 406 Church Street and Further Described as Lot 4A, Block 93, of the Original Town Addition, Brenham, Washington County, Texas (Case Number P-19-041)

Mayor Tate opened the Public Hearing.

Project Planner Shauna Laauwe presented this item. Laauwe stated that the property at issue, 406 Church Street, was recently acquired by Bank of Brenham and is zoned as R-2, Mixed Residential Use Zoning District. Laauwe noted the bank owns the adjacent property to the west and plans to develop the subject tract as a parking lot with driveway access to Church Street for additional employee and patron off-street parking. Laauwe said Bank of Brenham has requested that the subject site be rezoned to B-2 to be contiguous with the current zoning of the adjacent bank property. Laauwe stated the rezoning request is in accordance with the Future Land Use Map adopted in the Comprehensive Plan. Laauwe further stated that the Planning and Zoning Commission unanimously voted to recommend approval of the rezoning request.

City Manager James Fisher noted that Mayor Tate could not participate in this item due to a conflict. Fisher explained that in the absence of Mayor Pro Tem Ebel, Council would need to select a Temporary Mayor Pro Tem for this item. Council selected by consensus Councilmember Kolby to serve as Temporary Mayor Pro Tem.

A citizen asked what would happen to the old house on the site. Jim Kruse, of Bank of Brenham, stated the building would be either moved or demolished. The citizen expressed concern over the trend of demolishing old buildings to build new ones.

Temporary Mayor Pro Tem Kolby closed the Public Hearing.

A motion was made by Councilmember Saunders and seconded by Councilmember Wright to approve an ordinance on its first reading amending the Official Zoning Map of the Code of Ordinances to change the zoning from a mixed residential use District (R-2) to a Commercial, Research and Technology use district (B-2) on an approximately 0.186 acre tract of land located at 406 Church Street and further described as Lot 4A, Block 93, of the Original Town Addition, Brenham, Washington County, Texas.

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

Mayor Milton Y. Tate, Jr.	Abstain
Mayor Pro Tem Andrew Ebel	Absent
Councilmember Susan Cantey	Yes
Councilmember Adonna Saunders	Yes
Councilmember Keith Herring	Yes
Councilmember Albert Wright	Yes
Councilmember Clint Kolby	Yes

11. Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First Reading Establishing the Drainage Utility Rate Tariff Schedules for the City of Brenham’s Municipal Drainage Utility System

Mayor Tate opened the Public Hearing.

Public Works Director Dane Rau presented this item. Rau stated that during the Fiscal Year 2019-20 Budget Workshops, the Council received briefings from City staff concerning the January 1, 2020 implementation of a drainage utility system and charges for addressing storm water issues. Rau said Council chose to include the drainage utility system with revenue estimates from drainage utility charges in the 2019-20 adopted budget. Rau advised that the City has complied with notice and publication requirements established under Texas Local Government Code Chapter 552. Rau presented details of the proposed system, including how the fees are calculated, which entities are exempt, how the funds will be used, and the process through which the calculation of fees can be appealed. Rau stated the charges would go into effect January 1, 2020.

Citizen John Young stated he is a commercial property owner and may have to increase rent amounts to cover the new fees. Young stated he doesn’t understand why this fee is

necessary now when it has never been necessary in the past. City Manager Fisher said there are challenges with drainage and that the City needs to be proactive by establishing a dedicated and reliable source of funding.

Citizen Lennis Richardson stated she has a drainage problem at her property and has contacted the City on several occasions about the issue. Richardson stated she is concerned that someday a substantial rain will cause her to lose her home. Rau noted that one of the first projects expected to be completed using the proposed new funds is a project that would dramatically help her drainage issue.

Mayor Tate closed the Public Hearing.

A motion was made by Councilmember Herring and seconded by Councilmember Cantey to approve an ordinance on its first reading establishing the Drainage Utility Charge rate tariff schedules for the City of Brenham's Municipal Drainage Utility System.

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

12. Public Hearing, Discussion and Possibly Act Upon an Ordinance on Its First Reading Amending the Boundaries of Tax Increment Reinvestment Zone Number One, City of Brenham, Texas to Include Additional Property Containing Approximately 199 Acres Generally Located Along the US Highway 290, South Market Street and West Main Street Corridors and Being Wholly Located Within the Corporate Limits of the City of Brenham, Texas

Mayor Tate opened the Public Hearing.

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller explained the public hearing is to allow interested parties to speak regarding the amendment of TIRZ Number One to include an additional 199 acres. Miller noted that the notice of the Public Hearing was published in the Brenham Banner Press on November 22, 2019.

There were no citizen comments.

Mayor Tate closed the Public Hearing.

A motion was made by Councilmember Saunders and seconded by Councilmember Kolby to approve an ordinance on its first reading amending the boundaries of Tax Increment Reinvestment Zone Number One, City of Brenham, Texas to include additional property containing approximately 199 acres generally located along the US Highway 290, South Market Street and West Main Street corridors and being wholly located within the corporate limits of the City of Brenham, Texas.

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

RE-OPEN REGULAR SESSION

13. Discuss and Possibly Act Upon an Ordinance on Its First Reading Approving the Tax Increment Reinvestment Zone Number One, City of Brenham, Texas Final Project and Finance Plan

Assistant City Manager – Chief Financial Officer Carolyn Miller presented this item. Miller stated that the City of Brenham’s Tax Increment Reinvestment Zone Number One (TIRZ) was created by Ordinance O-18-019. Miller stated the previous item amended the boundary of the TIRZ, and this item sets the final project and finance plan for the TIRZ.

A motion was made by Councilmember Cantey and seconded by Councilmember Wright to approve an ordinance on its first reading approving the Tax Increment Reinvestment Zone Number One, City of Brenham, Texas Final Project and Finance Plan.

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

14. Discuss and Possibly Act Upon an Ordinance on Its First Reading Amending Chapter 8, Fire Prevention and Protection, of the Code of Ordinances, City of Brenham, Texas

Fire Marshal Roger Williams presented this item. Williams stated that in 2019, Council adopted the 2015 International Building and Fire Code set for the City of Brenham by passing Ordinance O-19-036. Williams stated that at that time, Chapter 6 of the Code of Ordinances was updated, but Chapter 8 was not. Williams said that for consistency Chapter 8 should also have been updated. Williams advised this item is an amendment that will also apply the 2015 International Code to Chapter 8 of the Code of Ordinances.

A motion was made by Councilmember Kolby and seconded by Councilmember Saunders to approve an ordinance on its first reading amending Chapter 8, Fire Prevention and Protection, of the Code of Ordinances, City of Brenham, Texas.

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

15. Discuss and Possibly Act Upon an Ordinance on Its First Reading to:

- a. **Amend Chapter 2, Administration, Article III, Municipal Court, of the Code of Ordinances of the City of Brenham for the Purpose of Repealing Section 2-20(d) Related to the Fees and Court Costs Associated with the Municipal Court Security Fund;**
- b. **Amend Chapter 2, Administration, Article III, Municipal Court, of the Code of Ordinances of the City of Brenham for the Purpose of Repealing Section 2-21, Municipal Court Technology Fund, and Providing for a New Section, Reserved, for Future Amendments to Chapter 2; and**
- c. **Amend Chapter 2, Administration, Article III, Municipal Court, of the Code of Ordinances of the City of Brenham for the Purpose of Repealing Section 2-23, Municipal Court Juvenile Case Manager Fund, and Providing for a New Section, Reserved, for Future Amendments to Chapter 2**

Municipal Court Administrator Rhonda Kuehn presented this item. Kuehn explained that this amendment was necessary due to recent changes made by the State Legislature.

A motion was made by Councilmember Cantey and seconded by Councilmember Wright to Approve and an Ordinance on its first reading to: (a) amend Chapter 2, Administration, Article

III, Municipal Court, of the Code of Ordinances of the City of Brenham for the Purpose of Repealing Section 2-20(d) Related to the Fees and Court Costs Associated with the Municipal Court Security Fund; (b) amend Chapter 2, Administration, Article III, Municipal Court, of the Code of Ordinances of the City of Brenham for the Purpose of Repealing Section 2-21, Municipal Court Technology Fund, and Providing for a New Section, Reserved, for Future Amendments to Chapter 2; and (c) amend Chapter 2, Administration, Article III, Municipal Court, of the Code of Ordinances of the City of Brenham for the Purpose of Repealing Section 2-23, Municipal Court Juvenile Case Manager Fund, and Providing for a New Section, Reserved, for Future Amendments to Chapter 2.

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

16. Administrative/Elected Officials Report

City Manager James Fisher reported on the following:

- Rusty Pancoast will be serving as the Interim Police Chief
- Christmas Stroll and Lighted Parade will be this weekend
- Blue Bell Aquatic Center will have an open house on December 10th at 8:30 a.m.

Council adjourned into Executive Session at 2:26 p.m.

EXECUTIVE SESSION

- 17. Section 551.071 – Texas Government Code – Consultation with City Attorney and Section 551.072 – Texas Government Code – Real Property Regarding the Barnhill Center at the Historic Simon Theater**
- 18. Section 551.074 – Texas Government Code – Deliberation Regarding Personnel Matters – Deliberation Regarding the Appointment and Compensation of an Additional Municipal Court Associate Judge**

Executive Session adjourned at 3:15 p.m.

RE-OPEN REGULAR AGENDA

19. Discuss and Possibly Act Upon the Appointment and Compensation of an Additional Municipal Court Associate Judge

A motion was made by Councilmember Herring and seconded by Councilmember Wright to appoint Pat Gruner as an Additional Municipal Court Associate Judge for a term to become effective December 5, 2019 and ending December 31, 2020 and authorize the City Manager and City Attorney to finalize the contract details.

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	Absent
Councilmember Susan Cantey	Yes
Councilmember Adonna Saunders	Yes
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

